

**ARTICLE 5
RESIDENTIAL DEVELOPMENT REQUIREMENTS**

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5-1 RESIDENTIAL DENSITY, LOT AREA, LOT WIDTH, SETBACK & HEIGHT REQUIREMENTS – ALL DISTRICTS

5-1.01 Purpose of Regulating Residential Density Outside Town Centers

The purpose of regulating density is to help ensure that residential development is consistent with the goals and objectives of the Comprehensive Plan and the purpose and intent of each Zoning District as defined in Article 2.

5-1.02 Residential Density Requirements in the Farm and Forest District

- A. Purpose. The Farm and Forest District (formerly called the Farm Community and Resource Preservation Districts) is designated for farming and natural resource-related uses in the Comprehensive Plan.
- B. Land in Agriculture Preservation Overlay Districts (APDs)¹. Within an approved APD, the following number of residential lots shall be permitted:
 - 1. APDs consisting of less than 25 acres – no additional lots or houses are allowed.
 - 2. APDs consisting of at least 25 acres but less than 50 acres – 1 lot in addition to the existing house.
 - 3. APDs consisting of at least 50 acres but less than 75 acres – 2 lots in addition to the existing house.
 - 4. APDs consisting of 75 acres or more – 3 lots in addition to the existing house.This lot density may not be increased. Lots must be approved by the Agricultural Preservation Board as per the criteria in the Program Rules and Regulations.
- C. Land in the Resource Conservation Area of the Critical Area Overlay District
The maximum allowable density is one lot per 20 acres. This lot density may only be increased through intra-family transfer if the parcel is eligible. See Section 8-1 for eligibility requirements and lot calculation. For parcels divided by the Critical Area line, the density requirements in the Resource Conservation Area are applied to the portion of the property lying within the Critical Area, and the density requirements for the Farm and Forest District is applied to the portion of the property lying outside the Critical Area.
- D. All other land within the Farm and Forest District
 - 1. The zoned density is one lot per 20 acres after tidal wetlands, non-tidal wetlands, zoned wetlands, and State wetlands are deducted (net acreage). The boundaries of wetlands are:
 - a. as determined on the official zoning map; or

¹ Note: The provisions of this Section apply to APDs in the County Agricultural Preservation Program only. If a property is in a State APD, the subdivision must also be approved by the Maryland Agricultural Land Preservation Foundation.

- b. as delineated and verified by qualified professionals as meeting the definition of jurisdictional wetlands according to State and/or Federal regulation; or
- c. those areas meeting the definition of State and/or Federal jurisdictional wetlands. See Section 8-2.05 for further details.

(09/21/10)

- 2. Exception Lots. Total number of exception lots that have not been previously created and that may affect the calculation of conventional lot density in paragraph 'D.3' of this Section. Zoned density may be increased with the use of exception lots where applicable.
 - a. Under previous Ordinances, a maximum of five exception lots could be created on a parcel of record as of October 21, 1974. Unused exception lots are included in the density calculation in paragraph 'D.3' of this Section. If there are questions about eligibility for exception lots, the burden of proof is on the applicant. Decisions concerning eligibility are to be made by the Zoning Officer and may be appealed to the Board of Appeals with the decisions based on the provisions below.
 - b. For parcels of record as of June 29, 1967, three of the five lots shall be no less than one acre in size and two of the lots shall be no less than three acres in size.
 - c. If the parcel was recorded on or after June 29, 1967 and as of October 21, 1974, all five exception lots shall be no less than three acres in size.
 - d. Any lots created from the parcel after June 29, 1967 that are below 4.999 acres count as exception lots and must be deducted before determining the number of exception lots.
 - e. A title history is required to verify the number of exception lots that have been previously created and the number of exception lots that may still be created. In no event shall more than one set of exception lots be granted for any deed recorded as of October 21, 1974.
 - f. If the original property has been subdivided and the owner of record as of June 29, 1967 retains a portion of the property, that owner may designate which parcel is eligible for the one-acre lots, unless the right has already been legally conveyed by deed.
 - g. If there are questions concerning eligibility for one-acre lots, the burden of proof is on the applicant. A title search may be required. Decisions concerning eligibility for one-acre lots are to be made by the Zoning Officer and may be appealed to the Board of Appeals with the decision based on the above provisions. In no event shall more than one set of exception lots be granted for any parcel described in a deed recorded as of June 29, 1967.
 - h. To determine the total number of acres in exception lots, multiply the number of one-acre exception lots that have not been previously created by one and multiply the number of three-acre exception lots that have not been previously created by three and add together.

(3/25/08)

3. Land excluded from an Agricultural Preservation District (APD) for the purpose of future subdivision shall be exempt from the provisions of this Section if the APD was created prior to the effective date of this amendment (03/25/08). Such land shall be subject to the size, density, dimension, and other requirements of the Zoning Ordinance in effect at the time the APD was recorded.
4. Conventional Lot Density. To determine the number of conventional lots that may be created, subtract the number of acres in exception lots (paragraph D.2.h) from the net acreage (paragraph D.1) and divide by 5.0. To this total, add the number of exception lots (paragraph D.2) and divide by 4.0. If the product includes a decimal of 0.5 or more, round up. If the product includes a decimal of less than 0.5, round down.
5. TDR Lots. Additional lots may be created with the application of Transferable Development Rights (TDRs) up to a maximum of 1 lot per 10 acres. To determine the actual number of additional lots, divide total net acreage (paragraph D.1) by 10. Subtract the number of conventional lots (paragraph D.3) from this number. Five Transferable Development Rights are required for each additional lot up to a maximum density of 1 lot per 10 acres.
6. Family Conveyance Lots. Additional lots may be created through family conveyance. To be eligible to create and convey family conveyance lots, the current owner(s) must have owned the property as of November 2, 1999 or be a family member of lineal descent or ascent to whom the right has been transferred by will or deed. The following provisions apply:
 - a. Any lot created as a family conveyance lot shall only be conveyed to a family member of lineal descent or ascent, being parent, child, grandchild or grandparent of the grantor. Only one lot may be granted to any one individual. An affidavit shall be executed by the grantor affirming that the grantee is of lineal descent or ascent and has not received any lots from the parent tract (as of June 29, 1967). The affidavit shall be submitted with the preliminary plan. A note shall be recorded on the plat identifying the lot as a family conveyance lot and the affidavit shall be shown on the final plat and signed by the owner.
 - b. Any deed for a lot that is created by a family conveyance subdivision under this Section shall contain a covenant stating that the lot is created subject to the provisions of this Section.
 - c. A lot created by a bona fide family conveyance subdivision may not be conveyed subsequently to any person other than a family member of lineal descent or ascent, unless five Transferable Development Rights (TDRs) per lot are applied and recorded by deed. This provision shall be in effect for seven years after the lot is recorded.
 - d. The number of conventional lots calculated in 'D.3' above may be doubled through the use of family conveyance lots up to a total maximum of five lots, if the minimum lot size requirements can be met.
 - e. Notwithstanding the calculations above, up to three family conveyance lots may be created without the application of Transferable Development Rights (TDRs) provided that all of the conditions in this Section are met. Any family conveyance lots created after the first three lots shall require the application of five Transferable Development Rights per lot.

5-1.03 Residential Density Requirements in the Rural Community District

- A. Purpose. The Rural Community District is intended for single-family residential use as well as low intensity farming and forestry.
- B. Land in Agriculture Preservation Overlay Districts (APDs)². Within an approved APD, the following number of residential lots shall be permitted:
 - 1. APDs consisting of less than 25 acres –no additional lots or houses are allowed.
 - 2. APDs consisting of at least 25 acres but less than 50 acres – 1 lot in addition to the existing house.
 - 3. APDs consisting of at least 50 acres but less than 75 acres – 2 lots in addition to the existing house.
 - 4. APDs consisting of 75 acres or more – 3 lots in addition to the existing house.

This lot density may not be increased. Lots must be approved by the Agricultural Preservation Board as per the criteria in the Program Rules and Regulations.

- C. Land in the Resource Conservation Area of the Critical Area Overlay District
The maximum allowable density is one lot per 20 acres. This lot density may only be increased through intra-family transfer if the parcel is eligible. See Section 8-1 for eligibility requirements and lot calculation. For parcels divided by the Critical Area line, the density requirements in the Resource Conservation Area are applied to the portion of the property lying within the Critical Area, and the density requirements for the Rural Community District are applied to the portion of the property lying outside the Critical Area.

- D. All other land to be subdivided within the Rural Community District
 - 1. The zoned density is one lot per 20 acres after tidal wetlands, non-tidal wetlands, zoned wetlands, and State wetlands are deducted (net acreage). The boundaries of wetlands are:
 - a. as determined on the official zoning map,
 - b. as delineated and verified by qualified professionals as meeting the definition of jurisdictional wetlands according to State and/or Federal regulation; or
 - c. those areas meeting the definition of State and/or Federal jurisdictional wetlands. See Section 8-2.05 for further details.
 - 2. Exception Lots. Total number of exception lots that have not been previously created and that may affect the calculation of conventional lot density in paragraph 'D.3' of this Section. Zoned density may be increased with the use of exception lots where applicable.

(09/21/10)

² Note: The provisions of this Section apply to APDs in the County Agricultural Preservation Program only. If a property is in a State APD, the subdivision must also be approved by the Maryland Agricultural Land Preservation Foundation.

5-1.03 Residential Density Requirements in the Rural Community District

- a. A maximum of five exception lots may be created on a parcel of record as of October 21, 1974. If there are questions about eligibility for exception lots, the burden of proof is on the applicant. Decisions concerning eligibility are to be made by the Zoning Officer and may be appealed to the Board of Appeals with the decisions based on the provisions below.
- b. For parcels of record as of June 29, 1967, three of the five lots shall be no less than one acre in size and two of the lots shall be no less than three acres in size.
- c. If the parcel was recorded on or after June 29, 1967 and as of October 21, 1974, all five exception lots shall be no less than three acres in size.
- d. Any lots created from the parcel after June 29, 1967 that are below 4.999 acres count as exception lots and must be deducted before determining the number of exception lots that can still be created.
- e. A title history is required to verify the number of exception lots that have been previously created and the number of exception lots that may still be created. In no event shall more than one set of exception lots be granted for any deed recorded as of October 21, 1974.
- f. If the original property has been subdivided and the owner of record as of June 29, 1967 retains a portion of the property, that owner may designate which parcel is eligible for the one-acre lots, unless the right has already been legally conveyed by deed.
- g. If there are questions concerning eligibility for one-acre lots, the burden of proof is on the applicant. A title search may be required. Decisions concerning eligibility for one-acre lots are to be made by the Zoning Officer and may be appealed to the Board of Appeals with the decision based on the above provisions. In no event shall more than one set of exception lots be granted for any parcel described in a deed recorded as of June 29, 1967.
- h. To determine the total number of acres in exception lots that can still be created, multiply the number of one-acre exception lots that have not been previously created by one and multiply the number of three-acre exception lots that have not been previously created by three and add together.

(3/25/08)

3. Land excluded from an Agricultural Preservation District (APD) for the purpose of future subdivision shall be exempt from the provisions of this Section if the APD was created prior to the effective date of this amendment (03/25/08). Such land shall be subject to the size, density, dimension, and other requirements of the Zoning Ordinance in effect at the time the APD was recorded.
4. Conventional Lot Density. To determine the number of conventional lots that may be created, subtract the number of acres in exception lots (paragraph D.2) from the net acreage (paragraph D.1) and divide by 5.0. To this total, add the number of exception lots (paragraph D.2) and divide by 4.0. If the product includes a decimal of 0.5 or more, round up. If the product includes a decimal of less than 0.5, round down.

