

DEPARTMENT OF PLANNING & ZONING
INTEROFFICE MEMORANDUM

TO: Planning Commission
VIA: Bob Cohn, Planning Commission Administrator *RC*
VIA: Greg Bowen, Director *GB*
FROM: Miriam Groll, Zoning Planner *MGH*
DATE: February 16, 2010
SUBJECT: Pending Text Amendments

Attached for your information is the latest set of text amendments to the Calvert County Zoning Ordinance. A staff report summarizing the purpose of each amendment is also included. Agency comments, if received, are also included with the staff reports.

The next step in the process is for staff to hold a work session with the County Commissioners to review changes that have been proposed since the amendments were initiated and agency comments that have been gathered. After the work session, a joint public hearing with the Planning Commission will be scheduled. We anticipate that the joint public hearing will be held in mid-April. We will contact you to confirm the date of the public hearing after the work session.

I will be available at your February 24th meeting to answer any questions or address any concerns you may have about the amendments. In the alternative, you may contact me directly by e-mail: ghollma@co.cal.md.us or by phone: (410) 535-1600 ext. 2321.

PENDING TEXT AMENDMENTS
(for review at February 24, 2010 PC Meeting)

#	Case No.	Z.O. Section(s)	Summary of Proposed Amendments
1.	09-2a	2-6 & Article 12	<ul style="list-style-type: none"> • Non-conforming Uses and Structures – separate the requirements for non-conforming “uses” from those imposed for “structures” (similar to the changes made in the Solomons Town Center Zoning Ordinance); • Amend definitions in Article 12; • Require that sites be brought into conformance when non-conforming uses or structures are expanded; • Address circumstances when a change in use causes an existing structure or site to no longer conform to the regulations; • Add “retaining walls” to the provisions which allow the Zoning Officer to approve the expansion of a non-conforming building wall, and specify that building walls may be expanded by the construction of a porch or deck.
2.	09-2b	2-8.08.D	Clarify that the use of Development Agreements is allowed in Town Centers.
3.	09-3a	3-1.01 & 3-1.02 Article 12	Allow certain agricultural and Agritourism uses in subdivisions with conditions addressing private roads.
4.	09-3b	3-1.02, Use #4a and 4b; 3-1.05, Use #14a; Article 12	Amend the definition of “Commercial Kennel” to include grooming and breeding services & allow as home occupation.
5.	09-3c	3-1.01, Use #7a	Change definition of “Farm” by adding “and/or within a recorded APD” at the end.
6.	09-3d	3-1.03, Use #1a	Clarify when an apartment is considered to be contained within a dwelling for the purpose of determining allowable size.
7.	09-3e	3-1.04, Use #8d	Allow Watermen’s Markets to operate in conjunction with approved Farm Stands, subject to conditions.
8.	09-3f	3-1.09, Use # 11a & 11b and Use #17a & 17b; 3-3, 5- 1.11, 6-2.02, and the all TCZO’s	<ul style="list-style-type: none"> • Regulate Wind Energy Systems (Windmills) by adding them as a new use on the Land Use charts; • Add conditions to Section 3-3, Tower and Antenna Regulations; • Amend the height regulations contained in Articles 5 & 6 so that windmills are no longer exempt; • Amend the definitions in Article 12; and • Amend all Town Center Zoning Ordinances to match the County Ordinance.

PENDING TEXT AMENDMENTS
(for review at February 24, 2010 PC Meeting)

#	Case No.	Z.O. Section(s)	Summary of Proposed Amendments
9.	09-4a	4-2	<p>Make the following changes to the regulations regarding Plot Plan & Site Plan Review:</p> <ul style="list-style-type: none"> • Amend language regarding consistency of development plans with the Comprehensive Plan to match recently-adopted State law (Section 4-2). • Require site plan review for <u>all</u> commercial uses that intensify the use or alter the traffic pattern (not only accessory uses); • Add “mixed use” to list of projects requiring Category I Site Plans (Section 4-2.01.B.3) • Specify that the Zoning Officer determines when a plot plan requires site plan review. Move paragraph regarding modifications to plot plans to this Section (Section 4-2.01.E)
10.	09-4b	4-2.04	Address expiration and vesting of site plan approvals.
11.	09-4c	4-4.02.A	Require that plot plans show existing and proposed uses, buildings and structures, as well as any natural features required by Article 8 and human burial sites.
12.	09-5a	5-1.09	Correct reference to setbacks for previously-recorded residential lots.
13.	09-5b	5-1.10 (Table 5-5)	Correct classification for structures containing 500 square feet or more.
14.	09-5c	5-1.11	Amend Height regulations for single-family dwellings by adding wording to prohibit the use of berms or other means to comply with height requirements.
15.	09-6a	3-1.05, Use #10b, Table 6-2, & Article 12	Clarify parking requirements for eating establishments; amend definition of “Eating Establishment With Outdoor Patron Area”
16.	09-6b	6-8.02.L	Clarify conditions for signs displayed on vehicles.
17.	09-6c	6-8.05.G.3.e	Correction: Delete requirement for permit (portable signs are listed under “Signs Permitted Without a Zoning Permit”)
18.	09-6d	6-8.06.B.2.a	Directional Signs Erected by the County – allow each Town Center to customize such signs.
19.	09-6e	6-8.03.B & Article 12	Limit the number of additional freestanding signs to only one and require that the sign must advertise only on-site businesses or institutional uses; Amend the definition of “freestanding sign” and add a definition for “billboard”.
20.	09-7	7-1.07.B.8	Request by Planning Commission staff to clarify the period of validity for preliminary subdivision approval.
21.	09-8a	11-1.03	Delete examples of other allowable appeals to the Board of Appeals.
22.	09-8b	5-1.12.C.3 & 11-3.01	Specify that unenclosed carports are counted as a parking space; and allow Administrative Variances for residential parking (single-family dwellings and accessory apartments only).

STAFF REPORT
TEXT AMENDMENT CASE NO. 09-2A
AMENDMENT TO SECTION 2-6 AND ARTICLE 12 OF THE
CALVERT COUNTY ZONING ORDINANCE
RE: NON-CONFORMING USES AND STRUCTURES

DATE PREPARED:

November 19, 2009
Revised: February 1, 2010

PLANNING COMMISSION/COUNTY COMMISSIONERS' HEARING DATE:

Not yet scheduled.

AMENDMENTS PROPOSED BY:

DPZ Staff

PURPOSE OF AMENDMENT/BACKGROUND OF REGULATIONS:

1. Amend Section 2-6 of the Calvert County Zoning Ordinance to separate the requirements for non-conforming "uses" from those imposed for non-conforming "structures" (similar to the changes made in the Solomons Town Center Zoning Ordinance).
2. Amend the definition of "non-conforming use" and add a definition for "non-conforming structure" to Article 12.
3. Add requirements that sites be brought into conformance with current regulations when non-conforming uses and structures are expanded.
4. Add regulations addressing when a change in use causes a lawfully existing structure to no longer conform to current regulations.
5. Add "retaining walls" to the provisions which allow the Zoning Officer to approve the expansion of a non-conforming building wall, and specify that building walls may be expanded by the construction of a porch or deck.

See Attachment 1: Proposed Wording.

AGENCY COMMENTS:

The proposed amendments were distributed to the following agencies and no comments were received: Dept. of General Services; Dept. of Economic Development; Dept. of Public Safety; Dept. of Public Works; Division of Inspections & Permits; Division of Water & Sewer; Soil Conservation District; Board of Education; State Highway Administration; Health Dept.; County Attorney; Agriculture Commission; Board of Appeals; Economic Development Commission; and Environmental Commission.

Planning and Zoning staff comments have been incorporated into the attached draft and shown in blue text.

CONCLUSION/STAFF RECOMMENDATION:

To be included in public hearing staff report.

Attachment 1: Proposed Wording

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

2-6.01 Non-Conforming Uses¹

A. General Provisions

- 1. In order to effectively implement the stated goals of the Calvert County Comprehensive Plan and Town Center Master Plans, if applicable, uses that do not conform to those goals shall be strictly regulated by the provisions of this Ordinance.**
- 2. A Non-Conforming Use is defined as a use which lawfully existed prior to the adoption or amendment of this Ordinance, but, by virtue of the adoption or amendment of this Ordinance, is no longer a permitted use in the Zoning District within which it is located. For the purposes of this Section, the "date of non-conformity" shall be the date of the adoption or amendment of this Ordinance; the adoption or amendment of which rendered a use non-conforming.**
- 3. See Section 8-1 of this Ordinance for requirements regarding non-conforming uses in the Critical Area.**

B. ~~2-6.01~~ Continuation of Lawfully Existing Uses

Any ~~building, structure or premises~~ **use** lawfully existing at the time of the adoption **or amendment** 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~~ **use is no longer permitted in** the Zoning District in which **it is** located. ~~;~~ **subject, however, to the following provisions: Non-Conforming Uses may continue even if ownership of the property changes.**

C. Expansion of Non-Conforming Uses

(12/09/06)

- A. 1.** The Board of Appeals may approve ~~structural~~ expansion of a ~~building or structure where the use is not in conformance with the provisions of this Ordinance~~ **Non-Conforming Use** provided that such expansion is restricted to 50 percent of the square footage of the ~~building or structure existing~~ **area occupied by the use** at the time the use originally became non-conforming under this or any previous Zoning Ordinance (date of non-conformity). The intent of this Section is to limit the amount by which a Non-Conforming Use may be expanded as of the date the use was deemed non-conforming by any Ordinance, past or present.
- 2.** For a non-conforming use that does not involve a building or structure, the area of the lot utilized by such a use as of the date of non-conformity may be expanded by up to 50 percent if approved by the Board of Appeals.
- C. 3.** 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 11-1.02 for special exceptions.

¹ **For provisions regarding Non-Conforming Structures, see Section 2-6.02 of this Ordinance.**

~~D.~~ Any enlargement or expansion proposed shall conform to the requirements as contained in Articles 5 and 6 of this Ordinance for the actual use as if located in an appropriate District. If the provisions of these Sections cannot be met, a variance may be requested from the Board of Appeals. Off-street parking requirements must be met for the existing use and proposed enlargement in accordance with Section 6-3.

4. When expansion of a Non-Conforming Use is proposed, the entire site shall be brought into conformance with the requirements of this Ordinance and/or the applicable Town Center Zoning Ordinance to the maximum extent feasible, as determined by the Planning Commission Administrator.

~~E.~~ 5. The Zoning Officer may permit an existing non-conforming manufactured home to be replaced, ~~enlarged~~ expanded or altered if it is determined to be habitable in accordance with Section 75-10 C (1) – (5), Minimum Livability Code, of the Calvert County Code.

D. Replacement of Non-Conforming Uses

~~F.~~ 1. ~~The A~~ 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 the Board of Appeals finds to be of the same or a more appropriate use or classification.

~~G.~~ 2. 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.

3. The criteria to be applied by the Board of Appeals when reviewing a request for replacement of a Non-Conforming Use shall be the same as those contained in Section 11-1.02 for special exceptions.

4. A Non-Conforming Use may be replaced with a conforming use without approval from the Board of Appeals.

5. When replacement of a Non-Conforming Use is proposed, the site shall be brought into conformance with all other requirements of this Ordinance and/or the applicable Town Center Zoning Ordinance to the maximum extent feasible, as determined by the Planning Commission Administrator.

E. 2-6.02 Discontinuance of Non-Conforming Uses

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.

F. 2-6.03 When a Non-conforming Use Becomes a Special Exception

If a change to the Zoning Ordinance results in an existing Non-Conforming Use being permitted as a special exception use, the use shall be considered a conforming use. The owner shall automatically have a special exception and shall not be required to obtain a special exception from the Board of Appeals to continue the use. However, expansion in area of use or building area requires the approval of the Board of Appeals. The criteria to be applied by the Board of Appeals when reviewing such a request shall be the same as those contained in Section 11-1.02 for special exceptions.

2-6.02 Non-Conforming Structures (Excluding Signs)²

A. General Provisions

- 1. A non-conforming structure is defined as a structure which lawfully existed prior to the adoption or amendment of this Ordinance, but which, by virtue of the adoption or amendment of this Ordinance, no longer conforms to the ~~site design provisions~~ requirements of this Ordinance in terms of such requirements as area, setback, or height requirements, etc.**
- 2. For the purposes of this Section, the “date of non-conformity” shall be the date of adoption or amendment of this Ordinance; the adoption or amendment of which rendered the structure non-conforming.**
- 3. See Section 8-1 of this Ordinance for requirements regarding non-conforming structures in the Critical Area.**

B. Continuation of Lawfully Existing Structures

Any structure lawfully existing at the time of the adoption or amendment of this Ordinance may continue to be used even though such structure does not conform to the provisions of the Zoning District in which it is located. The use of non-conforming structures may continue even if ownership of the property changes.

C. Change in Use Causing a Lawfully Existing Structure or Site to No Longer Conform to the Zoning Ordinance

In order for the use of any structure or site to be changed from one use to another, the structure and site must conform to the provisions of this Ordinance and/or the applicable Town Center Zoning Ordinance. If the structure and site cannot be brought into conformance for the proposed use, a variance from the Board of Appeals, if allowed, or a waiver from the Planning Commission, if allowed, shall be required to bring the structure and site into conformance.

D. Expansion of Non-Conforming Structures

- 1. The Zoning Officer may approve the extension of a building wall or retaining 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 specified below. The length of a non-conforming building wall may be extended by the construction of a deck or porch if the conditions of this Section are met.**
- 4. a. The building wall or retaining wall shall not be extended closer to the property line than the original structure. Such extensions would require a variance from the Board of Appeals.**
- 2. b. Such extension shall not constitute more than 50 percent of the length of the original non-conforming building wall or retaining wall. Extensions beyond 50 percent require a variance from the Board of Appeals.**

² **For provisions regarding Non-Conforming Uses, see Section 2-6.01 of this Ordinance. For provisions regarding non-conforming signs, see Article 6 of this Ordinance.**

2. When expansion of a non-conforming structure is proposed, the entire site shall be brought into conformance with the requirements of this Ordinance and/or the applicable Town Center Zoning Ordinance to the maximum extent feasible, as determined by the Planning Commission Administrator.

E. Replacement of Non-Conforming Structures

- H. 1.** 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 application is properly submitted within one year after the occurrence. This provision does not apply if an owner of a property intentionally destroys a non-conforming ~~building or~~ structure.
- H. 2.** A non-conforming ~~use or~~ structure which is taken in 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, setback and height requirements of the District in which such use is a principal permitted use can be met. Such relocation or construction as existed prior to its taking may be permitted provided a building permit application is properly submitted within six months of the settlement date of the condemnation proceedings.

**ARTICLE 12
 DEFINITIONS**

<u>Term</u> (Date of Amendment)	<u>Definition</u>
Non-Conforming Use	A use or activity which was lawful 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 present requirements of the zoning district. <u>A use which lawfully existed prior to the adoption or amendment of this Ordinance, but, by virtue of the adoption or amendment of this Ordinance, is no longer a permitted use in the Zoning District within which it is located.</u>
<u>Non-Conforming Structure</u>	<u>A structure which lawfully existed prior to the adoption or amendment of this Ordinance, but which, by virtue of the adoption or amendment of this Ordinance, no longer conforms to the requirements of this Ordinance in terms of such requirements as area, setback, or height requirements, etc.</u>

STAFF REPORT
TEXT AMENDMENT CASE NO. 09-2B
AMENDMENT TO SECTION 2-8.08.D OF THE
CALVERT COUNTY ZONING ORDINANCE
RE: DEVELOPMENT AGREEMENTS IN THE TOWN CENTERS

DATE PREPARED:

November 19, 2009
Revised: February 4, 2010

PLANNING COMMISSION/COUNTY COMMISSIONERS' HEARING DATE:

Not yet scheduled.

AMENDMENTS PROPOSED BY:

DPZ Staff

PURPOSE OF AMENDMENT/BACKGROUND OF REGULATIONS:

Amend Section 2-8.08.D, of the Calvert County Zoning Ordinance to clarify that the use of Development Agreements is allowed in the Town Centers. *See Attachment 1: Proposed Wording.*

AGENCY COMMENTS:

The proposed amendments were distributed to the following agencies and no comments were received: Dept. of General Services; Dept. of Economic Development; Dept. of Public Safety; Dept. of Public Works; Division of Inspections & Permits; Division of Water & Sewer; Soil Conservation District; Board of Education; State Highway Administration; Health Dept.; County Attorney; Agriculture Commission; Board of Appeals; Economic Development Commission; and Environmental Commission.

CONCLUSION/STAFF RECOMMENDATION:

To be included in public hearing staff report.

