

Pertaining to the Amendments of the Calvert County Zoning Ordinance (Calvert County Zoning Ordinance, Article 3, Section 3-1.03, Uses 1.a. and 5.f.; Article 5, Sections 5-1.02.D.6., 5-1.03.D.7., 5-1.04.D.4., and 5-1.05.A.; Article 7, Sections 7-1.06.J. and 7-1.06.L.; Article 8, Section 8-1.05H.1.c.; and Article 12: Definitions)

**RE: Changes to the Family Conveyance (FC) Regulations**

(Text Amendment Case No. 16-08)

**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 herein referred to as (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 Article 5, Sections 5-1.02.D.6., 5-1.03.D.7., 5-1.04.D.4., and 5-1.05.A.; Article 7, Sections 7-1.06.J. and 7-1.06.L.; Article 8, Section 8-1.05H.1.c.; and Article 12: Definitions;

**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 11, 2017, 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 staff report, testimony 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 determined it is in the best interest of the citizens of the County to enact the text amendments to the CCZO, as set forth in Exhibit A, attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners, Article 5, Sections 5-1.02.D.6, 5-1.03.D.7, 5-1.04.D.4 and 5-1.05.A; Article 7, Sections 7-1.06.J and 7-1.06.L; Article 8, Section 8-1.05H.1.c. and Article 12, Definitions, 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 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 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 that the foregoing recitals are adopted as if fully rewritten herein.

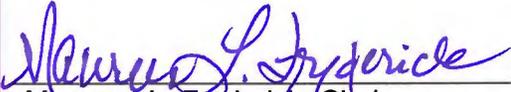
**BE IT FURTHER ORDAINED** by the Board of County Commissioners that this amendatory Ordinance shall be effective upon recordation and without publication of a fair summary.

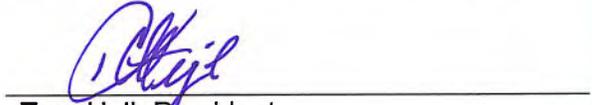
**DONE**, this 11<sup>th</sup> day of April 2017, by the Board of County Commissioners.

Aye: Hejl, Slaughenhaupt, Hart, Nutter  
Nay: \_\_\_\_\_  
Absent/Abstain: Weems

ATTEST:

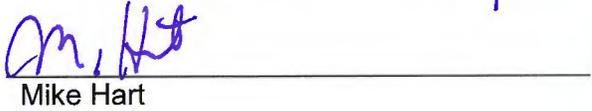
BOARD OF COUNTY COMMISSIONERS  
OF CALVERT COUNTY, MARYLAND

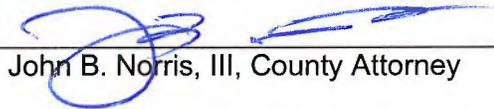
  
Maureen L. Frederick, Clerk

  
Tom Hejl, President

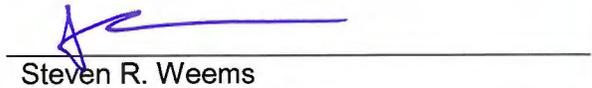
Approved for form and legal  
sufficiency by:

  
Evan K. Slaughenhaupt Jr., Vice-President

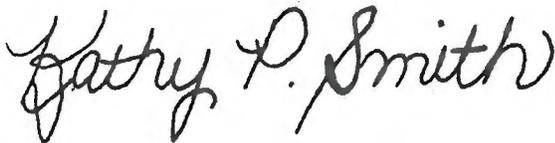
  
Mike Hart

  
John B. Norris, III, County Attorney

  
Pat Nutter

  
Steven R. Weems

Received for Record April 26, 2017  
at 9:55 o'clock A.M. Same day  
recorded in Liber KPS No. 51  
Folio 435 COUNTY COMMISSIONERS  
ORDINANCES AND RESOLUTION.



# Text Amendment Case #16-08

## Family Conveyance Provisions

Various Sections of Articles 5, 7, 8 and 12  
of the Calvert County Zoning Ordinance

Black font – existing ordinance language

**Red font** – proposed ordinance language

~~Black Strikethrough~~ – existing ordinance language to be  
removed

## Calvert County Zoning Ordinance - Article 5

## 5-1.02 Residential Density Requirements in the Farm and Forest District

- D. All other land within the Farm and Forest District
6. Family Conveyance Lots. Additional lots may **only** be **created for family members from parcels of record as of November 2, 1999, provided that through family conveyance. To be eligible to create and convey family conveyance lots, the current owner(s) must have owned the property as of November 2, 1999 or be a family member of lineal descent or ascent to whom the right has been transferred by will or deed. The following provisions apply conditions are met:**
- a. Any lot created as a family conveyance lot shall only be conveyed to a family member ~~of lineal descent or ascent, being parent, child, grandchild or grandparent of the grantor. Only one lot may be granted to any one individual. An affidavit shall be executed by the grantor affirming that the grantee is of lineal descent or ascent and has not received any lots from the parent tract (as of June 20, 1967). The affidavit shall be submitted with the preliminary plan. A note shall be recorded on the plat identifying the lot as a family conveyance lot and the affidavit shall be shown on the final plat and signed by the owner.~~ **of the grantor being: spouse, parent, child, grandchild, grandparent, sibling, or the child of a sibling, subject to the following:**
- i. **Only one (1) set of family conveyance rights may be derived from any parcel of record as of November 2, 1999, regardless of whether the parcel is held by Tenants in Common or Joint Tenants. In addition, only one (1) lot may be granted to any one (1) family member from the parcel of record as of November 2, 1999.**
  - ii. **A notarized Family Conveyance Affidavit shall be executed by the owner creating the family conveyance lot affirming that the designated grantee is an eligible family member as defined in Section 5-1.02.D.6.a., and has not received any other lots from the parcel of record, as of November 2, 1999. The Affidavit shall be submitted with the preliminary plan application. The family conveyance lot shall be identified as such on the final plat and the Affidavit shall also be shown on the final plat and signed by the grantor.**
  - iii. **Legal documentation affirming the owner's relationship to the grantee must be submitted to the Department of Community Planning & Building as part of the preliminary plan application. Acceptable forms of documentation shall include: birth, death, and/or marriage certificates, or other valid government issued identification.**
- b. Any deed for a family conveyance lot created under this Section shall contain a covenant stating that the lot is created subject to the provisions set forth in Section 5-1.02.D.6.a.-~~d~~ **e.** of the Calvert County Zoning Ordinance.
- c. ~~A lot created by a bona fide family conveyance subdivision may not be conveyed subsequently to any person other than another his eligible family member family member of lineal descent or ascent unless five Transferable Development Rights (TDRs) per lot are applied and recorded by deed This provision shall be in effect for seven years after the lot is recorded.~~ **The right to create family conveyance lots from a parcel of record as of November 2, 1999, shall remain with the land regardless of ownership.**

## Calvert County Zoning Ordinance - Article 5

- i. In cases where the parcel of record as of November 2, 1999 has been further subdivided, any unused family conveyance rights shall remain with the parcel of record's residue.
  - ii. An owner of the parcel of record or its residue, may assign unused family conveyance rights by deed, but only to another property that was derived from the parcel of record as of November 2, 1999, or its residue.
  - iii. A Certificate of Title may be required to verify a parcel's eligibility to create family conveyance lots, or the number of family conveyance rights remaining with any property claiming such rights.
  - iv. In no case, shall more than one (1) set of family conveyance rights be granted from any parcel of record as of November 2, 1999, regardless of the number of property owners on the deed or the number of lots and parcels created from the parcel of record.
- d. If there is a question regarding the eligibility of a parcel to create family conveyance lots, the burden of proof shall be on the property owner. Decisions concerning eligibility are to be made by the Zoning Officer and final decisions of the Zoning Officer may be appealed to the Board of Appeals, in accordance with Article 11. The number of conventional lots calculated in Section 5-1.02.D.4., ~~'D.3' above~~ may be doubled ~~through the use for the creation~~ of family conveyance lots. ~~However, no more than up to a total maximum of~~ seven (7) lots ~~(family conveyance and conventional lots) may be created provided that~~, if the minimum lot size requirements of Section 5-1.06.A., Table 5-1, can be met. ~~The creation of a family conveyance lot shall not require the application of Transfer Development Rights (TDRs); except, as stipulated under Section 5-1.02.D.6.e.i.-v., provided that all other conditions in this Section are met.~~
- e. ~~Notwithstanding the calculations above, up to three family conveyance lots may be created without the application of Transferable Development Rights (TDRs) provided that all of the conditions in this Section are met. Any family conveyance lots created after the first three lots shall require the application of five Transferable Development Rights per lot. Subsequent to the creation of a family conveyance lot by a recorded plat under this Article, the lot shall be subject to the following provisions:~~
- i. The grantor must transfer ownership of the lot to the assigned grantee listed in the Family Conveyance Affidavit on the recorded final plat by deed, before any further transfer of the lot can take place.
  - ii. The assigned grantee may not subsequently transfer the family conveyance lot to any other person or entity for a minimum period of seven (7) years from the recording date of the deed transferring ownership from the grantor to the grantee, except as provided under Section 5-1.02.D.6.e.iii.; unless, five (5) Transfer Development Rights (TDR's) are applied to the lot and the final plat is revised to redesignate the lot as a non-family conveyance prior to deed transfer.
  - iii. A grantee may within the first seven (7) years of ownership, transfer a family conveyance lot to another eligible family member as defined in Section 5-1.02.D.6.a., provided that the Family Conveyance Affidavit on the final plat is revised to reflect the newly assigned grantee prior to transfer. The newly assigned grantee must

## Calvert County Zoning Ordinance - Article 5

- also complete the seven (7) year ownership requirement of the first grantee or meet the requirements of Section 5-1.02.D.6.e.ii., prior to transfer of the family conveyance lot.
- iv. This Section does not prevent the transfer of a family conveyance lot to a third party as security for a mortgage or Deed of Trust or for a family conveyance lot that must be transferred or sold as a result of foreclosure or court order.
  - v. No residential building permits may be issued for a family conveyance lot that does not first meet the requirements of this Section.

