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Ordinance No. 27-16

RE: Text Amendment Case No. 15-08a

Amendments to the Calvert County Zoning Ordinance
and Prince Frederick Zoning Ordinance

RE: Amendments to the New Town District of Prince Frederick Town Center
for Setbacks, Density, Building Height & Size, Land Uses
and revisions to Land Use Conditions.

Page 1 of 2

Re-recorded
due to
clerical error.

Pertaining to the Amendments of the Calvert County Zoning Ordinance
and Prince Frederick Zoning Ordinance

(Calvert County Zoning Ordinance Sections 3-2.04 and 3-2.04.A and Prince Frederick Zoning
Ordinance Sections III.C.1.a, III.E.1 & 2 and IV.M.3)

**RE: Amendments to the New Town District of Prince Frederick Town Center for Setbacks,
Density, Building Height & Size, Land Uses and revisions to Land Use Conditions.**

(Text Amendment Case No.15-08a)

WHEREAS, Title 4 of the *Land Use Article* of the Maryland Annotated Code, as amended,
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 and the Prince
Frederick Zoning Ordinance by Resolution 8-92;

WHEREAS, after study and evaluation, the Calvert County Department of Community
Planning & Building has recommended text amendments to the Calvert County Zoning
Ordinance Sections 3-2.04 and 3-2.04.A and Prince Frederick Zoning Ordinance Sections
III.C.1.a, III.E.1 & 2 and IV.M.3;

WHEREAS, after due notice was published, the Board of County Commissioners conducted
a public hearing on June 14, 2016, at which time the proposed amendments were discussed,
staff's recommendations were considered, and public comment was solicited; and

WHEREAS, after considering the evidence which had been presented at the public hearing
regarding the proposed text amendments, the recommendations of the Planning Commission, and
in furtherance of the public health, safety and welfare, the Board of County Commissioners has
determined that the text amendments adopted hereby are consistent with the Calvert County
Comprehensive Plan and the Prince Frederick Master Plan and, further, finds that it is in the best
interest of the citizens of the County to enact the text amendments to the Calvert County Zoning
Ordinance and Prince Frederick 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 Sections 3-2.04 and 3-
2.04.A and Prince Frederick Zoning Ordinance Sections III.C.1.a, III.E.1 & 2 and IV.M.3 **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) without invoking the procedures set forth in Resolution
18-16.

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 or the Prince Frederick 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 and without publication of a fair summary, but not sooner than 10 days after the public hearing.

DONE, this 26th day of July 2016 by the Board of County Commissioners of Calvert County, Maryland.

Aye: Commissioners Hart, Hejl, and Slaughenhaupt
Nay: Commissioners Nutter and Weems
Absent/Abstain: None

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF CALVERT COUNTY, MARYLAND

Maureen L. Frederick, Clerk (Signature)

Evan K. Slaughenhaupt Jr., President (Signature)

Approved for form and legal sufficiency by:

Tom Hejl, Vice-President (Signature)

Mike Hart (Signature)

Received for Record at 12:50 o'clock recorded in Liber KPS No. 50 Folio 57 COUNTY COMMISSIONERS ORDINANCES AND RESOLUTION.

Pat Nutter (Signature)
Steven R. Weems (Signature)

Received for Record at 9:30 o'clock recorded in Liber KPS No. 50 Folio 25 COUNTY COMMISSIONERS ORDINANCES AND RESOLUTION.

Garry P. Smith (Signature)

3-2.04.A Prince Frederick Town Center Conditional Uses

The following are conditions imposed upon land uses indicated in Section 3-2.04, Table of Land Uses. If a use is listed as conditional in the Land Use Tables (indicated by a 'C' or an 'SC'), and no conditions are listed below, the conditions listed in Section 3-1 of the Calvert County Zoning Ordinance (CCZO) apply. The conditions listed below are unique to the Prince Frederick Town Center. Note: This section of the Prince Frederick Town Center Zoning Ordinance has been renumbered for consistency with the Calvert County Zoning Ordinance.