Attachment 1: Proposed Wording

2-8.08 Town Center District (TC)

- 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 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 by providing public transit alternatives and requiring that pedestrian circulation be addressed; 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.
- D. Within the Town Centers, 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.**

2-8.09 Employment Center District (EC)

- A. The Employment Center (EC) District is intended to best utilize the County labor force by providing areas adjacent to the Town Centers where attractive and appropriately designed office parks, flex space, light manufacturing, warehousing, educational facilities and research and development companies may develop.
- B. Within the EC District, properties may be developed under Ordinance No. 10-97, entitled "Development Rights and Responsibility Agreements", adopted by the Board of County Commissioners March 11, 1997. All non-residential uses permitted in Town Centers may be permitted in the EC District under the terms of a Development Rights and Responsibility Agreement approved by the Board of County Commissioners after a determination by the Board of County Commissioners that the use meets the intent of the EC District.

STAFF REPORT
TEXT AMENDMENT CASE NO. 09-3A
AMENDMENT TO SECTION 3-1.01, 3-1.02, 3-1.05 & ARTICLE 12 OF THE
CALVERT COUNTY ZONING ORDINANCE
RE: AGRICULTURAL & AGRITOURISM USES

DATE PREPARED:

November 24, 2009
Revised: February 4, 2010

PLANNING COMMISSION/COUNTY COMMISSIONERS' HEARING DATE:

Not yet scheduled.

AMENDMENTS PROPOSED BY:

DPZ Staff

PURPOSE OF AMENDMENT/BACKGROUND OF REGULATIONS:

Amend Sections 3-1.01 and 3-1.02 of the Calvert County Zoning Ordinance to allow certain Agricultural and Agritourism uses on lots within subdivisions on private roads, subject to the approval of all property owners having an interest in the right-of-way¹.

See Attachment 1: Proposed Wording.

AGENCY COMMENTS:

The proposed amendments were distributed to the following agencies and no comments were received: Dept. of General Services; Dept. of Public Safety; Dept. of Public Works; Division of Inspections & Permits; Division of Water & Sewer; Soil Conservation District; Board of Education; State Highway Administration; Health Dept.; County Attorney; Agriculture Commission; Board of Appeals; and Environmental Commission.

The Dept. Economic Development (DED) and the Economic Development Commission (EDC) submitted comments, which are attached. In addition to the comments regarding agricultural uses in subdivisions, the DED recommended that "*the sale of bagged or bulk mulch, topsoil, soil amendments, etc. be added to the list of approved sale items for nurseries*". *See Attachment 2: Agency Comments.*

DED and Planning and Zoning staff comments have been incorporated into the attached draft and shown in blue text.

CONCLUSION/STAFF RECOMMENDATION:

To be included in public hearing staff report.

Attachment 1: Proposed Wording
Attachment 2: Agency Comments

¹ Note: The original proposal was to allow the uses on open space within subdivisions; however, it was determined that there are several types of open space where the uses would not be appropriate (e.g., woodland reserve or conservation open space).

Deletions shown in ~~strikethrough~~. Additions shown in **bold underline**.
 Text in **blue** amended after November 17th work session.

Text Amendment Case No. 09-3a
 Re: Agricultural & Agritourism Uses in Subdivisions

The amendments listed below are proposed for the following uses listed on the Agritourism and Agricultural Land Use Tables:

AGRITOURISM, ECOTOURISM, & HERITAGE TOURISM USES	
Use #	Use
1.	Agritourism Enterprise
2.	Campground, Farm
6a.	Farm Support Business, Less than 5,000 square feet
6b.	Farm Support Business, More than 5,000 square feet
10.	Rental Facilities on Farms

AGRICULTURAL USES	
Use #	Use
3a.	Commercial Greenhouse, Retail
3b.	Commercial Greenhouse, Wholesale
4a.	Commercial Kennel, with Indoor Facilities Only
4b.	Commercial Kennel, with Outdoor Facilities
<u>7b.</u>	<u>Farm Brewery</u>
<u>7d.</u>	<u>Farm Distillery</u>
<u>7g.</u>	<u>Farm Winery</u>
12a.	Nursery, Retail
12b.	Nursery, Wholesale

Options Addressing Private Roads:

Current Condition:	The use shall not <u>may</u> be permitted on a lot or open space within a subdivision <u>if the following additional condition is met:</u>
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OPTION 1A	<u>a. The lot or open space shall be served by a County-owned and maintained right-of-way.</u>
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****OR****

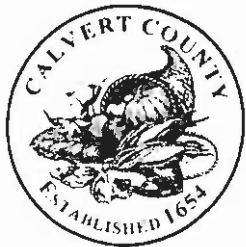
OPTION 1B	<u>a. If the lot or open space is served by a private right-of-way, written approval of the use shall be obtained from all property owners having an interest in the right-of-way.</u>
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~~Option Addressing Subdivisions With Homeowners' Associations:~~

Current Condition:	The use shall not <u>may</u> be permitted on a lot or open space within a subdivision if the following additional conditions are met:
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OPTION 2	a. If a governance structure (e.g., homeowners' association) exists for the subdivision, written approval of the use shall be obtained from the governance structure.—
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USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
3a.	Commercial Greenhouse, Retail (9/22/09) <i>A structure or building made with translucent or light transparent walls conducive to plant growth, in which plants, vegetables, and flowers are grown for retail sale.</i>	C	SC	SC		C	C		P			<ol style="list-style-type: none"> Outdoor lighting of the sales area is permitted subject to Article 6; and the retail greenhouse shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and the sales inventory shall include plant materials, bagged or bulk mulch, topsoil, and soil amendments and their containers only; and the use shall not be permitted on a lot or open space within a subdivision.
3b.	Commercial Greenhouse, Wholesale (9/22/09) <i>A structure or building made with translucent (light transparent) walls conducive to plant growth, in which plants, vegetables, and flowers are grown for wholesale purposes only.</i>	C	SC	SC		C	C	P	P		P	<ol style="list-style-type: none"> Outdoor lighting of the sales area is permitted subject to Article 6; and the wholesale greenhouse shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and the sales inventory shall include plant materials, bagged or bulk mulch, topsoil, and soil amendments and their containers only; and the use shall not be permitted on a lot or open space within a subdivision.
12a.	Nursery, Retail (9/22/09) <i>An area or establishment where trees, shrubs or plants are grown for transplanting, for use as stock for budding and grafting or for sale directly to the general public.</i>	C	C	C		C	C		P			<ol style="list-style-type: none"> Outdoor lighting of the sales area is permitted subject to Article 6; and the Retail Nursery shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and the sales inventory shall include plant materials and their containers, bagged or bulk mulch, topsoil, and soil amendments only; and the use shall not be permitted on a lot or open space within a subdivision.
12b.	Nursery, Wholesale (9/22/09) <i>An area or establishment where trees, shrubs or plants are grown for transplanting, for use as stock for budding and grafting or for sale to retailers or other businesses, but not directly to the general public.</i>	C	C	C		C	C		P			<ol style="list-style-type: none"> Outdoor lighting of the sales area is permitted subject to Article 6; and the wholesale nursery shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and the sales inventory shall include plant materials, bagged or bulk mulch, topsoil, and soil amendments and their containers only; and the use shall not be permitted on a lot or open space within a subdivision.

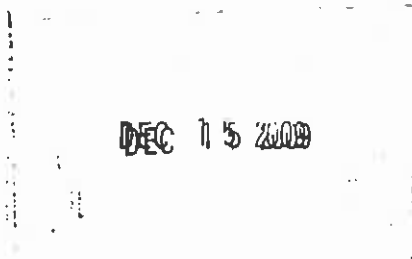


**CALVERT COUNTY
ECONOMIC DEVELOPMENT COMMISSION**

175 Main Street
Courthouse
Prince Frederick, Maryland 20678
Phone: 410-535-1600
www.ecalvert.com

Board of Commissioners
Gerald W. Clark
Linda L. Kelley
Wilson H. Parran
Susan Shaw
Barbara A. Stinnett

December 9, 2009



Ms. Miriam Groll, Zoning Planner
Department of Planning and Zoning
Courthouse
Prince Frederick, Maryland 20678

Subject: November 24, 2009, Proposed Zoning Text Amendments

Dear Ms. Groll:

The Economic Development Commission (EDC) has studied the subject proposed zoning text amendments and offers the following comments and recommendations:

- **Text Amendment Case No. 09-3A-AGRICULTURAL & AGRITOURISM USES: 1. Options Addressing Private Roads- The wording of this proposed change is cumbersome and we recommend a revision that encompasses both options into one proposed change. The existing options are really separate and refer to entirely different circumstances.**
- **Text Amendment Case No. 09-8B-ADMINISTRATIVE VARIANCES FOR PARKING: 11-3.01 Administrative Variances- It is recommended that the term "Administrative Variance Officer" be replaced with the term "Zoning Officer." The Zoning Officer serves in this position anyway and this recommended change would help eliminate confusion.**

Thank you for the opportunity to comment on these important proposed zoning text amendments.

Sincerely,

A handwritten signature in cursive script that reads "Alonzo Barber, III".

Alonzo Barber, III
Chairman

cc: Calvert County Board of County Commissioners



**DEPARTMENT OF ECONOMIC DEVELOPMENT
INTEROFFICE MEMORANDUM**

TO: Miriam Gholi, Zoning Planner
FROM: James R. Shepherd, Business Development Specialist II
DATE: December 14, 2009
SUBJECT: November 24, 2009 Proposed Zoning Text Amendments

Background: You requested comments on a series of Proposed Zoning Text Amendments.

Discussion: The Department of Economic Development has studied the Proposed Amendments and offers the following comments and recommendations:

- **Text Amendment Case No. 09-3A- AGRICULTURAL & AGRITOURISM USES: Options Addressing Private Roads-** The wording of this proposed change is cumbersome and we recommend a revision that encompasses both options into one proposed change. The existing options are really separate and refer to entirely different circumstances.
- **Text Amendment Case No. 09-3C- WATERMEN'S MARKETS-** This is a good addition to the Ordinance and should help to ensure a convenient sales location for locally caught seafood. The Ordinance should allow all locally caught or grown seafood to be sold and **not** be restricted to oysters and live crabs only.
- **Text Amendment Case No. 09-8B- ADMINISTRATIVE VARIANCES FOR PARKING: 11-3.01 Administrative variances-** It is recommended that the term "Administrative Variance Officer" be replaced with the term "Zoning Officer". The Zoning Officer serves in this position anyway, and this recommended change would help to eliminate confusion.

Thank you for the opportunity to comment on these important Proposed Zoning Text Amendments. I can be reached at X2485 if there are any questions concerning these recommendations and comments.

From: Shepherd, James R.
Sent: Wednesday, February 17, 2010 11:31 AM
To: Bowen, Gregory A.
Cc: Shepherd, James R.; Vassallo, Linda S.
Subject: FW: Mulch Sales at Nurseries
Importance: High

Greg: Economic Development supports the addition of bagged or bulk mulch, topsoil, soil amendments, etc. to the list of approved sale items for nurseries.

James R. Shepherd, EDFP
Calvert County Economic Development
205 Main Street
Prince Frederick, Md. 20678
410-535-4583
jshepherd@co.cal.md.us
www.ecalvert.com

STAFF REPORT
TEXT AMENDMENT CASE NO. 09-3B
AMENDMENTS TO SECTION 3-1.02, 3-1.05 & ARTICLE 12 OF THE
CALVERT COUNTY ZONING ORDINANCE
RE: PET GROOMING & BREEDING AS A HOME OCCUPATION

DATE PREPARED:

November 24, 2009
Revised: February 4, 2010

PLANNING COMMISSION/COUNTY COMMISSIONERS' HEARING DATE:

Not yet scheduled.

AMENDMENTS PROPOSED BY:

DPZ Staff

PURPOSE OF AMENDMENT/BACKGROUND OF REGULATIONS:

Amend Sections 3-1.02, 3-1.05 and Article 12 of the Calvert County Zoning Ordinance to allow pet grooming and breeding as a home occupation. Amend the definition of "Commercial Kennel" to include grooming and breeding.

See Attachment 1: Proposed Wording.

AGENCY COMMENTS:

The proposed amendments were distributed to the following agencies and no comments were received: Dept. of General Services; Dept. of Economic Development Dept. of Public Safety; Dept. of Public Works; Division of Inspections & Permits; Division of Water & Sewer; Soil Conservation District; Board of Education; State Highway Administration; Health Dept.; County Attorney; Agriculture Commission; Board of Appeals; Economic Development Commission; and Environmental Commission.

CONCLUSION/STAFF RECOMMENDATION:

To be included in public hearing staff report.

Attachment 1: Proposed Wording

Deletions shown in ~~strikethrough~~. Additions shown in **bold underline**.
 Text in **blue** amended after November 17th work session.

Text Amendment Case No. 09-3a
 Re: Pet Grooming & Breeding as a Home Occupation

USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
4a.	Commercial Kennel, with Indoor Facilities Only (9/22/09) <i>An establishment in which household pets are kept,</i> or boarded, <u>groomed or bred</u> for a fee entirely <i>within an enclosed structure.</i>	C	C			C	C		C			1. all structures or accessory uses shall be at least 100 feet from any property line and 100 feet from a right-of-way. These setbacks may not be reduced; and 2. the use shall not be permitted on a lot or open space within a subdivision.
4b.	Commercial Kennel, with Outdoor Facilities (9/22/09) <i>An establishment in which household pets are kept,</i> or boarded, <u>groomed or bred</u> for a fee where <i>outdoor facilities such as runs, pens, and walking areas are provided.</i>	C	C			C			C			1. all structures or accessory uses shall be at least 500 feet from any property line and 300 feet from a right-of-way. These setbacks may not be reduced; and 2. the use shall not be permitted on a lot or open space within a subdivision.

Deletions shown in ~~strikethrough~~.
 Additions shown in **bold underline**.

Text Amendment Case No. 09-3b
 Re: Pet Grooming & Breeding as a Home Occupation

<u>Term</u> (Date of Amendment)	<u>Definition</u>
Commercial Fuel Storage Business	A facility designed for bulk fuel storage for resale. Fuels include but are not limited to liquid natural gas, propane, fuel oils, alcohol fuels, gasoline, and diesel. The sale and/or rental of tanks may be an accessory use.
Commercial Greenhouse, Retail	A structure or building made with translucent or light transparent walls conducive to plant growth, in which plants, vegetables, and flowers are grown for retail sale.
Commercial Greenhouse, Wholesale	A structure or building made with translucent (light transparent) walls conducive to plant growth, in which plants, vegetables, and flowers are grown for wholesale purposes only.
Commercial Kennel with indoor facilities only	An establishment in which household pets are kept, or boarded, <u>groomed or bred</u> for a fee entirely within an enclosed structure.
Commercial Kennel with outdoor facilities	An establishment in which household pets are kept, or boarded, <u>groomed or bred</u> for a fee where outdoor facilities such as runs, pens, and walking areas are provided.
Commercial Kitchen (not associated with an Eating Establishment)	A food preparation facility not associated with an eating establishment used for the preparation of foods for sale for human consumption off-site.
Commercial Kitchen, Farm	A food preparation facility not associated with an eating establishment used for the preparation of foods for sale for human consumption located on a farm. May be attached to a farm stand.
Commercial or Non-Profit Meeting Hall, Banquet Hall	Any structure maintained, in whole or in part, for public rental for the purpose of private party events, whether family, group, or corporate in nature, where access by the general public is restricted, and with or without the sale, serving or consumption of alcoholic beverages and food.
Commercial or Non-Profit Stable or Horseback-Riding Club	An establishment in which horses are kept, trained, boarded, handled, or ridden for a fee.
Commercial Performing Arts Studio	<u>See: Recreation Facility, Indoor Commercial: Studio, Performing Arts</u>
Commercial Pier	A pier used for commercial purposes such as chartering fishing boats, selling gas, etc.
Commercial Raising of Animals, Dangerous or Wild	The production for commercial purposes of any creature defined as dangerous or wild by this Ordinance (<u>See: Animals, Dangerous or Wild</u>).
Commercial Raising of Animals, Fur-bearing	The production of fur-bearing animals other than livestock or household pets for commercial purposes, such as breeding stock or for the reclamation of pelts.

STAFF REPORT
TEXT AMENDMENT CASE NO. 09-3C
AMENDMENT TO SECTION 3-1.02 & ARTICLE 12 OF THE
CALVERT COUNTY ZONING ORDINANCE
RE: DEFINITION OF "FARM"

DATE PREPARED:

November 24, 2009
Revised: February 4, 2010

PLANNING COMMISSION/COUNTY COMMISSIONERS' HEARING DATE:

Not yet scheduled.

AMENDMENTS PROPOSED BY:

DPZ Staff

PURPOSE OF AMENDMENT/BACKGROUND OF REGULATIONS:

Amend Section 3-1.02 and Article 12 of the Calvert County Zoning Ordinance to amend the definition of "Farm" by adding "and/or within a recorded Agricultural Preservation District (APD)" at the end, since properties must be farmed in order to be designated as an APD. Currently, any property that has received an Agricultural Use Assessment from the Maryland Dept. of Assessments and Taxation is considered a "farm". The criteria for Ag. Assessments are as follows:

- For properties containing more than 20 acres = 20% of total must be used for agricultural activities
- For properties containing less than 20 acres = must have 5 animals or 5 acres of crops, or combination (1 animal = 1 acre crop)
- For properties containing less than 5 acres = based on income from agricultural activities (average annual income = \$2,500 or more)

See Attachment 1: Proposed Wording.

