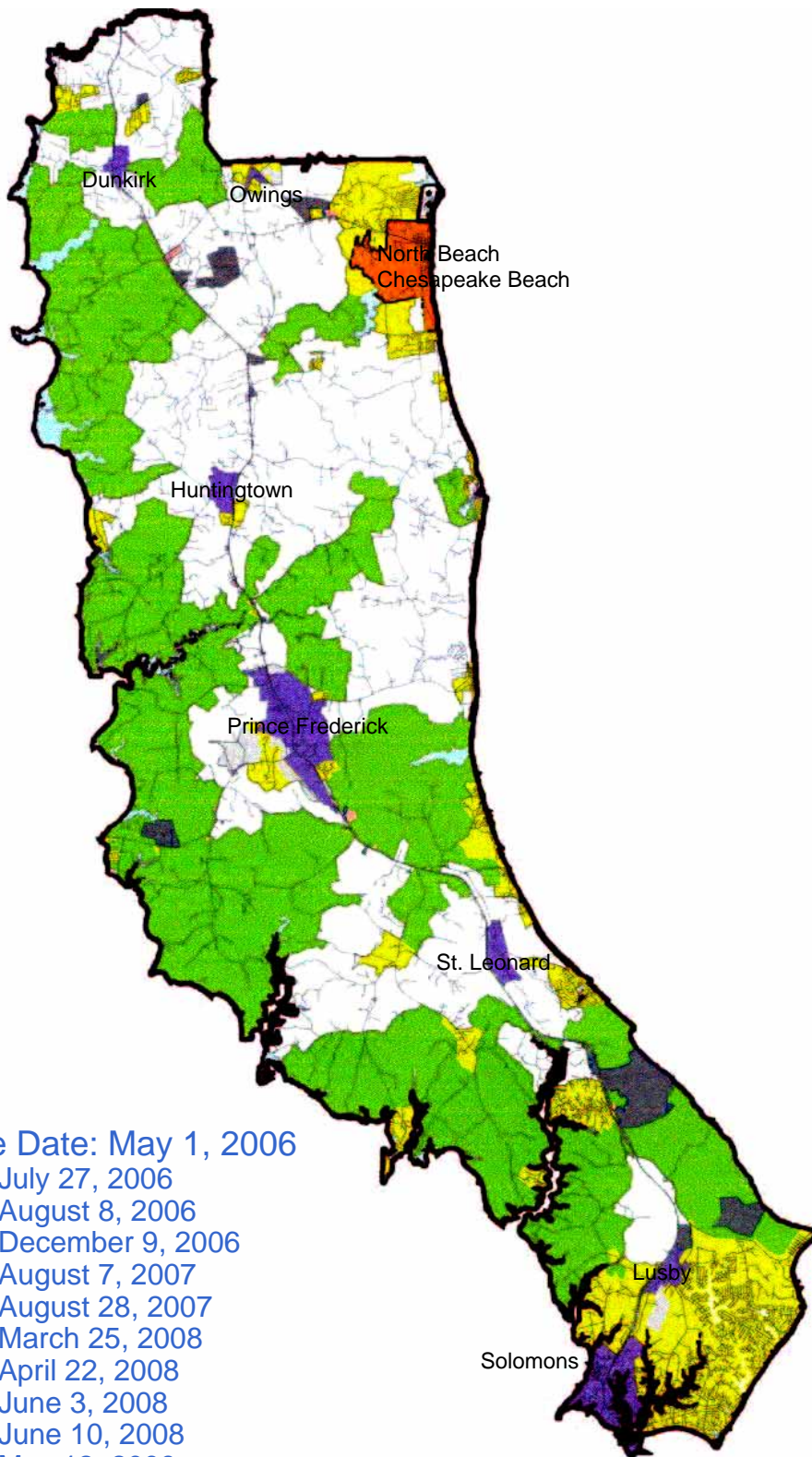


AMENDMENTS TO THE CALVERT COUNTY ZONING ORDINANCE
EFFECTIVE DATE: MAY 12, 2009
 Amendments Issued: May 15, 2009

Z.O. Section(s)	Article & Pg. #	Description of Amendment
3-1.02, Use #12, 14 & 16	Art. 3 pg. 8-10	Amend definition of "Farm Winery" and add conditions addressing retail sales at "Farm Breweries", "Farm Distilleries", and "Farm Wineries".
3-1.02, Use #26	Art. 3 pg. 12	Allow Veterinary Hospitals and Clinics for Small Animals and Household Pets as a Conditional Use in Historic Districts.
4-2.01.D & E 4-2.02.A & B 4-3 4-5	Art. 4 pg. 4 Art. 4 pg. 5 Art. 4 pg. 7 Art. 4 pg. 10	Clarify the site plan review process.
5-1.04.D.2	Art. 5 pg. 9	For density calculations in the RD Residential District, specify that calculations shall be rounded down to determine the number of conventional lots permitted.
5-3.13	Art. 5 pg. 41	Add new Section 5-3.13 referencing the provisions of Section 7-1.05, Adequate Public Facilities
6-1	Art. 6 pg. 4	Amend screening requirements for reduction of rear and side setbacks by the Planning Commission Administrator.
6-4.01	Art. 6 pg. 18	Add a requirement that permanent road access must be provided to non-residential developments.
6-7.01.B	Art. 6 pg. 29	Allow the Planning Commission or its designee to request a recommendation from the appropriate Town Center Architectural Review Committees for Site Plans in EC Employment Center Districts prior to approval.
6-8.05.H.2	Art. 6 pg. 34	Correct wording to specify that informational signs shall be erected no more than 30 days prior to the event (rather than no less than 30 days, as currently worded).
6-11	Art. 6 pg. 40	Clarify the site plan review process.
7-1.05.A&B	Art. 7 pg. 3	Change "subdivision" to "development" for consistency.
7-1.11	Art. 7 pg. 30	Clarify the site plan review process.
9-4.05.C	Art. 9 pg. 4	Add "or authorization" to the provision requiring State and Federal approval for waterfront uses requiring a County building permit, to be consistent with current State policy.
11-2	Art. 11 pg. 8	Clarify the site plan review process.
Art. 12	Art. 12 pg. 22	Amend definition of "Farm Winery"

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

Revised: March 25, 2008

Revised: April 22, 2008

Revised: June 3, 2008

Revised: June 10, 2008

Revised: May 12, 2009

Also Available on the Dept. of Planning & Zoning's Website at:

www.co.cal.md.us

USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
1.	Animal Husbandry <i>The care and/or breeding of livestock on a farm and raised for sale or profit, including but not limited to the following animals: horses, cattle, sheep, swine, goats, bison, llamas, alpacas, rabbits, and poultry.</i>	P	C	C		P	C		P			<ol style="list-style-type: none"> Size of the parcel is three acres or more; and the property qualifies for and receives an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation.
2.	Aquaculture, Freshwater and Land-based <i>The culture of aquatic species under natural or artificial conditions in freshwater ponds, tanks, raceways or other freshwater impoundments. This definition excludes commercial seafood processing, packing and storage plants. When aquaculture is clearly accessory to other land uses such as raising fish on the same site in conjunction with recreational uses, or for personal, noncommercial purposes, it shall be subject to zoning ordinance requirements for the principal use.</i>	C	C			C	C	C		C		<ol style="list-style-type: none"> In all Districts, any water discharged shall be treated through land application. In the Farm and Forest District, a minimum of one (1) acre shall be provided for every 1000 square feet of building space. All structures used for aquaculture which contain more than 1000 square feet must be located at least 100 feet from all property lines. In the Rural Community District and Historic Districts, only freshwater impoundments are permitted.
3.	Aquaculture, Marine/Estuarine <i>The culture of salt-tolerant aquatic species under natural or artificial conditions in tidal waters and coastal ponds including, but not limited to: fish farming utilizing pens, tanks or impoundments; the culture of shellfish on the bay floor or stream or river beds, in cages, or suspended from structures in the water, and the culturing of aquatic plants. This definition excludes commercial seafood processing, packing and storage plants. When aquaculture is clearly accessory to other land uses such as raising fish on the same site in conjunction with recreational uses, or for personal, noncommercial purposes, it shall be subject to zoning ordinance requirements for the principal use.</i>	C	C	C	C	C	C			C		<ol style="list-style-type: none"> In all Districts, all structures shall meet the lateral line setback requirements and those setbacks may not be reduced. In the Rural Community and Residential Districts: <ol style="list-style-type: none"> the aquaculture operation shall be part of a controlled environmental remediation project; and no pens, tanks, or impoundments are permitted on land; and the operation shall be limited to the raising of shellfish and aquatic plants only.
4.	Commercial Greenhouse, Retail <i>A structure or building made with translucent or light transparent walls conducive to plant growth, in which plants, vegetables, and flowers are grown for retail sale.</i>	C	SC	SC		C	C		P			<ol style="list-style-type: none"> Outdoor lighting of the sales area is permitted subject to Article 6; and the retail greenhouse shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and the sales inventory shall include plant materials and their containers only; and the use shall not be permitted on a lot or open space within a subdivision.

USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
5.	Commercial Greenhouse, Wholesale <i>A structure or building made with translucent (light transparent) walls conducive to plant growth, in which plants, vegetables, and flowers are grown for wholesale purposes only.</i>	C	SC	SC		C	C	P	P		P	<ol style="list-style-type: none"> Outdoor lighting of the sales area is permitted subject to Article 6; and the wholesale greenhouse shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and the sales inventory shall include plant materials and their containers only; and the use shall not be permitted on a lot or open space within a subdivision.
6.	Commercial Kennel with indoor facilities only <i>An establishment in which household pets are kept or boarded for a fee entirely within an enclosed structure.</i>	C	C			C	C		C			<ol style="list-style-type: none"> all structures or accessory uses shall be at least 100 feet from any property line and 100 feet from a right-of-way. These setbacks may not be reduced; and the use shall not be permitted on a lot or open space within a subdivision.
7.	Commercial Kennel with outdoor facilities <i>An establishment in which household pets are kept or boarded for a fee where outdoor facilities such as runs, pens, and walking areas are provided.</i>	C	C			C			C			<ol style="list-style-type: none"> all structures or accessory uses shall be at least 500 feet from any property line and 300 feet from a right-of-way. These setbacks may not be reduced; and the use shall not be permitted on a lot or open space within a subdivision.
8.	Commercial or Non-Profit Stable or Horseback-Riding Club <i>An establishment in which horses are kept, trained, boarded handled, or ridden for a fee</i>	C	C			C	C		C			The property shall contain a minimum of five acres.
9.	Commercial Raising of Dangerous or Wild Animals <i>Commercial Raising of Dangerous or Wild Animals -- The production for commercial purposes of any creature defined as dangerous or wild by this Ordinance (see Dangerous or Wild Animals). Dangerous or Wild Animals – 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 lions, tigers, wolves, bears, reptiles, and non-human primates.</i>											
10.	Commercial Raising of Fur-bearing Animals <i>The production of fur-bearing animals other than livestock, household pets for commercial purposes, such as breeding stock or for the reclamation of pelts.</i>	SC	SC			SC			SC			<ol style="list-style-type: none"> All activities related to the operation shall be at least 200 feet from all property lines; and vegetative screening including trees must be in place prior to start up; and all wastes generated shall be composted on site.

USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
11.	Farm <i>Property receiving agricultural use assessment from the Maryland Department of Assessments and Taxation.</i>	P	P	P	P	P	P	P	P	P	P	
12.	Farm Brewery (05/12/09) <i>An establishment for the manufacture of malt liquors, such as beer and ale, using grains such as oats, hops, wheat and barley produced on the farm on which the farm brewery is located.</i>	C	C	C		C	C		C			<ol style="list-style-type: none"> 1. The brewery shall be designed and managed to brew no more than 15,000 barrels of beer per year; and 2. at least one of the primary ingredients shall be produced on the farm where the brewery is located; and 3. sampling and the sale for on- and off-site consumption of the brewery's products shall be permitted in accordance with State and County alcohol laws and regulations; and 4. events allowed on farms (e.g., Section 3-1.01, Use #10, Public Events/Public Assemblies on Farmland, and Use #11, Rental Facilities on Farms) shall be permitted on the site of the brewery in accordance with the requirements of this Ordinance and with State and County alcohol laws and regulations; and 5. the brewery shall be operated in accordance with all local, state, and federal laws; and 6. the use shall not be permitted on a lot or open space within a subdivision defined as a parcel of land under which there is a governance structure and regulations (i.e., a homeowners' association and recorded covenants); and 7. retail sales of items may be permitted subject to the following additional conditions: <ol style="list-style-type: none"> a. the items sold are primarily associated with the farm brewery (e.g., glassware and souvenirs) or are locally produced goods which would be permitted to be sold at an Artisan's and Crafter's Market or Farmers' Market, as defined by this Ordinance; and b. the retail sales are conducted within the brewery or an accessory structure; and c. in no case shall the area designated for the retail sales exceed 20 percent of all brewery buildings combined.
13.	Farm Building <i>A structure, other than a dwelling, accessory to the principal uses of the farm.</i>	P	P	P		P	P	P	P	P	P	

USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
14.	Farm Distillery (05/12/09) <i>A facility located wholly on a farm designed for the distillation of grains and fruits produced primarily on the farm into alcoholic beverages.</i>	C	C	C		C	C		C			<ol style="list-style-type: none"> 1. The distillery shall be capable of producing no more than 500 liters (132 gallons); and 2. at least one of the primary ingredients shall be produced on the farm where the distillery is located; and 3. sampling and the sale for on- and off-site consumption of the distillery's products shall be permitted in accordance with State and County alcohol laws and regulations; and 4. events allowed on farms (e.g., Section 3-1.01, Use #10, Public Events/Public Assemblies on Farmland, and Use #11, Rental Facilities on Farms) shall be permitted on the site of the distillery in accordance with the requirements of this Ordinance and with State and County alcohol laws and regulations; and 5. the distillery shall be operated in accordance with all local, state, and federal laws; and 6. the use shall not be permitted on a lot or open space within a subdivision defined as a parcel of land under which there is a governance structure and regulations (i.e., a homeowners' association and recorded covenants); and 7. retail sales of items may be permitted subject to the following additional conditions: <ol style="list-style-type: none"> a. the items sold are primarily associated with the farm distillery (e.g., glassware and souvenirs) or are locally produced goods which would be permitted to be sold at an Artisan's and Crafter's Market or Farmers' Market, as defined by this Ordinance; and b. the retail sales are conducted within the distillery or an accessory structure; and c. in no case shall the area designated for the retail sales exceed 20 percent of all distillery buildings combined.
15.	Farm Stand <i>A seasonal or year-round facility located on a farm that specializes in the sale of produce, including value-added agricultural products, nursery products, and other agricultural goods.</i>	C	C	C		C	C					<ol style="list-style-type: none"> 1. Items sold are restricted to produce, value-added agricultural products, and nursery products only; and 2. any new permanent stand shall meet the front setback requirements specified in Section 5-1 and a temporary stand shall be at least 30 feet from the right-of-way.

USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
16.	<p>Farm Winery (05/12/09)</p> <p><i>An establishment located on a farm with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner manufactures wine and/or pomace brandy from fresh fruits or other agricultural products as allowable by state law.</i></p>	C	C	C		C	C		C			<ol style="list-style-type: none"> 1. at least one of the primary ingredients shall be produced on the farm where the winery is located; and 2. sampling and the sale for on- and off-site consumption of the winery's products shall be permitted in accordance with State and County alcohol laws and regulations; and 3. events allowed on farms (e.g., Section 3-1.01, Use #10, Public Events/Public Assemblies on Farmland, and Use #11, Rental Facilities on Farms) shall be permitted on the site of the winery in accordance with the requirements of this Ordinance and with State and County alcohol laws and regulations; and 4. the winery shall be operated in accordance with all local, state, and federal laws; and 5. the use shall not be permitted on a lot or open space within a subdivision defined as a parcel of land under which there is a governance structure and regulations (i.e., a homeowners' association and recorded covenants); and 6. retail sales of items may be permitted subject to the following additional conditions: <ol style="list-style-type: none"> a. the items sold are primarily associated with the farm winery (e.g., glassware and souvenirs) or are locally produced goods which would be permitted to be sold at an Artisan's and Crafter's Market or Farmers' Market, as defined by this Ordinance; and b. the retail sales are conducted within the winery or an accessory structure; and c. in no case shall the area designated for the retail sales exceed 20 percent of all winery buildings combined.
17.	<p>Field Crops</p> <p><i>Agricultural plant commodities traditionally grown and harvested in open land including, but not limited to, grains, vineyards, orchards, vegetables, legumes, and tobacco.</i></p>	P	P	P		P	P	P	P	P	P	
18.	<p>Forest Product Processing</p> <p><i>The post-harvest processing of timber and non-timber materials from forests off-site. Such uses may include fixed-location stump-grinding and the production of mulch. This definition does not include commercial sawmills, portable sawmills, paper mills, or chip mills.</i></p>							C				<ol style="list-style-type: none"> 1. All structures shall be at least 200 feet from any property boundary that adjoins a property that is used for residential purposes; and 2. a 100-foot vegetated buffer shall be provided along such boundaries; and 3. hours of operation shall be restricted to daylight hours on weekdays only.

USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
19.	Garden Center or Farm Supply Store <i>An establishment with retail sales of nursery stock, landscaping and/or gardening equipment and tools, seeds, and/or the sale of supplies related to farming including, but not limited to, animal feeds, fencing, irrigation supplies, fertilizer, small equipment, pesticides, and similar goods.</i>								C			The gross square footage of all buildings combined, regardless of use, shall not exceed 25,000 square feet per lot or parcel of record as of the effective date of this condition (05/01/06).
20.	Livestock Auction and/or Sales Barn, Commercial <i>A place of business to which the public may consign livestock for sale by auction open to public bidding or sold on a commission basis. Auctions conducted by non-profit organizations such as Future Farmers of America and 4-H groups, auction sales conducted in conjunction with county, state or private fairs, or auction sales conducted by or for a person at which livestock of such person's ownership are sold on the premises of the person, are not included in this definition.</i>	S	S			S	SC	P	P			The requirements of Section 2-10.04 shall apply to Historic Districts.
21.	Livestock Auction by a Non-Profit Organization or Farm Owner <i>A place of business to which the public may consign livestock for sale by auction open to public bidding conducted by non-profit organizations such as Future Farmers of America and 4-H groups, including auction sales conducted in conjunction with county, state or private fairs, or auction sales conducted by or for a person at which livestock of such person's ownership are sold on the premises of the person by a non-profit organization.</i>	C	C			C	C	P	P			Such auctions shall take place no more than two times per year on a single property.
22.	Nursery, Retail <i>An area or establishment where trees, shrubs or plants are grown for transplanting, for use as stock for budding and grafting or for sale directly to the general public.</i>	C	C	C		C	C		P			<ol style="list-style-type: none"> 1. Outdoor lighting of the sales area is permitted subject to Article 6; and 2. the Retail Nursery shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and 3. the sales inventory shall include plant materials and their containers only; and 4. the use shall not be permitted on a lot or open space within a subdivision.

USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
23.	Nursery, Wholesale An area or establishment where trees, shrubs or plants are grown for transplanting, for use as stock for budding and grafting or for sale to retailers or other businesses, but not directly to the general public.	C	C	C		C	C		P			<ol style="list-style-type: none"> 1. Outdoor lighting of the sales area is permitted subject to Article 6; and 2. the wholesale nursery shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and 3. the sales inventory shall include plant materials and their containers only; and 4. the use shall not be permitted on a lot or open space within a subdivision.
24.	Tree Farming <i>The operation of timber tracts, tree farms, forest nurseries, and the gathering of forest products.</i>	P	P	P	P	P	P	P	P	P	P	
25.	Veterinary Hospital or Clinic, Livestock (12/09/06) A place where livestock is given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the medical use. Such use may include outdoor facilities such as runs, pens, and walking areas.	P	S			P	P		P			
26.	Veterinary Hospital or Clinic, Small Animal and Household Pets (12/09/06), (05/12/09) <i>A place where small animals or household pets are given medical or surgical treatment and the boarding of animals is limited to indoor, short-term care incidental to the medical use.</i>						C		P		P	The minimum lot size shall be one acre.

4-2 GENERAL REQUIREMENTS FOR DEVELOPMENT PLANS

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

4-2.01 Development Plan Review

- A. Types of Development Plans Subject to Review. There are two types of development plans that are subject to review—site plans and plot plans¹.
- B. Site Plans
 - 1. General Requirements. The general requirements for a site plan are set forth in Section 4-4.01.
 - 2. Development Requiring Site Plan Review:
 - a. All commercial, industrial and institutional development except those uses listed in Section 4-2.01.C.2;
 - b. adaptive re-use from residential to commercial;
 - c. commercial accessory uses that intensify the use or alter the traffic pattern;
 - d. multi-family dwellings;
 - e. single-family attached dwellings (three units or more);
 - f. manufactured home communities;
 - g. places of worship; and/or
 - h. public facilities and quasi-public facilities.
 - 3. Category I Site Plans. Category I site plans are site plans for multi-family, single-family attached (three units or more), and manufactured home communities. Institutional, local governmental, commercial, and industrial development are also Category I site plans if any of the following criteria are met:
 - a. the cumulative square footage of any new construction (new buildings and additions to existing buildings) is more than 5000 square feet; or
 - b. the vehicular traffic within an existing development project will be altered; or

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

4-2.01 Development Plan Review

- c. the proposed development includes an automobile filling and/or service station, car wash, fast food restaurant, bank, or any use involving a drive-through/drive-up service.
4. Category II Site Plans. All other site plans not specified in 3a, 3b, or 3c above are classified as Category II site plans.

C. Plot Plans.

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

(05/12/09)

D. Planning Commission Review of Development Plans.

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

(12/09/06)
(05/12/09)

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

The Zoning Officer shall approve or disapprove plot plans and revisions to plot plans.

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

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

4-2.02 Review Procedures

(05/12/09)

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

(05/12/09)

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

4-2.03 Agency Comments

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

4-2.04 Expiration of Site Plan Approvals

- A. Conditional approvals of site plans shall expire after 24 months.
- B. Final site plan approvals shall expire after 36 months unless a valid building permit is in effect, or an extension is granted by the Planning Commission prior to the expiration of the 36-month term.

4-2.05 Modifications after Approval of a Site Plan

4-2.05 Modifications after Approval of a Site Plan

A. Modifications to site plans:

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

B. Modifications to plot plans:

The Planning Commission Administrator shall determine the submittal requirements for proposed modifications to approved plot plans. Where new drawings are determined to be required, they shall be submitted to the Division of Inspections and Permits for distribution of the revised plans to appropriate agencies for comments, consideration, and approval or rejection.

4-2.06 Site Plan Bonding Procedures

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

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

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

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

The following wordage shall be included in the easement:

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

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

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

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

4-4 PLAN PREPARATION

4-4.01 Site Plans

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

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

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

4-4.02 Plot Plans

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

- A. For new construction:
 1. Plat showing existing and proposed topography/grading, location and dimensions of lot, lot and block number and name of subdivision, if any.
 2. Road name(s), width of abutting right-of-way, centerlines, road widths and grades.
 3. Front, side and rear setbacks, easements and rights to discharge.
 4. Sediment control measures and limit of work.
 5. Discharge and storm drainage measures including rights and easements.
 6. Legal restrictions (such as easements, existing covenants, zoning boundaries, etc.)
- B. For new accessory structures, additions, minor commercial uses without permanent structures or parking, or remodeling projects, a scale-drawing shall be submitted showing the location, dimensions and use of existing buildings, structures, roads, driveways, access, etc. for which a permit is requested.

