

**UPDATING OF THE  
SOLOMONS TOWN CENTER  
ZONING ORDINANCE**

<p><b>SET 2 ARTICLES 8 THROUGH 11</b></p>
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**Released: January 12, 2009  
By: Calvert County Department of Planning & Zoning**

**NOTE: The attached draft replaces Section D.7 of Chapter VII and Chapter VIII in its entirety of the current Solomons Zoning Ordinance.**

**NOTE TO WEB USERS: CLICK ON THE SECTION TITLES WITHIN THE TEXT BELOW TO LINK TO THOSE SECTIONS IN THE CALVERT COUNTY ZONING ORDINANCE.**

## **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. Added text is shown as **bold underline**. Deleted text is shown as ~~strikethrough~~.

#### **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.

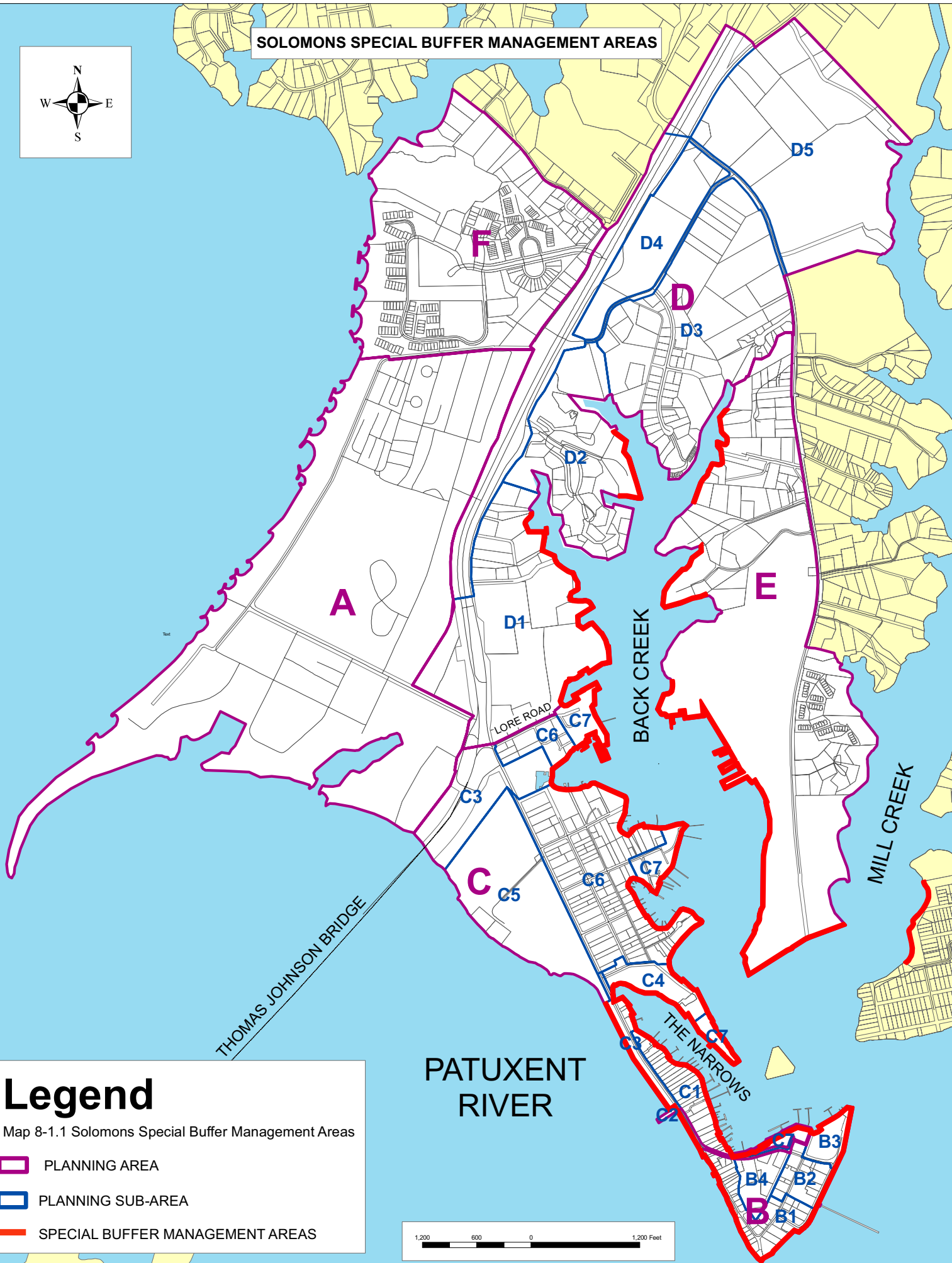
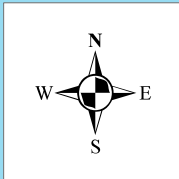
##### **(i) Primary Developed Areas**

**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.**

**SOLOMONS SPECIAL BUFFER MANAGEMENT AREAS**



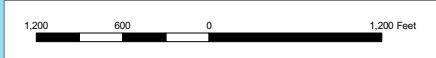
**Legend**

Map 8-1.1 Solomons Special Buffer Management Areas

PLANNING AREA

PLANNING SUB-AREA

SPECIAL BUFFER MANAGEMENT AREAS



## **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 by the addition of the following text (shown in **bold underline**):

- 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 and redevelopment 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 defined as the base flood elevation plus one foot freeboard (however, a three-foot freeboard is recommended).**

### **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 by the addition of the following text (shown in **bold underline**):

- 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 by the addition of the following text (shown in **bold underline**):

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 ORDINANCE<sup>1</sup>**

**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.

**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.

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<sup>1</sup> Note: Section 8-4, Tree Ordinance, is proposed to be added to the Solomons Zoning Ordinance only and not to 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									√ <sup>2</sup>		
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	√ <sup>3</sup>										
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. Development requiring Tree Plans shall meet the following minimum tree canopy standards:
3. 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 shall be calculated by multiplying the area of disturbance by two.
2. 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.

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<sup>2</sup> 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.

<sup>3</sup> Exemption: Federal Property.

- D. Tree Planting Locations.
  - 1. Trees that normally don't exceed 20 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.

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 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. How is this possible? They must remain in place and maintained until construction completion, final inspection, and an occupancy permit is issued, unless waived by the approving authority.
  - 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 a tree, then the lines shall be tunneled instead of installed via trenching.
- 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) of the same canopy size 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.)
  - 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 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.

#### 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 deemed 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.

**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 REMISE 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. Added text is shown as **bold underline**. Deleted text is shown as ~~strikethrough~~.

**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 (deletions shown in ~~strikethrough~~):

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, ~~including but not limited to requests for expansion or replacement of non-conforming buildings or uses, requests for extension of the time period allowed for emergency use of recreational vehicles, etc.~~