AGENCY COMMENTS:

The proposed amendments were distributed to the following agencies and no comments were received: Dept. of General Services; Dept. of Economic Development Dept. of Public Safety; Dept. of Public Works; Division of Inspections & Permits; Division of Water & Sewer; Soil Conservation District; Board of Education; State Highway Administration; Health Dept.; County Attorney; Agriculture Commission; Board of Appeals; Economic Development Commission; and Environmental Commission.

CONCLUSION/STAFF RECOMMENDATION:

To be included in public hearing staff report.

USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
7a.	Farm (9/22/09) <i>Property receiving agricultural use assessment from the Maryland Department of Assessments and Taxation <u>and/or within a recorded Agricultural Preservation District (APD)</u>.</i>	P	P	P	P	P	P	P	P	P	P	
7b.	Farm Brewery (05/12/09) (9/22/09) <i>An establishment for the manufacture of malt liquors, such as beer and ale, using grains such as oats, hops, wheat and barley produced on the farm on which the farm brewery is located.</i>	C	C	C		C	C		C			<ol style="list-style-type: none"> 1. The brewery shall be designed and managed to brew no more than 15,000 barrels of beer per year; and 2. at least one of the primary ingredients shall be produced on the farm where the brewery is located; and 3. sampling and the sale for on- and off-site consumption of the brewery’s products shall be permitted in accordance with State and County alcohol laws and regulations; and 4. events allowed on farms (e.g., Section 3-1.01, Use #10, Public Events/Public Assemblies on Farmland, and Use #11, Rental Facilities on Farms) shall be permitted on the site of the brewery in accordance with the requirements of this Ordinance and with State and County alcohol laws and regulations; and 5. the brewery shall be operated in accordance with all local, state, and federal laws; and 6. the use shall not be permitted on a lot or open space within a subdivision defined as a parcel of land under which there is a governance structure and regulations (i.e., a homeowners’ association and recorded covenants); and 7. retail sales of items may be permitted subject to the following additional conditions: <ol style="list-style-type: none"> a. the items sold are primarily associated with the farm brewery (e.g., glassware and souvenirs) or are locally produced goods which would be permitted to be sold at an Artisan’s and Crafter’s Market or Farmers’ Market, as defined by this Ordinance; and b. the retail sales are conducted within the brewery or an accessory structure; and c. in no case shall the area designated for the retail sales exceed 20 percent of all brewery buildings combined.
7c.	Farm Building (9/22/09) <i>A structure, other than a dwelling, accessory to the principal uses of the farm.</i>	P	P	P		P	P	P	P	P	P	

<u>Term</u> (Date of Amendment)	<u>Definition</u>
Excess Stormwater Run-off	All increases in stormwater resulting from: (a) An increase in the imperviousness of the site, including all additions to buildings, roads, and parking lots; (b) Changes in permeability caused by compaction during construction or modifications in contours, including the filling or drainage of small depression areas; (c) Alteration of drainageways, or regrading of slopes; (d) Destruction of forest; or (e) Installation of collection systems to intercept street flows or to replace swales or other drainageways.
Extenuating Circumstances	Conditions requiring extension of a set time limit to: process an application; render a decision; or conduct a public hearing.
FAA	The Federal Aviation Administration.
Facilities, Transportation	<u>See: Transportation Facilities</u>
Facilities, Utility Transmission	<u>See: Utility Transmission Facilities</u>
Facilities, Water-Dependent	<u>See: Water-Dependent Facilities</u>
Facility, Assisted Living	<u>See: Assisted Living Facility</u>
Facility, Bed & Breakfast	<u>See: Bed & Breakfast Facility</u>
Facility, Marine	<u>See: Marine Facility</u>
Facility, Research & Development	<u>See: Research & Development Facility</u>
Fall Zone	The area on the ground within a prescribed radius from the base of a tower. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.
Family Conveyance Subdivision	A single-family residential development within which lots are designated to be conveyed only to family members of lineal descent or ascent, being parent, child, grandchild or grandparent of the grantor.
Family, Immediate	<u>See: Immediate Family</u>
Farm	Property receiving agricultural use assessment from the Maryland Department of Assessments and Taxation <u>and/or within a recorded Agricultural Preservation District (APD)</u> .
Farm Brewery	An establishment for the manufacture of malt liquors, such as beer and ale, using grains such as oats, hops, wheat and barley produced on the farm on which the farm brewery is located.
Farm Building	A structure, other than a dwelling, accessory to the principal uses of the farm.
Farm Distillery	A facility located wholly on a farm designed for the distillation of grains and fruits produced primarily on the farm into alcoholic beverages.

STAFF REPORT
TEXT AMENDMENT CASE NO. 09-3D
AMENDMENT TO SECTION 3-103, USE #1A OF THE
CALVERT COUNTY ZONING ORDINANCE
RE: CONDITIONS FOR ACCESSORY APARTMENTS

DATE PREPARED:

November 24, 2009
Revised: February 4, 2010

PLANNING COMMISSION/COUNTY COMMISSIONERS' HEARING DATE:

Not yet scheduled.

AMENDMENTS PROPOSED BY:

DPZ Staff

PURPOSE OF AMENDMENT/BACKGROUND OF REGULATIONS:

Amend Section 3-1.03, Use #1a of the Calvert County Zoning Ordinance to clarify when an accessory apartment is considered to be contained within a residence (for the purpose of determining allowable size). *See Attachment 1: Proposed Wording.*

AGENCY COMMENTS:

The proposed amendments were distributed to the following agencies and no comments were received: Dept. of General Services; Dept. of Economic Development Dept. of Public Safety; Dept. of Public Works; Division of Inspections & Permits; Division of Water & Sewer; Soil Conservation District; Board of Education; State Highway Administration; Health Dept.; County Attorney; Agriculture Commission; Board of Appeals; Economic Development Commission; and Environmental Commission.

CONCLUSION/STAFF RECOMMENDATION:

To be included in public hearing staff report.

Attachment 1: Proposed Wording

USE #	3-1.03 RESIDENTIAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
1a.	Apartment, Accessory <i>A second dwelling unit either within or added to a single-family detached dwelling, or in a separate accessory structure on the same lot as the principal dwelling, that functions as a complete, independent living facility with provisions for cooking, eating, sanitation, and sleeping. (08/28/07)</i>	C	C	C		C	C	C			C	<ol style="list-style-type: none"> 1. In the I-1 and EC Districts, accessory apartments shall only be permitted on properties on which a house existed as of the effective date of this condition (05/01/06) unless the house and apartment are constructed on an approved family conveyance lot; and 2. In all Districts, only one accessory apartment shall be created on each single-family lot. See Section 8-1.05.D.3 for provisions regarding accessory apartments in the Critical Area; and 3. the accessory apartment shall be clearly subordinate to the single-family dwelling. <ol style="list-style-type: none"> a. If the apartment is not a part of the dwelling, it shall be within 100 feet of the dwelling. In no case shall it contain more than 900 square feet gross floor area of enclosed space, including enclosed porches. b. If the apartment is contained within the dwelling (i.e., as an addition or wing it shares a common interior element such as a wall, floor, or ceiling with the principal single-family dwelling), then it shall contain no more than 40 percent of the total square footage of the building. c. If the apartment is located in the basement of the dwelling, then it can consist of the entire basement; and 4. An owner of the lot shall occupy at least one of the dwelling units on the premises, except for bona fide temporary absences as determined by the Zoning Officer; and 5. at least two off-street parking spaces shall be available for each unit; and 6. the owner shall obtain Health Department approval; and 7. the accessory apartment shall be located within the building restriction lines required for the principal dwelling; and 8. only one kitchen shall be permitted within the accessory apartment.

STAFF REPORT
TEXT AMENDMENT CASE NO. 09-3E
AMENDMENTS TO SECTIONS 3-1.04, USE #8D & ARTICLE 12 OF THE
CALVERT COUNTY ZONING ORDINANCE
RE: WATERMEN'S MARKETS

DATE PREPARED:

November 23, 2009
Revised February 16, 2010

PLANNING COMMISSION/COUNTY COMMISSIONERS' HEARING DATE:

Not yet scheduled.

AMENDMENTS PROPOSED BY:

DPZ Staff

PURPOSE OF AMENDMENT/BACKGROUND OF REGULATIONS:

- Amend Section 3-1.04, Use #8d of the Calvert County Zoning Ordinance to allow temporary Watermen's Markets in the same Zoning Districts that Farm Stands are permitted (FFD, RCD, RD, APD, and HD), subject to several conditions.
- Amend Article 12, Definitions, to specify that watermen's markets may operate in conjunction with farm stands, and that the seafood sold at markets and farm stands must be caught by fishermen possessing a Maryland Commercial Fishing License.

See Attachment 1: Proposed Wording.

AGENCY COMMENTS:

The proposed amendments were distributed to the following agencies and no comments were received: Dept. of General Services; Dept. of Public Safety; Dept. of Public Works; Division of Inspections & Permits; Division of Water & Sewer; Soil Conservation District; Board of Education; State Highway Administration; Health Dept.; County Attorney; Agriculture Commission; Board of Appeals; Economic Development Commission; and Environmental Commission.

The Dept. of Economic Development submitted the following comments: *"This is a good addition to the Ordinance and should help to ensure a convenient sales location for locally caught seafood. The Ordinance should allow all locally caught or grown seafood to be sold and not be restricted to oysters and live crabs only."* ***See Attachment 2: Agency Comments.***

Economic Development and Planning and Zoning staff comments have been incorporated into the attached draft and shown in blue text.

CONCLUSION/STAFF RECOMMENDATION:

To be included in the public hearing staff report.

Attachment 1: Proposed Wording
Attachment 2: Agency Comments

Deletions shown in ~~strikethrough~~. Additions shown in **bold underline**.
Text in **blue** amended after November 17th work session.

Text Amendment Case No. 09-3c
Re: Conditions for Watermen's Markets

USE #	3-1.04 COMMERCIAL RETAIL USES & DEFINITIONS (in italics)	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
8d.	<p>Market, Watermen's (9/22/09)</p> <p><i>A site with or without permanent structures, operated on a seasonal or year-round basis that allows <u>sells seafood caught by</u> watermen possessing a Maryland Commercial Fishing License to retail their products. May operate separately but in conjunction with a Farmers' Market, <u>Farm Stand</u>, and/or an Artisans' and Crafters' Market.</i></p>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>		C	C		<ol style="list-style-type: none"> 1. <u>The following conditions apply in the FFD, RCD, RD, APD and HD Districts:</u> <ol style="list-style-type: none"> a. The market is restricted to selling <u>fresh (not packaged)</u> seafood only; and b. <u>the market shall be subject to Health Department requirements; and</u> c. the market is located on property <u>a farm</u> with the permission of the owner <u>and in association with an approved Farm Stand (see Use #7e)</u>; and d. all only temporary seasonal markets may be as close as <u>shall be permitted and shall be set back</u> 30 feet from the right-of-way; <u>and</u> e. <u>adequate off-street parking shall be provided so that there is no parking on the right-of-way; and</u> f. <u>in the HD District, the requirements of Section 2-10.04 shall apply to Historic Districts.</u> 2. <u>The following conditions apply in the RC and MC Districts and the Town Centers, where specified:</u> <ol style="list-style-type: none"> a. any new permanent markets <u>shall be permitted in the RC and MC Districts only and</u> shall meet the front setback requirements specified in Section 6-2; <u>and</u> b. <u>parking shall be provided in accordance with Table 6-2.</u> 3. all temporary markets may be as close as 30 feet from the right-of-way.

SHOWN FOR REFERENCE ONLY (no changes proposed):

7e.	<p>Farm Stand (9/22/09)</p> <p><i>A seasonal or year-round facility located on a farm that specializes in the sale of produce, including value-added agricultural products, nursery products, and other agricultural goods.</i></p>	C	C	C		C	C					<ol style="list-style-type: none"> 1. Items sold are restricted to produce, value-added agricultural products, and nursery products only; and 2. any new permanent stand shall meet the front setback requirements specified in Section 5-1 and a temporary stand shall be at least 30 feet from the right-of-way.
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**DEPARTMENT OF ECONOMIC DEVELOPMENT
INTEROFFICE MEMORANDUM**

TO: Miriam Ghol, Zoning Planner
FROM: James R. Shepherd, Business Development Specialist II
DATE: December 14, 2009
SUBJECT: November 24, 2009 Proposed Zoning Text Amendments

Background: You requested comments on a series of Proposed Zoning Text Amendments.

Discussion: The Department of Economic Development has studied the Proposed Amendments and offers the following comments and recommendations:

- **Text Amendment Case No. 09-3A- AGRICULTURAL & AGRITOURISM USES: Options Addressing Private Roads-** The wording of this proposed change is cumbersome and we recommend a revision that encompasses both options into one proposed change. The existing options are really separate and refer to entirely different circumstances.
- **Text Amendment Case No. 09-3C- WATERMEN'S MARKETS-** This is a good addition to the Ordinance and should help to ensure a convenient sales location for locally caught seafood. The Ordinance should allow all locally caught or grown seafood to be sold and **not** be restricted to oysters and live crabs only.
- **Text Amendment Case No. 09-8B- ADMINISTRATIVE VARIANCES FOR PARKING: 11-3.01 Administrative variances-** It is recommended that the term "Administrative Variance Officer" be replaced with the term "Zoning Officer". The Zoning Officer serves in this position anyway, and this recommended change would help to eliminate confusion.

Thank you for the opportunity to comment on these important Proposed Zoning Text Amendments. I can be reached at X2485 if there are any questions concerning these recommendations and comments.

STAFF REPORT
TEXT AMENDMENT CASE NO. 09-3F
AMENDMENTS TO SECTION 3-109, USE #11A & 11B AND
SECTIONS 3-3, 5-1.11, 6-2.02. AND ARTICLE 12 OF THE
CALVERT COUNTY ZONING ORDINANCE
AND AMENDMENTS TO ALL TOWN CENTER ZONING ORDINANCES
RE: REGULATION OF WIND ENERGY SYSTEMS (WINDMILLS)

DATE PREPARED:

November 24, 2009
Revised: February 12, 2010

PLANNING COMMISSION/COUNTY COMMISSIONERS' HEARING DATE:

Not yet scheduled.

AMENDMENTS PROPOSED BY:

DPZ Staff

PURPOSE OF AMENDMENT/BACKGROUND OF REGULATIONS:

Add regulations for windmills (wind energy systems) as follows:

- Amend Section 3-1.09, Use #11a and 11b, Power Generating Facilities (Accessory to a Residence or Business and Commercial). Add "wind energy systems" as Use #17a and Use #17b.
- Add "wind energy systems" to Section 3-3, Tower and Antenna Regulations
- Amend Sections 5-1.11 and 6-2.02, which currently exempt windmills from height regulations, by adding a reference to Section 3-3 (Tower and Antenna Regulations)
- Amend Article 12, Definitions, to amend the definition of "Power Generating Facility, Accessory to a Residence or Business", and to add the definitions for "Wind Energy System, Accessory to a Residence or Business", "Wind Energy System, Commercial" and "Wind Turbine".
- Amend all Town Center Zoning Ordinances to match the County Zoning Ordinance provisions
See Attachment 1: Proposed Wording.

AGENCY COMMENTS:

The proposed amendments were distributed to the following agencies and no comments were received: Dept. of General Services; Dept. of Economic Development; Dept. of Public Safety; Dept. of Public Works; Division of Inspections & Permits; Division of Water & Sewer; Soil Conservation District; Board of Education; State Highway Administration; Health Dept.; County Attorney; Agriculture Commission; Board of Appeals; Economic Development Commission; and Environmental Commission.

Planning and Zoning staff comments have been incorporated into the attached draft and shown in blue text.

CONCLUSION/STAFF RECOMMENDATION:

To be included in public hearing staff report.

