

**2005 Rewriting of the Calvert County  
Zoning Ordinance**

**Set 6**

**Article 9 – Marine Facilities Regulations**

**Article 10 – Naming & Renaming of Roads & Assignment  
of Premise Addresses**

**Article 11 – Variances, Special Exceptions & Appeals  
p/o Article 12 – Definitions**

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Changes Shown in **Red Bold Underline & ~~Strikethrough~~**  
Text Moved Within the Article Shown in Black Underline & Black ~~Strikethrough~~

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**ARTICLE 9  
MARINE FACILITIES REGULATIONS**

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## **9-1 MARINE FACILITIES REGULATIONS**

### 9-1.01 Purpose of Marine Facilities Regulations

**A.** The purpose of this Section is ~~To~~ to provide regulations for the orderly development of the waterfront areas of the County.

**B.** Except as specifically provided in this Article, a riparian owner may not be deprived of any right, privilege, or enjoyment of riparian 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.

### 9-1.02 Applicability of Marine Facilities Regulations

**A.** The provisions of this Article ~~and any rules and regulations adopted pursuant thereto~~ shall be applicable to, and shall govern, the construction of all marine facilities within Calvert County.

- B.** This Article shall be 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 shall take precedence.

## **9-2 LOCATION OF ESTABLISHED HARBOR LINES AND SHORELINES**

### **9-2.01 Location of Established Harbor Lines and Shorelines**

(2/24/87)  
(8/12/97)

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 Maps. ~~Said maps and all notations, dimensions, references and other data shown thereon, as well as properly attested amendments to the aforesaid, are a part of the Calvert County Zoning Ordinance.~~

### **9-2.02 Amendments to Harbor Line in the Solomons Town Center**

- A.** 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.
- B.** 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.

## **9-3 LOCATION OF UNMAPPED HARBOR LINES**

The Department of Planning & Zoning and the Engineering Bureau shall 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. A recommendation from the Maryland Department of the Environment (MDE) shall be sought for the determination of the harbor lines for Hall Creek, Lyons Creek, and the unmapped portions of Hunting Creek.

## 9-4 WATERFRONT USES

### 9-4.01 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:

- A. Piers
- B. Bulkheads
- (2/27/92) C. Private Boat launch ramps for the use of the lot owner only
- D. Mooring piles
- E. Mooring and anchorages
- F. Floats
- G. Vessel service areas & equipment
- H. Accessory uses approved by the Zoning Officer after referral to the Planning Commission

### (8/28/90) 9-4.02 Conditional Use

~~The following marine facilities~~ **A boathouse** may be approved in the usable waterway, subject to the following conditions:

~~A. Covered Boathouses:-~~

**A.** 1.No Submerged Aquatic Vegetation (SAVs) are located at the site of the proposed boathouse **as field verified in May through June; and**

**B.** 2.No sides **(walls extending below the rafters) are permitted; and are proposed for the boathouse.**

**C.** **The property is an approved commercial marina.**

### 9-4.03 Prohibited Uses

- ~~A. Permanent floating residences-~~
- ~~B. Floating restaurants-~~
- ~~C. Floating bait and tackle shops-~~
- D. A.** Residential structures and commercial structures other than vessel service areas on piers, **floating piers,** or pilings over a waterway.

~~E. **B.** Abandoned or sunken craft, collapsed piers or bulkheading in the public waterway shall be removed, repaired or replaced at the expense of the property owner.~~

~~F. Any marine facility, except a mooring pile, in the usable waterway area where the width of the waterway is 60 feet or less.~~

(7/27/92)

~~G. **C.** The use of private riparian boat launching ramps as community or commercial boat launching ramps.~~

~~**D. Covered piers or roofed structures over piers.**~~

#### 9-4.04 Pre-existing Uses

**A.** Any marine facility lawfully existing at the time of the adoption of this Ordinance may continue to be used even though such marine facility or use does not conform to use or dimensional regulations ~~as herein defined.~~ **of this Ordinance.**

**B.** Any alteration of an existing non-conforming marine facility or use is subject to the provisions of Section 2-6 of this Ordinance, except that the setbacks described in Section 9-5.05~~4~~ shall apply.

#### 9-4.05 Permits **Required for Waterfront Uses**

A. Building Permit: A County building permit is required to construct, modify, enlarge, rebuild, or repair any marine facility. ~~This permit is obtained from the Division of Inspections and Permits.~~

B. Grading Permit: A grading permit is required for any **placement of dredge spoils dredging**, filling or other activity which would result in any waterway bottom or shoreline modification. ~~This permit may be obtained from the Division of Inspections and Permits.~~

C. State and Federal permits and approvals 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.

## 9-5 USABLE WATERWAY AREAS

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 ~~as the following sketch indicates:-~~

### ~~9-5.01 Harbor and Shorelines~~

~~See Sections 9-1 and 9-3.~~

### 9-5.02 9-5.01 Lateral Lines

The lateral lines ~~are imaginary lines separateing~~ separate adjacent usable waterway areas, and are determined graphically as follows:

- A. 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 A).
- B. On the scale drawing, add the shorelines and harbor lines as shown on the appropriate Zoning Map for Harbor Lines.
- C. Intersect all property lines with the shoreline (Points A, B, C, D, E, F, on Figure A).
- D. From the applicant's property line-shoreline intersections (Point D, E, on Figure A) intersect a 200-foot radius with the shoreline (Points 1 and 2 on Figure A).
- E. 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 A).
- F. 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 A).
- G. 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.**

**9-5.03 9-5.02** Determination of Usable Waterway Area

The usable waterway must 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 A) must be met:

- A. 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 shore lines define the usable waterway area for the applicant.
- B. If any pair of lateral lines extended to the harbor line results in a harbor line segment (G-H, H-I, I-J, Figure A) of less than 25 feet, the lateral lines are unacceptable and shall be modified in accordance with Section 9-5.043.
- C. 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 Section 9-5.043.

