

Solomons Town Center Zoning Ordinance

Calvert County, Maryland
Effective Date: September 22, 2009



**SOLOMONS TOWN CENTER ZONING ORDINANCE
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**ARTICLE 1
SCOPE OF REGULATIONS**

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1-1 PURPOSE OF THIS ORDINANCE

The Solomons Town Center Master Plan is based on the stated goal of the Calvert County Comprehensive Plan. One tool necessary to implement the Master Plan is a Zoning Ordinance designed to regulate land uses as part of the effort to promote the health, safety and general welfare of Calvert County residents.

Many aspects of land use can impact adjoining properties, neighborhoods, public facilities and overall development of the Solomons Town Center. Therefore, the purpose of this Zoning Ordinance is to implement the stated objectives of the Solomons Master Plan, which include, among others:

- A. Treat the entire Solomons Town Center as an economic, environmental, and aesthetic whole, except for the Solomons Annex of NAS PAX River (Planning Area A).
- B. Recognize and provide for all the water-based activities of Solomons, including but not limited to, commercial and recreational boating, crabbing and fishing, and public access to the water.
- C. Support and enhance a mix of uses in the Solomons Island Village Core that are family-friendly, encourage year round activity, and are visually compatible with Solomons architectural heritage that makes it a distinctive destination.
- D. Protect and enhance established residential areas.
- E. Encourage commercial development that is compatible with the environmental, cultural, historical, and aesthetic character of Solomons.
- F. Promote a broad mix of commercial, office, residential, public and institutional uses within the Solomons Town Center.
- G. Protect the environment.
- H. Promote a balanced, complete transportation system to enhance mobility.

1-2 TERRITORIAL LIMITS AND APPLICATION OF THIS ORDINANCE

This Ordinance shall apply to all the lands, uses and improvements within the Solomons Town Center, as designated on the Official Zoning Maps, adopted by the Calvert County Board of County Commissioners and recorded among the Land Records of Calvert County, as amended from time to time. Except as otherwise specified, the use of any property and the construction or alteration of any building or structure within the Solomons Town Center shall conform to the requirements of this Zoning Ordinance.

1-3 SEPARABILITY

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

1-4 ZONING OFFICER

The Calvert County Zoning Officer shall be responsible for giving approval for building permits, enforcement of the provisions of this Ordinance, and clarifying the intent of this Ordinance, in accordance with Section 1-4 of the Calvert County Zoning Ordinance.

1-5 SCHEDULE OF FEES, CHARGES & EXPENSES

The adoption and administration of the schedule of fees, charges, and expenses for applications relating to this Ordinance shall be in accordance with Section 1-5 of the Calvert County Zoning Ordinance.

1-6 ORDINANCE AMENDMENTS

Any amendment to this Ordinance shall be made in accordance with Section 1-6 of the Calvert County Zoning Ordinance.

1-7 ENFORCEMENT OF ORDINANCE

The Zoning Officer or its designee is authorized to make such inspections as are reasonable and necessary to determine satisfactory compliance with this Ordinance as well as other enforcement provisions as described in Section 1-7 of the Calvert County Zoning Ordinance.

ARTICLE 2
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2-1 ZONING MAP & DISTRICT BOUNDARIES ESTABLISHED

As specified in the Solomons Town Center Master Plan, the Solomons Town Center is divided into six planning areas. The planning areas are further divided into sub-areas, which are also the Solomons Zoning Districts. The locations and boundaries of the planning areas and sub-areas are established as shown on the maps entitled "Solomons Town Center Zoning Maps". The maps and all notations, dimensions, references and other data shown, as well as properly attested amendments, are incorporated as a part of this Ordinance. Maps reflecting the current status of zoning are available from the Department of Planning & Zoning, Room 304, County Services Plaza, 150 Main Street, Prince Frederick, Maryland.

2-2 INTERPRETATION OF ZONING BOUNDARIES

The interpretation of zoning boundaries within the Solomons Town Center shall be in accordance with Section 2-3 of the Calvert County Zoning Ordinance.

2-3 NOTE RESTRICTIONS ON ZONING MAPS

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

2-4 DISTRICT CHANGES

The Solomons Town Center Zoning Maps may from time to time be amended, through rezonings by application and comprehensive rezonings, in accordance with Section 2-5 of the Calvert County Zoning Ordinance. Note restrictions on the Zoning Maps may be amended by the procedure for Ordinance text amendments, in accordance with Section 1-6 of the Calvert County Zoning Ordinance.

2-5 NON-CONFORMING USES¹

In order to effectively implement the stated goals of the Solomons Master Plan and the Calvert County Comprehensive Plan, uses that do not conform to those goals shall be strictly regulated by the provisions of this Ordinance.

2-5.01 Non-Conforming Use Defined

A non-conforming use is 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 sub-area 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.

2-5.02 Continuation of Lawfully Existing Uses

Any use lawfully existing at the time of the adoption or amendment of this Ordinance may continue to be used even though such use is no longer permitted in the Sub-area in which it is located. Non-conforming uses may continue even if ownership of the property changes.

2-5.03 Expansion of Non-Conforming Uses

The provisions of Section 2-6 of the Calvert County Zoning Ordinance shall apply to all non-conforming uses on properties north of Lore Road. The following provisions apply to non-conforming uses on properties south of Lore Road only:

- A. The area occupied by a non-conforming use shall not be permitted to be expanded beyond the area occupied by the use as of the date of non-conformity.
- B. 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 shall not be expanded.
- C. If a nonconforming use does not involve a building or structure and the area of the lot utilized by such a use is also used for a permitted use, expansion of the non-conforming use shall not be permitted.
- D. The Board of Appeals shall not be permitted to grant variances to the provisions of subparagraphs A, B and C, above.

2-5.04 Replacement of Non-Conforming Uses

The provisions of Section 2-6 of the Calvert County Zoning Ordinance shall apply to all non-conforming uses on properties north of Lore Road. For non-conforming uses on properties south of Lore Road, the non-conforming use of a building, structure or premises shall not be replaced with another non-conforming use. The non-conforming use shall only be replaced with a use permitted by this Ordinance.

2-5.05 Discontinuance of a Non-Conforming Use

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.

¹ For provisions regarding non-conforming **structures**, see Section 2-6 herein.

2-5.06 When a Non-Conforming Use Becomes a Special Exception

If a change to this Ordinance results in an existing non-conforming use being permitted as a special exception use, the use shall thereafter be considered a conforming use. A special exception shall automatically be granted and the owner shall not be required to obtain a special exception from the Board of Appeals to continue the use. However, expansion in area of the use or building area requires the approval of the Board of Appeals. The Board of Appeals shall apply the criteria for special exceptions contained in Section 11-1.02 of the Calvert County Zoning Ordinance.

2-6 NON-CONFORMING STRUCTURES (EXCLUDING SIGNS)²

2-6.01 Non-Conforming Structure Defined

A non-conforming structure is 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 of this Ordinance in terms of such requirements as area, setback, or height requirements, architectural standards, etc. 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 a structure non-conforming.

2-6.02 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 site design provisions of the sub-area in which it is located. A non-conforming structure may be used for a permitted use or a non-conforming use as described in Section 2-5 herein. The use of non-conforming structures may continue even if ownership of the property changes.

2-6.03 Expansion of Non-Conforming Structures

- A. The expansion of a non-conforming structure may be permitted subject to the following conditions:
 - 1. The length of a building wall that does not conform to the current setback requirements may be extended provided that it is not extended closer to the property line than the original structure. Such extension would require a variance from the Board of Appeals.
 - 2. Such extension shall not constitute more than 50 percent of the length of the original non-conforming building wall. Extensions beyond 50 percent require a variance from the Board of Appeals.
 - 3. Expansion shall not be permitted if the structure is occupied by a non-conforming use, the expansion of which would be prohibited by Section 2-5.03 of this Ordinance.

² For provisions regarding non-conforming *uses*, see Section 2-5 herein. For provisions regarding non-conforming *signs*, see Article 6.

2-6.04 Replacement of Non-Conforming Structures

- A. Nothing in these regulations shall prevent the restoration and/or replacement of a non-conforming 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 structure either by means as described above or by neglect or abandonment.
- B. A non-conforming 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.

2-7 PLANNING AREAS AND ZONING SUB-AREAS

2-7.01 Purpose of Establishing Planning Areas and Zoning Sub-Areas

The Solomons Town Center is divided into six planning areas, each of which is further divided into zoning sub-areas. These sub-areas are established to regulate appropriate locations for different types of land uses within the Town Center. The appropriate location for a particular land use is determined by the stated objectives of the Solomons Master Plan as well as environmental suitability, the location of public facilities and services, and existing land uses in the vicinity.

2-8 PLANNING AREAS AND ZONING SUB-AREAS: PURPOSES, DESCRIPTIONS & POLICIES

2-8.01 Planning Area A - The Solomons Annex of NAS PAX River

The Solomons Annex of NAS PAX River is federal property and, therefore, exempt from County Planning and Zoning regulations. It is identified for reference purposes as Planning Area A. Should it ever cease being federal property, the Solomons Master Plan and Zoning Ordinance will be revised accordingly.

2-8.02 Planning Area B – The Sandy Point Area

A. Description

Planning Area B includes the Sandy Point residential area; the institutional buildings and property of the University of Maryland Center for Environmental Science, Chesapeake Biological Laboratory; a mixture of residential, marina and institutional buildings and structures on property located at the north end of Farren Avenue; and the retail and lodging uses in the center of the area.

B. Planning Area B Zoning Policies

The Solomons Master Plan includes general policies relating to the zoning of Planning Area B. They are as follow:

1. The Appearance Code shall be mandatory in Planning Area B. See Article 6 herein.
2. Reduced waterfront buffers are allowed in some areas that are already developed within the 100-foot buffer. See Article 8 of the Calvert County Zoning Ordinance.

3. The retention of historic buildings shall be encouraged.

C. Sub-area Zoning Policies for Planning Area B

Planning Area B is further divided into Zoning Sub-areas as shown on the Official Solomons Town Center Zoning Maps. The following policies relating to the zoning of each sub-area are included in the Solomons Master Plan and are intended to be implemented and enforced through this Ordinance:

1. Sub-area B1: This sub-area shall be designated primarily for residential use.
2. Sub-area B2 and B3: The property owned by the University of Maryland Center for Environmental Science should be encouraged to adhere to the appearance standards governing new development and substantial rehabilitation in order to preserve the architectural character of the area and to ensure compatibility with adjacent residential areas. A mixture of institutional and water-related commercial uses is encouraged in this area.
3. Sub-area B4: This sub-area is designated for mixed commercial/residential use. Because the area borders the Sandy Point residential area, it is important to buffer this residential area from commercial incursion through the use of setbacks, fencing and screening. Commercial uses shall be required to provide a buffer, screening, or fencing along property boundaries when adjacent to residential properties to reduce the development impact on residences.

2-8.03 Planning Area C – Lore Road South to Charles Street

A. Description

The area from Lore Road south to Charles Street is the historic core of Solomons Island and Avondale. This area includes a mix of water-related commercial, residential, and institutional uses between the Narrows and Solomons Island Road; the parking area and bulkhead west of Solomons Island Road; the residential area of Avondale; the marinas on Back Creek and the Solomons inner harbor area; the farm along the Patuxent River, and the recreational area & open space under and adjacent to the Governor Thomas Johnson Memorial Bridge. The Solomons Island Village Core, from the Tide Box to Charles Street, is a destination for both residents and visitors.

B. Planning Area C Zoning Policies

The Solomons Master Plan includes general policies relating to the zoning of Planning Area C. They are as follow:

1. The Appearance Code shall be mandatory in Planning Area C. See Article 6 herein.
2. Waterfront buffers shall be required to protect the Patuxent River and the Mill Creek watershed, including The Narrows, Back Creek, and Mill Creek, and thus the Chesapeake Bay. Buffers from mean high water vary based on current intensity of use, need for environmental protection and Chesapeake Bay Critical Areas Commission regulations. See Article 8 of the Calvert County Zoning Ordinance.
3. Because the purpose of the Town Center is to be a focal point in the County for growth, no additional Agricultural Preservation Districts shall be designated in the Solomons Town Center.
4. The retention of historic buildings shall be encouraged.

C. Sub-area Zoning Policies for Planning Area C

Planning Area C is further divided into Zoning Sub-areas as shown on the Official Solomons Town Center Zoning Maps. The following policies relating to the zoning of each sub-area are included in the Solomons Master Plan and are intended to be implemented and enforced through this Ordinance:

1. Sub-area C1, C2 and the southern C3 area: The area designated by the Solomons Master Plan as the “village core” of the Town Center is intended for a mix of residential, commercial, and marina uses. In the C1 Sub-area, development shall be subject to the Form-Based Code contained in Article 6 of this Ordinance. Certain commercial uses shall be permitted in the privately-owned structures currently located along the bulkhead; however, no expansion of the structures shall be permitted.
2. Sub-area C3 (north): There are two areas designated as Sub-area C3 on the Solomons Town Center Zoning Maps. These areas consist primarily of public facilities and amenities. The northern C3 Sub-area is located adjacent to and beneath the Thomas Johnson bridge. It contains the boat ramp, the associated parking area, and the visitor’s center, as well as the Marine Museum complex. The southern C3 Sub-area also contains public amenities such as the pavilion along the boardwalk, and is considered part of the “village core” (see above description).
3. Sub-area C4: This area consists primarily of institutional and residential uses. It is the intent to maintain the current uses within this sub-area.
4. Sub-area C5: An Agricultural Preservation District (APD) currently occupies Sub-area C5. While the APD remains in effect, most uses permitted in an APD shall be permitted. However, some uses permitted by the Calvert County Zoning Ordinance in APDs are not appropriate within a Town Center. (See Article 3 herein). If the APD is lifted or changed, the Land Use Charts will be evaluated to determine appropriate uses. Adoption of a form-based code may be appropriate for this Sub-area.
5. Sub-area C6: The area known as Avondale is primarily residential in character and shall be maintained as such. Only small-scale commercial uses shall be permitted within this area; however, a wider variety of commercial uses may be permitted on the properties within Avondale that front on Solomons Island Road due to their convenient access to a major roadway.
6. Sub-area C7: Six areas have been designated as Sub-area C7. These properties contain existing marinas and/or boat-related businesses. Those uses, as well as similar marine-related uses, shall be encouraged in these areas.

2-8.04 Planning Area D – Lore Road to the Northern Town Center Boundary (east side of Route 2/4)

A. Description

Planning Area D includes the land north of Lore Road, from the Patuxent Plaza Shopping Center along the east side of MD Route 2/4 north to the Town Center Boundary. It is bounded on the east side by Back Creek and St. John Creek.

B. Planning Area D Zoning Policies

The Solomons Master Plan includes general policies relating to the zoning of Planning Area D. They are as follow:

1. Water-use related activity shall be discouraged along St. John Creek because of the narrowness of the creek and sensitive shoreline conditions.
2. Waterfront buffers shall be required to protect the Patuxent River and the Mill Creek watershed, including Back Creek, Mill Creek and St. John Creek, and thus the Chesapeake Bay. Buffers from mean high water vary based on current intensity of use, need for environmental protection and Chesapeake Bay Critical Areas Commission regulations. See Article 8 of the Calvert County Zoning Ordinance.
3. The Appearance Code shall be mandatory in Planning Area D. See Article 6 herein.
4. No clear-cutting of forest shall be permitted without an approved site plan.
5. The retention of historic buildings shall be encouraged.

C. Sub-area Zoning Policies for Planning Area D

Planning Area D is further divided into Zoning Sub-areas as shown on the Official Solomons Town Center Zoning Maps. The following policies relating to the zoning of each sub-area are included in the Solomons Master Plan and are intended to be implemented and enforced through this Ordinance:

1. Sub-areas D1 and D4: This sub-area is designated for commercial use because of its convenient transportation access and because it is relatively isolated from residential uses and waterfront areas.
2. Sub-areas D2 and D3: These areas are designated for primarily residential use with small-scale commercial and wet boat storage use.
3. Sub-area D5: This area is designated for residential, commercial and marine-related industrial use. Master plans for large underdeveloped land holdings are encouraged.

2-8.05 Planning Area E – Dowell Peninsula

A. Description

Sub-area E includes the land within the Town Center which is located on the Dowell Peninsula. The entire west side of the peninsula is included in the Solomons Town Center. The north and south areas of the east side of the Dowell peninsula are included in the Town Center, while the central portion is not.

B. Planning Area E Zoning Policies

The Solomons Master Plan includes general policies relating to the zoning of Planning Area E. They are as follow:

1. The Appearance Code shall be mandatory in Planning Area E. See Article 6 herein.
2. Waterfront buffers shall be required to protect the Patuxent River and the Mill Creek watershed, including St. John's Creek, and thus the Chesapeake Bay. Buffers from mean high water vary based on current intensity of use, need for environmental protection and Chesapeake Bay Critical Areas Commission regulations. See Article 8 of the Calvert County Zoning Ordinance.
3. Master plans for Sub-areas E1 and E3 are required and it will be mandatory to abide by the appearance and landscape guidelines because of the potential visual impact of development on the site.

C. Sub-area Zoning Policies for Planning Area E

Planning Area E is further divided into Zoning Sub-areas as shown on the Official Solomons Town Center Zoning Maps. The following policies relating to the zoning of each sub-area are included in the Solomons Master Plan and are intended to be implemented and enforced through this Ordinance:

1. Sub-areas E1: This area is developed with marina and residential uses and is designated for mixed residential, marina and commercial use.
2. Sub-area E2: This area is developed with individual single family-homes and is designated for residential, local-serving commercial uses, and wet boat storage.
3. Sub-area E3: This area is primarily developed in townhouses. Commercial use is not permitted on parcels adjacent to the waterfront in Sub-area E3.
4. The retention of historic buildings shall be encouraged.

2-8.06 Planning Area F – West Side of Route 2/4 South of Swaggers Point Road

A. Description

Planning Area F includes primarily residential uses with some commercial uses fronting MD Route 2/4. Sub-area F1 includes the land west of MD Route 2/4 and north of the Solomons Annex of NAS PAX River, and is comprised of multi-family dwellings, single-family attached dwellings and businesses along the highway. Sub-area F2 is the single-family residential area south of Swaggers Point Road.

B. Planning Area F Zoning Policies

The Solomons Master Plan includes general policies relating to the zoning of Planning Area F. They are as follow:

1. The Appearance Code shall be mandatory in Planning Area F. See Article 6 herein.
2. Waterfront buffers shall be required to protect the Patuxent River and the Mill Creek watershed, including Hungerford Creek, and thus the Chesapeake Bay. Buffers from mean high water vary based on current intensity of use, need for environmental protection and Chesapeake Bay Critical Areas Commission regulations. See Article 8 of the Calvert County Zoning Ordinance.

C. Sub-area Zoning Policies for Planning Area F

Planning Area F is further divided into Zoning Sub-areas as shown on the Official Solomons Town Center Zoning Maps. The following policies relating to the zoning of each sub-area are included in the Solomons Master Plan and are intended to be implemented and enforced through this Ordinance:

1. Sub-area F1: This area is developed as age-restricted housing as well as a large townhouse development. It is therefore designated primarily for residential and institutional uses. There is an area of existing commercial development fronting on Creston Lane. However, the Solomons Master Plan includes a policy that retail commercial shall not be permitted in Sub-area F1. The wooded wetland at the entrance to Hungerford Creek is a natural asset and is to be preserved for use as passive recreation. No commercial or community water-dependent facilities are to be permitted within the mouth of the creek.
2. Sub-area F2: This area is to remain in residential use.

2-9 OVERLAY DISTRICTS

2-9.01 Purpose of Establishing Overlay Zoning Districts

Overlay Districts are created to impose special regulations in designated areas of the County. The Solomons Town Center contains properties that have been designated with Overlay Districts or are eligible for such designation. Regulations which apply within Overlay Districts shall be in addition to the underlying Zoning Sub-area regulations. There are three types of Overlay Districts in the Solomons Town Center: Agricultural Preservation Districts (see Section 2-10.01); Critical Area Districts (see Section 2-10.02); and Historic Districts (see Section 2-10.03).

2-10 OVERLAY DISTRICTS: PURPOSES, DESCRIPTIONS & POLICIES

2-10.01 Agricultural Preservation Districts

- A. Agricultural Preservation Districts (APDs) are part of the Agricultural Land Preservation Program. According to the Calvert County Zoning Ordinance, the purpose of this program shall be to:
1. offer an incentive for preservation of prime agricultural and forestry land;
 2. provide compensation to the landowner who voluntarily agrees to place agricultural and forestry use covenants on his land;
 3. offer a free market system for financing agricultural and forestry preservation, thus reducing direct cost to the taxpayers;
 4. guide development away from prime agricultural and forestry lands on which viable farming and forestry endeavors are practical; and
 5. act as a source of development rights.

See Section 2-10.01 of the Calvert County Zoning Ordinance for regulations applying to APDs.

- B. An APD currently occupies Sub-area C5 and is highly valued for the scenic vistas it provides from within the Solomons Town Center as well as from the Thomas Johnson Bridge.
- C. No additional APDs shall be permitted within the Solomons Town Center, as the Master Plan contains the following policy: "Because the purpose of the Town Center is to be a focal point in the County for growth, it is recommended that no additional Agricultural Preservation Districts be designated in the Solomons Town Center."

2-10.02 Critical Area District

- A. The majority of the Solomons Town Center is located within the Critical Area District. According to the Calvert County Zoning Ordinance, this District is created to:
1. minimize adverse impacts on water quality that result from pollutants in run off from surrounding land uses;
 2. conserve fish, wildlife and plant habitat; and
 3. establish land-use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

See Article 8 herein and in the Calvert County Zoning Ordinance for regulations within the Critical Area.

2-10.03 Historic Districts

- A. Many properties within the Solomons Town Center contain historic features which may be eligible for designation as a Historic District. According to the Calvert County Zoning Ordinance, the purpose of this District shall be to:
 - 1. safeguard the heritage of the County by preserving areas and structures which reflect significant elements of its cultural, social, economic, political or architectural history;
 - 2. stabilize and improve property values in the area of Historic Districts and strengthen the local economy;
 - 3. foster civic beauty;
 - 4. promote the use and preservation of Historic Districts for the education, welfare, and pleasure of the residents of the County;
 - 5. develop an awareness among property owners of the value of preserving, protecting and restoring areas of historical significance; and
 - 6. enable the County government to identify and officially designate landscapes, structures and sites of historical and cultural importance to the County in order to make such structures and sites eligible for specific benefits conferred by this and other County ordinances and policies both current and adopted in the future.
- B. See Section 2-10.04 of the Calvert County Zoning Ordinance for regulations regarding District Boundaries and Administration of Historic Districts.
- C. Permitted Uses and Special Exception Uses
Permitted and special exception uses shall be as indicated in Article 3 of the Calvert County Zoning Ordinance. In addition, the following conditions shall apply to special exception uses in Historic Districts:
 - 1. If the property is a lot within a recorded subdivision containing more than five lots, the use shall only be permitted if:
 - a. access to the Historic District is not through the subdivision, and
 - b. all the lot owners in the subdivision sign the special exception application.
 - 2. Parking and accessory uses such as refuse bins, storage, etc. shall be screened from view from adjoining properties.