Attachment 1: Proposed Wording

3-3 WIND ENERGY SYSTEMS AND COMMUNICATIONS TOWER AND ANTENNA REGULATIONS

3-3.01 Purpose

- A. Protect the health and safety of the residents of Calvert County by: (1) prohibiting the interference or degradation of the County's wireless communication systems which include, but are not limited to public safety, administrative and school wireless systems; (2) ensuring that wind energy systems and communications towers and antennas comply with all State and Federal safety regulations; and (3) avoiding potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- B. Minimize the total number of communications towers throughout Calvert County by encouraging co-location of antennas on existing towers and other structures such as buildings, water tanks, etc.
- C. Protect residential areas and land uses from potential adverse impacts of communications towers and antennas by encouraging the location of communications towers in non-residential areas and in areas where the adverse impact on the community is minimal.
- D. Encourage users of communications towers and antennas to configure them in a way that minimizes the adverse visual impact and provides protection of historic, natural, and cultural features through careful design, siting, screening, and innovative camouflaging techniques.
- E. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently by streamlining the process.
- F. Encourage the use of wind energy systems in appropriate locations as alternative energy sources.**

3-3.02 General Requirements

- A. Antennas and towers may be considered either principal or accessory uses. A different use on the same lot shall not preclude the installation of an antenna or tower on such lot. **A wind energy system shall be located on the same property with the residence, business, or public building for which it generates power.**
- B. The height of communications towers shall be measured from ground level to the highest point of the tower, including all attached antennas and appurtenances. **The height of wind energy systems shall be measured from ground level to the tip of a blade when the blade is at its highest point.**
- C. The owner of any commercial communications tower approved after adoption of these regulations (December 4, 2001) shall submit a report to the Department of Planning and Zoning upon construction of the tower and every two years thereafter indicating the name(s) and addresses of all carriers with equipment located on the tower and a description of such equipment.
- D. Upon installation of any new antennas on pre-existing commercial communications towers after adoption of these regulations (December 4, 2001), and every two years thereafter, the owner of the tower shall submit a report to the Department of Planning and Zoning indicating the name(s) and addresses of all carriers with equipment located on the tower and a description of such equipment.

- E. A tower inspection report prepared by a licensed engineer in compliance with current American National Standards Institute (ANSI) standards shall be submitted upon construction, and every two years following construction, of any new commercial communications tower approved after adoption of these regulations (December 4, 2001). Pre-existing towers shall be subject to similar reporting requirements upon installation of any new antennas installed after adoption of these regulations and every two years thereafter.
- F. All obsolete or unused facilities related to communications towers and antennas and wind energy systems shall be removed within 12 months of cessation of operations.
- G. Towers, ~~and~~ antennas and wind energy systems are permitted in accordance with the following land use chart:

USE		ZONING DISTRICTS										
		FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	TC	EC
<u>COMMUNICATIONS TOWERS:</u>												
A.	Tower, Commercial/Governmental on Government Property	C	C	C				C	C	C	C	C
B.	Tower, Commercial on Private Property (no height restriction)	SC	SC			SC		SC			SC	SC
C.	Tower, Commercial on Private Property, less than 75 feet	SC	SC	SC		SC		C	C	C	C	C
D.	Tower, Private/Not-for-Profit, less than 75 feet	C	C	C		C		C	C	C	C	C
E.	Tower, Private/Not-for-Profit, greater than 75 feet	SC	SC	SC		SC		SC	SC	SC	SC	SC
<u>COMMUNICATIONS ANTENNAS:</u>												
F.	Antenna, Commercial/Governmental on Government Property	C	C	C				C	C	C	C	C
G.	Antenna, Commercial on Private Property	C	C	C		C		C	C	C	C	C
H.	Satellite Dish Antenna; Ground Mounted, greater than three feet in Diameter	C	C	C		C		C	C	C	C	C
I.	Satellite Dish Antenna; Roof Mounted, greater three feet in Diameter	SC	SC	SC		SC		C	SC	SC	SC	SC
J.	Satellite Dish Antenna; Ground or Roof-Mounted, less than three feet in Diameter	P	P	P		P		P	P	P	P	P
K.	Antenna, Private/Not-For-Profit	P	P	P		P		P	P	P	P	P
<u>WIND ENERGY SYSTEMS:</u>												
<u>L.</u>	<u>Wind Energy System, Ground Mounted</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>M.</u>	<u>Wind Energy System, Roof Mounted</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
KEY: C = Must comply with conditions of Section 3-3.03; SC = Requires special exception from Board of Appeals and must also comply with conditions of Section 3-3.03; P = Permitted; Blank = Not Permitted.												

3-3.03 Conditions for Wind Energy Systems, Towers, and Antennas

L. Wind Energy System, Ground Mounted, provided that:

1. ~~A Building and electrical permits shall be obtained prior to installation of the wind turbine energy system and any accessory structures; and~~
2. ~~the applicant shall submit, with the building permit application, a certification by a Professional Engineer Licensed in the State of Maryland that the foundation and support structure for the wind energy system is adequately designed to support the wind turbine and appurtenances; and~~
3. ~~approval of the building permit application shall be subject to a determination by from the Dept. of the Navy, Naval Air Station at Patuxent River, Maryland, shall be obtained prior to submittal of the building permit application that the wind energy system will not cause interference with military activities; and~~
3. ~~only one wind turbine shall be permitted per lot or parcel in existence as of the date of adoption of this amendment; and~~
4. ~~if located on a lot or parcel containing between one-half acre and one acre, the height of the wind turbine and support structure, as measured from the ground level to the tip of a blade when the blade is at its highest point, shall not exceed 85 feet~~ if located on a lot or parcel containing between one-half acre and one acre; ~~and~~
5. ~~if located on a lot or parcel containing one acre or more, the height of the wind turbine and support structure, as measured from the ground level to the tip of a blade when the blade is at its highest point, shall not exceed 150 feet~~ if located on a lot or parcel containing one acre or more; ~~and~~
6. ~~the blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than 15 feet; and~~
7. ~~the support structure for the wind energy system shall not be climbable up to 12 feet above ground level; and~~
8. ~~the wind turbine and support structure shall be set back from all property lines and all above-ground utility lines a distance equal to its height. These setbacks may not be reduced; and~~
9. ~~guy wires and accessory structures shall comply with the minimum setback requirements for the Zoning District within which the wind energy system is located (See Section 5-1.10 of this Ordinance); and~~
10. ~~the wind turbine shall be painted a non-reflective, neutral color; and~~
11. ~~the noise generated by the wind turbine energy system shall not exceed limits established by any State or County levels Noise Ordinance in effect; and~~
12. ~~the wind turbine energy system shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other authority; and~~
13. ~~no commercial advertising signs shall be permitted on the wind turbine energy system. Signs warning of any danger and identifying the owners of the wind turbine energy system, with emergency contact information, shall be displayed; and~~
14. ~~small wind energy systems connected to the utility grid shall comply with the Maryland Net Metering Laws (Maryland Code, Utility Companies Article, Section 7-306); and~~

15. in the HD District, the requirements of Section 2-10.04 shall apply to Historic Districts.

M. Wind Energy System, Roof Mounted, provided that:

1. Building and electrical permits shall be obtained prior to installation of the wind energy system and any accessory structures; and
2. the applicant shall submit, with the building permit application, a certification by a Professional Engineer Licensed in the State of Maryland that the support structure for the wind energy system is adequately designed to support the wind turbine and appurtenances; and
3. approval of the building permit application shall be subject to a determination by the Dept. of the Navy, Naval Air Station at Patuxent River, Maryland, that the wind energy system will not cause interference with military activities; and
4. if located on a lot or parcel containing less than one acre, the height of the wind turbine and support structure, as measured from the ground level to the tip of a blade when the blade is at its highest point, shall not exceed 85 feet; and
5. if located on a lot or parcel containing one acre or more, the height of the wind turbine and support structure, as measured from the ground level to the tip of a blade when the blade is at its highest point, shall not exceed 150 feet; and
6. the structure on which the wind turbine is mounted shall be located within the setbacks required for principal uses (e.g., residences or commercial buildings) for the Zoning District within which it is located; and
7. the wind turbine shall be positioned on the roof so that the distance between it and all property lines and all above-ground utility lines equal its height; and
8. guy wires and accessory structures shall comply with the minimum setback requirements for the Zoning District within which the wind energy system is located; and
9. the wind turbine shall be painted a non-reflective, neutral color; and
10. the noise generated by the wind energy system shall not exceed limits established by any State or County Noise Ordinance in effect; and
11. the wind energy system shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other authority; and
12. no commercial advertising signs shall be permitted on the wind energy system. Signs warning of any danger and identifying the owners of the wind energy system, with emergency contact information, shall be displayed; and
small wind energy systems connected to the utility grid shall comply with the Maryland Net Metering Laws (Maryland Code, Utility Companies Article, Section 7-306); and
13. In the HD District, the requirements of Section 2-10.04 shall apply to Historic Districts.

<u>PROPOSED DEFINITIONS</u> (to be added to Article 12)	
TERM	DEFINITION
<u>Wind Energy System, Accessory to a Residence or Business</u>	<u>A wind-powered electric system sized for homes, farms, and small businesses with a capacity of 100 kilowatts and below.</u>
<u>Wind Energy System, Commercial</u>	<u>A wind-powered electric system designed and constructed for the production of power for sale.</u>
<u>Wind Turbine</u>	<u>The part of a wind energy system that includes the blades, generator and tail.</u>

Excerpt: Dunkirk Town Center Zoning Ordinance

DUNKIRK TOWN CENTER		
USE #	DUNKIRK TABLE OF LAND USES - INDUSTRIAL	TC
1.	Agricultural / Seafood / Livestock Processing Plant	
2.	Asphalt Plant	
3.	Commercial Fuel Storage Business	
4.	Commercial Recycling Facility	
5.	Distillation of Alcohol as a Fuel, Commercial	
6.	Distillation of Alcohol as a Fuel on a Farm for Farm Use Only	
7.	Grain Elevator	
8.	Kiln, Wood Drying	
9.	Landfill, Land-Clearing Debris	
10.	Landfill, Rubble	
11.	Landfill, Sanitary	
12.	Manufacturing and/or Assembly, Heavy	
13.	Manufacturing and/or Assembly, Light, Less than 5,000 square feet	S1
14.	Manufacturing and/or Assembly, Light, More than 5,000 square feet	SC
15.	Manufacturing and/or Assembly, Watercraft, Commercial	S2
16.	Outdoor Storage in Connection with Commercial and/or Industrial Uses	C
17.	Power Generating Facility, Accessory to a Residence or Business	C
18.	Power Generating Facility, Commercial	
19.	Research & Development Facility, Environmental	P
20.	Research & Development Facility, Other	P
21.	Salvage and/or Junk Yard	
22.	Sand, Gravel or Mineral Extraction and Processing	
23.	Sand, Gravel or Mineral Extraction (No Processing)	
24.	Sawmill, Commercial	
25.	Sawmill, Portable	
26.	Storage of Machinery & Equipment in Connection With Excavating and /or Contracting Business	
<u>27.</u>	<u>Wind Energy System, Accessory to a Residence or Business</u>	<u>C</u>
<u>28.</u>	<u>Wind Energy System, Commercial</u>	

Amend the Dunkirk Conditional Uses as shown below:

Dunkirk Town Center Conditional Uses

Industrial Use #17 (8/10/04) Power Generating Facility, Accessory to a Residence or Business, ~~provided that the facility meets State noise standards and the generator shall be installed within the Building Restriction Lines required for the primary structure. See CCZO for conditions.~~

Industrial Use #27 Wind Energy System, Accessory to a Residence or Business – See Section 3-3 of the CCZO for conditions.

Excerpt: Owings Town Center Zoning Ordinance

OWINGS TOWN CENTER				
USE #	OWINGS TABLE OF LAND USES - INDUSTRIAL	EDGE	VILLAGE	CORE
1.	Agricultural/Seafood/Livestock Processing Plant			
2.	Asphalt Plant			
3.	Commercial Fuel Storage Business			
4.	Commercial Recycling Facility			
5.	Distillation of Alcohol as a Fuel, Commercial			
6.	Distillation of Alcohol as a Fuel On a Farm for Farm Use Only	C	C	C
7.	Grain Elevator			
8.	Kiln, Wood-drying			
9.	Landfill, Land-Clearing Debris			
10.	Landfill, Rubble			
11.	Landfill, Sanitary			
12.	Manufacturing and/or Assembly, Heavy			
13.	Manufacturing and/or Assembly, Light, Less than 5,000 square feet		SC	C
14.	Manufacturing and/or Assembly, Light, More than 5,000 square feet		SC	SC
15.	Manufacturing and/or Assembly of Watercraft, Commercial			
16.	Outdoor Storage in Connection with Commercial and/or Industrial Uses		C	C
17.	Power Generating Facility, Accessory to a Residence or Business	C	C	C
18.	Power Generating Facility, Commercial			S
19.	Research & Development Facility, Environmental		P	P
20.	Research & Development Facility, Other		P	P
21.	Salvage and/or Junk Yard			
22.	Sand, Gravel or Mineral Extraction and Processing			
23.	Sand, Gravel or Mineral Extraction (No Processing)			
24.	Sawmill, Commercial			
25.	Sawmill, Portable			
26.	Storage of Machinery & Equipment in Connection With Excavating and/or Contracting Business			C
<u>27.</u>	<u>Wind Energy System, Accessory to a Residence or Business</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>28.</u>	<u>Wind Energy System, Commercial</u>			

Amend the Owings Conditional Uses as shown below:

Owings Town Center Conditional Uses

Industrial Use #27 Wind Energy System, Accessory to a Residence or Business – See Section 3-3 of the CCZO for conditions.

Excerpt – Huntingtown Town Center Zoning Ordinance

HUNTINGTOWN TOWN CENTER				
USE #	HUNTINGTOWN TABLE OF LAND USES – INDUSTRIAL USES	MIXED USE	NEIGHBORHOOD	RESIDENTIAL
1.	Agricultural/Seafood/Livestock Processing Plant:			
2.	Asphalt Plant			
3.	Commercial Fuel Storage Business			
4.	Commercial Recycling Facility			
5.	Distillation of Alcohol as a Fuel, Commercial			
6.	Distillation of Alcohol as a Fuel On a Farm for Farm Use Only			
7.	Grain Elevator			
8.	Kiln, Wood			
9.	Landfill, Land-Clearing Debris			
10.	Landfill, Rubble			
11.	Landfill, Sanitary			
12.	Manufacturing and/or Assembly, Heavy			
13.	Manufacturing and/or Assembly, Light, Less than 5,000 square feet	S1		
14.	Manufacturing and/or Assembly, Light, More than 5,000 square feet	S2		
15.	Manufacturing and/or Assembly, Watercraft, Commercial			
16.	Outdoor Storage in Connection with Commercial and/or Industrial Uses	S	S	
17.	Power Generating Facility, Accessory to a Residence or Business	C	C	C
18.	Power Generating Facility, Commercial			
19.	Research & Development Facility, Environmental	P		
20.	Research & Development Facility, Other	P		
21.	Salvage and/or Junk Yard			
22.	Sand, Gravel or Mineral Extraction and Processing			
23.	Sand, Gravel or Mineral Extraction (No Processing)			
24.	Sawmill, Commercial			
25.	Sawmill, Portable			
26.	Storage of Machinery & Equipment in Connection With Excavating and /or Contracting Business	S		
<u>27.</u>	<u>Wind Energy System, Accessory to a Residence or Business</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>28.</u>	<u>Wind Energy System, Commercial</u>			

Amend the Huntingtown Conditional Uses as shown below:

Huntingtown Town Center Conditional Uses

Industrial Use #27 **Wind Energy System, Accessory to a Residence or Business – See Section 3-3 of the CCZO for conditions.**

Excerpt – Prince Frederick Town Center Zoning Ordinance

PRINCE FREDERICK TOWN CENTER									
USE #	PRINCE FREDERICK TABLE OF LAND USES - INDUSTRIAL	OLD TOWN	OLD TOWN RESIDENTIAL	OLD TOWN TRANSITIONAL	FAIR-GROUND	ENTRY	VILLAGE	NEW TOWN	FOREST
1.	Agricultural/Seafood/Livestock Processing Plant								
2.	Asphalt Plant								
3.	Commercial Fuel Storage Business					S			
4.	Commercial Recycling Facility								
5.	Distillation of Alcohol as a Fuel, Commercial								
6.	Distillation of Alcohol as a Fuel On a Farm for Farm Use Only			C	C	C			
7.	Grain Elevator								
8.	Kiln, Wood Drying								
9.	Landfill, Land-Clearing Debris								
10.	Landfill, Rubble								
11.	Landfill, Sanitary								
12.	Manufacturing and/or Assembly, Heavy								
13.	Manufacturing and/or Assembly, Light, Less than 5,000 sq. feet	S1		S1	S2	C	C	C	
14.	Manufacturing and/or Assembly, Light, More than 5,000 sq. feet					C	C	C	
15.	Manufacturing and/or Assembly, Watercraft, Commercial					S2	S2	S2	
16.	Outdoor Storage in Connection w/Commercial and/or Industrial Uses	P		P		P	P	P	P
17.	Power Generating Facility Accessory to a Residence or Business	C	C	C	C	C	C	C	C
18.	Power Generating Facility, Commercial								
19.	Research & Development Facility, Environmental	P	S1	P	S1	P	P	P	
20.	Research & Development Facility, Other	P	S1	P	S1	P	P	P	
21.	Salvage and/or Junk Yard								
22.	Sand, Gravel or Mineral Extraction and Processing								
23.	Sand, Gravel or Mineral Extraction (No Processing)					SC	SC	SC	
24.	Sawmill, Commercial	SC				P			
25.	Sawmill, Portable								
26.	Storage of Machinery & Equipment in Connection With Excavating and /or Contracting Business					S			S
<u>27.</u>	<u>Wind Energy System, Accessory to a Residence or Business</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>28.</u>	<u>Wind Energy System, Commercial</u>								

Amend the Prince Frederick Conditional Uses as shown below:

Prince Frederick Town Center Conditional Uses

Industrial Use #27 Wind Energy System, Accessory to a Residence or Business – See Section 3-3 of the CCZO for conditions.