4-5 APPEALS

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

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

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.
2. Conventional Lots or Dwelling Units. Divide the total net acreage (paragraph D.1) by 4.
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.

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.

6-1 NON-RESIDENTIAL DEVELOPMENT REQUIREMENTS

6-1.01 Purpose and Intent

- A. The provisions of this Article are intended to promote public health, safety and welfare by facilitating well-designed and orderly development that is compatible with existing land uses and complies with applicable plans.
- B. The provisions of this Article apply to all commercial, industrial, public, quasi-public, and non-profit uses.

6-1.02 Development Requirements for I-1 Light Industrial and EC Employment Center Properties with Development Agreements

- A. The following shall apply to properties in the I-1 and EC Districts with approved Development Agreements (see also Section 2-8.09.B).
 - 1. Parking requirements may be reduced.
 - 2. Maximum height limitations may be increased subject to public safety requirements.
 - 3. Setback requirements may be reduced.
 - 4. Off-site improvements to County roads may be reduced, phased or waived.
 - 5. During site plan review, the Planning Commission will ensure that the project is compatible with the visual quality of the surrounding area, that the historic and archaeological resources are protected, and that nuisances such as noise, glare, odor or pollution are minimized.

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

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

- A. Purpose of Lot Area Requirements for Non-Residential Development
Minimum lot area requirements are not imposed on non-residential development within Commercial and Industrial Districts (TC, EC, I-1, RC and MC) in order to promote the efficient utilization of these properties for revenue-producing uses. Minimum lot area requirements are imposed for non-residential uses within the Rural and Residential Districts (FFD, RCD, and RD) to ensure that the use of property does not infringe on the rights of neighbors.
- B. Purpose of Setback Requirements for Non-Residential Development
 - 1. The purpose of setbacks for non-residential development is to help maintain an attractive appearance along roadways, to allow room for screening, for light and air, and to serve as filtration areas for stormwater run-off.
 - a. Setbacks from roads are needed to ensure safe distances and good visibility between buildings and traffic.
 - b. Side and rear setbacks are needed to protect adjacent properties if uses are not compatible and to provide room for emergency vehicle access, maintenance, and screening where needed.

(3/25/08) (05/12/09)				
TABLE 6-1 MINIMUM LOT AREA & SETBACK REQUIREMENTS FOR NON-RESIDENTIAL STRUCTURES & USES ¹				
Use	District ²	Minimum Lot Area	Minimum Depth of Front Setback (in Feet)	Minimum Width of Each Rear ³ & Side Setback (in Feet)
Non-Residential Buildings & Uses (does not include signs ⁴ , fences or uses that have lot area and/or setbacks specified as conditions in Article 3)	TC, EC, I-1, RC & MC	No minimum lot area	100 feet from arterial roads; 50 feet from collector roads; 35 feet from local roads	50 feet ⁵
	FFD, RCD, and RD outside 1-mile radius of TCs	3 acres	100 feet from arterial roads; 60 feet from all other roads	50 feet ⁵
	RD inside 1-mile radius of TCs	1 acre	100 feet from arterial roads; 35 feet from all other roads	35 feet ⁵
Parking Lots	All	N/A	35 feet from arterial roads; 20 feet from all other roads	20 feet ⁵
Utility Service Boxes	FFD, RCD	N/A	30 feet	5 feet
	All Others	N/A	15 feet	5 feet
Bus Shelters	All	N/A	15 feet ⁶	Side Setbacks: 2 feet ⁷ ; Rear Setbacks: N/A
Fences	All	N/A	0 feet	0 feet

¹ Note: Landscaping, buffering and screening may be required in addition to the setbacks specified in this table. See Section 6-5.

² Abbreviations for Districts: Farm and Forest District (FFD); Rural Community District (RCD); Residential (RD); Light Industrial (I-1); Rural Commercial (RC); Marine Commercial (MC); Employment Center (EC); and Town Center (TC).

³ In cases where a single parcel, owned by a single entity, is divided into more than one Zoning District, the Zoning District boundary may be used as the rear setback.

⁴ See Section 6-8.03.G for sign setbacks.

⁵ May be reduced by the P.C. Administrator to 0 feet if: (1) the adjoining property is zoned TC, EC, I-1, RC, or MC; and (2) emergency vehicle access and maintenance are properly addressed; and (3) screening (existing or proposed) is determined to be adequate by the P.C. Administrator.

⁶ Front setbacks for bus shelters may be reduced to 0' if the Dept. of Public Works & the Dept. of Public Safety certify that the reduction will not adversely affect public safety.

⁷ Side setbacks for bus shelters may be reduced to 0' when written approval is obtained from the adjoining property owner on lots containing a lot stem of 25' or less.

6-3.02 Off-Street Loading and Unloading

- A. Off-street loading and unloading shall be provided for the following purposes:
1. to remove from the public streets all service vehicles being loaded or unloaded or awaiting loading or unloading and
 2. to minimize the obstruction of both vehicular and pedestrian traffic on public streets, and on designated publicways in developments.
- B. Loading and unloading areas shall be located so as not to impede pedestrian or vehicular traffic.
- C. Loading and unloading areas shall be provided for the uses specified in the table below.

TABLE 6-3 LOADING AREA REQUIREMENTS				
Use	# of Loading Areas	Length	Width	Height (if covered)
Industrial, wholesale, manufacturing, warehousing, storage uses, or flex space	<2000 s.f. = 0 2000-20,000 s.f. = 1 Each additional 40,000 s.f. or fraction thereof = 1	45 feet	15 feet	15 feet
Retail Commercial Uses	<25,000 s.f. = 0 25,000 s.f. = 1 Each additional 25,000 s.f. or fraction thereof = 1	35 feet	12 feet	15 feet

6-3.03 Sharing of Loading and Unloading Spaces

Off-street loading and unloading spaces may be provided cooperatively for two or more uses, subject to arrangements that will assure the permanent availability of such spaces, including the following:

- A. Each individual establishment sharing the joint loading and unloading spaces shall normally receive shipments at different times.
- B. There shall be a binding written agreement between the owners of the establishments which are to have shared loading and unloading spaces. The agreement shall state normal hours for shipment, provisions for stacking, provisions for maintenance, provisions for change of use, number and times of delivery and any other provision which the County Attorney may require in order to approve the agreement for legal sufficiency. The County Attorney shall approve the agreement in writing.

6-4 PEDESTRIAN/VEHICULAR FLOW

6-4.01 Site Access

(05/12/09)

Site access shall be subject to the following regulations in order to help ensure traffic safety and alleviate traffic congestion. The proposed development shall be served by access roads adequate to safely accommodate the vehicular traffic projected to be generated by the development.

- A. Where property abuts an arterial and a secondary or collector road, access to the property shall be by way of the secondary or collector road. Exceptions to this rule shall be instances where the Planning Commission determines that direct access onto the arterial would promote traffic safety.
- B. Where one or more contiguous parcels abutting an arterial are under single ownership and any one of the parcels abuts a secondary or collector road, access to all of the parcels under single ownership shall be by way of the secondary or collector road.
- C. No more than one direct access approach onto an arterial shall be provided to any individual parcel of record as of May 8, 1984.
 - 1. Exceptions:
 - a. The Planning Commission may, with approval by the State Highway Administration, approve one additional access if the additional access is deemed to be significantly beneficial to the safety and operation of the highway or if allowing only one access approach would be a safety hazard or increase traffic congestion.
 - b. The Planning Commission may approve additional access when the parcel is bisected by steep slopes and/or wetlands in such a manner as to render some portion(s) of the property inaccessible without additional road access.
- D. Where a future roadway is designated on an approved County map, site plans for development adjacent to the designated roadway shall include provisions for future access to the roadway.
- E. Accesses shall be consolidated wherever feasible.
- F. Where an industrial use abuts a road within a residential subdivision and a road not located within a residential subdivision, access shall be restricted to the non-subdivision road.
- G. If access to the development is proposed over one or more adjacent properties, a permanent access easement, with a minimum width of 20 feet, shall be recorded among the Land Records of Calvert County. A copy of the easement shall be submitted with the site plan or plot plan application.

