

Comparison of the 2023 Draft Zoning Ordinance Articles 26, 27, and 28 with the Current Zoning Ordinance (Adopted 2006)

Draft Zoning Ordinance	Current Zoning Ordinance
Article 26 (Outdoor Lighting)	Article 6 (Section 6-6)
Article 27 (Parking)	Article 6 (Section 6-3); Article 5 (Section 5-1.12; Section 5-3.08)
Article 28 (Landscaping)	Article 6 (Section 6-5); Article 5 (Section 5-3.10)

Article 26 (Outdoor Lighting)

- **Section 26-1 (Purpose)**
 - Several items in this section have been revised and simplified
 - Item 4 was revised; in the current Zoning Ordinance it states, *“Promote efficient design and operation with regard to energy conservation”*
 - In the draft Zoning Ordinance, this has been revised so it now states, *“Provide outdoor lighting that is dark sky friendly (outdoor luminaires that minimize glare while reducing light trespass and skyglow).”*
- **Section 26-2.A (Applicability)**
 - In the current Zoning Ordinance this sections states, *“Outdoor lighting shall be required for safety and personal security for uses that operate during hours of darkness where there is public assembly and traverse, including but not limited to the following uses: residential developments for multi-family dwellings or single-family attached dwellings, commercial, industrial, public-recreational and institutional.”*
 - In the draft Zoning Ordinance, this has been revised so it now states, *“Outdoor illumination is required for safety and personal security for uses where there is public assembly and/or significant on-site pedestrian and/or vehicle circulation.”*
- **Section 26-2.C (Applicability)**
 - The following statement was added to the draft Zoning Ordinance for clarification purposes, *“Compliance with the purpose in Section 26-1 is required for vehicular and pedestrian access.”*

- **Section 26-2.D (Applicability)**
 - The following (items 9 and 10) were added to the list of exemptions from outdoor lighting requirements, *“Luminaires used for emergency or signaling purposes”* and *“Emergency illumination as required by the Calvert County Building Code”*

- **Section 26-2.E (Applicability)**
 - The following text in red was added to the draft Zoning Ordinance, *“In this section, temporary is defined as lasting no longer than 180 days.”*

- **Section 26-3.A (Illumination Levels)**
 - The following text in red was added to the draft Zoning Ordinance, *“The minimum candle provided shall be 0.3 except along boundaries where it should taper to 0.1 in accordance with Section 26-4.A.3 below.”*

- **Section 26-4.B (Plan Submission)**
 - The following text in red was added to the draft Zoning Ordinance, *“Within Town Centers or the Rural Commercial zoning district, luminaires shall be reviewed and approved by the applicable Architectural Review Committee or its designee, prior to submittal of the detailed site development or plot plan.”*

- **Section 26-6 (Modifications)**
 - This section was revised; in the current Zoning Ordinance this section states, *“Where in the case of a particular lighting application, it can be shown that strict compliance with the IESNA lighting intensities and uniformity ratios would result in extraordinary hardship to the applicant because of unusual topography, shape of the parcel, specialized use, existing lighting, or other such non-self-inflicted condition, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the Planning Commission may, after consultation with appropriate agencies (such as the Departments of Economic Development, Public Safety, Public Works, and Planning & Zoning, and the Division of Inspections & Permits), vary, modify, or waive the requirements, provided, however, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this regulation or interfere with carrying out the Comprehensive Plan of Calvert County. In no case shall any variation or modification be more than the minimum easing of the requirements and in no instance shall it conflict with any zoning ordinance or zoning map. In granting variances and modifications, the Planning Commission may require such*

conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.”

- *In the draft Zoning Ordinance, this section has been revised so that it now states in red text, “Where in the case of a particular lighting application, it can be shown that strict compliance with the IESNA lighting intensities, light trespass, and uniformity ratios cannot be met because of unusual topography, shape of the parcel, specialized use, existing lighting, or other such non-self-inflicted condition the applicant may apply for a modification or waiver. Any modification or waiver shall be the minimum necessary to afford relief from these regulations. The Planning Commission or its designee may grant modifications or waivers on a case-by-case basis and only if they are consistent with the purpose in Section 26-1. In granting modifications or waivers, the Planning Commission or its designee may require such conditions, that in its judgment, secure substantially the objectives of the requirements so waived or modified.”*

- **Additional Notes**

- Throughout this draft Zoning Ordinance, the term “lighting” has been replaced with the terms “illumination” or “luminaries”

Article 27 (Parking)

