

RE: Text Amendment Case No. 15-02
Amendments to the Calvert County Zoning Ordinance,
Prince Frederick Master Plan, Prince Frederick Zoning Ordinance,
Lusby Town Center Zoning Ordinance
and Solomons Town Center Zoning Ordinance
RE: Transferrable Development Rights
Page 1 of 3

Pertaining to the Amendments of the Calvert County Zoning Ordinance, Prince Frederick Master Plan, Prince Frederick Zoning Ordinance, Lusby Town Center Zoning Ordinance and the Solomons Town Center Zoning Ordinance

(Calvert County Zoning Ordinance Table 5-3, Prince Frederick Master Plan Chapter IV.F., Prince Frederick Zoning Ordinance Sections III-C.2, III-D AND III-E, Lusby Town Center Zoning Ordinance Article 4 and Solomons Town Center Zoning Ordinance Sections 5-1.08.B.1, 5-1.08.B.2, AND 6-12.07.C.2.A)

RE: Transferrable Development Rights

(Text Amendment Case No.15-02)

WHEREAS, Title 3 of the *Land Use Article* of the Maryland Annotated Code, as amended, empowers the Board of County Commissioners of Calvert County, Maryland (the “Board of County Commissioners”) to enact, adopt, amend, and execute a Master Plan, and Title 4 empowers the Board of County Commissioners to enact a Zoning Ordinance to promote the health, safety and welfare of the citizens of Calvert County, and to provide for its administration, enforcement and amendment;

WHEREAS, the Board of County Commissioners of Calvert County, Maryland has heretofore adopted the Calvert County Zoning Ordinance by Ordinance 35-06, the Prince Frederick Master Plan by Resolution 27-89, the Prince Frederick Zoning Ordinance by Resolution 8-92, the Lusby Town Center Zoning Ordinance by Resolution 1-02, and the Solomons Town Center Zoning Ordinance by Resolution 35-09;

WHEREAS, after study and evaluation, the Calvert County Department of Community Planning & Building recommended to the Planning Commission and the Board of County Commissioners text amendments to the Calvert County Zoning Ordinance Table 5-3, Prince Frederick Master Plan Chapter IV.F., Prince Frederick Zoning Ordinance Sections III-C.2, III-D and III-E, Lusby Town Center Zoning Ordinance Article 4 and Solomons Town Center Zoning Ordinance Sections 5-1.08.B.1, 5-1.08.B.2, and 6-12.07.C.2.A;

WHEREAS, after due notice was published, the Board of County Commissioners and the Planning Commission of Calvert County, Maryland (hereinafter, the “Planning Commission”) conducted a joint public hearing on November 17, 2015, at which time the proposed amendments were discussed, staff’s recommendations were considered, and public comment was solicited;

WHEREAS, at the conclusion of said public hearing the Planning Commission voted to recommend adoption of the amendments and conveyed its recommendation to the Board of County Commissioners by resolution; and

WHEREAS, after considering the evidence which had been presented at the public hearing regarding the proposed text amendments and the recommendation of the Planning Commission, and in furtherance of the public health, safety and welfare, the Board of County Commissioners

EX 0004876229

Ordinance No. 40-15

RE: Text Amendment Case No. 15-02
Amendments to the Calvert County Zoning Ordinance,
Prince Frederick Master Plan, Prince Frederick Zoning Ordinance,
Lusby Town Center Zoning Ordinance
and Solomons Town Center Zoning Ordinance
RE: Transferrable Development Rights
Page 2 of 3

determined it is in the best interest of the citizens of the County to enact the text amendments to the Calvert County Zoning Ordinance, Prince Frederick Master Plan and Zoning Ordinance, Lusby Town Center Zoning Ordinance and Solomons Town Center Zoning Ordinance as set forth in Exhibit A, attached hereto and made a part hereof.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Calvert County, Maryland, that the Calvert County Zoning Ordinance Table 5-3, Prince Frederick Master Plan Chapter IV.F., Prince Frederick Zoning Ordinance Sections III-C.2, III-D and III-E, Lusby Town Center Zoning Ordinance Article 4 and Solomons Town Center Zoning Ordinance Sections 5-1.08.B.1, 5-1.08.B.2, and 6-12.07.C.2.A **BE**, and hereby **ARE**, amended by adopting the text amendments as shown in attached Exhibit A hereto and made a part hereof (Exhibit B depicts the amendments as they will actually appear in the Zoning Ordinances and Master Plan).