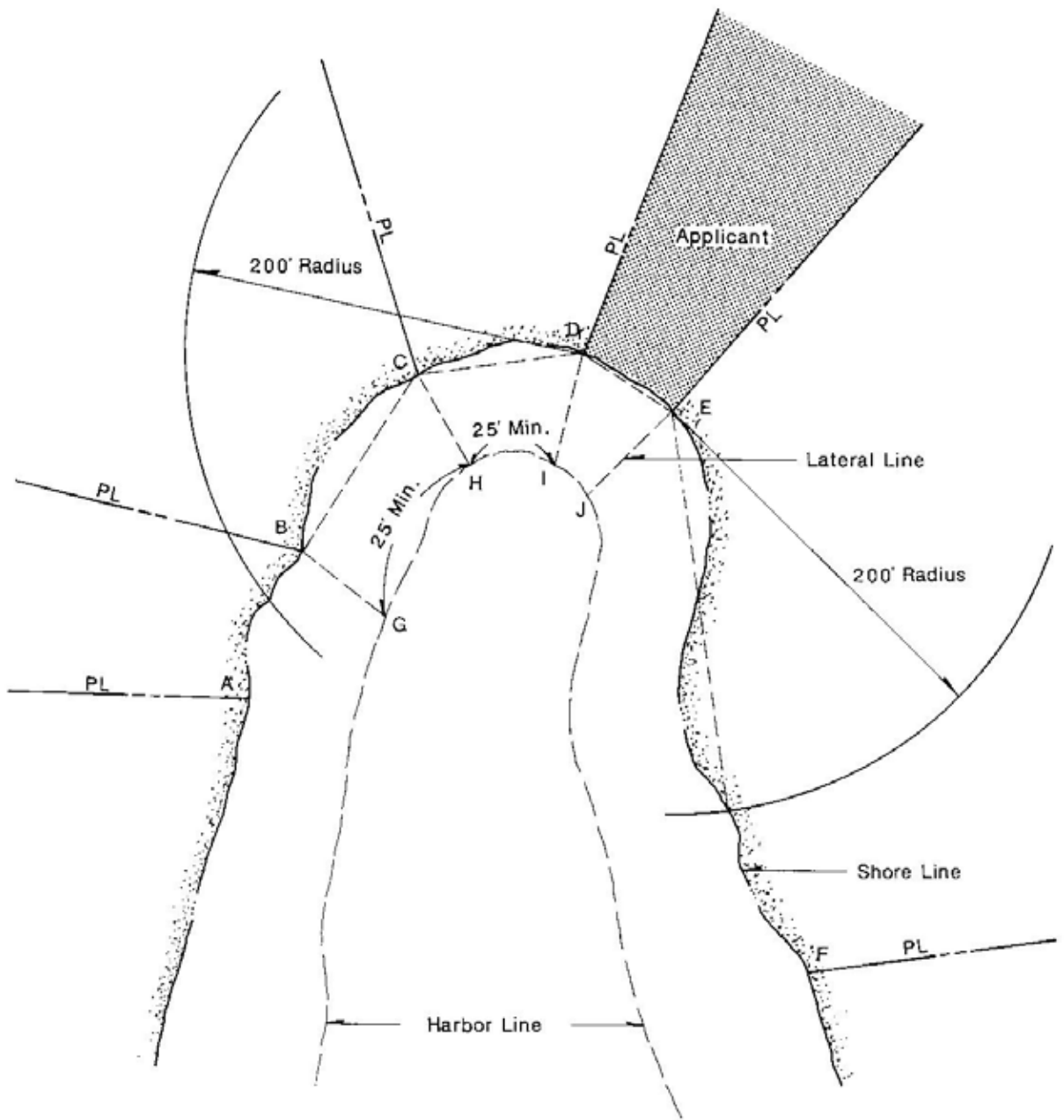


FIGURE A - DETERMINATION OF LATERAL LINES

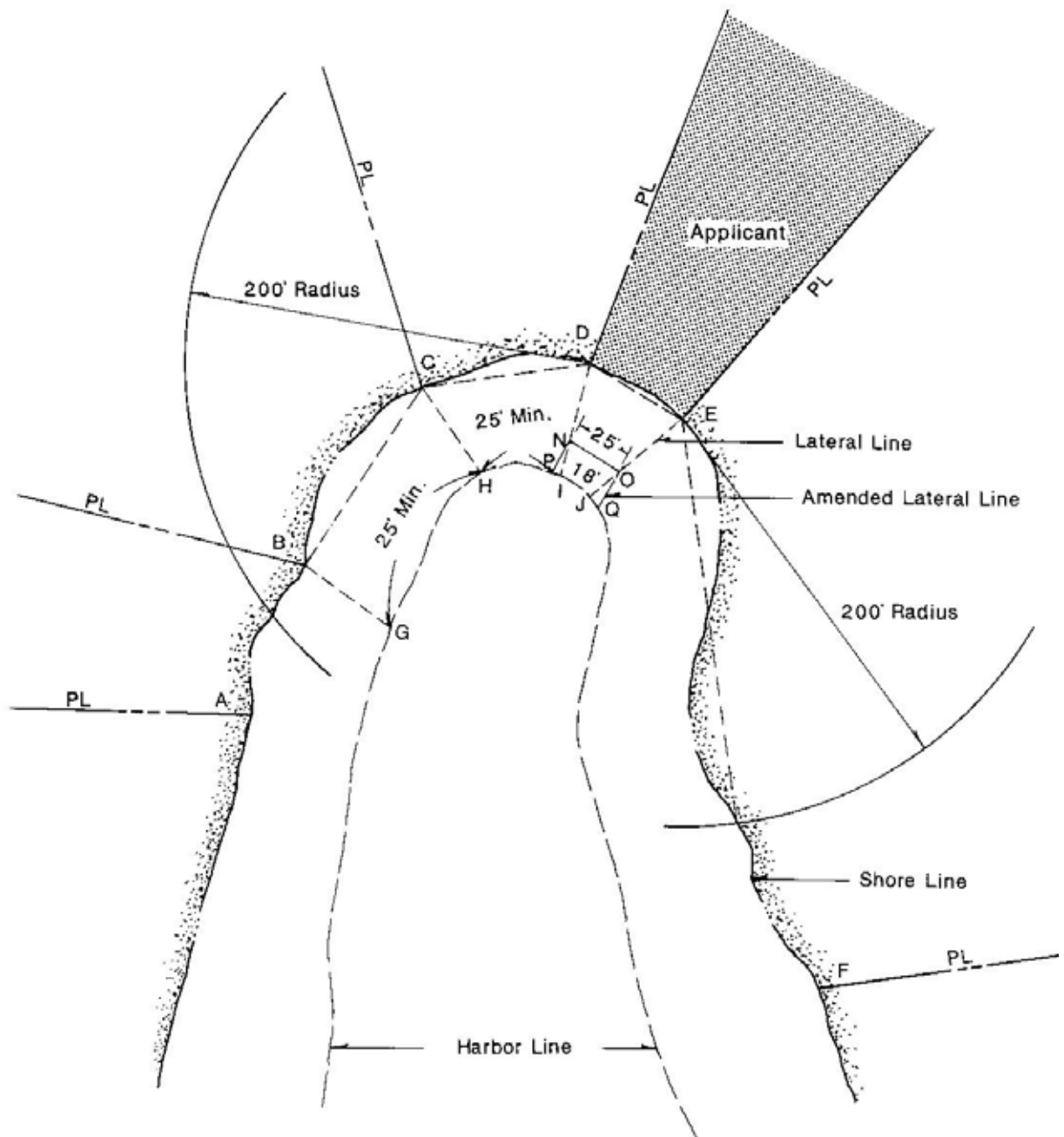


FIGURE B - DETERMINATION OF LATERAL LINES

(6/17/97) 9-5.0~~3~~**4** 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.

- A. Where a conflict occurs as outlined in Section 9-5.0~~3~~**2**, the lateral lines ~~will~~ **shall** be modified as shown on Figure B. ~~An imaginary~~ line shall be moved toward the shoreline and parallel to line D-E, (Figure B) until a 25-foot clearance is obtained (Line N-O, Figure B).
- B.** 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.
- C.** 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 B). This procedure will insure adequate clearances for adjacent piers.
- ~~B.~~ **D.** When a lateral line restricts the amount of useable waterway area, the lateral line may be amended if ~~the following conditions are met:~~
- ~~1. A letter of no objection is obtained from the adjacent property owner(s) and submitted to the Department of Planning & Zoning; and~~
  - ~~2. A a plat is prepared by a **Registered Engineer, Landscape Architect or Registered Land** Registered 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.~~

9-5.0~~5~~**4** Setbacks

- A. Harbor Line Setbacks - Any piers, "T" heads, "L" heads, mooring piles, mooring and/or anchorages must be set back **at least 10 feet** from the harbor line ~~an appropriate distance~~ to assure that no moored vessel or permanent or temporary obstruction extends beyond the harbor lines.

- B. 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 shall be provided for parallel berthing at "T" or "L" head fuel docks.
- C. Lateral Line Setback - No marine facility, permanent or temporary, shall be located within 25 feet of a lateral line. No vessel shall be moored so as to cause an obstruction within 10 feet of a lateral line.
- D. Adjacent Property Owners Agreement - The lateral line setback may be reduced if ~~the following conditions are met:~~

(6/17/97)

- ~~1. A letter of no objection is obtained from the adjacent property owner(s), and~~
- 2. **A plat is prepared by a Registered Engineer, Landscape Architect or Registered Land Surveyor ~~Registered 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 of the Planning Commission.**

Moved to next Section (9-6).

~~The mutual use of piers and/or mooring piles by adjacent property owners is encouraged and recommended whenever possible.~~

## 9-6 PIERS

All piers shall be of the open pile design. Filled piers are not permitted. The provisions of this Section shall apply to all applications for subdivision of land and applications for pier permits. The mutual use of piers and/or mooring piles by adjacent property owners is **permitted and** encouraged ~~and recommended~~ whenever possible.

### 9-6.01 Private Piers

- A. **One Private pier is permitted as an accessory structure to a single-family dwelling on a buildable lot on any waterfront parcel for the use of the lot owner or his tenant, only.**
- B. Requirements for Private Piers:
  - 1. Not more than two slips shall be allowed at any waterfront parcel or lot of record. Two additional slips may be allowed if a special exception is granted **by the Board of Appeals.**

2. 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 ~~as defined herein~~, no private piers shall be permitted.
- C. All construction shall comply fully with the requirements for determination of usable waterway as per Section 9-5.032. For new lots created after April 21, 1981 ~~the adoption of this Ordinance~~, no private piers will be permitted where the waterfront lot width is reduced to less than that required in Section 5-1.027, unless the reduction is approved by the Board of Appeals.

9-6.02 Community Piers and Other Related Non-Commercial Boat Docking and Storage Facilities

A community pier for a subdivision replaces the private piers ordinarily permitted ~~to~~ 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.

- A. Review Procedure - The developer shall indicate a desire to provide a community pier for the proposed subdivision and shall include on the preliminary plan a proposed site for the community pier ~~property~~.
- B. Community piers are expressly for the use of the lot owners (or their tenants) within the subdivision having the community pier and may not be used or rented by any person other than a bonafide 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.
- C. Community piers ~~must shall~~ be ~~not less than~~ at least 200 feet (in a straight line distance, not shoreline) away from an adjacent subdivision's community pier or another community pier within the same subdivision. A maximum of two slips may be provided for each waterfront lot. The maximum number of slips permitted shall not 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 Section 5-1.02-A7, nor shall the number of slips exceed that allowed under paragraph 'H' of this Section 9-7.05.B.

(7/22/97)

- D. A waterfront site shall be provided for the subdivision's community pier. When there are more than six lots in the subdivision, the waterfront site may be utilized towards satisfying the recreation and open space requirements of Section 7-1.07.S6.P, of the Subdivision Regulations, upon recommendation by the Parks & Recreation Board. However, in no case shall the area used for parking be used to satisfy the recreation and open space requirements.
- E. 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 ~~must~~ shall be stabilized.
- F. At the time of subdivision approval, the Department of Planning and Zoning, with the recommendation of the ~~Division of~~ Engineering Bureau, 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. A ~~P~~ parking area shall be required where a boat ramp is provided.