Commercial Retail Use #12

Home Improvement Center, more than 75,000 s.f. with a maximum size of 150,000 s.f., not to exceed 120,000 s.f. in the Entry and Village district, provided that, in addition to specific requirements of the Town Center Zoning Ordinance and Article 6 of the County Zoning Ordinance, the following conditions provided that the conditions for "Retail Commercial Buildings, more than 75,000 square feet with a maximum size of 120,000 square feet" are met:

1. **Building and Site Design**

- a. **In the New Town District, the building shall be setback of a minimum 950' from the Maryland Route 4 right-of-way as its current alignment exists as of May 1, 2016. This setback may not be reduced and is not eligible for consideration of a variance, notwithstanding any provision to the contrary.**
- b. **Any outdoor sales areas shall be specifically designed as such and shall include fencing and landscaping around their entire perimeter in accordance with the Architectural Review Standards of this Town Center Zoning Ordinance. They shall not impede pedestrian circulation and shall not be located within parking lots.**
- c. **Outdoor sales areas and outdoor garden centers that are accessory to a principal use are permitted; the square footage of outdoor sales areas and outdoor garden centers accessory to a principal use, not to exceed 45,000 s.f., shall be excluded from the maximum square footage of the principal use allowed by the Land Use Charts.**
- d. **The site shall include an outdoor area or areas, totaling a minimum of 2000 sq. ft., for a bus stop and outdoor seating. The area(s) shall be landscaped and shall be conveniently located near the public entrance and pedestrian travelways.**
- e. **All sides having a public entrance shall include some combination of the following features along no less than 70 percent of the horizontal length of any façade with a public entrance: recesses, projections, awnings, arcades, display windows and entry areas. (see Building Guidelines Appendix attached to this Town Center Ordinance).**

2. **Maintenance Agreement:**

Before a building permit is issued, a maintenance agreement shall be executed between the landowner and the Board of County Commissioners, which agreement shall apply whether the building is fully occupied, partially occupied or vacant. The agreement shall provide for the maintenance of the building exterior, signage, lighting, landscaping, parking lots, sidewalks, and trash removal. It shall contain provisions whereby the County shall give the landowner notice of any violations of the agreement and a reasonable time to correct the violation. The agreement shall further provide that if the violation has not been corrected within the specified time, the County shall be permitted to enter the premises, correct the violation and add the costs incurred to the landowner's next tax bill. The agreement shall be recorded among the land records of Calvert County and shall be binding on all subsequent owners so long as the building creating the need for the agreement remains standing.

3. **Co-location²:**

- a. **For the purposes of these regulations, co-location is defined as: The placement of smaller retail and service buildings with individual outside entrances on the same site as a large (75,000 sq. ft. +) retail building. The total square footage of the smaller buildings shall equal at least 20 percent of the large retail building. (See**

²The requirements for co-location may apply to each phase of a development or to the entire site, at the developer's request.

Co-location Guidelines Appendix for examples of co-location.)

- b. The square footage of the co-located buildings shall be excluded from the maximum square footage permitted by the Land Use Charts.
- c. The Planning Commission may waive the requirements for co-location in cases where a large retail store in existence as of August 10, 2004, is to be expanded on-site by no more than 50% of its gross square footage. No waivers shall be granted for (1) the expansion of a large retail store in existence as of August 10, 2004, if the expansion is more than 50% of its gross square footage or (2) the expansion of large retail stores constructed after August 10, 2004. Such waivers shall only be granted if the applicant demonstrates that an undue hardship will be imposed due to exceptional narrowness, shallowness, or shape of particular parcels of property or by reason of exceptional topographical conditions or other extraordinary situations or conditions affecting the property. Self-imposed hardship and financial hardship shall not be considered.

Commercial Retail
Use #14

Mobile Food Sales – See CCZO for conditions.

Commercial Retail
Use #17

Retail Commercial Building with Drive-up Facility, more than 75,000 s.f. with a maximum size limit of ~~420~~**150,000** s.f., **not to exceed 120,000 s.f. in the Entry and Village district**, provided that it meets the conditions for "~~Retail Commercial Buildings~~ **Home Improvement Center**, more than 75,000 s.f. with a maximum size limit of ~~420~~**150,000** s.f." (**Commercial Retail Use #12**)

Commercial Retail
Use #20

Retail Commercial Buildings, more than 75,000 s.f. with a maximum size of ~~420~~**150,000** s.f., **not to exceed 120,000 s.f. in the Entry and Village district**, provided that ~~the following conditions are met:~~ **it meets the conditions for "Home Improvement Center, more than 75,000 s.f. with a maximum size limit of 150,000 s.f." (Commercial Retail Use #12)**