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Ordinance or the Calvert County Zoning Ordinance, Prince Frederick Master Plan, Prince Frederick Zoning Ordinance, Lusby Town Center Zoning Ordinance or Solomons Town Center Zoning Ordinance are found to be unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinances shall be enforceable and valid.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that this amendatory Ordinance shall be effective upon recordation without publication of a fair summary, but in no event sooner than ten (10) days from adoption.

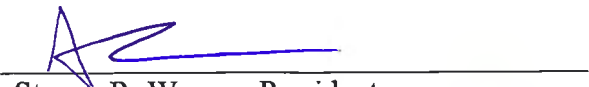
DONE, this 17th day of November 2015 by the Board of County Commissioners of Calvert County, Maryland.

Aye: 5
Nay: 0
Absent/Abstain: 0

ATTEST:


**BOARD OF COUNTY
COMMISSIONERS OF CALVERT
COUNTY, MARYLAND**

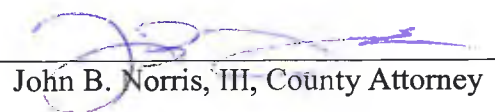

Maureen L. Frederick, Clerk



Steven R. Weems, President

Approved for form and legal
sufficiency by:


Evan K. Slauchenhaupt Jr., Vice-President



Mike Hart


John B. Norris, III, County Attorney


Tom Hejl


Pat Nutter

Received for Record... November 30, 20... 15
at 10:30 AM... M. Same day
... 48 ...
... 228 ... COUNTY COMMISSIONERS
CERTIFICATION RESOLUTION.



Calvert County Zoning Ordinance

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

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

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

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

TABLE 5-3 Residential Density and Minimum Lot Size Chart- Town Centers (continued)*
Residential Density = D; Minimum Lot Size = L

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

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

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

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

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Calvert County Zoning Ordinance

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

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

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

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

TABLE 5-3 Residential Density and Minimum Lot Size Chart- Town Centers (continued)*
Residential Density = D; Minimum Lot Size = L

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

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

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

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

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Prince Frederick Master Plan

Prince Frederick Master Plan, Chapter IV. F, excerpt page M.P. 11

F. RESIDENTIAL DEVELOPMENT ACTIONS

1. Retain the residential character of existing neighborhoods while providing for small scale office and commercial uses by permitting the adaptive reuse of existing residential structures. Require that non-residential uses be compatible with the residential character of the neighborhood.
2. Preserve the character of existing residential areas by maintaining the existing low density residential character of these areas. Permit more intensive residential development outside existing residential areas in order to encourage a mix of housing types serving a full range of interests, incomes and ages.
3. ~~Except for existing residential areas, d~~Designate the Town Center as a Transfer Zone. Permit increased density with the use of Transferable Development Rights ~~at a rate of five TDR's per additional unit~~ within the Transfer Zone. Permit densities to be increased without purchasing TDRs for the purpose of providing housing for the elderly.

Prince Frederick Master Plan

Prince Frederick Master Plan, Chapter IV. F, excerpt page M.P. 11

F. RESIDENTIAL DEVELOPMENT ACTIONS

1. Retain the residential character of existing neighborhoods while providing for small scale office and commercial uses by permitting the adaptive reuse of existing residential structures. Require that non-residential uses be compatible with the residential character of the neighborhood.
2. Preserve the character of existing residential areas by maintaining the existing low density residential character of these areas. Permit more intensive residential development outside existing residential areas in order to encourage a mix of housing types serving a full range of interests, incomes and ages.
3. Designate the Town Center as a Transfer Zone. Permit increased density with the use of Transferable Development Rights within the Transfer Zone. Permit densities to be increased without purchasing TDRs for the purpose of providing housing for the elderly.

