

ARTICLE 4

GENERAL DEVELOPMENT SUBMITTAL REQUIREMENTS

CONTACT THE DEPT. OF PLANNING & ZONING FOR CUSTOMER ASSISTANCE GUIDES RELATING TO THE PROVISIONS OF THIS ARTICLE.

	Article 4 Page No.	
4-1	General Requirements for All Uses	1
	4-1.01 Permits and Zoning Approval Required	1
4-2	General Requirements for Development Plans	3
	4-2.01 Development Plan Review	3
	4-2.02 Review Procedures	5
	4-2.03 Agency Comments	5
	4-2.04 Expiration of Site Plan Approvals	5
	4-2.05 Modifications after Approval of a Site Plan	6
	4-2.06 Site Plan Bonding Procedures	6
4-3	General Design Standards for Projects Requiring Site Plan Review	7
	4-3.01 Purpose	7
	4-3.02 Administration	7
4-4	Plan Preparation	8
	4-4.01 Site Plans	8
	4-4.02 Plot Plans	9
4-5	Appeals	10

4-1 GENERAL REQUIREMENTS FOR ALL USES

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. Except as provided in paragraph 'B' below, building permits shall be obtained before:
1. constructing or erecting residential or non-residential buildings or structures;
 2. moving, adding to, or extending residential or non-residential buildings or structures; and
 3. constructing residential or non-residential buildings or structures, regardless of size, in the Critical Area, wetland and/or stream buffer, and/or cliff setback.

4-1.01 Permits and Zoning Approval Required

B. Exceptions to Building Permit Requirements

If a proposed residential structure consists of less than 150 square feet and is not located in the Critical Area, stream buffers, or cliff setbacks, then a building permit is not required.

(12/09/06)

C. Building permits will be issued only for construction on buildable lots or buildable residue which meet the requirements of this Ordinance and other applicable agency requirements

D. A grading permit, grading permit exemption, and or zoning approval is required for any grading, clearing or excavating.

E. Zoning approval is required in the following instances to ensure that a building, structure, or use conforms to the requirements of this Ordinance:

1. Any change in the use of a building or premises from one use listed in the Land Use Tables of Article 3 to another use listed, regardless of size.
2. If a building, structure, or use, regardless of size, will be within:
 - a. a recorded Forest Retention Area;
 - b. a wetlands buffer;
 - c. a floodplain area;
 - d. a recorded Conservation Area; and/or
 - e. a recorded access easement.

F. Setback requirements shall be met for any building, structure, or use, regardless of its size. See Article 5 for setback requirements for residential uses and Article 6 for setback requirements for non-residential uses.

G. A temporary occupancy permit may be issued by the Zoning Officer for a period not exceeding six months during alterations or partial occupancy of a building pending its completion provided that such temporary permit may require such conditions and safeguards as will protect the safety of the occupants and the public.

H. A plat, or a stamped survey, from a Registered Surveyor may be required when zoning approval and/or the approval of all or part of a permit requires the determination of the location of, or relationships among, existing and proposed physical and/or legal site conditions. Such physical conditions include, but are not limited to, structures, roadways, wetlands, slopes, water bodies, and cliff edges. Such legal site conditions include, but are not limited to, property lines, lateral lines, easements, harbor lines, buffers, setbacks, rights of way, and zoning lines.

4-2 GENERAL REQUIREMENTS FOR DEVELOPMENT PLANS

(09/21/10)

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

4-2.01 Development Plan Review

- A. Types of Development Plans Subject to Review. There are two types of development plans that are subject to review—site plans and plot plans¹.
- B. Site Plans
1. General Requirements. The general requirements for a site plan are set forth in Section 4-4.01.
 2. Development Requiring Site Plan Review:
 - a. All commercial, industrial and institutional development except those uses listed in Section 4-2.01.C.2;
 - b. adaptive re-use from residential to commercial;
 - c. commercial uses that intensify the use or alter the traffic pattern;
 - d. multi-family dwellings;
 - e. single-family attached dwellings (three units or more);
 - f. manufactured home communities;
 - g. places of worship; and/or
 - h. public facilities and quasi-public facilities.
 3. Category I Site Plans. Category I site plans are site plans for multi-family, single-family attached (three units or more), and manufactured home communities. Institutional, local governmental, commercial, mixed use, and industrial development are also Category I site plans if any of the following criteria are met:
 - a. the cumulative square footage of any new construction (new buildings and additions to existing buildings) is more than 5000 square feet; or
 - b. the vehicular traffic within an existing development project will be altered; or
 - c. the proposed development includes an automobile filling and/or service station, car wash, fast food restaurant, bank, or any use involving a drive-through/drive-up service.
 4. Category II Site Plans. All other site plans not specified in 3a, 3b, or 3c above are classified as Category II site plans.