~~9-7.05 Community Piers and Other Related Non-Commercial Boat Docking and Storage Facilities~~

~~A. G.~~ A. G. 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 the requirements of Section 2-8.068, Section 9-7.021, and paragraph 'H' of this Section 9-7.05.B provided that:

Moved from  
Section 9-7.05

1. No food, fuel, or other goods and services are shall be offered for sale and adequate and clean sanitary facilities are provided;
2. ~~The facilities are community-owned and established and operated for the benefit of the residents of a platted and recorded riparian subdivision;~~
3. 2. The facilities are shall be associated with residential development approved by the County for the Critical Area and consistent with all County regulations for the Critical Area;
4. 3. Disturbance to the Critical Area Buffer is shall be the minimum necessary to provide a single point of access to the facilities.; ~~and~~

~~5. If community piers, slips, or moorings are provided as part of the new development, private piers in the development are not allowed.~~

(7/22/97)

**B. H.** The number of slips permitted at the facility shall be the lesser of 1, 2 or 3 below:

1. One slip for each 50 feet of shoreline in the subdivision in the Intensely **Developed** and Limited Development **Districts Areas** and one slip for each 300 feet of shoreline in the subdivision in the Resource Conservation **District Area.** ~~or~~

2. A density of slips to platted lots or dwellings within the subdivision in the Critical Area according to the following schedule:

<u>Platted Lots or Dwellings in the Critical Area</u>	<u>Slips and Moorings</u>
<u>Up to 15</u>	<u>One for each lot</u>
<u>16-40</u>	<u>15 <b>slips</b> or 75 percent, whichever is greater</u>
<u>41-100</u>	<u>30 <b>slips</b> or 50 percent, whichever is greater</u>
<u>101-300</u>	<u>50 <b>slips</b> or 25 percent, whichever is greater</u>
<u>Over 300</u>	<u>75 <b>slips</b> or 15 percent, whichever is greater</u>

3. The maximum allowed under **paragraph 'C' of this Section 9-6.02.C.**

~~G. A variance from the provisions of this Section may be granted in accordance with the criteria for Critical Area variances set forth in Section 11-1.01.B.~~

**9-6.03 Commercial Piers, **Marinas, and Other Water-Dependent Maritime Facilities****

- A. All commercial marine facilities shall have plans and details of proposed construction certified by a licensed engineer for County Engineer approval.
- B. Fire protection - 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.

Moved from  
Section 9-7.04.

- C. Sanitary Requirements - All commercial marine facilities shall provide sanitary facilities in accordance with the applicable Federal, State and local requirements.
- A. ~~D.~~ New or expanded marinas and related facilities may be permitted in the **Critical Area** Buffer within Intensely Developed **Districts Areas** and Limited Development **Districts Areas** subject to the requirements of Section 9-7.021 and Section 2-8.068.
- B. ~~E.~~ New marinas or related maritime facilities ~~may~~ **shall** not be permitted in the **Critical Area** Buffer within Resource Conservation **Districts Areas**, except as provided in Section 9-7.063.
- C. ~~F.~~ Existing marinas may be expanded within Resource Conservation **Districts Areas** provided that it is sufficiently demonstrated that the expansion will not adversely affect water quality, and that it will result in an overall net improvement in water quality at or leaving the site of the marina.
- ~~D. New and existing marinas shall meet the sanitary requirements of the State Department of Health and Mental Hygiene as required in COMAR 10.17.02.~~
- E. ~~G.~~ New marinas shall establish a means of minimizing the discharge of bottom wash waters into tidal waters.
- F. ~~H.~~ New or expanded marinas and related facilities ~~must~~ **shall** meet the requirements of Section 2-8.068.

(12/13/88) **9-7 WATER-DEPENDENT FACILITIES**

~~9-7.01—Definition—~~

- A. ~~"Water-dependent facilities" means those structures or works associated with industrial, maritime, recreational, educational, or fisheries activities that require location at or near the shoreline within the Buffer specified in Section 8-1.01.C.~~
- B. ~~An activity is water-dependent if it cannot exist outside the Buffer and is dependent on the water by reason of the intrinsic nature of its operation. These activities include, but are not limited to, ports, the intake and outfall structures of power plants, water use industries, marinas and other boat docking structures, public beaches and other public, water-oriented recreation areas, and fisheries activities.~~

- C. ~~Excluded from this regulation, are individual private piers installed or maintained by riparian landowners, and which are not part of a subdivision which provides community pier.~~

~~9-7.02~~ **9-7.01 Regulation of Water-Dependent Facilities**

- A. Except as otherwise provided in this Section, new or expanded development activities may be permitted in the **Critical Area Buffer** in Intensely Developed and Limited Development ~~Districts~~ **Areas** provided that it can be shown:
  - 1. That they are water-dependent;
  - 2. That the project meets a recognized private right or public need;
  - 3. Adverse effects on water quality, and fish, plant, and wildlife habitat are minimized;
  - 4. That, in so far as possible, non-water-dependent structures or operations associated with water-dependent projects or activities are located outside the **Critical Area Buffer**; and
- B. Except as otherwise provided in this regulation, new or expanded development activities may not be permitted in those portions of the **Critical Area Buffer** which occur in Resource Conservation ~~Districts~~ **Areas**.

~~9-7.03~~ **9-7.02 Industrial and Port-Related Water-Dependent Facilities**

New, expanded, or redeveloped industrial or port-related facilities and the replacement of these facilities may be permitted only in those portions of Intensely Developed ~~Districts~~ **Areas** exempted from **Critical Area Buffer** designation, ~~and are~~ **Such facilities shall be** subject to the requirements set forth in ~~Sections~~ **9-7.021** and **2-8.068**.

~~9-7.04~~ **Marinas and Other Water-Dependent Commercial Maritime Facilities**

- A. ~~New or expanded marinas and related facilities may be permitted in the Buffer within Intensely Developed Districts and Limited Development Districts subject to the requirements of Section 9-7.02 and Section 2-8.06.~~
- B. ~~New marinas or related maritime facilities may not be permitted in the Buffer within Resource Conservation Districts, except as provided in Section 9-7.06.~~
- C. ~~Existing marinas may be expanded within Resource Conservation Districts provided that it is sufficiently demonstrated that the expansion will not adversely affect water~~

Combined  
with Section  
9-6.04.

quality, and that it will result in an overall net improvement in water quality at or leaving the site of the marina.

- D. ~~New and existing marinas shall meet the sanitary requirements of the State Department of Health and Mental Hygiene as required in COMAR 10.17.02.~~
- E. ~~New marinas shall establish a means of minimizing the discharge of bottom wash waters into tidal waters.~~
- F. ~~New or expanded marinas and related facilities must meet the requirements of Section 2-8.06.~~

~~9-7.05 Community Piers and Other Related Non-Commercial Boat Docking and Storage Facilities~~

Combined with  
Section 9-6.03

- A. ~~New or expanded community marinas and other non-commercial boat docking and storage facilities may be permitted in the Buffer subject to the requirements of Section 2-8.06, Section 9-7.02, and Section 9-7.05.B provided that:~~

- ~~1. No food, fuel, or other goods and services are offered for sale and adequate and clean sanitary facilities are provided;~~
- ~~2. The facilities are community-owned and established and operated for the benefit of the residents of a platted and recorded riparian subdivision;~~
- ~~3. The facilities are associated with residential development approved by the County for the Critical Area and consistent with all County regulations for the Critical Area;~~
- ~~4. Disturbance to the Buffer is the minimum necessary to provide a single point of access to the facilities; and~~
- ~~5. If community piers, slips, or moorings are provided as part of the new development, private piers in the development are not allowed.~~

(7/22/97)

- B. ~~The number of slips permitted at the facility shall be the lesser of 1, 2 or 3 below:~~
  - ~~1. One slip for each 50 feet of shoreline in the subdivision in the Intense and Limited Development Districts and one slip for each 300 feet of shoreline in the subdivision in the Resource Conservation District or~~

2. ~~A density of slips to platted lots or dwellings within the subdivision in the Critical Area according to the following schedule:-~~

<del>Platted Lots or Dwellings in the Critical Area</del>	<del>Slips and Moorings</del>
<del>Up to 15</del>	<del>One for each lot</del>
<del>16-40</del>	<del>15 or 75 percent, whichever is greater</del>
<del>41-100</del>	<del>30 or 50 percent, whichever is greater</del>
<del>101-300</del>	<del>50 or 25 percent, whichever is greater</del>
<del>over 300</del>	<del>75 or 15 percent, whichever is greater</del>

~~(7/22/97)~~

3. ~~The maximum allowed under Section 9-6.02.C.-~~

C. ~~A variance from the provisions of this Section may be granted in accordance with the criteria for Critical Area variances set forth in Section 11-1.01.B.-~~

~~9-7.06~~ **9-7.03** Public Beaches and Other Public Water-Oriented Recreation or Education Areas

- A. Public beaches or other public water-oriented recreation or education areas including, but not limited to, publicly owned boat launching and docking facilities and fishing piers may be permitted in the **Critical Area** Buffer in Intensely Developed **Districts Areas**.
- B. These facilities may be permitted within the **Critical Area** Buffer in Limited Development **Districts Areas** and Resource Conservation **Districts Areas** provided that:
  - 1. Adequate sanitary facilities exist;
  - 2. Service facilities are, to the extent possible, located outside the **Critical Area** Buffer;
  - 3. Permeable surfaces are used to the extent practicable, if no degradation of groundwater would result;
  - 4. 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.

~~9-7.07~~ **9-7.04** Research Areas

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.

~~9-7.08~~ **9-7.05** Fisheries Activities

Commercial water-dependent fisheries facilities including, but not limited to, structures for crab shedding, fish off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquaculture operations, and fisheries activities, are permitted in the **Critical Area** Buffer, in Intensely Developed, Limited Development, and Resource Conservation **Districts Areas**.