1. Building and Site Design

~~In addition to specific requirements of the Town Center Zoning Ordinance and Article 6 of the County Zoning Ordinance, the following provisions shall apply:~~

- a. ~~Any outdoor sales areas shall be specifically designed as such and shall include fencing and landscaping around their entire perimeter in accordance with the Architectural Review Standards of this Town Center Zoning Ordinance. They shall not impede pedestrian circulation and shall not be located within parking lots.~~
- b. ~~An outdoor area or areas totaling a minimum of 2000 sq. ft. shall be provided for a bus stop and outdoor seating. The area(s) shall be landscaped and shall be conveniently located near the public entrance and pedestrian travelways.~~
- c. ~~All sides having a public entrance shall include some combination of the following features along no less than 70 percent of the horizontal length of any façade with a public entrance: recesses, projections, awnings, arcades, display windows and entry areas. (see Guidelines Appendix attached to this Town Center Ordinance).~~

2. Maintenance Agreement

~~Before a building permit is issued, a maintenance agreement shall be executed between the landowner and the Board of County Commissioners, which agreement shall apply whether the building is fully occupied, partially occupied or vacant. The agreement shall provide for the maintenance of the building exterior, signage, lighting, landscaping, parking lots, sidewalks, and trash removal. It shall contain provisions whereby the County shall give the landowner notice of any violations of the agreement and a reasonable time to correct the violation. The agreement shall further provide that if the violation has not been corrected within the specified time, the County shall be permitted to enter the premises, correct the violation and add the costs incurred to the landowner's next tax bill. The agreement shall be recorded among the land records of Calvert County and shall be binding on all subsequent owners so long as the building creating the need for the agreement remains standing.~~

3. **Co-location²**

~~For the purposes of these regulations, co-location is defined as: The placement of smaller retail and service buildings with individual outside entrances on the same site as a large (75,000 sq. ft. +) retail building. The total square footage of the smaller buildings shall equal at least 20 percent of the large retail building. (See design guidelines for examples of co-location.)~~

~~The square footage of the co-located buildings shall be excluded from the maximum square footage permitted by the Land Use Charts.~~

a. **Waivers for Co-location**

~~The Planning Commission may waive the requirements for co-location in cases where a large retail store in existence as of August 10, 2004, is to be expanded on-site by no more than 50% of its gross square footage. No waivers shall be granted for (1) the expansion of a large retail store in existence as of August 10, 2004, if the expansion is more than 50% of its gross square footage or (2) the expansion of large retail stores constructed after August 10, 2004. Such waivers shall only be granted if the applicant demonstrates that an undue hardship will be imposed due to exceptional narrowness, shallowness, or shape of particular parcels of property or by reason of exceptional topographical conditions or other extraordinary situations or conditions affecting the property. Self-imposed hardship and financial hardship shall not be considered.~~

Commercial Retail Use #21 (7/12/13)

Retail Commercial Sale or Display Area, Outdoor – See CCZO for conditions

Commercial Retail Use #22 (7/12/13)

Seasonal Retail Sales or Display Area, Outdoor – See CCZO for conditions.

Commercial Retail Use #23 (7/12/13)

Watermen’s Market – See CCZO for conditions

Business & Personal Services Use #13

Flex Space Business, provided that:

1. in the Old Town, Old Town Transitional, and Fairgrounds District, the size of the building shall be limited to 5,000 square feet; and
2. in all Districts, the conditions of the Calvert County Zoning Ordinance for Flex Space Businesses shall be met; and
3. noise, odor and glare shall be comparable to or less than retail commercial uses of similar size.

Business & Personal Services Use #15

Home Occupation, All Employed are Residents – See CCZO for conditions.

Business & Personal Services Use #16

Home Occupation, 1 Equivalent Full-time non-resident employee – See CCZO for conditions.

Business & Personal Services Use #17

Home Occupation, 2 Equivalent Full-time non-resident employees – See CCZO for conditions.

Recreation Use #2

Carnival, Fair or Circus – Temporary, Less than 5 acres – See CCZO for conditions.

Recreation Use #3

Carnival, Fair or Circus – Temporary, Mess than 5 acres – See CCZO for conditions.

Recreation Use #19 (9/9/14)

Target Range, Indoor – See CCZO for conditions.

² The requirements for co-location may apply to each phase of a development or to the entire site, at the developer's discretion.

Recreation Use #21
(9/9/14)

Target Range, Institutional – See CCZO for conditions.

