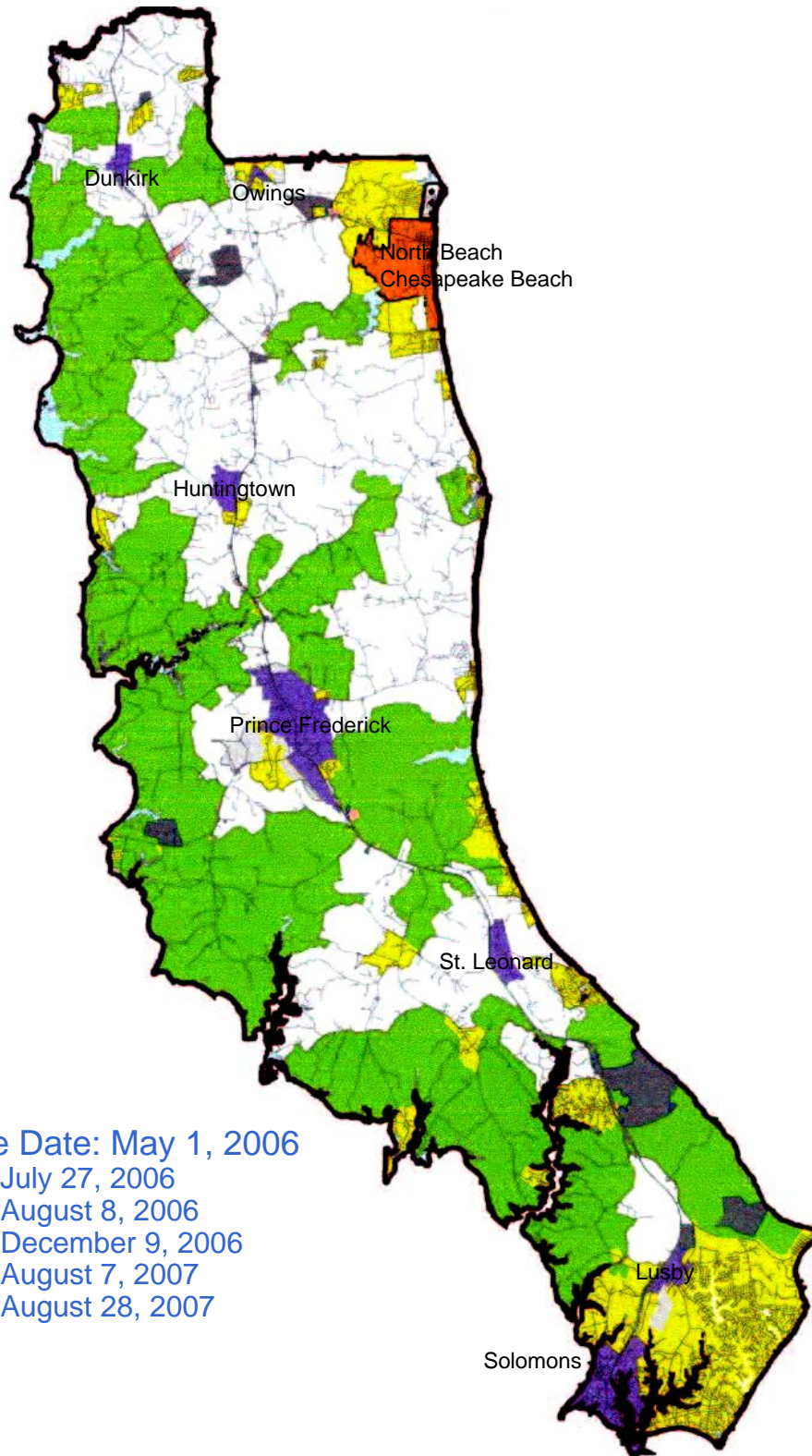


**AMENDMENTS TO THE  
CALVERT COUNTY ZONING ORDINANCE  
EFFECTIVE DATE OF AMENDMENTS: AUGUST 28, 2007  
Amendments Issued: October 9, 2007**

Z.O. Section	Article-Pg. #	Purpose of Amendment
1-7.01.B	Art. 1-Pg. 3	To clarify and specify that zoning violations apply to all types of permits, orders, and approvals.
3-1.03, Use #1 & Use #3 Article 12	Art. 3-Pg. 13 & 14 Art. 12-Pg. 1 & 4	To clarify definition of "Accessory Apartment" and add a definition for "Accessory Apartment over a Business".
5-2.01.D.5	Art. 5-Pg. 25 & 26	To (a) clarify when a front roadway buffer is required, (b) exclude APDs from having to provide a buffer, and (c) allow the Planning commission to modify the buffer requirements in certain circumstances.
6-11, 7-1.11, 11-1.04 & 11-2.01	Art. 6-Pg. 40 Art. 7-Pg. 30 Art. 11-Pg. 6 & 8	To clarify persons from whom appeals may be taken and to add a time limit for appeals to the Planning Commission.
7-1.06.Q & Article 12	Art. 7-Pg. 17, 18 Art.12-Pg. 9, 40,46	Article 7 Amendments: to specify conditions under which residue recorded on plats prior to 12/06 will be considered buildable. Article 12 Amendments: to add a definition of "Residue" and to amend the definitions of "Buildable Lot" and "Outlot" to further distinguish them from each other.
8-2.04	Art. 8-Pg. 43 & 44	To specify conditions for development on erodible soils adjoining streams and slopes 25% or greater.
8-3.04.H.2	Art. 8-Pg.58	To (a) specify that, in clustered subdivisions within the Farm & Forest District & Rural Community District, Forest Retention Areas (FRAs) must be placed outside the boundaries of lots (e.g., on open space), and (b) require conditions for locating the FRAs within lot boundaries in subdivisions where no open space is proposed.