**ARTICLE 3
LAND USES BY ZONING DISTRICT**

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3-1 SOLOMONS TABLE OF LAND USES

The Solomons Table of Land Uses contained in Sections 3-1.01 through 3-1.11 lists different uses and the sub-areas of the Solomons Town Center in which they are permitted. If a use is not listed or does not fall within one of the general categories, it is not a permitted use in any sub-area. If a use is listed as a Conditional Use, the conditions are contained in Section 3-2. If a use is specifically listed in the Land Use Tables, it takes precedence over general use listings.

KEY TO LAND USE CHARTS:			
	A blank indicates the use is not permitted	S	Permitted Use subject to special exception from the Board of Appeals
P	Permitted Use	SC	Permitted use subject to special exception if it meets conditions
C	Permitted Use if it meets certain conditions	S1	Permitted Use subject to special exception if less than 150 feet from a residential building or site where there is an active house permit or an established Historic District.
*	In the C5 Sub-area only: Use only allowed if APD is lifted and conditions, if any, are met.	S2	Permitted Use subject to special exception if less than 300 feet from a residential building or site where there is an active house permit or an established Historic District.

B1, C6, D2, D3, E3, F1, F2	Sub-areas designated primarily for residential uses. Note: In addition to residential uses, small-scale commercial & wet boat storage should be permitted in D2, D3 & E2.
C1	Form-Based Code Proposed. See Section 6-12.07 for permitted uses.
C5	Existing APD.
C7	Existing Marinas.

USE #	SOLOMONS TABLE OF LAND USES – 3-1.01 AGRITOURISM, ECO-TOURISM, AND HERITAGE TOURISM USES	SOUTH OF LORE ROAD											NORTH OF LORE ROAD					DOWELL			WEST SIDE	
		B1	B2	B3	B4	C1 ¹	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2
1.	Agritourism Enterprise									C												
2.	Campground, Farm									C												
3.	Canoe or Kayak Launching Site, Commercial		C	C			C	C	C	C		C	C				C	C		C		
4.	Commercial Kitchen, Farm									C												
5.	Ecotourism Enterprise									P		P					P					
6a.	Farm Support Business, Less than 5,000 square feet									C												
6b.	Farm Support Business, More than 5,000 square feet									SC												
7.	Heritage Trail Displays		C	C	C		C	C	C	C		C	C			C	C	C			C	
8.	Hunting Service									C												
9.	Public Events/Public Assemblies on Farmland									SC												
10.	Rental Facilities on Farms									C												
11.	Sports Practice Fields on a Farm																					

¹ For Agritourism, Eco-tourism, and Heritage Tourism Uses permitted in the C1 Sub-area, see Section 6-12.07 of this Ordinance.

USE #	SOLOMONS TABLE OF LAND USES – 3-1.02 AGRICULTURAL USES	SOUTH OF LORE ROAD											NORTH OF LORE ROAD					DOWELL			WEST SIDE	
		B1	B2	B3	B4	C1 ²	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2
1.	Animal Husbandry								P													
2a.	Aquaculture, Freshwater and Land-based								C		C											
2b.	Aquaculture, Marine/Estuarine		C	C					C		C											
3a.	Commercial Greenhouse, Retail								C			P			P	P	P					
3b.	Commercial Greenhouse, Wholesale								C			P			P	P	P					
4a.	Commercial Kennel, with Indoor Facilities Only								C			C			C	C	C	C				
4b.	Commercial Kennel, with Outdoor Facilities								C													
5.	Commercial or Non-Profit Stable or Horseback-Riding Club								C													
6a.	Commercial Raising of Animals, Dangerous or Wild																					
6b.	Commercial Raising of Animals, Fur-bearing																					
7a.	Farm								P			P	P	P	P	P	P	P	P	P	P	P
7b.	Farm Brewery								C													
7c.	Farm Building								P			P	P	P	P	P	P	P	P	P	P	P
7d.	Farm Distillery								C													
7e.	Farm Stand								C			C			C	C	C	C			C	C
7f.	Farm, Tree								P			P			P	P						
7g.	Farm Winery								C													
8.	Field Crops								P			P	P	P	P	P	P	P	P	P	P	P
9.	Forest Product Processing																					
10.	Garden Center or Farm Supply Store				C		C					C			C	C	C					
11a.	Livestock Auction and/or Sales Barn, Commercial								S													
11b.	Livestock Auction by a Non-Profit Organization or Farm Owner								C													
12a.	Nursery, Retail								C			P			P	P						
12b.	Nursery, Wholesale								C			P			P	P						
13a.	Veterinary Hospital or Clinic, Livestock								P													
13b.	Veterinary Hospital or Clinic, Small Animals and Household Pets											P			P	P	P					

² Agricultural Uses are not permitted in the C1 Sub-area.

USE #	SOLOMONS TABLE OF LAND USES – 3-1.03 RESIDENTIAL USES	SOUTH OF LORE ROAD											NORTH OF LORE ROAD					DOWELL			WEST SIDE	
		B1	B2	B3	B4	C1 ³	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2
1a.	Apartment, Accessory to a Residence	C	C	C	C		C		C	C	C	C	C	C	C	C	C	C	C	C	C	C
1b.	Apartment, in a Mixed Use Building			C	C							C	C			C	C	C	C			
2.	Assisted Living Facility													P	P		P		P		P	
3.	Bed & Breakfast Facility with up to 5 Bedrooms in Use	C	C	C	C				C	C	C	C		C	C			C	C	C	C	C
4a.	Boarding House or Dormitory (more than 3 Lodgers)	C	C	C	C				C	C*	C	C		C	C			C	C	C	C	C
4b.	Boarding House or Dormitory (no more than 3 Lodgers)	P	P	P	P					P*	P	P	P	P	P	P	P	P	P	P	P	P
5a.	Dwelling, Attached: Duplex			C	C					C*		C		C	C			C	C	C	C	
5b.	Dwelling, Attached: Fourplex			C	C					C*		C		C	C			C	C	C	C	
5c.	Dwelling, Attached: Multi-family			C	C							C		C	C			C		C	C	
5d.	Dwelling, Attached: Townhouse			C	C					C*		C		C	C			C	C	C	C	
5e.	Dwelling, Attached: Triplex			C	C					C*		C		C	C			C	C	C	C	
5f.	Dwelling, Detached: Single-Family	C	C	C	C				C	C	C	C	C	C	C	C	C	C	C	C	C	C
6.	Group Home	C	C	C	C				C	C	C	C	C	C	C	C	C	C	C	C	C	C
7.	Liveaboards											C						C				
8a.	Manufactured Home Community																					
8b.	Manufactured Home, Farm									C												
8c.	Manufactured Home on Individual Lot																					
8d.	Manufactured Home or Recreational Vehicle (Emergency)	C	C	C	C				C	C	C	C	C	C	C	C	C	C	C	C	C	C
8e.	Manufactured Home Subdivision																					
9a.	Tenant House									C												
9b.	Tenant Houses, Additional (no more than 2 additional)																					

³ For Residential Uses permitted in the C1 Sub-area, see Section 6-12.07 of this Ordinance.

USE #	SOLOMONS TABLE OF LAND USES – 3-1.04 COMMERCIAL RETAIL USES	SOUTH OF LORE ROAD											NORTH OF LORE ROAD					DOWELL			WEST SIDE	
		B1	B2	B3	B4	C1 ⁴	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2
1.	Agricultural Machinery, Service and/or Supplies											P			P	P						
2.	Antiques Sales		C		C		P	C		C*	C	C	C			C	C	C	C			
3.	Art Gallery		C		C		C	C			C	C	C			C	C	C	C			
4.	Auction Building															C	C					
5.	Boat Dealership			P	P							P	P			P	P	P				
6.	Home Improvement Center											C				C	C					
7.	Manufactured Home Dealer																					
8a.	Market, Artisans' and Crafters'		C		C		C	C			C	C	C			C	C	C	C			
8b.	Market, Farmers'		C		C		C	C				C				C	C	C	C			
8c.	Market, Flea (by Non-profit Organization)				P				P			P			P							
8d.	Market, Watermen's		C	C	C		C	C			C	C	C			C	C	C	C			
9.	Mobile Food Sales				C							C				C		C	C			
10a.	Retail Commercial Building			C	C		C	C				C	C			C	C	C	C			
10b.	Retail Commercial Building with Drive-up Facility											C				C	C					
11.	Retail Commercial Sale or Display Area, Outdoor			C	C		C					C	C			C	C					

⁴ For Commercial Retail Uses permitted in the C1 Sub-area, see Section 6-12.07 of this Ordinance.

USE #	SOLOMONS TABLE OF LAND USES – 3-1.05 BUSINESS & PERSONAL SERVICES USES	SOUTH OF LORE ROAD										NORTH OF LORE ROAD					DOWELL			WEST SIDE		
		B1	B2	B3	B4	C1 ⁵	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2
1.	Boat Service and/or Repair			P							P	P			P	P						
2.	Boat Storage, Commercial			C					C		C	C			C	C						
3.	Boatel			P					S1*		P	P			P	P	P				P	
4.	Commercial Pier			P				C			P	P					P					
5.	Commercial Kitchen (not associated with an Eating Establishment)		C	C	C						C	C			C	C	C	C				
6.	Commercial Trade or Business School		P	P	P						P	P			P	P						
7a.	Corporate Headquarters, less than 2,500 sq. ft.		P	P	P						P	P			P	P	P	P				
7b.	Corporate Headquarters, more than 2,500 sq. ft.			S1	S1						P	P			P	S1	S1	S1				
8.	Crematorium										P	P			P	S1	S1					
9.	Drive-up Facility, Accessory										P	P			P	P						
10a.	Eating Establishment with No Outdoor Patron Area			P	P		P	C			P	P			P	P	P					
10b.	Eating Establishment with Outdoor Patron Area						C				C	C			C	C	C					
11.	Entertainment Business, Adult																					
12.	Flex Space Business																					
13.	Funeral Home												P		P	S1	S1					
14.	Home Occupation	C	C	C	C				C	C	C	C	C	C	C	C	C	C	C	C	C	C
15a.	Laundry, Industrial																					
15b.	Laundry/Laundromat		P	P	P						P	P			P	P	P					
16.	Motel or Hotel		S	S	P				S1*		P	P			P	P	P					
17a.	Nightclub, Lounge											SC			SC		SC					
17b.	Nightclub or Lounge with Outdoor Patron Area										C	C			C	C	SC					
18a.	Office, Non-Medical, Medical, Clinic Less than 2,500 sq.ft.		P	P	P			C			C	P	P		P	P	P	P			P	
18b.	Office, Non-Medical, Medical, Clinic More than 2,500 sq. ft.		P	S1	S1						C	P			P	S1	S1	S1			S1	
19.	Office Support Services, including printing, copying, faxing, internetworking, etc., less than 2,500 sq. ft.		P	P	P							P			P	P		P				
20a.	Personal Services, Less than 2,500 sq.ft.		P	P	P			C			C	P	P		P	P	P	P			P	
20b.	Personal Services, More than 2,500 sq. ft.		P	S1	S1						C	P			P	S1	S1	S1			S1	
21a.	Tavern, Bar						P				C	C			C	C	SC					
21b.	Tavern or Bar with Outdoor Patron Area						P				C	C			C	C	SC					

⁵ For Business and Personal Services Uses permitted in the C1 Sub-area, see Section 6-12.07 of this Ordinance.

USE #	SOLOMONS TABLE OF LAND USES – 3-1.06 RECREATION USES	SOUTH OF LORE ROAD											NORTH OF LORE ROAD					DOWELL			WEST SIDE	
		B1	B2	B3	B4	C1 ⁶	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2
1.	Campground and/or Rec. Vehicle Camp, Non-Farm																					
2a.	Carnival, Fair or Circus – Temporary, on Less than 5 Acres												SC			SC	SC					
2b.	Carnival, Fair or Circus – Temporary, on More than 5 Acres												C			C	C					
3.	Commercial or Non-Profit Meeting Hall, Banquet Hall		S	S	P		P					S	P			P	P	P				
4.	Convention Center									P*			P			P	P	P				
5.	Drive-in Theatre																					
6a.	Golf Course																					
6b.	Golf, Miniature												S			S		P				
7.	Marina			P								P	P				P	S				
8a.	Recreation Facility, Indoor Commercial: Arcade, Bingo, Pool Hall												S			S		P				
8b.	Recreation Facility, Indoor Commercial: Bowling, Skating Rink, Movie Theatre												P			P		P				
8c.	Recreation Facility, Indoor Commercial: Fitness Center				P					S*		P	P	P		P	P	P				
8d.	Recreation Facility, Indoor Commercial: Studio		C	C	C								C			C	C	C				
8e.	Recreation Facility, Indoor Commercial: Studio, Performing Arts		S	S	S								P			P	P	P				
8f.	Recreation Facility, Indoor Commercial: Swimming Pool, Athletic Courts, etc.			S	S					S*		P	P	P		P	P	P				
9.	Recreation Facility, Outdoor Commercial: Swimming Pools, Athletic Courts, etc.			P	S					S1*		S1	S1	S1		S1	S1	S1				
10.	Retreat, Day									C			P			P	P	P				
11a.	Target Range, Indoor																					
11b.	Target Range, Outdoor																					

⁶ For Recreation Uses permitted in the C1 Sub-area, see Section 6-12.07 of this Ordinance.

USE #	SOLOMONS TABLE OF LAND USES – 3-1.07 COMMERCIAL WHOLESALE USES	SOUTH OF LORE ROAD											NORTH OF LORE ROAD					DOWELL			WEST SIDE	
		B1	B2	B3	B4	C1 ⁷	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2
1.	Mini-Storage												S			S	S					
2a.	Warehouse, Indoor												S			S	S					
2b.	Warehouse, Outdoor																					
3.	Wholesale Lumber and/or Other Building Materials												C			C	C					
4.	Wholesaling, Indoor Only												S			S	S					

USE #	SOLOMONS TABLE OF LAND USES – 3-1.08 MOTOR VEHICLE & RELATED SERVICES USES	SOUTH OF LORE ROAD											NORTH OF LORE ROAD					DOWELL			WEST SIDE	
		B1	B2	B3	B4	C1 ⁸	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2
1a.	Automobile Filling Station												SC			SC	SC					
1b.	Automobile Filling Station with Convenience Store and/or Eating Establishment												SC			SC	SC					
2.	Automobile Repair/Service Shop without fuel sales												SC			SC	SC					
3.	Automobile Parking Lot/Garage as a Principal Use							P														
4.	Automobile Parts Dismantling and/or Storage																					
5.	Bus lot or garage												S			S	S2					
6.	Car Wash												S			S	S2					
7.	Commuter Parking Lot							P					P			P	P					
8a.	Inoperative Vehicle, 1 per lot	P	P	P	P	P			P	P	P	P	P	P	P		P	P	P	P	P	P
8b.	Inoperative Vehicles, 2 per lot																					
9.	Motor Vehicle Accessory Shop												C			C	C					
10.	Motor Vehicle Dealership - New or Used												S			S	S2					
11.	Other Motor Vehicle Related Uses including: Bus depot, taxi service, vehicle rental or leasing												S			S	S2					
12.	Park-and-Sell Lot												S			S	S2					
13.	Parking of Commercial Motor Vehicles	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
14.	Storage of Motor Vehicles																					
15.	Truck, Bus and Diesel Service & Repair Shop																					
16.	Truck Terminal																					
17.	Vehicle Ferry Service																					

⁷ Commercial Wholesale Uses are not permitted in the C1 Sub-area.

⁸For Motor Vehicle and Related Services Uses permitted in the C1 Sub-area, see Section 6-12.07 of this Ordinance.

USE #	SOLOMONS TABLE OF LAND USES – 3-1.09 INDUSTRIAL USES	SOUTH OF LORE ROAD											NORTH OF LORE ROAD					DOWELL			WEST SIDE	
		B1	B2	B3	B4	C1 ⁹	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											S										
9c.	Manufacturing and/or Assembly, Light, More than 5,000 square feet											S										
9d.	Manufacturing and/or Assembly, Marine-Related											P	S				S					
10.	Outdoor Storage in Connection with Commercial and/or Industrial Uses											P	C			C						
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
11b.	Power Generating Facility, Commercial																					
12a.	Research & Development Facility, Environmental		C	C	P							P	C			SC	SC					
12b.	Research & Development Facility, Other											P	C			SC	SC					
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												S		S	S	S				S	

⁹For Industrial Uses permitted in the C1 Sub-area, see Section 6-12.07 of this Ordinance.

USE #	SOLOMONS TABLE OF LAND USES – 3-1.10 INSTITUTIONAL USES	SOUTH OF LORE ROAD										NORTH OF LORE ROAD					DOWELL			WEST SIDE		
		B1	B2	B3	B4	C1 ¹⁰	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2
1.	College or University		P	P				S								S						
2a.	Day Care Center, 3 Clients or Less	P	P	P	P			P	P*	P	P	P	P	P	P	P	P	P	P	P	P	P
2b.	Day Care Center, 12 Clients or Less							P	P*	P	P	P	P	P	P	P	P	P	P	P	P	P
2c.	Day Care Center, 13 or More Clients							S	S*	S	S	S	S	S	S	S	S	S	S	S	S	
3.	Elementary or Secondary School																					
4.	Fire and/or Rescue Service											P			P	P						
5.	Hospital											P										
6.	Library		P	P	S		S	P	S	S*	S	S	P			P	P	P			P	
7.	Museum		P	P	S		S	P	S	S*	S	S	P			P	P	P			P	
8.	Nursing or Convalescent Home				P								P			P					P	
9.	Place of Worship, Parish Hall, Convent, Monastery or Rectory		P		P			P	P*	P			P	P	P	P	P	P	P		P	P
10.	Public or Governmental Building		P	P	P			P	P	P*	P		P	P	P	P	P	P	P	P	P	
11.	Public or Non-profit Park and/or Recreation Area Including: Tennis Courts, Swimming Pools, Athletic Fields, etc.		S1	P	S1			P	S1	S1*	S1		P	P	P	P	P	S1	P	P		
12.	Public Utility Lines & Accessory Structures	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
13.	Solid Waste Collection Site																					
14.	Temporary Structure Incidental to Schools (classroom relocatable)																					
15a.	Treatment Facility, Wastewater																					
15b.	Treatment Facility, Water Supply																					

¹⁰ For Institutional Uses permitted in the C1 Sub-area, see Section 6-12.07 of this Ordinance.

USE #	SOLOMONS TABLE OF LAND USES – 3-1.11 UNCLASSIFIED USES	SOUTH OF LORE ROAD											NORTH OF LORE ROAD					DOWELL			WEST SIDE	
		B1	B2	B3	B4	C1 ¹¹	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2
1.	Accessory Building or Use	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
2.	Airport or Landing Field																					
3.	Cemetery or Memorial Garden											P										
4.	Communications Towers & Antennas (Government, Commercial & Private)	SEE SECTION 3-3 OF THE CALVERT COUNTY ZONING ORDINANCE																				
5.	Dock, Pier, Private	C		C				C	C	C	C	C	C	C	C		C	C	C	C	C	C
6.	Garage Sale, Yard Sale or Estate Sale	C	C	C	C			C	C	C		C	C	C		C	C	C	C	C	C	C
7.	Heliport								S*			S			S		S					
8.	Model Home												C	C			C	C	C	C	C	C
9a.	Pets, Household	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
9b.	Pets, Livestock (Kept on Non-Farm Properties)								C				C	C		C	C	C	C	C	C	C
9c.	Pets, Livestock, Chickens Only (Kept on Non-Farm Properties)	C	C	C	C			C	C	C		C	C	C	C	C	C	C	C	C	C	C
9d.	Pets, Wild or Dangerous Animals																					
10a.	Recreational Vehicle, Temporary, at Construction site (for watchman)																					
10b.	Recreational Vehicle, Unoccupied																					
11.	Structure for the Keeping of Animals (on non-farm properties)	C	C	C	C		C		C	C	C	C	C	C	C	C	C	C	C	C	C	C
12a.	Temporary Structure Incidental to Construction (non-residential)	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
12b.	Temporary Structure Incidental to Sales or Rentals in New Residential or Commercial Developments (sales trailers)																					

¹¹ For Unclassified Uses permitted in the C1 Sub-area, see Section 6-12.07 of this Ordinance.

3-2 SOLOMONS TABLE OF CONDITIONAL USES & DEFINITIONS

If a use is listed as a Conditional Use in the Table of Land Uses, the conditions are listed below.

NOTE: Only those uses listed as “Conditional” in the Solomons Table of Land Uses are included in this Section. For definitions of uses not listed in this Section, see Article 12 of the Calvert County Zoning Ordinance.

USE #	3-2.01 AGRITOURISM, ECOTOURISM, & HERITAGE TOURISM USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
1.	<p>Agritourism Enterprise</p> <p><i>Activities conducted on a working farm and offered to the public or to invited groups for the purpose of recreation, education, or active involvement in a farm operation. Such activities include farm tours, hayrides, corn mazes, classes, and picnic facilities.</i></p>	<ol style="list-style-type: none"> 1. The activity shall be related to agriculture or natural resources and incidental to the primary operation of the farm; and 2. the use shall not be permitted on a lot or open space within a subdivision.
2.	<p>Campground, Farm</p> <p><i>An area of a farmland where tent campsites are rented or leased or held out for rent or lease for the use of camping parties.</i></p>	<ol style="list-style-type: none"> 1. No more than 15 campers shall be permitted; and 2. only tent camping shall be permitted (recreational vehicles and travel trailers shall not be permitted); and 3. no permanent structures shall be permitted with the exception of tent platforms and cooking grills; and 4. temporary restrooms and potable water shall be provided within 75 feet of the campsites; and 5. shower/bath facilities, electricity, and telephone lines shall not be permitted in conjunction with the campground; and 6. the campsites shall be located at least 300 feet from any adjoining properties and the road; and 7. in addition to the above conditions, the requirements of Section 2-10.04 shall apply to Historic Districts; and 8. the use shall not be permitted on a lot or open space within a subdivision.
3.	<p>Canoe or Kayak Launching Site, Commercial</p> <p><i>A waterfront site where canoes and kayaks are launched into the water for a fee.</i></p>	<ol style="list-style-type: none"> 1. No motorized watercraft shall be permitted; and 2. portage and launch areas shall be stabilized to prevent erosion and there shall be no exposed soils. 3. In the C3 Sub-area located along the public boardwalk, only buildings in existence as of the date of the adoption of this Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted.
4.	<p>Commercial Kitchen, Farm</p> <p><i>A food preparation facility not associated with an eating establishment used for the preparation of foods for sale for human consumption. May be attached to a farm stand.</i></p>	<ol style="list-style-type: none"> 1. The kitchen shall not exceed 2,000 square feet; and 2. goods produced shall incorporate farm commodities produced on the farm where the kitchen is located.