Excerpt – St. Leonard Town Center Zoning Ordinance

ST. LEONARD TOWN CENTER				
USE #	ST. LEONARD TABLE OF LAND USES – INDUSTRIAL USES	VILLAGE	RESIDENTIAL	EMPLOYMENT
1.	Agricultural Processing Plant (Granary only)			SC
2.	Agricultural/Livestock Processing Plant (Meats & Poultry only)			SC
3.	Agricultural/Seafood Processing Plant (Seafood only)	S2		SC
4.	Asphalt Plant			
5.	Commercial Fuel Storage Business	S		S
6.	Commercial Recycling Facility			
7.	Distillation of Alcohol as a Fuel, Commercial			
8.	Distillation of Alcohol as a Fuel On a Farm for Farm Use Only	C	C	C
9.	Grain Elevator			SC
10.	Kiln, Wood-drying			
11.	Landfill, Land-Clearing Debris			
12.	Landfill, Rubble			
13.	Landfill, Sanitary			
14.	Manufacturing and/or Assembly, Heavy			
15.	Manufacturing and/or Assembly, Light, Less than 5,000 square feet	S1		C
16.	Manufacturing and/or Assembly, Light, More than 5,000 square feet	S2		C
17.	Manufacturing and/or Assembly, Watercraft, Commercial	S2		S2
18.	Outdoor Storage in Connection with Commercial and/or Industrial Uses	P		C
19.	Power Generating Facility, Accessory to a Residence or Business	<u>PC</u>	<u>PC</u>	<u>PC</u>
20.	Power Generating Facility, Commercial			<u>S</u>
21.	Research & Development Facility, Environmental	P		P
22.	Research & Development Facility, Other	P		P
23.	Salvage and/or Junk Yard			
24.	Sand, Gravel or Mineral Extraction and Processing			
25.	Sand, Gravel or Mineral Extraction (No Processing)			SC
26.	Sawmill, Commercial			
27.	Sawmill, Portable		S1	
28.	Storage of Machinery & Equipment in Connection With Excavating and/or Contracting Business	S	S	C
<u>29.</u>	<u>Wind Energy System, Accessory to a Residence or Business</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>30.</u>	<u>Wind Energy System, Commercial</u>			

Amend the St. Leonard Conditional Uses as shown below:

St. Leonard Town Center Conditional Uses

- Industrial Use #17 Power Generating Facility, Accessory to a Residence or Business – See CCZO for conditions.
Industrial Us #29 Wind Energy System, Accessory to a Residence or Business – See Section 3-3 of the CCZO for conditions.

Excerpt – Lusby Town Center Zoning Ordinance

LUSBY TOWN CENTER						
USE #	LUSBY TABLE OF LAND USES – INDUSTRIAL	INSTITUTIONAL	NEIGHBORHOOD COMMERCIAL	VILLAGE COMMERCIAL	VILLAGE RESIDENTIAL-OFFICE	VILLAGE EDGE
1.	Agricultural / Seafood/Livestock Processing Plant:					
2.	Asphalt Plant					
3.	Commercial Fuel Storage Business					
4.	Commercial Recycling Facility					
5.	Distillation of Alcohol as a Fuel On a Farm for Farm Use Only					
6.	Distillation of Alcohol as a Fuel, Commercial					
7.	Grain Elevator					
8.	Kiln, Wood Drying					
9.	Landfill, Land-Clearing Debris					
10.	Landfill, Rubble					
11.	Landfill, Sanitary					
12.	Manufacturing and/or Assembly, Heavy					
13.	Manufacturing and/or Assembly, Light, Less than 5,000 square feet			C		C
14.	Manufacturing and/or Assembly, Light, More than 5,000 square feet					SC
15.	Manufacturing and/or Assembly, Watercraft, Commercial					
16.	Outdoor Storage in Connection with Commercial and/or Industrial Uses		C	C		
17.	Power Generating Facility, Accessory to a Residence or Business	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
18.	Power Generating Facility, Commercial					
19.	Research & Development Facility, Environmental			P		P
20.	Research & Development Facility, Other			P		P
21.	Salvage and/or Junk Yard					
22.	Sand, Gravel or Mineral Extraction and Processing					
23.	Sand, Gravel or Mineral Extraction (No Processing)					
24.	Sawmill, Commercial					
25.	Sawmill, Portable					
26.	Storage of Machinery & Equipment in Connection With Excavating and /or Contracting Business					
<u>27.</u>	<u>Wind Energy System, Accessory to a Residence or Business</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>28.</u>	<u>Wind Energy System, Commercial</u>					

Amend the Lusby Conditional Uses as follows:

Lusby Town Center Conditional Uses

- Industrial Use #17 Power Generating Facility, Accessory to a Residence or Business – See CCZO for conditions.
- Industrial Us #29 Wind Energy System, Accessory to a Residence or Business – See Section 3-3 of the CCZO for conditions.

Excerpt – Solomons Town Center Zoning Ordinance

USE #	SOLOMONS TABLE OF LAND USES – INDUSTRIAL USES	SOUTH OF LORE ROAD											NORTH OF LORE ROAD					DOWELL			WEST SIDE		
		B1	B2	B3	B4	C1	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2	
1.	Agricultural/Seafood/Livestock Processing Plant																						
2.	Asphalt Plant																						
3.	Commercial Fuel Storage Business																						
4.	Commercial Recycling Facility																						
5a.	Distillation of Alcohol as a Fuel, Commercial																						
5b.	Distillation of Alcohol as a Fuel On a Farm for Farm Use Only																						
6.	Grain Elevator																						
7.	Kiln, Wood-Drying																						
8a.	Landfill, Land-Clearing Debris																						
8b.	Landfill, Rubble																						
8c.	Landfill, Sanitary																						
9a.	Manufacturing and/or Assembly, Heavy																						
9b.	Manufacturing and/or Assembly, Light, Less than 5,000 square feet																						
9c.	Manufacturing and/or Assembly, Light, More than 5,000 square feet																						
9d.	Manufacturing and/or Assembly, Marine-Related																						
10.	Outdoor Storage in Connection with Commercial and/or Industrial Uses																						
11a.	Power Generating Facility, Accessory to a Residence or Business	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
11b.	Power Generating Facility, Commercial																						
12a.	Research & Development Facility, Environmental		C	C	P																		
12b.	Research & Development Facility, Other																						
13.	Salvage and/or Junk Yard																						
14a.	Sand, Gravel or Mineral Extraction and Processing																						
14b.	Sand, Gravel or Mineral Extraction (No Processing)																						
15a.	Sawmill, Commercial																						
15b.	Sawmill, Portable																						
16.	Storage of Machinery & Equipment in Connection With Excavating and /or Contracting Business																						
17a.	<u>Wind Energy System, Accessory to a Residence or Business</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
17b.	<u>Wind Energy System, Commercial</u>																						

Amend the Solomons Conditional Uses as follows:

Solomons Town Center Conditional Uses

Industrial Use #11a **Power Generating Facility, Accessory to a Residence or Business – See CCZO for conditions.**

Industrial Us #17 **Wind Energy System, Accessory to a Residence or Business – See Section 3-3 of the CCZO for conditions.**

STAFF REPORT
TEXT AMENDMENT CASE NO. 09-4A
AMENDMENTS TO SECTION 4-2 OF THE
CALVERT COUNTY ZONING ORDINANCE
RE: REGULATIONS FOR PLOT PLAN & SITE PLAN REVIEW

DATE PREPARED:

November 19, 2009
Revised: February 18, 2010

PLANNING COMMISSION/COUNTY COMMISSIONERS' HEARING DATE:

Not yet scheduled.

AMENDMENTS PROPOSED BY:

DPZ Staff

PURPOSE OF AMENDMENT/BACKGROUND OF REGULATIONS:

Amend Sections 4-2 of the Calvert County Zoning Ordinance to clarify the requirements for Plot Plan and Site Plan Review by making the following changes:

- Amend language regarding consistency of development plans with the Comprehensive Plan to match recently-adopted State law (Section 4-2).
- Require site plan review for all commercial uses that intensify the use or alter the traffic pattern (not only accessory uses);
- Add "mixed use" to list of projects requiring Category I Site Plans (Section 4-2.01.B.3)
- Specify that the Zoning Officer determines when a plot plan requires site plan review. Move paragraph regarding modifications to plot plans to this Section (Section 4-2.01.E)

See Attachment 1: Proposed Wording.

AGENCY COMMENTS:

The proposed amendments were distributed to the following agencies and no comments were received: Dept. of General Services; Dept. of Economic Development; Dept. of Public Safety; Dept. of Public Works; Division of Inspections & Permits; Division of Water & Sewer; Soil Conservation District; Board of Education; State Highway Administration; Health Dept.; County Attorney; Agriculture Commission; Board of Appeals; Economic Development Commission; and Environmental Commission.

Planning and Zoning staff comments have been incorporated into the attached draft and shown in blue text.

CONCLUSION/STAFF RECOMMENDATION:

To be included in public hearing staff report.

Attachment 1: Proposed Wording

4-2 GENERAL REQUIREMENTS FOR DEVELOPMENT PLANS

Approval of development plans is required in order to ensure that new development complies with all Zoning Ordinance and agency requirements, thereby promoting the health, safety, and general welfare of Calvert County residents. Development plans are reviewed for ~~conformance~~ **consistency** with the Comprehensive Plan, Calvert County Zoning Ordinance, Subdivision Regulations, Town Center Master Plans and Zoning Ordinances, and design standards.

4-2.01 Development Plan Review

B. Site Plans

1. General Requirements. The general requirements for a site plan are set forth in Section 4-4.01.
2. Development Requiring Site Plan Review:
 - a. All commercial, industrial and institutional development except those uses listed in Section 4-2.01.C.2;
 - b. adaptive re-use from residential to commercial;
 - c. commercial ~~accessory~~ uses that intensify the use or alter the traffic pattern;
 - d. multi-family dwellings;
 - e. single-family attached dwellings (three units or more);
 - f. manufactured home communities;
 - g. places of worship; and/or
 - h. public facilities and quasi-public facilities.
3. Category I Site Plans. Category I site plans are site plans for multi-family, single-family attached (three units or more), and manufactured home communities. Institutional, local governmental, commercial, **mixed use**, and industrial development are also Category I site plans if any of the following criteria are met:
 - a. the cumulative square footage of any new construction (new buildings and additions to existing buildings) is more than 5000 square feet; or
 - b. the vehicular traffic within an existing development project will be altered; or
 - c. the proposed development includes an automobile filling and/or service station, car wash, fast food restaurant, bank, or any use involving a drive-through/drive-up service.

4-2.01 Development Plan Review

(05/12/09)

- D. Planning Commission Review of Development Plans.
1. The Planning Commission shall review and approve or disapprove all Category I and Category II site plans and any major revisions thereto.
 2. The Planning Commission may delegate to the Planning Commission Administrator the authority to review and approve or disapprove Category II site plans and minor revisions to Category I site plans.
 3. If the Planning Commission makes the delegation permitted in sub-paragraph '2' of this Section, the Planning Commission shall, upon the request of any person aggrieved by a decision of the Planning Commission Administrator, review the decision of the Planning Commission Administrator, provided that such request is received by the Planning Commission within 30 days of the date of the Planning Commission Administrator's final decision.

(12/09/06)
(05/12/09)

- E. Department of Planning and Zoning Review of Development Plans.
- 1.** The Zoning Officer shall approve or disapprove plot plans and revisions to plot plans. **The Zoning Officer shall determine when a plot plan requires site plan review, based on the criteria contained in Section 4-2.01.B.2 herein.**
 - 2.** ~~The Planning Commission Administrator~~ **Zoning Officer** shall determine the submittal requirements for proposed modifications to approved plot plans. Where new drawings are determined to be required, they shall be submitted to the Division of Inspections and Permits for distribution of the revised plans to appropriate agencies for comments, consideration, and approval or rejection.

4-2.05 Modifications after Approval of a Site Plan

A. Modifications to site plans:

1. Proposed modifications to any approved site plan shall be submitted to the Department of Planning and Zoning.
2. The Planning Commission Administrator shall determine if the modification is major or minor. A minor modification is a modification that does not change the intensity of the use or alter the traffic pattern. A major modification is a modification that changes the intensity of the use and/or alters the traffic pattern.
3. If the site plan to be modified is a Category I site plan and the modification is determined to be major, the applicant shall submit new drawings to the Department of Planning and Zoning, which shall distribute the drawings to the appropriate agencies for comments. The proposed modification shall be considered and approved or rejected by the Planning Commission.
4. If the site plan to be modified is a Category II site plan and/or the modification is determined to be minor, the applicant shall indicate the change on the previously submitted plan and submit the modified plan to the Department of Planning and Zoning, which shall distribute the plan to appropriate agencies for comments. The proposed modification shall be considered and approved or rejected by the Planning Commission Administrator.

~~B. Modifications to plot plans:~~

Moved to Section
4-2.01.E.2
(Art. 4-Pg. 4)

~~The Planning Commission Administrator shall determine the submittal requirements for proposed modifications to approved plot plans. Where new drawings are determined to be required, they shall be submitted to the Division of Inspections and Permits for distribution of the revised plans to appropriate agencies for comments, consideration, and approval or rejection.~~

STAFF REPORT
TEXT AMENDMENT CASE NO. 09-4B
AMENDMENT TO SECTION 4-2.04 OF THE CALVERT COUNTY ZONING ORDINANCE
RE: EXPIRATION AND VESTING OF SITE PLANS

DATE PREPARED:

November 19, 2009
Revised: February 18, 2010

PLANNING COMMISSION/COUNTY COMMISSIONERS' HEARING DATE:

Not yet scheduled.

AMENDMENTS PROPOSED BY:

Planning Commission Staff & County Attorney

PURPOSE OF AMENDMENT/BACKGROUND OF REGULATIONS:

Amend Section 4-2.04 of the Calvert County Zoning Ordinance to address expiration and vesting of site plan approvals. *See Attachment 1: Proposed Wording.* The changes are intended to address three problems:

- First, the current regulations do not provide a fixed timeframe for conditional or final site plan approvals, and for the issuance of permits. They also do not provide any opportunity for extensions, should an issue arise that is beyond the control of the applicant. The proposed regulations provide two years to obtain conditional approval, two years to obtain final approval, and two more years to obtain a building permit. In addition, a one year option for an extension is proposed.
- Second, site plans submittals dating back as far as the 1990s that were put on hold by the applicants are still allowed to proceed under the regulations in place at the time of submittal. Using old regulations to review site plans can be quite confusing and complicated. If an applicant does not complete the process under the timeframes described above, he or she must start anew under current regulations.
- Finally, the current regulations do not specify that an applicant is vested under the regulations in effect when an application is approved. The proposed regulations provide that protection.

AGENCY COMMENTS:

The proposed amendments were distributed to the following agencies and no comments were received: Dept. of General Services; Dept. of Economic Development; Dept. of Public Safety; Dept. of Public Works; Division of Inspections & Permits; Division of Water & Sewer; Soil Conservation District; Board of Education; State Highway Administration; Health Dept.; County Attorney; Agriculture Commission; Board of Appeals; Economic Development Commission; and Environmental Commission.

CONCLUSION/STAFF RECOMMENDATION:

To be included in the public hearing staff report.

Attachment 1: Proposed Wording

4-2.04 Expiration of Site Plan Approvals and Vesting

- ~~A. Conditional approvals of site plans shall expire after 24 months.~~
- ~~B. Final site plan approvals shall expire after 36 months unless a valid building permit is in effect, or an extension is granted by the Planning Commission prior to the expiration of the 36-month term.~~

A. Expiration of Site Plan Approvals

The following expiration provisions shall apply to all site plan applications, including site plan applications submitted prior to the effective date of this section of the Ordinance (/ /).

If a site plan application expires under any of the time periods described in this section, any new application that is subsequently filed shall comply with the regulations then in effect.