**Note: A Revised Cover Page is also attached.**

# Calvert County Zoning Ordinance



Effective Date: May 1, 2006  
Revised: July 27, 2006  
Revised: August 8, 2006  
Revised: December 9, 2006  
Revised: August 7, 2007  
Revised: August 28, 2007

Also Available on the Dept. of Planning & Zoning's Website at:  
[www.co.cal.md.us](http://www.co.cal.md.us)

2. Whenever, upon inspection of any property, the Zoning Officer finds that conditions or practices exist which are in violation of this Ordinance, notice of the violation shall be given in accordance with Section 1-7.01.C of this Ordinance.

B. Zoning Violation Defined

(08/28/07)

1. A violation of this Ordinance occurs when there is:
  - a. any work on property which requires approval of the Zoning Officer and which
    - i. has not been approved, or
    - ii. exceeds the scope of, or is not in compliance with, any permit issued by the Department of Planning and Zoning and/or the Division of Inspections and Permits, or
    - iii. exceeds the scope of, or is not in compliance with, any order or action of the Planning Commission or Board of Appeals, or
    - iv. is otherwise not in compliance with this Ordinance.
  - b. any use of property which is not in compliance with this Ordinance.
2. The owner, tenant or occupant of a property shall not cause or allow a violation of this Ordinance and shall be jointly and severally liable for any such violation.

C. Notification, Correction

1. The Zoning Officer shall give notice of a violation of this Ordinance which shall:
  - a. be in writing,
  - b. state the nature of the violation,
  - c. state the conditions or actions necessary to correct or abate the violation, and
  - d. be served upon the owner, tenant or occupant of the property or their authorized agent by:
    - i. personal delivery, or
    - ii. certified mail, restricted delivery, to the last known address, or
    - iii. if certified mail is returned by the postal service marked "unclaimed", then by first-class mail, postage prepaid, to the last known address.
2. The owner, tenant or occupant shall be given a specific date (up to 60 days) to correct or abate the violation. The time period allowed for correction of violations shall be established as policy by the Board of County Commissioners. The time period for correction of the violation shall begin on the date of actual receipt of the notice of violation, provided that actual receipt of the notice shall be deemed to occur three days after the posting of the first-class mail if the mail is not returned as undeliverable by the postal service. If a Stop Work Order is issued, the procedures described in paragraph '3' of this Section shall be followed.

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

USE #	3-1.03 RESIDENTIAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
3.	Apartment, Accessory over a Business <i>A dwelling unit located over a business that functions as a complete, independent living facility with provisions for cooking, eating, sanitation, and sleeping. (08/28/07)</i>						C		C	C	C	<ol style="list-style-type: none"> <li>In the RC, MC, and EC Districts, the conditions of Section 5-1.05.B shall be met.</li> <li>If located on an Historically Districted property, only one apartment over a business shall be allowed and the business shall be a permitted or special exception use within Historic Districts. In addition, the requirements of Section 2-10.04 shall apply to Historic Districts.</li> </ol>
4.	Assisted Living Facility <i>A group home with more than 16 residents that provides housing and supportive services, including health-related services, in a home-like environment.</i>			SC								<ol style="list-style-type: none"> <li>The facility shall be operated in accordance with all applicable State and Federal requirements; and</li> <li>site plan approval shall be obtained in accordance with Article 6, <u>Non-Residential Development Requirements</u>.</li> </ol>
	Bed & Breakfast Facility <i>A residence where paying guests are lodged overnight and breakfast is the only meal served to overnight guests.</i>											
5.	Bed & Breakfast Facility with up to 2 Bedrooms in Use	C	C	C		C	C		C	C		<ol style="list-style-type: none"> <li>An owner or operator lives on the premises; and</li> <li>the facility shall be a part of the dwelling unit with the exception that existing non-conforming guesthouses may be used; and</li> <li>no separate kitchens shall be provided; and</li> <li>Fire Marshall and Health Department approvals shall be obtained; and</li> <li>breakfast shall be served to overnight lodgers only; and</li> <li>an Occupancy Permit for such use shall be obtained.</li> </ol>
6.	Bed & Breakfast Facility with 3 to 5 Bedrooms in Use	C	SC	C		C	C		SC	SC		<ol style="list-style-type: none"> <li>An owner or operator lives on the premises; and</li> <li>the facility shall be a part of the dwelling unit with the exception that existing non-conforming guesthouses may be used; and</li> <li>no separate kitchens shall be provided; and</li> <li>Fire Marshall and Health Department approvals shall be obtained; and</li> <li>breakfast shall be served to overnight lodgers only; and</li> <li>an Occupancy Permit for such use shall be obtained.</li> </ol>
7.	Boarding House <i>A dwelling or part thereof, in which the owner or operator provides lodging and meals to more than three boarders.</i>											