USE #	3-2.01 AGRITOURISM, ECOTOURISM, & HERITAGE TOURISM USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
6a.	<p>Farm Support Business, Less than 5,000 square feet</p> <p><i>An enterprise on a farm that is clearly and directly related to the practice of farming. Services include, but are not limited to, blacksmithing, farrier, farm implement repair, agricultural pest service, fertilizer service, irrigation installation service, and greenhouse construction and installation.</i></p>	<ol style="list-style-type: none"> 1. Implements being kept for parts shall be kept inside or screened from view from all public roads and adjoining properties; and 2. fertilizer mixing and/or manufacture is not permitted; and 3. the enterprise shall be specifically associated with farming. For example, the repair of farm tractors and implements would qualify whereas general diesel service or general welding services would not; and 4. the use shall not be permitted on a lot or open space in a subdivision.
6b.	<p>Farm Support Business, More than 5,000 square feet</p> <p><i>An enterprise on a farm that is clearly and directly related to the practice of farming. Services include, but are not limited to, blacksmithing, farrier, farm implement repair, agricultural pest service, fertilizer service, irrigation installation service, and greenhouse construction and installation.</i></p>	<ol style="list-style-type: none"> 1. Implements being kept for parts shall be kept inside or screened from view from all public roads and adjoining properties; and 2. fertilizer mixing and/or manufacture is not permitted; and 3. the enterprise shall be specifically associated with farming. For example, the repair of farm tractors and implements would qualify whereas general diesel service or general welding services would not. 4. In addition to the above conditions, the requirements of Section 2-10.04 shall apply to Historic Districts; and 5. the use shall not be permitted on a lot or open space in a subdivision.
7.	<p>Heritage Trail Displays</p> <p><i>A trail board, kiosk, or station where visitors are directed, either for a fee or at no cost, to gain information about local history.</i></p>	<p>The heritage trail display shall conform to standards established by the National Park Service.</p>
9.	<p>Public Events/Public Assemblies on Farmland</p> <p><i>A special event held on a farm not related to farm activities. Such uses include performing arts and concerts.</i></p>	<ol style="list-style-type: none"> 1. No more than two events per year shall be permitted; and 2. no event shall exceed two weeks in duration; and 3. approval from the Historic District Commission shall be required for properties that are Historically Districted and the requirements of Section 2-10.04 shall apply to those properties; and 4. approval from the Agricultural Preservation Advisory Board shall be required for properties located in Agricultural Preservation Districts.
10.	<p>Rental Facilities on Farms</p> <p><i>Facilities or areas on farms that are available for rent for private events such as weddings, company picnics, or private parties.</i></p>	<ol style="list-style-type: none"> 1. Approval from the Agricultural Preservation Advisory Board shall be required for properties located in Agricultural Preservation Districts. 2. In addition to the above conditions, the requirements of Section 2-10.04 shall apply to Historic Districts; and 3. the use shall not be permitted on a lot or open space in a subdivision.

USE #	3-2.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
1.	<p>Animal Husbandry</p> <p><i>The care and/or breeding of livestock on a farm and raised for sale or profit, including but not limited to the following animals: horses, cattle, sheep, swine, goats, bison, llamas, alpacas, rabbits, and poultry.</i></p>	<ol style="list-style-type: none"> 1. Size of the parcel is three acres or more; and 2. the property qualifies for and receives an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation.
2a.	<p>Aquaculture, Freshwater and Land-based</p> <p><i>The culture of aquatic species under natural or artificial conditions in freshwater ponds, tanks, raceways or other freshwater impoundments. This definition excludes commercial seafood processing, packing and storage plants. When aquaculture is clearly accessory to other land uses such as raising fish on the same site in conjunction with recreational uses, or for personal, noncommercial purposes, it shall be subject to zoning ordinance requirements for the principal use.</i></p>	<ol style="list-style-type: none"> 1. Any water discharged shall be treated through land application; and 2. a minimum of one (1) acre shall be provided for every 1000 square feet of building space. All structures used for aquaculture which contain more than 1000 square feet must be located at least 100 feet from all property lines; and 3. only freshwater impoundments are permitted.
2b.	<p>Aquaculture, Marine/Estuarine</p> <p><i>The culture of salt-tolerant aquatic species under natural or artificial conditions in tidal waters and coastal ponds including, but not limited to: fish farming utilizing pens, tanks or impoundments; the culture of shellfish on the bay floor or stream or river beds, in cages, or suspended from structures in the water, and the culturing of aquatic plants. This definition excludes commercial seafood processing, packing and storage plants. When aquaculture is clearly accessory to other land uses such as raising fish on the same site in conjunction with recreational uses, or for personal, noncommercial purposes, it shall be subject to zoning ordinance requirements for the principal use.</i></p>	<ol style="list-style-type: none"> 1. All structures shall meet the lateral line setback requirements and those setbacks <u>shall</u> not be reduced; and 2. the aquaculture operation shall be part of a controlled environmental remediation project; and 3. no pens, tanks, or impoundments are permitted on land; and 4. the operation shall be limited to the raising of shellfish and aquatic plants only.
3a.	<p>Commercial Greenhouse, Retail</p> <p><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></p>	<ol style="list-style-type: none"> 1. Outdoor lighting of the sales area is permitted subject to Article 6 of the Calvert County Zoning Ordinance; and 2. 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 3. the sales inventory shall include plant materials and their containers only; and 4. the use shall not be permitted on a lot or open space within a subdivision.

USE #	3-2.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
3b.	Commercial Greenhouse, Wholesale <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>	<ol style="list-style-type: none"> 1. Outdoor lighting of the sales area is permitted subject to Article 6 of the Calvert County Zoning Ordinance; and 2. 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 3. the sales inventory shall include plant materials and their containers only; and 4. the use shall not be permitted on a lot or open space within a subdivision.
4a.	Commercial Kennel with Indoor Facilities only <i>An establishment in which household pets are kept or boarded for a fee entirely within an enclosed structure.</i>	<ol style="list-style-type: none"> 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 <i>An establishment in which household pets are kept or boarded for a fee where outdoor facilities such as runs, pens, and walking areas are provided.</i>	<ol style="list-style-type: none"> 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.
5.	Commercial or Non-Profit Stable or Horseback-Riding Club <i>An establishment in which horses are kept, trained, boarded handled, or ridden for a fee.</i>	The property shall contain a minimum of five acres.

USE #	3-2.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
7b.	<p>Farm Brewery (5/12/09)</p> <p><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></p>	<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 retails 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.

USE #	3-2.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
7d.	Farm Distillery (5/12/09) <i>A facility located wholly on a farm designed for the distillation of grains and fruits produced primarily on the farm into alcoholic beverages.</i>	<ol style="list-style-type: none"> 1. The distillery shall be capable of producing no more than 500 liters (132 gallons); and 2. at least one of the primary ingredients shall be produced on the farm where the distillery is located; and 3. sampling and the sale for on- and off-site consumption of the distillery'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 distillery in accordance with the requirements of this Ordinance and with State and County alcohol laws and regulations; and 5. the distillery 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 distillery (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 distillery or an accessory structure; and c. in no case shall the area designated for the retail sales exceed 20 percent of all distillery buildings combined.
7e.	Farm Stand <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>	<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.

USE #	3-2.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
7g.	<p>Farm Winery (5/12/09)</p> <p><i>An establishment located on a farm with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner manufactures wine from fresh fruits or other agricultural products.</i></p>	<ol style="list-style-type: none"> 1. at least one of the primary ingredients shall be produced on the farm where the winery is located; and 2. sampling and the sale for on- and off-site consumption of the winery's products shall be permitted in accordance with State and County alcohol laws and regulations; and 3. 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 winery in accordance with the requirements of this Ordinance and with State and County alcohol laws and regulations; and 4. the winery shall be operated in accordance with all local, state, and federal laws; and 5. 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 6. 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 winery (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 winery or an accessory structure; and c. in no case shall the area designated for the retail sales exceed 20 percent of all winery buildings combined.
10.	<p>Garden Center or Farm Supply Store</p> <p><i>An establishment with retail sales of nursery stock, landscaping and/or gardening equipment and tools, seeds, and/or the sale of supplies related to farming including, but not limited to, animal feeds, fencing, irrigation supplies, fertilizer, small equipment, pesticides, and similar goods.</i></p>	<ol style="list-style-type: none"> 1. In the B4, C2, and E1 Sub-areas, the maximum square footage of the Garden Center or Farm Supply Store shall be 2,500 square feet. 2. In the D1, D4, and D5 Sub-areas, the maximum square footage of the Garden Center or Farm Supply Store shall be 75,000 square feet.

USE #	3-2.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
11b.	<p>Livestock Auction by a Non-Profit Organization or Farm Owner</p> <p><i>A place of business to which the public may consign livestock for sale by auction open to public bidding conducted by non-profit organizations such as Future Farmers of America and 4-H groups, including auction sales conducted in conjunction with county, state or private fairs, or auction sales conducted by or for a person at which livestock of such person's ownership are sold on the premises of the person by a non-profit organization.</i></p>	<p>Such auctions shall take place no more than two times per year on a single property.</p>
12a.	<p>Nursery, Retail</p> <p><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></p>	<ol style="list-style-type: none"> 1. Outdoor lighting of the sales area is permitted subject to Article 6 of the Calvert County Zoning Ordinance; and 2. 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 3. the sales inventory shall include plant materials and their containers only; and 4. the use shall not be permitted on a lot or open space within a subdivision.
12b.	<p>Nursery, Wholesale</p> <p><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></p>	<ol style="list-style-type: none"> 1. Outdoor lighting of the sales area is permitted subject to Article 6 of the Calvert County Zoning Ordinance; and 2. 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 3. the sales inventory shall include plant materials and their containers only; and 4. the use shall not be permitted on a lot or open space within a subdivision.

USE #	3-2.03 RESIDENTIAL USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
1a.	<p>Apartment, Accessory to a Residence <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></p>	<ol style="list-style-type: none"> 1. 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 2. 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), 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 3. 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 4. at least two off-street parking spaces shall be available for each unit; and 5. the owner shall obtain Health Department approval; and 6. the accessory apartment shall be located within the building restriction lines required for the principal dwelling; and 7. only one kitchen shall be permitted within the accessory apartment.
1b.	<p>Apartment, in a Mixed Use Building <i>A dwelling unit which functions as a complete, independent living facility with provisions for cooking, eating, sanitation, and sleeping, and which is located in a Mixed Use Building.</i></p>	<p>The density shall not exceed that which is permitted by Article 5 of this Ordinance.</p>
3.	<p>Bed & Breakfast Facility with up to 5 Bedrooms in Use <i>A residence where paying guests are lodged overnight and breakfast is the only meal served to overnight guests.</i></p>	<ol style="list-style-type: none"> 1. An owner or operator lives on the premises; and 2. the facility shall be a part of the dwelling unit with the exception that existing non-conforming guesthouses may be used; and 3. no separate kitchens shall be provided; and 4. Fire Marshall and Health Department approvals shall be obtained; and 5. breakfast shall be served to overnight lodgers only; and 6. an Occupancy Permit for such use shall be obtained.

USE #	3-2.03 RESIDENTIAL USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
4a.	<p>Boarding House or Dormitory (more than 3 Lodgers).</p> <p><i>A dwelling or part thereof, in which the owner or operator provides lodging and meals to lodgers.</i></p>	<ol style="list-style-type: none"> 1. An owner lives on the premises; and 2. the facility is a part of the dwelling unit with the exception that existing non-conforming guest houses may be used; and 3. no separate kitchens are provided; and 4. Fire Marshall and Health Department approvals are obtained; and 5. An Occupancy Permit for such is obtained.
5a.	<p>Dwelling, Attached: Duplex</p> <p><i>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 (see Dwelling, Multi-family), or attachment to any non-residential use or parking garage (see Mixed Use Building or Development).</i></p>	<ol style="list-style-type: none"> 1. The density shall not exceed that which is permitted by Article 5 of this Ordinance; and 2. in the C7 Sub-areas, at least 60 percent of the site shall be reserved for non-residential uses.
5b.	<p>Dwelling, Attached: Fourplex</p> <p><i>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 (see Dwelling, Multi-family), or attachment to any non-residential use or parking garage (see Mixed Use Building or Development).</i></p>	<ol style="list-style-type: none"> 1. The density shall not exceed that which is permitted by Article 5 of this Ordinance; and 2. in the C7 Sub-areas, at least 60 percent of the site shall be reserved for non-residential uses.
5c.	<p>Dwelling, Attached: Multi-family</p> <p><i>A residential building containing two or more attached dwelling units with horizontal separation between any of the dwelling units.</i></p>	<ol style="list-style-type: none"> 1. The density shall not exceed that which is permitted by Article 5 of this Ordinance; and 2. in the C7 Sub-areas, at least 60 percent of the site shall be reserved for non-residential uses.

USE #	3-2.03 RESIDENTIAL USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
5d.	<p>Dwelling, Attached: Townhouse</p> <p><i>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 (see Dwelling, Multi-family), or attachment to any non-residential use or parking garage (see Mixed Use Building or Development).</i></p>	<ol style="list-style-type: none"> 1. The density shall not exceed that which is permitted by Article 5 of this Ordinance; and 2. in the C7 Sub-areas, at least 60 percent of the site shall be reserved for non-residential uses.
5e.	<p>Dwelling, Attached: Triplex</p> <p><i>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 (see Dwelling, Multi-family), or attachment to any non-residential use or parking garage (see Mixed Use Building or Development).</i></p>	<ol style="list-style-type: none"> 1. The density shall not exceed that which is permitted by Article 5 of this Ordinance; and 2. in the C7 Sub-areas, at least 60 percent of the site shall be reserved for non-residential uses.
5f.	<p>Dwelling, Detached: Single-Family</p> <p><i>A single-family dwelling which is not attached to any other dwelling.</i></p>	<ol style="list-style-type: none"> 1. Only one single-family detached dwelling shall be permitted per buildable lot or parcel; and 2. at least 50 percent of the length of the building shall be 20 feet wide, excluding porches; and 3. in the C7 Sub-areas, at least 60 percent of the site shall be reserved for non-residential uses.
6.	<p>Group Home</p> <p><i>A community-based living facility offering a family or home-like environment for up to 16 residents for people who need assistance or care in some form (e.g., seniors, disabled, etc.).</i></p>	<ol style="list-style-type: none"> 1. No more than 16 residents reside on the premises, excluding the owner and/or employees; and 2. no separate kitchens shall be provided; and 3. Health Department approval shall be obtained for the number of bedrooms in use in the residence.

USE #	3-2.03 RESIDENTIAL USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
7.	<p>Liveaboards</p> <p><i>Permanent occupancy of watercraft. This definition does not apply to weekend and short-term vacation use of watercraft.</i></p>	<ol style="list-style-type: none"> 1. Marinas with one to 100 wet slips shall have no more than one liveaboard. Marinas with 101 to 200 wet slips shall have no more than two liveaboards, marinas with 201 to 300 slips shall have no more than three liveaboards, and marinas with 300+ slips shall have no more than four liveaboards; and 2. the marina shall have pump-out facilities and shower facilities available year-round; and 3. the sewage systems on liveaboards shall be closed systems. No overboard discharge shall be permitted. <p>The slip limitations in a marina do not apply for weekend and short-term vacation use by vessel owners.</p>
8b.	<p>Manufactured Home, Farm</p>	<ol style="list-style-type: none"> 1. No more than one manufactured home shall be located on any one farm; and 2. the property shall consist of a minimum of 25 acres; and 3. the manufactured home shall be used in conjunction with agricultural purposes; and 4. the manufactured home shall be occupied by a person or family associated with agricultural activities on the farm.
8d.	<p>Manufactured Home or Recreational Vehicle (Emergency)</p> <p><i><u>Manufactured Home:</u> A transportable structure designed to be used as a dwelling, built in one or more sections in a factory and bearing a seal certifying that it conforms to the U.S. Department of Housing and Urban Development's (HUD) Manufactured Home Construction and Safety Standards Code (a.k.a. mobile home or residential trailer). This definition does not include modular houses.</i></p> <p><i><u>Recreational Vehicle:</u> A vehicular portable structure without permanent foundation, which can be towed, hauled or driven and is primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.</i></p>	<p>In case of fire or other disaster that was not intentionally caused by the owner and that destroys the livability of a residence, the Zoning Officer may issue a permit for one manufactured home or recreational vehicle to serve as a temporary shelter on the premises. If such temporary use exceeds six months, the Board of Appeals may approve an extension for a period of one year beyond the date such temporary residence was established. After the initial extension, the Board of Appeals may grant additional extensions at six-month intervals upon the applicants' request and at the Board's discretion.</p>
9a.	<p>Tenant House</p> <p><i>A farm dwelling, other than the main farm house, for occupancy by a person or family associated with the operation of the farm.</i></p>	<ol style="list-style-type: none"> 1. The property shall consist of a minimum of 25 acres; and 2. the owner shall demonstrate to the Zoning Officer that the property meets the definition of a farm; and 3. the tenant house shall be at least 60 feet from any other dwelling on the property.

USE #	3-2.04 COMMERCIAL RETAIL USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
2.	<p>Antiques Sales</p> <p><i>An establishment engaged in the selling of works of art, furniture or other artifacts of an earlier period. All sales and storage occur inside a building.</i></p>	<ol style="list-style-type: none"> 1. In the C3 Sub-area located along the public boardwalk, only buildings in existence as of the date of the adoption of this Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted. 2. In the B2, B4, C2, C6, C7, E1, and E2 Sub-areas, the maximum square footage of the footprint of the Antique Sales Building shall be 5,000 square feet. 3. In the D1, D4, and D5 Sub-areas, the maximum square footage of the Antique Sales Building shall be 75,000 square feet. 4. In the C6 Sub-area, an Antique Sales Building is permitted only on properties which border on South Solomons Island Road.
3.	<p>Art Gallery</p> <p><i>Premises used principally for the sale, display and exhibition of arts and craft products and may include accessory production or instruction in the production of arts and crafts using paint, clay, fabric or other media.</i></p>	<ol style="list-style-type: none"> 1. In the C3 Sub-area located along the public boardwalk, only buildings in existence as of the date of the adoption of this Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted. 2. In the B4, C2, C6, C7, and E1 Sub-areas, the maximum square footage of the footprint of the Art Gallery shall be 5,000 square feet. 3. In the D1, D4, and D5 Sub-areas, the maximum square footage of the Art Gallery shall be 75,000 square feet. 4. In the C6 Sub-area, an Art Gallery is permitted only on properties which border on South Solomons Island Road.
4.	<p>Auction Building</p> <p><i>A place where auctions are held. Merchandise to be auctioned may be stored and displayed prior to the auction. This definition does not include Livestock Auction Barns.</i></p>	<ol style="list-style-type: none"> 1. There shall be no outside storage of articles to be sold; and 2. the Auction Building shall not be used for the sale or auction of motor vehicles; and 3. the maximum square footage of the Auction Building shall be 75,000 square feet.
6.	<p>Home Improvement Center</p> <p><i>A commercial retail store that sells lumber and other building materials, where most display and sales activities occur indoors. Products sold may include paint, wallpaper, glass, fixtures, nursery stock, home appliances, and lawn and garden equipment and supplies. Includes stores selling to the general public even if contractor sales account for a major proportion of total sales.</i></p>	<ol style="list-style-type: none"> 1. Any outdoor storage of building materials or lumber be screened from adjacent properties and the road; and 2. in the D1, D4, and D5 Sub-areas, the maximum square footage of the Home Improvement Center shall be 75,000 square feet.

USE #	3-2.04 COMMERCIAL RETAIL USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
8a.	<p>Market, Artisans' and Crafters'</p> <p><i>A site with or without permanent structures, operated on a seasonal or year-round basis that allows multiple artists and/or crafters to retail products that they produced directly to consumers. May operate separately or in conjunction with a Farmers' Market and/or a Waterman's Market.</i></p>	<ol style="list-style-type: none"> 1. In the C3 Sub-area located along the public boardwalk, only buildings in existence as of the date of the adoption of this Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted. 2. In the B4, C2, C6, and E1 Sub-areas, the maximum square footage of the footprint of the Artisans' and Crafters' Market shall be 5,000 square feet. 3. In the D1, D4, and D5 Sub-areas, the maximum square footage of the Artisans' and Crafters' Market shall be 75,000 square feet. 4. In the C6 Sub-area, an Artisans' and Crafters' Market is permitted only on properties which border on South Solomons Island Road.
8b.	<p>Market, Farmers' (3/25/08)</p> <p><i>A structure, either permanent or temporary, operated on a seasonal or year-round basis, that allows one or more agricultural producers to retail their products and agriculture-related items directly to consumers.</i></p>	<ol style="list-style-type: none"> 1. It shall be restricted to selling farm-produced and/or value-added products only; and 2. it shall be located on property with the permission of the owner; and 3. if the Farmers' Market is located in a permanent structure, the following additional conditions apply: <ol style="list-style-type: none"> a. Any new permanent market shall meet the setback requirements specified in Article 6 of this Ordinance. b. In the B4, C2, C6, and E1 Sub-areas, the maximum square footage of the footprint of the Farmers' Market shall be 5,000 square feet. c. In the D1, D4, and D5 Sub-areas, the maximum square footage of the Farmers' Market shall be 75,000 square feet. d. In the C3 Sub-area located along the public boardwalk, only buildings in existence as of the date of the adoption of this Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted.
8d.	<p>Market, Watermen's</p> <p><i>A site with or without permanent structures, operated on a seasonal or year-round basis that allows watermen possessing a Maryland Commercial Fishing License to retail their products. May operate separately but in conjunction with a Farmers' Market and/or an Artisans' and Crafters' Market.</i></p>	<ol style="list-style-type: none"> 1. The market is restricted to selling seafood only; and 2. the market is located on property with the permission of the owner; and 3. In the C3 Sub-area located along the public boardwalk, only buildings in existence as of the date of the adoption of this Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted. 4. In the B2, B3, B4, C2, C6, C7, E1, and E2 Sub-areas, the maximum square footage of the footprint of the Watermen's Market shall be 5,000 square feet. 5. In the D1, D4, and D5 Sub-areas, the maximum square footage of the Watermen's Market shall be 75,000 square feet. 6. In the C6 Sub-area, a Watermen's Market is permitted only on properties which border on South Solomons Island Road.

USE #	3-2.04 COMMERCIAL RETAIL USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
9.	<p>Mobile Food Sales</p> <p><i>Mobile Food Sales - The selling of food from a mobile food-vending unit that is temporarily parked or located on a private parcel of property.</i></p> <p><i>Mobile Food Vending Unit - Any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand or other device designed to be portable and not permanently attached to the ground from which only prepared, ready-to-eat food is sold.</i></p>	<ol style="list-style-type: none"> 1. The mobile food-vending unit shall be located on property with the permission of the owner; and 2. while in operation, the mobile food vending unit shall not be parked at a single property for more than one hour per site; and 3. Health Department approval is obtained.
10a.	<p>Retail Commercial Building</p> <p><i>A building that houses a commercial retail establishment that either stands alone or is connected to other buildings by a common wall having no entrances or exits. A commercial retail building may include more than one retail establishment and/or service.</i></p>	<ol style="list-style-type: none"> 1. In the C3 Sub-area located along the public boardwalk, only buildings in existence as of the date of the adoption of this Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted. 2. In the B3, B4, C2, C7, E1, and E2 Sub-areas, the maximum square footage of the footprint of the Retail Commercial Building shall be 5,000 square feet. 3. In the D1, D4, and D5 Sub-areas, the maximum square footage of the Retail Commercial Building shall be 75,000 square feet.
10b.	<p>Retail Commercial Building with Drive-up Facility</p> <p><i>A commercial retail building that includes a structure or part of a structure designed to accommodate patrons' motor vehicles, from which the occupants of the motor vehicle may make purchases or transact business.</i></p>	<p>The conditions for "Retail Commercial Building" shall be met.</p>
11.	<p>Retail Commercial Sale or Display Area, Outdoor</p> <p><i>The use of space exterior to the walls of a retail commercial building for the sale and/or display of products. This definition does not include outdoor storage and does not apply to temporary retail sales conducted by non-profit organizations (e.g., seasonal sales).</i></p>	<ol style="list-style-type: none"> 1. An outdoor retail commercial sale or display area shall only be permitted as an accessory use to an approved retail commercial building and shall not exceed 25 percent of the size of the associated retail commercial building; and 2. site plan approval shall be obtained; and 3. the sale or display area shall not be located within designated parking areas unless it can be demonstrated that the parking requirements will be met. Note: Parking shall be provided for the outdoor sales area in addition to the retail commercial building; and 4. the sale or display area shall not be located within designated travelways.