(05/12/09)

6-4.02 Vehicular Flow (on site)

Sites shall be designed to prevent awkward or dangerous vehicular flow.

- A. Travelways in parking lots shall meet the following width requirements:
 - 1. 25 feet wide for two-way traffic adjacent to rows of parking spaces;
 - 2. 20 feet wide for two-way traffic when not adjacent to rows of parking spaces;
 - 3. 16 feet wide for one-way traffic
- B. At the ends of parking rows, safe and convenient space shall be provided to allow vehicles to back out of parking spaces (minimum six feet).
- C. A driveway shall be set back at least six feet from a building corner to reduce blind spots.

1. Exterior siding for all sides of buildings and accessory structures shall be limited to brick, wood, vinyl or aluminum horizontal or vertical board that has the appearance of wood, shingles, stucco and split face block. Uncovered cinder block is not permitted. Metal siding is permitted provided that foundation plantings include, in addition to low-growing plants, one tree or shrub at least six feet tall at time of planting for every 20 feet of siding visible from a public road or adjacent residential use. Plantings shall be a mix of evergreen and deciduous trees and shrubs.
2. Main roof pitch: 6/12 to 12/12. Hipped roofs may have shallower pitch. False mansard roofs are not permitted. The Planning Commission may grant modifications based on the size of the building provided that the appearance of a pitched roof is maintained.
3. Colors and tones on walls and roofs shall be muted. Bright and/or shiny colors, if used at all, shall be used as accents only.
4. All mechanical equipment shall be screened from view using materials that are architecturally integrated with the design of the building.
5. All of the design elements on the building shall be kept in scale with the building.
6. All of the design elements on the building shall be in the same architectural style as the overall style of the building.
7. All of the design elements that are associated with a building (fences, storage sheds, etc.) shall be in the same architectural style as the overall style of the building.
8. Large disparities between the height, width, and length of the building shall be avoided.
9. Large disparities between the height, width, and length of a building in relation to buildings on adjacent parcels shall be avoided.
10. Building mass shall be broken up into smaller components.
11. Walls that are adjacent to sidewalks or roadways shall include some combination of the following features along no less than 70 percent of the horizontal length: recesses, projections, awnings, arcades, display windows and entry areas.
12. False windows shall not be permitted.

(05/12/09)

- B. Properties zoned EC Employment Center shall comply with the Appearance Code for the adjacent Town Center Sub-area. The Planning Commission or its designee may request a recommendation from the Town Center Architectural Review Committee prior to approval of the proposed development.

6-7.02 Review Process

- A. Building elevations, demonstrating that the above criteria have been met, shall be submitted with all Category I Site Plans for review and approval by the Planning Commission as part of the Site Plan approval process.
- B. Building elevations, demonstrating that the above criteria have been met, shall be submitted with all Category II Site Plans for review and approval by the Planning Commission's designee as part of the Site Plan approval process.

6-8.01 Purpose

6-8 SIGNS

6-8.01 Purpose

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

SEE CUSTOMER ASSISTANCE GUIDE ENTITLED, "SIGN REGULATIONS AND PERMITS", AVAILABLE FROM THE DEPARTMENT OF PLANNING AND ZONING, FOR ADDITIONAL INFORMATION.

6-8.02 General Sign Provisions

In addition to any other regulations imposed by this Ordinance, all signs shall be subject to the following conditions:

- A. Signs shall not be internally illuminated. Materials for sign faces and frames shall be limited to wood or a material that has the appearance of wood.
- B. No sign shall have moving parts or project any intermittent or flashing illumination without approval of the Zoning Officer. Such approval may be granted only if it is determined that the sign will not adversely impact adjoining properties and/or traffic.
- C. No sign shall be displayed which uses the words "Stop" or "Danger" or presents or implies the need or requirement of stopping or the existence of danger as part of an advertising sign.
- D. No sign shall be located where it will interfere with traffic visibility on the right-of-way of any road.
- E. No sign shall be permitted which contains statements, words or pictures of an obscene character.
- F. No sign shall be placed on rocks, trees, or on poles maintained by public utilities.
- G. No sign shall be permitted which becomes unsafe or endangers the safety of a building, premise, or person. The Zoning Officer shall order such signs to be made safe or repaired or removed, such order to be complied with within 15 days of the receipt of such order.
- H. When a sign structure does not include current or up-to-date advertising information for a period of 120 continuous days, such sign structure shall be deemed a violation and shall be removed.
- I. All non-conforming signs shall be removed when:
 1. when the business, enterprise, etc. advertised ceases to exist, or
 2. at the expiration date specified in the permit for erection.Removal shall be the responsibility of the owner of the property on which the sign is located.
- J. Calculation of sign area in square feet. Sign area shall normally be the area of the face of the sign, except for the following situation:
 1. If the sign consists only of letters or figures, the area shall be calculated as if a rectangle were drawn around the exterior of the letters or figures.

6-8.05 Signs Permitted Without A Zoning Permit

The following signs are permitted without a zoning permit in any district:

- A. Official traffic signs or sign structures, when erected by a governmental agency.
- B. Signs indicating the name and/or premises or the accessory use of a home for a home occupation of professional purpose, provided such signs meet the following conditions:
 - 1. Such signs shall not exceed four square feet in size;
 - 2. The maximum height of home occupation signs shall be six feet;
 - 3. Materials shall be limited to wood or a material that has the appearance of wood;
 - 4. No window signs shall be permitted.
 - 5. No internally illuminated signs are permitted.
- C. Temporary real estate signs, located on and advertising subject property for sale, lease or rental, provided such signs do not exceed ten square feet in size. However, if the subject property is larger than ten acres, the sign may be as large as 16 square feet in size. Temporary real estate signs shall be removed after the property is sold and settlement has taken place.
- D. Signs located on a farm advertising farm products grown primarily on the premises or an agritourism, ecotourism, or heritage tourism use, shall be permitted with the following conditions:
 - 1. Such signs shall not exceed 30 square feet in area
 - 2. For farms that do not have frontage along an arterial road, one additional sign, that gives direction to the farm, lists products available for sale during the active selling season and does not exceed 20 square feet, shall be permitted per farm off premises.
 - 3. Written permission shall be obtained from the property owner if not on the seller's property.
 - 4. These signs shall be located off the road right-of-way and shall not interfere with traffic visibility.
 - 5. These signs are to be temporary and shall be removed after the selling/business season is over.
- E. Temporary political signs are permitted, subject to State regulations.
- F. A temporary construction sign is permitted, advertising the general contractor, subcontractor, architect, and/or other professional persons, firms, or organizations engaged in or associated with the lawful construction, alteration, remodeling, or demolition of any building or use provided that such sign:
 - 1. is limited to one listing for each person, firm, or organization involved.
 - 2. is removed within 30 days after the completion by the general contractor.
 - 3. Is less than 20 square feet in size.

