



Calvert County Zoning Ordinance Update: Articles 22, 23 & 24

Public Forum

August 24, 2023

Introduction

- Joint Work Session on April 19, 2023 which gave an overview of the Zoning Ordinance and the purpose, strategies, and goals of this update
- Draft Zoning Ordinance made available to the public May 10, 2023
- Joint work session June 21, 2023 where the draft Zoning Districts and Zoning Map were introduced
- First public forum took place June 22, 2023 and focused on the draft Zoning Districts and Zoning Map
- Public comments received will be packaged and delivered to the BOCC prior to the September 20, 2023 joint work session

Introduction

- Planning & Zoning staff have met with representatives from several organizations and citizens
- Questions and comments received have been used to create an FAQ section on the Zoning Ordinance Update website
- Calvertcountymd.gov/ZoningOrdinanceUpdate to access links to draft articles, draft zoning map, where to send public comment, and other supplemental materials
- The focus of this public forum will be draft Articles 22, 23 & 24
 - Critical Area, Marine & Water Dependent Facilities, Floodplain



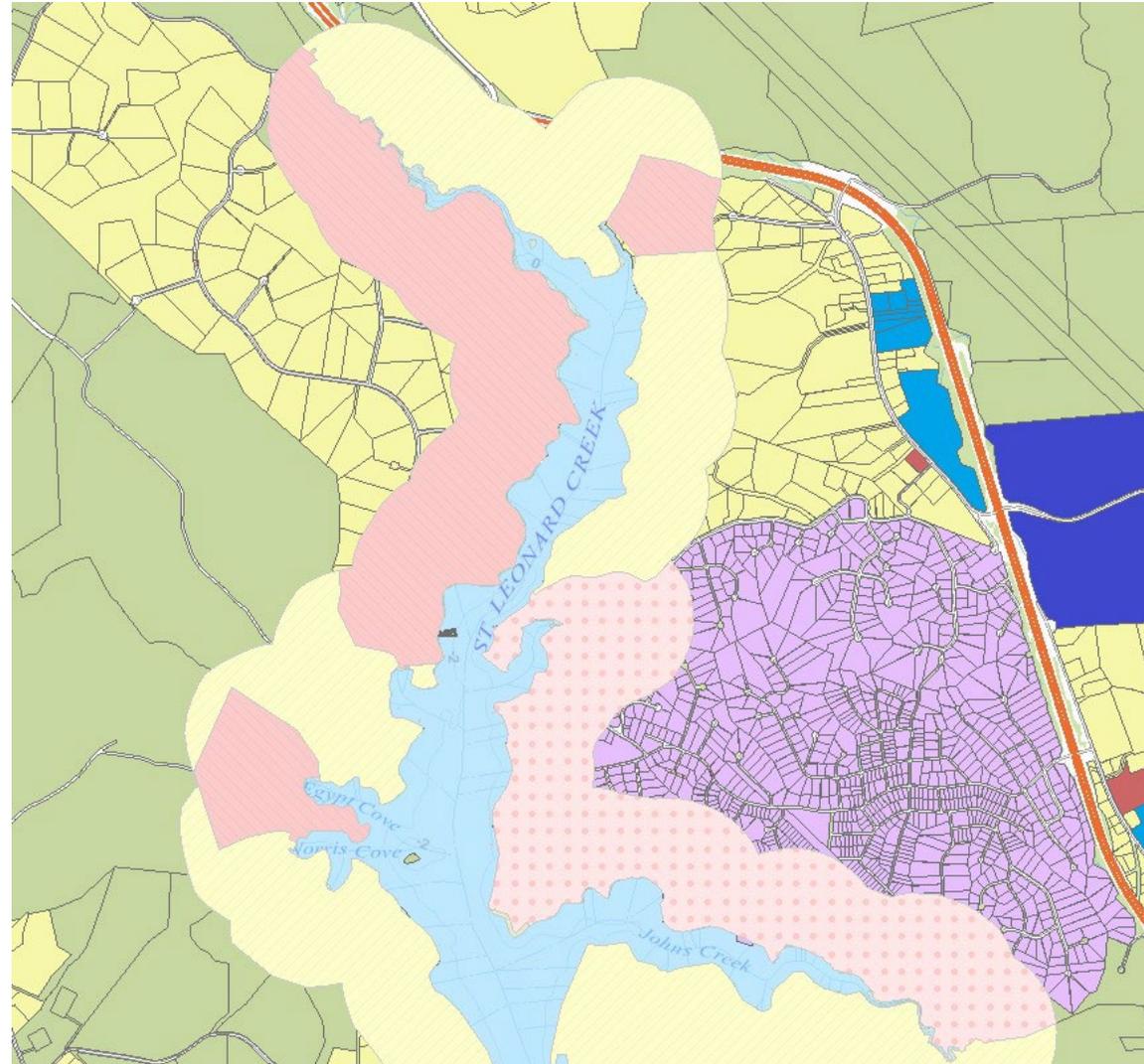
Critical Area

- Calvert County adopted the local Critical Area Program in 1988 to implement the requirements of the 1984 Maryland State Critical Area Act
- The Critical Area includes all land within 1,000 feet of the mean high water line of tidal waters or the landward edge of tidal waters
- A statewide Critical Area Commission was created to oversee the development and implementation of local Critical Area programs