5. TDR Lots. Additional lots may be created with the application of Transferable Development Rights up to a maximum of 1 lot per 10 acres. To determine the actual number of additional lots, divide total net acreage (paragraph D.1) by 10. Subtract the number of conventional lots (paragraph D.3) from this number. Five TDRs are required for each additional lot up to a maximum density of 1 lot per 10 acres.
6. Receiving Area Lots. The Rural Community Districts are Receiving Areas for Transferable Development Rights (TDRs). To determine the number of receiving area lots that may be created:
 - a. In the Rural Community District outside the one-mile radius of Town Centers³, divide the total net acreage (paragraph D.1) by 4 and round down to the nearest whole number. Subtract the number of conventional lots (paragraph D.3) and the number of TDR lots (paragraph D.4). The remaining number of lots may be created as receiving area lots with the application of five Transferable Development Rights for each lot provided conditions i, ii, and iii below are met.
 - b. In the Rural Community District within the one-mile radius of the Town Centers⁴, take the total net acreage (paragraph D.1) and round down to the nearest whole number. Subtract the number of conventional lots (paragraph D.3) and the number of TDR lots (paragraph D.4). The remainder is the number of lots that may be created as receiving area lots with the application of five Transferable Development Rights for each lot provided the conditions i, ii, and iii below are met.
 - i. The property is not located in the Resource Conservation Area or the Limited Development Area of the Critical Area.
 - ii. Receiving area lots (paragraph 5a or b) are not permitted within a major subdivision unless all owners in the subdivision sign the application. Those subdivisions which are only considered major subdivisions because of the creation of a right-of-way are exempt from this regulation.
 - iii. If the recording occurs in sections, then the developer shall be required to apply a proportionate number of the total development rights required for the entire subdivision to that section except for the recording of APFO exemption lots. When a parcel is developed in sections, a note shall be placed on the initial subdivision plat and all subsequent plats reserving for the remainder of the parcel the density available at the time the initial subdivision plat was approved. The density shall be expressed as dwelling units per acre. If, for whatever reason, a developer records more development rights than necessary to complete the development of a parcel, the number of such excessive development rights shall be determined by the Department of Planning and Zoning and recertified as eligible for use elsewhere.

³ See Section 2-10.02.C for the definition of the 1-mile radius.

⁴ See Section 2-10.02.C for the definition of the 1-mile radius.

5-1.04 Residential Density Requirements in the Residential District

7. Family Conveyance Lots. Additional lots may be created through family conveyance. To be eligible to create and convey family conveyance lots, the current owner(s) must have owned the property as of November 2, 1999 or be a family member of lineal descent or ascent to whom the right has been transferred by will or deed. The following provisions apply:
 - a. Any lot created as a family conveyance lot shall only be conveyed to a family member of lineal descent or ascent, being parent, child, grandchild or grandparent of the grantor. Only one lot may be granted to any one individual. An affidavit shall be executed by the grantor affirming that the grantee is of lineal descent or ascent and has not received any lots from the parent tract (as of June 29, 1967) The affidavit shall be submitted with the preliminary plan . A note shall be recorded on the plat identifying the lot as a family conveyance lot and the affidavit shall be shown on the final plat and signed by the owner.
 - b. Any deed for a lot that is created by a family conveyance subdivision under this Section shall contain a covenant stating that the lot is created subject to the provisions of this Section.
 - c. A lot created by a bona fide family conveyance subdivision may not be conveyed subsequently to any person other than a family member of lineal descent or ascent, unless five Transferable Development Rights (TDRs) per lot are applied and recorded by deed. This provision shall be in effect for seven years after the lot is recorded.
 - d. The number of conventional lots calculated in 'D.4' above may be doubled through the use of family conveyance lots up to a total maximum of five lots if the minimum lot size requirements can be met.
 - e. Notwithstanding the calculations above, up to three family conveyance lots may be created without the application of Transferable Development Rights provided that all of the conditions in this Section are met. Any family conveyance lots created after the first three lots shall require the application of five Transferable Development Rights (TDRs) per lot.

5-1.04 Residential Density Requirements in the Residential District

- A. Purpose. The Residential District is intended for residential development.
- B. Land in Agricultural Preservation Overlay Districts (APDs)⁵. Within an approved APD, the following number of residential lots shall be permitted:
 1. APDs consisting of less than 25 acres –no additional lots or houses are allowed.
 2. APDs consisting of at least 25 acres but less than 50 acres – 1 lot in addition to the existing house.
 3. APDs consisting of at least 50 acres but less than 75 acres – 2 lots in addition to the existing house.
 4. APDs consisting of 75 acres or more – 3 lots in addition to the existing house.

This lot density may not be increased. Lots must be approved by the Agricultural Preservation Board as per the criteria in the Program Rules and Regulations.

⁵ Note: The provisions of this Section apply to APDs in the County Agricultural Preservation Program only. If a property is in a State APD, the subdivision must also be approved by the Maryland Agricultural Land Preservation Foundation.

C. Land in the Resource Conservation Area of the Critical Area Overlay District

The maximum allowable density is one lot per 20 acres. This lot density may only be increased through intra-family transfer if the parcel is eligible. See Section 8-1 for eligibility requirements and lot calculation. For parcels divided by the Critical Area line, the density requirements in the Resource Conservation Area are applied to the portion of the property lying within the Critical Area, and the density requirements for the Residential District are applied to the portion of the property lying outside the Critical Area.

D. All other land within the Residential District

1. The zoned density is one dwelling unit per 4 acres after tidal wetlands, non-tidal wetlands, zoned wetlands, and State wetlands are deducted (net acreage). The boundaries of wetlands are:
 - a. as determined on the official zoning map,
 - b. as delineated and verified by qualified professionals as meeting the definition of jurisdictional wetlands according to State and/or Federal regulation; or
 - c. those areas meeting the definition of State and/or Federal jurisdictional wetlands. See Section 8-2.05 for further details.
2. Conventional Lots or Dwelling Units. Divide the total net acreage (paragraph D.1) by 4. If the product includes a decimal of any amount, round down to the nearest whole number.
3. Receiving Area Lots. The Residential District is a Receiving Area for Transferable Development Rights (TDRs).
 - a. Receiving area lots or dwelling units outside a one-mile radius of Town Centers⁶. To determine the number of receiving area lots or dwelling units that can be created, divide the net acreage (paragraph D.1) by 2. Subtract the number of conventional lots or dwelling units (paragraph D.2). The remainder is the number of receiving area lots or dwelling units. Five Transferable Development Rights are required for each additional lot or dwelling unit.
 - b. Receiving Area Lots or dwelling units inside a one-mile radius of Town Centers⁷. To determine the number of receiving area lots or dwelling units that can be created, multiply the net acreage (paragraph D.1) by 4. Subtract the number of conventional lots or dwelling units (paragraph D.2). The remainder is the number of receiving area lots or dwelling units. Five Transferable Development Rights are required for each additional lot or dwelling unit. Note: The Board of County Commissioners may exempt affordable housing agencies from having to apply TDRs to obtain the increased density.

(05/12/09)

⁶ Section 2-10.02.C for the definition of the 1-mile radius.

⁷ Section 2-10.02.C for the definition of the 1-mile radius.

5-1.05 Residential Density Requirements in the Employment Center, Rural Commercial, Marine Commercial, and Light Industrial Districts

4. Family Conveyance Lots. Additional lots or dwelling units may be created through family conveyance. To be eligible to create and convey family conveyance lots or dwelling units, the current owner(s) must have owned the property as of November 2, 1999 or be a family member of lineal descent or ascent to whom the right has been transferred by will or deed. The following provisions apply:
 - a. Any lot or dwelling unit created as a family conveyance lot or dwelling unit shall only be conveyed to a family member of lineal descent or ascent, being parent, child, grandchild or grandparent of the grantor. Only one lot may be granted to any one individual. An affidavit shall be executed by the grantor affirming that the grantee is of lineal descent or ascent and has not received any lots or dwelling units from the parent tract (as of June 29, 1967). The affidavit shall be submitted with the preliminary plan. A note shall be recorded on the plat identifying the lot or dwelling unit as a family conveyance lot or dwelling unit and the affidavit shall be shown on the final plat and signed by the owner.
 - b. Any deed for a lot or dwelling unit that is created by a family conveyance subdivision under this Section shall contain a covenant stating that the lot or dwelling unit is created subject to the provisions of this Section.
 - c. A lot or dwelling unit created by a bona fide family conveyance subdivision may not be conveyed subsequently to any person other than a family member of lineal descent or ascent, unless five Transferable Development Rights (TDRs) per lot or dwelling unit are applied and recorded by deed. This provision shall be in effect for seven years after the lot or dwelling unit is recorded.
 - d. The number of conventional lots or dwelling units calculated in paragraph 'D.2' above may be doubled through the use of family conveyance lots or dwelling units up to a total maximum of five lots or dwelling unit if the minimum lot size requirements can be met.
 - e. Notwithstanding the calculations above, up to three family conveyance lots may be created without the application of Transferable Development Rights provided that all of the conditions in this Section are met. Any family conveyance lots or dwelling units created after the first three lots or dwelling units shall require the application of five Transferable Development Rights (TDRs) per lot or dwelling unit.

5-1.05 Residential Density Requirements in the Employment Center, Rural Commercial, Marine Commercial, and Light Industrial Districts

- A. No additional lots are permitted in the Employment Center, Rural Commercial, Marine Commercial, or Light Industrial Districts unless the provisions for family conveyance lots can be met. See Section 5-1.04.D.4 for criteria. No more than two family conveyance lots may be created in these Districts.

5-1.06 Minimum Lot Size Requirements for Single-Family Detached Development Outside
Town Centers

- (3/25/08) B. Apartments intended for occupancy by persons who meet the criteria for workforce housing may be structurally attached to approved businesses in the Employment Center, Rural Commercial, and Marine Commercial Districts subject to the conditions of this Section. The owner or applicant shall provide verification of compliance with these conditions prior to approval of the site plan.
1. The floor area occupied by the apartment(s) may be divided into any number of apartments provided that:
 - a. the total square footage of all apartments combined shall not exceed the square footage of the business; and
 - b. the size of the apartments shall be no less than 400 square feet and no more than 800 square feet; and
 2. In addition to the parking required for the business, a minimum of one parking space shall be provided for each apartment plus an additional 20% for overflow and visitor parking; and
 3. Prior to final site plan approval, covenants shall be recorded in the Land Records of Calvert County indicating that the apartments are restricted to occupants who qualify for workforce housing in perpetuity.
 4. Renter eligibility shall be verified by the Calvert County Housing Authority.

- (3/25/08) C. Apartments that are not intended for occupancy by persons who meet the criteria for low-income, and/or workforce-housing may be structurally attached to approved businesses in the Employment Center, Rural Commercial, and Marine Commercial Districts subject to the following conditions:
1. the total square footage of all apartments combined shall not exceed the square footage of the business; and
 2. In addition to the parking required for the business, a minimum of one parking space shall be provided for each apartment plus an additional 20% for overflow and visitor parking; and
 3. There is no minimum or maximum square footage requirement for individual apartments; however, five Transferable Development Rights (TDRs) shall be applied for each apartment.

5-1.06 Minimum Lot Size Requirements for Single-Family Detached Development Outside
Town Centers

- A. Minimum lot sizes are specified where needed to:
1. encourage development in those areas of the County established in the Comprehensive Plan as suitable for development;
 2. encourage compatible development;
 3. promote a healthy living environment.