Family conveyance lots created before the adoption of Section 5-1.02.D.6.e.i.-v., shall comply with the family conveyance requirements set forth in the zoning ordinance in effect at the time the lot was first recorded.

## 5-1.03 Residential Density Requirements in the Rural Community District

- D. All other land within the Rural Community District
  - 7. Family Conveyance Lots. Additional lots may **only** be **created for family members from parcels of record as of November 2, 1999, provided that through family conveyance. To be eligible to create and convey family conveyance lots, the current owner(s) must have owned the property as of November 2, 1999 or be a family member of lineal descent or ascent to whom the right has been transferred by will or deed. The following provisions apply conditions are met:**
    - a. Any lot created as a family conveyance lot shall only be conveyed to a family member ~~of lineal descent or ascent, being parent, child, grandchild or grandparent of the grantor. Only one lot may be granted to any one individual. An affidavit shall be executed by the grantor affirming that the grantee is of lineal descent or ascent and has not received any lots from the parent tract (as of June 20, 1967). The affidavit shall be submitted with the preliminary plan. A note shall be recorded on the plat identifying the lot as a family conveyance lot and the affidavit shall be shown on the final plat and signed by the owner.~~ **of the grantor being: spouse, parent, child, grandchild, grandparent, sibling, or the child of a sibling, subject to the following:**
      - i. Only one (1) set of family conveyance rights may be derived from parcel of record as of November 2, 1999, regardless of whether the parcel is held by Tenants in Common or Joint Tenants. In addition, only one (1) lot may be granted to any one (1) family member from the parcel of record as of November 2, 1999.
      - ii. A notarized Family Conveyance Affidavit shall be executed by the owner creating the family conveyance lot affirming that the designated grantee is an eligible family member as defined in Section 5-1.03.D.7.a., and has not received any other lots from the parcel of record as of November 2, 1999. The Affidavit shall be submitted with the preliminary plan application. The family conveyance lot shall be identified as such on the final plat and the Affidavit shall also be shown on the final plat and signed by the grantor.
      - iii. Legal documentation affirming the owner's relationship to the grantee must be submitted to the Department of Community Planning & Building as part of the preliminary plan application.

## Calvert County Zoning Ordinance - Article 5

**Acceptable forms of documentation shall include: birth, death, and/or marriage certificates, or other valid government issued identification.**

- b. Any deed for a family conveyance lot created under this Section shall contain a covenant stating that the lot is created subject to the provisions set forth in Section 5-1.03.D.7.a.-~~d~~e. of the Calvert County Zoning Ordinance.
- c. ~~A lot created by a bona fide family conveyance subdivision may not be conveyed subsequently to any person other than another his eligible family member family member of lineal descent or ascent unless five Transferable Development Rights (TDRs) per lot are applied and recorded by deed. This provision shall be in effect for seven years after the lot is recorded. The right to create family conveyance lots from a parcel of record as of November 2, 1999, shall remain with the land regardless of ownership.~~
  - i. **In cases where the parcel of record as of November 2, 1999 has been further subdivided, any unused family conveyance rights shall remain with the parcel of record's residue.**
  - ii. **An owner of the parcel of record or its residue, may assign unused family conveyance rights by deed, but only to another property that was derived from the parcel of record as of November 2, 1999, or its residue.**
  - iii. **A Certificate of Title may be required to verify a parcel's eligibility to create family conveyance lots, or the number of family conveyance rights remaining with any property claiming such rights.**
  - iv. **In no case, shall more than one (1) set of family conveyance rights be granted to any parcel of record as of November 2, 1999, regardless of the number of property owners on the deed or the number of lots and parcels created from the parcel of record.**
  - v. **If there is a question regarding the eligibility of a parcel to create family conveyance lots, the burden of proof shall be on the property owner. Decisions concerning eligibility are to be made by the Zoning Officer and final decisions of the Zoning Officer may be appealed to the Board of Appeals, in accordance with Article 11.**
- d. The number of conventional lots calculated **in Section 5-1.03.D.4., 'D.3' above may be doubled through the use for the creation** of family conveyance lots, **However, no more than up to a total maximum of seven (7) lots (family conveyance and conventional lots) may be created provided that ,if the minimum lot size requirements of Section 5-1.06.A., Table 5-1, can be met. The creation of a family conveyance lot shall not require the application of Transfer Development Rights (TDRs), except as stipulated under Section 5-1.03.D.7.e.ii., provided that all other conditions in this Section are met.**
- e. ~~Notwithstanding the calculations above, up to three family conveyance lots may be created without the application of Transferable Development Rights (TDRs) provided that all of the conditions in this Section are met. Any family conveyance lots created after the first three lots shall require the application of five Transferable Development Rights per lot. Subsequent to the creation of a family conveyance lot by a recorded plat under this Article, the lot shall be subject to the following provisions:~~
  - i. **The grantor must transfer ownership of the lot to the assigned grantee listed in the Family Conveyance Affidavit on the recorded**

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- final plat by deed, before any further transfer of the lot can take place.
- ii. The assigned grantee may not subsequently transfer the family conveyance lot to any other person or entity for a minimum period of seven (7) years from the recording date of the deed transferring ownership from the grantor to the grantee, except as provided under Section 5-1.03.D.7.e.iii.; unless, five (5) Transfer Development Rights (TDR's) are applied to the lot and the final plat is revised to redesignate the lot as a non-family conveyance prior to deed transfer.
  - iii. A grantee may, within the first seven (7) years of ownership, transfer a family conveyance lot to another eligible family member as defined in Section 5-1.03.D.7.a., provided that the Family Conveyance Affidavit on the final plat is revised to reflect the newly assigned grantee prior to transfer. The newly assigned grantee must also complete the seven (7) year ownership requirement of the first grantee or meet the requirements of Section 5-1.03.D.7.e.ii., prior to transfer of the family conveyance lot.
  - iv. This Section does not prevent the transfer of a family conveyance lot to a third party as security for a mortgage or Deed of Trust or for a family conveyance lot that must be transferred or sold as a result of foreclosure or court order.
  - v. No residential building permits may be issued for a family conveyance lot that does not first meet the requirements of this Section.

Family conveyance lots created before the adoption of Section 5-1.03.D.7., shall comply with the set forth in the zoning ordinance in effect at the time the lot was first recorded.

5-1.04 Residential Density Requirements in the Residential District

- D. All other land within the Residential District
  4. Family Conveyance Lots. Additional lots may **only** be **created for family members from parcels of record as of November 2, 1999, providing through family conveyance. To be eligible to create and convey family conveyance lots, the current owner(s) must have owned the property as of November 2, 1999 or be a family member of lineal descent or ascent to whom the right has been transferred by will or deed. The following provisions apply requirements are met:**
    - a. Any lot created as a family conveyance lot shall only be conveyed to a family member ~~of lineal descent or ascent, being parent, child, grandchild or grandparent of the grantor. Only one lot may be granted to any one individual. An affidavit shall be executed by the grantor affirming that the grantee is of lineal descent or ascent and has not received any lots from the parent tract (as of June 29, 1967). The affidavit shall be submitted with the preliminary plan. A note shall be recorded on the plat identifying the lot as a family conveyance lot and the affidavit shall be shown on the final plat and signed by the owner.~~ **of the grantor being: spouse, parent, child, grandchild, grandparent, sibling, or the child of a sibling, subject to the following:**
      - i. Only one (1) set of family conveyance rights may be derived from any parcel of record as of April 22, 1980, regardless of whether the

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- parcel is held by Tenants in Common or Joint Tenants. In addition, only one (1) lot may be granted to any one (1) family member from the parcel of record as of November 2, 1999.
- ii. A notarized Family Conveyance Affidavit shall be executed by the owner creating the family conveyance lot affirming that the designated grantee is an eligible family member as defined in Section 5-1.04.D.4.a., and has not received any other lots from the parcel of record as of November 2, 1999. The Affidavit shall be submitted with the preliminary plan application. The family conveyance lot shall be identified as such on the final plat and the Affidavit shall also be shown on the final plat and signed by the grantor.
  - iii. Legal documentation affirming the owner's relationship to the grantee must be submitted to the Department of Community Planning & Building as part of the preliminary plan application. Acceptable forms of documentation shall include: birth, death, and/or marriage certificates, or other valid government issued identification.
- b. Any deed for a family conveyance lot created under this Section shall contain a covenant stating that the lot is created subject to the provisions set forth in Section 5-1.04.D.4.a.-~~e~~. of the Calvert County Zoning Ordinance.
  - c. ~~A lot created by a bona fide family conveyance subdivision may not be conveyed subsequently to any person other than another his eligible family member family member of lineal descent or ascent unless five Transferable Development Rights (TDRs) per lot are applied and recorded by deed. This provision shall be in effect for seven years after the lot is recorded.~~ **The right to create family conveyance lots from a parcel of record as of November 2, 1999, shall remain with the land regardless of ownership.**
    - i. In cases where the parcel of record as of November 2, 1999 has been subsequently divided by deed or subdivision, any unused family conveyance rights shall remain with the parcel of record's residue.
    - ii. An owner of the parcel of record or its residue, may assign unused family conveyance rights by deed, but only to another property that was derived from the parcel of record as of November 2, 1999, or its residue.
    - iii. A Certificate of Title may be required to verify a parcel's eligibility to create family conveyance lots, or the number of family conveyance rights remaining with any property claiming such rights.
    - iv. In no case, shall more than one (1) set of family conveyance rights be granted from any parcel of record as of November 2, 1999, regardless of the number of property owners on the deed or the number of lots and parcels created from the parcel of record.
    - v. If there is a question regarding the eligibility of a parcel to create family conveyance lots, the burden of proof shall be on the property owner. Decisions concerning eligibility are to be made by the Zoning Officer and final decisions of the Zoning Officer may be appealed to the Board of Appeals, in accordance with Article 11.
  - d. The number of conventional lots calculated in Section 5-1.04.D.2., ~~'D.3'~~ **above** may be doubled ~~through the use for the creation~~ of family