- The Critical Area protects natural resources by reducing runoff pollution and associated impacts
- There are requirements for vegetation and impervious lot coverage and restrictions on development in identified Habitat Protection Areas



Critical Area

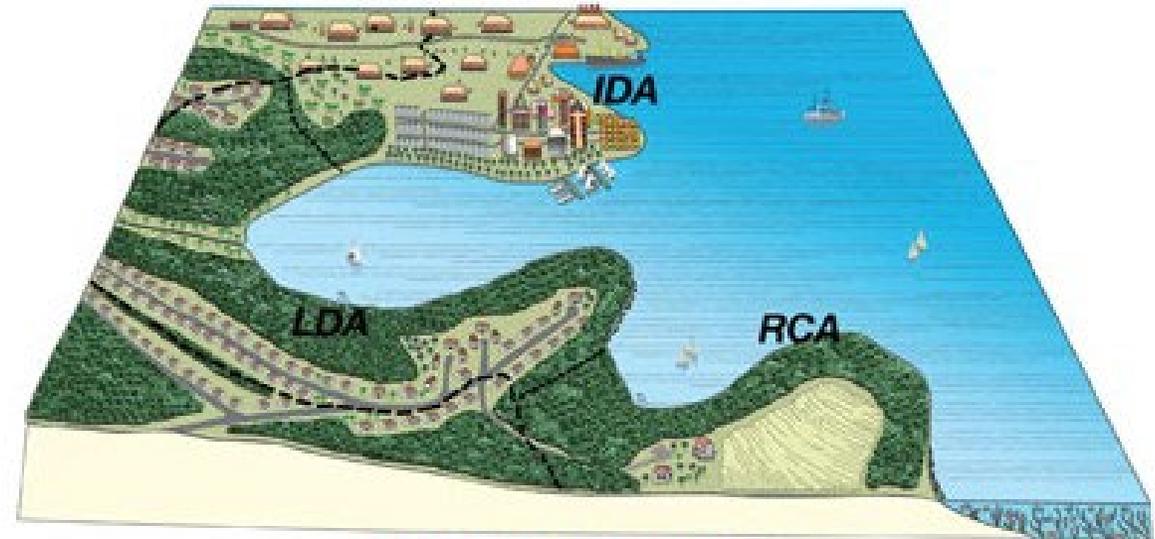
- Critical Area functions as an overlay district
 - Intensely Developed Area (IDA)
 - Limited Development Area (LDA and LDA-3)
 - Resource Conservation Area (RCA)
 - Special Buffer Management Area (SBMA)



	IDA
	LDA
	LDA-3
	RCA
	SBMA

Critical Area

- Habitat Protection Areas
 - Critical Area Buffer: 100 foot buffer and expanded buffer
 - A Critical Area Variance from the Board of Appeals is required for disturbance within the buffer
 - A few exceptions and revisions are proposed in the draft



CRITICAL AREA LAND USE CLASSIFICATIONS

----- BOUNDARY OF CRITICAL AREA -·-·-·- BOUNDARY BETWEEN LAND USE CATEGORIES

Critical Area

- The Zoning Officer, in consultation with the Environmental Planner, may authorize disturbance to the Buffer for the following activities
 - A new development or redevelopment activity associated with a water-dependent facility
 - Slope stabilization activities
 - A septic system on a lot created before December 13, 1988

Critical Area

- The Critical Area Buffer is expanded for contiguous steep slopes and highly erodible soils
 - Under the current regulations, in the case of contiguous slopes of 15% or greater, the buffer is expanded four feet for every one percent of slope, or to the top of the slope, whichever is greater.
 - Under the proposed draft revisions, in the case of contiguous slopes of 15% or greater, the buffer is expanded to the top of the slope, plus 50 feet.