USE #	3-2.05 BUSINESS & PERSONAL SERVICE USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
2.	Boat Storage, Commercial <i>A facility designed for the keeping of watercraft and associated trailers.</i>	<ol style="list-style-type: none"> 1. In the C5 Sub-area, the Commercial Boat Storage shall be in a barn that was in existence as of the effective date of the Calvert County Zoning Ordinance (05/01/06). 2. No multi-level boat storage is permitted unless completely enclosed within building.
4.	Commercial Pier <i>A pier used for commercial purposes such as chartering fishing boats, selling gas, etc.</i>	<ol style="list-style-type: none"> 1. In the C3 Sub-area located along the public boardwalk, the pier shall have been in existence as of the date of adoption of this Ordinance; and 2. an existing commercial pier may be extended in length but shall be restricted to a total length of no more than 117 feet as measured from mean high tide.
5.	Commercial Kitchen (not associated with an Eating Establishment) <i>A food preparation facility not associated with an eating establishment used for the preparation of foods for sale for human consumption off-site.</i>	<ol style="list-style-type: none"> 1. No retail sales shall be permitted; and 2. no on-site consumption of the food prepared in the Commercial Kitchen shall be permitted.
10a.	Eating Establishment With No Outdoor Patron Area <i>A public eating place that serves food for consumption at tables or counters located on the premises, or by carry-out or delivery, but that does not have a drive-through facility. 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>	In the C3 Sub-area located along the public boardwalk, only buildings in existence as of the date of the adoption of this Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted.
10b.	Eating Establishment with Outdoor Patron Area <i>See "Eating Establishment" Definition. Patron Area: An indoor or outdoor area of an eating establishment or similar use including but not limited to a tavern, nightclub, lounge, or bar designated for use by customers and/or the general public for eating, drinking, congregating, and/or waiting for service.</i>	<ol style="list-style-type: none"> 1. There are adequate safeguards to protect against noise levels that would exceed State standards; and 2. all Patron Areas shall be shown and approved on the site plan and parking shall be provided for all Patron Areas in accordance with Article 6.

USE #	3-2.05 BUSINESS & PERSONAL SERVICE USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
14.	<p>Home Occupation</p> <p><i>Any activity carried out for gain by a resident as an accessory use in the resident's dwelling unit. This definition does not apply to business activities conducted on farms, as permitted by this Zoning Ordinance.</i></p>	<ol style="list-style-type: none"> 1. The occupation shall be conducted within the dwelling or an accessory structure; and 2. no outside storage of equipment, materials or items to be repaired shall be permitted; and 3. no article or commodity shall be offered for sale or publicly displayed on the premises except those incidental to the services offered; and 4. applicable State Licenses shall be obtained; and 5. the space occupied by all the occupations on a single site shall not exceed 600 square feet including storage. Exception: The use of a tobacco barn for a home occupation is permitted, regardless of size, with the conditions that (a) the barn shall have been in existence as of the effective date of this condition (05/01/06); and (b) the barn shall be constructed of wood; and 6. if road access to the home occupation is gained through another person's property via an easement type road right-of-way, written approval of those property owners shall be obtained. 7. Condition #6 above applies to all home occupations in which customers come to the premises. 8. Non-medical and medical offices, office support services, home studios, and personal service uses are permitted as home occupations. Other uses that are listed separately in the Land Use Charts shall not be permitted as home occupations (e.g., Automobile Repair, Commercial Studios, Commercial Performing Arts Studios, etc.). 9. Total signage for home occupations shall be restricted to four square feet, and all signs shall be erected at least 10 feet from the edge of the right-of-way. 10. No more than two equivalent full-time non-resident employees shall be permitted.
17a.	<p>Nightclub, Lounge</p> <p><i>An establishment, either open to the public or operated as a private club, which is distinguished from a Tavern or Bar by the provision of areas for entertainment and/or dancing, and which may or may not include the sale of alcohol, food or other beverages.</i></p>	<p>There are adequate safeguards to protect against noise levels that would exceed State standards</p>
17b.	<p>Nightclub or Lounge with Outdoor Patron Area</p> <p><i>See "Nightclub, Lounge" Definition.</i></p> <p><i><u>Patron Area</u>: An indoor or outdoor area of an eating establishment or similar use including but not limited to a tavern, nightclub, lounge, or bar designated for use by customers and/or the general public for eating, drinking, congregating, and/or waiting for service.</i></p>	<ol style="list-style-type: none"> 1. There are adequate safeguards to protect against noise levels that would exceed State standards; and 2. all Patron Area shall be shown and approved on the site plan and parking shall be provided for all patron areas in accordance with Article 6 of this Ordinance.

USE #	3-2.05 BUSINESS & PERSONAL SERVICE USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
18a.	<p>Office, Non-Medical, Medical Clinic, Less than 2500 square feet</p> <p><i>Medical Office or Clinic: An establishment used by members of licensed health care and medical professions to provide diagnosis and treatment to the general public without overnight accommodation and with accessory uses such as reception areas, administrative offices, consultation rooms, x-ray and minor operating rooms and a dispensary, providing that all such uses have access only from the interior of the building or structure. Examples of such professions include dentists, chiropractors, osteopaths, physicians, and occupational therapists. This definition does not include personal services, such as licensed massage therapists.</i></p> <p><i>Non-Medical Office: An establishment for professional, executive and administrative offices, including those of accountants, lawyers, architects, engineers, drafting offices, insurance agents, real estate agents, and other occupations which are of similar character to those enumerated, but not including medical professions, barbers, beauty parlors, cosmetologists, or other personal service establishments.</i></p>	<ol style="list-style-type: none"> 1. In the C3 Sub-area located along the public boardwalk, only buildings in existence as of the date of the adoption of this Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted. 2. In the C6 Sub-area, such a use is permitted only on properties which border on South Solomons Island Road.
18b.	Office, Non-Medical, Medical, Clinic more than 2500 square feet	In the C7 Sub-areas, the use shall be marine-related.
20a.	<p>Personal Services, Less than 2,500 square feet</p> <p><i>Premises in which services with respect to the grooming of persons are conducted, including those of licensed massage therapists, cosmetologists, estheticians, nail technicians and make-up artistry.</i></p>	<ol style="list-style-type: none"> 3. In the C3 Sub-area located along the public boardwalk, only buildings in existence as of the date of the adoption of this Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted. 4. In the C6 Sub-area, such a use is permitted only on properties which border on South Solomons Island Road.
20b.	<p>Personal Services, More than 2,500 square feet</p> <p><i>Premises in which services with respect to the grooming of persons are conducted, including those of licensed massage therapists, cosmetologists, estheticians, nail technicians and make-up artistry.</i></p>	In the C7 Sub-areas, the use shall be marine-related.

USE #	3-2.05 BUSINESS & PERSONAL SERVICE USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
21a.	Tavern, Bar <i>An establishment, either open to the public or operated as a private club, where more than 50 percent of the total sales are from the sale of alcohol, and which may or may not include the sale of food or other beverages, but which does not include areas for entertainment and/or dancing.</i>	There are adequate safeguards to protect against noise levels that would exceed State standards
21b.	Tavern or Bar with Outdoor Patron Area <i>See "Tavern, Bar" Definition.</i> <u>Patron Area</u> : <i>An indoor or outdoor area of an eating establishment or similar use including but not limited to a tavern, nightclub, lounge, or bar designated for use by customers and/or the general public for eating, drinking, congregating, and/or waiting for service.</i>	<ol style="list-style-type: none"> 1. There are adequate safeguards to protect against noise levels that would exceed State standards; and 2. all Patron Area shall be shown and approved on the site plan and parking shall be provided for all patron areas in accordance with Article 6 of this Ordinance.

USE #	3-2.06 RECREATION USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
2a.	Carnival, Fair or Circus, Temporary, on Less than 5 Acres <i>A traveling or short-term enterprise which entertains the public by the provision of performances such as feats of skill or daring by humans or animals, and/or amusement rides, exhibitions, or games, and/or food and beverage stands.</i> <i>Amusement ride means a mechanical device that carries passengers along, under, around, through or over a fixed course, or within a limited area, for the amusement of the passengers, and includes but is not limited to a merry-go-round or ferris wheel.</i>	<ol style="list-style-type: none"> 1. The parcel is used as such for no more than 14 days a year; and 2. a County permit for the event is obtained before the event begins. The permit is to include approvals by the Health Department, Inspections & Permits Division, and the Public Safety Department. 3. A carnival, fair or circus located on property where there exists a building occupied by a non-profit organization will be considered an accessory use. However, operators of the carnival, fair or circus must obtain a permit from the County before the event begins.
2b.	Carnival, Fair or Circus, Temporary, on More than 5 Acres	SAME CONDITIONS AS IMPOSED FOR LESS THAN 5 ACRES.
8d.	Recreation Facility, Indoor Commercial: Studio <i>Premises used principally for the production of arts and craft products using paint, clay, fabric, metal or other medium and may include accessory sales, display and exhibition of arts and craft products.</i>	<ol style="list-style-type: none"> 1. The studio shall be used as a place of work by artists, for instructional purposes, and other related activities only; and 2. retail sales shall be limited to items associated with the primary use only (e.g., art supplies, uniforms, costumes).

USE #	3-2.06 RECREATION USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
10.	Retreat, Day <i>A facility designed with the specific intent of facilitating spiritual and or educational enrichment needs and that may include supporting dining, and recreational facilities as accessory uses.</i>	In the C5 Sub-area, the lot size shall be a minimum of 20 acres.

USE #	3-2.07 COMMERCIAL WHOLESALE USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
3.	Wholesale Lumber and/or Other Building Materials <i>A business primarily engaged in sales to contractors of bulk or large building materials including, but not limited to, lumber, drywall, windows, doors, trusses, roofing, insulation, and masonry materials.</i>	In the D1, D4, and D5 Sub-areas, the maximum square footage of the Wholesale Lumber and/or Other Building Materials building shall be 75,000 square feet.

USE #	3-2.08 MOTOR VEHICLE & RELATED SERVICE USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
1a.	Automobile Filling Station <i>A building or lot having pumps and storage tanks at which automotive fuels, oils, and/or accessories are dispensed, sold or offered for sale at retail.</i>	<ol style="list-style-type: none"> 1. No fuel pump, oil draining pit, or other visible appliance for servicing automobiles shall be located within 25 feet of the front lot line; and 2. Fuel pumps and service bays are located to the rear of the building, and; 3. no structure or building shall be erected within 150 feet of any dwelling (neither setback may be reduced), and 4. no new service bay openings shall face a right-of-way, and 5. No more than 5 inoperative vehicles and/or junk cars are allowed, except those which are completely screened from adjoining properties and rights-of-way per Section 6-4.05 of the Calvert County Zoning Ordinance, and 6. An area for the storage of junk cars shall be so designated, separate from customer parking. 7. Junk vehicles shall be removed after 30 days, and

USE #	3-2.08 MOTOR VEHICLE & RELATED SERVICE USES & DEFINITIONS <i>(in italics)</i>	CONDITIONS
1b.	<p>Automobile Filling Station with Convenience Store and/or Eating Establishment</p> <p><i>A building or lot having pumps and storage tanks at which automotive fuels, oils, and/or accessories are dispensed, sold or offered for sale at retail.</i></p> <p><i>An Automobile Filling Station that includes a building that is used for retail sales of packaged or prepared food, beverages, lottery tickets, tobacco products, and limited stock of groceries or similar products for the traveling public or neighborhood residents. May include automotive fuel dispensing services and an eating establishment without a drive-through facility.</i></p>	<p>Conditions for “Automobile Filling Station” must be met.</p>
2.	<p>Automobile Repair/Service Shop without fuel sales</p> <p><i>Any building or lot used for automobile repair and/or bodywork facilities and which may have automobile servicing, but not the sale of fuels.</i></p>	<ol style="list-style-type: none"> 1. No fuel pump, oil draining pit, or other visible appliance for servicing automobiles shall be located within 100 feet of the front lot line; and 2. no structure or building shall be erected within 150 feet of any dwelling or 100 feet from any arterial road. Neither setback may be reduced. 3. No more than 10 inoperative vehicles and/or junk cars are allowed, except those which are 100 percent screened from adjoining properties and rights-of-way. An area for the storage of junk cars shall be so designated, separate from customer parking. 4. Junk vehicles shall be removed after 30 days.
9.	<p>Motor Vehicle Accessory Shop</p> <p><i>A retail establishment that specializes in the sale and/or installation of automotive accessories including but not limited to audio systems, alarm systems, windshields, and other items that do not involve exterior body modification that requires major painting or other body work, or the sale and/or service of tires.</i></p>	<p>All automotive accessories shall be installed indoors.</p>
13.	<p>Parking of Commercial Motor Vehicles</p>	<p>Only commercial vehicles that are the residents’ primary means of transportation to and from their place of work are permitted to be parked at residences.</p>

USE #	3-2.09 INDUSTRIAL USES & DEFINITIONS (<i>in italics</i>)	CONDITIONS
1.	Agricultural/Seafood/Livestock Processing Plant <i>A facility used for the handling, unloading, storing, shucking, freezing, preparing, changing into different market forms, manufacturing, preserving, packing or labeling of agricultural commodities or fish, shellfish and related products.</i>	Only Seafood Processing shall be permitted.
10.	Outdoor Storage in Connection with Commercial and/or Industrial Uses <i>The storage of materials accessory to a commercial and/or industrial use. Does not include machinery and equipment.</i>	The material and/or equipment stored is not visible from adjoining properties or the road.
11a.	Power Generating Facility, Accessory to a Residence or Business <i>A facility designed and constructed near an individual residence, business, or public building for the purpose of generating power for use in that residence, business or public building.</i>	The generator shall be installed within the Building Restriction Lines required for the primary structure.
12a.	Research & Development Facility, Environmental <i>A facility containing operations engaged in scientific research and investigation, the development of prototype products for test and evaluation, and/or the assembly or manufacture of prototype products.</i>	No research or development involving the use of hazardous wastes is conducted on the premises.
12b.	Research & Development Facility, Other	No research or development involving the use of hazardous wastes is conducted on the premises.

USE #	3-2.10 INSTITUTIONAL USES & DEFINITIONS (<i>in italics</i>)	CONDITIONS
None of the uses listed in the Table of Land Uses are conditional. Therefore, no conditions are included in this Section. For Use Definitions, see Article 12 of the Calvert County Zoning Ordinance.		

USE #	3-2.11 UNCLASSIFIED USES & DEFINITIONS (<i>in italics</i>)	CONDITIONS
5.	Dock, Pier, Private <i>Any marine structure, fixed or floating, generally referred to as a pier, dock or wharf, including pilings, and other such facilities, used for storage of watercraft owned by and registered to the owner and/or tenant of the property from which the facility extends.</i>	No part of the pier or slips shall be covered or enclosed.

USE #	3-2.11 UNCLASSIFIED USES & DEFINITIONS (<i>in italics</i>)	CONDITIONS
6.	Garage Sale, Yard Sale or Estate Sale <i>All general sales, open to the public, conducted from or on a residential premise in any District for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "estate," "porch," "room," "backyard," "patio," or "rummage" sale. This definition shall not include flea markets.</i>	<ol style="list-style-type: none"> 1. Articles for sale shall consist of personal possessions of the seller; and 2. such a sale shall not be held in the same location more than once every six months.
8.	Model Home <i>A residential unit used by builders, realtors, etc., as an example of other units available for sale or rent.</i>	<ol style="list-style-type: none"> 1. The model home shall be closed after 90 percent of the lots or units are sold or rented; and 2. the Model Home shall be used for the sale or rental of units within the development in which it is located only.
9b.	Pets, Livestock (Kept on Non-Farm Properties) <i>Livestock such as horses, cows, sheep, swine, goats, llamas, alpacas, or poultry that are kept on a non-farm property as pets rather than for their productive value.</i>	<ol style="list-style-type: none"> 1. The size of the parcel shall be at least three acres; and 2. provisions for sanitation shall meet the requirements of the County Health Department.
9c.	Pets, Livestock, Chickens Only (Kept on Non-Farm Properties)	<ol style="list-style-type: none"> 1. Livestock shall be restricted to the raising of chickens only; and 2. flocks shall be limited to a maximum of six chickens per household; and 3. no roosters shall be permitted; and 4. no slaughter on premises shall be permitted; and 5. the chickens shall be kept in clean coops and the provisions for sanitation shall meet the requirements of the County Health Department; and 6. the coops shall be set back 25' from side and rear and comply with the front setback required for the principal structure.
11.	Structure for the Keeping of Animals (on non-farm properties) <i>An accessory building or structure designed and used to contain animals. Such structures include, but are not limited to, dog houses or pens, rabbit pens, or aviaries. This definition does not apply to structures for the keeping of animals on farms (see Farm Buildings, Animal).</i>	<ol style="list-style-type: none"> 1. The structure shall be setback a minimum of 25' from the side and rear property lines; and 2. The structure shall meet the front setbacks required for the principal dwelling, in accordance with Article 5 of this Ordinance.
12a.	Temporary Structure Incidental to Construction (non-residential) <i>A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.</i>	The structure shall be removed when the construction is finished.

3-3 TOWER AND ANTENNA REGULATIONS

The provisions of Section 3-3 of the Calvert County Zoning Ordinance apply in the Solomons Town Center with no exceptions.

ARTICLE 4
GENERAL DEVELOPMENT SUBMITTAL REQUIREMENTS

The provisions of Article 4 of the Calvert County Zoning Ordinance apply throughout the Solomons Town Center except where indicated herein.

	Article 4 Page No.
4-1 General Requirements for All Uses	1
4-2 General Requirements for Development Plans	2
4-3 General Design Standards for Projects Requiring Site Plan Review	2
4-4 Plan Preparation	2
4-5 Appeals	2

4-1 GENERAL REQUIREMENTS FOR ALL USES

The provisions of Section 4-1 of the Calvert County Zoning Ordinance apply in the Solomons Town Center except for additions to Section 4-1.01.D and the addition of Section 4-1.01.I As applied within the Solomons Town Center, Section 4-1.01 of the Calvert County Zoning Ordinance is amended to read as follows:

4-1.01 Permits and Zoning Approval Required

This Section describes the instances when permits and/or zoning approval are required. If a building permit is required, zoning approval will be addressed during the building permit process.

- A. See Calvert County Zoning Ordinance.
- B. See Calvert County Zoning Ordinance.
- C. See Calvert County Zoning Ordinance.
- D. A grading permit, grading permit exemption, and/or zoning approval is required for any grading, clearing or excavating. Grading and clearing permits shall not be issued prior to plot plan, site plan or subdivision approval except in the following instances:
 - 1. If the proposed clearing is a part of state forestry management plan unrelated to preparation of the site for sale or development.
 - 2. If, as part of the final approval process for a subdivision or site plan, the protection of natural features are deemed by the Planning Commission to have been satisfactorily addressed in accordance with the requirements of Article 8 of the Calvert County Zoning Ordinance.
 - 3. If the area to be graded and/or cleared is less than 5,000 square feet and will not disturb historical or archeological sites.
 - 4. If the County or State has determined that there is a need to grade or clear within the right-of-way for road safety purposes.
- E. See Calvert County Zoning Ordinance.
- F. See Calvert County Zoning Ordinance.
- G. See Calvert County Zoning Ordinance.
- H. See Calvert County Zoning Ordinance.

- I. Archaeological and Historic Sites shall be protected as follows:
 1. If a building 50 years old or older is located within the boundaries of a proposed development project, the Historic Preservation Planner shall conduct an assessment of the building to evaluate its historic significance based on criteria in established use by the County. If the building is found to have historic significance, the applicant shall meet with the Historic District Commission prior to approval of a plot plan, site plan, or subdivision plat. The purpose of the meeting is to determine the feasibility of retaining the building and incorporating it into the site design. In the event it is not feasible to retain the building or make it available for removal to another site, the applicant will be required to document the structure prior to destruction in accordance with criteria established by the Department of Planning and Zoning. Removal of a historic feature prior to approval of a plot plan, site plan, or subdivision plat may be grounds for denial of the application.
 2. An inventory of existing on-site archaeological resources may be required prior to preliminary approval of major subdivisions or issuance of grading permits. To determine whether an inventory of archaeological features is required, an application for review will be reviewed by the Department of Planning & Zoning and submitted to the Historic District Commission and other relevant agencies to determine within 30 days of submittal whether any known archaeological sites or resources are located on the property or whether the characteristics of the site suggest the probability of archaeological resources.
 3. For the purpose of this Ordinance, an archaeological resource is defined as a resource that has been identified by applicable County, State or Federal agencies as having archaeological significance. In the event either of the above is found to be relevant, the applicant may be asked to conduct an archaeological survey according to criteria established by the Department of Planning & Zoning, upon recommendations by the relevant agencies or to preserve the resources in place.

4-2 GENERAL REQUIREMENTS FOR DEVELOPMENT PLANS

The provisions of Section 4-2 of the Calvert County Zoning Ordinance apply in the Solomons Town Center with no exceptions.

4-3 GENERAL DESIGN STANDARDS ESTABLISHED FOR PROJECTS REQUIRING SITE PLAN AND PLOT PLAN REVIEW

The provisions of Section 4-3 of the Calvert County Zoning Ordinance apply in the Solomons Town Center with no exceptions.

4-4 PLAN PREPARATION

The provisions of Section 4-4 of the Calvert County Zoning Ordinance apply in the Solomons Town Center with no exceptions.

4-5 APPEALS

The provisions of Section 4-5 of the Calvert County Zoning Ordinance apply in the Solomons Town Center with no exceptions.

ARTICLE 5
RESIDENTIAL DEVELOPMENT REQUIREMENTS

The provisions of Article 5 of the Calvert County Zoning Ordinance apply throughout the Solomons Town Center¹ except where indicated herein. Note: Section numbers that are “**RESERVED**” do not apply within the Solomons Town Center.

	Article 5 Page No.
5-1 Residential Density, Lot Area, Lot Width, Setback & Height & Parking Requirements	2
5-2 Lay-out and Design of Single-Family Residential Communities	5
5-3 Townhouse, Single-Family Attached, Multi-family Development, & Mixed Residential Development	5
5-4 Section Number Reserved	5
5-5 Age-Restricted Housing Communities	5

5-1 RESIDENTIAL DENSITY, LOT AREA, LOT WIDTH, SETBACK, HEIGHT & PARKING REQUIREMENTS

The provisions of Section 5-1 of the Calvert County Zoning Ordinance apply in the Solomons Town Center except for the addition and deletion of certain text. As applied within the Solomons Town Center, Section 5-1 of the Calvert County Zoning Ordinance is amended as follows:

5-1.01 Purpose of Regulating Residential Density

The purpose of regulating density is to help ensure that residential development is consistent with the goals and objectives of the Comprehensive Plan and Solomons Master Plan, as well as the purpose and intent of each Zoning Sub-area as defined in Article 2 of this Ordinance.

Section 5-1.02 through Section 5-1.06 – **SECTION NUMBERS RESERVED**

5-1.07 Minimum Setbacks for Single-Family Detached Residential Development

- A. See Calvert County Zoning Ordinance.
- B. Section Number Reserved.
- C. See Calvert County Zoning Ordinance.
- D. See Calvert County Zoning Ordinance.
- E. See Calvert County Zoning Ordinance.