**ARTICLE 12  
DEFINITIONS**

<b><u>Term</u></b> (Date of Amendment)	<b><u>Definition</u></b>
Access	A way or means of approach to provide physical entrance to a property.
Accessory Apartment (08/27/07)	A second dwelling unit either within or added to a single-family detached dwelling, or in a separate accessory structure on the same lot as the principal dwelling, that functions as a complete, independent living facility with provisions for cooking, eating, sanitation, and sleeping.
Accessory Building or Structure	A building or structure on the same lot with, and of a nature customarily incidental to, a principal building or structure.
Accessory Use	A use on the same lot with, and of a nature customarily incidental to, a principal use, building, or structure.
Activities, Development	<b><u><a href="#">See: Development Activities</a></u></b>
Activities, Fisheries	<b><u><a href="#">See: Fisheries Activities</a></u></b>
Activity, Agricultural	<b><u><a href="#">See: Agricultural Activity</a></u></b>
Activity, Regulated	<b><u><a href="#">See: Regulated Activity</a></u></b>
Adaptive Re-use	A technique for leaving the outer shell of an old building intact and converting its interior to a more modern and profitable use.
Address, Premise	<b><u><a href="#">See: Premise Address</a></u></b>
Adult Bookstore	<b><u><a href="#">See: Adult Entertainment Business</a></u></b>
Adult Cabaret	<b><u><a href="#">See: Adult Entertainment Business</a></u></b>
Adult Drive-in Theatre	<b><u><a href="#">See: Adult Entertainment Business</a></u></b>
Adult Entertainment Business	Enterprises that provide activities characterized by live, closed circuit, or reproduced material, including print, audio, and audiovisual media, that has an emphasis on nudity and/or sexual activity and/or sexual stimulation. Adult entertainment businesses include but are not limited to the following types of establishments: adult bookstores, adult theaters, adult arcades, adult cabarets, gentlemen's clubs or shows, strip clubs or shows, burlesque clubs or shows, adult paraphernalia shops, and other establishments which feature a combination of activities or merchandise described above which collectively make up a substantial or significant portion of the establishment's activities or merchandise. The term adult entertainment business also includes other uses similar to the uses listed above, presenting material for patrons to view (live, closed circuit or reproductions using all types of media), and/or purchase or rent, a substantial portion of which is characterized by an emphasis on nudity and/or sexual activity and/or sexual stimulation, and limiting entrance to patrons who are over 18 years of age.
Adult Motion Picture Theatre	<b><u><a href="#">See: Adult Entertainment Business</a></u></b>

<p align="center"><b><u>Term</u></b> (Date of Amendment)</p>	<p align="center"><b><u>Definition</u></b></p>
Animals, Furbearing, Commercial Raising	<a href="#"><u><i>See: Commercial Raising of Furbearing Animals</i></u></a>
Animals, Structure for the Keeping of	<a href="#"><u><i>See: Structure for the Keeping of Animals (on non-farm properties)</i></u></a>
Animals, Wild or Dangerous	Animals that, by their very nature, are wild and potentially dangerous and, as such, do not adjust well to a captive environment, including but not limited to those considered by the State of Maryland to be wild or dangerous, such as: (i) fox, skunk, raccoon, or bear; (ii) Alligator or crocodile; (iii) Member of the cat family other than the domestic cat; or (iv) Any other mammalian wildlife species, or hybrids, for which there is no U.S.D.A. certified vaccine against rabies. (iv) Any poisonous snakes specifically in the family groups of Hydrophidae, Elapidae, Viperidae, or Crotolidae. Furthermore, reptiles greater than 6 feet in length shall be considered dangerous.
Animals, Wild or Dangerous, Commercial Raising	<a href="#"><u><i>See: Commercial Raising of Wild or Dangerous Animals</i></u></a>
Antenna	Any transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals or other communication signals. This definition includes omnidirectional (whip) antennas and panel antennas, and camouflaged or concealed antennas that are integrated into the architectural features of a building, such as church steeples. This definition does not include Satellite Dish Antennas (defined elsewhere).
Antenna, Satellite Dish	<a href="#"><u><i>See: Satellite Dish Antenna</i></u></a>
Antennas, Pre-Existing	<a href="#"><u><i>See: Pre-Existing Towers and Pre-Existing Antennas</i></u></a>
Antiques Sales	An establishment engaged in the selling of works of art, furniture or other artifacts of an earlier period. All sales and storage occur inside a building.
Apartment, Accessory	<a href="#"><u><i>See: Accessory Apartment</i></u></a>
Apartment, Accessory over a Business (08/28/07)	A dwelling unit located over a business that functions as a complete, independent living facility with provisions for cooking, eating, sanitation, and sleeping.
Appeals, Board of	<a href="#"><u><i>See: Board of Appeals</i></u></a>
Applicant	Relative to the Forest Conservation Program, a person who: (a) is applying for: (i) subdivision approval, (ii) a grading or sediment control permit, or (iii) project plan approval if the applicant is a State or Local Agency; or (b) has received approval of a Forest Stand Delineation or Forest Conservation Plan.
Approval, Preliminary	<a href="#"><u><i>See: Preliminary Approval</i></u></a>

(08/28/07)

5. Protection of Rural Character and Scenic Vistas

a. Buildings and roads shall be located in a manner that will maintain and 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

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

Olivet Road

Planters Wharf Road

Rousby Hall Road

Western Shores Boulevard

White Sands Drive

- (c) The front roadway buffer shall not be required on property that is designated as an Agricultural Preservation District (APD).