1. Category I

- a. An application for a Category I site plan shall expire 24 months after it has been accepted for review unless conditional approval has been granted by the Planning Commission.
- b. Conditional approval of a Category I site plan shall expire 24 months after it has been granted unless final approval is granted.
- c. If conditional approval of a Category I site plan has been received, but final approval is delayed because of the inadequacy of public schools or roads, the running of the 24-month period between conditional approval and final approval shall be tolled for the periods during which the inadequacy of the public schools or roads has delayed final approval.
- d. Final approval of a Category I site plan shall expire 24 months after it has been granted unless a building permit has been validly issued and is in effect.
- e. Extensions
 - i. One 12-month extension to only one of the time periods listed in subparagraphs 'a', 'b', and 'd', above, may be granted by the Planning Commission, or its designee, for circumstances beyond the control of the applicant.
 - ii. A request for extension shall be submitted, in writing, prior to the expiration date of the applicable time period.
 - iii. If an extension of the time period described in subparagraph 'b' above is granted, the vesting period provided in subsection B. 2. a. i. below shall be extended for a like period.

2. Category II

- a. An application for a Category II site plan shall expire 24 months after it has been accepted for review unless final approval is granted.
- b. Final approval of a Category II site plan shall expire 24 months after it has been granted unless a building permit has been validly issued and is in effect.

c. Extensions

- i. Only one 12-month extension may be granted by the Planning Commission Administrator for circumstances beyond the control of the applicant, during the time period listed in subparagraph 'a' or 'b', above.**
- ii. A request for extension shall be submitted, in writing, prior to the expiration date of the applicable time period.**
- iii. If an extension of the time period described in subparagraph 'b' above is granted, the vesting period provided in subsection B. 2.a.ii, below, shall be extended for a like period.**

B. Vesting

1. Definitions. In this section the following definitions shall apply:

- a. "Vested right" shall mean a right that is protected from legislative interference to the extent that an applicant may develop a site plan without the plan having to conform to changes to zoning and development regulations enacted after either conditional or final approval as the case may be.**
- b. "Grandfathered site plan" shall mean a site plan application that has been permitted by prior legislation to proceed under regulations that have been superseded.**

2. Initial Vesting.

a. Category I and Category II Site Plans

- i. Applicants that have received conditional approval of a Category I site plan shall have a vested right in the conditionally approved plan for 24 months from the date of conditional approval.**
- ii. Applicants that have received final approval of a Category II site plan shall have a vested right in the approved plan for 24 months from the date of final approval.**
- b. If conditional approval of a Category I site plan has been received, but final approval is delayed because of the inadequacy of public schools or roads, the running of the 24-month vesting period shall be tolled for the periods during which the inadequacy of the public schools or roads has delayed final approval.**
- c. Applicants that have vested rights as provided in subparagraph 'a' above shall have a vested right in the approval of architectural plans, if required, associated with the vested site plan for as long as the approval of the site plan is vested.**
- d. The vested right granted by this subsection applies only to the regulations applied to and incorporated in the site plan and architectural plans, if required, and not to any regulations that may have been superseded after the grant of conditional approval for a Category I site plan or final approval for a Category II site plan.**

3. Vesting Through Construction. At the end of the 24-month period described in sub-paragraph '2.a' above, the applicant shall be vested in the site plan if:

- a. There is actual physical commencement of some significant and visible construction;**
- b. The commencement must be undertaken in good faith with the intention to continue the construction and to carry it through to completion in a commercially reasonable manner; and**
- c. The commencement of construction must be pursuant to all necessary permits that have been validly issued.**

4. Grandfathered Site Plans

- a. A grandfathered Category I site plan that has received conditional approval or a grandfathered Category II site plan that has received final approval shall be vested in that approved site plan until two years after the effective date of this Section (/ /).**
- b. The vested right granted by this subsection applies only to the regulations applied to and incorporated in the site plan and not to any regulations that may have been superseded after the grant of conditional approval.**
- c. A grandfathered Category I site plan that has not received conditional approval or a grandfathered Category II site plan that has not received final approval shall lose the vested rights granted by this subsection immediately upon the enactment of this provision.**
- d. After January 1, 2012, site plans described in subparagraph '4. a' above shall be vested only if the three conditions in paragraph '3', above, are met.**
- e. No vesting extensions shall be granted to grandfathered site plans.**

STAFF REPORT
TEXT AMENDMENT CASE NO. 09-4C
AMENDMENTS TO SECTION 4-4.02.A OF THE
CALVERT COUNTY ZONING ORDINANCE
RE: SUBMITTAL REQUIREMENTS FOR PLOT PLANS

DATE PREPARED:

November 19, 2009
Revised: February 18, 2010

PLANNING COMMISSION/COUNTY COMMISSIONERS' HEARING DATE:

Not yet scheduled.

AMENDMENTS PROPOSED BY:

DPZ Staff

PURPOSE OF AMENDMENT/BACKGROUND OF REGULATIONS:

Amend Section 4-4.02.A of the Calvert County Zoning Ordinance to require that plot plans show existing and proposed uses, buildings, and structures, as well as any natural features required by Article 8 and human burial sites.

See Attachment 1: Proposed Wording.

AGENCY COMMENTS:

The proposed amendments were distributed to the following agencies and no comments were received: Dept. of General Services; Dept. of Economic Development; Dept. of Public Safety; Dept. of Public Works; Division of Inspections & Permits; Division of Water & Sewer; Soil Conservation District; Board of Education; State Highway Administration; Health Dept.; County Attorney; Agriculture Commission; Board of Appeals; Economic Development Commission; and Environmental Commission.

Planning and Zoning staff comments have been incorporated into the attached draft and shown in blue text.

CONCLUSION/STAFF RECOMMENDATION:

To be included in public hearing staff report.

Attachment 1: Proposed Wording

4-4 PLAN PREPARATION

4-4.02 Plot Plans

The following is a general list of plot plan requirements. Section 4-2.01.C.2 lists the types of projects that require plot plans.

A. For new construction:

1. ~~Plat~~ **Plot plan** showing existing and proposed **buildings and structures,** topography/grading, location and dimensions of lot, lot and block number and name of subdivision, if any.
2. Road name(s), width of abutting right-of-way, centerlines, road widths and grades.
3. Front, side and rear setbacks, easements and rights to discharge.
4. Sediment control measures and limit of work.
5. Discharge and storm drainage measures including rights and easements.
6. Legal restrictions (such as easements, existing covenants, zoning boundaries, etc.)
- 7. Existing natural features such as, but not limited to, waterways, floodplain areas, existing and proposed forest areas, landscaping, buffering buffers, screening, etc. including requirements found in Article 8 of this Ordinance.**
- 8. Human burial sites.**

STAFF REPORT
TEXT AMENDMENT CASE NO. 09-5A
AMENDMENTS TO SECTION 5-1.09 OF THE
CALVERT COUNTY ZONING ORDINANCE
RE: SETBACKS FOR PREVIOUSLY-RECORDED LOTS

DATE PREPARED:

November 24, 2009
Revised: February 16, 2010

PLANNING COMMISSION/COUNTY COMMISSIONERS' HEARING DATE:

Not yet scheduled.

AMENDMENTS PROPOSED BY:

DPZ Staff

PURPOSE OF AMENDMENT/BACKGROUND OF REGULATIONS:

Correct references in paragraphs 'A.2' and 'B.2' to refer to the proper setbacks required for previously-recorded residential lots. *See Attachment 1: Proposed Wording.*

AGENCY COMMENTS:

The proposed amendments were distributed to the following agencies and no comments were received: Dept. of General Services; Dept. of Economic Development Dept. of Public Safety; Dept. of Public Works; Division of Inspections & Permits; Division of Water & Sewer; Soil Conservation District; Board of Education; State Highway Administration; Health Dept.; County Attorney; Agriculture Commission; Board of Appeals; Economic Development Commission; and Environmental Commission.

CONCLUSION/STAFF RECOMMENDATION:

To be included in public hearing staff report.

Attachment 1: Proposed Wording

5-1.09 Development of Previously-Recorded Residential Lots

A. For lots properly recorded before June 29, 1967, the following shall apply:

1. Setbacks - Setbacks recorded on plats or in covenants shall be applied. If no setbacks are recorded, the following setbacks shall apply:

TABLE 5-4 – SETBACKS FOR PREVIOUSLY-RECORDED RESIDENTIAL LOTS			
LOT SIZE	FRONT SETBACK	SIDE SETBACK (EACH)	REAR SETBACK
20,000 Sq. Ft. or Less	25 feet	6 feet	20 feet
>20,000 Sq. Ft. and <1 acre	35 feet	10 feet	35 feet
> 1 acre	Use Setbacks specified in Table 5-2.		

2. Lot Size - If a lot was legally recorded prior to the adoption of the Zoning Ordinance on June 29, 1967 or if it met the lot size requirements at the time it was recorded, that lot is buildable if:
 - a. the building can meet the minimum setbacks for a lot of equivalent size as per paragraph 'A.1' of this Section ~~5-1.07~~, and
 - b. the lot receives Health Department approval, and
 - c. the lot has adequate access to a road constructed to the standards specified in the Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County); and
 - d. the lot has not been reduced in size.

B. For a lot properly recorded in the Land Records on or after June 29, 1967 and before October 21, 1974, the lot is buildable if:

1. the lot met the lot size requirements at the time it was recorded; and
2. the dwelling can meet the minimum setbacks for a lot of equivalent size as per paragraph 'A.1' of this Section ~~5-1.07~~; and
3. the Health Department grants approval; and
4. the lot has adequate access to a road constructed to the standards specified in the Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County); and
5. In major subdivisions recorded on or after April 2, 1972, the lot is only buildable if it was approved by the Planning Commission.

STAFF REPORT
TEXT AMENDMENT CASE NO. 09-5B
AMENDMENT TO SECTION 5-1.10 (TABLE 5-5) OF THE
CALVERT COUNTY ZONING ORDINANCE
RE: ACCESSORY USE SETBACKS

DATE PREPARED:

November 23, 2009
Revised: February 16, 2010

PLANNING COMMISSION/COUNTY COMMISSIONERS' HEARING DATE:

Not yet scheduled.

AMENDMENTS PROPOSED BY:

DPZ Staff

PURPOSE OF AMENDMENT/BACKGROUND OF REGULATIONS:

Amend Section 5-1.01 (Table 5-5) of the Calvert County Zoning Ordinance to specify setbacks for structures containing exactly 500 square feet. *See Attachment 1: Proposed Wording.*

AGENCY COMMENTS:

The proposed amendments were distributed to the following agencies and no comments were received: Dept. of General Services; Dept. of Economic Development; Dept. of Public Safety; Dept. of Public Works; Division of Inspections & Permits; Division of Water & Sewer; Soil Conservation District; Board of Education; State Highway Administration; Health Dept.; County Attorney; Agriculture Commission; Board of Appeals; Economic Development Commission; and Environmental Commission.

CONCLUSION/STAFF RECOMMENDATION:

To be included in public hearing staff report.

Attachment 1: Proposed Wording

(08/08/06) 5-1.10 Accessory Use Setbacks

TABLE 5-5 – ACCESSORY USE SETBACKS				
Use	District	Min. Front Setback	Min. Side Setback (Each)	Min. Rear Setback
Detached Accessory Building, Structure or Use containing less than 500 square feet (other than those listed below), when Principal Use is Residential or Agricultural	All	Same Front Setback as Principal Dwelling (See Table 5-2 & 5-4)	5 feet	5 feet
Detached Accessory Building, Structure or Use Containing more than 500 square feet or more (other than those listed below), when Principal Use is Residential or Agricultural	All	Same Setbacks as Principal Dwelling (See Table 5-2 & 5-4)		
Accessory Apartment	All	Same Setbacks as Principal Dwelling (See Table 5-2 & 5-4)		
Fence	All	May be placed on property line		
Power Generating Facility, Accessory to a Residence or Business – See Section 3-1.09 for definition	All	Same Setbacks as Principal Dwelling (See Table 5-2 & 5-4)		
Retaining Wall	All	5 feet	5 feet	5 feet
Structure for the Keeping of Animals (on non-farm properties) – See Section 3-1.11 for definition.	All	Same Front Setback as Principal Dwelling (See Table 5-2 & 5-4)	25 feet	25 feet
Swimming Pool & Associated Deck or Patio	All	Same Front Setback as Principal Dwelling (See Table 5-2 & 5-4)	5 feet	5 feet

STAFF REPORT
TEXT AMENDMENT CASE NO. 09-5C
AMENDMENTS TO SECTION 5-1.11 OF THE
CALVERT COUNTY ZONING ORDINANCE
RE: HEIGHT REGULATIONS FOR RESIDENTIAL STRUCTURES

DATE PREPARED:

November 24, 2009
Revised: February 16, 2010

PLANNING COMMISSION/COUNTY COMMISSIONERS' HEARING DATE:

Not yet scheduled.

AMENDMENTS PROPOSED BY:

DPZ Staff

PURPOSE OF AMENDMENT/BACKGROUND OF REGULATIONS:

Add wording to prohibit the use of berms or other means to comply with height the requirements for residential structures. *See Attachment 1: Proposed Wording.*

AGENCY COMMENTS:

The proposed amendments were distributed to the following agencies and no comments were received: Dept. of General Services; Dept. of Economic Development Dept. of Public Safety; Dept. of Public Works; Division of Inspections & Permits; Division of Water & Sewer; Soil Conservation District; Board of Education; State Highway Administration; Health Dept.; County Attorney; Agriculture Commission; Board of Appeals; Economic Development Commission; and Environmental Commission.

CONCLUSION/STAFF RECOMMENDATION:

To be included in public hearing staff report.

Attachment 1: Proposed Wording

5-1.11 Height Regulations for All Districts

No building or structure shall exceed 40 feet, including the roof, except as indicated in paragraphs 'A' and 'B' of this Section. The maximum height of a building or structure shall be measured from the average elevation of the finished grade at the front of the building facing the street to the highest point of the roof. **A structure found to be in violation of the height regulations shall not be permitted to use berms or other means in order to comply with the height regulations.**

- A. Fire towers, hose towers, cooling towers, steeples, flag poles, silos, smokestacks, masts, transmission line poles and towers, water tanks, windmills, and monuments are exempt from height restrictions unless used for the purpose of camouflaging or concealing wireless communications facilities such as towers or antennas. Such structures shall be subject to the requirements of Section 3-3 herein.

STAFF REPORT
TEXT AMENDMENT CASE NO. 09-6A
AMENDMENTS TO TABLE 6-2, SECTION 3-1.05, & ARTICLE 12 OF THE
CALVERT COUNTY ZONING ORDINANCE
RE: PARKING REQUIREMENTS FOR EATING ESTABLISHMENTS

DATE PREPARED:

November 23, 2009
Revised February 16, 2010

PLANNING COMMISSION/COUNTY COMMISSIONERS' HEARING DATE:

Not yet scheduled.

AMENDMENTS PROPOSED BY:

DPZ Staff

PURPOSE OF AMENDMENT/BACKGROUND OF REGULATIONS:

Amend Table 6-2, Section 3-1.05, and Article 12 of the Calvert County Zoning Ordinance to clarify parking requirements for Eating Establishments with Outdoor Patron Area, including eating establishments where a portion of the parking area is designated as an area for consumption of food by customers while parked in their vehicles. *See Attachment 1: Proposed Wording.*

AGENCY COMMENTS:

The proposed amendments were distributed to the following agencies and no comments were received: Dept. of General Services; Dept. of Economic Development Dept. of Public Safety; Dept. of Public Works; Division of Inspections & Permits; Division of Water & Sewer; Soil Conservation District; Board of Education; State Highway Administration; Health Dept.; County Attorney; Agriculture Commission; Board of Appeals; Economic Development Commission; and Environmental Commission.

CONCLUSION/STAFF RECOMMENDATION:

To be included in the public hearing staff report.

Attachment 1: Proposed Wording

USE #	3-1.05 BUSINESS & PERSONAL SERVICE USES & DEFINITIONS (in italics)	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
8.	Crematorium <i>A building or portion of a building that houses the necessary equipment and facilities for the cremation of human or animal remains.</i>							P	C			The crematorium shall be accessory to a funeral home.
9.	Drive-Up Facility, Accessory (9/22/09) <i>A structure which is designed to accommodate patrons' motor vehicles, from which the occupants of the motor vehicle may make purchases or transact business.</i>											
10a.	Eating Establishment with No Outdoor Patron Area (9/22/09) <i>A public eating place that serves food for consumption at tables or counters located entirely within a structure on the premises, or by carry-out or delivery. This term shall include, but not be limited to, an establishment known as a cafeteria, delicatessen, café, smorgasbord, diner or similar business where the sale of alcohol constitutes less than 50 percent of the total sales.</i>						SC		P	P	C	<ol style="list-style-type: none"> In the EC District, the eating establishment shall be either a cafeteria for the business, serving primarily the employees on site, or a part of a business park and the eating establishment shall not be adjacent to an arterial or collector road. In the HD District, the requirements of Section 2-10.04 shall apply to Historic Districts.
10b.	Eating Establishment with Outdoor Patron Area (9/22/09) <i>A public eating place that serves food for consumption at tables or counters located on the premises (either indoors or outdoors), <u>or in parking spaces intended for consumption of food in motor vehicles parked in those spaces,</u> or by carry-out or delivery. This term shall include, but not be limited to, an establishment known as a cafeteria, delicatessen, café, smorgasbord, diner or similar business where the sale of alcohol constitutes less than 50 percent of the total sales.</i>						SC		P	P	C	<ol style="list-style-type: none"> In the EC District, the eating establishment shall be either a cafeteria for the business, serving primarily the employees on site, or a part of a business park and the eating establishment shall not be adjacent to an arterial or collector road. In the HD District, the requirements of Section 2-10.04 shall apply to Historic Districts.