Commercial
Wholesale Use #6

Wholesale Lumber and/or other Building Materials, More than 75,000 s.f. with a maximum size limit of ~~420~~150,000 square feet, not to exceed 120,000 s.f. in the Entry and Village district, provided that the conditions for "~~Retail Commercial Buildings~~ Home Improvement Center, more than 75,000 square feet with a maximum size of ~~420~~150,000 square feet" are met. (Commercial Retail Use #12)

PRINCE FREDERICK TOWN CENTER									
USE #	3-2.04 PRINCE FREDERICK TABLE OF LAND USES – COMMERCIAL RETAIL	OLD TOWN	OLD TOWN RESIDENTIAL	OLD TOWN TRANSITIONAL	FAIR-GROUND	ENTRY	VILLAGE	NEW TOWN	FOREST
1.	Agricultural Machinery, Service and/or Supplies	P		P	S2	P	P	P	P
2.	Antiques Sales	P	P	P	P	P	P	P	P
3.	Art Gallery, Less than 25,000 s.f.	P		P		P	P	P	P
4.	Art Gallery, More than 25,000 and less than 75,000 s.f.					P	P		
5.	Artisan's and Crafters' Market	C		C	C	C	C	C	C
6.	Auction Building					S1	S1	S1	S1
7.	Boat Dealership					S2	S2	S2	S2
8.	Farmers' Market	C		C	C	C	C	C	C
9.	Flea Market by Non-profit Organization	P	P	P	P	P	P	P	P
10.	Home Improvement Center, Less Than or Equal to 25,000 s.f.	P		P	S2	P	P	P	P
11.	Home Improvement Center, More Than 25,000 s.f. and Less Than or Equal to 75,000 s.f.					P	P	P	
12.	Home Improvement Center, More Than 75,000 s.f. with a maximum size limit of 420 150 ,000 s.f.					C	C	C	
13.	Manufactured Home Dealer								
14.	Mobile Food Sales	C		C		C	C	C	C
15.	Retail Commercial Building with Drive-up Facility, Less than or Equal to 25,000 s.f.	P		P		P	P	P	P
16.	Retail Commercial Building with Drive-up Facility, More than 25,000 s.f. and less than or equal to 75,000 s.f.					P	P	P	
17.	Retail Commercial Building with Drive-up Facility, More than 75,000 s.f. with a maximum size limit of 420 150 ,000 s.f.					C	C	C	

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USE #	3-2.04 PRINCE FREDERICK TABLE OF LAND USES – COMMERCIAL RETAIL (continued)	OLD TOWN	OLD TOWN RESIDENTIAL	OLD TOWN TRANSITIONAL	FAIR-GROUND	ENTRY	VILLAGE	NEW TOWN	FOREST
18.	Retail Commercial Building, Less than or Equal to 25,000 s.f.	P		P		P	P	P	P
19.	Retail Commercial Building, More than 25,000 s.f. and less than or equal to 75,000 s.f.					P	P	P	
20.	Retail Commercial Building, More than 75,000 s.f. with a maximum size limit of 420 150 ,000 s.f.					C	C	C	
21.	Retail Commercial Sale or Display Area, Outdoor	C		C		C	C	C	C
22.	Seasonal Retail Sales or Display Area, Outdoor (7/12/13)	C		C		C	C	C	C
23.	Watermen's Market	C		C	C	C	C	C	C

PRINCE FREDERICK TOWN CENTER

USE #	3-2.04 PRINCE FREDERICK TABLE OF LAND USES – COMMERCIAL WHOLESALE	OLD TOWN	OLD TOWN RESIDENTIAL	OLD TOWN TRANSITIONAL	FAIR-GROUND	ENTRY	VILLAGE	NEW TOWN	FOREST
1.	Mini-Storage					P	P	P	P
2.	Warehouse, Indoor			P		P	P	P	P
3.	Warehouse, Outdoor					P	P	P	P
4.	Wholesale Lumber and/or Other Building Materials, Less Than or Equal to 25,000 s.f.	P		P	S2	P	P	P	P
5.	Wholesale Lumber and/or other Building Materials, More Than 25,000 s.f. and Less Than or Equal to 75,000 s.f.					P	P	P	
6.	Wholesale Lumber and/or other Building Materials, More Than 75,000 s.f. with a maximum size limit of 420 150 ,000 s.f.					C	C	C	
7.	Wholesaling, Indoor Only			P		P	P	P	P

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Exhibit APrince Frederick Zoning Ordinance

CHAPTER III – SITE DESIGN

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, **except in the New Town District, where the maximum number of dwelling units per gross acre shall not exceed twenty-four.**

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.~~

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.