**9-8 SHORE EROSION PROTECTION WORKS**

~~9-8.01~~ Definition

Moved to  
Article 12,  
Definitions

- ~~A. "Shore erosion protection works" means those structures or measures constructed or installed to prevent or minimize erosion of the shoreline in the Critical Area.~~
- ~~B. The regulations below are not intended to apply to those structures necessarily associated with water dependent facilities.~~

**9-8.021** Regulations of Shore Erosion Protection Works

- A. Structural control measures shall only be used in eroding areas where only structural measures would provide effective and practical erosion control, where non-structural control measures would be impractical or ineffective;
- B. Where structural erosion control is required, the measure that best provides for conservation of fish and plant habitat, and which is practical and effective, shall be used;
- C. Non-structural measures shall be utilized in areas of erosion where non-structural measures would be a practical and effective method of erosion control, ~~and~~;
- D. Structural erosion measures shall not be ~~encouraged~~ **permitted** in areas where ~~no~~ significant erosion **has not occurred**; and

- 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.

9-8.032 Method of Control

In order to determine what method of control is best for the particular site or segment of shoreline, the **Department of Planning and Zoning shall seek input from methodology recommended by the Maryland Department of Natural Resources and Critical Area Commission shall be used.**

**ARTICLE 10**  
**ORDINANCE FOR THE NAMING & RENAMING OF STREETS ROADS &**  
**THE ASSIGNMENT OF ADDRESS NUMBERS PREMISE ADDRESSES**

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**10-1 GENERAL REQUIREMENTS**

10-1.01 Purpose & Authority

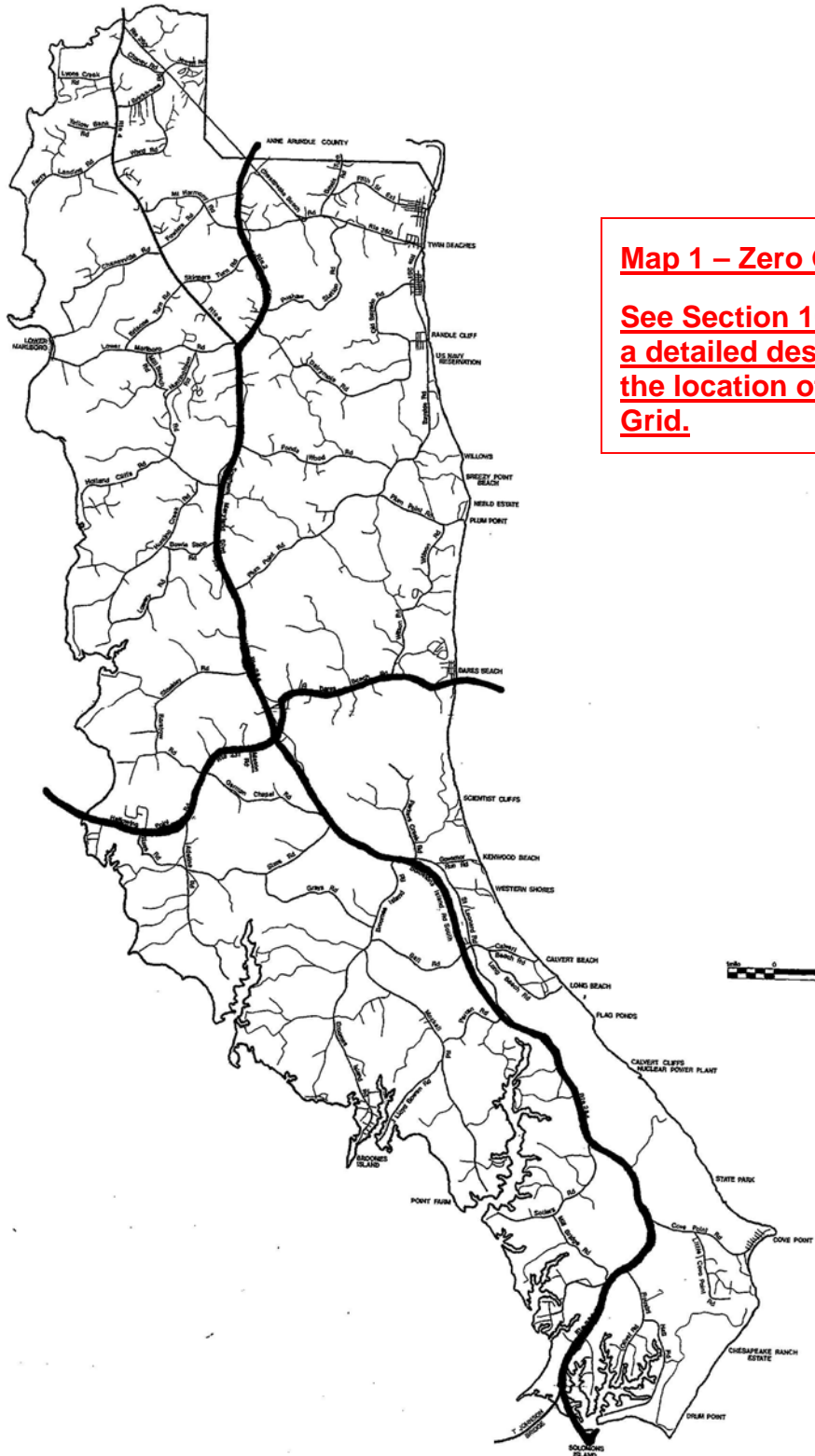
- A. Purpose. The purpose of this regulation is to establish a system for the **uniform** assignment of **street road** names and numbering of ~~houses~~ **premises** in Calvert County, ~~thus eliminating the confusion and potential hazards to public safety which might otherwise exist. thereby assisting in the efficient and effective provision of emergency services.~~
- B. Authority. These regulations are based on the statutory authority contained in Article 66B, Code of Public General Laws of Maryland, May 1971, as amended.

~~10-1.02 Application, Effective Date, and Territorial Limits~~

~~This regulation shall take effect immediately after adoption and shall apply to Calvert County. In no case, however, shall any provision of this Regulation be deemed applicable with the incorporated territory of any municipality in the County.~~

10-1.032 Grid Address Numbering System

- A. ~~General. The Planning Commission will effect and retain~~ **The "Grid Address Numbering System" is** a uniform systematic ~~house numbering~~ **premise addressing** system throughout the County which will promote continuity, avoid duplications and eliminate house renumbering. ~~This system will be established and known as the "Grid Address Numbering System".~~
- B. The Zero Grid has been established as shown on Map 1, and runs as follows:**
- 1. East: Beginning at the intersection of Route 2/4 and Church Street in Prince Frederick, it runs east along Church Street to its intersection with Main Street (Route 765), running north along Main Street to its intersection with Armory Road, continuing along Armory Road to Dares Beach Road, running east along Dares Beach Road to the end at the Chesapeake Bay.**
  - 2. West: Beginning at the intersection of Route 2/4 and Route 231 in Prince Frederick, it runs west along Route 231 to the end at the Patuxent River.**
  - 3. North: Beginning at the intersection of Route 2/4 and Route 231 in Prince Frederick, it runs north along Route 2/4 to its intersection with Route 2 in Sunderland, continuing north along Route 2 to the end at the boundary with Anne Arundel County.**
  - 4. South: Beginning at the intersection of Route 2/4 and Route 231 in Prince Frederick, it runs south along Route 2/4 to its intersection with Route 2 in Solomons, continuing to the end at the Chesapeake Bay.**



**Map 1 – Zero Grid Map**

**See Section 10-1.02.B for a detailed description of the location of the Zero Grid.**

Formerly 'F'

**F. C.** Criteria for Determining ~~House Numbers~~ Premise Addresses. To reduce the frequency of errors, duplications and renumbering, the following principles of ~~house numbering~~ premise-addressing procedures ~~will~~ shall be followed; ~~to the degree possible.~~

Formerly 'F2'

~~2.~~ **1.** Assignment of odd and even numbers. The directional division of the County is shown in Enclosure Map 1. In determining which side of a right-of-way should have an odd or even number, the following guide ~~will~~ shall be used: ~~In the north area, odd numbers will be assigned on the east side of the streets running north and in the south area on the west will be assigned on the south side of streets running east and in the west area on the north side of the streets running west. In other words,~~ when moving away from the zero grid, odd numbers ~~will~~ shall be on the right side and even numbers on the left side.

Formerly 'F1'

~~4.~~ **2.** When it is apparent that re-subdividing may take place due to lot sizes on the same ~~street~~ side of the road, a sufficient quantity of ~~house numbers should~~ premise addresses shall be reserved for the vacant areas ~~between structures~~ to permit assignment of numbers for any future development or improvement ~~thereon~~.

**3.** Structures facing each other on the opposite side of the same ~~street should~~ road shall be assigned numbers in relations to each other. That is - 6 facing 5 or 7; 5 facing 4 or 6; and in the instance where a structure fronts off the inside curvature of a ~~street road~~ and faces more than one structure fronting off the outside curvature of ~~the~~ same street road; 6 between 5 and 7; or 7 between 6 and 8. This will also apply when there are more structures on one side of the ~~street road~~ than the opposite side due to ~~variances of~~ variations in lot sizes.