5-1.07 Minimum Setbacks and Lot Width Requirements for Single-Family Detached Development Outside Town Centers

TABLE 5-1 MINIMUM LOT SIZES FOR SINGLE-FAMILY DETACHED RESIDENTIAL DEVELOPMENT OUTSIDE TOWN CENTERS	
DISTRICT	MINIMUM LOT SIZE
Critical Area Overlay	See Article 8
Agricultural Preservation District (APD) Overlay	1 acre
FFD and RCD (non-cluster)	Exception Lots: 1 acre ⁸ All remaining lots: 3 acres
FFD and RCD (cluster)	1 acre
RD outside 1-mile radius of Town Centers ⁹ (non-cluster & cluster)	1 acre
RD inside 1-mile radius of Town Centers ¹⁰ (non-cluster & cluster)	1 acre - May be reduced to a minimum of 10,000 sq. ft. provided Health Department requirements are met.
EC, RC, MC	1 acre
I-1	3 acres

5-1.07 Minimum Setbacks and Lot Width Requirements for Single-Family Detached Development Outside Town Centers

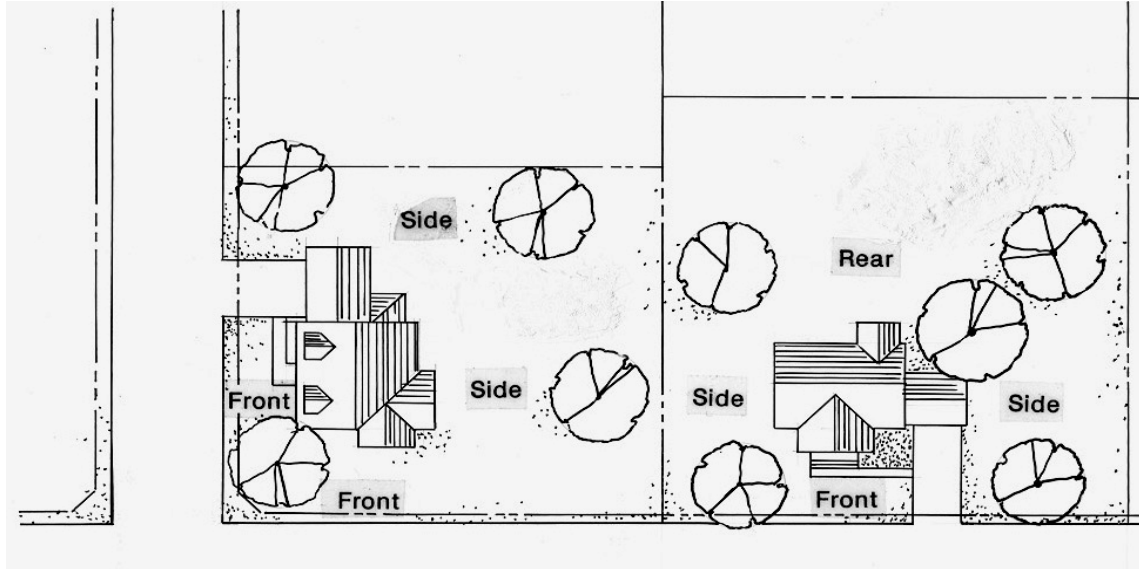
- A. In general, the purpose of setbacks is to ensure that the use of a property does not infringe on the rights of neighbors, to allow room for lawns and trees, for light and sunshine in the home, for space for recreation outside the home, and to serve as filtration areas for storm water run-off.
- B. In the Rural Community and Farm and Forest District, dwelling setbacks are also needed to provide a buffer from permitted agricultural uses, such as raising animals, and to provide privacy for those desiring a more rural atmosphere.
- C. Front Setbacks: Adequate front setbacks reduce the noise and dust that can reach a home. Within a district, relatively uniform setbacks are needed to prevent structures from obstructing views on adjoining lots.
- D. Side Setbacks: Adequate side setbacks are needed to provide light and air between buildings. In particular, a noise and visual buffer is needed if windows are located on the side of a dwelling.
- E. Rear Setbacks: Adequate rear setbacks are needed to provide an area for recreation, storage, etc.

⁸ See Sections 5-1.02.D.2.b and 5-1.03.D.2.b

⁹ See Section 2-10.02.C for the definition of the 1-mile radius.

¹⁰ See Section 2-10.02.C for the definition of the 1-mile radius.

5-1.07 Minimum Setbacks and Lot Width Requirements for Single-Family Detached Development Outside Town Centers



Section 5-1.07 - Examples of Lot Orientations

TABLE 5-2 MINIMUM SETBACKS AND LOT WIDTH REQUIREMENTS FOR SINGLE-FAMILY DETACHED RESIDENTIAL DEVELOPMENT OUTSIDE TOWN CENTERS						
LOT SIZE	SETBACKS				MINIMUM LOT WIDTH	
	From existing County and State Roads ¹¹	From interior subdivision roads	Side	Rear	At Front Building Restriction Line	At Water Frontage
Less than 3 acres	100' from Rt 2, 4, 2/4, 260, 261, 263 & 231 60' from all other roads	25'	10'	35'	100'	150'
3 acres or more	100' from Rt 2, 4, 2/4, 260, 261, 263 & 231 60' from all other roads	60'	30'	60'	200'	200'

¹¹ Note also Front Roadway Buffer requirements (Section 5-2.01.D.5.b)

5-1.08 - Residential Density and Minimum Lot Sizes - Town Centers

TABLE 5-3 Residential Density and Minimum Lot Size Chart- Town Centers*									
Residential Density = D; Minimum Lot Size = L									
		Single-family Detached		Duplex, triplex, fourplex (unless otherwise noted)		Townhouse		Multi-family	
		Base	With TDRs	Base	With TDRs	Base	With TDRs	Base	With TDRs
Dunkirk		Five TDRs are required for each unit above 1/acre ¹ . Age-restricted housing communities which are properly submitted for approval to the Department of Planning & Zoning prior to July 1, 2006 shall be exempt from the requirement to purchase TDRs.							
	D	1/acre	4/acre	1/acre	4/acre	1/acre	4/acre	1/1 acre	14/acre ²
	L	None	None	None	None	None	None	None	None
Owings		Village District and Edge District: Five TDRs are required for each lot or dwelling unit which is created in excess of one dwelling unit per acre ¹ . Age-restricted housing communities which are properly submitted for approval to the Department of Planning & Zoning prior to July 1, 2006 shall be exempt from the requirement to purchase TDRs.							
Edge	D	1/acre	No maximum	1/acre (duplex only)	No maximum				
	L	14,200sf ³ ₄	14,200sf ³ ₄	14,200sf ³ ₄	14,200sf ³ ₄				
Village	D	1/acre	No maximum	1/acre (duplex only)	No maximum	1/acre	No maximum	1/acre	No maximum
	L	None ⁵	None ⁵	None ⁵	None ⁵	None ⁵	None ⁵	None ⁵	None ⁵
Core	D	No maximum ⁶		No maximum ⁶		No maximum ⁶		No maximum ⁶	
	L								
Huntingtown		All Districts: Five TDRs are required for each lot or dwelling unit above one dwelling unit per acre ¹ . Age-restricted housing communities which are properly submitted for approval to the Department of Planning & Zoning prior to July 1, 2006 shall be exempt from the requirement to purchase TDRs.							
Mixed-Use	D	1/acre	70% lot coverage	1/acre	70% lot coverage			1/acre	70% lot coverage
	L	None	None	None	None			None	None
Neighborhood	D	1/acre	1/15,000sf ⁷	1/acre	1/15,000sf ⁷			1/15,000sf ⁷	
	L	15,000sf ⁷	15,000sf ⁷	15,000sf ⁷	15,000sf ⁷			1/15,000sf ⁷	1/15,000sf ⁷
Residential	D	1/acre	1/15,000 ⁸						
	L	40,000/15,000sf ⁸	15,000sf ⁸						

* Refer to individual Town Center Zoning Ordinances for specific requirements. Conditions may apply which are not included in this table.

¹ In lieu of purchasing TDRs, applicants with bona fide affordable housing projects may apply to the Board of County Commissioners for a waiver of the requirement to purchase TDRs. See the Town Center Zoning Ordinance for details.

² Age-Restricted housing only. See Town Center Zoning Ordinance for additional requirements.

³ 5,000 square feet if public water and sewer provided.

⁴ See Table 5-5.02B, Lot Requirements for the Edge District.

⁵ See Table 5-4.02B, Lot Requirements for the Village District.

⁶ See Table 5-3.02B, Lot Requirements for the Core District.

⁷ Where communal septic systems are provided, the minimum lot size may be modified with approval of the Planning Commission. However, the overall density may not exceed 1/15,000 sf.

⁸ Where public water is provided.

TABLE 5-3 Residential Density and Minimum Lot Size Chart- Town Centers (continued)* Residential Density = D; Minimum Lot Size = L								
	Single-family Detached		Duplex, triplex, fourplex (unless otherwise noted)		Townhouse		Multi-family	
	Base	With TDRs	Base	With TDRs	Base	With TDRs	Base	With TDRs
Prince Frederick	All Districts. The number of dwelling units that can be placed on any given site will be determined on the basis of Town Center regulations but in no case may exceed 14 units per acre. No minimum lot size is required. However, single-family detached, single-family attached and townhouse residences shall be provided with a private backyard at least equal in size to the footprint of the building. Five TDRs are required for each dwelling unit over one per acre. ⁹ Age-restricted housing communities which are properly submitted for approval to the Department of Planning & Zoning prior to July 1, 2006 shall be exempt from the requirement to purchase TDRs.							
Old Town								
Old Town Res.								
Old Town Trans.								The site is immediately adjacent to Rt 2/4 or Dares Beach Road.
Fairgrounds			Provided at least 40% of dwelling units on any given site are single-family detached.		Provided at least 40% of dwelling units on any given site are single-family			Provided no more than 20% of the dwelling units on any given site are multi-family
Entry	10		10		10		10	
Village	10		10		10		10	
New Town	10		10		10		10	
Forest	30% of units must be single-family detached, 2/acre		30% of units must be single-family attached (including Townhouse);		30% of units must be single-family attached (including Townhouse);		30% of units must be multifamily.	

* Refer to individual Town Center Zoning Ordinances for specific requirements. Conditions may apply which are not included in this table.

⁹ In lieu of purchasing TDRs, applicants with bona fide affordable housing projects may apply to the Board of County Commissioners for a waiver of the requirement to purchase TDRs. See the Town Center Zoning Ordinance for details.

¹⁰ Special conditions are required for these uses. See the Prince Frederick Zoning Ordinance for conditions.

TABLE 5-3 Residential Density and Minimum Lot Size Chart- Town Centers (continued)*									
Residential Density = D; Minimum Lot Size = L									
	Single-family Detached			Duplex, triplex, fourplex (unless otherwise noted)		Townhouse		Multi-family	
	Base	With TDRs		Base	With TDRs	Base	With TDRs	Base	With TDRs
St. Leonard	Village District: Five Transferable Development Rights (TDRs) are required for each lot or dwelling unit which is created in excess of one dwelling unit per 40,000 sf. ¹¹ Age-restricted housing communities which are properly submitted for approval to the Department of Planning & Zoning prior to July 1, 2006 shall be exempt from the requirement to purchase TDRs.								
Village-subarea A	D	1/40,000sf		1/40,000sf					
	L	40,000sf	20,000sf	40,000sf (duplex only)	20,000sf				
Village-Subarea B	D	1/40,000sf		1/40,000sf					
	L	40,000sf	20,000sf	40,000sf (duplex only)	20,000sf				
Residential	D	1/40,000sf		1/40,000sf					
	L	40,000sf	TDRs not permitted	40,000sf (duplex only)	TDRs not permitted				
Lusby	Village Edge District & Village Residential-Office District: Five TDRs are required to develop each dwelling unit over one unit per acre. ¹¹ Age-restricted housing communities which are properly submitted for approval to the Department of Planning & Zoning prior to July 1, 2006 shall be exempt from the requirement to purchase TDRs. Minimum lot size may be impacted by required setbacks and forest buffers.								
Village Residential-Office	D	1/acre	9/acre	1/acre	9/acre	1/acre	9/acre	1/acre	9/acre
	L	2,000 sf	2,000 sf	2,000 sf	2,000 sf	2,000 sf	2,000 sf	2,000 sf	2,000 sf
Village Edge	D	1/acre	9/acre	1/acre	9/acre	1/acre	9/acre	1/acre	9/acre
	L	5,000 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf
All Other Districts	D								
	L								
Solomons (9/22/09)	Single-family Detached			Apartments in a Mixed Use Building and Attached Dwellings: Duplex, Fourplex, Multi-family, Townhouse, Triplex (where permitted)					
	Base	With TDRs ¹²		Base		With TDRs ²			
C1 Sub-area	D	1/lot	1/lot	1/acre		20/acre			
	L	N/A	N/A	N/A		N/A			
C6 Sub-area	D	1/acre	10/acre	1/acre		10/acre			
	L	4,000 sf	4,000 sf	4,000 sf		4,000 sf			
C7 Sub-area	D	1/acre	4/acre	1/acre		4/acre			
	L	4,000 sf	4,000 sf	4,000 sf		4,000 sf			
All Other Sub-areas	D	1/acre	7/acre	1/acre		7/acre			
	L	4,000 sf	4,000 sf	4,000 sf		4,000 sf			

* Refer to individual Town Center Zoning Ordinances for specific requirements. Conditions may apply which are not included in this table.

¹¹ In lieu of purchasing TDRs, applicants with bona fide affordable housing projects may apply to the Board of County Commissioners for a waiver of the requirement to purchase TDRs. See the Town Center Zoning Ordinance for details.

¹² The Board of County Commissioners may reduce the number of TDRs required for workforce housing and for non-profit organizations which provide public benefit. See Section 5-1.08.B.3 of the Solomons Zoning Ordinance for details.