¹ The provisions of Article 5 do not apply to mixed-use development in the C1 Sub-area. See Article 6 of this Ordinance for those provisions.

5-1.08 Residential Density, Minimum Lot Size, and Lot Width Requirements in the Solomons Town Center

TABLE 5-1 ² SETBACK REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT											
Single-Family Detached Residential Setback Requirement ³	South of Lore Road										
	B1	B2	B3	B4	C1 ¹	C2	C3	C4	C5	C6	C7
15 feet from South Solomons Island Road Right-of-Way (R/W)						N/A	✓	✓	✓	✓	
10 feet from all other R/W	✓	✓	✓	✓		N/A	✓	✓	✓	✓	✓
6 feet from side property lines	✓	✓	✓	✓		N/A	✓	✓	✓	✓	✓
20 feet from rear property line	✓	✓	✓	✓		N/A	✓	✓	✓	✓	✓
Single-Family Detached Residential Setback Requirement	North of Lore Road										
	A	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2
100 feet from Route 2/4 Right-of-Way (R/W)	✓	✓	✓		✓	✓				✓	✓
50 feet from Dowell Road R/W				✓	✓	✓	✓	✓	✓		
25 feet from all other R/W	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
6 feet from side property lines	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
20 feet from rear property line	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

5-1.08 Residential Density, Minimum Lot Size, and Lot Width Requirements in the Solomons Town Center

The provisions of Section 5-1.08 of the Calvert County Zoning Ordinance are replaced by the following requirements in the Solomons Town Center:

TABLE 5-3 **RESERVED**

- A. Maximum Density.
1. For new residential development, the base density for all Sub-areas shall not exceed one dwelling unit per acre without the application of Transferable Development Rights (TDRs).
 2. In the C6 Sub-area, the base density may be increased to a maximum of 10 dwelling units per acre with the application of TDRs (see sub-paragraph ‘B’ of this Section). In the C7 Sub-areas, the base density may be increased to a maximum of four dwelling units per acre with the application of TDRs. For maximum density allowed in the C1 Sub-area, see Section 6-12 of this Ordinance. In all other Sub-areas, the base density may be increased to a maximum of seven dwelling units per acre with the application of TDRs.
 3. The maximum density in all Sub-areas shall be subject to the Critical Area regulations contained in Article 8 of the Calvert County Zoning Ordinance.

² Table 5-1 of this Ordinance replaces Table 5-2 of the Calvert County Zoning Ordinance.

³ For setback requirements for residential uses other than single-family detached (e.g., townhouses, multi-family, etc.), see Section 5-3.03 of the Calvert County Zoning Ordinance. For mixed use and non-residential setback requirements, see Article 6 of this Ordinance.

4. The maximum density of a buildable lot shall be based on the gross acreage, including any existing or proposed non-residential development on the property. To determine the maximum density allowed with the application of TDRs, the following formulas shall be used:
 - a. In the C6 Sub-area (density = 10 dwelling units/acre): Divide the gross acreage of the property by 4,356 (1/10th of an acre) and round down to the nearest integer.
 - b. In the C7 Sub-areas (density = 4 dwelling units/acre): Divide the gross acreage of the property by 10,890 (1/4th of an acre) and round down to the nearest integer.
 - c. For all properties in the Limited Development Area (LDA) of the Critical Area (density = 4 dwelling units/acre): Divide the gross acreage of the property by 10,890 (1/4th of an acre) and round down to the nearest integer.
 - d. For all properties in the C1 Sub-area, see Section 6-12.
 - e. For all other properties (density = 7 dwelling units/acre): Divide the gross acreage of the property by 6,222 (1/7th of an acre) and round down to the nearest integer.
- B. Application of Transferable Development Rights (TDRs).
 1. Five TDRs shall be applied as specified in sub-paragraph B.2 of this Section for each new buildable lot recorded after the adoption of this Ordinance (9/22/09), or each new dwelling unit given final site plan approval after the adoption of this Ordinance (9/22/09).

Exceptions. The application of TDRs is not required in the following instances:

 - a. If a buildable lot is vacant at the time of adoption of this Ordinance (9/22/09), and is later subdivided into additional buildable lots, one dwelling unit may be constructed on one of those lots without the application of TDRs.
 - b. One dwelling unit is permitted per buildable lot if the lot was in existence as of the date of adoption of this Ordinance (9/22/09), and meets the requirements of Section 5-1.09 of the Calvert County Zoning Ordinance.
 - c. One apartment that is accessory to a single-family detached residence and which complies with the requirements of Section 3-2.03, Use #1a, of this Ordinance is permitted.
 2. Additional residential dwelling units may be permitted with the application of TDRs up to the maximum density allowed by sub-paragraph 'A' of this Section. The application of five TDRs is required for each additional dwelling unit above the base density of one unit per acre. For example, if the maximum density is 10 dwelling units per acre, five TDRs each are required for nine of the dwelling units.
 3. The Board of County Commissioners (BOCC) may reduce the number of TDRs required for new residential development in the following instances:
 - a. For workforce housing as defined in Article 12 of the Calvert County Zoning Ordinance, provided that the conditions specified in Section 5-1.05.B of the Calvert County Zoning Ordinance are met, and the recommendations of the Calvert Housing Opportunity Committee shall be considered.

5-1.09 Development of Previously-Recorded Residential Lots

- b. The BOCC may reduce the number of TDRs required by up to 50% for non-profit organizations which meet Internal Revenue Service 5.01.C.3 criteria and provide public benefit, as determined by the Board of County Commissioners. Public benefit may include Leadership in Energy and Environmental Design (LEED) for Neighborhood Development Certification, Silver (or better) LEED Certification for all buildings and/or the provision of public access lands.
- C. **Minimum Lot Size.** The minimum lot size for residential development is 4,000 square feet in all Sub-areas except C1 (See Section 6-12). A variance in the minimum lot size requirements shall not be granted if doing so will result in an increase in the maximum density allowed.
- D. **Minimum Lot Widths.** There is no minimum lot width in the Sub-areas located south of Lore Road. For properties north of Lore Road, the minimum lot width for residential development shall be 75 feet in all Sub-areas except Sub-areas E1 and E3. In those Sub-areas, the lot width requirements may be reduced below 75 feet if the condition specified in Section 5-1.12 is met.

5-1.09 Development of Previously-Recorded Residential Lots

The provisions of Section 5-1.09 of the Calvert County Zoning Ordinance apply in the Solomons Town Center with the exception of paragraph 'A.1', which does not apply.

5-1.10 Accessory Use Setbacks

The provisions of Section 5-1.10 of the Calvert County Zoning Ordinance apply in the Solomons Town Center with no exceptions.

5-1.11 Height Regulations for Residential Development

The provisions of Section 5-1.11 of the Calvert County Zoning Ordinance are replaced by the following requirements in the Solomons Town Center:

In addition to the height regulations of this Section, all structures shall conform to the Solomons Appearance Code (Section 6-7 of this Ordinance).

- A. The maximum height of a building or structure shall be measured using either of the following methods, whichever allows for a greater height:
 - 1. from the average elevation of the finished grade at the front of the building facing the street to the highest point of the roof; or
 - 2. if the first floor of the building is elevated to the 10-foot contour above the mean high water line, the maximum height shall be measured from that point to the highest point of the roof.
- B. In Planning Areas B and C, the height of structures is limited to 2 stories plus a habitable roof, with a 6/12 to 12/12 pitch, but not to exceed 36 feet.
- C. In Planning Areas D, E, and F the height of structures is limited to 3 stories plus a habitable roof, but not to exceed 50 feet.
- D. Exemptions:
 - 1. Fire towers, hose towers, cooling towers, steeples, flag poles, silos, smokestacks, masts, transmission line poles and towers, water tanks, 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 of the Calvert County Zoning Ordinance.

2. The Planning Commission or its designee may allow architectural features such as clock towers, turrets, widow's walks, or cupolas attached to a residential structure to exceed the height regulations subject to the following conditions:
 - a. the outside measurements of the feature do not exceed 150 square feet; and
 - b. the feature does not exceed the height requirements by more than 12 feet.

5-1.12 Parking Requirements for Residential Development

The provisions of Section 5-1.12 of the Calvert County Zoning Ordinance apply in the Solomons Town Center except for the addition of the following paragraphs:

- A. See Calvert County Zoning Ordinance.
- B. See Calvert County Zoning Ordinance.
- C. See Calvert County Zoning Ordinance.
- D. The parking requirements contained in Section 6-12.05 of this Ordinance apply in the C1 Sub-area.
- E. In Sub-areas E1 and E3, the lot width requirements may be reduced below 75 feet if the following condition is met: Two off-street parking spaces shall be provided for each dwelling unit. In addition, a minimum of an additional 15 percent of the total number of spaces provided for the single-family detached dwelling units shall be provided for guest and overflow parking. Such parking shall either be provided as on-street parking or a separate parking area within easy walking distance of the majority of the dwelling units within the development.

5-2 LAY-OUT AND DESIGN OF SINGLE-FAMILY RESIDENTIAL COMMUNITIES

The provisions of Section 5-2 of the Calvert County Zoning Ordinance apply in the Solomons Town Center except in the C1 Sub-area, which is subject to the Form-Based Code in Section 6-12 of this Ordinance.

5-3 TOWNHOUSE, SINGLE-FAMILY ATTACHED, MULTI-FAMILY DEVELOPMENT, & MIXED RESIDENTIAL DEVELOPMENT

The provisions of Section 5-3 of the Calvert County Zoning Ordinance apply in the Solomons Town Center except in the C1 Sub-area, which is subject to the Form-Based Code in Section 6-12 of this Ordinance.

5-4 SECTION NUMBER RESERVED

5-5 AGE-RESTRICTED HOUSING COMMUNITIES

The provisions of Section 5-5 of the Calvert County Zoning Ordinance apply in the Solomons Town Center with no exceptions.

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ARTICLE 6

NON-RESIDENTIAL & MIXED USE DEVELOPMENT REQUIREMENTS

The provisions of Article 6 of the Calvert County Zoning Ordinance apply throughout the Solomons Town Center, except where indicated herein. Note: Section numbers that are "**RESERVED**" do not apply within the Solomons Town Center.

	Article 6 Page No.
6-1 Non-Residential & Mixed Use Development Requirements	1
6-2 Lot area, Setback & Height Requirements for Non-Residential Uses & Mixed Uses	1
6-3 Parking And Loading Requirements For Non-Residential Uses	4
6-4 Pedestrian/Vehicular Flow	5
6-5 Landscaping	5
6-6 Outdoor Lighting	7
6-7 Appearance Code	7
6-8 Signs	12
6-9 Section Number Reserved	17
6-10 Adequate Public Facilities Requirements	17
6-11 Appeals	17
6-12 Sub-Area C1 Form-Based Code	19

6-1 NON-RESIDENTIAL & MIXED USE DEVELOPMENT REQUIREMENTS

6-1.01 Purpose and Intent

The provisions of Section 6-1.01 of the Calvert County Zoning Ordinance apply in the Solomons Town Center with no exceptions.

6-1.02 **SECTION NUMBER RESERVED**

6-2 LOT AREA, SETBACK & HEIGHT REQUIREMENTS FOR NON-RESIDENTIAL USES & MIXED USES

6-2.01 Purpose of Lot Area, Lot Width, Setback Requirements for Non-Residential Development

A. **SECTION NUMBER RESERVED**

B. See Calvert County Zoning Ordinance.

6-2.02 Height Regulations for Non-Residential Development & Mixed Use Development

TABLE 6-1.A¹ SETBACK REQUIREMENTS FOR NON-RESIDENTIAL DEVELOPMENT & MIXED USE DEVELOPMENT											
Setback Requirements for Structures & Uses (Principal & Accessory)	South of Lore Road										
	B1	B2	B3	B4	C1²	C2	C3	C4	C5	C6	C7
15 feet from Solomons Island Road Right-of-Way (R/W)						N/A	✓	✓	✓	✓	
10 feet from all other R/W	✓	✓	✓	✓		N/A	✓	✓	✓	✓	✓
30 feet from side & rear property lines ³	✓	✓	✓			N/A	✓	✓	✓	✓	✓
50 feet from side & rear property lines ³				✓							
Setback Requirements for Structures & Uses (Principal & Accessory)	North of Lore Road										
	A	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2
100 feet from Route 2/4 Right-of-Way (R/W)	✓	✓	✓		✓	✓				✓	✓
50 feet from Dowell Road & H. G. Trueman Road R/W				✓	✓	✓	✓	✓	✓		
15 feet from all other R/W	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
30 feet from side & rear property lines ²	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

6-2.02 Height Regulations for Non-Residential Development & Mixed Use Development

The provisions of Section 6-2.02 of the Calvert County Zoning Ordinance are replaced by the following requirements in the Solomons Town Center:

In addition to the height regulations of this Section, all structures shall conform to the Solomons Appearance Code (Section 6-7 of this Ordinance).

A. The maximum height of a building or structure shall be measured using either of the following methods, whichever allows for a greater height:

1. from the average elevation of the finished grade at the front of the building facing the street to the highest point of the roof; or

¹ Table 6-1.A replaces in its entirety Table 6-1 of the Calvert County Zoning Ordinance.

² The C1 Sub-area is subject to the setback requirements contained in the Form-Based Code (Section 6-12 herein).

³ The side and rear setbacks may be reduced by the Planning Commission or its designee to as low as 0 feet if:

- a. Maintenance is addressed; and
- b. emergency vehicle access is addressed and approved by the Public Safety Dept.; and
- c. the adjoining property has a compatible use or written permission is received from all owners of properties that share a boundary along which a setback reduction is proposed; and
- d. existing screening is determined to be adequate or adequate screening will be provided.

Note: A variance from the Board of Appeals may be sought if the above conditions can not be met.

2. if the first floor of the building is elevated to the 10-foot contour above the mean high water line, the maximum height shall be measured from that point to the highest point of the roof.
- B. In Planning Areas B and C, the height of structures is limited to two stories plus a habitable roof, with a 6/12 to 12/12 pitch, but not to exceed 36 feet.
- C. In Planning Areas D, E, and F the height of structures is limited to three stories plus a habitable roof, but not to exceed 50 feet.
- D. Exemptions:
1. Fire towers, hose towers, cooling towers, steeples, flag poles, silos, smokestacks, masts, transmission line poles and towers, water tanks, 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 of the Calvert County Zoning Ordinance.
 2. The Planning Commission or its designee may allow architectural features such as clock towers, turrets, widow's walks, or cupolas attached to a non-residential or mixed-use structure to exceed the height regulations subject to the following conditions:
 - a. the outside measurements of the feature do not exceed 150 square feet; and
 - b. the feature does not exceed the height requirements by more than 12 feet.
 3. If a building is designed with a green roof to absorb stormwater, the Planning Commission may approve a flat roof, subject to the same height restrictions outlined above and the following conditions:
 - a. A corniced parapet or mansard roof is required to shield equipment on the roof.
 - b. At least 60 percent of the flat roof shall be covered in plantings.

6-3 PARKING AND LOADING REQUIREMENTS FOR NON-RESIDENTIAL USES & MIXED USES

The provisions of Section 6-3 of the Calvert County Zoning Ordinance apply in the Solomons Town Center except for the addition of Table 6-1.B and sub-paragraphs ‘H’ through ‘J’ to Section 6-3.01, as follows:

TABLE 6-1.B SETBACK REQUIREMENTS FOR PARKING LOTS	
Front Setback Requirements for Parking Lots	
35 feet from South Solomons Island Road Right-of-Way	Parking Lots shall be located to the rear of buildings unless they are completely screened by fencing and/or planting materials so that they are not visible from adjoining rights-of-way.
20 feet from All Other Rights-of-Way	
Side & Rear Setback Requirements for Parking Lots	
North of Lore Road	South of Lore Road
20 feet from side & rear property lines	20 feet from side & rear property lines ⁴ (except Sub-area B4)
	50 feet from side & rear property lines (Sub-area B4 Only)

6-3.01 General Provisions

- A. See Calvert County Zoning Ordinance.
- B. See Calvert County Zoning Ordinance.
- C. See Calvert County Zoning Ordinance.
- D. See Calvert County Zoning Ordinance.
- E. See Calvert County Zoning Ordinance.
- F. See Calvert County Zoning Ordinance.
- G. See Calvert County Zoning Ordinance.
- H. The C1 Sub-area, which is subject to the Form-Based Code contained in Section 6-12 herein, shall be exempt from the parking requirements for non-residential uses.
- I. In the C-4 Sub-area, a portion of the spaces located in the public parking lot along the bulkhead may be used to satisfy parking requirements, provided that parking spaces on private property in the C-4 Sub-area are available for public parking pursuant either to a permanent easement recorded among the land records or a lease agreement, or any renewal thereof, provided the original lease was entered into prior to the adoption of this Ordinance (9/22/09). Upon the expiration of the lease agreement providing parking spaces for use by the general public or any extension thereof, a permanent easement for the use of those parking spaces shall be recorded among the land records of Calvert County.

⁴ The parking lot setbacks may be reduced by the Planning Commission or its designee to 0 feet if:

- a. Maintenance is addressed; and
- b. emergency vehicle access is addressed and approved by the Public Safety Dept.; and
- c. the adjoining property has a compatible use or written permission is received from all owners of properties that share a boundary along which a setback reduction is proposed; and
- d. existing screening is determined to be adequate or that adequate screening will be provided.

- J. In the C3 Sub-area along the boardwalk, the public parking in that area may be used to satisfy the parking requirements for uses located in the existing buildings along the boardwalk.

TABLE 6-2 NUMBER OF PARKING SPACES REQUIRED – See Calvert County Zoning Ordinance.
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6-4 PEDESTRIAN/VEHICULAR FLOW

The provisions of Section 6-4 of the Calvert County Zoning Ordinance apply in the Solomons Town Center, except in the C1 Sub-area, which is subject to the Form-Based Code contained in Section 6-12 herein.

6-5 LANDSCAPING

The provisions of Sections 6-5.01 through 6-5.04 of the Calvert County Zoning Ordinance apply in the Solomons Town Center, except in the C1 Sub-area, which is subject to the Form-Based Code contained in Section 6-12 herein.

6-5.05 Buffering Adjacent to Non-Commercial Properties

The provisions of Section 6-5.05 of the Calvert County Zoning Ordinance are replaced by the following requirements in the Solomons Town Center:

- A. Purpose: Buffering along property boundaries is necessary in order to reduce the impact of development on non-commercial properties.
- B. Requirement: All non-residential developments shall provide a minimum of a 20-foot landscaped buffer along the length of the property line when adjacent to an existing residentially used property, a property with an active residential building permit, a property which is designated primarily for residential use by this Ordinance, or a property with a non-compatible use.
- C. Exceptions:

The Planning Commission Administrator may waive all or part of the above provisions in the following instances:

1. The 20-foot landscaped buffer may be reduced to a minimum of 12 feet through the use of a landscaped berm at least three feet in height at finished grade elevation, prior to the application of mulch to the berm.
2. Natural slopes and existing vegetation may be substituted for some or all of the requirements above, provided that these features serve to buffer the area from adjoining properties.
3. When screening is required as per Section 6-5.06, the Planning Commission Administrator may reduce or waive the buffering requirements for that portion of the property which is screened.

6-5.06 Screening

The provisions of Section 6-5.06 of the Calvert County Zoning Ordinance are replaced by the following requirements in the Solomons Town Center:

- A. Purpose: Screening is required in order to hide unattractive or incompatible uses from view and to reduce the noise impact of outdoor uses.

- B. Requirements: Screening may be in the form of trees and shrubs or walls meeting the Appearance Code, as specified below.
1. Screening with trees and shrubs is required on any portion of a non-residential development if any of the following are visible from roadways, sidewalks, or adjacent residential properties or properties with non-compatible uses:
 - a. loading and unloading areas;
 - b. trash or disposal areas;
 - c. exterior storage;
 - d. business lighting that will project onto nearby residential properties or adjacent roadways;
 2. Screening with trees and shrubs is required on any portion of a non-residential property if the following use is visible from adjoining residential properties or properties with non-compatible uses:
 - a. Outdoor Patron Areas associated with an Eating Establishment with no amplified music or other entertainment within the Outdoor Patron Area.
 3. The screening for the uses listed in Sections 6-5.06.B.1.a through d and Section 6-5.06.B.2.a shall be designed, installed, and maintained so that it is capable of providing year-round, 100 percent visual screening of the non-residential use from the adjacent roadways, sidewalks, nearby residential properties or properties with non-compatible uses, where applicable. Vegetative screening shall be a minimum of six feet in height at installation.
 4. Screening with walls meeting the Appearance Code is required around the perimeter of all Outdoor Patron Areas associated with a Tavern, Bar, Nightclub or Lounge, or associated with an Eating Establishment where amplified music or other entertainment is provided in the Outdoor Patron Areas. The walls shall be subject to the following requirements:
 - a. The walls shall be a minimum of six feet in height;
 - b. Approval from the Architectural Review Committee is required;
 - c. The walls shall have a desirable appearance from both sides;
 - d. No signs shall be attached to the outside of any walls. Any signs attached to the inside of the walls shall comply with Section 6-8 of this Ordinance; and
 - e. No ornamentation, other than that which is approved by the Architectural Review Committee, shall be permitted on the walls.

C. Exceptions:

If written permission is received from all owners of properties that share a boundary along which the screening is proposed, the Planning Commission Administrator may waive all or part of the above screening requirements in the following instances:

1. If the Planning Commission Administrator determines that screening would block views of nearby waterways or other scenic views from adjoining properties; or
2. If the Planning Commission Administrator determines that existing screening adequately hides unattractive or incompatible uses from view and is capable of reducing the noise impact of outdoor uses.

6-6 OUTDOOR LIGHTING

The provisions of Section 6-6 of the Calvert County Zoning Ordinance apply in the Solomons Town Center without exception.

6-7 APPEARANCE CODE

Section 6-7 of the Calvert County Zoning Ordinance is replaced in its entirety by the following requirements in the Solomons Town Center:

6-7.01 Purpose

The purpose of the Appearance Code is to protect, as new buildings are built and existing buildings are renovated, the continuity and architectural heritage of Solomons in a way which reinforces the existing fabric of the town. Its role is not to reproduce any particular architectural style or to overlay some preconceived appearance on each and every structure with the Town Center.

Within that heritage today are a wide variety of styles and settings and, as a result, many different kinds of new buildings can be compatible; however, some may not. For that reason, the purpose of the code is to be selective – and often restrictive – in order to exclude buildings that would erode the historic and cultural values built up in Solomons over generations. Thus, while not trying to imitate or replicate a style no longer practical, the overall design theme of the town, as documented in this code, is consistent with the recorded historic character.

The code is intended to apply to the exterior design features of new structures and alterations of existing structures; they are not written for historic restorations. This code has been designed to be expandable. It can be made more comprehensive and more specific as required. Evaluation of each building requires the judgment of the Solomons Architectural Review Committee members and the Planning Commission. The code provides the framework for studying the plans submitted to them. The Review Committee has to consider the full impact of each design as a whole, as well as its impact upon neighbors.