(09/21/10)

(09/21/10)

¹ Note: the method for review of temporary structures will be based upon the proposed use of the structure. For example, a greenhouse being used for commercial purposes will be treated as a commercial building. A greenhouse being used in association with farming will be treated as a farm building. A greenhouse associated with a residence will be treated as a residential accessory structure.

C. Plot Plans.

1. General Requirements. The general requirements for plot plans are set forth in Section 4-4.02.
2. Development Requiring Plot Plan Review:
 - a. single-family homes;
 - b. single-family attached dwellings (two units only) ;
 - c. residential accessory uses;
 - d. single-family residential projects and/or additions;
 - e. home occupations;
 - f. minor² commercial accessory uses;
 - g. minor commercial remodeling without additions; and/or
 - h. farm buildings

(05/12/09)

D. Planning Commission Review of Development Plans.

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

(12/09/06)
(05/12/09)
(09/21/10)

E. Department of Planning and Zoning Review of Development Plans.

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

² Minor application does not intensify a use or alter the traffic pattern.

- F. A plat, or a stamped survey, from a Registered Surveyor may be required when zoning approval and/or the approval of all or part of a site plan and/or plot plan requires the determination of the location of, or relationships among, existing and proposed physical and/or legal site conditions. Such physical conditions include, but are not limited to, structures, roadways, wetlands, slopes, water bodies, and cliff edges. Such legal site conditions include, but are not limited to, property lines, lateral lines, easements, harbor lines, buffers, setbacks, rights of way, and zoning lines.

4-2.02 Review Procedures

(05/12/09)

- A. The Planning Commission Administrator, in cooperation with the Director of the Department of Public Works and the Director of Planning & Zoning, shall establish appropriate procedures and application forms necessary to ensure adequate review and processing of site development plans in a timely manner (including a submittal time-frame) consistent with this Ordinance. Included shall be a checklist that shall show all information required for site plan and plot plan submittal. The checklist shall be available at the Department of Planning & Zoning. Procedures are to be approved by the County Administrator. Review fees are set by the Board of County Commissioners.

(05/12/09)

- B. Concept Plan Review
1. Concept plan review is encouraged for all Category I Site Plans. The purpose of concept plan review is to resolve problems before extensive engineering begins. Recommendations received at Concept Review may change during full review, and should not be considered as binding.
 2. The Planning Commission Administrator shall develop procedures for submittal and review of concept plans.

4-2.03 Agency Comments

Prior to approval of any Category I or Category II site plan by either the Planning Commission or the Department of Planning & Zoning, and in accordance with Article 66B, Section 3.05 of the Annotated Code of Maryland, comments shall be requested from other agencies, including but not limited to: Department of Planning & Zoning; Engineering Bureau, Transportation Bureau, Bureau of Utilities, (bureaus of the Department of Public Works); Fire/Rescue/EMS Division of Department of Public Safety; Department of Economic Development; State Highway Administration; Calvert County Health Department; and Soil Conservation District.

(10/13/10)

4-2.04 Expiration of Site Plan Approvals and Vesting

- A. Expiration of Site Plan Approvals

The following expiration provisions shall apply to all site plan applications, including site plan applications submitted prior to the effective date of this section of the Ordinance (10/13/10).

1. Category I
 - a. An application for a Category I site plan shall expire 24 months after it has been accepted for review unless conditional approval has been granted by the Planning Commission.
 - b. Conditional approval of a Category I site plan shall expire 24 months after it has been granted unless final approval is granted.

4-2.04 Expiration of Site Plan Approvals and Vesting

- c. If conditional approval of a Category I site plan has been received, but final approval is delayed because of the inadequacy of public schools or roads, the running of the 24-month period between conditional approval and final approval shall be tolled for the periods during which the inadequacy of the public schools or roads has delayed final approval. See Section 7-1.05 and Section 6-10 for specific Adequate Public Facilities requirements.
- d. Final approval of a Category I site plan shall expire when the site plan is no longer vested pursuant to Sub-paragraphs B.2 and B.3 of this Section.
- e. Extensions
 - i. One 12-month extension to only one of the time periods listed in subparagraphs 'a', 'b', and 'd', above, may be granted by the Planning Commission, or its designee, for circumstances beyond the control of the applicant.
 - ii. A request for extension shall be submitted, in writing, prior to the expiration date of the applicable time period.
 - iii. If an extension of the time period described in subparagraph 'b' above is granted, the vesting period provided in subsection B. 2. a. i. below shall be extended for a like period.