CHAPTER IV – BUILDING DESIGN & HEIGHT REQUIREMENTS

M. Building Height* Restriction By District (See Chapter VI for map of Districts)		
1.	Old Town District Old Town Residential District Fairgrounds District	Two stories plus a habitable roof. Maximum height 36 ft.
2.	Old Town Transition District Entry District Village District Forest District New Town District	40 feet plus a habitable roof except that areas where there is a water supply system which is capable of providing adequate supply for fire protection, is certified by the agency providing fire protection, and is in compliance with Article 38A, Annotated Code of Maryland Chapter 44 of the Calvert County Code, as amended from time to time , a height of 50 feet, plus the roof, shall be permitted allowed . See exceptions in Section 5-1.11 (Residential) and 6-2.02 (Non-Residential) of the Calvert County Zoning Ordinance.
3.	New Town District	60 feet, plus a habitable roof, shall be permitted provided that there is a water supply system which is capable of providing adequate supply for fire protection, is certified by the agency providing fire protection, and is in compliance with Chapter 44 of the Calvert County Code, as amended from time to time.

* Height is measured at street level front entrance except as required by the Department of Public Safety

Prince Frederick Zoning Ordinance

Chapter III: Site Design

- C. SETBACKS AND LANDSCAPING WITHIN SETBACKS
1. Setbacks and Landscaping along Roadways
 - a. Building, Parking Lot and Accessory Use Setbacks along Roadways
The minimum setback for buildings, parking lots and accessory uses along all roadway rights-of-way within the Town Center is 35 feet, **except in the New Town District, where along all arterial roadway rights-of-way the minimum setback is the lesser of either 10 feet from the property line or 25' from the nearest travel-lane.**
Exceptions
 - i. Reductions in setbacks
The following reductions in minimum setbacks may be approved by the Planning Commission to meet special design requirements of the Planning Commission or to address a non –self-imposed hardship.
 - (i) Setbacks may be reduced to a minimum of 25 feet from edge of right-of-way along proposed secondary “loop” roads.
 - (ii) Setbacks may be reduced to a minimum of 25 feet from edge of curb along all local connector roads (future roads that connect Rt 2/4 with secondary loop roads), Church Street, Armory Road, Fairgrounds Road, Dares Beach Road west, and Duke Street.
 - (iii) **Except as otherwise provided in this section,** setbacks may be reduced to a minimum of 15 feet from edge of curb along all local roads.
 - (iv) If an applicant is required to provide a service road, the Planning Commission may grant a reduction in the parking lot setback from 35 feet to no less than 20 feet.
 - ii. Setbacks along Main Street
Future buildings (including replacements of existing buildings) along Main Street shall maintain the existing as-built setbacks along the street, exclusive of public plazas and outdoor seating areas. Off-street parking lots shall be located to the rear of the buildings.
 - iii. Setbacks along Proposed Loop Road west of Rt 2/4
In lieu of parking lot setbacks, off street parking lots shall be located to the rear of buildings

3-2.04.A Prince Frederick Town Center Conditional Uses

The following are conditions imposed upon land uses indicated in Section 3-2.04, Table of Land Uses. If a use is listed as conditional in the Land Use Tables (indicated by a 'C' or an 'SC'), and no conditions are listed below, the conditions listed in Section 3-1 of the Calvert County Zoning Ordinance (CCZO) apply. The conditions listed below are unique to the Prince Frederick Town Center. Note: This section of the Prince Frederick Town Center Zoning Ordinance has been renumbered for consistency with the Calvert County Zoning Ordinance.