6-8.05 Signs Permitted Without A Zoning Permit

- G. All portable signs shall be limited as follows:
1. Hot air balloons and search lights are allowed for promotions only, not to exceed 72 hours in a year.
 2. Pennants and banners are permitted for display periods not to exceed 14 days prior to an event, and not to exceed 30 days per year.
 3. One sandwich type (A-frame) sign is permitted per business on premises, subject to the following:
 - a. Each sign board face shall not exceed nine square feet.
 - b. The total height is not to exceed 48 inches.
 - c. The sign shall be located so as not to restrict sight distance below that called for in ASHTO standards. NOTE: The County will provide drawings depicting ASHTO standards. Applicants will be responsible for meeting those standards.
 - d. The sign shall either be constructed and maintained according to the adopted specifications or receive special approval from the Architectural Review Committee for the Town.
 - e. The owner shall obtain a permit for the sign; however, the size of the sign will not count against the total signage allowed under Section 6-8.07 of the Zoning Ordinance.
 - f. For roads with posted speed limits greater than 30 miles an hour, the sign shall be at least 50 feet from the right-of-way. NOTE: These signs are not effective on high speed roads, and they present a greater danger.
- H. Directional or informational signs of a public or quasi-public nature, such as those containing the meeting date of a community or civic club, or the advertising of an event of public interest, shall be permitted subject to the following conditions:
1. Temporary informational or directional signs which are erected for the purpose of advertising a special event shall be limited to no more than 32 square feet in size.
 2. Such signs shall not be erected more than 30 days prior to the event and shall be removed within seven days after the event has occurred.
- (05/12/09)
- I. One temporary sign, located to advertise the opening of a new subdivision, development or shopping center, provided that the sign:
1. does not exceed 100 square feet, and
 2. is not illuminated, and
 3. is located not less than 25 feet from any road right-of-way or less than 100 feet from the line of any adjacent lot on which a dwelling is located, and
 4. one additional temporary sign shall be permitted within 1,000 feet of frontage or portion thereof along each road upon which the subdivision, development, or shopping center is located, and
 5. is removed 9 months after it is erected.

6-10 ADEQUATE PUBLIC FACILITIES REQUIREMENTS

6-10.01 Adequate Public Facilities Requirements for Commercial and Industrial Development

A. General

1. The Planning Commission or its designee may grant site plan approval of a commercial or industrial development of land subject to these regulations either in its entirety or by section only if it finds that:
 - a. all roads and intersections identified by the Director of the Department of Public Works (DPW) or his designee are adequate; or
 - b. roads and intersections will be adequate within one year following final site plan approval; or
 - c. the applicant provides improvements to mitigate for the impact of the development (as determined by the Director of DPW or his designee) in accordance with paragraphs 'C.2 and C.3' below.
2. This requirement does not apply to those developments that are exempt as described in Sub-Section 'C' or that receive a waiver under Sub-Section 'D' of this Section.

B. Traffic Study Required

1. The proposed commercial or industrial development shall be served by roads and intersections that are adequate to safely accommodate the vehicular traffic projected to be generated by the development.
2. At the applicant's expense, a traffic study conducted by a Registered Professional Engineer and approved by the Director of DPW or his designee, is required for all commercial and industrial developments as specified in the Calvert County Road Ordinance. If the Director of DPW or his designee determines that a traffic study is required, the traffic study shall be submitted and approved prior to action on the site plan application by the Planning Commission or its designee.
3. The Director of DPW or his designee shall determine whether the traffic study was properly submitted and shall provide recommendations as to whether all the roads and intersections are adequate.

C. Levels-of-Service and Mitigation

The requirements for mitigation described below apply to commercial or industrial uses which are projected to generate an average of more than 400 trips per day.

1. Requirements for County Roads and County Intersections Outside the Town Centers
To be determined adequate, County roads and County intersections outside the Town Centers shall maintain a level "C" service rating, after completion of the proposed development as well as all other existing and proposed developments within the study area.

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.

(08/28/07) **6-11 APPEALS** (Section Deleted 05/12/09)
(05/12/09)

7-1.05 Adequate Public Facilities Requirements

(05/12/09) A. General

Before the Planning Commission can grant final approval of a residential subdivision or residential development of land (which includes subdivisions and site plans for townhouse, single-family attached, multi-family, and mixed residential developments) subject to these regulations either in its entirety or by section, it must find that all identified roads and schools are adequate or that roads are programmed to be adequate within one year. Otherwise, approval shall be denied. In cases where facilities are not adequate, a residential subdivision or residential development shall receive final approval if the applicant provides improvements to render both the roads and schools adequate. The adequacy of schools shall be evaluated based on the rated capacity of the public schools.

(05/12/09) B. Limitation on Applicability

1. If final approval of a residential subdivision or residential development is being delayed only because of inadequate facilities, the following limitation on applicability shall apply:
 - a. Any residential subdivision or residential development which has not been entitled to final approval for at least seven years from the date of preliminary approval, due solely to the lack of adequate school capacity, shall be entitled to final approval, regardless of the adequacy of school capacity, provided that all other conditions of final approval are satisfied.
2. Notwithstanding the above, the Planning Commission may grant final approval of one or more amended plats of a residential subdivision or residential development or a portion thereof without finding that all identified roads and schools are adequate, provided that it finds that the pupil yield that would result from the residential subdivision or residential development as amended is no greater than that of the residential subdivision or residential development without any amendment and that the amendment would not result in any adverse impact on the public health, safety and general welfare of the present and future inhabitants of the development.
3. The Planning Commission shall develop and publish policies and procedures as necessary for obtaining final approval for residential subdivisions or residential developments which have been on hold pending adequacy of public facilities. See also Section 7-1.07.B.8.

C. Roads

1. The proposed residential subdivision or residential development must be served by access roads adequate to safely accommodate the vehicular traffic projected to be generated by the residential subdivision or residential development. At the applicant's expense, a traffic study conducted by a Registered Professional Engineer approved by the Department of Public Works may be required. The study shall be in accordance with written procedures and criteria established by the Department of Public Works and approved by the Board of County Commissioners.

2. The traffic impact study will be required to determine if the roadways and intersections are adequate to accommodate the proposed residential subdivision or residential development. To be determined "adequate" by the Planning Commission, the County road(s) must maintain a level "C" service rating, after full development of this and all other existing and proposed residential developments and subdivisions within the study area. The County intersections must maintain a level "C" service rating except for Town Centers where a level "D" service rating will be acceptable. State roads and intersections must maintain a minimum level "D" service rating, after full development of this and all other existing and proposed subdivisions and residential development within the study area. Detailed guidelines for the traffic study have been developed by the Department of Public Works. The Department of Public Works shall determine whether or not the traffic study has been completed according to the approved criteria. The traffic study may be waived under extenuating circumstances by the County Engineer or his designee.
3. The Department of Public Works shall provide recommendations to the Planning Commission as to whether all the roads are "adequate".

D. Schools

1. Adequacy

Schools are adequate when all public elementary and secondary schools which will serve the proposed residential subdivision or residential development will accommodate the pupil yield from that residential subdivision or residential development without exceeding 100 percent of the rated capacity of any of those schools.

2. If the enrollment exceeds 100 percent of rated capacity, the schools may still be deemed adequate if an adopted redistricting results in the enrollment projected by the Department of Planning & Zoning for the next school year not exceeding 100 percent of rated capacity in any of the schools serving the residential subdivision or residential development. The Department of Planning & Zoning is authorized to create criteria for enrollment projections.

3. Pupil Yields

TABLE 7-1 PUPIL YIELDS			
<u>Housing Type</u>	Grade K-5	Grade 6-8	Grade 9-12
Single-family detached	.291	.130	.176
Single-family attached	.194	.084	.118
Low-rise apartments	.097	.043	.059
Manufactured Homes	.145	.065	.088

2. Replattings are required for any changes to the record plat that affect a lot or parcel including, but not limited to: lot line adjustments, easements, lateral line revisions, removal of a previously recorded condition and/or note, etc. Such revisions shall be drawn by a licensed surveyor and reviewed by the Department of Planning and Zoning and other County, State and Federal agencies. After all approvals, the plat may then be recorded in the Land Records of Calvert County.
3. The Department of Planning and Zoning shall maintain a policy for processing replattings, including a checklist of submittal requirements.

C. Fees

Fees for the review of revisions to final recorded plats shall be as set forth by the Board of County Commissioners by resolution.

7-1.10 Administration

A. Separability

It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provision of these regulations to be invalid, or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the court decision to be invalid or ineffective, and all other provisions of these regulations shall continue to be separately and fully effective.