- **Section 27-1.A (Application)**

- The following statement from the current Zoning Ordinance was not included in the draft Zoning Ordinance but will be included in the next draft, *“Occupancy permits will not be granted until such parking and loading facilities are constructed and available.”*

- **Section 27-3.A.2 (Dimensions)**

- The following statement from the current Zoning Ordinance was not included in the draft Zoning Ordinance, *“Any dimensions listed in the Ordinance are offered as examples only.”*

- **Section 27-3.A.3 and 4 (Dimensions)**

- Sections 27-3 and 4 which establish minimum width and setback requirements for drive aisles and parking lots were added to this Article

- **Section 27-3.B (Access)**

- This section addressing vehicular and pedestrian access was added to the draft Zoning Ordinance
- **Section 27-3.B (Striping)**
 - This section addressing striping was added to the draft Zoning Ordinance
- **Section 27-3.B (Curbing)**
 - This section addressing curbing internal to a parking facility was added to the draft Zoning Ordinance
- **Section 27-4.B (Parking Maximums)**
 - This section has been revised so that it now states, *“The maximum number of nonresidential parking spaces cannot exceed the required amount. An applicant may make a request to the Planning Commission Administrator for an additional 25% above this maximum for redevelopment purposes.”*
 - Under the current Zoning Ordinance, the policy in regard to parking maximums is, *“The maximum number of provided parking spaces may not exceed 125% of the minimum required. An applicant may provide an additional 25% above the maximum; however the additional spaces shall be pervious.”*
 - The second sentence in provision above in red text will be revised in the next draft
- **Section 27-4.B (Shared Parking)**
 - The following statement has been revised so that it now reads, *“When more than two of the uses below share parking, the highest factor is used.”*
 - The current zoning ordinance states, *“When more than two of the uses below share parking the lowest factor shall be used.”*
- **Section 27-4.H (Parking Structures)**
 - This section which includes regulations for parking structures was added to the draft Zoning Ordinance
- **Section 27-4.I (Driveway)**
 - The following statement was added to the draft zoning ordinance, *“A driveway shall be set back at least six feet from a building corner to reduce blind spots.”*
- **Section 27-4.C (Bus Parking and Drop-Offs)**

- This section which includes requirements for bus parking and drop-offs was added to the draft Zoning Ordinance
- **Section 27-4.E (Electric Vehicle Charging Stations)**
 - The following provisions were added to this section in the draft Zoning Ordinance:
 - *“For parking facilities that require 25-49 spaces, when electric vehicle charging stations are installed that serve a minimum of two parking spaces, the minimum required number of parking spaces may be reduced by two. In order to qualify, the electric vehicle charging stations shall be Level 2 stations.”*
 - *“For parking facilities that require 50 or more spaces, electric vehicle charging stations that serve a minimum of four vehicles shall be provided. The electric vehicle charging stations shall be Level 2 stations.”*
 - *“For parking facilities that require 50 or more spaces, if more than the required amount of electric vehicle charging stations are provided then the minimum required number of parking spaces may be reduced by the amount of parking spaces that can be served by the additional charging stations, not to exceed 10 percent of the minimum required number of parking spaces. In order to qualify, the electric vehicle charging stations shall be Level 2 stations.”*
 - This replaces the following provision from the current Zoning Ordinance, *“An incentive to reduce the required number of parking spaces by 2 spaces is available for parking areas requiring 50 or more spaces, when an electric vehicle charging device is provided to serve a minimum of two vehicles.”*
 - The following provisions from the current Zoning Ordinance were not included in the draft Zoning Ordinance, *“Electric vehicle charging devices may be located adjacent to designated parking spaces in a parking lot as long as the devices do not encroach into the required dimensions of the parking space (length/width/height). Devices must be mounted on the wall or on a structure at the end of the space at least 4.5 feet above the parking surface of the space.”*
- **Table 27-1 (Minimum Required Off-Street Parking Spaces)**
 - The following minimum required parking spaces were revised:
 - Commercial or Non-Profit Stable or Horseback-Riding Club: 8 spaces in draft Zoning Ordinance
 - Minimum 4 spaces in current Zoning Ordinance
 - Farm: 2 spaces in draft Zoning Ordinance
 - Minimum 4 spaces in current Zoning Ordinance
 - Farm Stand: 2 spaces/250sf in draft Zoning Ordinance