5-1.09 Development of Previously-Recorded Residential Lots

(09/21/10)

A. For lots and parcels of record as of June 29, 1967, the following shall apply:

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

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

(09/21/10)

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

(09/21/10)

- B. For a lot properly recorded in the Land Records on or after June 29, 1967 and before October 21, 1974, the lot is buildable if:
 1. the lot met the lot size requirements at the time it was recorded; and
 2. the dwelling can meet the minimum setbacks for a lot of equivalent size as per paragraph 'A.1' of this Section; and
 3. the Health Department grants approval; and
 4. the lot has adequate access to a road constructed to the standards specified in the Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County); and
 5. In major subdivisions recorded on or after April 2, 1972, the lot is only buildable if it was approved by the Planning Commission.

5-1.09 Development of Previously-Recorded Residential Lots

- C. For a lot recorded in the Land Records on or after October 21, 1974, it is buildable if:
 - 1. the lot receives Health Department approval; and
 - 2. the lot has adequate access to a road constructed to the standards specified in the Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County); and
 - 3. the lot was given final subdivision approval by the Planning Commission.
- D. Residue from Comprehensive Rezoning - If a portion of a recorded lot was comprehensively rezoned to Rural Commercial, the residue shall be considered a buildable lot if it meets the criteria in Section 5-1.09.A.1 and 2.a, b and c.
- E. Development on Properties Where Two or More Lots are Required to Establish an Approved Building Site
 - 1. If a lot is determined to be unbuildable as a result of failure to meet the minimum standards for residential construction, and combination with one or more other lots is required for standards to be met, the lots combined to meet this standard must be contiguous along a common boundary for a minimum distance of 20 feet. If more than two lots are being combined, each lot must be contiguous along a common boundary of at least one other lot being combined for a minimum distance of 20 feet. A plat showing the newly created lot shall be prepared by a licensed surveyor, approved by the Planning Commission or its designee, and recorded among the land records before a building permit will be issued for construction thereon. Septic fields (primary and back-up) must be located within the boundaries of the new lot.
 - 2. If a lot is to be subdivided, with partitioning to other adjoining lots so as to create one or more buildable lots from the combined properties, then that lot must meet current subdivision regulations.
- F. Development on Small Lots in Communities Without Approved Stormwater Management Plans
 - 1. To reduce the effects of stormwater runoff and erosion, clearing of vegetation on all lots less than 20,000 square feet in size shall be limited to no more than 6,000 square feet.
 - 2. The Zoning Officer, with recommendation by the Environmental Planner, may waive this requirement for properties outside the Critical Area if it is shown that the clearing limitation would pose undue hardship. Waivers to clearing limitations include clearing fees of \$0.60 per square foot for the area cleared beyond 6,000 square feet. If a waiver is granted, the limit-of-disturbance shall be staked and flagged prior to issuance of the grading and/or building permits. The stakes and flags shall remain in place throughout development of the property until a Use and Occupancy Permit is issued.
 - 3. Unauthorized clearing (clearing without a permit or clearing beyond the area that was approved on a grading permit) is considered a violation and will result in the following enforcement actions:
 - a. A stop-work order shall be issued and permit approval or reapproval shall be required before work may proceed; and

- b. Fines of \$1.20 per square foot for the area cleared without permits or beyond the permit limits shall be required before a stop-work order is rescinded; and
 - c. The applicant shall be required to post a bond for replanting the area of unauthorized clearing. See Section 8-2.07.C for bonding procedures.
 4. Impervious surfaces shall be limited to no more than 15 percent of the lot if the lot contains more than one-half acre. If the lot contains less than one-half acre, impervious surfaces shall be limited to no more than 25 percent of the lot or 5,445 square feet, whichever is greater.

G. Development on Slopes Greater than 25 Percent

Construction on slopes of 25 percent or greater shall comply with the requirements of Section 8-2.04 of this Ordinance.

H. Retirement of Existing Lots and Creation of Transferable Development Rights (TDRs)

1. Except as specified under paragraph '2' of this Section, a recorded unimproved subdivision lot may be converted to 2.5 TDRs. The TDRs created under this Section shall be used in the same manner as those created pursuant to Section 2-10.01.I. The TDRs may be certified by the Board of County Commissioners if the following conditions are met:
 - a. the lot meets the minimum setbacks for lots of equivalent size as per Section 5-1.07; and
 - b. the lot fronts on a platted right-of-way; and
 - c. the lot satisfactorily passes a percolation test in accordance with Health Department standards.
2. The following lots may not be converted to TDRs:
 - a. Any lot that has a recorded prohibition against conversion to TDRs;
 - b. Any lot that has a recorded prohibition against the construction of a dwelling unit on that lot;
 - c. Any lot for which a tax credit has been given pursuant to Section 9-306 of the Tax-Property Article of the Annotated Code of Maryland; or
 - d. Any lot for which a tax credit has been given pursuant to Article V of Chapter 136 of the Calvert County Code.
3. Prior to conveyance of one or more TDRs certified under this Section, the owner of the lot from which the TDRs were certified shall record restrictive covenants, as prescribed by the Board of County Commissioners, on the lot from which the TDRs were certified.

5-1.10 Accessory Use Setbacks

(08/08/06) 5-1.10 Accessory Use Setbacks
 (09/21/10)

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

5-1.11 Height Regulations for All Districts

No building or structure shall exceed 40 feet, including the roof, except as indicated in paragraphs 'A' and 'B' of this Section. The maximum height of a building or structure shall be measured from the average elevation of the finished grade at the front of the building facing the street to the highest point of the roof.

(10/13/10)

- A. 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. Towers, antennas and wind energy systems (i.e., windmills) shall be subject to the requirements of Section 3-3 herein.
- B. A clock tower or cupola containing no more than 150 square feet may exceed the height regulations by no more than 12 feet.

5-1.12 Parking Requirements for Residential Development

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

(09/21/10)

5-2.01 Lay-out and Design of Single-Family Detached Residential Communities Outside Town Centers

TABLE 5-6 NUMBER OF PARKING SPACES REQUIRED	
USE	NUMBER OF SPACES
Apartment, Accessory to a Single-family Dwelling	2
Apartment, Accessory Over a Business	1 per unit + 20% for overflow
Assisted Living Facility	1 per 5 beds + 1 per on-duty employee
Bed & Breakfast Facility, up to 2 Bedrooms in Use	2 plus 1 per overnight lodging unit
Bed & Breakfast Facility, 3 to 5 Bedrooms in Use	2 plus 1 per overnight lodging unit
Boarding House	2 plus 1 per overnight lodging unit
Dwelling, Attached (Duplex, Triplex, Fourplex, Multi-family, Townhouse, or Mixed Residential)	3 per dwelling unit ¹² (2 per dwelling unit in the RCD)
Dwelling, Single-Family Detached	3
Group Home	2 plus 1 per overnight lodging unit
Lodgers in Residence	2 plus 1 per overnight lodging unit
Manufactured Home Community	2 per unit
Manufactured Home, Farm	2
Manufactured Home on Individual Lot	2
Manufactured Home For Resident Watchman/Caretaker	2
Manufactured Home Subdivision	2 per unit
Tenant House	2

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

5-2.01 Lay-out and Design of Single-Family Detached Residential Communities Outside Town Centers

- A. Single-family detached residential communities outside Town Centers shall be designed to fit into the existing rural landscape in a manner that will retain the land's capacity to grow crops, produce timber, provide wildlife habitat, prevent soil erosion, provide recreational open space, contribute to maintaining clean water and air and preserve rural character. These features not only contribute to the health and welfare of County residents but also contribute to the economic base by providing jobs and revenues in resource-related and tourism-related enterprises. New buildings and roads shall be designed to enhance rather than to replace these important existing features. Site disturbance shall be held to a minimum.

¹² In addition, a minimum of an additional 10 percent of the total number of spaces provided for the attached dwelling units shall be provided for guests 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. Note 1: The Planning Commission may grant a reduction in the number of parking spaces required for single-family attached dwelling developments for an Age-Restricted Housing Community or an Affordable Housing Community if the community is located within a Town Center that is served by a public transportation system. Note 2: Additional parking is not required for attached dwellings in the Rural Community District (RCD). The parking requirement for these units is 2 spaces per dwelling unit.

B. Procedure

All of the requirements listed in Article 7, Subdivision Regulations, shall be met. Where there is a discrepancy between minimum standards or dimensions noted herein and other official regulations, the highest standard shall apply.

C. Applicability

1. All single-family detached subdivisions outside Town Centers shall be clustered except as provided in paragraph '2.c' and paragraph '3' of this Section.
2. All subdivisions (clustered and non-clustered) are subject to paragraph 'D' of this Section and subdivisions that are to be clustered are also subject to the provisions in Section 'E' entitled "Site Design in Clustered Subdivisions". The percentage of land to be clustered shall be based on the zoning of the property, as follows:
 - a. In the Farm and Forest District, clustering building lots and roads onto no more than 20 percent of the site is required.
 - b. In the Rural Community District, clustering building lots and roads onto no more than 50 percent of the site is required.
 - c. In the one-mile radius of the Town Centers and in the Residential District, clustering is optional. However, if lots and roads are clustered, they shall be clustered onto no more than 70 percent of the property and all of the requirements in paragraph 'E' of this Section shall be met.
3. Exemptions. Clustering is not required in the following instances:
 - a. Agricultural Preservation Districts (APDs), from which transferable development rights have been sold, are exempt from clustering.
 - b. Within designated Conservation Districts and the Critical Areas, the provisions in Section 8-2 (Natural Resources Protection Areas) and 8-1 (Critical Area) supersede this Section.
 - c. Subdivisions that are to be limited to no more than five lots are exempt from clustering provided that a note is recorded on the plat stating that no further subdivision of the entire subject tract is permitted.
 - d. In cases where all proposed lots are a minimum of 20 acres, clustering is not required, provided that a note is recorded on the plat stating that no further subdivision of such lots is permitted.

D. Site Design in all subdivisions (clustered and non-clustered)

1. Lots and roads shall be located in areas where they will contribute toward preserving and maintaining existing farm structures and historic structures, as well as the scenic and rural character of the County.
2. The Planning Commission may modify those provisions designated with an asterisk (*) to the minimum extent needed to resolve conflicts between individual provisions of this Ordinance or to address unique site constraints.

3. In addition to the requirements for subdivisions in Article 7 and Article 8, the following requirements shall apply:
 - a. Minimum road frontage: 25 feet
All lots must have at least 25 feet of frontage onto a public or private right-of-way, except for adjacent flag lots where the minimum road frontage for each lot may be reduced to 12.5 feet as provided in Sub-Section 'b'.
 - b. Width of fee simple strips of flag lots: 25 feet
The fee simple strip of a flag lot shall be at least 25 feet wide over its entire length, that is--from the lot proper to its frontage onto the right-of-way, except where the fee simple strips of two flag lots lie adjacent to each other in which case each fee simple strip may be as narrow as 12.5 feet wide, provided the two flag lots share and maintain a common access driveway. A note shall be placed on the subdivision plat stating that such driveways shall not be petitionable into the County road system or eligible for County maintenance.
 - c. The fee simple strips of no more than two flag lots shall lie adjacent to each other.
 - d. Use of a private lane to serve three to five lots:
A private lane may be provided to serve three to five lots, provided it meets the standards on plate RD-1 of the Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County) (specifications and design standards).
 - e. To ensure adequate fire and safety protection, all buildings shall be accessible to rescue vehicles and fire trucks.
4. Protection of Farm Structures and Historic Structures (See also incentives in Section 7-1.05.F.1.b – Adequate Public Facilities)
 - *a. In the event existing farm structures (such as barns, outbuildings and fences) are located on the site, they shall be retained and included together with cropland, pasture and/or meadow as part of one or several farm lots.
 - b. In the event any building on the site is 50 years old or older, the Historic District Commission shall be notified to determine whether the building has historic merit.
 - *c. In the event the Historic District Commission determines that the building has historic merit, the building shall be retained on site and incorporated into the site where feasible, and views of the building from roads, adjacent properties and proposed building sites shall be protected.
 - d. The Planning Commission may require screening between existing farm and/or historic structures and new houses.
5. Protection of Rural Character and Scenic Vistas
 - a. Buildings and roads shall be located in a manner that will maintain and

(08/28/07)

enhance a visually attractive rural landscape.

*b. Front Roadway Buffer

Building sites shall be designed to afford the least visibility of the development from existing public roads. A front roadway buffer shall be provided along all public roads in the Farm and Forest District, Rural Community, and Residential Zoning Districts except along those roads that are internal to the subdivision. The front roadway buffer shall meet one or more of the following requirements. Buffering along Rt. 4 and Rt. 2/4 shall be increased as indicated.