Commercial Retail Use #12

Home Improvement Center, more than 75,000 s.f. with a maximum size of 150,000 s.f., not to exceed 120,000 s.f. in the Entry and Village district, provided that, in addition to specific requirements of the Town Center Zoning Ordinance and Article 6 of the County Zoning Ordinance, the following conditions are met:

1. Building and Site Design
 - a. In the New Town District, the building shall be setback of a minimum 950' from the Maryland Route 4 right-of-way as its current alignment exists as of May 1, 2016. This setback may not be reduced and is not eligible for consideration of a variance, notwithstanding any provision to the contrary.
 - b. Any outdoor sales areas shall be specifically designed as such and shall include **fencing** and landscaping around their entire perimeter in accordance with the Architectural Review Standards of this Town Center Zoning Ordinance. They shall not impede pedestrian circulation and shall not be located within parking lots.
 - c. Outdoor sales areas and outdoor garden centers that are accessory to a principal use are permitted; the square footage of outdoor sales areas and outdoor garden centers accessory to a principal use, not to exceed 45,000 s.f., shall be excluded from the maximum square footage of the principal use allowed by the Land Use Charts.
 - d. The site shall include an outdoor area or areas, totaling a minimum of 2000 sq. ft., for a bus stop and outdoor seating. The area(s) shall be landscaped and shall be conveniently located near the public entrance and pedestrian travelways.
 - e. All sides having a public entrance shall include some combination of the following features along no less than 70 percent of the horizontal length of any façade with a public entrance: recesses, projections, awnings, arcades, display windows and entry areas. (see Building Guidelines Appendix attached to this Town Center Ordinance).
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Before a building permit is issued, a maintenance agreement shall be executed between the landowner and the Board of County Commissioners, which agreement shall apply whether the building is fully occupied, partially occupied or vacant. The agreement shall provide for the maintenance of the building exterior, signage, lighting, landscaping, parking lots, sidewalks, and trash removal. It shall contain provisions whereby the County shall give the landowner notice of any violations of the agreement and a reasonable time to correct the violation. The agreement shall further provide that if the violation has not been corrected within the specified time, the County shall be permitted to enter the premises, correct the violation and add the costs incurred to the landowner's next tax bill. The agreement shall be recorded among the land records of Calvert County and shall be binding on all subsequent owners so long as the building creating the need for the agreement remains standing.
3. Co-location²:
 - a. For the purposes of these regulations, co-location is defined as: The placement of smaller retail and service buildings with individual outside entrances on the same site as a large (75,000 sq. ft. +) retail buildings. The total square footage of the smaller buildings shall equal at least 20 percent of the large retail building. (See Co-location Guidelines Appendix for examples of co-location.)
 - b. The square footage of the co-located buildings shall be excluded from the maximum square footage permitted by the Land Use Charts.
 - c. The Planning Commission may waive the requirements for co-location in cases where a large retail store in existence as of August 10, 2004, is to be expanded on-site by no

²The requirements for co-location may apply to each phase of a development or to the entire site, at the developer's request.

more than 50% of its gross square footage. No waivers shall be granted for (1) the expansion of a large retail store in existence as of August 10, 2004, if the expansion is more than 50% of its gross square footage or (2) the expansion of large retail stores constructed after August 10, 2004. Such waivers shall only be granted if the applicant demonstrates that an undue hardship will be imposed due to exceptional narrowness, shallowness, or shape of particular parcels of property or by reason of exceptional topographical conditions or other extraordinary situations or conditions affecting the property. Self-imposed hardship and financial hardship shall not be considered.

Commercial Retail Use #14	<u>Mobile Food Sales</u> – See CCZO for conditions.
Commercial Retail Use #17	<u>Retail Commercial Building with Drive-up Facility, more than 75,000 s.f. with a maximum size limit of 150,000 s.f., not to exceed 120,000 s.f. in the Entry and Village district, provided that it meets the conditions for “Home Improvement Center, more than 75,000 s.f. with a maximum size limit of 150,000 s.f.” (Commercial Retail Use #12)</u>
Commercial Retail Use #20	<u>Retail Commercial Buildings, more than 75,000 s.f. with a maximum size of 150,000 s.f., not to exceed 120,000 s.f. in the Entry and Village district, provided that it meets the conditions for “Home Improvement Center, more than 75,000 s.f. with a maximum size limit of 150,000 s.f.” (Commercial Retail Use #12)</u>
Commercial Retail Use #21 (7/12/13)	<u>Retail Commercial Sale or Display Area, Outdoor</u> – See CCZO for conditions
Commercial Retail Use #22 (7/12/13)	<u>Seasonal Retail Sales or Display Area, Outdoor</u> – See CCZO for conditions.
Commercial Retail Use #23 (7/12/13)	<u>Watermen’s Market</u> – See CCZO for conditions
Business & Personal Services Use #13	<u>Flex Space Business, provided that:</u> <ol style="list-style-type: none"> 1. in the Old Town, Old Town Transitional, and Fairgrounds District, the size of the building shall be limited to 5,000 square feet; and 2. in all Districts, the conditions of the Calvert County Zoning Ordinance for Flex Space Businesses shall be met; and 3. noise, odor and glare shall be comparable to or less than retail commercial uses of similar size.
Business & Personal Services Use #15	<u>Home Occupation, All Employed are Residents</u> – See CCZO for conditions.
Business & Personal Services Use #16	<u>Home Occupation, 1 Equivalent Full-time non-resident employee</u> – See CCZO for conditions.
Business & Personal Services Use #17	<u>Home Occupation, 2 Equivalent Full-time non-resident employees</u> – See CCZO for conditions.
Recreation Use #2	<u>Carnival, Fair or Circus – Temporary, Less than 5 acres</u> – See CCZO for conditions.
Recreation Use #3	<u>Carnival, Fair or Circus – Temporary, Mess than 5 acres</u> – See CCZO for conditions.
Recreation Use #19 (9/9/14)	<u>Target Range, Indoor</u> – See CCZO for conditions.