6-7.02 Applicability

- A. The Appearance Code Criteria and Guidelines apply to all new construction, renovations and additions to buildings, including the replacement of siding and change of exterior color, accessory structures (such as fences, decks and sheds) and signs, except as outlined in sub-paragraph 'B' of this Section.
- B. Exceptions:
 1. At the discretion of the Planning Commission, exceptions may be granted for an addition to an existing building that does not conform to the Appearance Code, if the addition conforms to the style of the remainder of the building.
 2. Detached accessory structures containing up to 250 square feet are exempt from roof pitch and roof style requirements of this Ordinance. All other requirements of this Ordinance (e.g., setbacks, building permit requirements, etc.) shall be met.
 3. The Planning Commission shall maintain an Architectural Design Manual, which shall include:
 - a. guidelines to be used in conjunction with the Appearance Code Criteria of this Zoning Ordinance; and

6-7.03 Criteria for Buildings and Accessory Structures (other than signs)

- b. examples of structures and elements, such as outdoor lighting fixtures, fences, street furniture, and trash enclosures, the design of which has been pre-approved by the Planning Commission after recommendation by the Solomons Architectural Review Committee.

Any new element or structure that is determined to be in compliance with the Architectural Design Manual may be approved by the Planning Commission Administrator without review by the Architectural Review Committee.

The Planning Commission may delegate to its Administrator the authority to approve new elements or structures to be added to the Architectural Design Manual that are consistent with the Master Plan and Zoning Ordinance, and comply with the recommendations of the Architectural Review Committee.

6-7.03 Criteria for Buildings and Accessory Structures (other than signs)⁵

The intent of imposing criteria for Architectural Review of buildings and accessory structures south of Lore Road is to maintain and reinforce the existing architectural character of the area. North of Lore Road, the intent is to continue the architectural theme that has been established south of Lore Road, and at the same time to allow a greater variety of interpretations of that theme.

TABLE 6-3 ARCHITECTURAL DESIGN CRITERIA

The following Architectural Design Criteria shall be imposed on all buildings and accessory structures within the Solomons Town Center (excluding signs, which are subject to the criteria contained in Section 6-8 of this Ordinance). For additional details, see the Architectural Design Manual maintained by the Planning Commission.		
ARCHITECTURAL FEATURE	SOUTH OF LORE ROAD	NORTH OF LORE ROAD
Style	Shall be late 19 th /early 20 th century ("Victorian Era")	Shall be late 19 th /early 20 th century; pre-20 th century; modern interpretations of pre-20 th century styles.
Building Materials	Siding shall be brick (in red-brown range), wood or wood appearance horizontal or board and batten siding with minimum 4" corner boards; wood or wood appearance shake or shingle siding. Shake or shake appearance siding may be used only as architectural detail.	Colors and tones shall be muted. Siding shall be brick (in red-brown range), wood or wood appearance horizontal or board and batten siding with minimum 4" corner boards. Also wood or wood appearance shingle or shake, stucco, and split-face block. Vertical metal may be approved for use on sides of buildings not visible from public roads or waterways, provided quality standards are met.

⁵ For sign criteria, see Section 6-8 of this Ordinance.

TABLE 6-3 ARCHITECTURAL DESIGN CRITERIA (Continued)

ARCHITECTURAL FEATURE	SOUTH OF LORE ROAD	NORTH OF LORE ROAD
Pitched Roofs	Pitched roofs shall be wood, metal or asphalt shingles in gray or brown tones. Main roof pitch shall be: minimum 6/12 limited to gable, hipped, shed and true mansard. Gambrel and false mansard are not permitted. Dormer roofs are not subject to these requirements.	Pitched roofs shall be wood, metal or asphalt shingles in muted tones. The main roof pitch shall be a minimum 6/12 limited to gable, hipped, shed and true mansard. Exceptions for shopping centers and commercial buildings may be made, provided the design meets the intent as described above. Gambrel and false mansard are not permitted.
Flat Roofs	Flat roofs may be permitted on large commercial buildings (5000 square feet or greater) if the roofs are green roofs that meet the criteria of Section 6-2.02.D.3.	Flat roofs may be permitted on shopping centers and large commercial buildings (5000 square feet or greater) if the roofs are green roofs that meet the criteria of Section 6-2.02.D.3.
Windows, Skylights, and Shutters	See the Architectural Design Manual for window design criteria. Skylights are permitted with no restrictions. Shutters, if used, shall be sized to fit the window if closed.	Window and shutter styles other than those contained in the Architectural Design Manual may be approved, provided they are compatible with the overall style of the building. Skylights are permitted with no restrictions.
Solar Panels (roof-mounted and freestanding)	Solar panels are permitted with no restrictions.	Solar panels are permitted with no restrictions.
Fences, Screens, Garden Walls and Retaining Walls	Chain link and stockade fencing are not permitted. Design shall be in same style as building. Retaining walls should be constructed in a brick pattern	Chain link and stockade are not permitted. Design shall be in same style of building.
Height, Proportion, Rhythm and Scale	See the Architectural Design Manual.	See the Architectural Design Manual.
Ornamentation & Columns	Wood or wood appearance	No criteria.
Utilities and trash receptacles	Screened or positioned so that they are not visible from public roads, waterways and adjoining properties.	Screened or positioned so that they are not visible from public roads, waterways and adjoining properties.

TABLE 6-3 ARCHITECTURAL DESIGN CRITERIA (Continued)		
ARCHITECTURAL FEATURE	SOUTH OF LORE ROAD	NORTH OF LORE ROAD
Accessory Structures (e.g., Sheds, Gazebos & Garages)	Up to 250 square feet: Shall meet all Appearance Code criteria, except roof pitch and roof style. Greater than 250 square feet: Shall meet all Appearance Code criteria.	Up to 250 square feet: Shall meet all Appearance Code criteria except roof pitch and roof style. Greater than 250 square feet: Shall meet all Appearance Code criteria.
Decks	Design shall be in the same style as the building.	Design shall be in the same style as the building.
Lighting	Shall be designed to be in harmony with the character of the building and its surrounding buildings and to meet pre-approved styles (See Design Manual).	Shall be designed to be in harmony with the character of the building and its surrounding buildings and to meet pre-approved styles (See Design Manual).

6-7.03 Architectural Review Committee

A. Composition:

The Committee shall be composed of five members. Priority shall be given to the appointment of members who reside or work within the Town Center. At least one member shall be an owner of a business located within the Town Center and at least one member should be a resident who is not connected with a business within the Town Center. At least one member shall have experience in architecture, landscape architecture, historic preservation, urban design planning, engineering or related fields. Priority may be given to those who have participated in the master planning process. Exceptions in the criteria listed above may be made by the Board of County Commissioners in the event there are not enough qualifying applicants.

B. Tenure:

Members shall serve for four years and may be reappointed by the County Commissioners. The composition of the Committee shall remain as above.

C. Officers:

The Committee shall elect a Chairman and Vice-Chairman biennially. The Chairman and Vice-Chairman may be a Committee member or staff may be elected Chairman-pro-tem without voting authority. The Chairman-pro-tem may assign the Chairmanship as needed in his/her absence.

D. Meetings:

The Committee shall hold regular meeting monthly unless otherwise determined by the Committee Chairman or, in the Chairman's absence, the Vice-Chairman. In addition, the Committee shall be on call to review development proposals. Three members shall constitute a quorum.

E. Jurisdiction:

1. The Committee shall have authority to review site designs and external design features of buildings, structures other than buildings, and signs for public, quasi-public, commercial, residential, industrial, multi-family or mixed use development. The Committee shall make judgments on the external design features based on the requirements of the Solomons Master Plan and Zoning Ordinance.
2. The Committee shall not have authority to approve site plans, including landscaping plans. Site plans shall be approved as set forth in the Zoning Ordinance and Town Center Master Plans.
3. The Committee shall have authority to review existing rules and regulations governing landscaping and site design and make recommendations to the Planning Commission.
4. The Committee shall also review proposed plans for public amenities, such as squares, landscaping plans, signs, and street furniture, and shall make recommendations to the Planning Commission and Board of County Commissioners.

F. Review Process for Projects Requiring Architectural Review

1. **Submittal of Applications:** The Department of Planning & Zoning shall establish and publish application procedures, forms, and submittal requirements, subject to approval by the Planning Commission.
2. **Review Procedure:** The Solomons Town Center Architectural Review Committee shall review applicable projects in accordance with the provisions of this Ordinance and make recommendations in writing to the Planning Commission. The Planning Commission may delegate authority to its Chairperson or its Secretary to approve design features that are both consistent with the Master Plan and its Zoning Ordinance and comply with the recommendations of the Architectural Review Committee.
3. **Participation in Meetings:** Applicants or their representatives are required to attend and participate in discussions concerning their proposed projects. Projects will not be reviewed unless the applicant or a representative is present at the review meeting except upon request of the applicant.
4. **Appeals:** Any appeals from a decision of the Planning Commission for architectural review of a project associated with a Category I Site Plan (See Section 4-2.01.B.3 of the Calvert County Zoning Ordinance) shall be noted in the Circuit Court for Calvert County. Such appeal shall be taken according to the Maryland Rules as set forth in Title 7, Chapter 200, as amended from time to time, within 30 days of the Planning Commission's decision. Any appeal from a decision of the Planning Commission for architectural review of any project other than those associated with a Category I Site Plan may be appealed to the Board of Appeals. Such appeal shall be made in accordance with Section 11-1.04 of the Calvert County Zoning Ordinance within 30 days of the Planning Commission's decision.
5. **Enforcement:** Building Permits may not be issued until architectural approval is obtained. Failure to obtain a building permit for a use requiring permits and/or failure to comply the requirements for architectural design is subject tot the provisions in Section 1-7 of the Calvert County Zoning Ordinance.

6-8 SIGNS

Section 6-8 of the Calvert County Zoning Ordinance is replaced by the following requirements in the Solomons Town Center, except where noted.

6-8.01 Purpose

The purpose of this Section is to regulate signs and to promote Town Center businesses without significantly impacting overall aesthetics, property values, public safety, or impinging on free speech.

6-8.02 General Sign Provisions

- A. Illuminated signs shall be shielded so that no direct rays of light shall cause glare or reflection on any portion of an adjacent highway or residential building.
- B. No signs shall have moving parts or project any intermittent or flashing illumination.
- C. No sign shall be displayed which uses the words "Stop" or "Danger" or presents or implies the need or requirement of stopping or the existence of danger as part of an advertising sign.
- D. No sign shall be located which will interfere with the traffic visibility on the right-of-way of any road or on any slope or drainage easement of the road.
- E. No sign shall be permitted which contains statements, words or pictures of an obscene character.
- F. No signs shall be placed on rocks, trees, or on poles maintained by public utilities.
- G. All portable signs shall be limited as follows:
 - 1. "Sandwich Board" style signs shall be permitted subject to the following conditions:
 - a. The sign does not exceed 12 square feet in size per side and the total height does not exceed 48 inches.
 - b. The sign must either be constructed and maintained in accordance with the requirements of this Section or receive special approval from the Architectural Review Committee.
 - c. The sign is located on the property upon which the business is located. No off-premise portable signs shall be permitted.
 - d. The sign shall be located so as to not restrict sight distance below that which is required by the standards established by the American Association of State Highway and Transportation Officials (AASHTO). Note: The County will provide drawings depicting AASHTO standards. Applicants will be responsible for meeting those standards.
 - e. The sign shall be located within the Building Restriction Lines (BRLs) and shall not be located so as to obstruct pedestrian pathways.
 - 2. Flags and banners shall be permitted, subject to the following conditions:
 - a. Each flag or banner shall not exceed 12 square feet in size. Exception: Official U.S., state, or county flags are exempt from the sign requirements.
 - b. All non-Official U.S., state, or county flags and banners are subject to the provisions of paragraph 'M' of this Section and the size limitations set forth in Section 6-8.06.B of this Ordinance.

- H. No sign shall be permitted which becomes unsafe or endangers the safety of a building, premise, or person. The Zoning Officer shall order such signs to be made safe or repaired or removed within 15 days of the receipt of such order.
- I. When a sign does not include advertising information for a period of 120 continuous days, such sign shall be deemed a violation and shall be removed.
- J. Non-conforming signs may continue to be used, regardless of change in content, unless the sign structure is replaced, expanded, or relocated. At that time, the sign shall be brought into conformance with the requirements of this Zoning Ordinance. Routine maintenance of non-conforming sign structures shall be permitted so long as such maintenance does not constitute replacement or expansion.
- K. Unless determined by the Zoning Officer to be safe at a lesser distance, the setback from the right-of-way shall be a minimum of 10 feet.

Exception: Any sign which is attached to the ground located on a minor arterial road and within 40 feet of the side lot line shall adhere to the front yard requirement for the district in which it is located. If located on a collector or local road and within 30 feet of the side lot line, the sign shall conform to the front yard requirement for the district in which it is located.

- L. Signs attached to vehicles are allowed under the following conditions:
 1. The vehicle is parked at the business location and the vehicle is operable, tagged and parked in an approved parking space, or
 2. the vehicle is parked at the driver's residence and it is the resident's primary means of transportation to and from his or her place of work.
- M. The following provisions regarding materials and lighting shall be applied to all signs:

North of Lore Road:

1. Materials: Any non-reflective, matte-finish materials may be approved, provided they meet the design criteria listed in this Ordinance. Exception: Flags and banners shall be made of fabric only (no plastic).
2. Lighting: The following types of lighting may be used to illuminate signs:
3.
 - a. external lighting projecting onto the sign face.
 - b. internal lighting projecting onto a wall or sign face to create a halo effect behind letters (i.e., "reverse channel" or "halo lighting").
 - c. internal lighting, provided that the sign face is opaque, and only the letters and logo are illuminated. In no case may the illuminated portion of the sign exceed 35 percent of the sign face.
4. Exceptions: internal lighting projecting through the sign face may be approved for information boards located adjacent to drive-through lanes and sized and designed for the use of drive-through customers only (example: menu boards).

South of Lore Road:

1. Material shall be limited to wood or wood appearance for the sign face. Materials other than wood may be approved for signposts and frames provided they meet the design criteria listed in this ordinance. Exception: Flags and banners shall be made of fabric only (no plastic).
2. Lighting for signs shall be limited to external light sources projecting onto the sign face.

6-8.03 Freestanding Signs

3. Exceptions:

- a. Banners and banner display poles sponsored by a governmental agency may be permitted, provided that they are recommended for approval by the Solomons Architectural Review Committee and are comprehensively planned and designed to ensure continuity throughout the Town Center.
- b. Awning signs are permitted, provided the lettering is limited to one color. Logos may be incorporated into the sign.

6-8.03 Freestanding Signs

- A. Every freestanding sign shall be compatible with the building(s) to which it relates in terms of style, colors, proportion and scale.
- B. All individual signs on the same freestanding base shall be uniform in design. Uniformity shall be generally defined as:
 1. having the same (or similar dimensions and proportions and
 2. having the same background color and
 3. being of the same material.
- C. Other approaches to uniform design may be approved subject to a recommendation by the Architectural Review Committee. Logos may be incorporated into the design. Reader board, when included, shall be part of the overall design of the sign.
- D. Maximum Height for Freestanding Signs: In all Sub-areas except C1, the maximum height is 10 feet. In the C1 Sub-area, the maximum height is four feet. Minor increases in height may be granted in cases where a unique topographic condition would otherwise impair visibility of a sign (see paragraph 'E' of this Section) or in cases where an architectural element is deemed by the Architectural Review Committee to improve the overall appearance of a sign.
- E. Sign height shall be measured from the average elevation of the finished grade at the front of the sign and/or structure facing the street to the highest point of the sign and/or structure. The use of berms, grading, or other means in order to achieve a greater sign height shall not be permitted unless site conditions are such that the proposed sign location is below the grade of the adjacent roadway. In such cases, a berm, grading or other means may be used to raise the elevation of the land on which the sign is to be placed to the elevation of the adjacent roadway.
- F. The base of the sign shall be designed as an architecturally-integrated element of the sign. Signs with a single central pole ("lollipop signs") are not permitted. 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. The number of graphic elements (i.e., words and symbols) on a freestanding sign shall be held to the minimum needed to convey the sign's major message. A rule of thumb is to limit the number of syllables and symbols to 10.
- H. One freestanding sign is permitted per site. The Planning Commission may, upon recommendation by the Solomons Architectural Review Committee, permit additional freestanding signs in cases where the site is very large (more than 1000 feet of road frontage) provided that signs are architecturally integrated with each other and with the site.
- I. Freestanding signs shall not be located within parking lots.

6-8.04 Building Sign Design

- A. Every building sign shall be designed as an integral architectural element of the building and shall be compatible with the building and neighboring buildings in the terms of height, proportion, rhythm and scale. (See the Architectural Design Manual maintained by the Department of Planning and Zoning.)
- B. Signs on buildings shall not obstruct architectural features of the building. Signs shall not be mounted on roofs, extend above the roofline or above the second story of the building. South of Lore Road, no more than 25 percent of the window area on each side of a building shall be used for the display of signs on that side of the building.
- C. All individual signs for tenants within a single building, shopping center, office complex, commercial park or business center shall be uniform in design. Uniformity shall be generally defined as:
 - 1. having the same (or similar) dimensions and proportions and
 - 2. having the same background color and
 - 3. being of the same material.
- D. Other approaches to uniform design may be approved subject to a recommendation by the Architectural Review Committee. Logos may be incorporated into the design.

6-8.05 Signs Permitted Without a Zoning Permit

The provisions of Section 6-8.05 of the Calvert County Zoning Ordinance apply within the Solomons Town Center, with the exception of Section 6-8.05.G, which is replaced by Section 6-8.02.G herein.

6-8.06 Signs Requiring Zoning Permits

The provisions of Section 6-8.06 of the Calvert County Zoning Ordinance apply within the Solomons Town Center, with the exception that Sections 6-8.06.A and 6-08.06.B.1, and Table 6-4 are replaced by paragraphs 'A' and 'B', and Table 6-3 herein. Section 6-8.06.B.2 through 6-3.06.B.8 of the Calvert County Zoning Ordinance apply in the Solomons Town Center without exception.

- A. All signs described in this Section require a building permit. Any sign erected without a building permit shall constitute a Zoning Violation, which shall be enforced in accordance with Section 1-7 of the Calvert County Zoning Ordinance.

B. Maximum Sign Areas

The dimensions of any given sign or collection of signs shall be approved on the basis of proportion, scale and compatibility with the surrounding area, but shall not exceed the size limitations listed in Table 6-4 of this Section. All signs are included in the computation of maximum square footage for any given site, except sandwich board signs, flags and banners, where permitted.

TABLE 6-4 ⁶ TABLE OF MAXIMUM SIGN AREAS	
Length of Front Building Wall (ft)	Maximum Square Footage of Sign (sq. ft.)
10-19	30
20-29	40
30-39	70
40-49	90
50-50	110
60-69	125
70-79	140
80-89	155
90-99	170
>100	See Note 3 Below

Notes:

1. Fractions will be rounded off to the closest integral number.
2. A cumulative measurement shall be taken for businesses or institutional uses sharing party walls.
3. For building walls which are longer than 100 feet, add one square foot of signage for every linear foot over 100 feet.
4. Signage shall be calculated for the length of each building wall that has a public entrance and/or is visible from a public road or the water, and the signs shall be located only on that side of the building.
5. Buildings with separate businesses or institutional uses on two or more stories may be permitted up to 50 percent more signage.
6. For businesses or institutional uses having no permanent buildings, a maximum of 50 square feet of signage is permitted.
7. On a corner lot, the building wall facing each road shall be used to compute the square footage for signage on that road.
8. The total signage allowed per building may be increased by no more than 50 percent through the use of sandwich board signs, flags, and banners that comply with Section 6-8.02.G and 6-8.02.M of this Ordinance.
9. This table does not apply to signs for which square footage limitations are specified (i.e., Home Occupation signs).

- 6-8.06 B.
2. See Calvert County Zoning Ordinance.
 3. See Calvert County Zoning Ordinance.
 4. See Calvert County Zoning Ordinance.
 5. See Calvert County Zoning Ordinance.
 6. See Calvert County Zoning Ordinance.
 7. See Calvert County Zoning Ordinance.
 8. See Calvert County Zoning Ordinance.

⁶ Table 6-4 replaces in its entirety Table 6-4 of the Calvert County Zoning Ordinance.

6-8.07 Violations

The provisions of Section 6-8.07 of the Calvert County Zoning Ordinance apply within the Solomons Town Center without exception.

6-9 SECTION NUMBER RESERVED

6-10 ADEQUATE PUBLIC FACILITIES REQUIREMENTS

The provisions of Section 6-10 of the Calvert County Zoning Ordinance apply in the Solomons Town Center without exception.

6-11 APPEALS (Section Deleted from Calvert County Zoning Ordinance 5/12/09)

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6-12 SUB-AREA C1 FORM-BASED CODE

6-12.01 Purpose and General Provisions

A. Purpose

The purpose of this Form-Based Code is to implement the land use policies of the Solomons Master Plan, one of which states:

“The property east of Solomons Island Road from the Tide Box to Charles Street, Sub-area C1, is identified for a mix of residential, commercial, and marina uses. On-site parking requirements should be reduced in order to help reinforce the mixed-use character and pedestrian scale of the area. Steps should be taken to ensure that uses are compatible with each other. In particular, it is important to promote a balanced mix of uses and to avoid any one use dominating others.”

Specific priorities identified for this area include the following and are addressed in this Form-Based Code:

1. Consider a development bonus for desired public benefit, such as public access, preferred uses, design changes, etc.
2. Encourage a mix of uses.
3. Facilitate ground floor retail/dining to face the street.
4. Establish build-to lines and reinforce the vernacular architecture and existing character of the Island.
5. Clarify and illustrate the review process; modify inconsistent policies.

B. General Provisions

1. The provisions of this Form-Based Code apply to the C1 Sub-area of the Solomons Town Center only.
2. In addition to the requirements contained in this Section, all properties in the C1 Sub-area shall comply with the Environmental Regulations contained in Article 8 and the Plot Plan/Site Plan requirements of Article 4 of the Calvert County Zoning Ordinance, as well as the Appearance Code requirements contained in Section 6-7 of this Ordinance.
3. Although the properties in the C1 Sub-area are considered “double-fronted” (bordered by the street in the front and the water in the rear), for the purposes of this Code, the “Front” of a property is considered the property line adjoining S. Solomons Island Road or Charles Street. The “Rear” of a property is considered the property line adjoining the water.



POTENTIAL LANDSCAPE BUFFER ALONG RIVERWALK
Sketch by EDAW Design Consultants – December 2007

6-12.02 Building Size, Orientation and Facades

A. Building Size.

No single building footprint shall exceed 5000 square feet. Exception: The footprint may be expanded to no more than 8000 square feet if the building is certified either LEED Silver or Green Globe designation. The minimum footprint of any building constructed at the front build-to line shall be no less than 1000 square feet and shall be at least two stories in height.

B. Building Orientation.

1. Due to the fact that most lots within the C1 Sub-area are “double-fronted” (bordered by the street in the front and the water in the rear), buildings shall be oriented and architecturally designed to avoid the appearance of the back of a building facing the street or the water.
2. Buildings constructed at the front build-to line shall have a front porch and main entrance facing the adjoining street. The following conditions apply to the front porch:
 - a. The depth of the porch shall be a minimum of eight feet and a maximum of 14 feet. The length of the porch shall be in proportion with the length of the front building wall, equaling at least 80 percent of that length.
 - b. While the front of the porch shall be constructed at the build-to line, the square footage of the porch shall be

<p>Late Victorian Farmhouse with roof ridge parallel to the street.</p>	
<p>Colonial Revival with roof ridge parallel to the street.</p>	
<p>Early 20th Century Commercial with roof ridge parallel to the street.</p>	
<p align="center">ILLUSTRATION 6-12.1 Architectural Styles (DPZ photos)</p>	

excluded from the minimum and maximum footprint requirements contained in paragraph 'A' of this Section.

c. Wrap-around porches are permitted and encouraged for buildings with entrances along the sides of the building.