- 6. Fences & Buffers Adjacent to Farms & Agricultural Preservation Districts (APDs)
  - a. Fencing such as cattle fencing and chain link fencing may be required by the Planning Commission or its designee along the common boundary between subdivisions and farms or Agricultural Preservation Districts to protect farming operations from intruders (i.e., dogs and off-road vehicles) that can cause damage to crops and farm machinery.
  - b. Additionally, the Planning Commission or its designee may require a buffer measuring between 50 feet and 200 feet in width along the common boundary between subdivisions and farms or APDs. This requirement shall not apply to properties that are not eligible to create more than five lots or to owners who voluntarily restrict the number of lots to no more than five in perpetuity.
- 7. On-Site Roads

Exceptions to the Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County) may be approved by the County Engineer for the purpose of maintaining and/or creating a traditional rural community design, provided that the proposed exceptions are consistent with the Manual on Uniform Traffic Control Devices (MUTCD) and current American Association of State Highway and Transportation Officials standards (ASHTO).
- 8. Community Design
  - \*a. Buildings and roads shall be designed to promote a sense of community within the subdivision by creating a centralized community focal point such as a village green or community park, by providing on-site trails and walkways and by relating buildings to each other and to the designated open space within a coherent arrangement of buildings, open space and roads.
  - b. At minimum, buildings shall be arranged to avoid facing the front of a house onto the back of another house.
  - c. Trails, walks, and sidewalks shall be located outside the County right-of-way except where they must cross the right-of-way. Maintenance of trails, walks, and sidewalks shall be the responsibility of property owners.
- 9. Provision of Open Space for Community Use and Recreational Areas
  - a. All of the provisions in Section 7-1.06.P of this Ordinance shall be met.

2. Requirements for County Roads and County Intersections within the Town Centers

A level "D" service rating will be acceptable for County roads and County intersections within the Town Centers, after completion of the proposed development as well as all other existing and proposed development within the study area. However, in cases where roads and intersections are not adequate, site plan approval shall not be granted unless the applicant provides improvements to mitigate for the impact of the development. The Board of County Commissioners may waive this requirement in certain instances (see 'D' below).

3. Requirements for All State Roads and State Intersections (inside and outside the Town Centers)

The criteria listed in '2' above shall apply to all State roads and State intersections, regardless of whether or not they are located within a Town Center.

D. Waivers

The mitigation requirements of paragraph 'C.2' (above) may be waived by the Board of County Commissioners upon request by the applicant.

**6-11 APPEALS**

(08/28/07) 6-11.01 Appeals of Article 6

- A. Unless otherwise specified herein, any person aggrieved by any decision pertaining to the provisions of Article 6 made by the Director of Planning & Zoning, Planning Commission Administrator, the Zoning Officer, or other person may appeal said decision to the Planning Commission.
- B. An appeal noted under Paragraph 'A' of this Section shall be filed with the Planning Commission within thirty (30) days after the issuance of the decision on which the appeal is based.
- C. Appeals of decisions of the Planning Commission shall be noted with the Circuit Court of Calvert County. Appeals to Circuit Court shall be made in accordance with the Maryland Rules as set forth in Title 7, Chapter 200 within 30 days of the final decision of the Planning Commission.

## 7-1.11 Appeal

### (08/28/07) 7-1.11 Appeal

- A. Unless otherwise specified herein, any person aggrieved by any decision pertaining to the provisions of Article 7 made by the Director of Planning and Zoning, Planning Commission Administrator, the Zoning Officer, or other person may appeal said decision to the Planning Commission.
- B. An appeal noted under Paragraph 'A' of this Section shall be filed with the Planning Commission within thirty (30) days after the issuance of the decision on which the appeal is based.
- C. Appeals of decisions of the Planning Commission shall be noted with the Circuit Court of Calvert County. Appeals to Circuit Court shall be made in accordance with the Maryland Rules as set forth in Title 7, Chapter 200 within 30 days of the final decision of the Planning Commission.

### 7-1.12 Violations

A violation of any provision of Article 7 or a failure to comply with any requirement of Article 7 by any person, corporation, association, partnership, or the agent of any such person, may be processed as a Zoning Violation under the provisions of Section 1-7.

## 11-1.03 Other Appeals to the Board of Appeals

4. After holding a public hearing, the Board of Appeals shall issue a written Order revoking or reaffirming the special exception. If the special exception is reaffirmed, the Board may amend, add to, or delete any of the conditions of the original approval. The Board may also reaffirm the special exception subject to a schedule for correction of specified violations, with provisions for automatic revocation if the property is not brought into compliance within the time period specified by the schedule.
- G. If any application for a special exception is denied by a final order of the Board, a second application involving substantially the same subject matter shall not be filed within one year from the date of the final order. If any such denial by the Board is appealed to a higher Court and the Board's denial is upheld, a second application involving substantially the same subject matter shall not be filed within one year from the date of the final order of the Court.