- i. If a naturally vegetated buffer exists, it shall be maintained at a minimum of 100 feet in width from the right-of-way line to the closest lot line (200 feet in width from Rt. 4 and Rt. 2/4) into the parcel, or
- ii. In instances where only part of a naturally vegetated buffer exists, the existing buffer shall be enhanced to a 100-foot wide buffer with additional plantings as approved by the Planning Commission or its designee, or
- iii. If a naturally vegetated buffer does not exist, the applicant shall plant a 100-foot wide vegetated buffer (200 feet wide vegetated buffer adjacent to Rt. 4 and Rt. 2/4) with plantings as approved by the Planning Commission or its designee.
- iv. No plantings are required if a minimum depth of 200 feet of open space is provided from the edge of the road right-of-way to the closest lot line (300 feet from Rt. 4 and Rt. 2/4). Houses adjoining the open space shall be arranged so that the rears of the houses are not visible from the road.
- v. Exceptions:
 - (a) The Planning Commission or its designee may reduce or waive the front roadway buffer for lots containing existing houses.
 - (b) The front roadway buffer shall not be required in Residential zoned areas of the following roads:
 - Boyds Turn Road
 - Calvert Beach Road
 - Cove Point Road
 - Dowell Road
 - Fifth Street in the North Beach area
 - Holland Cliff Road
 - Little Cove Point Road
 - Long Beach Road
 - Olivet Road
 - Planters Wharf Road

these areas shall be included as part of the designated open space. Ownership and management of the open space shall be negotiated between the applicant and the County or a County designee on a case-by-case basis.

E. Site Design in Clustered Subdivisions

In addition to meeting the requirements in Section 5-2.01.A-D above, lots and roads in clustered subdivisions shall be located in areas where they will have the least effect on forests, sensitive areas and cropland.

The Planning Commission may modify those provisions designated with an asterisk (*) to the minimum extent needed to resolve conflicts between individual provisions of this Ordinance or to address unique site constraints. *At least 50 percent of the open space required by paragraphs '1' through '4' of this Section shall be platted as one large, contiguous block of land which shall be a minimum of 600 feet in width.

1. Protection of Forested Areas and Wildlife Habitat

a. All of the provisions in the Calvert County Forest Conservation Program shall be met.

(05/04/10)

*b. Buildings and roads shall be located at forest edges or clustered in a manner that will maximize the amount of forest interior dwelling bird habitat and contiguous forested area left intact. The portion of the existing forested area that is to be retained should be determined with reference to the location of forested land on adjacent properties so as to maintain contiguity where feasible.

*c. Long roads and driveways (more than 400 feet) shall be avoided, especially if they extend into wetland areas or Forest Interior Dwelling Bird Habitat areas.

(05/04/10)

2. Protection of Sensitive Areas

a. All of the provisions in the Calvert County Zoning Ordinance and Subdivision regulations governing protection of wetlands, floodplains, steep slopes, and perennial and intermittent streams shall be met.

*b. Road and driveway crossings through wetlands, floodplains, steep slopes, and perennial and intermittent streams shall be avoided.

3. Protection of Existing Cropland, Pasture and Meadow

*a. Buildings and roads shall be located in a manner that will retain existing cropland, pasture and meadow and avoid dividing existing cropland.

*b. If the existing cropland, pasture or meadow has Class I, Class II and/or Class III soils (as defined by the Soil Survey Of Calvert County, Maryland, prepared by the U.S. Dept. of Agriculture Soil Conservation Service), the buildable area may include up to 20 percent of the total area of cropland, pasture and meadow existing prior to subdivision. The portion of the open land that is retained should be determined with reference to the location of cropland on adjacent properties so as to maintain contiguity where feasible.

- *c. If the cropland, meadow or pasture does not have Class I, Class II and/or Class III soils, up to 100 percent of the area may be converted to buildable area, provided all of the other conditions in this Ordinance are met.

4. Provision of Open Space for Community Use and Recreational Areas

- a. In the event the parcel includes areas which have been identified in an officially adopted plan as part or all of a potential trail, greenway or park, these areas shall be included as part of the designated open space. Ownership and management of the open space shall be negotiated between the applicant and the County or a County designee on a case by case basis.

5. Designation, Preservation and Ownership of Open Space

Open space shall be protected by legal arrangements which are adequate to assure the preservation and continued maintenance of the open space for its intended purposes in perpetuity. Covenants or other legal arrangements shall specify ownership of the open space. The legal arrangements shall also include any other matters deemed necessary to carry out the purposes of the development.

a. Designation of Open Space

To qualify as part of the required 30 percent, 50 percent, or 80 percent open space, land shall be capable of meeting the criteria of one or several of the following categories and shall be labeled as such on the preliminary plat. Land that does not fit within any of these categories shall be included in the buildable area.

Land that is designated as open space within any of these categories may be retained as part of an undivided open space parcel, or may be subdivided as individual open space parcels, provided that each parcel is capable of meeting one or several of the criteria listed below and is at least 20 acres in size. In no case may designated open space, whether held as a single parcel or subdivided into several parcels, be eligible for future development.

- i. Farm Reserve - land that has been cleared for use as cropland, pasture or meadow and which shows up as cleared area on the most recent aerial photography and which is of adequate size and configuration to continue to function as cropland, pasture or meadow.
- ii. Woodland Reserve - the portion of a pre-existing and/or afforested forest that is to remain contiguous and undisturbed by roads, buildings, and lawns and which is of sufficient acreage to allow for timber production or wildlife management.
- iii. Conservation open space - wetlands, floodplains, steep slopes, streams and their buffers.
- iv. Community Recreation open space - recreational open space as required in Section 7-1.06.P.

- v. Public Access Open Space:

Land that is to be deeded to a government agency or non-profit land trust which agrees to provide public access to any dedicated open space it owns or manages for the purpose of providing space for parks, playgrounds, green spaces or other recreational purposes and/or for the protection of sensitive areas.
- vi. Forest buffer open space - land that meets the criteria for buffer areas listed in Section 5-2.01.D.5.b.
- b. Preservation of Open Space
 - i. Conservation Easements for the Retention of Open Space
 - (a) Concurrent with the recording of a subdivision, a conservation easement on any land designated as public or private open space under the provisions of this Section of the Calvert County Zoning Ordinance shall be deeded to the County or a County-approved designee to further ensure that the designated open space will remain undeveloped in perpetuity.
 - (b) The conservation easement shall be solely for the purpose of ensuring that the land remains undeveloped and shall not, in any way, imply the right of access onto the property or any other right or obligation not expressly defined under the terms of the easement.
 - ii. Deed Covenants and Owner's Certificate

Covenants in the deeds of all property owners (including owners of lots and owners of open space) and an owner's certificate on the recorded plat shall state that the open space shall not be used as building sites for residential, commercial, or industrial development. Structures accessory to on-site farming, forestry and subdivision recreation purposes are permitted. Within Farm Communities, covenants in the deeds of all property owners and a note on all subdivision plats shall also state that farming practices that may conflict with residential use activities will be occurring on adjacent lands and are permitted by right.
- c. Ownership of Open Space
 - i. The owner of record at the time of subdivision shall have the option of retaining title or conveying, at his/her discretion, any and all parcels of open space created through the subdivision process.
 - ii. Any parcel of open space which is not retained by the owner of record at time of subdivision or acquired by the County for the purpose of providing trails, parks, playgrounds, green spaces or other recreational amenities may be sold or otherwise conveyed to an individual, organization or governmental entity.

5-3.01 Purpose

- iii. Any individual, organization or governmental entity which holds title to any parcel of open space may elect to grant community or public access to that parcel or may elect to convert that parcel into any one of the various categories of open space for which it qualifies.
 - iv. The disposition of open space parcels shall be determined prior to final plat. If any portion or portions of the open space are to be held by a Homeowners' Association, it shall be governed by covenants addressing the method of maintenance, maintenance fee and insurance arrangements, mandatory membership and assessment requirements, sales disclosure (public offering statement), improvement of common property, timing of conveyance of common property, timing of governance transition to the Homeowners, and maximum assessments.
- d. Exception to Open Space Requirements:
- In the event the applicant is not proposing to create all of the lots permitted on the parent tract and wishes to reserve the right to develop the additional lots at a later time, up to three lots may be created from the parent tract as of January 1, 1993 prior to meeting the provisions in this Section provided that:
- i. A note is placed on the plat indicating the number of lots to which the residue is entitled. Such lots shall be subject to the provisions of Section 5-2.01.E and
 - ii. The residue includes enough acreage to meet the minimum open space requirements for the lots created and the number of permitted lots remaining on the residue and
 - iii. All of the other provisions in this Section are met.

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

Note: The provisions in this Section apply to all residential projects involving townhouse, single-family attached, and/or multi-family units or a mix of housing types that includes single-family detached. However, the provisions of this Section do not apply to attached dwellings permitted in the Rural Community District (RCD). See Section 3-1.03 for conditions that apply to such uses. These provisions are subordinate to any applicable Town Center Zoning Ordinance in effect.

5-3.01 Purpose

The purpose of this Section is to help ensure that townhouse, single-family attached, multi-family, and mixed residential developments will be designed to protect the health, safety and welfare of the residents within these communities as well as residents in the surrounding area; to protect the environment and to promote road safety and adequate vehicular and pedestrian circulation. The standards of this Section are designed to be flexible in order to promote innovative, high quality design.

5-3.02 Lot Size & Lot Width

No minimize lot size or lot width is required.

5-3.03 Setbacks

- A. Purpose: The purpose of requiring setbacks is to ensure that residents in the community and surrounding area will receive adequate light and air and will be able to maintain privacy and freedom from undesirable disturbance from neighbors.
- B. Building Setback from Streets
Purpose: To provide a visual and sound buffer between buildings and roadways.
 - 1. Setback from arterial: Minimum 100 feet
 - 2. Setback from County rights-of-way: Minimum 50 feet
 - 3. Setback from on-site local road measured from curb: Minimum 25 feet
- C. Building Setback from Adjacent Property
 - 1. Purpose: To protect the privacy of existing residents; to provide a visual transition between different housing densities and to help ensure compatibility with the existing character of the neighborhood.
 - 2. The minimum setback shall be 40 feet.

5-3.04 Building Arrangement and Site Design

- A. Purpose:
The purpose of imposing regulations governing building arrangement and site design is to help protect significant environmental, historic and archeological features, promote a sense of neighborhood and community identity and reduce the visual impact of high density residential developments on the surrounding area.
- B. Privacy, Light & Air
 - 1. Private outdoor spaces shall be visually screened from each other and from public travelways (vehicular and pedestrian) to a height of at least six feet. (To qualify, screening must be permanent, year-round and require little to no maintenance).
 - 2. Windows of individual units shall not directly face each other unless a minimum of 25 feet is provided between windows.
 - 3. At least one wall of each unit shall be provided with windows looking onto a space at least 50 feet by 50 feet in size.
 - 4. Each unit shall be designed to ensure adequate ventilation.
 - 5. Exterior siding and trim shall be the same on the fronts, sides and rears of buildings.
- C. All stormwater management requirements shall be met. Bio-retention areas are encouraged and shall be considered to meet the landscaping requirements. If a stormwater management pond is proposed, it shall be integrated into the overall development and serve as a visual amenity to the site.

5-3.05 Building Height

D. Protection of Significant Resources:

1. Where significant trees, groves, waterways, historic or pre-historic sites or unique habitats are located within the property boundaries of a proposed townhouse, single-family attached, multi-family, or mixed residential project, every possible means shall be provided to preserve these resources on site. In addition to identifying existing natural features as per Section 4-4.01.F of the Calvert County Zoning Ordinance, an inventory of existing on-site historic and archeological resources may be required prior to the issuance of a grading and clearing permit. (Failure to obtain a grading and clearing permit prior to grading and clearing will be grounds for denying a site plan for any townhouse, single-family attached, multi-family, or mixed residential project.)
2. In order to determine whether an inventory of any or all of the above resources is required, an application will be reviewed by the Department of Planning & Zoning to determine within 30 days of submittal whether any known significant resources are located on the property or whether the characteristics of the site suggest the probability of significant resources. In the event either of the above is found to be relevant, the applicant may be required to conduct an inventory according to criteria established by the Department of Planning & Zoning. In order to avoid any potential delays, the applicant may make a written request for a cultural resource assessment prior to submittal of a grading and clearing or site plan application. Applicants are strongly urged to complete the assessment and inventory process prior to site design so that the preservation of significant resources can be incorporated into the layout.
3. For the purposes of this Ordinance, a significant resource is defined as a resource that has been identified by applicable County, State or Federal agencies as having unique natural, historic or archeological significance.