**4.** Suffixes such as "A" or "1/2" to the ~~house numbers~~ premise address digits will ~~are~~ not be permitted. However, when a single-entrance structure has more than one floor comprising other offices or places of business, the owner may add suite or room numbers ~~may be added~~ either before or after the ~~house number~~ premise address assigned to that structure. *Example: "Suite 1, 1111 Planner Drive"; or "1111 Planner Drive, Room 201".* This will also apply to a basement used in the same manner. In the case of a single entrance place of business with apartments overhead or alongside, letters or numbers may be used either before or after the ~~house number~~ premise address assigned to that structure. *Example: "Apartment 2, 2222 Planner Drive"; or "2222 Planner Drive, Apartment 2".*

5. When a development consists of structures which have more than one level below or above ground, and the quantity of stores, offices or multiple dwellings will cause a duplication of hundred blocks already in existence and adjacent to the development, **a premise address shall be assigned to the ground-level floor. The owner of the development may then use** the floor level ~~may be used~~ either before or after the ~~house number~~ **premise address** to identify the store, office or multiple dwelling. *Examples: "Basement Level 3333 Planner Place", or "3333 Planner Place, Basement Level"*. Other levels could be referred to as Main Level, 2<sup>nd</sup> Level etc.
6. **Commercial Structures** with multiple entrances shall be assigned ~~house numbers~~ **premise addresses** for each separate entrance. This will also apply to bays in a warehouse. When a large, single entrance warehouse is erected, located or situated on a parcel of land, a sufficient quantity of ~~house numbers~~ **premise addresses** ~~should~~ **shall** be reserved between other structures on the same ~~street~~ **road** for possible partitioning into additional bays for which ~~house numbers~~ **premise addresses** may be required. Rear entrances ~~will~~ **shall** not be numbered as long as the front or main entrance to the same place of business, bay or apartment has been assigned a ~~house number~~ **premise address**.
7. Each store in a shopping center ~~will~~ **shall** be assigned its own ~~house number~~ **premise address**. However, a sufficient quantity of ~~house numbers~~ **premise addresses** ~~will~~ **shall** be reserved for each store or office in excess of 20 feet widths to permit future assignment of ~~house numbers~~ **premise addresses** if any of the stores or offices ~~therein~~ are partitioned to establish other places of business.
8. Structures on parcels of land fronting on more than one ~~street~~ **will road shall** be assigned a number along that ~~street~~ **road** ~~from~~ which the ~~front door or main entrance faces~~ **driveway enters the property**. However, a ~~house number~~ **premise address** ~~should~~ **shall** be reserved along each ~~street~~ **road** on which the parcel ~~faces~~ **fronts** to provide for the assignment **of a premise address if the location of the driveway is changed.** ~~changes or additions to the structure thereon. In those instances when it cannot be determined which street the front door or main entrance to a structure faces, it will be numbered along that street to the side property lines. When the distance is equal from side property, the house number will be assigned off the longest and most predominant street in the subdivision.~~

9. To avoid confusion ~~and mis-delivery by postal and delivery service personnel~~, every effort ~~will~~ **shall** be made to assign a separate hundred block for a cul-de-sac or any similar type right-of-way bearing the identical surname of the intersecting **street road**. *Example: If Bay Court runs in an easterly direction off Bay Road which is numbered as a **street road** running west to east, Bay Court will be assigned a north to south or south to north hundred block.*

~~B.~~ **10.** When possible, continuity of ~~house number~~ **premise address** hundred blocks ~~will~~ **shall** be maintained when ~~streets~~ **roads** enter the County from Incorporated Towns within the County.

~~C.~~ **11.** **Street Road** Direction. When a **street road** runs diagonally to the cardinal points of the compass, the ~~house number~~ **premise address** hundred block ~~will~~ **shall** be assigned on the basis of the greatest distance the **street road** runs along the north/south or east/west axis. If travel along either axis is equidistant, the ~~house number~~ **premise address** hundred block ~~will~~ **shall** be determined by the direction of the majority of other **streets roads** in the immediate area.

~~D.~~ **12.** On a **street road** which changes direction, the ~~house number~~ **premise address** hundred block assigned ~~will~~ **shall** be in the direction the **street road** runs the longest distance. As it changes directions, the hundred blocks can be extended along those portions by the use of additional digits until it returns to its original direction.

~~E.~~ **13.** On a one intersection circular **street road**, the ~~house number~~ **premise address** hundred block ~~will~~ **shall** be determined by the direction of the majority of other **streets roads** in the immediate area.

'F' moved to 'B'

~~F.~~ **Criteria for Determining House Numbers.** ~~To reduce the frequency of errors, duplications and renumbering, the following principles of house numbering procedures will be followed to the degree possible.~~

~~1. When it is apparent that re-subdividing may take place due to lot sizes on the same street side, a sufficient quantity of house numbers should be reserved for the vacant areas between structures to permit assignment of numbers for any future development or improvement thereon.~~

'F2' moved to 'B1'

~~2. Assignment of odd and even numbers. The directional division of the County is shown in Enclosure 1. In determining which side of a right-of-way should have an odd or even number, the following guide will be used: In the~~

~~north area, odd numbers will be assigned on the east side of the streets running north and in the south area on the west will be assigned on the south side of streets running east and in the west area on the north side of the streets running west. In other words, when moving away from the zero grid, odd numbers will be on the right side and even numbers on the left side.~~

- ~~G.~~ Assignment of House Numbers Premise Addresses . ~~Where practical, each structure erected, located or situated on a parcel of land~~ Each premise in the County will shall be assigned a house number premise address by the Planning Commission or its designee based on the Grid Address Numbering System.
- ~~H.~~ 1. Any house number premise address assigned by the Planning Commission or its designee will shall be the only number which may be used by the owner or occupant. The use of any other premise address other than that which is assigned will shall be deemed to be a misdemeanor Zoning Violation, enforceable under Section 1-7.
- ~~I.~~ ~~The two major sources from which information is received for assignment of new house numbers are the Subdivision Record Plans and Building Permits.~~
- ~~J.~~ ~~Other sources from which information may be received for assignment of new house numbers are property owners, local post offices and utility companies. Normally, the information received from these sources are in those areas where box numbers are used and where house numbers were not previously assigned.~~
- ~~K.~~ 2. Notification of Assignments of House Numbers Premise Addresses. The owner ~~or occupant~~ of a ~~structure erected, located or situated on a parcel of land~~ premise for which a house number premise address has been assigned will shall be notified by one or all of the following methods: ~~or offices listed below:~~
- ~~1.~~ a. Building Permit
  - ~~2.~~ b. Subdivision Record Plat or Site Plan
  - ~~3.~~ c. Written Notice of ~~House Number~~ Premise Address Assignment
  - ~~4.~~ d. Personal visit to the ~~Planning Commission~~ Department of Planning and Zoning (Application for Assignment of number)

- 5. ~~e. Personal letter- **Notification as part of the Road-naming Process (see Section 10-1.05).**~~
- 6. ~~Public Notice appearing in local newspapers-~~
- L. **E.** Public utilities and interested Federal, State and County agencies ~~will~~ **shall** also be advised of ~~house numbers~~ **premise addresses** ~~on a need-to-know basis~~ **when assigned or changed.** **At a minimum, the Department of Planning and Zoning shall notify the following agencies:** Cooperation and coordination with these offices will be maintained by whatever means are agreed upon by the Planning Commission and office involved.
  - 1. **Calvert County Control Center**
  - 2. **Calvert County Department of Public Safety**
  - 3. **Calvert County Treasurer's Office**
  - 4. **Calvert County Board of Elections**
  - 5. **Calvert County Technology Services Department**
  - 6. **Maryland Department of Assessments & Taxation**
  - 7. **Local Post Office**
  - 8. **Local Electric Company**
  - 9. **Local Phone Company**
  - 10. **Local Cable Company**
- F. ~~Access to m~~**Maps**, records and other documents used to record this information ~~will~~ **shall** be made available upon written, telephonic or personal request. However, no original map, record or document ~~will~~ **shall** be removed from the ~~premises of the Planning Commission~~ **Department of Planning and Zoning** unless so directed by a Court Order. ~~of appropriated authority.~~
- M. ~~In addition to the property owner or occupant and the offices enumerated above, developers, builders, electricians, plumbers, engineers, real estate and mortgage firms may be given this information upon submission of a record plat - or site plan - showing legal descriptions of property for particular house numbers in which they are interested.~~

~~N. G.~~ Changes to Existing ~~House Numbers~~ **Premise Addresses**. The Planning Commission **or its designee will shall** change ~~house numbers~~ **premise addresses** whenever errors in assignment are discovered. ~~The most common errors in the assignment of house numbers are listed below:~~ **Such errors may include but are not limited to:** duplications; odd and even numbers on wrong side of a **street road**; digital transposition; lower digital sequence number positioned above a higher number; **or** use of a ~~house number~~ **premise address** off wrong **street road**.

- ~~1. Duplications-~~
- ~~2. Odd and even numbers on wrong side of street-~~
- ~~3. Lettered or fractional suffixes added to digits-~~
- ~~4. Digital transposition-~~
- ~~5. Lower digital sequence number positioned above a higher number-~~
- ~~6. Interspersion of hundred blocks-~~
- ~~7. Use of a house number off wrong street-~~
- ~~8. Use of one or more street names only, with no reference to digital number-~~
- ~~9. Use of building names only, such as "The Berkeley House", "The Oyster House", etc.-~~

- ~~O.~~ **1.** The Planning Commission **or its designee will shall** make changes of ~~house numbers~~ **premise addresses** in those areas of the County which do not conform to the Grid Address Numbering System. The following procedures **will shall** be followed: ~~to the degree possible, consistent with good judgment and common sense.~~
- ~~1. Conduct a street by street survey of house number hundred blocks. Where house number changes are necessary, they will be made to coincide with any street name changes which have to be made in that area.-~~
  2. Where practicable, extensions to existing subdivisions which do not conform to the Grid Address Numbering System **will shall** be assigned ~~house numbers~~ **premise addresses** within the Grid Address Numbering System and the older, non-conforming sections **will shall** be renumbered.