### 11-1.03 Other Appeals to the Board of Appeals

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

### 11-1.04 Decisions on Alleged Errors

(08/28/07)

- A. Unless otherwise provided in this Ordinance, the Board of Appeals shall have the authority to hear and decide appeals where it is alleged that there is an error:
1. in any denial of an application for a building permit, or
  2. in any other order, requirement, decision or determination made by the Zoning Officer or the Zoning Officer's designee or any other administrative official in the administration and enforcement of this Ordinance. This provision does not include decisions made by the Planning Commission. See Section 11-2 for appeals of Planning Commission decisions.
- B. An appeal noted under paragraph 'A' of this Section shall be filed with the Board of Appeals within 30 days after issuance of the decision on which the appeal is based.
- C. An appeal to the Board of Appeals may be filed by:
- any person or any officer, department, board, or bureau of the County aggrieved by any order, requirement, decision or determination made by the Zoning Officer or the Zoning Officer's designee or an administrative official in the administration or enforcement of this Ordinance.
- D. In exercising its powers, the Board of Appeals shall have all the powers of the Zoning Officer or administrative official from whom the appeal is taken and may:
1. wholly or partly reverse the order, requirement, decision or determination; or
  2. wholly or partly affirm the order, requirement, decision or determination; or
  3. modify the order, requirement, decision or determination; or
  4. issue a new order, requirement, decision or determination.

**11-2 PLANNING COMMISSION**

(08/28/07) 11-2.01 Appeals to the Planning Commission

- A. In addition to the authority granted to the Planning Commission herein and by Article 66B of the Annotated Code of Maryland, the Planning Commission shall have the authority to hear appeals as specified by this Ordinance.
- B. The Planning Commission shall establish rules of procedure which shall set a reasonable time for the hearing of an appeal, provide for public notice, and set a reasonable time for rendering a decision after the hearing. At the hearing, any party may appear in person or be represented by an agent or attorney.

11-2.02 Appeals of Planning Commission Decisions

Notwithstanding any other provisions of this Article, any appeal from a decision of the Planning Commission shall be noted in the Circuit Court of Calvert County<sup>2</sup> by: (a) any person aggrieved by any decision of the Planning Commission, or (b) any taxpayer, or (c) any officer, department, board or bureau of Calvert County. Such appeal shall be taken according to the Maryland Rules as set forth in Title 7, Chapter 200, as amended from time to time, within 30 days of the Planning Commission's decision.

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<sup>2</sup> Note: Any appeal from a decision of the Planning Commission for architectural review of a project associated with a Category I Site Plan (See Section 4-2.01.B.3) shall be noted in the Circuit Court for Calvert County. Such appeal shall be taken according to the Maryland Rules as set forth in Title 7, Chapter 200, as amended from time to time, within 30 days of the Planning Commission's decision. Any appeal from a decision of the Planning Commission for architectural review of any project other than those associated with a Category I Site Plan may be appealed to the Board of Appeals. Such appeal shall be made in accordance with Section 11-1.04 of the Calvert County Zoning Ordinance within 30 days of the Planning Commission's decision.

- c. Equipment:
  - i. half court - one basketball backboard and net; post holes for net games, and permanent seating for a minimum of six persons.
  - ii. whole court - two basketball backboards and nets; post holes for net games, and permanent seating for a minimum of nine persons.
  - iii. north/south orientation is strongly encouraged.
- d. Lighting:
 

When more than three paved areas are required, one shall be lighted. Paved areas and lighting shall be included in the public works agreement and graded at the time of base road construction and completed with the final road surface pavement. All outdoor lighting shall comply with Section 6-6, Outdoor Lighting Ordinance.
- e. Exceptions:
 

Variations in size and dimensions may be approved provided they meet the purpose and criteria listed above.

4. Other Recreation Areas

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

5. Maintenance

- a. When lands or facilities are deeded to and accepted by the County, development, supervision and maintenance of such areas shall be the responsibility of the County.
- b. When areas are reserved for common use by all property owners in the subdivision, covenants and Homeowners' Association documents shall be provided for recordation with the final plats that shall provide for construction (by the developer), supervision and maintenance of such areas.

6. Land dedicated as open space shall be shown on the final plat as provided in Section 7-1.07.C.3.n.

(12/09/06)  
(8/28/07)

Q. Buildable Residue

- 1. The buildable residue, if any, in a recorded subdivision shall be labeled as such on the subdivision plat and shall meet the following conditions in order to be labeled as buildable residue:
  - a. the residue is of sufficient size to be subdivided into two or more lots meeting the requirements of the Zoning Ordinance and
  - b. the original parcel qualified as a buildable lot prior to the subdivision.
- 2. Parcels which do not meet the conditions of paragraph '1' of this Section shall be labeled as non-buildable residue on the subdivision plat.
- 3. The designation of a property as a buildable residue shall not be construed as a guarantee that the future subdivision of the buildable residue will be approved. Subdivision of the buildable residue shall be subject to the regulations in effect at the time it is subdivided.

4. Residue shown on a subdivision plat recorded prior to December 9, 2006 shall not be deemed buildable unless it met the size, density, dimension, and other requirements of this Ordinance at the time the subdivision was recorded. If the parcel is to be served by a private well and/or septic system, all required approvals by the Health Department shall be obtained.

