ORDINANCE NO. 11-10

Pertaining to the Amendment of the Calvert County Zoning Ordinance and Maps
(Articles 5, 8, 9, 11 and 12)

RE: Environmental Regulations

WHEREAS, pursuant to the authority contained in Article 66B of the Annotated Code of Maryland, the Board of County Commissioners of Calvert County, Maryland, has general powers to promulgate and amend zoning ordinances and the County Critical Area Map and has heretofore adopted the Calvert County Zoning Ordinance and Critical Area Maps pursuant thereto; and

WHEREAS, after study and evaluation, the Department of Planning and Zoning of Calvert County recommended to the Planning Commission and the Board of County Commissioners text amendments to the Calvert County Zoning Ordinance’s Environmental Regulations (Articles 5, 8, 9, 11, and 12); and Map Amendments to the County Critical Area Map and adoption of a new Forest Interior Dwelling Bird Habitat Map to update the Environmental Regulations and to meet the State requirements for the comprehensive update of the County’s Critical Area Program; and

WHEREAS, after due notice was published, the Planning Commission and Board of County Commissioners conducted a joint public hearing on November 3, 2009, at which time the proposed amendments were discussed, staff’s and the Critical Area Commission’s recommendations were considered; and public comment was solicited; and

WHEREAS, after said public hearing, the Planning Commission voted on November 18, 2009, to recommend approval of the amendments with minor revisions; and

WHEREAS, after considering the evidence, which had been presented at the public hearing regarding the proposed text and map amendments and the recommendation of the Planning Commission, the Board of County Commissioners determined on December 8, 2009, to enact the non-Critical Area text and map amendments as proposed by the Planning Commission, as indicated in Exhibits A, B, and C, attached hereto and made a part hereof; and to submit the Critical Area text and map amendments to the Critical Area Commission for their consideration; and

WHEREAS, the Critical Area Commission staff appointed a panel of its members to consider the Critical Area text and map amendments and after due notice was published, the Critical Area Commission Panel conducted a public hearing on March 17, 2010, at which time the said amendments were discussed and public comment was solicited and heard; and

WHEREAS, after hearing public comment, the Critical Area Commission Panel on April 7, 2010, made a final recommendation to the Critical Area Commission concerning the said amendments, which recommendation and other discussion and comment were duly considered by the Critical Area Commission at a duly advertised public hearing on April 7, 2010; and

WHEREAS, after receiving a recommendation from the Critical Area Commission Panel and public comment, the Critical Area Commission approved the amendments with conditions; and
WHEREAS, after considering recommendation and conditions of the Critical Area Commission, the Board of County Commissioners determined to enact the Critical Area text and map amendments as indicated in Exhibits A, B and C, attached hereto and made a part hereof; and

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, by the Board of County Commissioners of Calvert County, Maryland, that the comprehensive textual and map amendments to the environmental regulations, including the Critical Area Program, Zoning Ordinance, Critical Area Map, and adoption of the Forest Interior Dwelling Bird Habitat Map (Articles 5, 8, 9, 11, and 12 of the Calvert County Zoning Ordinance) BE, and hereby ARE, amended as shown in attached Exhibit A (Text Amendments, Mark-ups), Exhibit B (Text Amendments, Final) and Exhibit C (Map Amendments); and

BE IT FURTHER RESOLVED, that this amendatory Ordinance shall take effect on the date set forth below.

DONE, this 4 day of May, 2010, by the Board of County Commissioners for Calvert County, Maryland, sitting in regular session.

ATTEST:

Corinne J. Cook, Clerk

Approved for legal sufficiency on 5/15/10

by

Emanuel Demedis
County Attorney

BOARD OF COUNTY COMMISSIONERS
CALVERT COUNTY, MARYLAND

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Ordinance No. 11-10
Amendments to the Calvert County Zoning Ordinance and Critical Area Maps
Re: Environmental Regulations Update
Page 2 of 2
Exhibit C
Map Amendments

CAMA 09-2. Critical Area Map
Adopt a revised Critical Area Map with Critical Area overlays including both hard copy and digital versions. The final maps include all of the proposed map amendments that are approved herein. The Maps are recorded by Tax Map segment in the Land Records of Calvert County at: KPS Book 4 Page 133-172.