Prince Frederick Zoning Ordinance

Section III-C.2

2. Setbacks from Existing Adjacent Parcels and Landscaping within Setbacks

a. Setbacks from Existing Adjacent Parcels

Setbacks from adjacent parcels shall ~~equal the height of the building, exclusive of the roof, or be 2030 feet, whichever is greater. If variable roof heights are utilized, the average height of the building at the boundary to adjacent property shall be used to establish minimum setbacks.~~

Exceptions:

If a property is adjacent to a parcel that has an existing non-residential use, or if the intent is to continue an established pattern of residential development (ex. a row of townhouses), the setback may be reduced to 0' if the emergency access and maintenance are properly addressed. If the adjacent use is residential, approval for a reduced setback must be obtained from the adjacent property owner prior to preliminary approval.

Section III-D

D. MINIMUM LOT SIZE AND LOT WIDTH REQUIREMENTS

No minimum lot size or lot width is required. However, **the lot shall be sufficient in size to meet the setback requirements and required landscaping.** ~~single family detached, single family attached and townhouse residences shall be provided with a private backyard at least equal in size to the footprint of the residence.~~

Prince Frederick Zoning Ordinance

Section III-C.2

2. Setbacks from Existing Adjacent Parcels and Landscaping within Setbacks

a. Setbacks from Existing Adjacent Parcels

Setbacks from adjacent parcels shall be 20 feet.

Exceptions:

If a property is adjacent to a parcel that has an existing non-residential use, or if the intent is to continue an established pattern of residential development (ex. a row of townhouses), the setback may be reduced to 0' if the emergency access and maintenance are properly addressed. If the adjacent use is residential, approval for a reduced setback must be obtained from the adjacent property owner prior to preliminary approval.

Section III-D

D. MINIMUM LOT SIZE AND LOT WIDTH REQUIREMENTS

No minimum lot size or lot width is required. However, the lot shall be sufficient in size to meet the setback requirements and required landscaping.

Prince Frederick Zoning Ordinance

Section III-E

E. PERMITTED NUMBER OF DWELLING UNITS

1. Determining Number of Dwelling Units

The number of residential dwelling units that can be placed on any given site within the Town Center will be determined on the basis of regulations governing protection of natural features (Chapter I), road requirements (Chapter II), site Design standards (Chapter II) height requirements by District (Chapter IV) and Permitted Uses (Chapter VII). In no case may the number of dwelling units per gross acre exceed fourteen.

2. Requirements for use of Development Rights

Prince Frederick is designated as a Transfer Zone. Purchase of five Calvert County Transferable Development Rights (**TDRs**) is required for each **single family detached dwelling unit on lots averaging greater than 10,000 square feet (gross), three TDRs for each single family detached dwelling on lots averaging less than or equal to 10,000 square feet (gross), two TDRs for each attached dwelling and one TDR for each attached multi-family dwelling**, over one (1.0) dwelling unit per acre.¹ A maximum of fourteen (14.0) dwelling units per acre is permitted.

Exceptions:

- a. In lieu of purchasing Transferable Development Rights, applicants with bona fide affordable housing projects may apply to the Board of County Commissioners for a waiver of the requirement to purchase Transferable Development Rights. The Board may approve the application in whole or in part provided that no more than 30% of the existing housing stock within the Town Center meets the State definition **of** affordable housing.

¹ The use of Transferable Development Rights (TDRs) shall not be required for age-restricted housing developments that comply with Section 5-5 of the Calvert County Zoning Ordinance and which are properly submitted prior to July 1, 2006.