7-1.07 Subdivision Review Procedures

There are three levels of subdivision review procedures, as described in the Sections that follow. They are: Concept Plan Review; Preliminary Plan Review; and Final Plat Review

A. Concept Plan Review

1. Prior to submittal of an official subdivision application, a concept plan shall be submitted showing existing features and all ultimate development with respect to lots, roads, and other site improvements located in accordance with the provisions of this Ordinance. The purpose of this approach is to resolve problems before extensive engineering begins. In the event that any of the individual provisions of this Ordinance, relating to the placement of lots and roads (Section 5-2.01), conflict with each other as applied to a given site, these conflicts shall be noted in writing by the applicant as part of the concept plan submittal. The Planning Commission or its designee may waive or reduce the requirement for a concept plan of the entire parent tract for certain minor subdivisions. Such waivers or reductions shall be granted on a case by case basis and limited to minor subdivisions where the proposal does not significantly impact the future layout and development of the parent tract (such as the creation of a lot containing an existing house or creation of a single lot on a large parent tract).
2. The concept plan submittal shall be accompanied by the following maps, each showing the boundaries of the proposed lots, the boundaries of the parent tract and the locations and boundaries of any lots created from the parent tract since June 29, 1967.
  - a. a soils map at a scale of one inch equals 600 feet (1" = 600'),
  - b. an aerial photograph at a scale of one inch equals 600 feet (1" = 600'),
  - c. a tax map at a scale of one inch equals 600 feet (1" = 600'), and
  - d. a topographic map at a scale of one inch equals 600 feet (1" = 600'),
3. The plan shall also indicate:
  - a. all applicable zoning districts and district overlays with acreages for each,
  - b. gross tract acreage,
  - c. wetland acreage,
  - d. acreage in proposed rights-of-way,
  - e. net tract acreage (gross tract acreage minus wetlands and proposed rights-of-way acreage), and
  - f. areas of unsuitable land (Natural Resources Protection Areas as described in Section 8-2), and
  - g. Land uses of all adjoining properties.
4. The concept plan shall be reviewed at a Concept Review meeting by applicable County reviewing agencies and written comments shall be submitted to the applicant within 15 working days of the meeting.

<b>Term</b> (Date of Amendment)	<b>Definition</b>
Buffer, Front Roadway	<a href="#"><u>See: Front Roadway Buffer</u></a>
Buffer, Stream	<a href="#"><u>See: Stream Buffer</u></a>
Buffer, Wetlands	<a href="#"><u>See: Wetlands Buffer</u></a>
Buildable Area	The area of a lot remaining after the minimum yard, sensitive area, and open space requirements of the Zoning Ordinance have been met.
Buildable Lot (08/28/07)	A lot approved by the Health Department and Planning Commission that meets the size, density, dimensions and other requirements of this Ordinance, and has, in addition to the required legal right-of-way, a completed road constructed to standards established in the Calvert County Road Ordinance.
Buildable Residue (12/09/06)	The portion of a buildable lot remaining as a result of the creation of one or more buildable lots by way of a subdivision plat approved by the Planning Commission and recorded among the land records of Calvert County, which meets Health Department requirements and meets the size, dimension, and other requirements of this Ordinance.
Building	A structure, not including a tent or trailer, having a roof, and supported by permanent columns or walls on the ground and used for shelter or enclosure of persons, animals or property of any kind.
Building Coverage	The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.
Building Height	The maximum vertical distance of a building or structure as 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.
Building Permit	Written permission issued by the Division of Inspections and Permits for the construction of a new structure or repair, alteration or addition to an existing structure.
Building Restriction Line	A line established by this Ordinance beyond which the foundation wall and/or porch, vestibule, deck, retaining wall, or other portion of a building or structure shall not project or extend. Stoops, entryways or roof overhangs (which do not contain living space), chimneys, sidewalks, heating and air conditioning units, and patios that are not elevated above ground level are excluded from building restriction line requirements.
Building, Accessory	<a href="#"><u>See: Accessory Building or Use</u></a>
Building, Agricultural Support	<a href="#"><u>See: Agricultural Support Building</u></a>
Building, Auction	<a href="#"><u>See: Auction Building</u></a>
Building, Farm	<a href="#"><u>See: Farm Building</u></a>
Building, Public or Governmental	<a href="#"><u>See: Public or Governmental Building</u></a>
Building, Retail Commercial	<a href="#"><u>See: Retail Commercial Building</u></a>