E. Size and Scale and Building Mass

1. To avoid monotonous linear development dwelling units shall be organized into blocks separated by streets or in small clusters designed as neighborhood units. A cluster shall not include more than 50 units.
2. The number of units in a row is to be limited to a maximum of eight units.
3. Offsets (more than 18 inches) at party walls and/or front and rear facades and/or similar devices are required to visually reduce building mass and create individualized spaces (courtyards, seating areas, etc.).

5-3.05 Building Height

Building height shall be restricted as specified in Section 5-1.11 of the Calvert County Zoning Ordinance or any applicable Town Center Zoning Ordinance in effect.

5-3.06 On-site Pedestrian and Bicycle Circulation

- A. Purpose: the purpose of these requirements is to ensure adequate and safe pedestrian and bicycle circulation.
 1. Sidewalks are required along both sides of all streets. Minimum width is four feet. Sidewalks, trails, and bicycle paths shall be provided to link residences with parking lots, recreation facilities (including park land and open space), school and church sites and commercial developments.

2. The design and construction of sidewalks, trails, and bicycle paths will be evaluated on the basis of safety, accessibility, suitability for use by motor-impaired individuals, and surface suitability in terms of anticipated use and maintenance requirements. The applicant may be required to install hard surface sidewalks, trails, and bicycle paths adjacent to units and along pedestrian circulation routes connecting units with each other and with recreation or commercial areas. In less intensive areas, other pervious and non-erodible surface materials may be approved.
3. Outdoor lighting is required as per Section 6-6.01. Street lamps of the same or similar design as that adopted for Town Centers shall be used.

5-3.07 Vehicular Circulation – Roads

- A. Purpose: The purpose of these requirements is to promote road safety, assure adequate access for fire & rescue vehicles and promote adequate vehicular circulation.
- B. All roads must be constructed to Calvert County road standards and must be completed or bonded prior to the issuance of building permits. Upon completion, the applicant may petition the County for acceptance of townhouse or multi-family collector roads into the County Road System. On-site local roads shall be privately owned and maintained.
- C. Road Classifications and Minimum Standards.
 1. Townhouse/Single-family Attached/Multi-family/Mixed Residential Collector Road (Public)
 - a. Definition: serves as the principal traffic artery within:
 - i. a townhouse, single-family attached, multi-family, or mixed residential development of 100 or more units and/or
 - ii. a townhouse, single-family attached, multi-family, or mixed residential development which includes uses open to the general public and/or
 - iii. a townhouse, single-family attached, multi-family, or mixed residential development which provides access to through-traffic.
 - b. Minimum Standard: RD-5 with sidewalk, curb and gutter. The Department of Public Works (DPW) requires an RD-6 road with sidewalk, curb and gutter to serve as the principal traffic artery within a townhouse, single-family attached, multi-family, or mixed residential development of 150 or more units.
 2. Townhouse/Single-family Attached/Multi-family/Mixed Residential Local Road (Private).
 - a. Definition: serves as the principal traffic artery within a townhouse, single-family attached, multi-family, or mixed residential development of less than 100 units, provided the development does not include uses open to the general public and/or access to through traffic; serves as direct access from dwelling units to higher classification roads.

- b. Minimum Standard: RD-4 or RD-5 with sidewalk, curb and gutter depending upon the number of units. Maintenance of sidewalks and planting strips shall not be the responsibility of the County. In lieu of RD-4 or RD-5 road sections, the applicant may propose private rights-of-way with a minimum width of 30 feet, provided:
 - i. The minimum pavement width for a one-way street is 15 feet; if on-street parking is provided, the minimum road width shall be 18 feet.
 - ii. The minimum pavement width for a two-way street is 20 feet; if on-street parking is provided, the minimum road width shall be 25 feet.
 - iii. Parking is not permitted on a collector roadway.
 - iv. Sidewalks and planting strips shall be provided.
 - c. Construction standards: Paving construction specifications shall be as per the Calvert County Road Ordinance-Specifications and Design Standards (Chapter 104 of the Code of Calvert County) for the applicable road standard. Alternative construction standards may be proposed by the applicant where the goal is to create an architectural or natural effect. Approval may be granted in cases where construction standards equal or exceed the minimum standards.
3. Roads petitionable to the County for County ownership shall meet the right-of-way width standards of the Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County). Landscaping is permitted within private rights-of-way.
4. Road Design.
- a. Internal roads shall form an interconnected residential street network. Dead ends and/or cul de sacs are only permitted when the use of such will have the least effect on forests, sensitive areas and cropland and where they will contribute toward preserving and maintaining existing historic structures and cultural landscapes.
 - b. Roadways shall be landscaped as per Section 5-3.10 of this Ordinance.
 - c. In order to minimize traffic noise and conflicts between pedestrians and vehicles, buildings are to be located off the main road. If buildings are arranged along a block, the length of the block shall be no longer than 400 feet.
 - d. The use of one-way roads is encouraged where practical, in order to reduce the ratio of pavement to buildings and open space. Divided entrances or roadways with landscaped median strips are permitted, but not required on private roads.
 - e. The amount of road pavement should be minimized through efficient layout and design.
 - f. The applicant must demonstrate that access from a minor arterial to the site is adequate and will not endanger the safety of the general public.
 - g. During construction of the base road, recreation areas shall be graded and stabilized (see Section 5-3.11).

5-3.08 Parking and Parking Lots

- A. Purpose: The purpose of this Section is to provide for adequate parking for townhouse, single-family attached, multi-family, and mixed residential developments.
1. See Section 5-1.12 for the size and number of parking spaces required.
 2. Parking lot surfaces are to be a minimum of two inches of bituminous concrete. Alternative surface materials may be approved by the County Engineer where they equal or exceed these standards.
 3. Individual garages will not be counted as parking spaces. Individual driveways may be counted as parking spaces provided parking space size requirements are met and provided the spaces do not intersect sidewalks and planting strips so as to obstruct the sidewalks.
 4. Parking spaces, garages and parking lots should be located to the rear of buildings. Spaces in front of buildings between buildings and streets should be dedicated to sidewalks, private gardens and/or community spaces. Other alternatives, in descending order of preference include:
 - a. the front driveway accesses a garage behind the residence.
 - b. the garage is in front of the residence but it is turned so that it does not face the street.
 - c. the garage is set at least 10 feet behind the front of the residence.
 5. To avoid large expanses of paved parking area, the following provisions shall apply:
 - a. No more than 12 parking spaces will be permitted in a continuous row and the break between rows (island) must be landscaped with a minimum of one shade tree.
 - b. The ends of parking rows and landscape islands shall be a minimum of eight feet wide and shall be adequately landscaped with shade trees and shrubs.
 - c. Double rows of parking shall be separated by a minimum eight foot planting strip adequately landscaped with shade trees and shrubs. If only one double row of no more than a total of 24 spaces is provided in any given parking lot, this requirement may be waived.
 6. Parking area design shall include provisions for compliance with the Maryland Accessibility Code (MAC).

5-3.09 Outdoor Storage

- A. General requirements.
1. Outdoor trash receptacles for individual residences are to be screened from neighboring residences.

5-3.10 Landscaping

2. Large outdoor trash receptacles, such as dumpster boxes, shall be adequately screened and located so as to provide easy truck access and not conflict with parking or through traffic. Trash receptacles may not be located in residential parking spaces and must be on concrete or asphalt pads large enough to accommodate trash pick-up trucks.
3. A storage area for boats, recreational vehicles, trailers of all kinds, unlicensed vehicles and inoperative vehicles shall be provided. The area shall be a minimum of 200 square feet for every five units and shall be screened from the road and adjoining properties.

5-3.10 Landscaping

- A. Purpose: Landscaping is required in order to promote attractive development, to protect and preserve the appearance and character of the surrounding area and to help delineate and define vehicular and pedestrian passageways and open space within the development.
- B. General Requirements.
 1. All plant material installed shall be undamaged and of the best quality.
 2. All plant material installed shall be balled and burlapped or container grown. Bare-root plant material is acceptable, provided it is installed by a licensed nurseryman.
 3. All trees shall be a minimum one-and-a-half-inch caliper at installation.
 4. A maintenance agreement for the plant material shall be included in the property covenants.
 5. Plant material shall be bonded for one year. A planting schedule shall be included in the bond and shall be based on seasonal considerations.
- C. Screening.
 1. Purpose: the purpose is to protect residents and motorists from noise, glare, and uses which are visually incompatible with neighboring uses.
 2. High Screening (minimum six feet).
 - a. High screening is to be used where the objective is to completely conceal a use from general view. High screening is required to conceal loading areas, outdoor storage areas, trash disposal sites, and any other uses which are visually incompatible with neighboring land uses.
 - b. Materials:
 - i. Evergreens (where the minimum height is six feet at time of installation and where the plantings are capable of creating a continuous screen within three to five years. Evergreens may be planted in a close single row, staggered or offset rows or in clumps or groupings.
 - ii. Masonry.

- iii. Solid/opaque wood fencing or other alternatives may be substituted for plant material screening with the approval of the Planning Commission.
 - iv. Chain link and picket fences are unacceptable. Berms may be utilized in conjunction with any of the above or combinations of the above.
 - 3. Low Screening.
 - a. Low screening is required along the perimeter of parking lots in cases where the parking lots are visible from roads or adjacent (off-site) properties to conceal accessory uses that are four feet or less in height and to "enclose" outdoor spaces (such as pre-school play areas and playgrounds).
 - b. Materials.
 - i. Evergreens (where the minimum height at time of planting is 12 inches to 18 inches and two-and-a-half inches to four feet within three to five years and where the plantings are capable of creating a continuous screen within three to five years).
 - ii. Masonry.
 - iii. Solid/opaque wood fencing or other alternatives may be substituted for plant material screening with the approval of the Planning Commission.
- D. Buffering.
 - 1. Purpose: the purpose of buffering is to reduce the impact of the townhouse, single-family attached, multi-family, or mixed residential development on surrounding uses and to reduce noise levels generated by traffic, recreation areas and other uses within the development.
 - 2. Buffering needs to be capable of creating a forest canopy with deciduous trees spaced a minimum of 40 feet apart in staggered rows or clustered together with scattered groupings of evergreens.
 - 3. Building setbacks from adjacent properties and high noise generating uses are to be buffered.
- E. Landscaping within parking lots. Parking islands and ends of parking rows are to be landscaped with ground cover and at least one shade tree per island. A variety of shrubs and flowers are recommended in addition to the above. These areas are encouraged to be designed as bio-retention areas to accommodate stormwater management.
- F. Landscaping and sidewalks along roadways.
 - 1. Native shade trees shall be used and planted within a minimum five-foot planting strip.
 - 2. The spacing between trees shall be not less than 30 feet on center unless greater or lesser density is beneficial to a particular species.
 - 3. A minimum four-foot sidewalk shall be provided between the planting strip and building.
 - 4. Where divided roadways are provided, the median strip is to be landscaped.

5-3.11 Open Space & Recreation Requirements

5. In cases where sidewalks and planting strips are within the right-of-way, maintenance agreements shall be approved by the Department of Public Works.
6. Bio-retention areas are encouraged and shall be considered to meet the landscaping requirements. If a stormwater management pond is proposed, it shall be integrated into the overall development and serve as a visual amenity to the site.

5-3.11 Open Space & Recreation Requirements

- A. Purpose: The purpose of these requirements is to ensure that open space and basic recreational facilities are available on suitable land at appropriate locations within multi-family and townhouse communities. These requirements are being kept to a minimum in order to enable the applicant to design additional specialized recreational facilities, if desired.
- B. Basic minimum requirements: 0.05 acres of common open space per unit of which 10 percent (200 square feet per unit) is developed for active recreation and distributed as follows:
 1. Playing fields
 - a. Purpose: To provide for informal play close to home for children ages seven to 14. May also serve as net games area, "village greens", community house lawns and general open space. Playing fields may best be considered as community "back yards".
 - b. Minimum standards:
 - i. 150 square feet per unit (except as provided in paragraph 'd' of this Section)
 - ii. 1-5 units: exempt
 - iii. 6-25 units: 5,000 square feet; 75 feet by 75 feet
 - iv. 26+ units: 150 square feet per unit but in no case less than 10,000 square feet
 - v. size per field: 10,000 square feet
 - vi. dimensions: 100 feet by 100 feet
 - vii. Must be level, open ground, good drainage; must be visible from the residential units the playing field is to serve, and must be accessible to children without crossing arterials or collector roads; must not be adjacent to public roads unless physical barriers adequate to prevent children from running out into streets are provided. These playing fields shall be graded at the time of base road construction.
 - c. Method of calculating required number of fields:
 - i. Multiply total number of units by 150 square feet. Divide total by 10,000 square feet. The total number of required playing fields equals the whole number in the dividend. The remaining acreage is to be applied to other active recreation areas.