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conveyance lots; ~~However, no more than up to a total maximum of seven (7) lots (family conveyance and conventional lots) may be created provided that, if the minimum lot size requirements of Section 5-1.06.A., Table 5-1, can be met. The creation of a family conveyance lot shall not require the application of Transfer Development Rights (TDRs); except as stipulated under Section 5-1.04.D.4.e.i.-v., provided that all other conditions in this Section are met.~~

- e. ~~Notwithstanding the calculations above, up to three family conveyance lots may be created without the application of Transferable Development Rights (TDRs) provided that all of the conditions in this Section are met. Any family conveyance lots created after the first three lots shall require the application of five Transferable Development Rights per lot. Subsequent to the creation of a family conveyance lot by a recorded plat under this Article, the lot shall be subject to the following provisions:~~
- i. ~~The grantor must transfer ownership of the lot to the assigned grantee listed in the Family Conveyance Affidavit on the recorded final plat by deed, before any further transfer of the lot can take place.~~
  - ii. ~~The assigned grantee may not subsequently transfer the family conveyance lot to any other person or entity for a minimum period of seven (7) years from the recording date of the deed transferring ownership from the grantor to the grantee, except as provided under Section 5-1.04.D.4.e.iii.; unless, five (5) Transfer Development Rights (TDR's) are applied to the lot and the final plat is revised to redesignate the lot as a non-family conveyance prior to deed transfer.~~
  - iii. ~~A grantee may within the first seven (7) years of ownership, transfer a family conveyance lot to another eligible family member as defined under Section 5-1.04.D.4.a., provided that the Family Conveyance Affidavit on the final plat is revised to reflect the newly assigned grantee prior to transfer. The newly assigned grantee must also complete the seven (7) year ownership requirement of the first grantee or meet the requirements of Section 5-1.04.d.4.e.ii., prior to transfer of the family conveyance lot.~~
  - iv. ~~This Section does not prevent the transfer of a family conveyance lot to a third party as security for a mortgage or Deed of Trust or for a family conveyance lot that must be transferred or sold as a result of foreclosure or court order.~~
  - v. ~~No residential building permits may be issued for a family conveyance lot that does not first meet the requirements of this Section.~~

~~Family conveyance lots created before the adoption of Section 5-1.04.D.4., shall comply with the requirements set forth in the zoning ordinance in effect at the time the lot was first recorded.~~

5-1.05 Residential Density Requirements in the Employment Center, Rural Commercial, Marine Commercial and Industrial Districts

- A. ~~One (1) single-family detached dwelling shall be permitted for family conveyance purposes per buildable lot or parcel of record as of May 1, 2006. No additional lots are permitted in the Employment Center, Rural Commercial, Marine Commercial, or~~

## Calvert County Zoning Ordinance - Article 5

Light Industrial Districts. **Notwithstanding the foregoing, unless the provisions for Family Conveyance lots can be met. See Section 5-1.04.D.4 for criteria. No more than two family conveyance lots may be created in these I-1 and EC Districts, subject to meeting the provisions of Article 5 and the following requirements:**

1. **Any lot created as a family conveyance lot shall only be conveyed to a family member of the grantor being: spouse, parent, child, grandchild, grandparent, sibling, or the child of a sibling, subject to the following:**
  - a. **Only one (1) family conveyance right may be derived from any parcel of record as of May 1, 2006, regardless of whether the parcel is held by Tenants in Common or Joint Tenants. In addition, the family conveyance lot may only be granted to a family member as defined in Section 5-1.05.A.1., that has not previously received a lot from the parcel of record as of May 1, 2006.**
  - b. **A notarized Family Conveyance Affidavit shall be executed by the owner creating the family conveyance lot affirming that the assigned grantee is an eligible family member as defined by Section 5-1.05.A.1., and has not received any other lots from the parcel of record as of May 1, 2006. The Affidavit shall be submitted with the preliminary plan application. The family conveyance lot shall be identified as such on the final plat and the Affidavit shall also be shown on the final plat and signed by the grantor.**
  - c. **Legal documentation affirming the owner's relationship to the grantee must be submitted to the Department of Community Planning & Building as part of the preliminary plan application. Acceptable forms of documentation shall include: birth, death, and/or marriage certificates, or other valid government issued identification.**
2. **Any deed for a family conveyance lot created under this Section shall contain a covenant stating that the lot is created subject to the provisions set forth in Section 5-1.05.A.1.-6., of the Calvert County Zoning Ordinance.**
3. **The right to create a family conveyance lot from a parcel of record as of May 1, 2006, shall remain with the land regardless of ownership. Such rights may be transferred by deed, but only to a lot or parcel derived from the parcel of record.**
  - a. **In cases where the parcel of record as of May 1, 2006 has been further subdivided, any unused family conveyance right shall remain with the parcel of record's residue.**
  - b. **An owner of the parcel of record or its residue, may assign an unused family conveyance right by, but only to another property that was derived from the parcel of record as of May 1, 2006, or its residue.**
  - c. **A Certificate of Title may be required to verify a parcel's eligibility to create family conveyance lots, or the number of family conveyance rights remaining with any property claiming such rights.**
  - d. **In no case, shall more than one (1) family conveyance right be granted to any parcel of record as of May 1, 2006, regardless of the number of property owners on the deed or the number of lots and parcels created from the parcel of record.**
  - e. **If there is a question regarding the eligibility of a parcel to create family conveyance lots, the burden of proof shall be on the property owner. Decisions concerning eligibility are to be made by the Zoning Officer and may be appealed to the Board of Appeals, in accordance with Article 11.**
4. **If there is a question regarding the eligibility of a parcel to create family conveyance lots, the burden of proof shall be on the property owner.**

## Calvert County Zoning Ordinance - Article 5

Decisions concerning eligibility are to be made by the Zoning Officer and final decisions of the Zoning Officer may be appealed to the Board of Appeals, in accordance with Article 11.

5. Family Conveyance lots created under this Section shall minimum lot size requirements of Section 5-1.06.A, Table 5-1. The creation of a family conveyance lot shall not require the application of Transfer Development Rights (TDRs); except, as stipulated under Section 5-1.05.A.6.a.-e., provided that all other conditions in this Section are met.
6. Subsequent to the creation of a family conveyance lot by a recorded plat under this Article, the lot shall be subject to the following provisions:
  - a. The grantor must transfer ownership of the lot to the assigned grantee listed in the Family Conveyance Affidavit on the recorded final plat by deed, before any further transfer of the lot can take place.
  - b. The assigned grantee may not subsequently transfer the family conveyance lot to any other person or entity for a minimum period of seven (7) years from the recording date of the deed transferring ownership from the grantor to the grantee, except as provided under Section 5-1.05.A.6.c.; unless, five (5) Transfer Development Rights (TDR's) are applied to the lot and the final plat is revised to redesignate the lot as a non-family conveyance prior to deed transfer.
  - c. A grantee may within the first seven (7) years of ownership, transfer a family conveyance lot to another eligible family member as defined in Section 5-1.05.A.1., provided that the Family Conveyance Affidavit on the final plat is revised to reflect the newly assigned grantee prior to transfer. The newly assigned grantee must also complete the seven (7) year ownership requirement of the first grantee or meet the requirements of Section 5-1.05.A.6.b., prior to transfer of the family conveyance lot.
  - d. This Section does not prevent the transfer of a family conveyance lot to a third party as security for a mortgage or Deed of Trust or for a family conveyance lot that must be transferred or sold as a result of foreclosure or court order.
  - e. No residential building permits may be issued for a family conveyance lot that does not first meet the requirements of this Section.

Family conveyance lots created before the adoption of Section 5-1.05.A., shall comply with the requirements set forth in the zoning ordinance in effect at the time the lot was first recorded.

