

**AMENDMENTS TO ARTICLE 5  
Residential Development Regulations  
CRITICAL AREA REQUIREMENTS**

**Critical Area Commission Submittal  
December 30, 2009**

**Amendments proposed by Dept. of Planning & Zoning staff shown in red.**

**Amendments proposed by Critical Area Commission staff shown in blue.**

Additions shown in **bold underline**.

Deletions shown in ~~strikethrough~~.

**ARTICLE 5  
Residential Development Requirements**

Proposed New Section 5-1.09.E.3

**Case # 09-5-1.** Purpose of amendment to Section 5-1.09.E.3: To meet the Critical Area Commission requirements relative to lot consolidation and reconfiguration.

**E. 3.**

**If one or more of the lots involved in the activities described in Sections 1 and 2 above are located in the Critical Area, the applicant must demonstrate that the consolidation and/or reconfiguration brings the affected lots into conformance with the Critical Area Program to the extent possible and that the proposed change reduces or minimizes impacts to water quality and plant and wildlife habitat in the Critical Area and must meet the following criteria:**

**a. The application shall include the following:**

- i. The date of original recordation that created each parcel of land or buildable lot to be consolidated or reconfigured;
  - ii. A plan drawn to scale;
  - iii. A plan that shows all existing and proposed lot or parcel boundaries; and
  - iv. A table that lists the number of all parcels of land or recorded lots that meet the criteria of Section 5-1.09 of this ordinance and the number of proposed lots or parcels to be derived.
- b. The County shall make the following findings:
- i. The proposed consolidation or reconfiguration will result in no greater number of lots or parcels in the Critical Area than the existing configuration;
  - ii. The proposed lot consolidation or reconfiguration will result in no greater lot coverage than the existing configuration would allow;
  - iii. The proposed lot consolidation or reconfiguration does not (a) create an additional riparian lot or parcel, waterfront lot, or any other lot or parcel deeded with water access, or (b) Intensify or increase impacts associated with riparian access.
  - iv. The proposed lot consolidation or reconfiguration does not create a Resource Conservation Area that serves development activities in the Intensely Developed Area or Limited Development Area.
  - v. The proposed lot consolidation or reconfiguration (a) identifies each Habitat Protection Area (HPA) on site, (b) provides protection measures for the HPA that provides for the least adverse impact, and (c) results in no greater impact to the HPA than the impact from the existing lot or parcel configuration.
  - vi. The proposed lot consolidation or reconfiguration provides, (a) for the possibility of stormwater management for all proposed development activities at the building permit stage and (b) benefits to fish, wildlife, and plant habitat is identified. Notes will be added to the replatting to show how “a” and “b” are being met.
  - vii. The County shall submit a copy of the final approval of the consolidation or reconfiguration to the Critical Area Commission within 30 days of

approval and shall not grant any permits until at least 30 days after the Commission received the copy of the approval. If written comments from the Critical Area Commission are not received by the County within 30 days of receipt of the approvals sent by the County, the County will proceed with the replatting process and review of any pending or submitted permits.

State  
Option

viii. The proposed consolidation or reconfiguration will not create a lot or parcel that will serve development activities outside the Critical Area

County  
Option

viii. Omit this section.

#### Proposed Amendments to Section 5-2.01.E

**Case # 09-5-2.** Purpose of amendment to Section 5-2.01.E.1: To make forest interior dwelling bird habitat a priority to be placed in open space in major subdivisions.

**Case # 09-5-3.** Purpose of amendment to Section 5-2.01.E.2: To make this Article consistent with the stream definitions used in Article 8.

- E. 1. b. Buildings and roads shall be located at forest edges or clustered in a manner that will maximize the amount of **forest interior dwelling bird habitat and** contiguous forested area left intact. The portion of the existing forested area that is to be retained should be determined with reference to the location of forested land on adjacent properties so as to maintain contiguity where feasible.
- 2. a. All of the provisions in the Calvert County Zoning Ordinance and Subdivision regulations governing protection of wetlands, floodplains, steep slopes, and **blue-line perennial and intermittent** streams shall be met.
- b. Road and driveway crossings through wetlands, floodplains, steep slopes and **blue-line perennial and intermittent** streams shall be avoided.