Outlot

<p style="text-align: center;"><b><u>Term</u></b> (Date of Amendment)</p>	<p style="text-align: center;"><b><u>Definition</u></b></p>
<p style="text-align: center;">Outlot (08/28/07)</p>	<p>(a) A lot created by subdivision approved by the Planning Commission but not as a buildable lot, as defined by this Ordinance. (b) A lot created by subdivision approved by the Planning Commission for the purpose of constructing public and community facilities (e.g., Public Utility Lines and Accessory Structures, stormwater management facilities, wastewater and water supply treatment facilities, etc.)</p>
<p style="text-align: center;">Overburden</p>	<p>The strata or material in its natural state, before its removal by surface mining, overlying mineral deposit, or in between mineral deposits.</p>
<p style="text-align: center;">Overlay District</p>	<p>A special district created for the purpose of imposing special regulations on given designated areas of the County to accomplish stated purposes.</p>
<p style="text-align: center;">Owner</p>	<p>An individual, firm, association, syndicate, partnership, or corporation having legal title to a piece of land.</p>
<p style="text-align: center;">Owner, Riparian</p>	<p><b><u><a href="#">See: Riparian Owner</a></u></b></p>
<p style="text-align: center;">Palustrine</p>	<p>All non-tidal wetlands dominated by trees, shrubs persistent emergent plants, or emergent mosses or lichens and all such wetlands that occur in tidal areas where the salinity due to ocean-derived salts is below one-half part per 1,000 parts of water.</p>
<p style="text-align: center;">Parcel</p>	<p>A unit of land identified by the Maryland Department of Assessments and Taxation as a separate entity for description purposes. May include an aggregation of lots, blocks, sections, or phases.</p>
<p style="text-align: center;">Park-and-Sell Lot</p>	<p>An outdoor or indoor space where owners of motor vehicles or watercraft display their motor vehicles and/or watercraft for sale or trade.</p>
<p style="text-align: center;">Parking Lot</p>	<p>A lot or portion thereof, used for the parking of transportation vehicles but not including motor vehicles which have been dismantled or wrecked or junked or for sale or parts thereof.</p>
<p style="text-align: center;">Parking Lot, Commuter</p>	<p><b><u><a href="#">See: Commuter Parking Lot</a></u></b></p>
<p style="text-align: center;">Parking of Commercial Motor Vehicles</p>	<p>The parking on a regular basis of motor vehicles that are commercially licensed and/or with business identification signs or lettering, including magnetic signs. This definition does not include the periodic parking of commercial motor vehicles on property for the purpose of conducting business on that property (e.g., service calls).</p>
<p style="text-align: center;">Parlor, Massage</p>	<p><b><u><a href="#">See: Massage Parlor</a></u></b></p>
<p style="text-align: center;">Parts, Automobile, Dismantling and/or Storage</p>	<p><b><u><a href="#">See: Automobile Parts Dismantling and/or Storage</a></u></b></p>
<p style="text-align: center;">Patron Areas</p>	<p>Indoor or outdoor areas of an eating establishment set aside for use by customers for eating, drinking, and/or waiting for service.</p>
<p style="text-align: center;">Perennial Stream</p>	<p>A stream that has a visible base flow except during periods of extreme drought. The hydrology is connected to the ground water and flows without the presence of storm events. These streams are determined by the identical methods as intermittent streams.</p>
<p style="text-align: center;">Permit, Building</p>	<p><b><u><a href="#">See: Building Permit</a></u></b></p>
<p style="text-align: center;">Permit, Sediment Control</p>	<p><b><u><a href="#">See: Sediment Control Permit</a></u></b></p>

Reserve, Hunting

<b>Term</b> (Date of Amendment)	<b>Definition</b>
Reserve, Hunting	<u><a href="#">See: Hunting Reserve</a></u>
Resident, Age- Qualified	<u><a href="#">See: Age-Qualified Resident</a></u>
Resident, Special	<u><a href="#">See: Special Resident</a></u>
Residue (08/28/07)	The portion of a lot remaining after the creation of a minor or major subdivision.
Residue, Buildable	<u><a href="#">See: Buildable Residue</a></u>
Residue, Non- Buildable	<u><a href="#">See: Non-Buildable Residue</a></u>
Resource, Renewable	<u><a href="#">See: Renewable Resource</a></u>
Restaurant	<u><a href="#">See: Eating Establishment</a></u>
Restaurant, Fast- Food	<u><a href="#">See: Eating Establishment</a></u>
Restrictive Covenant	A restriction on the use of land usually set forth in the deed.
Resubdivision	The further subdivision of an existing recorded subdivision for additional lots and/or roads.
Retail	The sale, rental, or leasing of goods or commodities directly to the public.
Retail Commercial Building	A building that houses a commercial retail establishment that either stands alone or is connected to other buildings by a common wall having no entrances or exits. A commercial retail building may include more than one retail establishment and/or service.
Retail Commercial Building with Drive- up Facility	A commercial retail building that includes a structure or part of a structure designed to accommodate patrons' motor vehicles, from which the occupants of the motor vehicle may make purchases or transact business. This definition does not include Eating Establishments with Drive-up Facilities.
Retail Commercial Establishment	A business engaged in the retail sale, rental or leasing of goods or commodities.
Retail Nursery	An area or establishment where trees, shrubs or plants are grown for transplanting, for use as stock for budding and grafting or for sale directly to the general public.
Retention	The deliberate holding and protecting of existing trees, shrubs or plants on the site according to established standards as provided in the Maryland Forest Conservation Technical Manual.
Retreat, Day	<u><a href="#">See: Day Retreat</a></u>
Revised Subdivision	Revisions to an existing, proposed, or recorded subdivision.
Rezone	To change the zoning district classification of particular lots or parcels of land.
Rezoning, Comprehensive	<u><a href="#">See: Comprehensive Rezoning</a></u>

8-2.03 Floodplain Area

## A. Purpose

1. Storm events (hurricanes and heavy rainstorms) may cause severe flooding in coastal areas and upland drainage ways in Calvert County. Loss of life and property during flooding is the result of improper placement and inadequate protection of structures in floodplain areas.
2. Regulations governing development in and adjacent to floodplains are designed to protect the property and lives of residents and to meet State and Federal requirements.

## B. Boundaries

Floodplains may be identified in one of three ways:

1. Land identified on the Flood Insurance Rate Maps (FIRM),
2. Land at or below base flood elevations as indicated on topography maps prepared by a Surveyor or Engineer licensed by the State of Maryland and based on the National Geodetic Vertical Datum (NGVD), and
3. Land composed of alluvial soils (My soils) on United States Department of Agriculture (USDA) Soil Survey Maps for Calvert County. If the FIRM depiction of the floodplain and the flood elevations disagree, the topography maps based on NGVD shall prevail.

## C. Detailed regulations and maps are hereby made a part of this Ordinance but maintained in a separate document entitled Calvert County Floodplain Management Ordinance and in separate maps entitled Calvert County Flood Insurance Rate Maps.