TABLE 6-2 NUMBER OF PARKING SPACES REQUIRED	
BUSINESS & PERSONAL SERVICE USES	PARKING CATEGORY
Boat Service and/or Repair	B
Boat Storage, Commercial	B
Boatel	B
Commercial Kitchen (not associated with an Eating Establishment)	B
Commercial Pier	A
Commercial Trade or Business School	C
Corporate Headquarters	C
Crematorium (not associated funeral home)	N/A
Crematorium (associated with funeral home)	1 per 4 persons legal occupancy
Drive-up Facility, Accessory (9/22/09)	N/A
Eating Establishments: with or without Outdoor Patron Area¹	E
—Restaurant	E
—Fast Food & Carry-out	1 per 50 gross floor area
—Drive-in/Drive-up	2 per 50 square feet of gross floor area including exterior patron area
Eating Establishment within a shopping center or multi-service non-residential development of 10,000 square feet or more	C
Entertainment Business, Adult	1 per 4 persons legal occupancy
Flex Space Business	1 per 500 gross floor area
Funeral Home	1 per 4 persons legal occupancy/visitation areas
Home Occupation, All Employed are Residents	1 per employee
Home Occupation, with up to 2 Equivalent Full-time non-resident employees	1 per employee
Laundry, Industrial	1 per 500 gross floor area
Laundry/Laundromat	D
Motel or Hotel	1/overnight lodging unit plus 1/ employee
Nightclub, Lounge (9/22/09)	E
Nightclub or Lounge with Outdoor Patron Area (9/22/09)	E
Office, Medical, Non-medical or Clinic	C
Office Support Services, including printing, copying, faxing, internetworking, etc.	B
Personal Services	C
Tavern, Bar (9/22/09)	E
Tavern or Bar with Outdoor Patron Area (9/22/09)	E
KEY TO TABLE:	
PARKING CATEGORY	NUMBER OF SPACES
A – Very Low Parking Generation Group and/or Seasonal Uses	A minimum of four spaces shall be required. In addition, the parking area shall be adequate in size so that there is no parking on the right-of-way. Parking areas shall meet all other requirements of this Section.
B – Low Parking Generation Group	One space per 300 square feet net floor area.
C – Normal Parking Generation Group	One per 200 square feet net floor area.
D – High Parking Generation Group	One per 150 square feet net floor area.
E – Eating Establishments	One per 50 square feet of interior and exterior gross floor area, including all indoor and outdoor patron area
N/A	No parking required.

¹ **For Eating Establishments where a significant portion of consumption of food is designed to take place in motor vehicles parked in the parking lot, the parking requirement shall be 2 spaces per 50 square feet of gross floor area including all outdoor patron area.**

<u>Term</u> (Date of Amendment)	<u>Definition</u>
Dwelling Unit, Multi-family	One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit in a building containing more than two such dwelling units.
Dwelling, Attached: Duplex, Triplex, Fourplex, or Townhouse (9/22/09)	Attached dwelling units, separated by a vertical division wall, each of which has direct access to the ground level. The first floor enclosed living area is on the ground level, or may be elevated above the dwelling unit's private parking or storage space on the ground level. These units do not have horizontal separation from any other residential unit (<u>See: Dwelling, Attached: Multi-family</u>), or attachment to any non-residential use or parking garage (<u>See: Mixed Use Building or Mixed Use Development</u>).
Dwelling, Attached: Multi-Family (9/22/09)	A residential building containing two or more attached dwelling units with horizontal separation between any of the dwelling units.
Dwelling, Attached: Single-Family	A residential building on a permanent foundation containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other. The term is intended primarily for such dwelling types as townhouses, duplexes, triplexes and fourplexes.
Dwelling, Detached: Single-Family	A single-family dwelling which is not attached to any other dwelling.
Dwelling, Single-Family	A residential building on a permanent foundation, containing one dwelling unit occupied by one family; this definition does not include manufactured homes or recreational vehicles.
Easement	A grant by the property owner of the use of his land by another party for a specific purpose.
Easement, Agricultural	<u>See: Agricultural Easement</u>
Easement, Conservation	<u>See: Conservation Easement</u>
Easement, Drainage	<u>See: Drainage Easement</u>
Eating Establishment with Drive-up Facility	Deleted 9/22/09. <u>See: Drive-up Facility, Accessory</u>
Eating Establishment with No Outdoor Patron Area (9/22/09)	A public eating place that serves food for consumption at tables or counters located entirely within a structure on the premises, or by carry-out or delivery. This term shall include but not be limited to, an establishment known as a cafeteria, delicatessen, café, smorgasbord, diner or similar business where the sale of alcohol constitutes less than 50 percent of the total sales.
Eating Establishment with Outdoor Patron Area (9/22/09)	A public eating place that serves food for consumption at tables or counters located on the premises (either indoors or outdoors), <u>or in parking spaces intended for consumption of food in motor vehicles parked in those spaces</u> , or by carry-out or delivery. This term shall include but not be limited to, an establishment known as a cafeteria, delicatessen, café, smorgasbord, diner or similar business where the sale of alcohol constitutes less than 50 percent of the total sales.

STAFF REPORT
TEXT AMENDMENT CASE NO. 09-6B
AMENDMENT TO SECTION 6-8.02.L OF THE
CALVERT COUNTY ZONING ORDINANCE
RE: SIGNS DISPLAYED ON VEHICLES

DATE PREPARED:

November 23, 2009
Revised: February 18, 2010

PLANNING COMMISSION/COUNTY COMMISSIONERS' HEARING DATE:

Not yet scheduled.

AMENDMENTS PROPOSED BY:

DPZ Staff

PURPOSE OF AMENDMENT/BACKGROUND OF REGULATIONS:

Amend Section 6-8.02.L of the Calvert County Zoning Ordinance to clarify conditions for signs displayed on vehicles. *See Attachment 1: Proposed Wording.*

AGENCY COMMENTS:

The proposed amendments were distributed to the following agencies and no comments were received: Dept. of General Services; Dept. of Economic Development; Dept. of Public Safety; Dept. of Public Works; Division of Inspections & Permits; Division of Water & Sewer; Soil Conservation District; Board of Education; State Highway Administration; Health Dept.; County Attorney; Agriculture Commission; Board of Appeals; Economic Development Commission; and Environmental Commission.

CONCLUSION/STAFF RECOMMENDATION:

To be included with public hearing staff report.

Attachment 1: Proposed Wording

6-8.02 General Sign Provisions

In addition to any other regulations imposed by this Ordinance, all signs shall be subject to the following conditions:

- L. Signs ~~attached to~~ **displayed on** vehicles are allowed under the following conditions:
1. **Except as provided in paragraph '2' of this Section, the vehicle is shall be** parked at the **location of the** business **which is being advertised** ~~location~~ and the vehicle **is shall be** operable, tagged and parked **entirely with**in an approved parking space. ~~or~~
 2. **Exceptions: Business vehicles with signs displayed on them may only be parked off-premise from the business if:**
 - a. ~~the vehicle is not parked at the business, it cannot be parked on property zoned FFD, RCD, or RD, unless~~ the vehicle is parked **in an approved parking area** at the driver's residence and it is the resident's primary means of transportation to and from his or her place of work; ~~or~~
 - b. **the vehicle is parked on property for the purpose of conducting business on that property (e.g., service calls).**
 3. **If the sole purpose of the vehicle or trailer is to provide display advertising (e.g., rolling billboards), such vehicles or trailers may be stored when not in use in the I-1 Light Industrial District only. The vehicles shall be parked entirely within an approved parking space or within an approved storage area.**

STAFF REPORT
TEXT AMENDMENT CASE NO. 09-6C
AMENDMENT TO SECTION 6-8.05.G.3.e, OF THE
CALVERT COUNTY ZONING ORDINANCE
RE: PORTABLE SIGNS

DATE PREPARED:

November 23, 2009
Revised February 16, 2010

PLANNING COMMISSION/COUNTY COMMISSIONERS' HEARING DATE:

Not yet scheduled.

AMENDMENTS PROPOSED BY:

DPZ Staff

PURPOSE OF AMENDMENT/BACKGROUND OF REGULATIONS:

Amend Section 6-8.05.G.3.e of the Calvert County Zoning Ordinance to correct the condition requiring that a permit be obtained for portable signs, as the requirements are listed under the Section heading, "Signs Permitted Without a Zoning Permit". *See Attachment 1: Proposed Wording.*

AGENCY COMMENTS:

The proposed amendments were distributed to the following agencies and no comments were received: Dept. of General Services; Dept. of Economic Development; Dept. of Public Safety; Dept. of Public Works; Division of Inspections & Permits; Division of Water & Sewer; Soil Conservation District; Board of Education; State Highway Administration; Health Dept.; County Attorney; Agriculture Commission; Board of Appeals; Economic Development Commission; and Environmental Commission.

Planning and Zoning staff comments have been incorporated into the attached draft and shown in blue text.

CONCLUSION/STAFF RECOMMENDATION:

To be included in the public hearing staff report.

Attachment 1: Proposed Wording

6-8.05 Signs Permitted Without A Zoning Permit

The following signs are permitted without a zoning permit in any district:

- G. All portable signs shall be limited as follows:
1. ~~Hot air~~ **Advertising** balloons, **inflatables**, and search lights are allowed for promotions only, not to exceed 72 hours in a year.
 2. Pennants and banners are permitted for display periods not to exceed 14 days prior to an event, and not to exceed 30 days per year.
 3. One sandwich type (A-frame) sign is permitted per business on premises, subject to the following:
 - a. Each sign board face shall not exceed nine square feet.
 - b. The total height is not to exceed 48 inches.
 - c. The sign shall be located so as not to restrict sight distance below that called for in AASHTO standards. NOTE: The County will provide drawings depicting AASHTO standards. Applicants will be responsible for meeting those standards.
 - d. The sign shall either be constructed and maintained according to the adopted specifications or receive special approval from the Architectural Review Committee for the Town.
 - e. The ~~owner shall obtain a permit for the sign; however, the~~ size of the sign will not count against the total signage allowed under Section ~~6-8.07~~ **6-8.06** of the Zoning Ordinance.
 - f. For roads with posted speed limits greater than 30 miles an hour, the sign shall be at least 50 feet from the right-of-way. NOTE: These signs are not effective on high speed roads, and they present a greater danger.

STAFF REPORT
TEXT AMENDMENT CASE NO. 09-6D
AMENDMENT TO SECTION 6-8.06.B.2.a OF THE
CALVERT COUNTY ZONING ORDINANCE
RE: DIRECTIONAL SIGNS ERECTED BY THE COUNTY

DATE PREPARED:

November 24, 2009
Revised February 16, 2010

PLANNING COMMISSION/COUNTY COMMISSIONERS' HEARING DATE:

Not yet scheduled.

AMENDMENTS PROPOSED BY:

DPZ Staff

PURPOSE OF AMENDMENT/BACKGROUND OF REGULATIONS:

Amend Section 6-8.06.B.2.a of the Calvert County Zoning Ordinance to allow each Town Center to design its own format for directional signs erected by the County. *See Attachment 1: Proposed Wording.*

AGENCY COMMENTS:

The proposed amendments were distributed to the following agencies and no comments were received: Dept. of General Services; Dept. of Economic Development Dept. of Public Safety; Dept. of Public Works; Division of Inspections & Permits; Division of Water & Sewer; Soil Conservation District; Board of Education; State Highway Administration; Health Dept.; County Attorney; Agriculture Commission; Board of Appeals; Economic Development Commission; and Environmental Commission.

CONCLUSION/STAFF RECOMMENDATION:

To be included in the public hearing staff report.

Attachment 1: Proposed Wording

(08/07/07)

6-8.06 Signs Requiring Zoning Permits

- B. The following signs are permitted in accordance with zoning district regulations and require a zoning permit. Any sign erected without a zoning permit shall constitute a Zoning Violation, which shall be enforced in accordance with Section 1-7.
2. Directional Signs Erected by the County - The purpose of directional signs erected by the County is to provide an attractive format for advertising businesses not located on major roads. Sign structures may be erected at intersections by the County on County rights-of-way and shall be designed to provide for advertising the name, location, type of business and/or principal products, under the following provisions:
- a. A uniform ~~County~~ format **for each Town Center** is to be designed by and approved by the County, **with input from the appropriate Town Center Architectural Review Committee**.
 - b. The structures are to be located at road intersections with arterials and/or major collector roads, as designated by the County Commissioners.
 - c. The permit fees for individual business signs will be used to defray cost of the sign structure.

STAFF REPORT
TEXT AMENDMENT CASE NO. 09-6E
AMENDMENT TO SECTION 6-8.03.B & ARTICLE 12 OF THE
CALVERT COUNTY ZONING ORDINANCE
RE: FREESTANDING SIGNS & BILLBOARDS

DATE PREPARED:

November 24, 2009
Revised: February 18, 2010

PLANNING COMMISSION/COUNTY COMMISSIONERS' HEARING DATE:

Not yet scheduled.

AMENDMENTS PROPOSED BY:

DPZ Staff

PURPOSE OF AMENDMENT/BACKGROUND OF REGULATIONS:

- Amend Section 6-8.03.B to limit the number of additional freestanding signs to only one, and require that the sign must advertise only on-site businesses or institutional uses.
- Amend the definitions of "Freestanding Sign" and "Billboard" contained in Article 12, Definitions, of the Calvert County Zoning Ordinance. Billboards are prohibited by Section 6-8.06.B.6 but are currently not defined. *See Attachment 1: Proposed Wording.*

AGENCY COMMENTS:

The proposed amendments were distributed to the following agencies and no comments were received: Dept. of General Services; Dept. of Economic Development; Dept. of Public Safety; Dept. of Public Works; Division of Inspections & Permits; Division of Water & Sewer; Soil Conservation District; Board of Education; State Highway Administration; Health Dept.; County Attorney; Agriculture Commission; Board of Appeals; Economic Development Commission; and Environmental Commission.

Planning and Zoning staff comments have been incorporated into the attached draft and shown in blue text.

CONCLUSION/STAFF RECOMMENDATION:

To be included in public hearing staff report.

Attachment 1: Proposed Wording

6-8.03 Freestanding Signs

- A. No freestanding sign shall exceed 18 feet in height unless approved by the Board of Appeals as a special exception.
- B. **Except as provided below, Only** one freestanding sign is permitted per parcel of record as of the date of adoption of this Ordinance. ~~Additional signs may be approved by the Planning Commission in cases where a site is over five acres, provided that signs are architecturally integrated with each other and with the buildings on the site.~~
 - 1. **Exception: One** ~~Additional signs~~ may be approved by the Planning Commission ~~in cases where a~~ **subject to the following conditions:**
 - a. **the site is over shall contain at least five acres; and**
 - b. **provided that the additional signs are shall be** architecturally integrated with ~~each other the other freestanding sign~~ and with the buildings on the site; **and**
 - c. **the additional freestanding sign shall be erected for the purpose of advertising on-site businesses or institutional uses only.**
- C. Freestanding signs shall be compatible with the building(s) to which it relates in terms of style, colors, proportion and scale.
- D. All individual signs on a freestanding base shall be uniform in design. Uniformity is defined as:
 - 1. Having the same (or similar) dimensions or proportions;
 - 2. Having the same (or similar) background colors;
 - 3. Being of the same material;
- E. Reader boards on individual signs on a freestanding base shall be limited to two lines and shall have the same background color and width dimensions as the primary sign.
- F. Freestanding signs shall not be centered on single poles. Signs may be mounted on the side of a single pole, between two poles, or within a sign frame constructed of solid wood or a material that has the appearance of wood, or brick.
- G. Setback Requirements for Freestanding Signs. The setback requirement for freestanding signs shall be a minimum of ten feet from the right-of-way except in the following instances:
 - 1. Any sign which is attached to the ground located on an arterial road and within 40 feet of the side lot line shall adhere to the front setback requirement for the district in which it is located (so that, e.g., views from neighboring properties are not obstructed).
 - 2. If located on a collector or local road and within 30 feet of the side lot line, the sign shall conform to the front setback requirement for the district in which it is located.