## Calvert County Zoning Ordinance – Article 7

## 7-1.06 Requirements for a Subdivision

## J. Approvals of Family Conveyance of Lots Served by Private Roads

The Planning Commission **or its designee**, may approve family conveyance subdivisions of land provided it is demonstrated that compliance with the **easement or** right-of-way width requirements herein is impractical because of acquisition constraints, and the following requirements are met:

1. ~~The parcel of land to be conveyed~~ **Any lot created under this Section** shall only be conveyed to a family member of ~~lineal descent or ascent being: mother, father, son, daughter, granddaughter, grandson or grandparent~~ **the grantor being: spouse, parent, child, grandchild, grandparent, sibling, or the child of a sibling; or where the parcel is undeveloped, the grantor may create a family conveyance lot for oneself. Legal documentation affirming the owner's relationship to the grantor (other than self) must be submitted to the Department of Community Planning & Building as part of the preliminary plan application. Acceptable forms of legal documentation shall include: birth, death and/or marriage certificates, or other valid government issued identification.**
2. **Only one (1) set of family conveyance rights may be derived from any parcel of record as of April 22, 1980, regardless of whether the parcel is held by Tenants in Common or Joint Tenants. The number of family conveyance lots conveyed shall be limited to one (1) per family member as of April 22, 1980. No more than three such lots may be created. A notarized Family Conveyance Affidavit shall be executed by the owner creating the family conveyance lot affirming that the assigned grantee is an eligible family member as defined under Section 7-1.06.J.1. and has not received any other lots from the parcel of record as of April 22, 1980. The Affidavit shall be submitted with the preliminary plan application. The family conveyance lot shall also be identified as such on the final plat and the Affidavit shall be shown on the final plat and signed by the grantor.**
3. ~~The minimum lot sizes shall be in accordance with Article 5 of the Zoning Ordinance.~~ **Family conveyance lots may be created under this Section from any parcel of record as of April 22, 1980, with access from a private road, subject to the following provisions:**
  - a. **The subdivision and family conveyance lots must meet the density and minimum lot area requirements set forth under Article 5 of the Calvert County Zoning Ordinance.**
  - b. **In addition to an existing house on the residue, up to three (3) family conveyance lots may be created from the parcel of record as of April 22, 1980. Except as provided under Section 7-1.06.J.3.c., the maximum number of lots and/or buildable parcels served by the private road shall not exceed ten, including the proposed lot and the private road meets the Family Conveyance Road Standards set forth in the Calvert County Road Ordinance. The number of lots and/or buildable parcels served by the private road shall be determined by the Department of Public Works.**
  - c. **The first family conveyance lot created after the adoption of this**

Section from a parcel of record as of April 22, 1980, may be created regardless of the number of existing lots and/or buildable parcels served by the private road and without upgrading the road to meet Calvert County public or private road construction standards. The construction standards for driveway to serve the lot shall be as prescribed by the Department of Public Works.

4. ~~An access easement (minimum 16 feet in width) shall be provided to a State, County, or private road meeting the standards of the Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County) to the benefit of the new lot owners. A deed for the access easement shall be provided for recordation by the Department of Planning and Zoning with the final plat recording package~~ Any lot created by family conveyance under this Section shall also be subject to the following conditions of transfer:
  - a. The grantor must convey ownership of the lot, to the assigned grantee listed in the Family Conveyance Affidavit on the recorded final plat by deed, before any further transfer can take place.
  - b. The assigned grantee may not subsequently transfer the family conveyance lot to any other person or entity, for a minimum period of seven (7) years from the recording date of the deed transferring ownership from the grantor to the grantee, except as provided under Sections 7-1.06.J.4.c. or 7-1.05.J.5.
  - c. A grantee may within the first seven (7) years of ownership, transfer a family conveyance lot to another eligible family member as defined under Section 7-1.06.J.1., provided that the Family Conveyance Affidavit on the final plat is revised to reflect the newly assigned grantee prior to transfer. The newly assigned grantee must also complete the seven (7) year ownership requirement of the first grantee or meet the requirements of sub-paragraph 5 of this Section, prior to transfer of the family conveyance lot.
  - d. Any deed for a family conveyance lot created under this Section shall contain a covenant that the lot is subject to Section 7-1.06.J.1.-12., of the Calvert County Zoning Ordinance.
  - e. This Section does not prevent the transfer of a family conveyance lot to a third party as security for a mortgage or deed of trust.
5. ~~The proposed private road access shall serve a maximum of 10 lots.~~ Subsequent to meeting the requirements of Section 1.07.J.4.a., transfer of a family conveyance lot by the assigned grantee to any person(s) or entity other than another eligible family member as set forth under Section 7-1.06.J.1., within the required seven (7) year ownership period may be permitted, if the following provisions are met prior to transfer:
  - a. The grantee must submit a written request to the Planning Commission Administrator, explaining the reasons for the transfer. The Planning Commission or its designee, must review the request and determine that the change in circumstances warrants an exception to the ownership requirements as set forth in Section 7-1.06.J.4. The change in circumstances may include but is not necessarily limited to: a significant or long decline in health, long

term military or professional transfer, divorce, or death. As part of the written request, the grantee shall also provide the following:

- i. Documentation that a change in circumstances has occurred.
  - ii. A notarized affidavit affirming that the lot was created as a bona fide family conveyance lot and not with the purpose or intent of ultimate sale for profit; and attest to the truth of the change in circumstances for requesting a family conveyance ownership exception.
- b. A family conveyance lot that must be transferred or sold as a result of foreclosure or court order is exempt from meeting Section 7-1.05.J.4.b.-c. and 5.a.

6. ~~The sale or transfer of such lots shall be limited to the owners of record at the time of adoption of this Section (April 22, 1980). This right may not be transferred by deed or will.~~ Family Conveyance lots created under this Section may only be created from parcels of record as of April 22, 1980. The family conveyance rights shall run with the parcel of record regardless of ownership.

- a. In cases where the parcel of record as of April 22, 1980 has been further subdivided, any unused family conveyance rights shall remain with the residue of the parcel of record.
- b. An owner of the parcel of record or its residue, may assign unused family conveyance rights by deed, but only to another property that was derived from the parcel of record as of April 22, 1980, or its residue.
- c. A Certificate of Title may be required to verify a parcel's eligibility to create family conveyance lots, or the number of family conveyance rights remaining with any property claiming such rights.
- d. Only one (1) set of family conveyance rights may be derived from any parcel of record as of April 22, 1980, regardless of whether the parcel is held by Tenants in Common or Joint Tenants. In addition, only one (1) lot may be granted to any one (1) family member from the parcel of record as of April 22, 1980.
- e. If there is a question regarding the eligibility of a parcel to create family conveyance lots, the burden of proof shall be on the property owner. Decisions concerning eligibility are to be made by the Zoning Officer and final decisions of the Zoning Officer may be appealed to the Board of Appeals, in accordance with Article 11.
- f. A family conveyance lot created under Section 7-1.06.J.1.-12., shall comply with the set forth in the zoning ordinance in effect at the time the lot was first recorded.

7. The use of family conveyance lots created under this Section ~~such lots~~ shall be restricted to single-family detached dwellings, ~~except that Agricultural, Agritourism, Ecotourism and Heritage Tourism uses on purposes may be permitted, as long as the road remains private~~ such lots may be permitted subject to meeting the requirements of Sections 3-1.01 and 3-1.02 of the Calvert County Zoning Ordinance, the Calvert County Road Ordinance and the Calvert County Construction Standards

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**for Roads, Streets and Incidental Structures as amended from time to time, or as otherwise approved by the Department of Public Works.**

8. The proposed road access shall be private, non-county owned and maintained and shall not be eligible for acceptance into the County road system for County ownership or for County maintenance. A notation of such restrictions shall be placed on the plat and signed by the property owners. The lot owners **of the family conveyance lot** shall be responsible for providing for road construction, ~~and maintenance~~ **Road maintenance**, including snow removal and repairs ~~as well as~~ **and** other improvements, ~~and as well as~~ road services normally provided by the County, **shall be the responsibility of all lot owners accessing the private road.** If and when there is a desire to make ~~this the existing private road subject to the family conveyance easement into~~ a County road, it shall be upgraded to County Road Standards as set forth in the Road Ordinance (Chapter 104 of the Code of Calvert County) and this Article, in effect at the time of said upgrading. The cost of design, construction and bonding **for any upgrades** shall be borne by the lot owners abutting such roadway prior to acceptance by the County. If upgraded to County (non-private) road standards, such upgrading shall be for the entire limit of the road to the nearest County or State road.
9. ~~After approval of the subdivision, the final plat for the new lot shall show that:~~ **A Family Conveyance Easement or Right-of-Way shall be provided from the family conveyance lot to a State or County road for access purposes for all lots created under this Section.**
- a. ~~The grantee is of lineal descent or ascent and has not received any other lots pursuant to this Section.~~ **After the creation of the first Family Conveyance lot, a Family Conveyance Easement or Right-of-Way shall be provided to a minimum 30 feet width, or as otherwise approved by the Department of Public Works and shall be shown and noted on the final plat. The deed for the Family Conveyance Easement or Right-of-Way shall be made to the benefit of the lot owners and shall be submitted for recordation with the final plat.**
- b. ~~The road will be private and the County will not maintain the road, nor assume any responsibility for future up-grading to County specifications if the road is to become public.~~ **A maintenance agreement for a Family Conveyance Easement or Right-of-Way shall be submitted for recordation with the final plat; unless, waived or otherwise required by the Department of Public Works.**
- (08/05/15) 10. ~~A private easement or right-of-way of at least 20 feet in width shall be provided when access is served to one to seven building sites. The 20-foot easement or right-of-way shall be suitable for the provision of a Family Conveyance Roadway, constructed per Plate RD-1A of the Calvert County Construction Standards for Roads, Streets and Incidental Structures as amended from time to time.~~ **Construction standards and requirements within the Family Conveyance Easement or Right-of-Way shall comply with the Calvert County Road Ordinance and the Calvert County Construction Standards for Roads, Streets and Incidental Structures as amended from time to time, or as otherwise approved by the Department of Public Works.**

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(08/05/15)

11. ~~A private easement or right-of-way of at least 24 feet in width, shall be provided to the property being subdivided for family conveyances and improved to Family Conveyance roadway standards for Plate RD-1A of the Calvert County Construction Standards for Roads, Streets and Incidental Structures as currently amended and in effect when serving eight to 10 building sites.~~ **Private roads serving family conveyance lots shall be named. The road name must be approved by the Calvert County Planning Commission or its designee, in accordance with Section 7-1.06.F., and Article 10 of this Ordinance. The road name shall be posted by the lot owner(s) at their own expense, as specified by the Calvert County Road Ordinance and Calvert County Construction Standards for Roads, Streets and Incidental Structures.**
12. ~~Road rights-of-way created within a property being subdivided shall meet standards of the Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County).~~
13. Unless a traffic hazard exists or the additional lots will create such, or unless the topography is such as to require drainage easements or other surface treatment requirements, no additional road improvements will be required as part of the subdivision approval.