## D. Conditions for existing lots or parcels

All new development and redevelopment shall meet the requirements of the Calvert County Floodplain Management Ordinance.

## E. Conditions for new subdivisions

New subdivisions shall be designed to locate all house sites out of the 100-year floodplain area.

(08/28/07) 8-2.04 Erodible Soils Adjoining Streams and Slopes 25 Percent or Greater

## A. Purpose

Regulations governing development on erodible soils adjoining streams and slopes 25 percent or greater are designed to protect County and State waterways from the negative effects of siltation and nutrification.

## B. Background

The most severely erodible soils in Calvert County are SrE and ErE soils. These soils are associated with steep slopes and represent a severe loss of stabilizing top soil and most subsoils.

## C. The following conditions apply to existing lots or parcels in all Zoning Districts and all properties in the Employment Center (EC) and Town Center (TC) Districts (regardless of whether the lot existed as of the effective date of this Ordinance). Structures, grading and/or clearing are not permitted either on slopes 25 percent or greater or on SrE and ErE soils within 100 feet of a perennial or intermittent stream unless the applicant demonstrates that the following conditions are or will be met:

## 8-2.05 Wetlands

1. A structural or geotechnical engineer licensed by the State of Maryland shall certify that soil conditions will support the proposed construction.
2. Super silt fences or other perimeter controls required by the Soil Conservation Service shall be installed and maintained around the disturbed area.
3. After final grade is established, vegetative matting or sod shall be installed and the site shall be permanently stabilized to prevent erosion.
4. A reforestation plan shall be developed to replant any remaining unforested area between the improvements and any adjoining stream.
5. If the affected area is designated "conservation area" on a record plat, then the disturbance and construction shall require approval by the Planning Commission.
6. If a point discharge is created, discharge from structural practices shall not be directed toward steep slopes unless adequate measures to prevent erosion are provided as approved by the County Engineer.

The agency reviewing the proposed development for site plan, plot plan, building permit, or other approval shall be responsible for determining whether or not the conditions have been met and whether adequate environmental protection is being provided.

- D. Conditions for lots created after the effective date of this Ordinance (05/01/06) (except in the EC & TC Districts. See paragraph 'C' of this Section for conditions in these Districts). The agency reviewing the proposed development for site plan, plot plan, building permit, or other approval shall be responsible for determining whether or not the conditions have been met and whether adequate environmental protection is being provided.
1. No structure, grading or clearing shall be permitted on SrE and ErE soils within 100 feet of a perennial or intermittent stream.
  2. No structure, grading or clearing shall be permitted on existing slopes 25 percent or greater or within 10 feet of the steep slopes.
  3. If the Planning Commission or its designee approves that the slopes can be graded out to less than 25 percent for construction of roads to provide access to lots, then conditions 4 through 7 apply.
  4. Areas shown as conservation areas or Forest Retention Areas on recorded subdivision plats shall not be disturbed.
  5. Super silt fences or other perimeter controls required by the Soil Conservation Service shall be installed and maintained around the disturbed area until final grade is established.
  6. After final grade is established, if slope is greater than 10 percent, then erosion control matting or sod shall be installed to prevent erosion.
  7. Temporary fencing shall be installed to delineate areas not to be disturbed.

## 8-2.05 Wetlands

### A. Purpose

Regulations governing development in and adjacent to wetlands are intended to protect wetlands from the negative effects of siltation and nutrification caused by development. It is the purpose of the County to achieve no significant loss of wetlands.

### B. Boundaries

Boundaries are as delineated and verified by qualified professionals as meeting the definition of jurisdictional wetlands according to State and/or Federal regulation.

- a. Trees, shrubs, and plants located in sensitive areas including the 100-year floodplain, intermittent and perennial streams and their buffers, steep slopes, nontidal wetlands and their buffers, and habitats for rare, threatened, and endangered species;
- b. Contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site;
- c. Trees, shrubs, or plants determined to be rare, threatened, or endangered under:
  - i. The federal Endangered Species Act of 1973 in 16 U.S.C. §§1531--1544 and in 50 CFR Part 17,
  - ii. The Maryland Nongame and Endangered Species Conservation Act, Natural Resources Article, §§10-2A-01--10-2A-09, Annotated Code of Maryland, and
  - iii. COMAR 08.03.08;
- d. Trees that:
  - i. Are part of a designated historic site,
  - ii. Are associated with a designated historic structure, or
  - iii. Have been designated by the State or the County as a national, State, or County champion tree; and
- e. Any tree having a diameter measured at four-and-a-half feet above the ground of:
  - i. 30 inches or more; or
  - ii. 75 percent or more of the diameter, measured at four-and-a-half feet above the ground, of the current State champion tree of that species as designated by the Department of Natural Resources (CCFCM, Appendix M) and as determined in a standard Forest Stand Delineation.

(08/28/07)

2. Location of Forest Retention Areas (FRAs)

All retention areas located on land zoned Farm & Forest District or Rural Community District and that are part of a clustered subdivision shall be placed outside of the lot areas. In all other instances, when the FRAs are allowed and proposed within the lot lines, the FRAs shall be contiguous with FRAs on other lots or open space. If the entire FRA is located on one lot, it shall be in large contiguous blocks. The Building Restriction Lines shall be 10 feet from the FRAs.