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Recreation Use #21
(9/9/14)

Target Range, Institutional – See CCZO for conditions.

Commercial
Wholesale Use #6

Wholesale Lumber and/or other Building Materials. More than 75,000 s.f. with a maximum size limit of 150,000 square feet, not to exceed 120,000 s.f. in the Entry and Village district, provided that the conditions for "Home Improvement Center, more than 75,000 square feet with a maximum size of 150,000 square feet" are met. (Commercial Retail Use #12)

PRINCE FREDERICK TOWN CENTER									
USE #	3-2.04 PRINCE FREDERICK TABLE OF LAND USES – COMMERCIAL RETAIL	OLD TOWN	OLD TOWN RESIDENTIAL	OLD TOWN TRANSITIONAL	FAIR-GROUND	ENTRY	VILLAGE	NEW TOWN	FOREST
1.	Agricultural Machinery, Service and/or Supplies	P		P	S2	P	P	P	P
2.	Antiques Sales	P	P	P	P	P	P	P	P
3.	Art Gallery, Less than 25,000 s.f.	P		P		P	P	P	P
4.	Art Gallery, More than 25,000 and less than 75,000 s.f.					P	P		
5.	Artisan’s and Crafters’ Market	C		C	C	C	C	C	C
6.	Auction Building					S1	S1	S1	S1
7.	Boat Dealership					S2	S2	S2	S2
8.	Farmers’ Market	C		C	C	C	C	C	C
9.	Flea Market by Non-profit Organization	P	P	P	P	P	P	P	P
10.	Home Improvement Center, Less Than or Equal to 25,000 s.f.	P		P	S2	P	P	P	P
11.	Home Improvement Center, More Than 25,000 s.f. and Less Than or Equal to 75,000 s.f.					P	P	P	
12.	Home Improvement Center, More Than 75,000 s.f. with a maximum size limit of 150,000 s.f.					C	C	C	
13.	Manufactured Home Dealer								
14.	Mobile Food Sales	C		C		C	C	C	C
15.	Retail Commercial Building with Drive-up Facility, Less than or Equal to 25,000 s.f.	P		P		P	P	P	P
16.	Retail Commercial Building with Drive-up Facility, More than 25,000 s.f. and less than or equal to 75,000 s.f.					P	P	P	
17.	Retail Commercial Building with Drive-up Facility, More than 75,000 s.f. with a maximum size limit of 150,000 s.f.					C	C	C	

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USE #	3-2.04 PRINCE FREDERICK TABLE OF LAND USES – COMMERCIAL RETAIL (continued)	OLD TOWN	OLD TOWN RESIDENTIAL	OLD TOWN TRANSITIONAL	FAIR-GROUND	ENTRY	VILLAGE	NEW TOWN	FOREST
18.	Retail Commercial Building, Less than or Equal to 25,000 s.f.	P		P		P	P	P	P
19.	Retail Commercial Building, More than 25,000 s.f. and less than or equal to 75,000 s.f.					P	P	P	
20.	Retail Commercial Building, More than 75,000 s.f. with a maximum size limit of 150,000 s.f.					C	C	C	
21.	Retail Commercial Sale or Display Area, Outdoor	C		C		C	C	C	C
22.	Seasonal Retail Sales or Display Area, Outdoor (7/12/13)	C		C		C	C	C	C
23.	Watermen's Market	C		C	C	C	C	C	C