3. New subdivisions adjacent to or in the immediate vicinity of existing subdivisions ~~will~~ **shall** be assigned ~~house numbers~~ **premise addresses** within the Grid Address Numbering System and other non-conforming areas nearby ~~will~~ **shall** be renumbered.
4. When renumbering ~~house numbers~~ **premise addresses** on a ~~street~~ **road**, the last two digits of current ~~house number~~ **will** **premise address shall** be retained whenever practicable.
5. ~~Whenever numerous changes are to be made in area, careful consideration will be given to the most appropriate time to make the changes, i.e.:~~
  - ~~Prior to March 31st of each year to coincide with individuals' and businesses' requirement to register automotive vehicles;~~
  - ~~After June 15th to preclude local school officials from having to change student records during school year;~~
  - ~~After January 1st to prevent adding to the holiday burden on the local post office; and~~
  - ~~Changes should not be effected from August 17 through September 25 and from October 5 through November 11 of every even year during which periods voter registration books are closed during an election year.~~

~~P. H.~~ **Notification of Change.** Whenever a ~~house number~~ **premise address** is to be changed, **the Department of Planning and Zoning shall send** an official notification of each proposed change ~~will be mailed~~ to the ~~occupant and/or~~ owner of property being renumbered, ~~indicating new number;~~ **The notice shall include the new premise address as well as the** legal description **and/or** tax ~~Assessors parcel~~ identification **number** of **the** property; **the** effective date of **the** proposed change, and a listing of the Federal, State and County Agencies and utilities which will ~~be informed by the Planning Commission.~~ **also receive a copy of the Notification of Change, in accordance with Section 10-1.02.E.**

- Q. I. Time Period Allowed for Changes to Premise Addresses.**  
 Owners ~~and/or occupants~~ of structures ~~premises~~ on streets scheduled ~~only~~ for renumbering ~~will~~ **shall** be afforded ~~sufficient time for them~~ **one year** to make necessary adjustments ~~and begin to use the new premise address.~~ **The Director of the Department of Planning and Zoning may grant an extension of the one-year period when unusual hardship is demonstrated by the property owner.** ~~Current postal regulations require delivery of mail to be the old address number for a period of two years. Accordingly, the following guidelines will be used for determining lapses of tie between receipt of official notice and the effective date of the proposed change:-~~
- ~~1. Thirty days from residential zoned areas;-~~
  - ~~2. Sixty days from commercial and industrial zoned property.-~~
- R. J.** Public utilities and interested Federal, State and County agencies, including ~~affected municipal governments and citizen associations;~~ **those agencies listed in Section 10-1.03.D, will shall** be informed of all proposed changes. ~~on a need-to-know basis.~~ A current file or list of all offices requiring or desiring this information ~~will~~ **shall** be maintained by the **Department of Planning Commission and Zoning.** The **Department of Planning Commission and Zoning will shall** publish a roster or listing of all proposed changes that will be distributed in advance of the effective date of the change to all interested offices in order to permit them to change their records. This roster or listing ~~will~~ **shall** contain, at a minimum, old and new ~~house number~~ **premise address;** name of owner ~~or occupant;~~ **the legal** description of property; and the effective date of proposed change. Other information may be included if it will assist and facilitate other offices in carrying out their responsibility.
- S. K.** Records. **The Department of Planning and Zoning shall maintain** ~~A a~~ record of each ~~house number~~ **premise address** assigned or changed. **Such information will shall** be entered on applicable maps or other media as may be employed for such records ~~and maintained on a continuing and permanent basis.~~ **If the premise address was recorded on a plat in the Land Records of Calvert County, the Department of Planning and Zoning may require that the plat be re-recorded if the premise address is changed.**

(3/5/02) 10-1.043 Display of **Premise** Address Numbers

- A. Identification of ~~properties/buildings~~ **premises**. The owners of all ~~properties or principal buildings~~ **premises** within the County shall display and maintain the numbers of such ~~buildings~~ **premises**, as assigned by the Calvert County Planning Commission **or its designee**, in accordance with the Grid Address Numbering System. All numbers shall consist of plain legible figures placed in a conspicuous place or places facing the **street road** from which the building is numbered.
- B. Displaying **premise** address numbers. For any premise for which a building permit is issued, the address number shall be displayed upon completion of the work or before a certificate of occupancy is issued.

(3/5/02) 10-1.054 Street **Road** Names

- A. Origin of Street Names. 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 and RD14A roads to its secretary.
- B. Owners or developers of land to be dedicated for new public rights-of-way may name the proposed **streets roads** in accordance with **the** provisions of ~~the County Subdivision Regulations~~ **this Section**.
- C. Owners of land, ~~or occupants or owners of structures erected thereon,~~ fronting on an existing unnamed right-of-way may petition for naming of that **street road** in accordance with Section 10-1.05.D.4 ~~below~~.
- D. Selection of **Street Road** Names. To avoid duplicating **street road** names and to effect a uniform system of naming **streets roads**, the following principles of **street road** name assignment procedures ~~will~~ **shall** be followed: ~~to the degree possible:~~
  - 1. An extension of an existing right-of-way ~~will~~ **shall** bear the same name as ~~that assigned when previously dedicated to the public.~~ **the existing right-of-way.**
  - 2. The name assigned to a proposed right-of-way ~~will~~ **shall** be the same name as that assigned to the right-of-way directly opposite it on an intersecting **street road** unless the proposed right-of-way runs in a different direction. (See paragraphs ~~(H)~~ **'8'** and ~~(J)~~ **'9'** ~~below~~ **of this Section** for exceptions.)

3. Any **street road** name assigned by the Planning Commission to an existing or proposed right-of-way **will shall** not be **a** duplicate name, either in sound or spelling, ~~or of~~ any **street road** name already existing in the County.
4. **Street Road** names selected by owners, ~~developers or occupants~~ of **structures premises** fronting on existing or proposed rights-of-way must be approved by the Planning Commission to avoid duplicating **street road** names. Proposed **street road** names may be submitted to the Planning Commission by one of ~~these~~ **the following** methods:
  - a. **A** ~~P~~**p**etition signed by more than **50 75** percent of those **owning property** residing on the **street road; or**
  - b. Selected names shown on ~~an approved~~ **a Road Name Request Form submitted with a** preliminary subdivision plat.
  - ~~c. Written or telephone requests for reservation of selected names.~~
  - ~~d. Personal visit to the Planning Commission to request reservation selected names.~~

**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.**
5. A one-intersection circular ~~street will~~ **road shall** bear one name.
6. To maintain the hundred-block continuity within the Grid Address Numbering System, a circular **street road** with more than one intersection may be ~~designed~~ **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".*
7. ~~When practicable, those named r~~**R**ights-of-way entering **or leaving** the County from either Anne Arundel County or **the** incorporated towns **will shall** bear the same name. ~~Close coordination and cooperation with appropriate offices responsible for street naming will be maintained.~~

- ~~8. When practicable, those rights-of-way leaving the County and intersecting named rights-of-way in Anne Arundel County will bear the same name. Close coordination and cooperation with appropriate offices responsible for street naming will be maintained.~~
- ~~9.~~ **8.** Whenever a major arterial road or historic right-of-way artery crosses the zero-grid hundred block (e.g., Solomon 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 major arterial road or historic named right-of-way.
- ~~10.~~ **9.** Whenever ~~other than major or historic rights-of-way~~ local or collector roads cross the zero-grid hundred block within the Grid Address Numbering System, they ~~will~~ shall bear different names when they cross the zero-grid hundred grid block intersecting rights-of-way to avoid duplicating blocks on the same named right-of-way.
- ~~11.~~ **10.** When a choice is to be made between selection of "Avenue" versus "Street" as a suffix to a right-of-way, the following principles ~~will normally~~ 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".
- ~~12.~~ **11.** Project street road names may be applied to non-dedicated private rights-of-way through apartment, commercial, industrial, or ~~trailer park~~ manufactured home complexes whenever the quantity of structures to be erected therein will duplicate existing or projected hundred blocks within the Grid Address Numbering System.
- ~~13.~~ **12.** A right-of-way ~~normally will not~~ may be named after a family name residing there if 75 percent of the owners along the right-of-way approve the proposed name.

~~14.~~ **13.** ~~Normally, n~~Names selected for rights-of-way ~~should~~ **shall** not exceed 12 letters **and spaces**. ~~Standardization of name plates, sizes, letters or numerals printed thereon limit the number of letters~~ **in order** to maintain uniformity of County street signs.

- E. **Street Road** Name Changes. The name of any existing dedicated right-of-way in the County may be changed by the ~~occupants and/or~~ owners of property fronting thereon at any time, ~~providing if~~ a petition, signed by more than ~~50~~ **75** percent of ~~those justifying such change~~ **the owners is properly submitted**. ~~(See Section 10-1.05.D)~~. The petition ~~will~~ **shall** include the legal description of ~~the property~~ **all properties having frontage on the right-of-way** and the current mailing address of each signer.
- F. **Principles of Street Road Naming**. To eliminate unacceptable duplication of ~~street road~~ names and to effect a uniform system of changing ~~street road~~ names, the Planning Commission ~~will~~ **shall** adhere to the following principles of ~~street road~~ renaming procedures: ~~to the degree possible~~.
- ~~1.~~ **1.** ~~Conduct a survey of all streets in the County to determine which street names are duplicated in sound or spelling. The duplicated street name(s) with the fewest residents fronting thereon may be changed. Changes proposed by the Planning Commission shall be prepared by Election District, and a public hearing relating to such changes advertised and held in accordance with procedures established by Section 10-1.06.~~
  - ~~2.~~ **2.** ~~When the number of residents fronting on duplicate named streets are substantially equal, the street with the earliest dedication will retain its name and the remaining street names changed.~~
  - ~~3.~~ **1.** Whenever a dedicated, existing named right-of-way is relocated, the by-passed portion or portions ~~will~~ **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 ~~should~~ **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.