L. Approval of Private Lanes in Single-Family Residential Communities (Non-Family Conveyance Subdivisions)

When the Director of **Planning & Zoning Community Planning and Building** or his designee and the Director of the Department of Public Works or his designee find that the safety and welfare of the public is best served, they may approve private roads in single-family **detached** residential communities in lieu of a public road. Private roads in single-family residential communities are to be known as private lanes and must meet the following conditions:

(08/05/15)

1. They shall meet the standards ~~on Plate RD-1B~~ **for private lanes per of the Calvert County Road Ordinance and the** Calvert County Construction Standards for Roads, Streets and Incidental Structures as amended from time to time.

(08/05/15)

2. The proposed private lane shall serve no more than seven **(7)** lots, including developed lots or parcels or those parcels eligible to obtain a building permit.
3. The use of such lots shall be restricted to single-family **detached** dwellings or agricultural purposes as long as the private **lane road** remains private.
4. The proposed private lane shall be private, non-County owned and maintained and shall not be eligible for acceptance into the County road system for County ownership or for County maintenance. A notation of such restriction shall be placed on the plat and signed by the property owners. The developer shall be responsible for providing for road construction, ~~and the lot owners for road maintenance~~, including snow removal and repairs ~~as well as~~ **and** other improvements, ~~and as well as~~ **and as well as** road services normally provided by the County, **shall be the responsibility of all lot owners accessing the private lane.** The cost of the design, construction and bonding shall be borne by the developer. **If and when there is a desire to make this the private lane a County road, it shall be upgraded to County Road Standards as set forth in the Road Ordinance (Chapter 104 of the Code of Calvert County) and this Article, in effect at the time of said upgrading. The cost**

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of design, construction, and bonding for any upgrades shall be borne by the lot owners abutting such roadway prior to acceptance by the County.

5. After approval of the subdivision, the final plat for the new lot shall show that:
    - a. The private lane will be private and the County will not maintain the road.
    - b. The lot owner **served by the private lane shall be deeded** has an undivided ownership interest in the private lane.
  6. No lot or parcel in a subdivision subject to these regulations shall be transferred until a Public Works Agreement for the road improvements has been executed and plat recording has been completed as per Section 7-1.03.B. and the platted roads and sidewalks (as required by final plat or preliminary approval letter) have been completed and appropriate bond or acceptable guarantee has been provided and accepted by the County Commissioners for the completion of roads and sidewalks in the subdivision or that section of the subdivision in which the lot or parcel is located. The amount of the bond or guarantee shall be 125 percent of the estimated cost of completing construction, for the purpose of guaranteeing to the County that the developer will complete the construction within such time as may be proposed by the developer and approved by the County Commissioners for County road specifications, see Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County).
  7. ~~When a private lane is proposed to access directly off of a County or State road (other than an existing or proposed internal subdivision road), then a common access drive shall be provided between the County Road and private lane. The common access drive shall meet all of the requirements for a private lane, except that it shall meet the standards on Plate RD-14A of the Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County). The Department of Public Works may permit the use of only a common access drive (without the private lane) provided that it meets all other private lane requirements.~~
- M. Storm Drainage Systems
1. Storm drainage systems shall be provided and constructed in accordance with the Calvert County Specifications and Design Standards for Roads and Streets.

**Calvert County Zoning Ordinance – Article 8**

## Article 8-1.05 Resource Conservation Area (RCA)

## H. Intrafamily Transfers

1. Bona fide intrafamily transfer lots may be created only from parcels of land that:
    - a. Were of record on March 1, 1986;
    - b. Are seven acres or more and less than 60 acres in size; and
    - c. Do not have the potential to create ~~six~~ **eight (8)** lots or more including the intrafamily transfer lots.
- (05/04/10)

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## Calvert County Zoning Ordinance – Article 12

Article 12: Definitions

<u>Term</u> (Date of Amendment)	<u>Definition</u>
<b>Easement or Right-of-way, Family Conveyance (Private)</b>	<b><u>See: Family Conveyance Easement (Private)</u></b>
<b>Family Conveyance Easement or Right-of-way (Private)</b>	<b>A private easement or right-of-way as prescribed by the Department of Public Works, for the purpose of providing access to a family conveyance subdivision.</b>
Family Conveyance Subdivision	A single-family residential development within which <b>one (1) or more</b> lots are designated to be conveyed only to family members of <b>the grantor being: spouse, parent, child, grandchild, grandparent, sibling, or the child of a sibling. Under Section 7-1.06.J., where a parcel is undeveloped, the grantor may be considered his or her own family member for the purpose of creating a family conveyance lot for oneself, provided all other requirements of the Section are met</b> <del>lineal descent or ascent, being parent, child, grandchild or grandparent of the grantor.</del>
<b>Grantee</b>	<b>A person to whom property is conveyed.</b>
<b>Grantor</b>	<b>A person who conveys property to another.</b>
Minor Subdivision (12/19/12)	(1) When the total number of residential lots or other divisions of land subject to Article 7 are derived from a parcel of record as of October 1, 2012 is <b>less than seven (7) or less</b> . (2) Any division of land for development purposes that does not require the creation of any new right-of-way, other than a private lane <b>and family conveyance easement or right-of-way</b> ; except that residential minor subdivisions creating a public right of way will be considered a minor subdivision with Planning Commission approval.
Private Lane	A private right-of-way, <b>a minimum of 30 feet wide</b> , for the purpose of providing access to no less than three single-family residential lots and no more than <b>five seven (7)</b> single-family residential lots.

# Text Amendment Case #16-08

## Family Conveyance Provisions

Various Sections of Articles 5, 7, 8 and 12  
of the Calvert County Zoning Ordinance

**Calvert County Zoning Ordinance - Article 5****5-1.02 Residential Density Requirements in the Farm and Forest District**

- D. All other land within the Farm and Forest District
6. Family Conveyance Lots. Additional lots may only be created for family members from parcels of record as of November 2, 1999, provided that the following conditions are met:
- a. Any lot created as a family conveyance lot shall only be conveyed to a family member of the grantor being: spouse, parent, child, grandchild, grandparent, sibling, or the child of a sibling, subject to the following:
    - i. Only one (1) set of family conveyance rights may be derived from any parcel of record as of November 2, 1999, regardless of whether the parcel is held by Tenants in Common or Joint Tenants. In addition, only one (1) lot may be granted to any one (1) family member from the parcel of record as of November 2, 1999.
    - ii. A notarized Family Conveyance Affidavit shall be executed by the owner creating the family conveyance lot affirming that the designated grantee is an eligible family member as defined in Section 5-1.02.D.6.a., and has not received any other lots from the parcel of record, as of November 2, 1999. The Affidavit shall be submitted with the preliminary plan application. The family conveyance lot shall be identified as such on the final plat and the Affidavit shall also be shown on the final plat and signed by the grantor.
    - iii. Legal documentation affirming the owner's relationship to the grantee must be submitted to the Department of Community Planning & Building as part of the preliminary plan application. Acceptable forms of documentation shall include: birth, death, and/or marriage certificates, or other valid government issued identification.
  - b. Any deed for a family conveyance lot created under this Section shall contain a covenant stating that the lot is created subject to the provisions set forth in Section 5-1.02.D.6.a.-e. of the Calvert County Zoning Ordinance.
  - c. The right to create family conveyance lots from a parcel of record as of November 2, 1999, shall remain with the land regardless of ownership.
    - i. In cases where the parcel of record as of November 2, 1999 has been further subdivided, any unused family conveyance rights shall remain with the parcel of record's residue.
    - ii. An owner of the parcel of record or its residue, may assign unused family conveyance rights by deed, but only to another property that was derived from the parcel of record as of November 2, 1999, or its residue.
    - iii. A Certificate of Title may be required to verify a parcel's eligibility to create family conveyance lots, or the number of family conveyance rights remaining with any property claiming such rights.
    - iv. In no case, shall more than one (1) set of family conveyance rights be granted from any parcel of record as of November 2, 1999, regardless of the number of property owners on the deed or the number of lots and parcels created from the parcel of record.
  - d. If there is a question regarding the eligibility of a parcel to create family conveyance lots, the burden of proof shall be on the property owner. Decisions concerning eligibility are to be made by the Zoning Officer and final decisions of the Zoning Officer may be appealed to the Board of Appeals, in accordance with Article 11. The number of conventional lots calculated in Section 5-1.02.D.4., may be doubled for the creation of family conveyance lots. However, no more than seven (7) lots (family conveyance and

## Calvert County Zoning Ordinance - Article 5

conventional lots) may be created provided that the minimum lot size requirements of Section 5-1.06.A., Table 5-1, can be met. The creation of a family conveyance lot shall not require the application of Transfer Development Rights (TDRs); except, as stipulated under Section 5-1.02.D.6.e.i.-v., provided that all other conditions in this Section are met.