B. Changes and Amendments

1. These regulations may from time to time be amended, supplemented, changed, modified or repealed by the County Commissioners.
2. Any person or officer, department, board, commission or bureau of the County may petition for such change or amendment; however, no such change or amendment shall be presented to the County Commissioners for approval until the Planning Commission has held a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. At least 14 days notice of the time and place of such hearing shall be published in newspapers of general circulation in the County. After said public hearing, the Planning Commission shall forward to the County Commissioners its recommendation concerning such change and amendment.
3. Upon receipt and prior to taking action on such change or amendment, and accompanied by a recommendation from the Planning Commission, the County Commissioners shall schedule a public hearing in relation thereto; at least 14 days notice of the time and place of such hearing shall be published in newspapers of general circulation in the County.
4. The above-described hearings may be held jointly or separately by the respective Commissions at the discretion of the Board of County Commissioners.

7-1.11 Review and Appeal

(08/28/07) 7-1.11 Review and Appeal
(05/12/09)

- A. If the Planning Commission authorizes the Planning Commission Administrator or an equivalent administrative officer to approve subdivision plats pursuant to the authority granted in Maryland Code Article 66B, Section 5.02(b), as amended from time to time, the Planning Commission shall, upon the request of any person aggrieved by a decision of the Planning Commission Administrator, review the decision of the Planning Commission Administrator, provided that such request is received by the Planning Commission within 30 days of the date of the Planning Commission Administrator's final decision.
- B. 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.

9-4 WATERFRONT USES**9-4.01 Permitted Uses**

The following marine facilities are permitted in the usable waterway area provided that the use is consistent with the zoning of the adjacent land:

- A. Piers
- B. Bulkheads
- C. Private Boat launch ramps for the use of the lot owner only
- D. Mooring piles
- E. Mooring and anchorages
- F. Floats
- G. Vessel service areas & equipment
- H. Accessory uses approved by the Zoning Officer after referral to the Planning Commission

9-4.02 Conditional Use

A boathouse may be approved in the usable waterway, subject to the following conditions:

- A. No Submerged Aquatic Vegetation (SAVs) is located at the site of the proposed boathouse as field verified in May through June; and
- B. No sides (walls extending below the rafters) are permitted; and
- C. The property is an approved commercial marina; and
- D. A permit from the Maryland Department of the Environment is obtained.

9-4.03 Prohibited Uses

- A. Residential structures and commercial structures other than vessel service areas on piers, floating piers, or pilings over a waterway.
- B. Abandoned or sunken craft.
- C. Private boat ramps used as community or commercial boat launching ramps.
- D. Covered piers or roofed structures over piers.

9-4.04 Pre-existing Uses

- A. Any marine facility lawfully existing at the time of the adoption of this Ordinance may continue to be used even though such marine facility or use does not conform to use or dimensional regulations of this Ordinance.
- B. Any alteration of an existing non-conforming marine facility or use is subject to the provisions of Section 2-6 of this Ordinance, except that the setbacks described in Section 9-5.04 shall apply.

9-4.05 Permits Required for Waterfront Uses

- A. Building Permit: A County building permit is required to construct, modify, enlarge, rebuild, or repair any marine facility.

9-5.01 Lateral Lines

- (05/12/09)
- B. Grading Permit: A grading permit is required for any placement of dredge spoils, filling or other activity which would result in any waterway bottom or shoreline modification.
 - C. State and Federal permits, approvals or authorization applicable to construction, modification, enlargement, reconstruction, repair, etc. of marine facilities shall be obtained and submitted to the Division of Inspections and Permits as a prerequisite to issuance of a County building permit.

(08/08/06) **9-5 USABLE WATERWAY AREA**

The usable waterway area is the area enclosed by the harbor line, shoreline and lateral lines. It is defined and regulated to prevent one property owner from infringing upon the rights of another.

9-5.01 Lateral Lines

The lateral lines separate adjacent usable waterway areas, and are determined by bisecting the angles formed by the shoreline at property corners. The following procedures shall be followed to determine the location of lateral lines:

- A. Prepare a scale drawing plot plan showing the applicant's property and all adjacent waterfront properties within a 200-foot radius of the shoreline owned by the applicant (See Figure A).
- B. On the scale drawing, add the shorelines and harbor lines as shown on the appropriate Zoning Map for Harbor Lines.
- C. Intersect all property lines with the shoreline (Points A, B, C, D, E, F, on Figure A).
- D. From the applicant's property line-shoreline intersections (Point D, E, on Figure A) intersect a 200-foot radius with the shoreline (Points 1 and 2 on Figure A).
- E. From the applicant's property, connect all property line-shoreline points, ending at points 1 and 2 with straight lines (D to C, C to B, B to 1, E to 2 on Figure A).
- F. Bisect the angle formed by these straight lines and extend the lines bisecting the angle from the shoreline to the harbor line. These are the lateral lines (B-G, C-H, D-I, E-J on Figure A).
- G. If a marine facility is proposed within 50 feet of a lateral line, the plot plan shall be prepared by a Registered Engineer, Landscape Architect or Registered Land Surveyor.

9-5.02 Determination of Usable Waterway Area

The usable waterway must be determined for all properties having a pair of lateral lines as shown on the applicant's drawing. For an acceptable usable waterway area, the following conditions (See Figure A) must be met:

- A. If any pair of lateral lines extended to the harbor line results in a distance of 25 feet or more on the harbor line (Lines G-H, H-I, I-J) these lines and the harbor and shore lines define the usable waterway area for the applicant.
- B. If any pair of lateral lines extended to the harbor line results in a harbor line segment (G-H, H-I, I-J, Figure A) of less than 25 feet, the lateral lines are unacceptable and shall be modified in accordance with Section 9-5.03.
- C. If any pair of extended lateral lines intersect before reaching the harbor line, the lateral lines are unacceptable and shall be modified in accordance with Section 9-5.03.

11-1.05 Special Accommodations

- A. The Board of Appeals may include provisions that allow for the accommodation of persons with disabilities.
- B. Accommodations for the needs of persons with disabilities may be permitted if the applicant demonstrates and the Board of Appeals finds that:
 - 1. the applicant or owner of the property has a physical disability;
 - 2. that literal enforcement of the provisions of this ordinance would result in discrimination by virtue of such disability;
 - 3. special accommodations would reduce or eliminate the discriminating effect of the provisions of this Ordinance; and
 - 4. the accommodation requested will not substantially impair the purpose, intent, or effect, of the provisions of this Ordinance as applied to the property; and
 - 5. environmental impacts associated with the accommodation are the minimum necessary to address the needs resulting from the physical disability of the applicant or the owner of the property.
- C. The Board of Appeals shall determine the nature and scope of any accommodation under this Section and may award different or other relief than requested after giving due regard to the purpose, intent, or effect of the applicable provisions of this Ordinance. The Board may also consider the size, location, and type of accommodation proposed and whether alternatives exist which will accommodate the need with less adverse effect.
- D. The Board of Appeals may require, as a condition of approval, that upon termination of the need for accommodation, the property be restored to comply with all applicable provisions of this Ordinance.

11-1.06 Board of Appeals Hearings

The Board of Appeals shall establish rules of procedure which shall, at a minimum, 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.

11-1.07 Appeals of Board of Appeals Decisions

(08/08/06)

Board of Appeals decisions may be appealed to the Circuit Court of Calvert County by: (1) any person aggrieved by any decision of the Board of Appeals or (2) any taxpayer, or (3) 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 Board of Appeals Order.

(05/12/09) **11-2 APPEALS OF PLANNING COMMISSION DECISIONS**

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

(08/28/07)
(05/12/09) 11-2.01 Appeals to the Planning Commission (Section Deleted 05/12/09)

(06/10/08) **11-3 ADMINISTRATIVE VARIANCES**

11-3.01 Administrative Variances

A. Purpose.

The purpose of this Section is to delegate to the Administrative Variance Officer approval authority to grant setback variances for single-family residences, accessory residential structures, and additions to residences and accessory structures.