Prince Frederick Zoning Ordinance

Section III-E

E. PERMITTED NUMBER OF DWELLING UNITS

1. Determining Number of Dwelling Units

The number of residential dwelling units that can be placed on any given site within the Town Center will be determined on the basis of regulations governing protection of natural features (Chapter I), road requirements (Chapter II), site Design standards (Chapter II) height requirements by District (Chapter IV) and Permitted Uses (Chapter VII). In no case may the number of dwelling units per gross acre exceed fourteen.

2. Requirements for use of Development Rights

Prince Frederick is designated as a Transfer Zone. Purchase of five Calvert County Transferable Development Rights (TDRs) is required for each single family detached dwelling on lots averaging greater than 10,000 square feet (gross), three TDRs for each single family detached dwelling on lots averaging less than or equal to 10,000 square feet (gross), two TDRs for each attached dwelling and one TDR for each attached multi-family dwelling, over one (1.0) dwelling unit per acre.¹ A maximum of fourteen (14.0) dwelling units per acre is permitted.

Exceptions:

- a. In lieu of purchasing Transferable Development Rights, applicants with bona fide affordable housing projects may apply to the Board of County Commissioners for a waiver of the requirement to purchase Transferable Development Rights. The Board may approve the application in whole or in part provided that no more than 30% of the existing housing stock within the Town Center meets the State definition of affordable housing.

¹ The use of Transferable Development Rights (TDRs) shall not be required for age-restricted housing developments that comply with Section 5-5 of the Calvert County Zoning Ordinance and which are properly submitted prior to July 1, 2006.

Lusby Town Center Zoning Ordinance:**ARTICLE 4: TRANSFER ZONE DISTRICT**

(12/02/03) 4-0 DESIGNATED TRANSFER ZONES

The Village Edge District and the Village Residential Office District are designated transfer zones per the Calvert County Zoning Ordinance. Purchase of five Calvert County Transferable Development Rights is required for each **single family detached dwelling unit on lots averaging greater than 10,000 square feet (gross), three TDRs for each single family detached dwelling on lots averaging less than or equal to 10,000 square feet (gross), two TDRs for each attached dwelling and one TDR for each attached multi-family dwelling**, over one (1.0) dwelling unit per acre¹. A maximum of nine (9.0) dwelling units per acre is permitted.

Affordable housing projects sponsored by a bona fide affordable housing agency may apply to the Board of County Commissioners for a waiver of the requirement to purchase Transferable Development Rights. The Board may approve the application in whole or in part provided that no more than 30% of the existing housing stock within the Town Center meets the State definition of affordable housing, the proposed development is consistent with the provision related to residential development listed in the Lusby Master Plan and the proposed development meets all other requirements in this Ordinance.

¹ The use of Transferable Development Rights (TDRs) shall not be required for age-restricted housing developments that comply with Section 5-5 of the Calvert County Zoning Ordinance and which are properly submitted prior to July 1, 2006

Lusby Town Center Zoning Ordinance:**ARTICLE 4: TRANSFER ZONE DISTRICT****(12/02/03) 4-0 DESIGNATED TRANSFER ZONES**

The Village Edge District and the Village Residential Office District are designated transfer zones per the Calvert County Zoning Ordinance. Purchase of five Calvert County Transferable Development Rights is required for each single family detached dwelling on lots averaging greater than 10,000 square feet (gross), three TDRs for each single family detached dwelling on lots averaging less than or equal to 10,000 square feet (gross), two TDRs for each attached dwelling and one TDR for each attached multi-family dwelling, over one (1.0) dwelling unit per acre¹. A maximum of nine (9.0) dwelling units per acre is permitted.

Affordable housing projects sponsored by a bona fide affordable housing agency may apply to the Board of County Commissioners for a waiver of the requirement to purchase Transferable Development Rights. The Board may approve the application in whole or in part provided that no more than 30% of the existing housing stock within the Town Center meets the State definition of affordable housing, the proposed development is consistent with the provision related to residential development listed in the Lusby Master Plan and the proposed development meets all other requirements in this Ordinance.