- e. Subsequent to the creation of a family conveyance lot by a recorded plat under this Article, the lot shall be subject to the following provisions:
  - i. The grantor must transfer ownership of the lot to the assigned grantee listed in the Family Conveyance Affidavit on the recorded final plat by deed, before any further transfer of the lot can take place.
  - ii. The assigned grantee may not subsequently transfer the family conveyance lot to any other person or entity for a minimum period of seven (7) years from the recording date of the deed transferring ownership from the grantor to the grantee, except as provided under Section 5-1.02.D.6.e.iii.; unless, five (5) Transfer Development Rights (TDR's) are applied to the lot and the final plat is revised to redesignate the lot as a non-family conveyance prior to deed transfer.
  - iii. A grantee may within the first seven (7) years of ownership, transfer a family conveyance lot to another eligible family member as defined in Section 5-1.02.D.6.a., provided that the Family Conveyance Affidavit on the final plat is revised to reflect the newly assigned grantee prior to transfer. The newly assigned grantee must also complete the seven (7) year ownership requirement of the first grantee or meet the requirements of Section 5-1.02.D.6.e.ii., prior to transfer of the family conveyance lot.
  - iv. This Section does not prevent the transfer of a family conveyance lot to a third party as security for a mortgage or Deed of Trust or for a family conveyance lot that must be transferred or sold as a result of foreclosure or court order.
  - v. No residential building permits may be issued for a family conveyance lot that does not first meet the requirements of this Section.

Family conveyance lots created before the adoption of Section 5-1.02.D.6.e.i.-v., shall comply with the family conveyance requirements set forth in the zoning ordinance in effect at the time the lot was first recorded.

### 5-1.03 Residential Density Requirements in the Rural Community District

- D. All other land within the Rural Community District
  7. Family Conveyance Lots. Additional lots may only be created for family members from parcels of record as of November 2, 1999, provided that the following conditions are met:
    - a. Any lot created as a family conveyance lot shall only be conveyed to a family of the grantor being: spouse, parent, child, grandchild, grandparent, sibling, or the child of a sibling, subject to the following:
      - i. Only one (1) set of family conveyance rights may be derived from parcel of record as of November 2, 1999, regardless of whether the parcel is held by Tenants in Common or Joint Tenants. In addition, only one (1) lot may be granted to any one (1) family member from the parcel of record as of November 2, 1999.
      - ii. A notarized Family Conveyance Affidavit shall be executed by the owner creating the family conveyance lot affirming that the designated grantee is an eligible family member as defined in Section 5-1.03.D.7.a., and has not received any other lots from the parcel of record as of November 2,

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**Calvert County Zoning Ordinance - Article 5**

1999. The Affidavit shall be submitted with the preliminary plan application. The family conveyance lot shall be identified as such on the final plat and the Affidavit shall also be shown on the final plat and signed by the grantor.
- iii. Legal documentation affirming the owner's relationship to the grantee must be submitted to the Department of Community Planning & Building as part of the preliminary plan application. Acceptable forms of documentation shall include: birth, death, and/or marriage certificates, or other valid government issued identification.
  - b. Any deed for a family conveyance lot created under this Section shall contain a covenant stating that the lot is created subject to the provisions set forth in Section 5-1.03.D.7.a.-e. of the Calvert County Zoning Ordinance.
  - c. The right to create family conveyance lots from a parcel of record as of November 2, 1999, shall remain with the land regardless of ownership.
    - i. In cases where the parcel of record as of November 2, 1999 has been further subdivided, any unused family conveyance rights shall remain with the parcel of record's residue.
    - ii. An owner of the parcel of record or its residue, may assign unused family conveyance rights by deed, but only to another property that was derived from the parcel of record as of November 2, 1999, or its residue.
    - iii. A Certificate of Title may be required to verify a parcel's eligibility to create family conveyance lots, or the number of family conveyance rights remaining with any property claiming such rights.
    - iv. In no case, shall more than one (1) set of family conveyance rights be granted to any parcel of record as of November 2, 1999, regardless of the number of property owners on the deed or the number of lots and parcels created from the parcel of record.
    - v. If there is a question regarding the eligibility of a parcel to create family conveyance lots, the burden of proof shall be on the property owner. Decisions concerning eligibility are to be made by the Zoning Officer and final decisions of the Zoning Officer may be appealed to the Board of Appeals, in accordance with Article 11.
  - d. The number of conventional lots calculated in Section 5-1.03.D.4., may be doubled for the creation of family conveyance lots. However, no more than seven (7) lots (family conveyance and conventional lots) may be created provided that the minimum lot size requirements of Section 5-1.06.A., Table 5-1, can be met. The creation of a family conveyance lot shall not require the application of Transfer Development Rights (TDRs), except as stipulated under Section 5-1.03.D.7.e.ii., provided that all other conditions in this Section are met.
  - e. Subsequent to the creation of a family conveyance lot by a recorded plat under this Article, the lot shall be subject to the following provisions:
    - i. The grantor must transfer ownership of the lot to the assigned grantee listed in the Family Conveyance Affidavit on the recorded final plat by deed, before any further transfer of the lot can take place.
    - ii. The assigned grantee may not subsequently transfer the family conveyance lot to any other person or entity for a minimum period of seven (7) years from the recording date of the deed transferring ownership from the grantor to the grantee, except as provided under Section 5-1.03.D.7.e.iii.; unless, five (5) Transfer Development Rights

## Calvert County Zoning Ordinance - Article 5

(TDR's) are applied to the lot and the final plat is revised to redesignate the lot as a non-family conveyance prior to deed transfer.

- iii. A grantee may, within the first seven (7) years of ownership, transfer a family conveyance lot to another eligible family member as defined in Section 5-1.03.D.7.a., provided that the Family Conveyance Affidavit on the final plat is revised to reflect the newly assigned grantee prior to transfer. The newly assigned grantee must also complete the seven (7) year ownership requirement of the first grantee or meet the requirements of Section 5-1.03.D.7.e.ii., prior to transfer of the family conveyance lot.
- iv. This Section does not prevent the transfer of a family conveyance lot to a third party as security for a mortgage or Deed of Trust or for a family conveyance lot that must be transferred or sold as a result of foreclosure or court order.
- v. No residential building permits may be issued for a family conveyance lot that does not first meet the requirements of this Section.

Family conveyance lots created before the adoption of Section 5-1.03.D.7., shall comply with the set forth in the zoning ordinance in effect at the time the lot was first recorded.

### 5-1.04 Residential Density Requirements in the Residential District

- D. All other land within the Residential District
  - 4. Family Conveyance Lots. Additional lots may only be created for family members from parcels of record as of November 2, 1999, providing the following requirements are met:
    - a. Any lot created as a family conveyance lot shall only be conveyed to a family of the grantor being: spouse, parent, child, grandchild, grandparent, sibling, or the child of a sibling, subject to the following:
      - i. Only one (1) set of family conveyance rights may be derived from any parcel of record as of April 22, 1980, regardless of whether the parcel is held by Tenants in Common or Joint Tenants. In addition, only one (1) lot may be granted to any one (1) family member from the parcel of record as of November 2, 1999.
      - ii. A notarized Family Conveyance Affidavit shall be executed by the owner creating the family conveyance lot affirming that the designated grantee is an eligible family member as defined in Section 5-1.04.D.4.a., and has not received any other lots from the parcel of record as of November 2, 1999. The Affidavit shall be submitted with the preliminary plan application. The family conveyance lot shall be identified as such on the final plat and the Affidavit shall also be shown on the final plat and signed by the grantor.
      - iii. Legal documentation affirming the owner's relationship to the grantee must be submitted to the Department of Community Planning & Building as part of the preliminary plan application. Acceptable forms of documentation shall include: birth, death, and/or marriage certificates, or other valid government issued identification.
    - b. Any deed for a family conveyance lot created under this Section shall contain a covenant stating that the lot is created subject to the provisions set forth in Section 5-1.04.D.4.a.-e. of the Calvert County Zoning Ordinance.
    - c. The right to create family conveyance lots from a parcel of record as of November 2, 1999, shall remain with the land regardless of ownership.

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- i. In cases where the parcel of record as of November 2, 1999 has been subsequently divided by deed or subdivision, any unused family conveyance rights shall remain with the parcel of record's residue.
  - ii. An owner of the parcel of record or its residue, may assign unused family conveyance rights by deed, but only to another property that was derived from the parcel of record as of November 2, 1999, or its residue.
  - iii. A Certificate of Title may be required to verify a parcel's eligibility to create family conveyance lots, or the number of family conveyance rights remaining with any property claiming such rights.
  - iv. In no case, shall more than one (1) set of family conveyance rights be granted from any parcel of record as of November 2, 1999, regardless of the number of property owners on the deed or the number of lots and parcels created from the parcel of record.
  - v. If there is a question regarding the eligibility of a parcel to create family conveyance lots, the burden of proof shall be on the property owner. Decisions concerning eligibility are to be made by the Zoning Officer and final decisions of the Zoning Officer may be appealed to the Board of Appeals, in accordance with Article 11.
- d. The number of conventional lots calculated in Section 5-1.04.D.2., may be doubled for the creation of family conveyance lots. However, no more than seven (7) lots (family conveyance and conventional lots) may be created provided that the minimum lot size requirements of Section 5-1.06.A., Table 5-1, can be met. The creation of a family conveyance lot shall not require the application of Transfer Development Rights (TDRs); except as stipulated under Section 5-1.04.D.4.e.i.-v., provided that all other conditions in this Section are met.
- e. Subsequent to the creation of a family conveyance lot by a recorded plat under this Article, the lot shall be subject to the following provisions:
- i. The grantor must transfer ownership of the lot to the assigned grantee listed in the Family Conveyance Affidavit on the recorded final plat by deed, before any further transfer of the lot can take place.
  - ii. The assigned grantee may not subsequently transfer the family conveyance lot to any other person or entity for a minimum period of seven (7) years from the recording date of the deed transferring ownership from the grantor to the grantee, except as provided under Section 5-1.04.D.4.e.iii.; unless, five (5) Transfer Development Rights (TDR's) are applied to the lot and the final plat is revised to redesignate the lot as a non-family conveyance prior to deed transfer.
  - iii. A grantee may within the first seven (7) years of ownership, transfer a family conveyance lot to another eligible family member as defined under Section 5-1.04.D.4.a., provided that the Family Conveyance Affidavit on the final plat is revised to reflect the newly assigned grantee prior to transfer. The newly assigned grantee must also complete the seven (7) year ownership requirement of the first grantee or meet the requirements of Section 5-1.04.d.4.e.ii., prior to transfer of the family conveyance lot.
  - iv. This Section does not prevent the transfer of a family conveyance lot to a third party as security for a mortgage or Deed of Trust or for a family conveyance lot that must be transferred or sold as a result of foreclosure or court order.