- ~~4. 2~~ Existing numbered ~~streets 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 ~~street road~~.
- ~~5. When practical, right-of-way having dual names will be changed by eliminating one of the two names assigned.~~

**G. Public utilities and interested Federal, State and County agencies shall be advised of road name changes. At a minimum, the Department of Planning and Zoning shall notify the following agencies:**

- 1. Department of Planning and Zoning Premise Addressing staff (who shall in turn notify all property owners along the affected road).**
- 2. Calvert County Control Center**
- 3. Calvert County Department of Public Safety, Fire/Rescue/EMS Division**
- 4. Calvert County Public Schools**
- 5. Calvert County Board of Elections**
- 6. Calvert County Department of Public Works (Engineering Bureau and Highway Maintenance Division)**
- 7. Calvert County Department of General Services**
- 8. Maryland State Highway Administration**
- 9. Maryland Department of Assessments & Taxation**
- 10. Local Post Office**
- 11. Local Electric Company**
- 12. Local Phone Company**
- 13. Local Cable Company**

**H. Maps, records and other documents used to record this information shall be made available upon written, telephonic or personal request. However, no original map, record or document shall be removed from the Department of Planning and Zoning unless so directed by a Court Order.**

~~(3/5/02)~~

~~10-1.06 Changes and Amendments~~

~~These regulations may from time to time be amended or repealed by the~~

~~County Commissioners. Any person or office, department, board, commission or bureau of the County may petition for such change or amendment; however, no such change or amendment shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 14 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County. The County Commissioners shall, prior to any public hearing, refer all proposed changes and amendments to these regulations to the Planning Commission for the report and recommendations.~~

(3/5/02) 10-1.0~~7~~**5** Appeal

~~Under provisions of Article 66B of the Annotated Code of Maryland, any person or persons, jointly or severally, aggrieved by a decision of the Planning Commission, or any taxpayer, or any officer, department, board or bureau of the County may appeal the same to the Calvert County Circuit Court. Such appeal shall be taken according to the Maryland Rules as set forth in Title 7, Chapter 200 within 30 days of the decision. The decision of the Circuit Court may be appealed to the Maryland Court of Appeals. **Unless otherwise specified herein, any person aggrieved by any decision pertaining to the provisions of Article 10 made by the Department of Planning and Zoning shall appeal said decision to the Planning Commission. Appeals of decisions of the Planning Commission shall be made to 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.**~~

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**ARTICLE 11**  
**VARIANCES, SPECIAL EXCEPTIONS, & APPEALS**

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**11-1 BOARD OF APPEALS**

11-1.01 ~~Board of Appeals Authority~~ **Variences**

(12/13/88)

~~The Board of Appeals shall have the following authority:-~~

**A. Variences; generally.**

- ~~A.~~ **1. The Board of Appeals shall have the authority ~~To~~ to grant variances from the strict application of the lot area, lot width, ~~yard~~ setback, and height requirements of this Ordinance. The Board may also grant variances from other requirements as stipulated in this Ordinance.**
- 2. Justification for a A variance ~~can be based on~~ may only be granted if peculiar and unusual practical difficulties or undue hardship exist on a parcel, and such difficulties and hardships are created by exceptional narrowness, shallowness, or shape of ~~particular~~ the ~~parcels,~~ ~~of property~~ ~~or~~ by reason of exceptional topographical conditions, ~~or~~ by other extraordinary situations or conditions affecting the property.**

(1/1/93)  
(6/20/95)

- ~~3.~~ **Any such A variance shall be granted only if the applicant demonstrates, and the Board finds that:**
  - ~~a.~~ **the variance** will not result in injury to the public interest; ~~or~~ **and**
  - ~~b.~~ **granting the variance will not** substantially impair the ~~intent~~ **adversely affect the implementation** of the Comprehensive Plan; **and**
  - ~~c.~~ **the variance is the minimum adjustment necessary to afford relief from the regulations; and**
  - ~~d.~~ **the variance request is not based upon conditions or circumstances which are the result of actions by the applicant.**
- B. ~~For variances requests from the Critical Area requirements, the following additional criteria shall be used: **Variances; Critical Area.**~~
  - ~~1.~~ **The Board of Appeals shall have the authority to grant variances from the Critical Area requirements of Section 8-1 of this Ordinance.**
  - ~~2.~~ **That a**Applications for a variance ~~will~~ **shall** be made in writing to the Board of Appeals with a copy provided to the Critical Areas Commission.
  - ~~3.~~ **A variance may be granted only if the criteria set forth in subparagraph 'A.2' are met, the Board of Appeals makes the findings required by subparagraph 'A.3', and the applicant demonstrates and the Board further finds:**
    - ~~1.~~ **a.** That ~~findings are made which demonstrate that~~ special conditions or circumstances exist that are peculiar to the land or structure within Calvert County and that a literal enforcement of provisions within the County's Critical Area Program would result in unwarranted hardship;
    - ~~2.~~ **b.** That a literal interpretation of the Critical Area Legislation and the Calvert County Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the County;

Moved to B.2

(1/1/93)

- ~~3. **c.** That the granting of a variance will not confer upon an applicant any special privilege that would be denied by the Calvert County Critical Area Program to other lands or structures within the County's Critical Area;~~
  - ~~4. **d.** That the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property;~~
  - ~~5. **e.** That the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law; and~~
  - ~~6. That applications for a variance will be made in writing to the Board of Appeals with a copy provided to the Critical Areas Commission.~~
- C. ~~For variance requests from the Forest Conservation Program requirements, the following criteria shall be used: **Variances; Forest Conservation.**~~
- ~~1. **The Board of Appeals shall have the authority to grant variances from the Forest Conservation requirements of Section 8-3 of this Ordinance.**~~
  - ~~2. **The Department of Planning and Zoning shall send** Notice of a request for a variance ~~shall be given~~ to the Department of Natural Resources within 15 days of receipt of a request for a variance.~~
  - ~~3. **A variance may be granted only if the criteria set forth in subparagraph 'A.2' are met, the Board of Appeals makes the findings required by subparagraph 'A.3', and the applicant demonstrates and the Board further finds:**~~
    - ~~1. A person may request a variance from this ordinance if the person demonstrates that enforcement would result in unwarranted hardship to the person.~~
    - ~~2. An applicant for a variance shall:
      - ~~a. Describe the special conditions peculiar to the property which would cause the unwarranted hardship;~~~~

- ~~b. Describe how enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;~~
  - ~~c. Verify that the granting of the variance will not confer on the applicant a special privilege that would be denied to other applicants;~~
  - ~~d. Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant;~~
  - ~~e. Verify that the request does not arise from a condition relating to land or building use, either permitted or non-conforming, on a neighboring property; and~~
  - ~~f. Verify that the granting of a variance will not adversely affect water quality.~~
  - a. That special conditions or circumstances exist that are peculiar to the land or structure within Calvert County and that a literal enforcement of provisions within the County's Forest Conservation Program would result in unwarranted hardship;**
  - b. That a literal interpretation of the Calvert County Forest Conservation Program will deprive the applicant of rights commonly enjoyed by other properties in similar areas;**
  - c. That the granting of a variance will not confer upon an applicant any special privilege that would be denied to other applicants;**
  - d. That the variance request does not arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property; and**
  - e. That the granting of a variance will not adversely affect water quality.**
3. ~~The Board of Appeals shall make findings that the applicant has met the requirements in Subsections A and B of this article before the County may grant a variance.~~

Moved to C.2

4. ~~Notice of a request for a variance shall be given to the Department of Natural Resources within 15 days of receipt of a request for a variance.~~
5. ~~There is established by this ordinance the right and authority of the 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 to the Forest Conservation Program or this ordinance.~~

**D. Variances; Floodplain.**

1. **The Board of Appeals shall have the authority to grant variances from the Floodplain requirements of Section 8-2 of this Ordinance and the Floodplain Management Ordinance.**
2. **A variance may be granted only if the criteria set forth in subparagraph 'A.2' of this Section are met, the Board of Appeals makes the findings required by subparagraph 'A.3' of this Section, and the applicant demonstrates and the Board further finds:**
  - a. **a showing of good and sufficient cause; and**
  - b. **a determination that failure to grant a variance would result in exceptional hardship (other than economic) to the applicant; and**
  - c. **a determination that the granting of a variance will not result in increased flood heights, increased threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local or State laws or Ordinances.**
3. **The variance shall be the minimum necessary, considering the flood hazard, to afford relief.**
4. **The Department of Planning and Zoning shall solicit comments regarding the variance application from the Maryland Department of the Environment. Such comments shall be forwarded to, and considered by, the Board of Appeals.**

**E. Special Accommodations.**

- 1. In granting a variance, the Board of Appeals may include provisions that allow for the accommodation of persons with disabilities.**
- 2. Accommodations for the needs of disabled citizens may be permitted if the applicant demonstrates and the Board of Appeals finds that:**
  - a. the applicant or a perspective user of the property has a physical disability;**
  - b. that literal enforcement of the provisions of this ordinance would prevent the applicant or a perspective user of the property from enjoying the property to the same degree that a person without the disability would be able to enjoy the property;**
  - c. a variance would enable the applicant or a perspective user of the property to enjoy the property to the same degree as a person without the disability; and**
  - d. the accommodation requested will not substantially impair the purpose, intent, or effect, of the provisions of this Ordinance as applied to the property; and**
  - e. environmental impacts associated with the accommodation are the minimum necessary to address the needs resulting from the particular disability of the applicant or a perspective user of the property.**
- 3. The Board of Appeals shall determine the nature and scope of any accommodation under this section 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 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.**

**F. Change to Land Use Not Permitted.**

Moved from Section 11-1.01.A.