CAMA 09-3. Critical Area Habitat Protection Area Map
Adopt the Critical Area Habitat Protection Area Map that displays the habitat protection areas, except for the 100 ft buffer and Forest Interior Dwelling Bird Habitat, for Calvert County. This map displays the location of Natural Heritage Areas, State-Listed Species Sites, Locally Significant Habitats, Eagle Nest Sites, Cliff Category Areas 1 and 2, and Anadromous Fish Propagation Waters. The map is recorded in the Land Records of Calvert County at: KPS Book 4 Page 173.

Adopt the Forest Interior Dwelling Bird Habitat Map for Calvert County. The map is recorded in the Land Records of Calvert County at: KPS Book 4 Page 174.

CAMA 09-1. State Lands Critical Area Overlay District
On the County Critical Area Map, remove the “State, County and Private Parks” designation and create a new Critical Area Overlay District called State Lands. This would include all State Lands including State Parks. The total acres of State Lands is 2,115 acres. Create new legend. The particular sites are listed in A-E below:

A. Change Critical Area Overlay on Broadview Bluffs from LDA to State Lands and for all other state owned lands in Parkers Creek watershed change the overlay from RCA to State Lands (Figure 1, 588 acres).
B. Change the Critical Area Overlay for the University of Maryland Center for Environmental Science, Chesapeake Biological Laboratory from either IDA or State, County and Private Parks to State Lands including the following parcels on Tax Map 46A: 51, 55, 57, 59-60, 64, 68-73, 75, 77-79 (Figure 2). Properties currently designated State, County and Private Parks in this area that are not owned by the State (Tax Map 46A, Parcels 58, 61, 62, 63, 65, 66, 67, 74 and 76) would be changed to IDA.
C. Identify Molly’s Leg Island in Solomons Harbor as State Land (Figure 3).
D. Change all lands that are currently designated State, County and Private Parks to State Lands except that the County’s Flag Ponds Nature Park (Tax Map 35, Parcels 3, 37, 54, 57, and 141) and the Nature Conservancy property on Helen Creek (Tax Map 42, Parcels 129, 212, and 219) are changed to RCA and the Calvert Marine Museum Property (Tax Map 44B, Parcels 107, 108, 109, 112 and 116) is changed to IDA.
E. Re-designate the Hollowing Point Service Center and Boat Landing Property (Tax Map 26, Parcel 176, 6904 Hollowing Point Lane) from LDA3 to State Lands (Figure 4, 1.41 acres).

CAMA 09-4. Hollowing Point Trailer Park (Figure 5)
Establish a Special Buffer Management Area on the Hollowing Point Trailer Park Property (Parcel 20, Tax Map 26, 5.34 acres). The property address is 6790 Hollowing Lane.

CAMA 09-5. Flag Harbor Yacht Haven Marina (Figure 6)
Designate the shoreline along the marina portion of the harbor as a Special Buffer Management Area (SBMA) (Tax Map 32, Parcel 64, and Residue “A”, 8.76 acres).

CAMA 09-6. Add New Critical Area Measured From Rose Haven Harbor (Figure 7)
Add new Critical Area at the northeast end of the County that is within 1000’ of Rose Haven Harbor in Ann Arundel County (28.33 acres). Designate this area RCA.

Natural Heritage Areas (NHA) and State-Listed Species Sites (SLSS)
CAMA 09-7A. Camp Roosevelt Cliffs Natural Heritage Area (NHA-10, Figure 8)
Change the Cliff Category designation from 3 to 2 for the area in this NHA north of Camp Roosevelt cliffs (Tax Map 16, Parcel 201).

CAMA 09-7B. Plum Point SLSS (L-7, Figure 9)
Change the Cliff Category designation from 3 to 2 for this SLSS

CAMA 09-7C. Angelica Cliffs SLSS (Figure 10)
Adopt a new Angelica Cliffs SLSS as shown in Figure 10.

CAMA 09-7D. Bayside Forest/Kaufman Road Cliffs SLSS (Figure 11)
Adopt a new Bayside Forest/Kaufman Road SLSS as shown in Figure 11. Change the Bayside Forest/Kaufman Road SLSS from Cliff Category 3 to Cliff Category 2.