3. When more than one building is constructed on a site, the buildings shall be separated an adequate distance to provide pedestrian access between the buildings and to allow for maintenance of the buildings.

C. Building Facades.

The dominant architectural styles in the C1 Sub-area are shown in **Illustration 6-12.1**. The facades of new or remodeled buildings shall be architecturally compatible with these styles in order to reinforce the vernacular architecture and existing character of the area. Some historic buildings in the C1 Sub-area have or had flat roofs, which are permitted, subject to the requirements of Section 6-12.03.C of this Ordinance. (**See Illustration 6-12.2**)

Locust Inn
(early 1900's)



Original Bowen's Inn
(torn down in 1976)



ILLUSTRATION 6-12.2
Historic Inns with Flat Roofs

(from "Solomons Island & Vicinity: An Illustrated History and Walking Tour", compiled by Richard J. Dodds, Calvert Marine Museum, 1995)

6-12.03. Building Elevations and Height Requirements

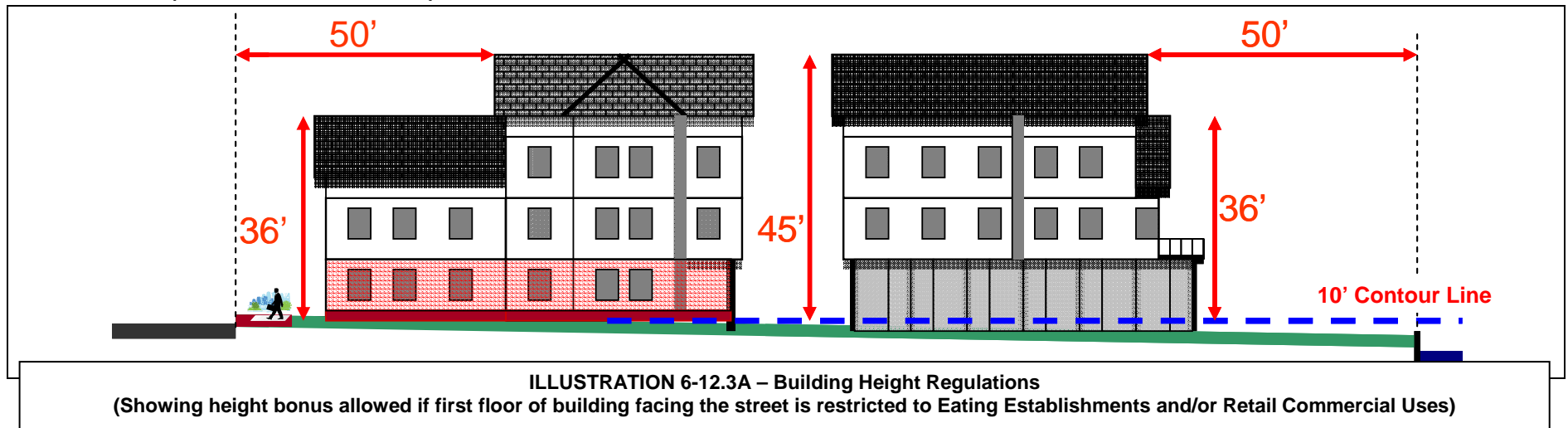
- A. Building height is to be measured using either of the following methods, whichever allows for a greater height: *(See Illustration 6-12.3)*
 - 1. from the average elevation of finished grade at the front of the building facing the street; or
 - 2. if the first floor of the building is elevated to the 10-foot contour above the mean high water line, the maximum height shall be measured from that point to the highest point of the roof.
- B. The maximum building height shall be two stories plus a habitable roof, for a maximum height of 36 feet.

BONUS: If the property owner is willing to record covenants in the Land Records of Calvert County stating that the use of the entire net floor area of the first floor of the building facing the street¹ will be restricted to eating establishments and/or retail commercial uses, then the building height may be increased to 45 feet, so long as the front wall of the bonus floor area is set back at least 50 feet from the street right-of-way and the rear wall of the bonus floor is set back at least 50 feet from the mean high water line. *(See Illustration 6-12.3a)*

- C. If a building is designed with a green roof to absorb stormwater, the Planning Commission may approve a flat roof, subject to the same height restrictions outlined above and the following conditions:
 - 1. A mansard roof or parapet with cornice is required to shield equipment on the roof.
 - 2. At least 60 percent of the roof shall be covered in plantings. *(See Illustration 6-12.3b)*



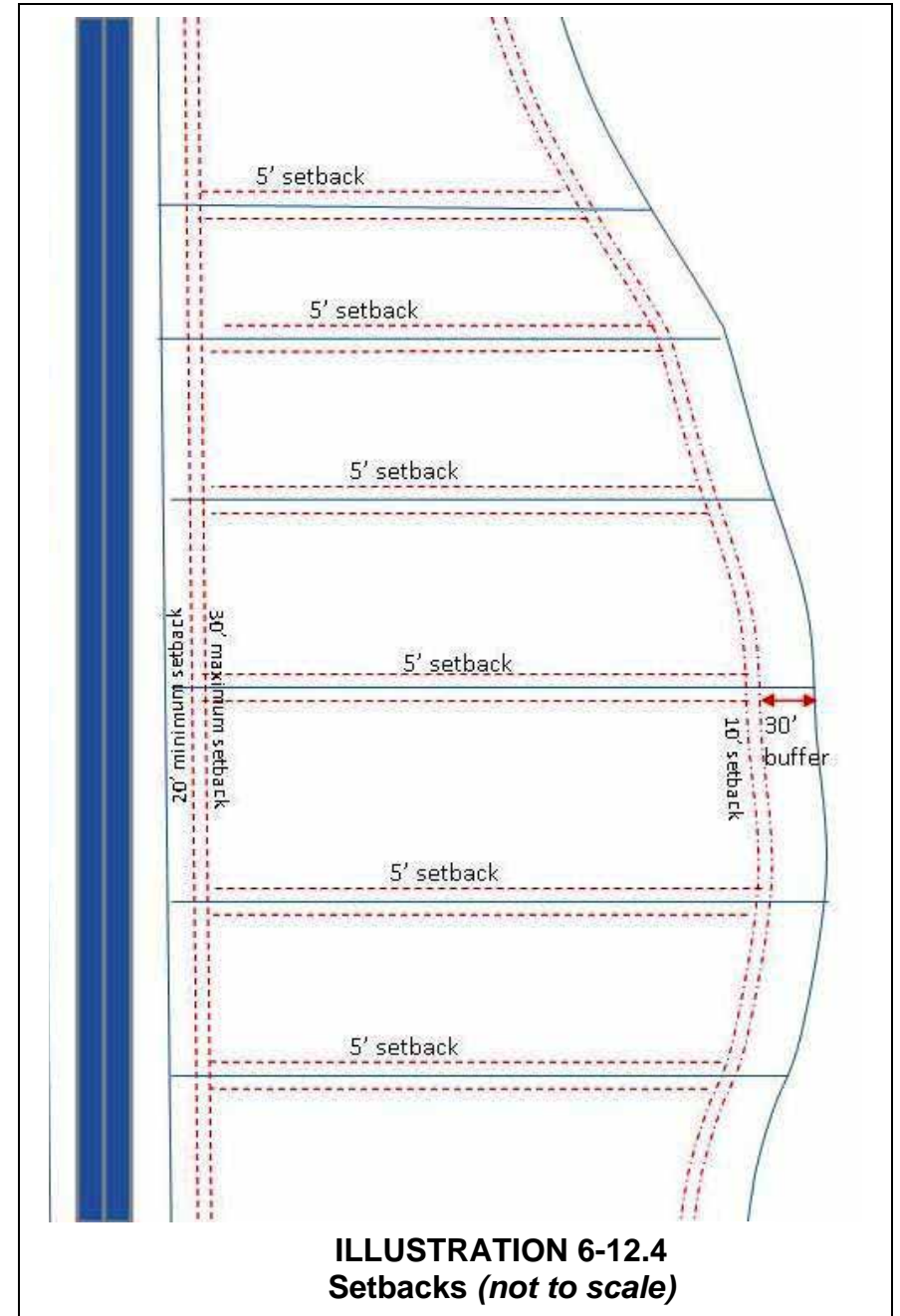
ILLUSTRATION 6-12.3b
Flat Green Roof



¹ If a lot is a flag lot, and the building envelope is located on the harbor side, the provisions of this paragraph shall apply to the building closest to the waterfront.

6-12.04 Lot Size, Coverage and Setback Requirements

- A. Lot Size and Coverage. There are no minimum lot size or maximum lot coverage requirements other than the limitations which result from the imposition of maximum density requirements, setbacks, and buffers.
- B. Setbacks. (See *Illustration 6-12.4*)
1. Front: A build-to line is established from the rights-of-way for S. Solomons Island Road and Charles Street. The front of at least one building shall be constructed no less than 20 feet and no more than 30 feet from the edge of the right-of-way. See paragraph 'D' of this Section regarding front porches.
 2. Sides: Side setbacks shall be five feet, but may be reduced by the Planning Commission or its designee to 0 feet if the following conditions are met:
 - a. maintenance is addressed;
 - b. and emergency vehicle access is addressed and approved by the Dept. of Public Safety; and
 - c. the adjoining property has a compatible use, or written approval is received from all owners of properties that share a boundary along which a setback reduction is proposed; and
 - d. existing screening is determined to be adequate or that adequate screening will be provided.
 3. Rear/Waterfront: A buffer measured inland 30 feet from the mean high water line is required along the waterfront in accordance with Section 8-1.08.D.4.e of the Calvert County Zoning Ordinance (Critical Area regulations.) A 10-foot setback from the edge of the buffer shall also be imposed for principal structures (unenclosed decks and patios are exempt). The Zoning Officer may reduce the setback to no less than 5 feet if a finding is made that the buffer will be sufficiently protected.



6-12.05 Parking, Loading Requirements and Property Access

A. Parking. The following provisions apply:

1. No on-site parking shall be permitted between the street and any building constructed at the front build-to line.

BONUS: To encourage a true mix of uses in the C1 Sub-area, no on-site parking is required for commercial uses.

2. Three parking spaces are required for all detached dwelling units, and two parking spaces are required for all other dwelling units.

BONUS: Only one parking space is required for each dwelling unit meeting the requirements of Section 6-12.07.C.2 of this Ordinance.

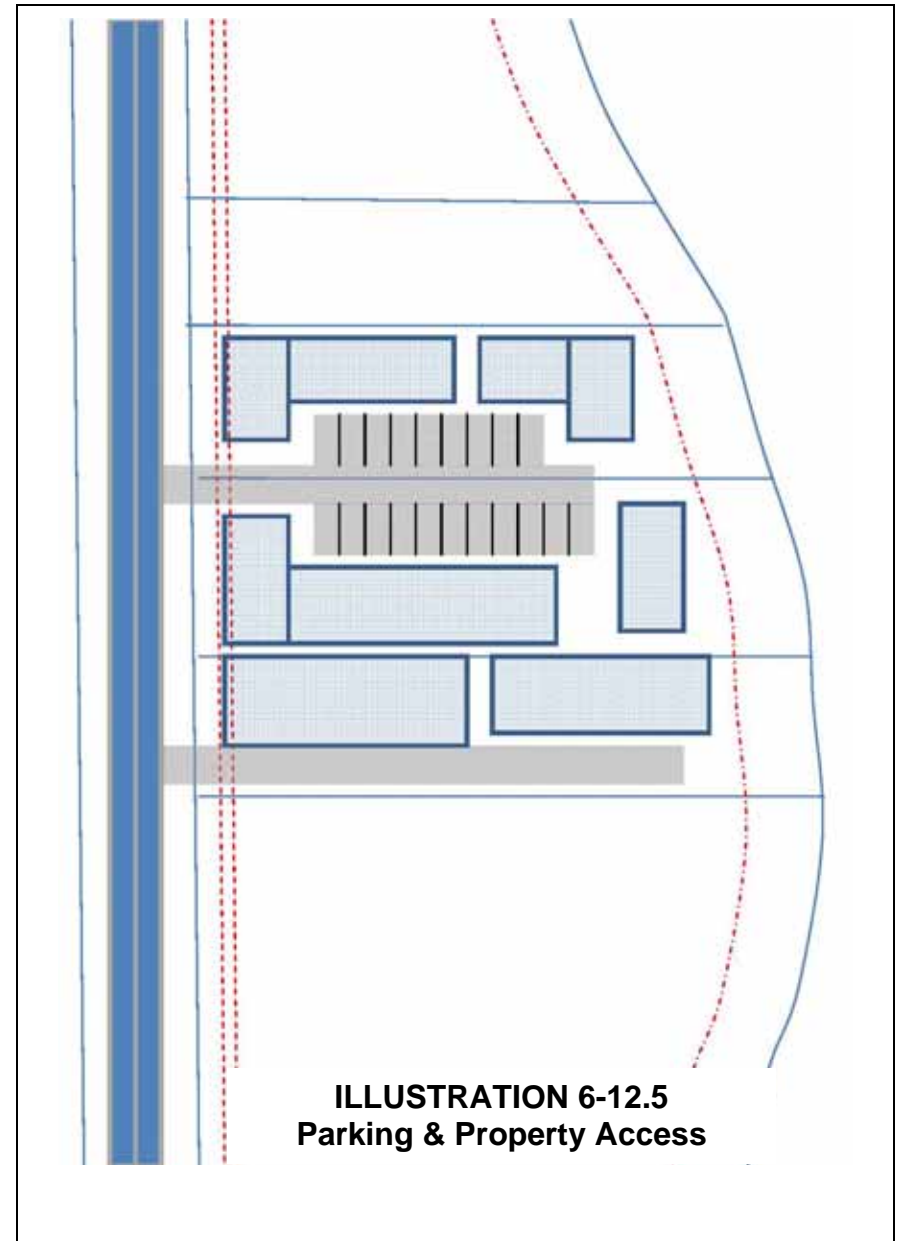
3. Parking spaces provided under buildings located in the rear of the lot are encouraged and shall count toward meeting the requirements of this Section. Such parking is not permitted under buildings facing the street.

B. Loading, Unloading and Trash Boxes.

1. Designated loading and unloading spaces are prohibited in the C1 Sub-area.
2. Property owners are encouraged to share trash boxes. Trash boxes shall be positioned and screened so that they are not visible from the adjoining street.

C. Pedestrian Access. Sites shall be designed to be pedestrian-friendly and to:

1. Promote access for persons with disabilities in compliance with the Maryland Accessibility Code (MAC).



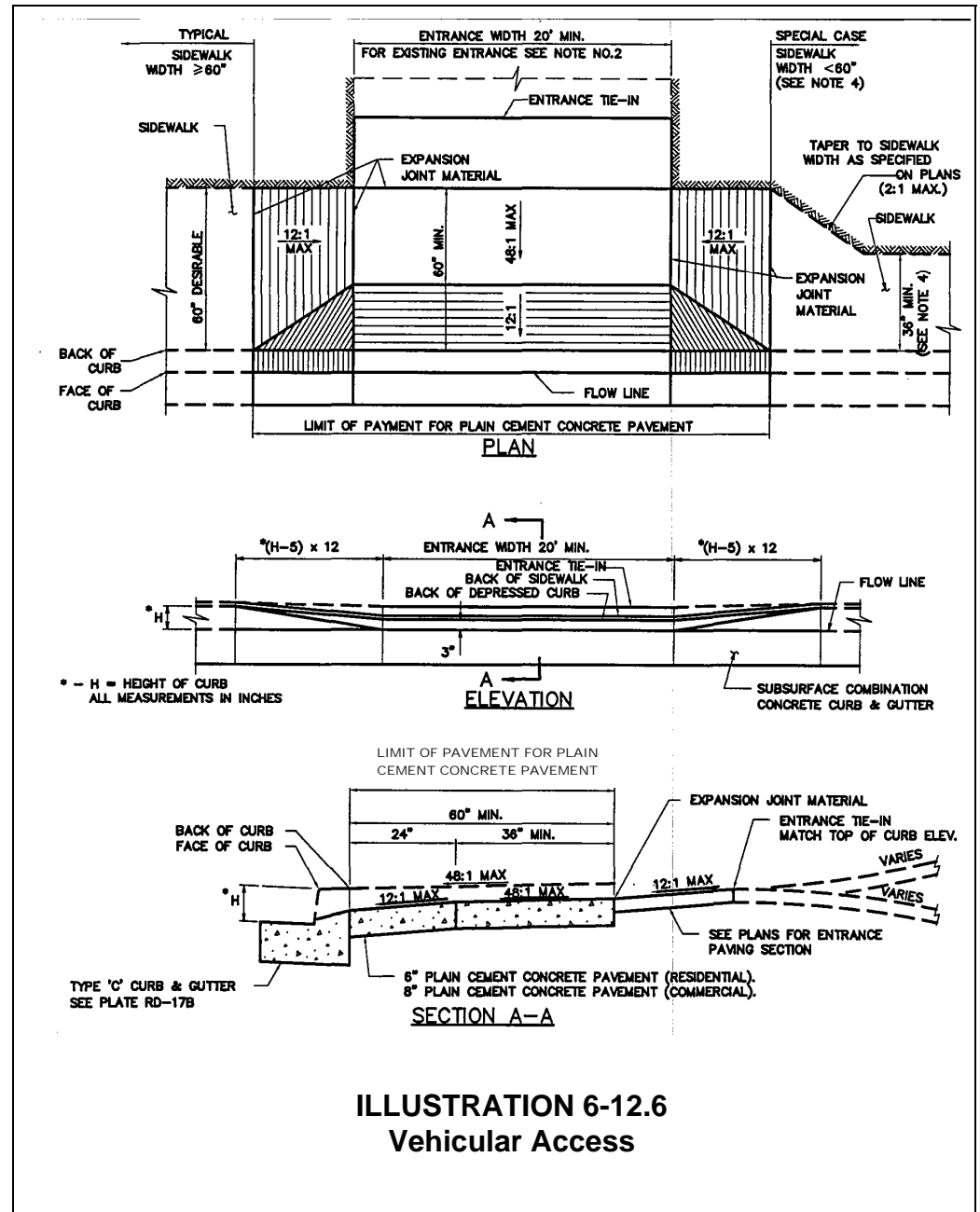
2. Discourage pedestrians and vehicles from sharing the same pathways and provide for bicycle access.
3. Indicate pedestrian walkways by a change in pavement surface and/or height and a narrowing of the travel lanes.
4. Provide dedicated pedestrian walkways between multiple buildings on a single site and from parcel line to parcel line along the road frontage.
5. Sidewalks shall be provided in accordance with the Solomons Town Center Master Plan.

D. Vehicular Access. The following provisions apply:

1. Sharing of driveways is encouraged. To encourage a pedestrian scale of development, narrow driveways (minimum width of 16 feet) are permitted and encouraged. **(See Illustration 6-12.5)**
2. If access to the development is proposed over one or more adjacent properties, a permanent access easement shall be recorded among the Land Records of Calvert County. A copy of the easement shall be submitted with the site plan or plot plan application.
3. **Illustration 6-12.6** shall be used to design new entrances serving the C1 area.

Notes:

1. For use in areas where there is sidewalk adjacent to the back of curb or where it is expected that sidewalk will be added in the future.
2. When an existing entrance is less than 20' in width, a uniform taper shall be constructed to tie into the existing entrance as directed by the Engineer.
3. Expansion joint material to be installed in accordance with STD. MD-655.01 (current as amended).
4. Where 60" sidewalk can not be provided, 36" minimum may be used as long as passing zones are provided in accordance with STD. MD-655.02 (current as amended).
5. Subbase 6" Graded Aggregate B.



6-12.06 Landscaping, Screening, and Outdoor Lighting

A. Landscaping and Screening. (See *Illustration 6-12.7*)

1. In order to enhance the streetscape along S. Solomons Island Road and Charles Street, the area between the front build-to line (as described in Section 6-12.04.B) and the street right-of-way shall be heavily landscaped with flowering plants and shrubs.
2. Outdoor Patron Areas shall be screened in accordance with the requirements of Section 6-5.06 of this Ordinance.
3. The waterfront buffer shall be maintained in accordance with the requirements of Section 8-1 of the Calvert County Zoning Ordinance.
4. The requirements of the Section 8-4, Tree Ordinance, shall be met.

B. Outdoor Lighting.

All outdoor lighting shall be installed in accordance with Section 6-6 of the Calvert County Zoning Ordinance as well as the Appearance Code of this Ordinance (Section 6-7).

6-12.07 Permitted Land Uses

A mix of uses is encouraged in the C1 Sub-area, particularly those uses which will draw visitors to the area. The general use categories listed below are based on the Table of Land Uses contained in Section 3-1 of this Ordinance. Conditions are imposed, where necessary, to achieve the goals of the Solomons Master Plan and the objectives of this Form-Based Code. Certain uses are prohibited as indicated below.

- A. Agritourism, Eco-Tourism, and Heritage Tourism Uses (See Section 3-1.01). The majority of these uses are intended to be located on farms. Therefore, only “Commercial Kayak and/or Canoe Launching Site” and “Heritage Trail Displays” are permitted in the C1 Sub-area, subject to the conditions of Section 3-2.01.



ILLUSTRATION 6-12.7
Landscaping Along Street
Photo credit: Victorian B&B, Cape May, NJ

- B. Agricultural Uses (See Section 3-1.02). The majority of these uses are intended to be located on farms. Therefore, they are not permitted in the C1 Sub-area.
- C. Residential Uses (See Section 3-1.03). Single-family detached dwelling units are not encouraged in the C1 Sub-area. Attached dwelling units or multi-family dwelling units in mixed-use developments better fit with the purpose of these regulations in that they consume less land in this very important commercial village core area.
 - 1. One single-family detached residence may be constructed on an existing buildable lot meeting the requirements of 5-1.09 of the Calvert County Zoning Ordinance as of 9/22/09. No Transferable Development Rights are required.
 - 2. If the bonus provisions of 6-12.03 B. are met and the first floor of the building facing the street is restricted to retail or eating establishments, a maximum of 20 residential units per acre is permitted. Density shall be calculated by dividing the total lot area by 2178 (1/20th of an acre) and rounding down to the nearest integer. The following conditions shall be met:
 - a. Five TDRs are required for each residential unit after the first unit per buildable lot as of 9/22/09.
 - b. If any of the dwelling units are restricted by recorded covenants to occupants who qualify for workforce housing as defined in the Calvert County Zoning Ordinance, the following conditions apply to those units:
 - i. Renter eligibility shall be verified by the Calvert County Housing Authority.
 - ii. No TDRs are required for workforce housing.
 - iii. Workforce housing units shall be at least 500 square feet in size.
 - 3. Manufactured homes shall not be permitted.
- D. Commercial Retail Uses (See Section 3-1.04). Most commercial retail uses are permitted except:
 - 1. No drive-up facilities shall be permitted.
 - 2. Outdoor Patron Areas shall be subject to the conditions of Section 3-2.04.
- E. Business and Personal Services Uses (See Section 3-1.05). Most Business and Personal Service uses are permitted except:
 - 1. No drive-up facilities shall be permitted.
 - 2. Outdoor Patron Areas shall be subject to the conditions of Section 3-2.05.
 - 3. Adult Entertainment Businesses are not permitted.
- F. Recreation Uses (See Section 3-1.06). Only Indoor Recreation Uses are permitted.
- G. Commercial Wholesale Uses (See Section 3-1.07). Commercial Wholesale Uses are prohibited.
- H. Motor Vehicle and Related Services Uses (See Section 3-1.08). Motor Vehicle and Related Service Uses are prohibited except:
 - 1. One Inoperative Vehicle per lot.
 - 2. Parking of Commercial Vehicles, subject to the conditions of Section 3-2.08 of this Ordinance.
- I. Industrial Uses (See Section 3-1.09). Industrial Uses are prohibited except:
 - 1. Industrial Uses accessory to a marina.
 - 2. Environmental Research and Development, subject to the conditions of Section 3-2.09 of this Ordinance.
 - 3. Power Generating Facilities Accessory to a Business or Residence, subject to the conditions of Section 3-2.09 of this Ordinance.