¹ The use of Transferable Development Rights (TDRs) shall not be required for age-restricted housing developments that comply with Section 5-5 of the Calvert County Zoning Ordinance and which are properly submitted prior to July 1, 2006

Solomons Town Center Zoning OrdinanceSection 5-1.08 Residential Density, Minimum Lot Width Requirements in the Solomons Town Center

A. Maximum Density.

1. For new residential development, the base density for all Sub-areas shall not exceed one dwelling unit per acre without the application of Transferable Development Rights (TDRs).
2. In the C6 Sub-area, the base density may be increased to a maximum of 10 dwelling units per acre with the application of TDRs (see sub-paragraph 'B' of this Section). In the C7 Sub-areas, the base density may be increased to a maximum of four dwelling units per acre with the application of TDRs. For maximum density allowed in the C1 Sub-area, see Section 6-12 of this Ordinance. In all other Sub-areas, the base density may be increased to a maximum of seven dwelling units per acre with the application of TDRs.
 - a. For Continuing Care Retirement Communities, the base density may be increased to a maximum of 10 dwelling units per acre with the application of TDR's as reduced pursuant to Section 5-1.08(B)(3)(c).
3. The maximum density in all Sub-areas shall be subject to the Critical Area regulations contained in Article 8 of the Calvert County Zoning Ordinance.
4. The maximum density of a buildable lot shall be based on the gross acreage, including any existing or proposed non-residential development on the property. To determine the maximum density allowed with the application of TDRs, the following formulas shall be used:
 - a. In the C6 Sub-area (density = 10 dwelling units/acre): Divide the gross acreage of the property by 4,356 (1/10th of an acre) and round down to the nearest integer.
 - b. In the C7 Sub-areas (density = 4 dwelling units/acre): Divide the gross acreage of the property by 10,890 (1/4th of an acre) and round down to the nearest integer.
 - c. For all properties in the Limited Development Area (LDA) of the Critical Area (density = 4 dwelling units/acre): Divide the gross acreage of the property by 10,890 (1/4th of an acre) and round down to the nearest integer.
 - d. For all properties in the C1 Sub-area, see Section 6-12.
 - e. For all other properties (density = 7 dwelling units/acre): Divide the gross acreage of the property by 6,222 (1/7th of an acre) and round down to the nearest integer.

B. Application of Transferable Development Rights (TDRs).

1. **Five** TDRs shall be applied as specified in sub-paragraph B.2 of this Section for each new buildable lot recorded after the adoption of this Ordinance (9/22/09), or each new dwelling unit given final site plan approval after the adoption of this Ordinance (9/22/09).

Exceptions. The application of TDRs is not required in the following instances:

- a. If a buildable lot is vacant at the time of adoption of this Ordinance (9/22/09), and is later subdivided into additional buildable lots, one dwelling unit may be constructed on one of those lots without the application of TDRs.
- b. One dwelling unit is permitted per buildable lot if the lot was in existence as of the date of adoption of this Ordinance (9/22/09), and meets the requirements of Section 5-1.09 of the Calvert County Zoning Ordinance.