Critical Area

- Shoreline and Cliff Areas on the Chesapeake Bay, Patuxent River, and their Tributaries
 - Includes regulations governing development along the cliffs
 - Minimum setbacks from cliffs; 100 feet to 300 feet depending on the location



Critical Area

- Renewable Energy Generating Systems
 - Establishes permissions, criteria, and conditions for permitted Major, Minor, and Accessory Solar Energy Generating Systems
 - Allows small residential accessory solar energy generating systems in the buffer
 - Department of Planning & Zoning may not authorize a major or minor solar energy generating system in a Habitat Protection Area
 - With the exception if they are located over existing legally developed lot coverage in a modified buffer area (SBMA)

Marine & Water-Dependent Facilities



- Location of established harbor lines and shorelines
- Permitted and prohibited waterfront uses and conditions
- Defines and regulates the usable waterway area
- Conditions for private piers, community piers, commercial piers, and marinas
- Conditions for water-dependent facilities and activities, public beaches, other public water-oriented recreation, etc.
- Criteria for shore erosion protection works

Marine & Water-Dependent Facilities

- **Section 23-6.A:** “One private pier is permitted as an accessory structure to a single-family dwelling on a buildable lot or parcel on any waterfront lot or parcel for the use of the lot or parcel or his/her tenant only.”
 - Addition to draft, “If an undeveloped property with a riparian right is in contiguous ownership with a property that has a single-family dwelling but lacks a riparian right, a pier can be built on the lot or parcel with a riparian right, provided it meets applicable setback requirements (lateral line & harbor line).”

Marine & Water-Dependent Facilities

- **Section 23-7.A.2.d:** “~~Insofar as possible,~~ Non-water dependent facilities associated with the water-dependent facility or activity shall be located outside the Critical Area Buffer. **Examples of non-water dependent facilities include but are not limited to parking, non-fuel related storage, and retail facilities**
 - Text in **red** has been added to the draft

Floodplain

- The National Flood Insurance Program (NFIP) requires local jurisdictions to regulate development in the 100-year floodplain.
 - Regulations ensure proposed development does not increase flooding or create a dangerous situation during flooding, including on another individual's property
 - If a structure is involved, it must be constructed to minimize damage during flooding
 - Different standards for coastal vs. non-coastal floodplain

Floodplain

- Community Rating System (CRS)
 - Calvert County's participation in FEMA's CRS Program allows county residents owning property with structures within the 100-year floodplain to receive a discount on their flood insurance premiums
 - Credit towards the CRS Program is given for activities and regulations that protect the floodplain
 - Jurisdictions that adopt regulations which increase protections for buildings and communities in the floodplain can receive increased discounts on flood insurance premiums
 - Calvert County is currently a Class 8 (10% reduction)

Floodplain

- **Base Flood Elevation**
 - The water surface elevation of a base flood (100-year flood)
- **Freeboard**
 - An increment of elevation added to the base flood elevation
- **Flood Protection Elevation**
 - The base flood elevation plus **two feet** of freeboard.
 - The draft proposes to increase this to **four feet** of freeboard.
 - Lowest floors of structures must be elevated to or above the flood protection elevation
 - Impacts subdivision access roads and decks attached to structures

Floodplain

- Floodplain requirements like the flood protection elevation are required for new building and structures
 - Also required for substantial improvements of existing structures
- **Substantial Improvement:** “Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure **taking place during a ten year period**, the **cumulative** cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement.”
 - Text in **red** has been added to the draft

Proposed Revision Highlights

- **Article 22 (Critical Area)**
 - Revised how the expanded Critical Area Buffer for steep slopes is delineated
 - Some disturbances of the Critical Area Buffer proposed to require administrative variance approval instead of having to go through the Board of Appeals variance process
- **Article 23 (Marine & Water Dependent Faculties)**
 - Revised to clarify that private piers are allowed on undeveloped properties with a riparian right that are contiguous with a property lacking a riparian right that has a dwelling
- **Article 24 (Floodplain)**
 - Revised definition of “substantial improvement” and the flood protection elevation raised from two feet to four feet

Public Forum Stations

- Staff requests that members of the public make their way to the break out tables
 - After the public has had a chance to visit the break out tables and ask staff questions we will wrap up the public forum and adjourn at 8:30 PM

Public Forum Wrap Up

- The next public forum is scheduled for October 26, 2023
- Members of the public can submit comments to ZOupdate@calvertcountymd.gov
 - Public comment period for draft Articles 22-24 closes September 1st
- Questions – Contact:
 - Will Hager, 410-535-1600 ex. 8553
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