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v. No residential building permits may be issued for a family conveyance lot that does not first meet the requirements of this Section.  
 Family conveyance lots created before the adoption of Section 5-1.04.D.4., shall comply with the requirements set forth in the zoning ordinance in effect at the time the lot was first recorded.

**5-1.05 Residential Density Requirements in the Employment Center, Rural Commercial, Marine Commercial and Industrial Districts**

- A. One (1) single-family detached dwelling shall be permitted for family conveyance purposes per buildable lot or parcel of record as of May 1, 2006. No additional lots are permitted in the Employment Center, Rural Commercial, Marine Commercial, or Light Industrial Districts. Notwithstanding the foregoing, no more than two family conveyance lots may be created in these I-1 and EC Districts, subject to meeting the provisions of Article 5 and the following requirements:
1. Any lot created as a family conveyance lot shall only be conveyed to a family member of the grantor being: spouse, parent, child, grandchild, grandparent, sibling, or the child of a sibling, subject to the following:
    - a. Only one (1) family conveyance right may be derived from any parcel of record as of May 1, 2006, regardless of whether the parcel is held by Tenants in Common or Joint Tenants. In addition, the family conveyance lot may only be granted to a family member as defined in Section 5-1.05.A.1., that has not previously received a lot from the parcel of record as of May 1, 2006.
    - b. A notarized Family Conveyance Affidavit shall be executed by the owner creating the family conveyance lot affirming that the assigned grantee is an eligible family member as defined by Section 5-1.05.A.1., and has not received any other lots from the parcel of record as of May 1, 2006. The Affidavit shall be submitted with the preliminary plan application. The family conveyance lot shall be identified as such on the final plat and the Affidavit shall also be shown on the final plat and signed by the grantor.
    - c. Legal documentation affirming the owner's relationship to the grantee must be submitted to the Department of Community Planning & Building as part of the preliminary plan application. Acceptable forms of documentation shall include: birth, death, and/or marriage certificates, or other valid government issued identification.
  2. Any deed for a family conveyance lot created under this Section shall contain a covenant stating that the lot is created subject to the provisions set forth in Section 5-1.05.A.1.-6., of the Calvert County Zoning Ordinance.
  3. The right to create a family conveyance lot from a parcel of record as of May 1, 2006, shall remain with the land regardless of ownership. Such rights may be transferred by deed, but only to a lot or parcel derived from the parcel of record.
    - a. In cases where the parcel of record as of May 1, 2006 has been further subdivided, any unused family conveyance right shall remain with the parcel of record's residue.
    - b. An owner of the parcel of record or its residue, may assign an unused family conveyance right by, but only to another property that was derived from the parcel of record as of May 1, 2006, or its residue.
    - c. A Certificate of Title may be required to verify a parcel's eligibility to create family conveyance lots, or the number of family conveyance rights remaining with any property claiming such rights.

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- d. In no case, shall more than one (1) family conveyance right be granted to any parcel of record as of May 1, 2006, regardless of the number of property owners on the deed or the number of lots and parcels created from the parcel of record.
  - e. If there is a question regarding the eligibility of a parcel to create family conveyance lots, the burden of proof shall be on the property owner. Decisions concerning eligibility are to be made by the Zoning Officer and may be appealed to the Board of Appeals.
4. If there is a question regarding the eligibility of a parcel to create family conveyance lots, the burden of proof shall be on the property owner. Decisions concerning eligibility are to be made by the Zoning Officer and final decisions of the Zoning Officer may be appealed to the Board of Appeals, in accordance with Article 11.
  5. Family Conveyance lots created under this Section shall minimum lot size requirements of Section 5-1.06.A., Table 5-1. The creation of a family conveyance lot shall not require the application of Transfer Development Rights (TDRs); except, as stipulated under Section 5-1.05.A.6.a.-e., provided that all other conditions in this Section are met.
  6. Subsequent to the creation of a family conveyance lot by a recorded plat under this Article, the lot shall be subject to the following provisions:
    - a. The grantor must transfer ownership of the lot to the assigned grantee listed in the Family Conveyance Affidavit on the recorded final plat by deed, before any further transfer of the lot can take place.
    - b. The assigned grantee may not subsequently transfer the family conveyance lot to any other person or entity for a minimum period of seven (7) years from the recording date of the deed transferring ownership from the grantor to the grantee, except as provided under Section 5-1.05.A.6.c.; unless, five (5) Transfer Development Rights (TDR's) are applied to the lot and the final plat is revised to redesignate the lot as a non-family conveyance prior to deed transfer.
    - c. A grantee may within the first seven (7) years of ownership, transfer a family conveyance lot to another eligible family member as defined in Section 5-1.05.A.1., provided that the Family Conveyance Affidavit on the final plat is revised to reflect the newly assigned grantee prior to transfer. The newly assigned grantee must also complete the seven (7) year ownership requirement of the first grantee or meet the requirements of Section 5-1.05.A.6.b., prior to transfer of the family conveyance lot.
    - d. This Section does not prevent the transfer of a family conveyance lot to a third party as security for a mortgage or Deed of Trust or for a family conveyance lot that must be transferred or sold as a result of foreclosure or court order.
    - e. No residential building permits may be issued for a family conveyance lot that does not first meet the requirements of this Section.

Family conveyance lots created before the adoption of Section 5-1.05.A., shall comply with the requirements set forth in the zoning ordinance in effect at the time the lot was first recorded.

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## 7-1.06 Requirements for a Subdivision

## J. Approvals of Family Conveyance of Lots Served by Private Roads

The Planning Commission or its designee, may approve family conveyance subdivisions of land provided it is demonstrated that compliance with the easement or right-of-way width requirements herein is impractical because of acquisition constraints, and the following requirements are met:

1. Any lot created under this Section shall only be conveyed to a family member of the grantor being: spouse, parent, child, grandchild, grandparent, sibling, or the child of a sibling; or where the parcel is undeveloped, the grantor may create a family conveyance lot for oneself. Legal documentation affirming the owner's relationship to the grantor (other than self) must be submitted to the Department of Community Planning & Building as part of the preliminary plan application. Acceptable forms of legal documentation shall include: birth, death and/or marriage certificates, or other valid government issued identification.
2. Only one (1) set of family conveyance rights may be derived from any parcel of record as of April 22, 1980, regardless of whether the parcel is held by Tenants in Common or Joint Tenants. The number of family conveyance lots conveyed shall be limited to one (1) per family member as of April 22, 1980. A notarized Family Conveyance Affidavit shall be executed by the owner creating the family conveyance lot affirming that the assigned grantee is an eligible family member as defined under Section 7-1.06.J.1. and has not received any other lots from the parcel of record as of April 22, 1980. The Affidavit shall be submitted with the preliminary plan application. The family conveyance lot shall also be identified as such on the final plat and the Affidavit shall be shown on the final plat and signed by the grantor.
3. Family conveyance lots may be created under this Section from any parcel of record as of April 22, 1980, with access from a private road, subject to the following provisions:
  - a. The subdivision and family conveyance lots must meet the density and minimum lot area requirements set forth under Article 5 of the Calvert County Zoning Ordinance.
  - b. In addition to an existing house on the residue, up to three (3) family conveyance lots may be created from the parcel of record as of April 22, 1980. Except as provided under Section 7-1.06.J.3.c., the maximum number of lots and/or buildable parcels served by the private road shall not exceed ten, including the proposed lot and the private road meets the Family Conveyance Road Standards set forth in the Calvert County Road Ordinance. The number of lots and/or buildable parcels served by the private road shall be determined by the Department of Public Works.
  - c. The first family conveyance lot created after the adoption of this Section from a parcel of record as of April 22, 1980, may be created regardless of the number of existing lots and/or buildable parcels served by the private road and without upgrading the road to meet Calvert County public or private road construction standards. The construction standards for driveway to serve the lot shall be as prescribed by the Department of Public Works.