~~This~~ **The provisions of this Section** shall not be construed to permit the Board, under the guise of a variance, to change the permissible use of land.

**G. Imposition of 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 may require a written agreement to 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 shall be considered a violation of this Ordinance and subject to the enforcement provisions of Section 1-7.**

Moved from Section 11-1.05.

**H.** ~~If any application for a variance or special exception is denied by a final order of the Board, 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.~~

(1/1/93)

**11-1.02 Special Exceptions**

Moved from Section 11-1.01.E

Last sentence moved to Section 11-1.02.C.

Moved to Section 11-1.02.D.

~~E. **A.** **The Board of Appeals shall have the authority** ~~To~~ to hear and decide petitions for special exceptions. ~~In granting a special exception, the Board of Appeals shall impose conditions or restrictions as it deems necessary or advisable for the protection of surrounding and neighboring properties. When appropriate, the Board may require a written agreement to be placed on record stipulating these conditions or restrictions.~~~~

~~If construction has not commenced within a period of two years after the effective date of the special exception, the special exception shall automatically expire without notice. The Board of Appeals may grant an extension because of the occurrence of conditions unforeseen at the time of the granting of the special exception provided that application for an extension is made at least 30 days prior to the expiration date.~~

**B.** A special exception may be granted provided the **applicant demonstrates and the** Board of Appeals finds that:

1. the proposed special exception does not adversely affect the implementation of the Comprehensive Plan for the physical development of the County, ~~as embodied in this Ordinance,~~ and
2. the proposed special exception will not be detrimental to the permissible use and enjoyment of adjacent properties, or to the health, safety or general welfare of the County, and
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, and
4. the applicant can meet the conditions ~~spelled out in the Ordinance or~~ required by the Board **or those specified in the Ordinance unless the latter are waived by the Board if such waiver is specifically permitted by other provisions of this Ordinance.** ~~The Board may vary from the conditions spelled out in the Ordinance except in cases where the Ordinance specifically states that a requirement shall not be waived.~~
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.

(3/9/93)

~~In meeting this condition, the applicant must follow all the regulations in the Historic District Ordinance. Any changes to the property must have a Historic Area Work permit as per Section 6.02 of the Historic District Ordinance.~~

Moved from  
Section 11-1.02.A.

**C.** In granting a special exception, the Board of Appeals shall impose conditions or restrictions as it deems necessary or advisable for the protection of surrounding and neighboring properties. When appropriate, the Board may require a written agreement to be placed on record 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 shall be considered a violation of this Ordinance and subject to the enforcement provisions of Section 1-7.

**D. The grant of a special exception shall lapse if:**

- 1. If the proposed use or the proposed construction has not commenced within a period of two years after the effective date of the special exception, ~~or the special exception shall automatically expire without notice.~~**
- 2. where the grant of the 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 appellant court to hear the matter.**

Moved from Section 11-1.02.A.

**E. If ~~The~~ Board of Appeals finds that conditions unforeseeable at the time of the granting of the special exception have occurred, it may grant an extension ~~because of the occurrence of conditions unforeseen at the time of the granting of the special exception to the two-year laps~~ provisions contained in subparagraph 'D', provided that application for an extension is made at least ~~30~~ 90 days prior to the ~~expiration~~ lapse date of the special exception.**

**F. The Board of Appeals shall have the authority to rescind approval of a special exception if the conditions of approval are not met. The Board of Appeals shall establish Rules of Procedure for such action.**

Moved from Section 11-1.05.

**G. If any application for a ~~variance or~~ special exception is denied by a final order of the Board, 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.**

(1/1/93)

**11-1.03 Decisions on Alleged Errors**

**D. A. Unless otherwise provided in this Section, the Board of Appeals shall have the authority ~~To~~ to hear and decide appeals where it is alleged that there is an error:**

1. in any denial of an application for a building permit, or
2. in any other order, requirement, decision or determination made by the Zoning Officer when passing upon an application for a building or other permit, or
- ~~3. in any order, requirement, decision or determination made by any other official or body in the administration and enforcement of this Ordinance.~~
- 3. in any official interpretation of this Ordinance issued by the Zoning Officer in accordance with Section 1-4.**

- B. An appeal noted under subparagraph 'A' of this Section shall be filed with the Board of Appeals within 30 days after issuance of the official interpretation.**
- C. An appeal to the Board of Appeals may be filed by:**
  - 1. any person aggrieved by any official interpretation of the Zoning Ordinance; or**
  - 2. Any officer, department, board, or bureau of the County affected by any official interpretation of the Zoning Ordinance.**
- D. In exercising its powers, the Board of Appeals shall have all the powers of the Zoning Officer from whom the appeal is taken and may:**
  - 1. wholly or partly reverse the official interpretation; or**
  - 2. wholly or partly affirm the official interpretation; or**
  - 3. modify the official interpretation; or**
  - 4. issue a new official interpretation.**

**11-1.04 Other Appeals to the Board of Appeals**

(1/1/93)

- F. The Board of Appeals shall have the authority to** ~~to~~ **hear and decide other special requests as specified in the Ordinance, such as: requests for expansion of non-conforming buildings or uses, requests for use of a manufactured home on a farm in conjunction with agricultural purposes, etc.**

**11-1.025 Board of Appeals Hearings and Appeals**

The Board of Appeals shall ~~adopt its own~~ **establish** rules ~~and regulations~~ **of procedure** which shall 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. ~~At the hearing, any party may appear in person or be represented by an agent or attorney.~~

## 11-1.06 Appeals of Board of Appeals Decisions

(2/24/87)  
(6/20/95)

Last sentence moved  
to Sections 11-1.01.H  
& 11-1.02.G.

Any person ~~or persons, jointly or severally,~~ aggrieved by any decision of the Board of Appeals ~~or by a zoning action by the local legislative body,~~ or any taxpayer, or any officer, department, board or bureau of ~~the jurisdiction~~ **Calvert County**, may appeal the same to the Circuit Court of Calvert County. Such appeal shall be taken according to the Maryland Rules as set forth in Title 7, Chapter 200 within 30 days **of the Board of Appeals Order.** ~~If any application for a variance or special exception is denied by a final order of the Board, 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.~~

(9/30/03)

## **11-2 PLANNING COMMISSION**

### 11-2.01 **Appeals to the Planning Commission Authority**

**A.** In addition to the authority granted to the Planning Commission herein and by Article 66B of the Annotated Code of Maryland, the Planning Commission shall have the authority to hear appeals from decisions made by the Director of the Department of Planning and Zoning, or his designee, regarding applications for site plan review (see Section 4-2.04). The Planning Commission shall adopt its own rules and regulations regarding such appeals.

**B.** **The Planning Commission shall maintain rules of procedure which shall 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. At the hearing, any party may appear in person or be represented by an agent or attorney.**

### **11-2.02 Appeals of Planning Commission Decisions**

**Any person aggrieved by any decision of the Planning Commission, or any taxpayer, or any officer, department, board or bureau of Calvert County, may appeal the same to the Circuit Court of Calvert County. Such appeal shall be taken according to the Maryland Rules as set forth in Title 7, Chapter 200 within 30 days of the Planning Commission's decision.**

## 11-3 APPEALS TO CIRCUIT COURT

### 11-3.01 Appeals of Alleged Errors

- A. Unless otherwise provided in this Article, any person alleging an error in any final order, requirement, decision, or determination made by an administrative officer in the enforcement of this Zoning Ordinance, may appeal the same to the Circuit Court of Calvert County.
- B. An appeal noted under subparagraph A above shall be filed with the Circuit Court within 30 days after the final decision or determination made by the administrative officer.
- C. An appeal to the Circuit Court may be filed by:
  - 1. any person aggrieved by any official interpretation of the Zoning Ordinance; or
  - 2. Any officer, department, board, or bureau of the County affected by any official interpretation of the Zoning Ordinance.

**2005 ZONING ORDINANCE REWRITE – SET 6  
PROPOSED AMENDMENTS TO ARTICLE 12  
DEFINITIONS USED IN ARTICLES 9, 10 & 11**

<u><b>Term</b></u>	<u><b>Definition</b></u>
<u><b>Premise</b></u>	<u><b>A house, building, or structure and the land on which it is located.</b></u>
<u><b>Shore Erosion Protection Works</b></u>	<u><b>Those structures or measures constructed or installed to prevent or minimize erosion of the shoreline in the Critical Area.</b></u>
<u><b>Water-Dependent Facilities</b></u>	<u><b>Those structures or works associated with industrial, maritime, recreational, educational, or fisheries activities that require location at or near the shoreline within the Critical Area Buffer specified in Section 8-1.01.C. An activity is water-dependent if it cannot exist outside the Critical Area Buffer and is dependent on the water by reason of the intrinsic nature of its operation. These activities include, but are not limited to, ports, the intake and outfall structures of power plants, water-use industries, marinas and other boat docking structures, public beaches and other public, water-oriented recreation areas, and fisheries activities. Excluded from this regulation, are individual private piers installed or maintained by riparian landowners, and which are not part of a subdivision which provides community pier.</b></u>