PRINCE FREDERICK TOWN CENTER

USE #	3-2.04 PRINCE FREDERICK TABLE OF LAND USES – COMMERCIAL WHOLESALE	OLD TOWN	OLD TOWN RESIDENTIAL	OLD TOWN TRANSITIONAL	FAIR-GROUND	ENTRY	VILLAGE	NEW TOWN	FOREST
1.	Mini-Storage					P	P	P	P
2.	Warehouse, Indoor			P		P	P	P	P
3.	Warehouse, Outdoor					P	P	P	P
4.	Wholesale Lumber and/or Other Building Materials, Less Than or Equal to 25,000 s.f.	P		P	S2	P	P	P	P
5.	Wholesale Lumber and/or other Building Materials, More Than 25,000 s.f. and Less Than or Equal to 75,000 s.f.					P	P	P	
6.	Wholesale Lumber and/or other Building Materials, More Than 75,000 s.f. with a maximum size limit of 150,000 s.f.					C	C	C	
7.	Wholesaling, Indoor Only			P		P	P	P	P

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Exhibit B**Prince Frederick Zoning Ordinance**

CHAPTER III – SITE DESIGN

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, except in the New Town District, where the maximum number of dwelling units per gross acre shall not exceed twenty-four.

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

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.

Exhibit B

CHAPTER IV – BUILDING DESIGN & HEIGHT REQUIREMENTS

M. Building Height* Restriction By District (See Chapter VI for map of Districts)		
1.	Old Town District Old Town Residential District Fairgrounds District	Two stories plus a habitable roof. Maximum height 36 ft.
2.	Old Town Transition District Entry District Village District Forest District	40 feet plus a habitable roof except that areas where there is a water supply system which is capable of providing adequate supply for fire protection, is certified by the agency providing fire protection, and is in compliance with Chapter 44 of the Calvert County Code, as amended from time to time, a height of 50 feet, plus the roof, shall be allowed. See exceptions in Section 5-1.11 (Residential) and 6-2.02 (Non-Residential) of the Calvert County Zoning Ordinance.
3.	New Town District	60 feet, plus a habitable roof, shall be permitted provided that there is a water supply system which is capable of providing adequate supply for fire protection, is certified by the agency providing fire protection, and is in compliance with Chapter 44 of the Calvert County Code, as amended from time to time.

* Height is measured at street level front entrance except as required by the Department of Public Safety

Prince Frederick Zoning Ordinance

Chapter III: Site Design

- C. SETBACKS AND LANDSCAPING WITHIN SETBACKS
1. Setbacks and Landscaping along Roadways
 - a. Building, Parking Lot and Accessory Use Setbacks along Roadways

The minimum setback for buildings, parking lots and accessory uses along all roadway rights-of-way within the Town Center is 35 feet, except in the New Town District, where along all arterial roadway rights-of-way the minimum setback is the lesser of either 10 feet from the property line or 25' from the nearest travel-lane.

Exceptions

 - i. Reductions in setbacks

The following reductions in minimum setbacks may be approved by the Planning Commission to meet special design requirements of the Planning Commission or to address a non –self-imposed hardship.

 - (i) Setbacks may be reduced to a minimum of 25 feet from edge of right-of-way along proposed secondary “loop” roads.
 - (ii) Setbacks may be reduced to a minimum of 25 feet from edge of curb along all local connector roads (future roads that connect Rt 2/4 with secondary loop roads), Church Street, Armory Road, Fairgrounds Road, Dares Beach Road west, and Duke Street.
 - (iii) Except as otherwise provided in this section, setbacks may be reduced to a minimum of 15 feet from edge of curb along all local roads.
 - (iv) If an applicant is required to provide a service road, the Planning Commission may grant a reduction in the parking lot setback from 35 feet to no less than 20 feet.
 - ii. Setbacks along Main Street

Future buildings (including replacements of existing buildings) along Main Street shall maintain the existing as-built setbacks along the street, exclusive of public plazas and outdoor seating areas. Off-street parking lots shall be located to the rear of the buildings.
 - iii. Setbacks along Proposed Loop Road west of Rt 2/4

In lieu of parking lot setbacks, off street parking lots shall be located to the rear of buildings