Article 12 Amendments:

<u>Billboard</u>	<u>A sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. This definition includes vehicles or trailers with signs attached displayed for the primary purpose of advertising (i.e., rolling billboards). Off-premise signs specifically allowed by Section 6-8 of this Ordinance are excluded from this definition.</u>
Free-Standing Sign	Any non-movable sign not affixed to a building <u>that identifies a business, commodity, service, or entertainment.</u>

STAFF REPORT
TEXT AMENDMENT CASE NO. 09-7
AMENDMENT TO SECTION 7-1.07.B.8 OF THE
CALVERT COUNTY ZONING ORDINANCE
RE: PERIOD OF VALIDITY FOR PRELIMINARY SUBDIVISION PLANS

DATE PREPARED:

November 24, 2009
Revised: February 18, 2010

PLANNING COMMISSION/COUNTY COMMISSIONERS' HEARING DATE:

Not yet scheduled.

AMENDMENTS PROPOSED BY:

Planning Commission Staff

PURPOSE OF AMENDMENT/BACKGROUND OF REGULATIONS:

Amend Section 7-1.07.B.8, of the Calvert County Zoning Ordinance to clarify the period of validity for preliminary subdivision approval, adding a reference to the Planning Commission's policy for addressing the Adequate Public Facilities Ordinance (APFO). *See Attachment 1: Proposed Wording.*

AGENCY COMMENTS:

The proposed amendments were distributed to the following agencies and no comments were received: Dept. of General Services; Dept. of Economic Development; Dept. of Public Safety; Dept. of Public Works; Division of Inspections & Permits; Division of Water & Sewer; Soil Conservation District; Board of Education; State Highway Administration; Health Dept.; County Attorney; Agriculture Commission; Board of Appeals; Economic Development Commission; and Environmental Commission.

County Attorney comments have been incorporated into the attached draft and shown in blue text.

CONCLUSION/STAFF RECOMMENDATION:

To be included in the public hearing staff report.

Attachment 1: Proposed Wording

7-1.07 Subdivision Review Procedures

B. Preliminary Plan Review

8. Period of Validity

- a. ~~Except as provided in paragraph 'b' of this Section, the approval and conditions of the Preliminary Subdivision Plan shall remain valid for three years from approval date unless an extension is granted by the Planning Commission. Final plat approval may be delayed if schools and/or roads are determined to be inadequate. See Section 7-1.05, Adequate Public Facilities, for specific regulations.~~
- b. ~~If final plat approval is delayed due to the inadequacy of schools and/or roads, preliminary approval shall automatically be extended to six months beyond the date that the schools and roads are deemed to be adequate or the seven-year waiting period described in Section 7-1.05, whichever occurs first.~~

The approval of the Preliminary Subdivision Plan shall remain valid for expire after three years from the approval date. Final plat approval may be delayed if schools and/or roads are determined to be inadequate. See Section 7-1.05, Adequate Public Facilities Requirements, and the policy adopted by the Planning Commission titled, "Policies for Administering Subdivisions under the Adequate Public Facilities Ordinance for School Capacity", for specific requirements.

STAFF REPORT
TEXT AMENDMENT CASE NO. 09-8A
AMENDMENT TO SECTION 11-1.03, OF THE
CALVERT COUNTY ZONING ORDINANCE
RE: OTHER APPEALS TO THE BOARD OF APPEALS

DATE PREPARED:

November 24, 2009
Revised February 16, 2010

PLANNING COMMISSION/COUNTY COMMISSIONERS' HEARING DATE:

Not yet scheduled.

AMENDMENTS PROPOSED BY:

DPZ Staff

PURPOSE OF AMENDMENT/BACKGROUND OF REGULATIONS:

Amend Section 11-1.03 of the Calvert County Zoning Ordinance to eliminate examples of other appeals, since such appeals are specified in other Sections of the Ordinance. *See Attachment 1: Proposed Wording.*

AGENCY COMMENTS:

The proposed amendments were distributed to the following agencies and no comments were received: Dept. of General Services; Dept. of Economic Development Dept. of Public Safety; Dept. of Public Works; Division of Inspections & Permits; Division of Water & Sewer; Soil Conservation District; Board of Education; State Highway Administration; Health Dept.; County Attorney; Agriculture Commission; Board of Appeals; Economic Development Commission; and Environmental Commission.

CONCLUSION/STAFF RECOMMENDATION:

To be included in public hearing staff report.

Attachment 1: Proposed Wording

11-1.03 Other Appeals to the Board of Appeals

The Board of Appeals shall have the authority to hear and decide other special requests as specified in ~~the **this** Ordinance, including but not limited to requests for expansion or replacement of non-conforming buildings or uses, requests for extension of the time period allowed for emergency use of recreational vehicles, etc.~~

STAFF REPORT
TEXT AMENDMENT CASE NO. 09-8B
AMENDMENT TO SECTIONS 5-1.12.C.3 AND 11-3.01 OF THE
CALVERT COUNTY ZONING ORDINANCE
RE: ADMINISTRATIVE VARIANCES FOR PARKING

DATE PREPARED:

November 23, 2009
Revised February 16, 2010

PLANNING COMMISSION/COUNTY COMMISSIONERS' HEARING DATE:

Not yet scheduled.

AMENDMENTS PROPOSED BY:

DPZ Staff

PURPOSE OF AMENDMENT/BACKGROUND OF REGULATIONS:

- Amend Section 5-1.12.C.3 to specify that unenclosed carports shall be counted as a parking space.
- Amend Section 11-3.01 of the Calvert County Zoning Ordinance to authorize the Administrative Variance Officer to grant variances from the parking requirements for single-family detached dwellings and accessory apartments. *See Attachment 1: Proposed Wording.*

AGENCY COMMENTS:

The proposed amendments were distributed to the following agencies and no comments were received: Dept. of General Services; Dept. of Public Safety; Dept. of Public Works; Division of Inspections & Permits; Division of Water & Sewer; Soil Conservation District; Board of Education; State Highway Administration; Health Dept.; County Attorney; Agriculture Commission; Board of Appeals; and Environmental Commission.

The Dept. of Economic Development and the Economic Development Commission submitted the following comments (*See Attachment 2: Agency Comments*): *"It is recommended that the term "Administrative Variance Officer" be replaced with the term "Zoning Officer". The Zoning Officer serves in this position anyway and this recommended change would help eliminate confusion."*

Staff agrees that such a change would reduce confusion; however, the change may have unintended consequences, considering that "Administrative Variance Officer" is defined as, *"The Director of the Department of Planning & Zoning or another designee authorized by the Board of County Commissioners to grant administrative variances in accordance with Section 11-3 of this Zoning Ordinance."* A solution may be to amend the Customer Assistance Guide for Administrative Variances to specify that the Zoning Officer serves as the Administrative Variance Officer. This would allow another staff member to be appointed in the future if the Commissioners wished to do so.

Planning and Zoning staff comments have been incorporated into the attached draft and shown in blue text.

CONCLUSION/STAFF RECOMMENDATION:

To be included in the public hearing staff report.

Attachment 1: Proposed Wording
Attachment 2: Agency Comments

5-1.12 Parking Requirements for Residential Development

- A. The provisions of this Section shall apply to all new construction, to additions to existing buildings and structures, and to buildings for which the primary use is being changed. Occupancy permits will not be granted until such parking and loading facilities are constructed and available. See Section 5-3.08 for additional parking requirements that apply to Townhouse, Single-Family Attached, and Multi-family Development.
- B. Parking, loading and driveway surfaces shall meet the standards of the Road Ordinance (Chapter 104 of the Code of Calvert County).
- C. Parking Space Requirements
 - 1. For the purpose of this Section, each off-street parking space shall measure a minimum of nine feet by 18 feet, exclusive of access drives.
 - 2. Parallel parking spaces shall measure 23 feet by seven feet.
 - 3. Individual garages shall not be counted when calculating the number of parking spaces **for single-family detached dwellings. The area covered by a carport shall be counted toward meeting the parking requirements as long as the carport is not enclosed.**
 - 4. All parking, passenger loading zones and signage for accessible parking spaces shall comply with the Maryland Accessibility Code (MAC). All other current Federal and State accessibility guidelines for site design shall apply. Any dimensions listed in the Ordinance are offered as examples only.
 - 5. When calculating the number of parking spaces, fractions shall be rounded up.
 - 6. Parking spaces shall be provided based on individual uses as indicated in Table 5-6.

TABLE 5-6 NUMBER OF PARKING SPACES REQUIRED	
USE	NUMBER OF SPACES
Apartment, Accessory to a Single-family Dwelling	2
Apartment, Accessory Over a Business	1 per unit + 20% for overflow
Assisted Living Facility	1 per 5 beds + 1 per on-duty employee
Bed & Breakfast Facility, up to 2 Bedrooms in Use	2 plus 1 per overnight lodging unit
Bed & Breakfast Facility, 3 to 5 Bedrooms in Use	2 plus 1 per overnight lodging unit
Boarding House	2 plus 1 per overnight lodging unit
Dwelling, Attached (Duplex, Triplex, Fourplex, Multi-family, Townhouse, or Mixed Residential)	3 per dwelling unit (2 per dwelling unit in the RCD)
Dwelling, Single-Family Detached	3
Group Home	2 plus 1 per overnight lodging unit
Lodgers in Residence	2 plus 1 per overnight lodging unit
Manufactured Home Community	2 per unit
Manufactured Home, Farm	2
Manufactured Home on Individual Lot	2
Manufactured Home For Resident Watchman/Caretaker	2
Manufactured Home Subdivision	2 per unit
Tenant House	2

(06/10/08) **11-3 ADMINISTRATIVE VARIANCES**

11-3.01 Administrative Variances

A. Purpose.

The purpose of this Section is to delegate to the Administrative Variance Officer approval authority to grant setback variances for single-family residences, accessory residential structures, and additions to residences and accessory structures. **The Administrative Variance Officer is also authorized to grant variances from the parking requirements for Single-Family Detached Dwellings and Apartments Accessory to a Single-Family Dwelling (See Section 5-1.12 of this Ordinance).**

B. Application.

1. An applicant seeking a variance may request the same of the Board of Appeals, pursuant to Section 11-1.01.A of this Ordinance, without first applying for an administrative variance.
2. A person requesting an administrative variance must file the required application with the Department of Planning and Zoning.
3. The application consists of the following:
 - a. an application form;
 - b. application fee;
 - c. written documents bearing the signatures of all affected property owners demonstrating that they agree with the requested variance for the specific, proposed development activity. Affected property owners include all owners of all properties that abut the side or rear property line from which an administrative variance is sought; or in the case of an administrative variance request for front setback adjustment, all owners of all properties that abut a side property line of the subject property and those whose properties lie directly across the street from the subject property; and
 - d. a scale-drawing of the property showing the location and size of proposed structures and any additions to existing structures, as well as the distance between those structures and/or additions and all property boundaries.

C. Procedure.

The Administrative Variance Officer shall establish and publish procedures for the processing of applications including, but not limited to, the following:

1. Upon acceptance of the application, the Administrative Variance Officer shall mail a confirmatory notice to all affected property owners providing them with an opportunity to comment on the request within a specified time period.
2. The applicant shall post the property with a notice of the variance request for a period of 10 days after acceptance of the application by the Administrative Variance Officer.
3. If adverse comments are received from any property owners objecting to the variance request, the applicant shall be required to withdraw the application and submit a variance request to the Board of Appeals.
4. Prior to making a decision, the Administrative Variance Officer may visit the property to verify information contained in the application.

D. Criteria.

The Administrative Variance Officer may grant setback **and/or parking** variances only where it is demonstrated that peculiar and unusual practical difficulties exist on the parcel which warrant a setback **and/or parking** variance, and such difficulties are created by exceptional narrowness, shallowness, or shape of the parcel, by reason of exceptional topographical conditions, or by other extraordinary situations or conditions affecting the property. The applicant shall demonstrate that the following additional criteria have been met:

1. The requested variance shall not reduce required setbacks by more than 50 percent and in no case shall the required setback be reduced to less than five feet. **For parking variances, the number of parking spaces may be reduced to a minimum of two spaces for single-family detached dwellings, and a minimum of one space for accessory apartments.**
2. The proposed structure for which a variance is requested shall not exceed 1000 square feet in gross floor area.
3. Nothing in this Section is intended to authorize the Administrative Variance Officer to grant variances to State or local requirements that are intended to protect environmentally sensitive areas, such as streams, slopes, wetlands, natural heritage areas, or critical areas.
4. Administrative variances may not be granted for after-the-fact variance requests or to correct a zoning violation. Such variance requests shall be made to the Board of Appeals.

E. Decisions.

Unless delayed by actions of the applicant or affected property owners, the Administrative Variance Officer shall decide the issue raised by the application within 30 days of acceptance of the application. The decision shall be in writing and shall include findings of fact that support the decision. In granting an administrative variance, the Administrative Variance Officer may impose conditions that are reasonable or necessary for the protection of surrounding and neighboring properties.

F. Denials.

If the application is denied, all future variance applications involving substantially the same proposal on the same property shall be submitted to the Board of Appeals.

G. Appeals.

1. Any applicant aggrieved by a decision made pursuant to this Section may apply for a variance from the Board of Appeals in accordance with Section 11-1.01.A of this Ordinance.
2. Any person or persons, other than the applicant, aggrieved by a decision made pursuant to this Section may file an appeal with the Clerk to the Board of Appeals no later than 30 days from the date of the Administrative Variance Officer's decision. The Board of Appeals Clerk will schedule the appeal for the next available Board of Appeals public hearing. Such an appeal will be heard de novo in accordance with Section 11-1.04 of this Ordinance.

H. Fees.

The Board of County Commissioners shall be responsible for establishing the fee schedule for administrative variances, in accordance with Section 1-5 of this Ordinance.



**DEPARTMENT OF ECONOMIC DEVELOPMENT
INTEROFFICE MEMORANDUM**

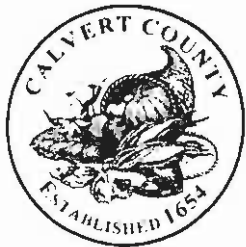
TO: Miriam Gholl, Zoning Planner
FROM: James R. Shepherd, Business Development Specialist II
DATE: December 14, 2009
SUBJECT: November 24, 2009 Proposed Zoning Text Amendments

Background: You requested comments on a series of Proposed Zoning Text Amendments.

Discussion: The Department of Economic Development has studied the Proposed Amendments and offers the following comments and recommendations:

- **Text Amendment Case No. 09-3A- AGRICULTURAL & AGRITOURISM USES: Options Addressing Private Roads-** The wording of this proposed change is cumbersome and we recommend a revision that encompasses both options into one proposed change. The existing options are really separate and refer to entirely different circumstances.
- **Text Amendment Case No. 09-3C- WATERMEN'S MARKETS-** This is a good addition to the Ordinance and should help to ensure a convenient sales location for locally caught seafood. The Ordinance should allow all locally caught or grown seafood to be sold and **not** be restricted to oysters and live crabs only.
- **Text Amendment Case No. 09-8B- ADMINISTRATIVE VARIANCES FOR PARKING: 11-3.01 Administrative variances-** It is recommended that the term "Administrative Variance Officer" be replaced with the term "Zoning Officer". The Zoning Officer serves in this position anyway, and this recommended change would help to eliminate confusion.

Thank you for the opportunity to comment on these important Proposed Zoning Text Amendments. I can be reached at X2485 if there are any questions concerning these recommendations and comments.



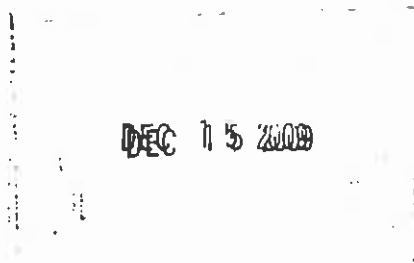
**CALVERT COUNTY
ECONOMIC DEVELOPMENT COMMISSION**

175 Main Street
Courthouse
Prince Frederick, Maryland 20678
Phone: 410-535-1600
www.ecalvert.com

Board of Commissioners
Gerald W. Clark
Linda L. Kelley
Wilson H. Parran
Susan Shaw
Barbara A. Stinnett

December 9, 2009

Ms. Miriam Groll, Zoning Planner
Department of Planning and Zoning
Courthouse
Prince Frederick, Maryland 20678



Subject: November 24, 2009, Proposed Zoning Text Amendments

Dear Ms. Groll:

The Economic Development Commission (EDC) has studied the subject proposed zoning text amendments and offers the following comments and recommendations:

- **Text Amendment Case No. 09-3A-AGRICULTURAL & AGRITOURISM USES: 1. Options Addressing Private Roads**- The wording of this proposed change is cumbersome and we recommend a revision that encompasses both options into one proposed change. The existing options are really separate and refer to entirely different circumstances.
- **Text Amendment Case No. 09-8B-ADMINISTRATIVE VARIANCES FOR PARKING: 11-3.01 Administrative Variances**- It is recommended that the term "Administrative Variance Officer" be replaced with the term "Zoning Officer." The Zoning Officer serves in this position anyway and this recommended change would help eliminate confusion.

Thank you for the opportunity to comment on these important proposed zoning text amendments.

Sincerely,

Alonzo Barber, III
Chairman

cc: Calvert County Board of County Commissioners