- J. Institutional Uses (See Section 3-1.10). The following Institutional Uses are prohibited:
1. College or University.
 2. Day Care Centers with more than 12 clients.
 3. Elementary or Secondary School.
 4. Fire and/or Rescue Service
 5. Hospital
 6. Nursing or Convalescent Home
 7. Solid Waste Collection Site, Non-Government
 8. Temporary Structure Incidental to Schools (classroom relocatables)
 9. Wastewater Treatment Facility
 10. Water Treatment Facility
- K. Unclassified Uses (See Section 3-1.11). The following Unclassified Uses are prohibited:
1. Airport or Landing Field
 2. Communications Towers. Antennas may be permitted subject to the requirements of Section 3-3 of the Calvert County Zoning Ordinance.
 3. Heliport
 4. Livestock kept as pets, unless kept entirely indoors.
 5. Model Home
 6. Temporary Structure Incidental to Sales or Rentals in New Residential or Commercial Developments (sales trailers)
 7. Temporary Recreational Vehicle at Construction site (for watchman)
 8. Unoccupied Recreational Vehicle
 9. Wild or Dangerous Animals

ARTICLE 7
SUBDIVISION REGULATIONS

The provisions of Article 7 of the Calvert County Zoning Ordinance apply throughout the Solomons Town Center without exceptions.

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ARTICLE 8

ENVIRONMENTAL REQUIREMENTS

The provisions of Article 8 of the Calvert County Zoning Ordinance apply throughout the Solomons Town Center except where indicated herein.

	Article 8 Page No.
8-1 Critical Area District	1
8-2 Natural Resources Protection Areas	1
8-3 Forest Conservation Requirements	4
8-4 Tree Canopy Requirements	4

8-1 CRITICAL AREA DISTRICT

The provisions of Section 8-1 of the Calvert County Zoning Ordinance apply in the Solomons Town Center except for the addition of sub-paragraphs 8-1.08.D.4.a. As applied within the Solomons Town Center, Section 8-1.08.D.4.a of the Calvert County Zoning Ordinance is amended by the addition of sub-paragraphs (i) and (ii) as follows:

8-1.08 Habitat Protection Areas

D. Critical Area Buffer

4. Special Buffer Management Areas

- a. The location of Special Buffer Management Areas are designated by the Board of County Commissioners and approved by the Critical Area Commission and are depicted on Maps 8-1.1 and 8-1.2.

(i) Primary Developed Areas

In the Solomons Town Center, the Special Buffer Management Areas include Sub-areas B1, B2, B3, C1, C4, C6 and C7 in their entirety and parts of Sub-areas D1, D2, E1, and E5.

(ii) Partially Developed Areas

In the Solomons Town Center, this includes all of Sub-area C3. A 100' Critical Area buffer is required in this area except along the Island bulkhead, which is already developed to a zero foot buffer.

8-2 NATURAL RESOURCES PROTECTION AREAS

8-2.01 General Requirements

The provisions of Section 8-2.01 of the Calvert County Zoning Ordinance apply in the Solomons Town Center with no exceptions.

8-2.02 Shoreline and Cliff Areas on the Chesapeake Bay, Patuxent River and their Tributaries

The provisions of Section 8-2.02 of the Calvert County Zoning Ordinance apply in the Solomons Town Center with no exceptions.

8-2.03 Floodplain Area

The provisions of Section 8-2.03 of the Calvert County Zoning Ordinance apply in the Solomons Town Center except for the addition of text to sub-paragraphs 8-2.03.C. As applied within the Solomons Town Center, Section 8-2.03.C of the Calvert County Zoning Ordinance is amended to read as follows:

- C. Detailed regulations and maps are hereby made a part of this Ordinance but maintained in a separate document entitled Calvert County Floodplain Management Ordinance and in separate maps entitled Calvert County Flood Insurance Rate Maps. All new development in the Solomons Town Center shall meet the requirements of the Calvert County Floodplain Management Ordinance with the exception of the definition of the Flood Protection Elevation (FPE). In the Solomons Town Center, the Flood Protection Elevation shall be the 10-foot contour above the mean high water line.

8-2.04 Erodible Soils Adjoining Streams and Slopes 25 Percent or Greater

The provisions of Section 8-2.04 of the Calvert County Zoning Ordinance apply in the Solomons Town Center with no exceptions.

8-2.05 Wetlands

The provisions of Section 8-2.05 of the Calvert County Zoning Ordinance apply in the Solomons Town Center except for variations to the requirements of sub-paragraphs 'C.4' and 'C.6'. As applied within the Solomons Town Center, Section 8-2.05.C.4 and 8-2.05.C.6 of the Calvert County Zoning Ordinance are amended to read as follows:

- C. The following regulations apply within and adjacent to wetlands:
 - 4. Buffer. A buffer zone of 50 feet adjacent to nontidal wetlands and 100 feet adjacent to tidal wetlands shall be maintained and the following additional requirements shall apply to the wetland buffer:
 - a. These areas shall be designated on the preliminary and final subdivision plat and/or site plan or plot plan, with a note included on each stating the following: "These areas are to be left undisturbed in perpetuity and to serve for water quality benefits." and
 - b. When any disturbance is proposed within 100 feet of the edge of the wetland buffer, protective snow fencing shall be placed at the edge of the buffer; and
 - c. A 10-foot setback shall be maintained from the edge of the wetland buffer.
 - d. When adjacent slopes to the wetland buffer are less than 25 percent, the wetland buffer may be reduced to 25' for commercial and public uses if adequate methods to protect the wetlands and the 25' wetland buffer are formulated by the developer and approved by the Planning Commission. Mitigation and bonding as described in 6.f below shall be provided.
 - 6. Wetlands are valued for their ability to remove pollutants, control floodwaters, promote groundwater infiltration, and ability to provide habitat for wildlife. Impacts to wetlands should be avoided and minimized but, may be approved at the discretion of the Planning Commission upon recommendation of the Zoning Officer, when the following conditions can be met:
 - a. To provide access when no other option exists
 - b. To comply with the County Transportation Plan, or Town Center Master Plan
 - c. To provide necessary public infrastructure
 - d. To enhance the economic viability of the Town Centers

In addition, wetland fills for roads, multi-family and commercial developments may be approved if the following criteria are met:

- a. The wetlands are not located in the floodplain as indicated on the Flood Insurance Rate Maps (FIRMs) or as determined by elevations, except for unavoidable road crossings or road crossings depicted in the County Transportation Plan or Town Center Master Plan.
- b. Adequate methods to protect the adjacent wetlands and wetland buffers are formulated by the developer and approved by the Zoning Officer.
- c. The Planning Commission approves the fill for site plans and subdivisions upon recommendation from the Zoning Officer.
- d. Required State and Federal Permits are obtained prior to obtaining final Site Plan or Subdivision approval or in other cases before issuing any permits.
- e. Mitigation for wetlands is provided on a two to one basis in the watershed in Calvert County where the activity is located or if this is not possible, elsewhere in Calvert County.
- f. Mitigation for the removal of upland vegetation in the wetland buffer shall be on a two-to-one basis as described in Section 8-1.09.B and bonded according to the procedures provided in Section 8-1.04.G.4.
- g. The Planning Commission or the Zoning Officer may require additional low impact development techniques.
- h. Wetland fill or buffer disturbance will not be allowed for single family residential development other than unavoidable road or driveway crossings.

8-2.06 Development Adjacent to Perennial and Intermittent Streams

The provisions of Section 8-2.06 of the Calvert County Zoning Ordinance apply in the Solomons Town Center except for variations to the requirements of sub-paragraphs 'B' and 'D'. As applied within the Solomons Town Center, Section 8-2.06.B and 8-2.06.D of the Calvert County Zoning Ordinance are amended to read as follows:

- A. Purpose
To reduce pollutant loadings transported from land to water via sediments and stormwater run-off into perennial and intermittent streams.
- B. Conditions for all lots created after the effective date of the Calvert County Zoning Ordinance (05/01/06) and site plan approvals:
 1. A minimum buffer zone of undisturbed, natural vegetation of 50 feet plus four feet for every one percent of slope or to the top of steep slopes (25 percent outside the Critical Area); whichever is nearer to the perennial or intermittent stream shall be established.
 2. Extended stream buffers may be reduced to 50' for streams not in the Critical Area or located in the floodplain as indicated on the Flood Insurance Rate Maps (FIRMs) or as determined by elevations, if adequate methods are formulated by the developer and approved by the Zoning Officer.
- C. Except as provided in Section 8-1.08.D.2, a 10-foot building setback shall be maintained from the edge of the vegetated stream buffers. The Zoning Officer may grant a reduction of the setback after review and recommendation by the Environmental Planner. The setback reduction may only be granted to allow activities permitted in Section 8-2.05.C.6 and for construction of primary residences which could not normally be built because of unusual lot configuration or other site constraints.

- D. Streams and their buffers are valued for their ability to remove pollutants, control floodwaters, promote groundwater infiltration, and ability to provide habitat for wildlife. Impacts to Perennial and Intermittent Streams should be avoided and minimized, but may be approved at the discretion of the Planning Commission upon recommendation of the Zoning Officer, when the following conditions can be met:
1. The streams are not located in the floodplain as indicated on the Flood Insurance Rate Maps (FIRMs) or a determined by elevation.
 2. Adequate methods to protect the adjacent stream and streams buffer are formulated by the developer and approved by the Zoning Officer.
 3. The Planning Commission approves the impact for site plans and subdivisions upon recommendation of the Zoning Officer.
 4. Required State and Federal Permits are obtained prior to obtaining final Site Plan or Subdivision approval or in other cases before issuing any permits.
 5. Mitigation for impacts to streams is provided on a four to one basis for disturbance in the stream.
 6. Mitigation for the removal of upland vegetation in the stream buffer shall be on a two-to-one basis as described in Section 8-1.09.B and bonded according to the procedures provided in Section 8-1.04.G.4.
 7. The Planning Commission or the Zoning Officer may require additional low impact development techniques.
 8. Stream fill with buffer disturbance for the construction of single-family detached residential dwellings is prohibited.

8-2.07 Fines and Penalties

The provisions of Section 8-2.07 of the Calvert County Zoning Ordinance apply in the Solomons Town Center with no exceptions.

8-3 FOREST CONSERVATION REQUIREMENTS

The provisions of Section 8-3 of the Calvert County Zoning Ordinance apply in the Solomons Town Center without exceptions.

8-4 TREE CANOPY REQUIREMENTS¹

8-4.01 Introduction

Trees help to reduce runoff, uptake nutrients, prevent erosion, improve air quality, provide shade and reduce the 'heat island' effect. Having a tree canopy is even more important in town centers, where there are more impervious surfaces and smaller buffers from sensitive areas. To maintain or improve water quality, the following minimum standards apply to new development and redevelopment in Solomons.

¹ Note: Section 8-4, Tree Canopy Requirements, is proposed to be added to the Solomons Zoning Ordinance only and not to the Calvert County Zoning Ordinance.

8-4.02 General Provisions

A Tree Plan is required for:

- A. Any development requiring a site plan, as per Article 4, and
- B. Any subdivision subject to Article 7, and
- C. Any activity which increases lot coverage over 150 square feet, and
- D. Any development requiring a grading permit or grading exemption as per COMAR 26.17.01, Maryland's Erosion and Sediment Control regulations.

8-4.03 Tree Plan Submittal Requirements

All Tree Plan requirements must meet the Tree Plan requirements of Section 8-4.04.

- A. Site Plans. A Tree Plan shall be included with the submittal package for all developments requiring site plans as per Section 4-4 of the Calvert County Zoning Ordinance.
- B. Subdivisions. A Tree Plan shall be included with the submittal package for all developments requiring subdivision approval as per Article 7 of the Calvert County Zoning Ordinance.
- C. Plot Plans. A Tree Plan shall be included with the submittal package for all development requiring plot plan approval as per Section 4-2.01.C.2 of the Calvert County Zoning Ordinance.
- D. For new accessory structures, additions, minor commercial uses without permanent structures or parking, or remodeling projects, a scale-drawing shall be submitted showing the location, dimensions and use of existing buildings, structures, roads, driveways, access, etc. and proposed activities for which a permit is requested.
- E. The Tree Plan shall be prepared by a licensed forester, a licensed landscape architect, licensed arborist, licensed tree expert, or a qualified professional who meets the requirements stated in Section 8-3.04.T of the Calvert County Zoning Ordinance. However, Tree Plans required for plot plans may be prepared by a home owner (or the home owner's agent), subject to the submittal standards outlined in 8-4.04 of this Ordinance.
- F. The Tree Plan is subject to approval by the Department of Planning and Zoning.

8-4.04 Tree Plan Requirements

- A. The Tree Plan shall be at a scale of 1" = 30', 1" = 40', or 1" = 50' and contain the following:
 - 1. Tree inventory of existing individual trees, including, species, canopy coverage, tree diameter, and locations. For larger tracts of forest, dominant species shall be shown on the plat and the total tree and forest cover shall be given. A species inventory is available in the Department of Planning and Zoning.
 - 2. Labeling of trees and forest to be preserved and trees and forest to be removed.
 - 3. A description of any proposed clearing or grading of the site.
 - 4. A description of the individual tree species (including canopy coverage, size, location, method of root preparation and planting details. For large forested areas, include dominant tree species and location of monument trees.
 - 5. A timeline for site preparation, purchase, and installation of trees.
 - 6. A description and location of any underground or overhead utilities. For development requiring plot plans, applicants need only show utilities within 50' of proposed tree plantings.

7. A description of existing tree protection, maintenance, and replacement as required in Section 8-4.05.
- B. The calculation of future tree canopy shall be the sum of the existing tree canopy and the estimated tree canopy sizes of tree plantings (for mature specimens of that species) minus any tree or forest canopy to be removed. A tree canopy guide is available in the Department of Planning and Zoning. The tree canopy requirements for each Sub-area shall be as shown in the table below.

Tree Canopy Requirement	South of Lore Road										
	B1	B2	B3	B4	C1	C2	C3	C4	C5	C6	C7
Exempt									✓ ²		
15% Tree Canopy				✓	✓	✓	✓				✓
40% Tree Canopy	✓	✓	✓					✓		✓	
50% Tree Canopy											
Tree Canopy Requirement	North of Lore Road										
	A	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2
Exempt	✓ ³										
15% Tree Canopy		✓			✓	✓					
25% Tree Canopy									✓	✓	
40% Tree Canopy							✓	✓			✓
50% Tree Canopy			✓	✓							

1. There are no minimum requirements for properties that maintain their current development status and do not construct buildings or grade or clear land (see Section 8-4.02 for activities requiring a Tree Plan and are thus subject to minimum tree canopy standards.)
 2. The tree requirements of Article 5 and 6 of the Calvert County Zoning Ordinance and the planting requirements of Article 8 of the Calvert County Zoning Ordinance may be counted in meeting the tree canopy requirements of this Section.
- C. Exceptions.
1. For new accessory structures, additions, minor commercial uses without permanent structures or parking, or remodeling projects, tree canopy requirements shall be calculated by multiplying the area of disturbance by two.

² Land in Subarea C-5 is not required to have a tree canopy since it is currently in an Agricultural Preservation District (APD.) However, if the APD is ever terminated, then the tree canopy requirements will be determined based on the allowable uses.

³ Exemption: Federal Property.

2. No additional tree planting is required if the tree canopy requirements have already been met on the lot or parcel and the proposed development will not impact any trees or reduce the tree canopy below the requirements of this Section.
 3. Fees-in-lieu. A fees-in-lieu program shall be administered by the Zoning Officer, wherein property owners may pay fees-in-lieu of planting trees required by this section of the Ordinance. Specific criteria for the use of fees-in-lieu of planting trees shall be established. The fees-in-lieu shall be based on the cost of two 6' trees for each tree not planted on site, based on a fee schedule approved by the Board of County Commissioners. However, in no case shall the tree canopy requirements of Section 8-4 be reduced by more than 50 percent through the use of fees-in-lieu. Monies collected from fees-in-lieu shall go toward planting of trees in the Solomons Town Center.
 4. Native shrubs can be used to meet the tree canopy requirement in the following cases:
 - a. Along shorelines where submerged aquatic vegetation (SAV) is planted as part of a living shoreline project;
 - b. Within utility easements for new and replacement lines;
 - c. Within 10' of utility line connections to individual residences/businesses;
 - d. To prevent the shading of solar panels on the subject property or adjacent properties.
- D. Tree Planting Locations.
1. Trees that normally don't exceed 15 feet in height may be planted under utility lines.
 2. All other trees shall be planted at least the average height of the species from the overhead utility lines and at least two-thirds the average height of the species from underground utilities.
- E. Tree Planting Size Requirements.
1. Trees shall have a 1.5-inch diameter and be over six feet tall at planting.
 2. Tree canopy shall be 400 square feet for large trees, 200 square feet for small trees, and 100 square feet for native shrubs. Refer to the tree canopy guide, available in the Department of Planning and Zoning, for the canopy of specific species.

8-4.05 Tree Protection, Maintenance and Replacement

Trees required to be preserved or planted under an approved Tree Plan must be properly protected, maintained and replaced, by the owner, as follows:

- A. Tree Protection. The County adopts the standards provided in the Maryland Department of Natural Resources Forest Conservation Manual. A Tree Plan must show the following:
1. The locations of all protection devices.
 2. Details and specifications required to implement the proposed protection measures.
 3. A construction sequence which includes clearing, grading or installation of sediment and erosion control measures; installation and removal of protections devices, inspections, and other activities that may be required to implement the proposed protection measures.
 4. Protective devices shall be visible, well-anchored, and approved in the field prior to grading, clearing or construction. They must remain in place and maintained until construction completion, final inspection, and an occupancy permit is issued, unless waived by the approving authority.

8-4.06 Permits Required

5. No person shall use any pruning or horticultural practice that is injurious to plant growth. No person shall place any substance that is injurious to plant growth in such a manner as to injure any street tree or tree designated for preservation on an approved Tree Plan.
 6. Automobiles, trucks and other vehicles, shovels and all other implements, machines and tools shall be used or operated in such a manner as not to damage or destroy any tree, shrub or plant in any street tree or tree designated for preservation on an approved Tree Plan.
 7. If utilities are installed within the drip line of an existing tree, then it is recommended that the lines be tunneled instead of installed via trenching to avoid damaging the tree.
- B. Tree Maintenance. A Tree Plan must include a maintenance plan for newly planted trees and existing trees including: pruning, watering, nutrients, control of invasive species, and protection from diseases, pests, predators and mechanical injury.
1. Tree topping is prohibited except by utilities or their agents to protect utility lines.
 2. Pruning limbs on the lower one-third of the height of the tree is allowed and no more than one-fourth of the tree canopy shall be removed in any calendar year.
- C. Tree Replacement. If a tree dies (whether it is included in a Tree Plan or not) in the Solomons Town Center, it shall be replaced with another (or others) that will mature to similar canopy size. This replacement shall take place within one calendar year of its removal or the determination by enforcement personnel that the tree is dead or was removed without permission (see Section 8-4.04.B for tree canopy sizes.) See Section 8-4.04.C, which allows the replacement of trees with native shrubs under certain circumstances.
1. This includes trees removed on an owner's property by a utility company.
 2. Applicants are to follow the tree planting location and size requirements in Section 8-4.04.
 3. Trees that die naturally in a forest do not have to be replaced.

8-4.06 Permits Required

- A. A vegetation removal permit is required prior to the removal of any tree (dead or living).
- B. Trees may be removed with a building permit, grading permit, or grading exemption approval if the approval includes an approved Tree Plan.
- C. Utilities are exempt from this Section.

8-4.07 Public Hazards

A tree constitutes a public hazard if it has fallen or is in a condition that renders all or part of it a significant risk of falling or injuring utility lines or structures.

- A. Utility companies, the Departments of Public Works and Public Safety and their authorized agents have permission to trim or remove any tree that they deem to be a public hazard.
- B. Property owners or their agents may remove a tree with a vegetation removal permit if they deem a tree to be a significant hazard to their persons, their personal property, or improvements to their property.
- C. A person may remove a tree deemed by the property owner to be in immediate threat of falling on a structure, if the following conditions are met:
 1. A photograph is taken of the tree that shows the tree in relation to the structure.

2. Within two weeks, the owner or his/her agent shall apply for a vegetation removal permit and include the photograph referred to in '1.' above.
- D. The tree shall be replaced with another (or others) of similar canopy size within one calendar year of its removal or the determination by enforcement personnel that the tree is dead (see Section 8-4.06). The tree shall meet the minimum size requirements specified in Section 8-4.04.E.

8-4.08 Fines and Penalties

- A. In addition to the fines and penalties provided for in Section 1-7 of this Zoning Ordinance, the following shall apply to violations of Section 8-1:
1. Any person in violation of Section 8-1.04.G (Criteria for Development, Redevelopment, and Maintenance in the LDA, LDA-3, and RCA) shall pay a fine not to exceed \$1,000 for each violation and shall be required to replant trees to replace those that have been removed as prescribed in paragraph 'B' of this Section.
 2. A surety bond shall be posted for any replanting that is done in order to correct a violation. See Section 8-1.04.G.4, which describes the bonding process.
- B. Replanting to correct a violation shall be calculated at the rate of four square feet to one square foot (4:1) of the area cleared, graded, or cut in violation of the provisions of this Article. A mitigation plan shall be approved by the Department of Planning and Zoning and shall include canopy trees at a rate equal to one tree per 400 square feet and understory trees and/or shrubs at a rate equal to one per 200 square feet as described in the document entitled, "Calvert County Critical Area Native Trees", adopted by the Board of County Commissioners and available from the Department of Planning and Zoning.

8-4.08 Fines and Penalties

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**ARTICLE 9
MARINE FACILITIES REGULATIONS**

The provisions of Article 9 of the Calvert County Zoning Ordinance apply throughout the Solomons Town Center without exceptions.

**ARTICLE 10
NAMING & RENAMING OF ROADS &
ASSIGNMENT OF PREMISE ADDRESSES**

The provisions of Article 10 of the Calvert County Zoning Ordinance apply throughout the Solomons Town Center without exceptions.

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

The provisions of Article 11 of the Calvert County Zoning Ordinance apply throughout the Solomons Town Center except where indicated herein.

11-1 BOARD OF APPEALS

The provisions of Section 11-1 of the Calvert County Zoning Ordinance apply in the Solomons Town Center except for Section 11-1.03. As applied within the Solomons Town Center, Section 11-1.03 of the Calvert County Zoning Ordinance is amended to read as follows:

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 Ordinance.

**ARTICLE 12
DEFINITIONS**

The provisions of Article 12 of the Calvert County Zoning Ordinance apply throughout the Solomons Town Center without exceptions.