- c. One apartment that is accessory to a single-family detached residence and which complies with the requirements of Section 3-2.03, Use #1a, of this Ordinance is permitted.
2. Additional residential dwelling units may be permitted with the application of TDRs up to the maximum density allowed by sub-paragraph 'A' of this Section. The application of ~~five~~ TDRs is required for each additional dwelling unit above the base density of one unit per acre. For example, if the maximum density is 10 dwelling units per acre, ~~five~~ TDRs ~~each~~ are required for nine of the dwelling units. **The purchase of five Calvert County TDRs is required for each single family detached dwelling unit on lots averaging greater than 10,000 square feet (gross), three TDRs for each single family detached dwelling on lots averaging less than or equal to 10,000 square feet (gross), two TDRs for each attached dwelling and one TDR for each attached multi-family dwelling.**
3. The Board of County Commissioners (BOCC) may reduce the number of TDRs required for new residential development in the following instances:
 - a. For workforce housing as defined in Article 12 of the Calvert County Zoning Ordinance, provided that the conditions specified in Section 5-1.05.B of the Calvert County Zoning Ordinance are met, and the recommendations of the Calvert Housing Opportunity Committee shall be considered.
 - b. The BOCC may reduce the number of TDRs required by up to 50% for non-profit organizations which meet Internal Revenue Service 5.01.C.3 criteria and provide public benefit, as determined by the Board of County Commissioners. Public benefit may include Leadership in Energy and Environmental Design (LEED) for Neighborhood Development Certification, Silver (or better) LEED Certification for all buildings and/or the provision of public access lands.
 - c. For Continuing Care Retirement Communities, the number of TDRs required for new residential development shall be reduced by 50%.
- C. Minimum Lot Size. The minimum lot size for residential development is 4,000 square feet in all Sub-areas except C1 (See Section 6-12). A variance in the minimum lot size requirements shall not be granted if doing so will result in an increase in the maximum density allowed.
- D. Minimum Lot Widths. There is no minimum lot width in the Sub-areas located south of Lore Road. For properties north of Lore Road, the minimum lot width for residential development shall be 75 feet in all Sub-areas except Sub-areas E1 and E3. In those Sub-areas, the lot width requirements may be reduced below 75 feet if the condition specified in Section 5-1.12 is met.

Solomons Town Center Zoning Ordinance (continued)**6-12.07 Permitted Land Uses**

A mix of uses is encouraged in the C1 Sub-area, particularly those uses which will draw visitors to the area. The general use categories listed below are based on the Table of Land Uses contained in Section 3-1 of this Ordinance. Conditions are imposed, where necessary, to achieve the goals of the Solomons Master Plan and the objectives of this Form-Based Code. Certain uses are prohibited as indicated below.

- A. Agritourism, Eco-Tourism, and Heritage Tourism Uses (See Section 3-1.01). The majority of these uses are intended to be located on farms. Therefore, only “Commercial Kayak and/or Canoe Launching Site” and “Heritage Trail Displays” are permitted in the C1 Sub-area, subject to the conditions of Section 3-2.01.
- B. Agricultural Uses (See Section 3-1.02). The majority of these uses are intended to be located on farms. Therefore, they are not permitted in the C1 Sub-area.
- C. Residential Uses (See Section 3-1.03). Single-family detached dwelling units are not encouraged in the C1 Sub-area. Attached dwelling units or multi-family dwelling units in mixed-use developments better fit with the purpose of these regulations in that they consume less land in this very important commercial village core area.
 1. One single-family detached residence may be constructed on an existing buildable lot meeting the requirements of 5-1.09 of the Calvert County Zoning Ordinance as of 9/22/09. No Transferable Development Rights are required.
 2. If the bonus provisions of 6-12.03 B. are met and the first floor of the building facing the street is restricted to retail or eating establishments, a maximum of 20 residential units per acre is permitted. Density shall be calculated by dividing the total lot area by 2178 (1/20th of an acre) and rounding down to the nearest integer. The following conditions shall be met:
 - a. **Five TDRs are required for each residential unit after the first unit per buildable lot as of 9/22/09. Purchase of five Calvert County Transferable Development Rights is required for each single family detached dwelling unit on lots averaging greater than 10,000 square feet (gross), three TDRs for each single family detached dwelling on lots averaging less than or equal to 10,000 square feet (gross), two TDRs for each attached dwelling and one TDR for each attached multi-family dwelling.**
 - b. If any of the dwelling units are restricted by recorded covenants to occupants who qualify for workforce housing as defined in the Calvert County Zoning Ordinance, the following conditions apply to those units:
 - i. Renter eligibility shall be verified by the Calvert County Housing Authority.
 - ii. No TDRs are required for workforce housing.
 - iii. Workforce housing units shall be at least 500 square feet in size.
 3. Manufactured homes shall not be permitted.