CAMA 09-7E. Scientists Cliffs SLSS expansion (L-5, Figures 12)
Expanded this SLSS to the north and south as indicated in Figure 12. Change the Cliff Category 3 area within this SLSS to Cliff Category 1. Change the very southern end of this LSS in front of the Governor’s Run Condominium Association Property (Tax Map 28, Parcel 215) from Cliff Category 1 to Cliff Category 2.
CAM 09-7G. New Camp Canoy North SLSS (Figure 17)  
Adopt new SLSS as shown in Figure 17 and designate the cliff category in this area Cliff Category 1.

CAM 09-7H. Proposed New Camp Canoy South SLSS (Figure 18)  
Adopt new SLSS as shown in Figure 18.

CAM 09-7I. Little Cove Point SLSS (L-4, Figure 19)  
Expand this SLSS to the south as shown in Figure 19. Change the Cliff Category from 3 to 2 at the northern end of the site as indicated in Figure 19.

CAM 09-7J. Combine the Graham Creek and Middle Patuxent Marshes State Listed Species Sites (L-1 & L-10 become L-1, Figure 20). The combined Site will be called the Middle Patuxent Marshes.

CAM 09-9. LDA to IDA in Solomons Using Growth Allocation (Figure 23 and spreadsheet)  
As shown in Figure 23, change all land designated LDA between Lore Rd. and Solomons Landing from LDA to IDA using growth allocation (29.74 acres, Parcels listed in attached spreadsheet).

CAM 09-10. LDA to IDA For Stoney’s Banquet Facility in Broomes Island Using Growth Allocation (Figure 25). Change Parcel 15, Tax Map 38C in Broomes Island from LDA to IDA using 1.49 acres of growth allocation and with the following conditions:

1. Anchor the banquet tent, cooler storage building, onshore boat bar, well pump house, small storage shed to prevent flotation, collapse, or lateral movement.
2. For the banquet tent, cooler storage building, onshore boat bar, well pump house, and small storage shed, all electric, heating ventilation, plumbing, and air conditioning equipment and other service facilities shall be installed at or above the Flood Protection Elevation of 7.0 feet NGVD or be certified as being flood-proofed by a professional engineer.
3. For the cooler storage building, onshore boat bar, well pump house, and small storage shed, install water equalizing vents.
4. The County shall submit to Critical Area Commission staff, and if necessary, to the full Commission a Buffer Management Plan consistent with the planting plan approved by the County to mitigate and offset environmental impacts on the site.

CAM 09-11. Special Buffer Management Area Status for Stoney’s Banquet Facility in Broomes Island (Figures 25). Designate Parcel 15, Tax Map 38C in Broomes Island as a Special Buffer Management Area.
Figure 1. CAMA 09-1A, Parkers Creek Area, RCA to State Lands, Critical Area Line

Figure 2. CAMA 09-1B, Chesapeake Biological Laboratory, IDA or Parks become State Lands; Areas currently designated Parks, but are not State property, become IDA
Figure 5. CAMA 09-4. Hallowing Point Trailer Park, Proposed Special Buffer Management Area

Figure 6. CAMA 09-5
Flag Harbor Yacht Haven Marina
Proposed Special Buffer Management Area
Figure 7. CAMA 09-6. Proposed New Critical Area (RCA) in Calvert County within 1,000 Ft. of Rose Haven Harbor

Figure 8. CAMA 09-7A
Ex. Camp Roosevelt Cliffs Natural Heritage Area
Ex. Cliff Category 1
Ex. Cliff Category 2
Change Cliff Category 3 to 2
Figure 9. CAMA09-7B
Ex. Plum Point State-Listed Species Site,
Change Cliff Category from 3 to 2

Figure 10. CAMA 09-7C
Proposed Angelica Cliff SLSS
Ex. Cliff Category 2
Figure 17. CAMA 09-7G.
Proposed Camp Canoy North SLSS
Ex. Cliff Category 1
Change Cliff Category from 3 to 1

Figure 18. CAMA 09-7H
Proposed Camp Canoy South SLSS
Ex. Cove Point Marsh NHA
Existing Cliff Category 1

Rocky Point