B. Application.

1. An applicant seeking a variance may request the same of the Board of Appeals, pursuant to Section 11-1.01.A of this Ordinance, without first applying for an administrative variance.
2. A person requesting an administrative variance must file the required application with the Department of Planning and Zoning.
3. The application consists of the following:
 - a. an application form;
 - b. application fee;
 - c. written documents bearing the signatures of all affected property owners demonstrating that they agree with the requested variance for the specific, proposed development activity. Affected property owners include all owners of all properties that abut the side or rear property line from which an administrative variance is sought; or in the case of an administrative variance request for front setback adjustment, all owners of all properties that abut a side property line of the subject property and those whose properties lie directly across the street from the subject property; and
 - d. a scale-drawing of the property showing the location and size of proposed structures and any additions to existing structures, as well as the distance between those structures and/or additions and all property boundaries.

C. Procedure.

The Administrative Variance Officer shall establish and publish procedures for the processing of applications including, but not limited to, the following:

1. Upon acceptance of the application, the Administrative Variance Officer shall mail a confirmatory notice to all affected property owners providing them with an opportunity to comment on the request within a specified time period.
2. The applicant shall post the property with a notice of the variance request for a period of 10 days after acceptance of the application by the Administrative Variance Officer.

3. If adverse comments are received from any property owners objecting to the variance request, the applicant shall be required to withdraw the application and submit a variance request to the Board of Appeals.
4. Prior to making a decision, the Administrative Variance Officer may visit the property to verify information contained in the application.

D. Criteria.

The Administrative Variance Officer may grant setback variances only where it is demonstrated that peculiar and unusual practical difficulties exist on the parcel which warrant a setback variance, and such difficulties are created by exceptional narrowness, shallowness, or shape of the parcel, by reason of exceptional topographical conditions, or by other extraordinary situations or conditions affecting the property. The applicant shall demonstrate that the following additional criteria have been met:

1. The requested variance shall not reduce required setbacks by more than 50 percent and in no case shall the required setback be reduced to less than five feet.
2. The proposed structure for which a variance is requested shall not exceed 1000 square feet in gross floor area.
3. Nothing in this Section is intended to authorize the Administrative Variance Officer to grant variances to State or local requirements that are intended to protect environmentally sensitive areas, such as streams, slopes, wetlands, natural heritage areas, or critical areas.
4. Administrative variances may not be granted for after-the-fact variance requests or to correct a zoning violation. Such variance requests shall be made to the Board of Appeals.

E. Decisions.

Unless delayed by actions of the applicant or affected property owners, the Administrative Variance Officer shall decide the issue raised by the application within 30 days of acceptance of the application. The decision shall be in writing and shall include findings of fact that support the decision. In granting an administrative variance, the Administrative Variance Officer may impose conditions that are reasonable or necessary for the protection of surrounding and neighboring properties.

F. Denials.

If the application is denied, all future variance applications involving substantially the same proposal on the same property shall be submitted to the Board of Appeals.

G. Appeals.

1. Any applicant aggrieved by a decision made pursuant to this Section may apply for a variance from the Board of Appeals in accordance with Section 11-1.01.A of this Ordinance.
2. Any person or persons, other than the applicant, aggrieved by a decision made pursuant to this Section may file an appeal with the Clerk to the Board of Appeals no later than 30 days from the date of the Administrative Variance Officer's decision. The Board of Appeals Clerk will schedule the appeal for the next available Board of Appeals public hearing. Such an appeal will be heard de novo in accordance with Section 11-1.04 of this Ordinance.

H. Fees.

The Board of County Commissioners shall be responsible for establishing the fee schedule for administrative variances, in accordance with Section 1-5 of this Ordinance.

This page intentionally left blank.

Term (Date of Amendment)	Definition
Establishment, Retail Commercial	<u><i>See: Retail Commercial Establishment</i></u>
Estate Sale	<u><i>See: Yard Sale</i></u>
Events, Public, on Farmland	<u><i>See: Public Events/Public Assemblies on Farmland</i></u>
Exception lot	A bonus density lot enabled by zoning ordinances on or before October 21, 1974 which may affect the conventional lot density of a property.
Exception, Special	<u><i>See: Special Exception</i></u>
Excess Stormwater Run-off	All increases in stormwater resulting from: (a) An increase in the imperviousness of the site, including all additions to buildings, roads, and parking lots; (b) Changes in permeability caused by compaction during construction or modifications in contours, including the filling or drainage of small depression areas; (c) Alteration of drainageways, or regrading of slopes; (d) Destruction of forest; or (e) Installation of collection systems to intercept street flows or to replace swales or other drainageways.
Extenuating Circumstances	Conditions requiring extension of a set time limit to: process an application; render a decision; or conduct a public hearing.
FAA	The Federal Aviation Administration.
Facilities, Transportation	<u><i>See: Transportation Facilities</i></u>
Facilities, Utility Transmission	<u><i>See: Utility Transmission Facilities</i></u>
Facilities, Water- Dependent	<u><i>See: Water-Dependent Facilities</i></u>
Facility, Assisted Living	<u><i>See: Assisted Living Facility</i></u>
Facility, Bed & Breakfast	<u><i>See: Bed & Breakfast Facility</i></u>
Facility, Home Power Generating	<u><i>See: Home Power Generating Facility</i></u>
Facility, Marine	<u><i>See: Marine Facility</i></u>
Facility, Research & Development	<u><i>See: Research & Development Facility</i></u>
Fall Zone	The area on the ground within a prescribed radius from the base of a tower. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.
Family Conveyance Subdivision	A single-family residential development within which lots are designated to be conveyed only to family members of lineal descent or ascent, being parent, child, grandchild or grandparent of the grantor.
Family, Immediate	<u><i>See: Immediate Family</i></u>

Term (Date of Amendment)	Definition
Farm	Property receiving agricultural use assessment from the Maryland Department of Assessments and Taxation.
Farm Brewery	An establishment for the manufacture of malt liquors, such as beer and ale, using grains such as oats, hops, wheat and barley produced on the farm on which the farm brewery is located.
Farm Building	A structure, other than a dwelling, accessory to the principal uses of the farm.
Farm Campground	An area of a farmland where tent campsites are rented or leased or held out for rent or lease for the use of camping parties.
Farm Distillery	A facility located wholly on a farm designed for the distillation of grains and fruits produced primarily on the farm into alcoholic beverages.
Farm Stand	A seasonal or year-round facility located on a farm that specializes in the sale of produce, including value-added agricultural products, nursery products, and other agricultural goods.
Farm Support Business	An enterprise on a farm that is clearly and directly related to the practice of farming. Services include, but are not limited to, blacksmithing, farrier, farm implement repair, agricultural pest service, fertilizer service, irrigation installation service, and greenhouse construction and installation.
Farm Winery (05/12/09)	An establishment located on a farm with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner manufactures wine and/or pomace brandy from fresh fruits or other agricultural products as allowable by state law.
Farmers' Market (3/25/08)	A structure, either permanent or temporary, operated on a seasonal or year-round basis, that allows one or more agricultural producers to retail their products and agriculture-related items directly to consumers.
Farming, Tree	<u>See: Tree Farming</u>
Fast-Food Restaurant	<u>See: Eating Establishment</u>
FCC	The Federal Communications Commission.
Features, Natural	<u>See: Natural Features</u>
Features, Physiographic	<u>See: Physiographic Features</u>
Field Crops	Agricultural plant commodities traditionally grown and harvested in open land including, but not limited to, grains, vineyards, orchards, vegetables, legumes, and tobacco.
Field, Landing	<u>See: Airport</u>
Filling Station, Automobile	<u>See: Automobile Filling Station</u>
Final Subdivision Plat	A master drawing of all or any portion of the subdivision, prepared in accordance with the approved Preliminary Subdivision Plan, which is to be recorded in the official Plat or Land Records of Calvert County.