Solomons Town Center Zoning Ordinance**Section 5-1.08 Residential Density, Minimum Lot Width Requirements in the Solomons Town Center**

- A. Maximum Density.
1. For new residential development, the base density for all Sub-areas shall not exceed one dwelling unit per acre without the application of Transferable Development Rights (TDRs).
 2. In the C6 Sub-area, the base density may be increased to a maximum of 10 dwelling units per acre with the application of TDRs (see sub-paragraph 'B' of this Section). In the C7 Sub-areas, the base density may be increased to a maximum of four dwelling units per acre with the application of TDRs. For maximum density allowed in the C1 Sub-area, see Section 6-12 of this Ordinance. In all other Sub-areas, the base density may be increased to a maximum of seven dwelling units per acre with the application of TDRs.
 - a. For Continuing Care Retirement Communities, the base density may be increased to a maximum of 10 dwelling units per acre with the application of TDR's as reduced pursuant to Section 5-1.08(B)(3)(c).
 3. The maximum density in all Sub-areas shall be subject to the Critical Area regulations contained in Article 8 of the Calvert County Zoning Ordinance.
 4. The maximum density of a buildable lot shall be based on the gross acreage, including any existing or proposed non-residential development on the property. To determine the maximum density allowed with the application of TDRs, the following formulas shall be used:
 - a. In the C6 Sub-area (density = 10 dwelling units/acre): Divide the gross acreage of the property by 4,356 (1/10th of an acre) and round down to the nearest integer.
 - b. In the C7 Sub-areas (density = 4 dwelling units/acre): Divide the gross acreage of the property by 10,890 (1/4th of an acre) and round down to the nearest integer.
 - c. For all properties in the Limited Development Area (LDA) of the Critical Area (density = 4 dwelling units/acre): Divide the gross acreage of the property by 10,890 (1/4th of an acre) and round down to the nearest integer.
 - d. For all properties in the C1 Sub-area, see Section 6-12.
 - e. For all other properties (density = 7 dwelling units/acre): Divide the gross acreage of the property by 6,222 (1/7th of an acre) and round down to the nearest integer.
- B. Application of Transferable Development Rights (TDRs).
1. TDRs shall be applied as specified in sub-paragraph B.2 of this Section for each new buildable lot recorded after the adoption of this Ordinance (9/22/09), or each new dwelling unit given final site plan approval after the adoption of this Ordinance (9/22/09).

Exceptions. The application of TDRs is not required in the following instances:

 - a. If a buildable lot is vacant at the time of adoption of this Ordinance (9/22/09), and is later subdivided into additional buildable lots, one dwelling unit may be constructed on one of those lots without the application of TDRs.
 - b. One dwelling unit is permitted per buildable lot if the lot was in existence as of the date of adoption of this Ordinance (9/22/09), and meets the requirements of Section 5-1.09 of the Calvert County Zoning Ordinance.