2. Category II

- a. An application for a Category II site plan shall expire 24 months after it has been accepted for review unless final approval is granted.
- b. Final approval of a Category II site plan shall expire when the site plan is no longer vested pursuant to Sub-paragraphs B.2 and B.3 of this Section.
- c. Extensions
 - i. Only one 12-month extension may be granted by the Planning Commission Administrator for circumstances beyond the control of the applicant, during the time period listed in subparagraph 'a' or 'b', above.
 - ii. A request for extension shall be submitted, in writing, prior to the expiration date of the applicable time period.
 - iii. If an extension of the time period described in subparagraph 'b' above is granted, the vesting period provided in subsection B. 2.a.ii, below, shall be extended for a like period.

B. Vesting

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

2. Initial Vesting
 - a. Category I and Category II Site Plans
 - i. Applicants that have received conditional approval of a Category I site plan shall have a vested right in the conditionally approved plan for 36 months from the date of conditional approval.
 - ii. Applicants that have received final approval of a Category II site plan shall have a vested right in the approved plan for 36 months from the date of final approval.
 - b. If conditional approval of a Category I site plan has been received, but final approval is delayed because of the inadequacy of public schools or roads, the running of the 36-month vesting period shall be tolled for the periods during which the inadequacy of the public schools or roads has delayed final approval.
 - c. Applicants that have vested rights as provided in subparagraph 'a' above shall have a vested right in the approval of architectural plans, if required, associated with the vested site plan for as long as the approval of the site plan is vested.
 - d. The vested right granted by this subsection applies only to the zoning regulations applied to and incorporated in the site plan and architectural plans, if required. Vesting does not apply to any zoning regulations that were in effect but not applied to and incorporated in a site plan at the time of its approval.
3. Vesting Through Construction. At the end of the 36-month period described in sub-paragraph '2.a' above, the applicant shall be vested in the site plan if:
 - a. There is actual physical commencement of some significant and visible construction;
 - b. The commencement must be undertaken in good faith with the intention to continue the construction and to carry it through to completion in a commercially reasonable manner; and
 - c. The commencement of construction must be pursuant to all necessary permits that have been validly issued.
4. Grandfathered Site Plans
 - a. A grandfathered Category I site plan that has received conditional approval or a grandfathered Category II site plan that has received final approval shall be vested in that approved site plan until two years after the effective date of this Section (10/13/10). After that time, such site plans shall continue to be vested only if the three conditions in sub-paragraph '3' of this Section are met.

4-2.05 Modifications after Approval of a Site Plan

- b. The vested right granted by this subsection applies only to the regulations applied to and incorporated in the site plan and not to any regulations that may have been superseded after the grant of conditional approval.
- c. A grandfathered Category I site plan that has not received conditional approval or a grandfathered Category II site plan that has not received final approval shall lose the vested rights granted by this subsection immediately upon the enactment of this provision (10/13/10).
- d. No vesting extensions shall be granted to grandfathered site plans.

4-2.05 Modifications after Approval of a Site Plan

A. Modifications to site plans:

(09/21/10)

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

(09/21/10)

B. Modifications to plot plans. Section deleted 09/21/10. See Section 4-2.01.E.2.

4-2.06 Site Plan Bonding Procedures

Before the County permits a building or property to be used, either all the work must be completed or the remaining work must be bonded.

A. A proposed bond package shall be submitted by the applicant to the County Engineering Division and shall include the following:

1. A written statement indicating in detail what is to be bonded and installed/constructed at a later date.
2. A written cost estimate of the work not yet completed or materials not yet installed and proposed to be bonded.
3. The proposed date of completion (not to exceed one year).
4. The method of posting bond which may be one of the following:
 - a. A surety bond (issued by an insurance company) which indicates the length of time for which the bond or credit is good.

- b. A letter of credit from a financial institution (chartered to do business in the State of Maryland).
 - c. A Certificate of Guarantee issued pursuant to Section 1-203 of the Insurance Article of the Annotated Code of Maryland, as amended from time to time.
 - d. Cash (currency, certified check or cashier's check). Interest earned on funds posted for a bond are retained by the County.
5. The bond amount shall be set at 125 percent of the approved written cost estimate of the work.
 6. A temporary easement giving the County the right to enter onto the subject property and complete construction of the project in accordance with the specifications and plans. The easement can be in the form of a letter, but shall be signed by all parties of proprietary interest and notarized.

The following wordage shall be included in the easement:

"In the event that the _____ has not been completed and it is necessary for the County Commissioners to complete or have the work completed under the aforesaid bond or letter of credit, then _____ gives the County the right to enter onto the subject property and complete the construction of the project in accordance with the approved specifications and plans."

