

**Pertaining to the Amendments of the Calvert County Zoning Ordinance,
Section 5-1.09.H Retirement of Existing Lots and
Creation of Transferable Development Rights
(Text Amendment Case No.15-05)**

WHEREAS, Title 4 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 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, by Ordinance 35-06, the Board of County Commissioners of Calvert County, Maryland has heretofore adopted the Calvert County Zoning Ordinance;

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 (“CCZO”), to Section 5-1.09.H, Retirement of Existing Lots and Creation of Transferable Development Rights (TDRs);

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 April 5, 2016, 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 of Calvert County, Maryland determined it is in the best interest of the citizens of the County to enact the text amendments to the Calvert County 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 Section 5-1.09.H, Retirement of Existing Lots and Creation of Transferable Development Rights, of the CCZO **BE**, and hereby **IS**, 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 Ordinance).

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, are found to be unconstitutional, illegal, null or void, it is the intent of

DK00049PG195

Ordinance No. 09-16

RE: Text Amendment Case No. 15-05
Amendments to the Calvert County Zoning Ordinance
RE: Eliminate Creation of Transferable Development Rights
from Retirement of Existing Lots
Page 2 of 2

the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance 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.

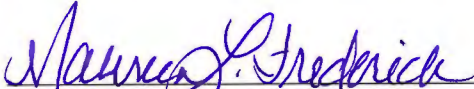
BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that this amendatory Ordinance shall be effective on April 15, 2016, upon recordation and without publication of a fair summary.

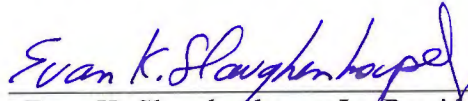
DONE, this 5th day of April 2016 by the Board of County Commissioners of Calvert County, Maryland.

Aye: 5
Nay: 0
Absent/Abstain: 0


ATTEST:

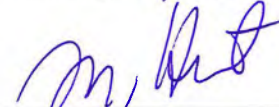
**BOARD OF COUNTY
COMMISSIONERS OF CALVERT
COUNTY, MARYLAND**

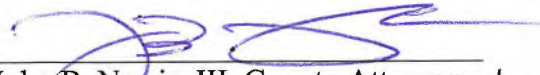

Maureen L. Frederick, Clerk



Evan K. Slaughterhought Jr., President

Approved for form and legal
sufficiency by:


Tom Hejl, Vice-President


Mike Hart

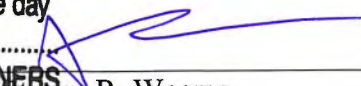

John B. Norris III, County Attorney


Pat Nutter

Received for Record
at 10:15 o'clock A M. Same day

Recorded in Liber KPS No. 49

Folio 194

COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION. 
Steven R. Weems


Kathy P. Smith

Calvert County Zoning Ordinance

Section 5-1.09 Development of Previously-Recorded Residential Lots

- H. Retirement of Existing Lots and Creation of Transferable Development Rights (TDRs)
1. ~~Except as specified under paragraph '2' of this Section, a recorded unimproved subdivision lot may be converted to 2.5 TDRs. No new TDRs shall be created except as provided at Section 2-10.01.H. The Certified TDRs for which covenants have been recorded prior to April, 15, 2016, created under this Section 5-1.09 from a recorded, unimproved subdivision lot, shall be used in the same manner as those created pursuant to Section 2-10.01.J. The TDRs may be certified by the Board of County Commissioners if the following conditions are met:~~
 - a. ~~the lot meets the minimum setbacks for lots of equivalent size as per Section 5-4.07; and~~
 - b. ~~the lot fronts on a platted right-of-way; and~~
 - c. ~~the lot satisfactorily passes a percolation test in accordance with Health Department standards.~~
 2. ~~The following lots may not be converted to TDRs:~~
 - a. ~~Any lot that has a recorded prohibition against conversion to TDRs;~~
 - b. ~~Any lot that has a recorded prohibition against the construction of a dwelling unit on that lot;~~
 - c. ~~Any lot for which a tax credit has been given pursuant to Section 9-306 of the Tax-Property Article of the Annotated Code of Maryland; or~~
 - d. ~~Any lot for which a tax credit has been given pursuant to Article V of Chapter 136 of the Calvert County Code.~~
 3. Prior to conveyance of one or more TDRs certified under this Section, the owner of the lot from which the TDRs were certified shall record restrictive covenants, as prescribed by the Board of County Commissioners, on the lot from which the TDRs were certified.

Calvert County Zoning Ordinance

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 2. Prior to conveyance of one or more TDRs certified under this Section, the owner of the lot from which the TDRs were certified shall record restrictive covenants, as prescribed by the Board of County Commissioners, on the lot from which the TDRs were certified.