- c. One apartment that is accessory to a single-family detached residence and which complies with the requirements of Section 3-2.03, Use #1a, of this Ordinance is permitted.
2. Additional residential dwelling units may be permitted with the application of TDRs up to the maximum density allowed by sub-paragraph 'A' of this Section. The application of TDRs is required for each additional dwelling unit above the base density of one unit per acre. For example, if the maximum density is 10 dwelling units per acre, TDRs are required for nine of the dwelling units. The purchase of five Calvert County TDRs is required for each single family detached dwelling unit on lots averaging greater than 10,000 square feet (gross), three TDRs for each single family detached dwelling on lots averaging less than or equal to 10,000 square feet (gross), two TDRs for each attached dwelling and one TDR for each attached multi-family dwelling.
3. The Board of County Commissioners (BOCC) may reduce the number of TDRs required for new residential development in the following instances:
 - a. For workforce housing as defined in Article 12 of the Calvert County Zoning Ordinance, provided that the conditions specified in Section 5-1.05.B of the Calvert County Zoning Ordinance are met, and the recommendations of the Calvert Housing Opportunity Committee shall be considered.
 - b. The BOCC may reduce the number of TDRs required by up to 50% for non-profit organizations which meet Internal Revenue Service 5.01.C.3 criteria and provide public benefit, as determined by the Board of County Commissioners. Public benefit may include Leadership in Energy and Environmental Design (LEED) for Neighborhood Development Certification, Silver (or better) LEED Certification for all buildings and/or the provision of public access lands.
 - c. For Continuing Care Retirement Communities, the number of TDRs required for new residential development shall be reduced by 50%.
- C. Minimum Lot Size. The minimum lot size for residential development is 4,000 square feet in all Sub-areas except C1 (See Section 6-12). A variance in the minimum lot size requirements shall not be granted if doing so will result in an increase in the maximum density allowed.
- D. Minimum Lot Widths. There is no minimum lot width in the Sub-areas located south of Lore Road. For properties north of Lore Road, the minimum lot width for residential development shall be 75 feet in all Sub-areas except Sub-areas E1 and E3. In those Sub-areas, the lot width requirements may be reduced below 75 feet if the condition specified in Section 5-1.12 is met.

Solomons Town Center Zoning Ordinance (continued)**6-12.07 Permitted Land Uses**

A mix of uses is encouraged in the C1 Sub-area, particularly those uses which will draw visitors to the area. The general use categories listed below are based on the Table of Land Uses contained in Section 3-1 of this Ordinance. Conditions are imposed, where necessary, to achieve the goals of the Solomons Master Plan and the objectives of this Form-Based Code. Certain uses are prohibited as indicated below.

- A. Agritourism, Eco-Tourism, and Heritage Tourism Uses (See Section 3-1.01). The majority of these uses are intended to be located on farms. Therefore, only "Commercial Kayak and/or Canoe Launching Site" and "Heritage Trail Displays" are permitted in the C1 Sub-area, subject to the conditions of Section 3-2.01.
- B. Agricultural Uses (See Section 3-1.02). The majority of these uses are intended to be located on farms. Therefore, they are not permitted in the C1 Sub-area.
- C. Residential Uses (See Section 3-1.03). Single-family detached dwelling units are not encouraged in the C1 Sub-area. Attached dwelling units or multi-family dwelling units in mixed-use developments better fit with the purpose of these regulations in that they consume less land in this very important commercial village core area.
 1. One single-family detached residence may be constructed on an existing buildable lot meeting the requirements of 5-1.09 of the Calvert County Zoning Ordinance as of 9/22/09. No Transferable Development Rights are required.
 2. If the bonus provisions of 6-12.03 B. are met and the first floor of the building facing the street is restricted to retail or eating establishments, a maximum of 20 residential units per acre is permitted. Density shall be calculated by dividing the total lot area by 2178 (1/20th of an acre) and rounding down to the nearest integer. The following conditions shall be met:
 - a. TDRs are required for each residential unit after the first unit per buildable lot as of 9/22/09. Purchase of five Calvert County Transferable Development Rights is required for each single family detached dwelling unit on lots averaging greater than 10,000 square feet (gross), three TDRs for each single family detached dwelling on lots averaging less than or equal to 10,000 square feet (gross), two TDRs for each attached dwelling and one TDR for each attached multi-family dwelling.
 - b. If any of the dwelling units are restricted by recorded covenants to occupants who qualify for workforce housing as defined in the Calvert County Zoning Ordinance, the following conditions apply to those units:
 - i. Renter eligibility shall be verified by the Calvert County Housing Authority.
 - ii. No TDRs are required for workforce housing.
 - iii. Workforce housing units shall be at least 500 square feet in size.
 3. Manufactured homes shall not be permitted.