- B. The proposed bond package will be processed in the following manner:
 1. Upon receipt of the proposed bond package, the County Engineering Division shall review the submittal to verify that it is complete and proper. The County Attorney will review the bond package and the required access easement and any other appropriate information and then return the bond package with his written opinion to the County Engineering Division. Should the proposed bond package be acceptable, the bond package shall then be forwarded by the County Engineering Division to the County Commissioners for approval.
 2. The Board of County Commissioners or its designee, shall accept or deny the proposed bond. Upon acceptance of the bond, the applicant shall be notified by the County Engineering Division that he may make application in the Division of Inspections and Permits for an Occupancy Permit.
 3. If the applicant fails to complete the work in the agreed upon time, the bond may be forfeited to the County at any time requested by the Board of County Commissioners.

(05/12/09) **4-3 GENERAL DESIGN STANDARDS ESTABLISHED FOR PROJECTS REQUIRING SITE PLAN AND PLOT PLAN REVIEW**

Minimum design standards and alternatives are established to protect and preserve the appearance, character and value of surrounding properties and neighborhoods, thereby promoting the general welfare. Article 5 establishes design standards for residential developments. Article 6 establishes design standards for non-residential developments.

4-4 PLAN PREPARATION

4-4.01 Site Plans

The following is a list of general requirements for Category I and Category II site plans. Section 4-2.01 lists the types of projects that require site plans. The Department of Planning & Zoning shall provide a detailed checklist of all items to be submitted with site plan applications.

- A. The project's name. The use of local place names is encouraged.
- B. The name, mailing and e-mail addresses, phone number and signature of the landowner(s) and developer(s).
- C. The name, address, phone number, signature and seal of the professional(s) responsible for the site plan.
- D. Sheet sizes shall be 18 inches by 24 inches or 24 inches by 36 inches.
- E. Plan legend, date, number of pages, scale, north arrow.
- F. Existing natural features such as, but not limited to:
 - 1. topography;
 - 2. floodplain areas;
 - 3. significant mineral resources; and/or
 - 4. existing and proposed forest areas, landscaping, buffering, screening, etc. including requirements of the Forest Conservation Regulations found in Section 8-3 of this Ordinance.
- G. Legal restrictions (such as easements, existing covenants, zoning boundaries, Town Center Sub-area boundaries, etc.).
- H. Location and dimensions of all existing conditions and proposed site improvements such as, but not limited to:
 - 1. existing grades and new grades;
 - 2. lot lines;
 - 3. roads;
 - 4. parking areas;
 - 5. existing buildings, including barns and historic structures;
 - 6. the footprint and elevations of all proposed buildings and structures;
 - 7. existing and proposed utilities;
 - 8. existing wells, both currently in use and abandoned; and
 - 9. information regarding all adjoining properties, including: the owners' names, deed references, land uses and zoning.
- I. Proposed number and location of entrance and exit driveways, widths of abutting right-of-way, centerlines, road widths and grades.
- J. Proposed landscaping including names of plants, quantity, spacing, size at time of planting, method of root preparation, and planting details.

- K. Proposed types of material and dimensions of screening.
- L. Proposed type, location, design, dimensions and materials of signs.
- M. Proposed type, location, and direction of outdoor lighting.
- N. In chart form: total lot area, building floor area, building ground coverage, number of parking spaces, road area, open space area, number and size of buildings and/or dwelling units by type.
- O. Proposed commercial and industrial developments shall also include in chart form: anticipated maximum number of employees for which each building was designed, type of power to be used in manufacturing process, type of wastes or by-products produced by any manufacturing process, proposed method of storage and disposal of wastes and by-products, front, side and rear elevations for all exterior walls.
- P. Proposed multi-family developments shall provide recreation facilities including structures, play surfaces, and equipment.
- Q. Site Plans shall be prepared and certified by an engineer, architect, landscape architect or land surveyor duly registered to practice in the State of Maryland.
- R. Stormwater management plans and computations (if required).
- S. The site plan shall be clearly and legibly drawn to a scale of one inch equals 40 feet (1"=40') or larger. A smaller scale may be used only if written justification is submitted to and approved by the Department of Planning and Zoning prior to the submittal of the site plan.

4-4.02 Plot Plans

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

(09/21/10)

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

4-5 APPEALS

- B. 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. for which a permit is requested.

(05/12/09) **4-5 APPEALS**

Appeals of decisions of the Planning Commission shall be noted in the Circuit Court of Calvert County. Appeals to Circuit Court shall be made in accordance with the Maryland Rules as set forth in Title 7, Chapter 200 within 30 days of the final decision of the Planning Commission.