- ii. Example: 260 units multiplied by 150 square feet equals 39,000 square feet.
- iii. 39,000 square feet divided by 10,000 equals 3.9, equals three playing fields.
- iv. The remaining 9,000 square feet is to be applied to other active recreation areas.
- d. Exceptions: Variations in sizes and dimensions of playing fields may be approved provided they meet the purpose and criteria listed in (a) and (b) above. In cases where more than two fields are required, up to 30 percent of the required fields may be located on moderately hilly or wooded terrain. (Heavily wooded, steep ravines will not qualify.)

2. Miniparks

- a. Purpose: To provide informal outdoor seating areas close to home and at scattered locations throughout the community; to provide safe, enclosed outdoor spaces for preschoolers to play under adult supervision.
- b. Minimum Standards:
 - i. (seating areas/preschool play areas) - Minimum 15 square feet per unit.
 - ii. 1-5 units: exempt
 - iii. 15 square feet per unit but in no case less than 400 square feet.
 - iv. A wide variety of sizes and designs of miniparks may be approved provided they meet the purposes outlined above. The essential elements are: (a) permanent seating for three to six persons, (b) landscaping to provide shade and amenities and to define and enclose the boundaries of the space and (c) well-selected locations.
 - v. Miniparks may be as small as 10 feet by 12 feet and should generally be no larger than 40 feet by 40 feet. The majority of the minimum required square footage is to be provided directly adjacent to unit clusters. Building offsets may be used to create small miniparks (i.e., courtyards, squares). At least one minipark should be located adjacent to waterfront, tennis courts, community house or other centralized recreation areas in order to enable adults to "keep an eye on the children" while watching or participating in sports activities and/or to provide adults with opportunities for passive recreation in a social setting.

3. Paved Area

- a. Purpose: To provide facilities and space for basketball practice, handball practice, shuffleboard, roller skating, outdoor dances, formal net games. All ages, primarily 10 years to adult.
- b. Minimum Standards:
 - i. 21 square feet per unit
 - ii. Half court 50 feet by 42 feet

5-3.12 Construction and Maintenance Requirements

- iii. Whole court 50 feet by 84 feet
 - iv. Construction and materials specifications to be approved by the Division of Parks and Recreation.
 - v. Must be visible from residential units and/or public areas.
 - vi. Must have good drainage.
 - vii. Equipment: Half court - one basketball backboard and net; post holes for net games
 - viii. Whole court - two basketball backboards and nets; post holes for net games
 - ix. North/South orientation is strongly encouraged.
 - x. Seating: Half court - permanent seating for minimum of six persons; Whole court - permanent seating for minimum of nine persons
 - xi. When more than three paved areas are required, one shall be lighted. Paved areas shall be graded at the time of base road construction.
- c. Exceptions: Variations in size and dimensions may be approved provided they meet the purpose and criteria listed in (a) and (b) above.
4. Other.

The remaining required acreage may be utilized to provide a variety of recreational facilities including but not limited to: fishing piers, waterfront parks, outdoor theatre/concert areas, gazebos, racquet courts, tennis courts, fitness trails, garden plots, playgrounds, handball courts. Approval will be based on appropriateness to the age groups and population to be served, location, and construction and maintenance standards.

5-3.12 Construction and Maintenance Requirements

- A. In cases where common area and/or facilities are required, all required common area facilities must be completed by the time 70 percent of the total number of units have been issued use and occupancy permits. If a project is developed in sections, all open space requirements for the number of units in each section must be completed by the time 70 percent of the total number of units in each section have been issued use and occupancy permits. The number of units in a section may be no more than the number of units allocated for sewerage each year.
- B. Prior to the transfer of title of any individual units, the applicant must submit verification that covenants are incorporated and in effect and that they contain the following provisions:
1. All common areas and facilities and all residential unit areas are defined in the legal description and are consistent with the approved site plan. Common areas are not to be deeded to the association until they are fully completed.
 2. All owners within the development have a legal obligation to share the responsibilities for expenses associated with the management and maintenance of common areas and facilities.

3. All owners are granted perpetual easements or rights to the use of all common areas and facilities and all open space restrictions and reservations are permanent.
4. Owners are responsible for common areas and facilities as well as paying local taxes where applicable. The County will not be liable for recreation facilities or common areas.
5. A system for assessing all units, including those still owned by the developer, and collecting dues sufficient to maintain the common facilities is provided.
6. A statement that the Calvert County government has the right, under extreme circumstances, where the owners are unable to perform their responsibilities to protect health and safety, to maintain and operate the common areas or require a court-appointed trustee to administer the affairs of the owners, to assess the homeowners for the cost of this service and to provide a vehicle by which the homeowners can reassume management.

In addition, a statement must be provided and signed by the developer stating that all purchasers of units are to be fully informed of the existence of covenants, the extent of the common areas and facilities and the responsibilities of each homeowner to participate in the costs and maintenance of the common areas and facilities.

(05/12/09) 5-3.13 Adequate Public Facilities Requirements

The adequate public facilities requirements contained in Article 7, Subdivision Regulations, also apply to all townhouse, single-family attached, multi-family, and mixed residential development.

5-4 MANUFACTURED HOME COMMUNITIES

5-4.01 Administration

A. Introduction

1. This Section shall apply to the expansion of Manufactured Home Communities in existence as of the effective date of this amendment (05/01/06). Such communities shall be considered Non-Conforming Uses and the number of approved units in existence as of the effective date of this amendment may be permitted to expand up to 50 percent with Board of Appeals approval under the provisions of Section 2-6.01. However, such expansion shall not exceed the maximum density of six units per acre, excluding rights-of-way,
2. All units located within existing Manufactured Home Communities shall conform to the definition of Manufactured Home contained in Article 12. Conversion of any manufactured home to another type of housing shall require compliance with the density, lot size, and setback requirements of Article 5 for single-family detached dwelling units.

B. Approvals Required

Site Plan approval is required in order to construct, alter, or extend a Manufactured Home Community. Plans shall be prepared and submitted in accordance with provisions of Section 4-2. A building permit is required to install, alter, or extend a manufactured home.

5-4.02 Land Development Standards

A. Manufactured Home Community Development Requirements

1. Density. The overall density of the Manufactured Home Community shall not exceed six units per acre, excluding rights-of-way.
2. Lot Size. Lots shall be at least 5000 square feet for single-wide homes and 6000 square feet for double-wide homes.
3. Parking Requirements. Two parking spaces shall be provided for each unit. The space shall be located for convenient access to the home stands and shall be constructed with crushed rock or pavement.
4. Setbacks and Screening
 - a. Distance to Development Boundaries. The distance from the line or corner of any home to a boundary line of the development shall in no case be less than the following:
 - i. Where the adjoining land use (existing or permitted) is either a similar or higher density residential use or is a minor or collector street, not less than 50 feet containing a minimum of a 70 percent visually solid year-round landscape buffer six feet in height.
 - ii. Where the adjoining land use is an arterial street, a residential use of lower density, or a non-residential use, protection shall be provided by a 100-foot wide buffer area containing earth mounds, walls, solid or louvered fencing, open fencing with appropriate planting, or visually solid year round landscape buffer, six feet in height.
 - b. Distance Across Driveways. The distance from the line or corner of any stand to any stand on the opposite side of a driveway shall be 60 feet minimum.
 - c. Distance to Common Areas. The distance from the line or corner of the stand to a driveway pavement, a common parking area, a common walk or other common area shall be 15 feet minimum.
 - d. Distances Between Homes. The distance between home stands shall be no less than 20 feet. If structural additions to a home are anticipated in the planning program, design distances between homes must be computed on the assumption that the addition is already a part of the home or stand.
5. Buffer Areas. Note: These regulations shall not apply to expansions of up to ten units.

Undesirable off-site views shall be eliminated by retaining or providing visual buffers within the property boundary perimeter setback area.

- a. Screen plantings - shall consist of a mixture of evergreen and deciduous trees or shrubs which will be at least six feet in height and 70 percent solid within five years of planting.
- b. Screen fences - screen fences shall be visually attractive structures and constructed of durable, weather resistant materials.

- c. Earth mounds - earth mounds shall be limited to slopes which can be easily maintained (three to one for grassed slopes) and be used in combination with screen planting.
6. Access.
- a. General. All Manufactured Home Communities shall be provided with safe and convenient vehicular access from abutting public roads to each unit. Such access shall be provided by roads or driveways. Roads shall be designed and constructed in accordance with the Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County).
 - b. Entrance Roads. Note: These regulations shall not apply to expansions of up to ten units. Entrances to Manufactured Home Communities shall have direct connections to a public street and shall be designed to allow free movement of traffic on such adjacent public streets.
 - i. No parking shall be permitted on the entrance road for a distance of 100 feet from its point of beginning.
 - ii. Number of lanes, lane widths, and turning lanes shall be adequate for the anticipated traffic generated by the development during peak hours.
 - iii. Signs, landscaping and lighting should be integrated in a coordinated manner.
 - iv. Entrances should be focused on community buildings, facilities or natural features rather than on residential living areas.
 - c. Circulation. Note: These regulations shall not apply to expansions of up to ten units. The street system shall provide convenient and safe access to individual lots and community facilities, and insure safe pedestrian conditions within living areas.
 - i. A hierarchy of entrance, collector and local streets shall be provided.
 - ii. Entrance points shall be well-defined, uncluttered, safe and attractive.
 - iii. The street systems should relate logically to topographic conditions of the site.
 - iv. Lot frontage on entrance or collector streets should be minimized.
 - v. Curvilinear road systems with flowing horizontal and vertical alignments, designed for slow moving vehicles shall be encouraged.
 - vi. Street systems shall be developed in consideration of reasonable movement and placement of manufactured homes on individual sites.

7. Manufactured Home Community Designs

The Manufactured Home Community shall be designed to encourage accessibility to community recreation and service buildings. All stands shall be served by surfaced sidewalks. Community buildings shall have parking spaces nearby. Note: *The design of the Manufactured Home Community extension; for up to 10 units, may be in keeping with the existing conditions in the Manufactured Home Community.

8. Rights-of-way and Pavements. All rights-of-way within the Manufactured Home Community are intended to remain private and shall be constructed in accordance with the County Road Ordinance (Chapter 104 of the Code of Calvert County).
- a. Recognition of Existing Facilities. The street system shall be designed to recognize existing easements, utility lines, etc. which are to be preserved, and to permit connection to existing facilities where necessary for the proper functioning of the drainage and utility systems.
 - b. Access to lots. The street improvements shall extend continuously from the existing improved street system to the site. They shall provide suitable access to the stand and other important facilities on the property, adequate connection to existing or future streets at the boundaries of the property, and convenient circulation for vehicles.
9. Street Lights. Note: The design of the Manufactured Home Community extension, for up to 10 units, may be in keeping with the existing conditions in the Manufactured Home Community. Lighting shall be designed in accordance with Section 6-6 of this Ordinance.
10. Walks. Note: The design of the Manufactured Home Community extension, for up to 10 units, may be in keeping with the existing conditions in the Manufactured Home Community.
- a. General Requirements. All walks shall be convenient, of adequate width for intended use, durable and convenient to maintain.
 - b. Common walks shall be provided in locations where pedestrian traffic is concentrated; for example, to the entrance, and to the office and other important facilities. Common walks may be through interior areas removed from the vicinity of streets or along collector and entrance roads.
 - c. Width, Alignment and Gradient.
 - i. Width, alignment and gradient of walks shall be appropriate for safety, convenience and appearance, and shall be suitable for pedestrian use and for the circulation of small-wheeled vehicles such as baby carriage and service carts.
 - ii. Width shall generally be at least three-and-a-half feet for common walks.
 - iii. Sudden changes in alignment and gradient shall be avoided.
 - iv. Gradients should be between one-eighth inch per foot (one percent) and five-eighths inch per foot (five percent) wherever possible, especially in areas subject to ice conditions.