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4. Any lot created by family conveyance under this Section shall also be subject to the following conditions of transfer:
  - a. The grantor must convey ownership of the lot, to the assigned grantee listed in the Family Conveyance Affidavit on the recorded final plat by deed, before any further transfer can take place.
  - b. The assigned grantee may not subsequently transfer the family conveyance lot to any other person or entity, for a minimum period of seven (7) years from the recording date of the deed transferring ownership from the grantor to the grantee, except as provided under Sections 7-1.06.J.4.c. or 7-1.05.J.5.
  - c. A grantee may within the first seven (7) years of ownership, transfer a family conveyance lot to another eligible family member as defined under Section 7-1.06.J.1., provided that the Family Conveyance Affidavit on the final plat is revised to reflect the newly assigned grantee prior to transfer. The newly assigned grantee must also complete the seven (7) year ownership requirement of the first grantee or meet the requirements of sub-paragraph 5 of this Section, prior to transfer of the family conveyance lot.
  - d. Any deed for a family conveyance lot created under this Section shall contain a covenant that the lot is subject to Section 7-1.06.J.1.-12., of the Calvert County Zoning Ordinance.
  - e. This Section does not prevent the transfer of a family conveyance lot to a third party as security for a mortgage or deed of trust.
5. Subsequent to meeting the requirements of Section 1.07.J.4.a., transfer of a family conveyance lot by the assigned grantee to any person(s) or entity other than another eligible family member as set forth under Section 7-1.06.J.1., within the required seven (7) year ownership period may be permitted, if the following provisions are met prior to transfer:
  - a. The grantee must submit a written request to the Planning Commission Administrator, explaining the reasons for the transfer. The Planning Commission or its designee, must review the request and determine that the change in circumstances warrants an exception to the ownership requirements as set forth in Section 7-1.06.J.4. The change in circumstances may include but is not necessarily limited to: a significant or long decline in health, long term military or professional transfer, divorce, or death. As part of the written request, the grantee shall also provide the following:
    - i. Documentation that a change in circumstances has occurred.
    - ii. A notarized affidavit affirming that the lot was created as a bona fide family conveyance lot and not with the purpose or intent of ultimate sale for profit; and attest to the truth of the change in circumstances for requesting a family conveyance ownership exception.
  - b. A family conveyance lot that must be transferred or sold as a result of foreclosure or court order is exempt from meeting Section 7-1.05.J.4.b.-c. and 5.a.
6. Family Conveyance lots created under this Section may only be created from parcels of record as of April 22, 1980. The family conveyance rights shall run

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- with the parcel of record regardless of ownership.
- a. In cases where the parcel of record as of April 22, 1980 has been further subdivided, any unused family conveyance rights shall remain with the residue of the parcel of record.
  - b. An owner of the parcel of record or its residue, may assign unused family conveyance rights by deed, but only to another property that was derived from the parcel of record as of April 22, 1980, or its residue.
  - c. A Certificate of Title may be required to verify a parcel's eligibility to create family conveyance lots, or the number of family conveyance rights remaining with any property claiming such rights.
  - d. Only one (1) set of family conveyance rights may be derived from any parcel of record as of April 22, 1980, regardless of whether the parcel is held by Tenants in Common or Joint Tenants. In addition, only one (1) lot may be granted to any one (1) family member from the parcel of record as of April 22, 1980.
  - e. If there is a question regarding the eligibility of a parcel to create family conveyance lots, the burden of proof shall be on the property owner. Decisions concerning eligibility are to be made by the Zoning Officer and final decisions of the Zoning Officer may be appealed to the Board of Appeals, in accordance with Article 11.
  - f. A family conveyance lot created under Section 7-1.06.J.1.-12., shall comply with the set forth in the zoning ordinance in effect at the time the lot was first recorded.
7. The use of family conveyance lots created under this Section shall be restricted to single-family detached dwellings, except that Agricultural, Agritourism, Ecotourism and Heritage Tourism uses on such lots may be permitted subject to meeting the requirements of Sections 3-1.01 and 3-1.02 of the Calvert County Zoning Ordinance, the Calvert County Road Ordinance and the Calvert County Construction Standards for Roads, Streets and Incidental Structures, as amended from time to time, or as otherwise approved by the Department of Public Works.
  8. The proposed road access shall be private, non-county owned and maintained and shall not be eligible for acceptance into the County road system for County ownership or for County maintenance. A notation of such restrictions shall be placed on the plat and signed by the property owners. The owners of the family conveyance lot shall be responsible for providing for road construction. Road maintenance, including snow removal and repairs and other improvements, as well as road services normally provided by the County, shall be the responsibility of all lot owners accessing the private road. If and when there is a desire to make the existing private road subject to the family conveyance easement into a County road, it shall be upgraded to County Road Standards as set forth in the Road Ordinance (Chapter 104 of the Code of Calvert County) and this Article, in effect at the time of said upgrading. The cost of design, construction and bonding for any upgrades shall be borne by the lot owners abutting such roadway prior to acceptance by the County. If upgraded to County (non-private) road standards, such upgrading shall be for the entire limit of the road to the nearest County or State road.

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9. A Family Conveyance Easement or Right-of-Way shall be provided from the family conveyance lot to a State or County road for access purposes for all lots created under this Section.
- a. After the creation of the first Family Conveyance lot, a Family Conveyance Easement or Right-of-Way shall be provided to a minimum 30 feet width, or as otherwise approved by the Department of Public Works and shall be shown and noted on the final plat. The deed for the Family Conveyance Easement or Right-of-Way shall be made to the benefit of the lot owners and shall be submitted for recordation with the final plat.
  - b. A maintenance agreement for the Family Conveyance Easement or Right-of-Way shall be submitted for recordation with the final plat; unless, waived or otherwise required by the Department of Public Works.

(08/05/15)

10. Construction standards and requirements within the Family Conveyance Easement or Right-of-Way shall comply with the Calvert County Road Ordinance and the Calvert County Construction Standards for Roads, Streets and Incidental Structures as amended from time to time, or as otherwise approved by the Department of Public Works.

(08/05/15)

11. Private roads serving family conveyance lots shall be named. The road name must be approved by the Calvert County Planning Commission or its designee, in accordance with Section 7-1.06.F., and Article 10 of this Ordinance. The road name shall be posted by the lot owner(s) at their own expense, as specified by the Calvert County Road Ordinance and Calvert County Construction Standards for Roads, Streets and Incidental Structures.
12. Unless a traffic hazard exists or the additional lots will create such, or unless the topography is such as to require drainage easements or other surface treatment requirements, no additional road improvements will be required as part of the subdivision approval.

L. Approval of Private Lanes in Single-Family Residential Communities (Non-Family Conveyance Subdivisions)

When the Director of the Department of Community Planning and Building or his designee and the Director of the Department of Public Works or his designee find that the safety and welfare of the public is best served, they may approve private roads in single-family detached residential communities in lieu of a public road. Private roads in single-family residential communities are to be known as private lanes and must meet the following conditions:

(08/05/15)

1. They shall meet the standards for private lanes per the Calvert County Road Ordinance and the Calvert County Construction Standards for Roads, Streets and Incidental Structures as amended from time to time.

(08/05/15)

2. The proposed private lane shall serve no more than seven (7) lots, including developed lots or parcels or those parcels eligible to obtain a building permit.
3. The use of such lots shall be restricted to single-family detached dwellings or agricultural purposes as long as the private lane remains private.
4. The proposed private lane shall be private, non-County owned and maintained and shall not be eligible for acceptance into the County road system for County ownership or for County maintenance. A notation of such

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restriction shall be placed on the plat and signed by the property owners. The developer shall be responsible for providing for road construction. Road maintenance, including snow removal and repairs and other improvements, ~~and~~ as well as road services normally provided by the County, shall be the responsibility of all lot owners accessing the private lane. The cost of the design, construction and bonding shall be borne by the developer. If and when there is a desire to make the private lane a County road, it shall be upgraded to County Road Standards as set forth in the Road Ordinance (Chapter 104 of the Code of Calvert County) and this Article, in effect at the time of said upgrading. The cost of design, construction, and bonding for any upgrades shall be borne by the lot owners abutting such roadway prior to acceptance by the County.

5. After approval of the subdivision, the final plat for the new lot shall show that:
  - a. The private lane will be private and the County will not maintain the road.
  - b. The lot owners served by the private lane shall be deeded has an undivided ownership interest in the private lane.
6. No lot or parcel in a subdivision subject to these regulations shall be transferred until a Public Works Agreement for the road improvements has been executed and plat recording has been completed as per Section 7-1.03.B. and the platted roads and sidewalks (as required by final plat or preliminary approval letter) have been completed and appropriate bond or acceptable guarantee has been provided and accepted by the County Commissioners for the completion of roads and sidewalks in the subdivision or that section of the subdivision in which the lot or parcel is located. The amount of the bond or guarantee shall be 125 percent of the estimated cost of completing construction, for the purpose of guaranteeing to the County that the developer will complete the construction within such time as may be proposed by the developer and approved by the County Commissioners for County road specifications, see Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County).

M. Storm Drainage Systems

1. Storm drainage systems shall be provided and constructed in accordance with the Calvert County Specifications and Design Standards for Roads and Streets.

**Calvert County Zoning Ordinance – Article 8**

Article 8-1.05 Resource Conservation Area (RCA)

H. Intrafamily Transfers

1. Bona fide intrafamily transfer lots may be created only from parcels of land that:
  - a. Were of record on March 1, 1986;
  - b. Are seven acres or more and less than 60 acres in size; and
  - c. Do not have the potential to create eight (8) lots or more including the intrafamily transfer lots.

(05/04/10)

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## Calvert County Zoning Ordinance – Article 12

### Article 12: Definitions

<u>Term</u> (Date of Amendment)	<u>Definition</u>
Easement or Right-of-way, Family Conveyance (Private)	<u>See: Family Conveyance Easement (Private)</u>
Family Conveyance Easement or Right-of-way (Private)	A private easement or right-of-way as prescribed by the Department of Public Works, for the purpose of providing access to a family conveyance subdivision.
Family Conveyance Subdivision	A single-family residential development within which one (1) or more lots are designated to be conveyed only to family members of the grantor being: spouse, parent, child, grandchild, grandparent, sibling, or the child of a sibling. Under Section 7-1.06.J., where a parcel is undeveloped, the grantor may be considered his or her own family member for the purpose of creating a family conveyance lot for oneself, provided all other requirements of the Section are met.
Grantee	A person to whom property is conveyed.
Grantor	A person who conveys property to another.
Minor Subdivision (12/19/12)	(1) When the total number of residential lots or other divisions of land subject to Article 7 are derived from a parcel of record as of October 1, 2012 is seven (7) or less. (2) Any division of land for development purposes that does not require the creation of any new right-of-way, other than a private lane and family conveyance easement or right-of-way; except that residential minor subdivisions creating a public right of way will be considered a minor subdivision with Planning Commission approval.
Private Lane	A private right-of-way, for the purpose of providing access to no less than three single-family residential lots and no more than seven (7) single-family residential lots.