- v. Cross-slope generally shall be not more than one-quarter inch per foot (two percent) and not less than one-eighth inch per foot (one percent).
- vi. walks shall not be used as drainage ways.
- vii. Individual walks may be of paving stone, brick pavers, or concrete block to facilitate relocation (i.e., replacement of unit).

B. Individual Site Planning and Improvements

1. General

- a. Site planning shall adapt to individual site conditions, reflect advances in site planning techniques, and be adaptable to the trends in design of the home itself. Site planning shall recognize and utilize terrain, existing trees and shrubs and rock formations.
- b. Arrangement of Structures and Facilities. The site, including manufactured home stand, patio structures, and all site improvements shall be harmoniously and efficiently organized in relation to topography, the shape of the plot, and the shape, size and position of structures. Full attention shall be paid to use, appearance and livability. Special attention shall be given to new home designs and appurtenances that are available.
- c. Protection from Adverse Influences. Adequate protection shall be provided against any undesirable off-site views or any adverse influence (such as heavy commercial or industrial use, heavy traffic, or brightly lighted activities) from adjoining streets and areas.

2. Lot Markers & Manufactured Home Stands

- a. The limits of each lot shall be clearly marked on the ground by permanent flush stakes, markers or other suitable means.
- b. Location of lot limits on the ground shall be approximately the same as shown on the accepted plans. The degree of accuracy obtainable by working with a scale on the plan and then a tape on the ground is acceptable. Precise engineering of lot limits is not required either on the plans or on the ground.
- c. Provisions for supports shall be made every 12 feet on centers beginning from the front of the stand. Opened spacing at the rear line of the stand shall not exceed three feet.
- d. The stand shall include provisions for utility connections at locations specified in the appropriate utility section of this Standard.

3. Orientation of Home

Optimum Orientation. While orientation of homes perpendicular to the road is common practice, homes angled or parallel to the street are visually preferable.

- 4. Outdoor Living Area. Note: These regulations shall not apply to expansions of up to ten units.

Private outdoor living and service space shall be provided for each home. It shall be of a size, walled, fenced or planted as necessary to assure reasonable privacy.

- a. Location. The home shall be located for privacy, convenience and optimum use.
 - b. Size. The minimum area of the home shall be not less than 400 square feet with a minimum dimension of 20 feet.
 - c. Grading. Adequate crown or cross-gradient shall be provided for surface drainage.
5. Landscaping of the Individual Site or Lots. Note: These regulations shall not apply to expansions of up to ten units.

Lots shall have basic landscape improvements in keeping with the character of single-family residential neighborhoods. A reasonable amount of shade and visual relief shall be assured by tree preservation or planting, and lawns shall be established to prevent erosion of the soil.

Planting is required to the extent needed to provide for (1) screening of objectionable views, (2) adequate shade and (3) a suitable setting for the homes and other facilities.

- a. Screen Planting or fencing shall screen objectionable views and shall be 70 percent visually solid, and attain a height of six feet within three years. Views from outdoor living areas to be screened include laundry drying yards, garbage and trash collection stations, non-residential uses and rear yards of adjacent properties.
 - b. Shade trees. Each lot shall have at least one shade tree, hardy to the region, of two-and-a-half to three inches in caliper minimum at time of planting.
 - c. Lawn. Each lot shall have an even lawn cover established on all portions of the site not landscaped in another manner.
 - i. Lawn and ground cover shall be provided where needed to prevent erosion of swales and slopes.
 - d. Existing Planting. Acceptable as required planting to the extent that is equivalent suitable and preserved in good condition.
6. Skirting. Skirting is required and shall be of durable all-weather construction as manufactured specially for the purpose of covering the undercarriage area. Skirting shall be fastened in accordance with manufacturers instructions and provide for adequate ventilation as necessary.
7. Low Profiling. Low profiling or the lowering of the home to the ground by depressing the supporting foundation below grade will aid in concealing the undercarriage. It reduces the height of skirting required and eliminates the need of step arrangements for access to the unit. It is recommended that at least six inches of height be maintained between the ground and frame to allow adequate ventilation and that 24 inches be maintained to service all utility lines. Provisions must also be made to insure the area under the unit is maintained in a relatively dry condition.

8. Accessory Structures

- a. Scope. Accessory structures shall be dependent upon the home and shall not be used as complete independent living units with permanent provisions for sleeping, cooking and sanitation. Accessory structures including habitable rooms shall not be provided with such enclosed spaces as pantries, bath, toilet, laundries, closets or utility rooms.

Accessory structures shall not obstruct required openings for light and ventilation of the home and shall not prevent inspection of equipment and utility connections.

b. Accessory Structures:

- i. Awnings or Carports. An awning or carport may be erected, constructed or maintained on a lot only as an accessory to a home located on the same lot. An awning shall not be enclosed with rigid materials or walls or converted for use as a habitable room.
- ii. Location. An awning or carport may be erected on a lot line provided the awning or carport is constructed of material which does not support combustion. No separation is required between a free-standing awning or carport and an awning or carport located on the same lot, provided they are not structurally interconnected.
- iii. Dimensions. An awning or carport supported in part by a home shall not exceed 12 feet in width (projection) without additional supports as measured from the wall of the home to the outer edge of the awning or carport roof or shall not exceed the bearing capacity of the home and structural limits of the awning.
- iv. Exits from Awning Enclosures. An awning with enclosures of non-rigid materials shall have at least one door in the enclosure opening directly to the outside of the enclosure. The opening shall be no less than 28 inches in width nor less than six feet two inches in height. Two such door openings shall be provided from the enclosure when it encloses two doors of the home.

c. Home Additions. Homes on lots containing at least 6,000 square feet in size may be enlarged subject to the following requirements:

- i. Design and Construction. All additions shall be designed and constructed as a free-standing structure subject to the County Building Code. An addition shall be attached to a home with appropriate flashing or sealing materials to provide a weather seal.
- ii. Dimensions. The height of the addition shall not exceed the height of the home and shall be at least 20 feet from the nearest home.

The addition shall have a minimum ceiling height of seven feet from the finished floor. If the ceiling or roof is sloped, one-half of the sloped ceiling area shall meet the minimum ceiling height. No portion of any room having a ceiling height of less than five feet shall be considered as contributing to the minimum area recommended in Subsection 5-7.02.B.4.b. Habitable rooms shall be not less than seven feet in any horizontal dimension.

5-4.03 Community Facilities

- iii. Foundation and Floors. An addition may be set on piers and girders in lieu of continuous footings. Piers and girders and floors shall be designed and constructed to support the live and dead loads imposed on them in accordance with the County Building Code.
 - iv. Walls and Roofs. Walls and roofs shall be designed and constructed to withstand vertical, horizontal and lateral forces in accordance with standard engineering practice and the design criteria established by the County.
9. Storage. NOTE: These regulations shall not apply to expansions of up to ten units.
- a. Design, Location and Size of Storage Facilities.
 - i. Unless provided in current models, storage facilities shall be provided on the lot, or in compounds located within a reasonable distance, generally not more than 100 feet from each stand.
 - ii. It is recommended that storage sheds be placed to appear as an extension of the home, and to serve the multiple purpose of screening the outdoor living area or utility connections, but shall not be placed under awnings.
 - iii. Storage facilities shall be designed in a manner that will enhance the appearance of the development and shall be constructed of suitable weather resistant materials appropriate under the use and maintenance contemplated. They shall provide a minimum of 90 cubic feet of space.
 - b. Fuel Oil Storage. In areas where oil heating of a home is customary, a minimum 50 gallon fuel storage facility shall be provided in each lot.

5-4.03 Community Facilities

NOTE: These regulations shall not apply to expansions of up to ten units.

A. General

Community facilities should be provided to supplement the deficiencies caused by limited interior and exterior space of the manufactured home unit and its site. Facilities should meet the expected indoor and outdoor leisure time needs as well as provide common laundry facilities and office space for management. Storm shelter for park or subdivision residents should also be considered in providing this indoor space. Care must be taken in locating these facilities to ensure that they are safely accessible and convenient to all residents.

B. Location

1. Major community buildings and features to be used by all residents should be centrally located within the parks or subdivision development or easily accessible and convenient to all residents.
2. Minor recreation areas such as tot-lots should be located at scattered sites close to the groupings of homes they will serve.
3. School bus stops and centralized mail boxes shall be located in safe convenient areas.

4. Leisure areas should incorporate unique natural features such as streams, trees, and variations in topography.
- C. Access
1. Walkways along collector streets or internal pathways linking residential areas to community facilities should be provided.
 2. Separate off-street parking areas near community facilities should be provided. Normally no more than one parking space for each 10 dwelling units is needed.
- D. Ownership, Maintenance and Preservation of Common Open Space
- General. The developer shall make provisions which insure that the common open space land shall continue as such and be properly maintained.
- E. Recreation Facilities. Recreation Facilities shall be provided in accordance with Section 5-3.11 (Townhouse, Single-family Attached, Multi-family, and Mixed Residential Regulations).

5-4.04 Responsibilities

- A. Responsibilities of the Management
1. The management of the Manufactured Home Community shall provide adequate supervision to maintain the Manufactured Home Community in compliance with this Ordinance and to keep its facilities and equipment in good repair and in a clean and sanitary condition.
 2. The management shall notify the Manufactured Home Community residents of all applicable provisions of this Ordinance and inform them of their duties and responsibilities under this Ordinance.
 3. The management shall supervise the placement of each manufactured home including securing its stability and installing all utility connections.
 4. The management shall maintain a register containing the names of all Manufactured Home Community residents identified by lot number or street address. Such register shall be available to any authorized person inspecting the Manufactured Home Community.

5-5 AGE-RESTRICTED HOUSING COMMUNITIES

5-5.01 General Requirements for Age-Restricted Housing Communities

- A. Single-family Age-Restricted Housing Communities shall comply with the requirements for standard subdivisions with regard to lot density, lot size, setbacks, etc. contained in this Article and Article 7, Subdivision Regulations.
- B. Townhouse, Single-family Attached, Multi-family, and Mixed Residential Age-Restricted Housing Communities shall comply with Section 5-3.
- C. The following additional requirements shall apply to Age-Restricted Housing Communities:
1. The development shall include at least 20 residential units.
 2. All units shall be either handicapped accessible or handicapped adaptable.

3. Covenants shall be placed on the property that specify the age-restricted nature of the proposed community. Such covenants shall require the prior approval of the Board of County Commissioners and the Planning Commission and shall be in accordance with the federal Fair Housing Act, 42 U. S.C. §§ 3601 et seq., the Maryland Fair Housing Law, Md. Code Ann., Art. 49B, §§ 19, et seq., and this Zoning Ordinance, as amended from time to time. The covenants shall provide:
 - a. That all of the dwelling units are to be occupied by at least one Age-Qualified Resident;
 - b. That up to two dwelling units may, at the discretion of the Age-Restricted Housing Community Association, be occupied by persons none of whom is an Age-Qualified Resident if at least one of the persons intended to occupy the dwelling unit is a Special Resident;
 - c. That persons, at least 19 but under 55 years of age, may reside in a dwelling unit provided the person resided with the Age-Qualified Resident or Special Resident in the dwelling unit prior to the death of the Age-Qualified Resident or Special Resident or prior to the placement of the Age-Qualified Resident or Special Resident in a facility for the care of the elderly or the disabled;
 - d. That a person under 19 years of age may visit a dwelling unit as the guest of the occupants of a dwelling unit, provided that no person under the age of 19 may stay overnight in a dwelling unit for more than two consecutive weeks or for a total of more than 30 days in any 12-month period;
 - e. That except as otherwise required by the federal Fair Housing Act, 42 U.S.C. §§ 3601 et seq., the Maryland Fair Housing Law, Md. Code Ann., Art. 49B, §§ 19, et seq., no persons under 19 years of age may reside in any unit, except that a person under 19 years of age may reside in a unit occupied by a Special Resident;
 - f. That any provision of the covenants pertaining to the age-restricted nature of the community may not be amended without the approval of the Board of County Commissioners;
 - g. That none of the units may be converted to general housing unless: (a) conversion is approved by all unit owners, the Board of County Commissioners and the Planning Commission, (b) all of the units are converted, (c) all requirements of Section 7-1.05, Adequate Public Facilities, are met at the time of conversion, and (d) the building excise tax in effect at the time of conversion for the type of dwelling into which the units are converted shall be paid, less the amount of excise tax originally paid.