- Minimum 4 spaces in current Zoning Ordinance
 - Farm, Tree/Forestry: 1 space in draft Zoning Ordinance
 - Minimum 4 spaces in current Zoning Ordinance
 - Dwelling, Attached (Duplex, Triplex, Fourplex, Multi-family, Townhouse): 2 spaces/dwelling unit in draft Zoning Ordinance
 - In current Zoning Ordinance, 1.5 per dwelling unit for efficiency or with 1-bedroom, 2 per dwelling unit with 2 bedrooms, 3 per dwelling unit with 3 or greater bedrooms
 - Drive-In Theater: 25 spaces per screen in draft Zoning Ordinance
 - Minimum 4 spaces in current Zoning Ordinance
 - Automobile Filling Station with retail or eating establishment: 2 spaces/pump island + 3 spaces/service bay + 1 space/200sf in draft Zoning Ordinance
 - 2 spaces/pump island + 3 spaces/service bay + 1 space/250sf + 1 space/100sf of convenience store + 1 space/100sf of eating establishment in current Zoning Ordinance
 - Place of Worship: 1 space/4 seats of maximum seating capacity in main assembly area and 1 space/300sf gross floor area in accessory buildings or expansions to existing buildings not part of the main assembly area in draft Zoning Ordinance
 - 1 space per 4 seats of maximum seating capacity in main assembly area or 1 space per 200 gross floor area in the parish hall (whichever is greater) in current Zoning Ordinance
- **Section 27-4.E (Bicycle Parking)**
 - The following provisions were added to this section in the draft Zoning Ordinance:
 - *“All retail, office, institutional, and multi-family residential developments are required to provide bicycle parking spaces. Bicycle parking spaces shall include one bicycle parking rack or bicycle stand per space.”*
 - *“A minimum of two bicycle parking spaces or one bicycle parking space for every 5,000 square feet (gross floor area) of retail space shall be required, whichever is greater.”*
 - *“A minimum of two bicycle parking spaces or one bicycle parking space for every 5,000 square feet (gross floor area) of office space shall be required, whichever is greater.”*
 - *“A minimum of two bicycle parking spaces or one bicycle parking space for every 2,500 square feet (gross floor area) of institutional space shall be required, whichever is greater.”*
 - *“A minimum of one bicycle parking space for every five dwelling units in multi-family residential developments shall be required.”*

- Section 5-3.08.A.2 of the current Zoning Ordinance was not included in the draft Zoning Ordinance
 - This section states in regard to residential development, *“Parking lot surfaces are to be a minimum of two inches of bituminous concrete. Alternative surface materials may be approved by the County Engineer where they equal or exceed these standards.”*
- Section 5-3.08.A.4 of the current Zoning Ordinance was not included in the draft Zoning Ordinance
 - This section states in regard to residential development, *“Parking spaces, garages and parking lots should be located to the rear of buildings. Spaces in front of buildings between buildings and streets should be dedicated to sidewalks, private gardens and/or community spaces. Other alternatives, in descending order of preference include the front driveway accesses a garage behind the residence; the garage is in front of the residence, but it is turned so that it does not face the street; the garage is set at least 10 feet behind the front of the residence.”*

Article 28 (Landscaping)

- **Section 28-2.A and B (Selection) and (Installation)**
 - These sections, which include selection and installation provisions for required landscaping, were added to the draft Zoning Ordinance
- **Section 28-2.C.2 (Maintenance)**
 - The following statement was added to the draft Zoning Ordinance, *“A maintenance agreement for the plant material shall be included in the property covenants.”*
- **Section 28-2.C.3 (Maintenance)**
 - The following statement was revised in the draft Zoning Ordinance so that it now states, *“if any of the plant materials required on the final approved detailed site development plan die or are seriously damaged or diseased, they shall be replaced within 90 days”*
 - This provision in the current Zoning Ordinance states, *“If any of the plant materials required on the site plan die or are seriously damaged, they shall be replaced so that the site remains in conformance with the approved site plan.”*
- **Section 28-2.C.4 (Maintenance)**

- The following statement was added to the draft Zoning Ordinance, *“The Department of Planning & Zoning shall be notified before the removal of live and healthy trees required on the final approved detailed site development plan which includes the reason why tree removal is necessary. Every tree shall be replaced in accordance with the approved detailed site development plan. If removal of live and healthy trees required on the site plan are not replaced within 90 days a violation shall be issued.”*
- **Section 28-3.A and B (Minimum Planting Sizes) and (Species Diversity)**
 - These sections which establish minimum planting size and species diversity provisions for required landscaping were added to the draft Zoning Ordinance
- **Section 28-3.C (Stormwater Management)**
 - The following statement was added to the draft Landscaping Article, *“Parking lot islands and landscaped areas are encouraged to be designed to accommodate stormwater detention and infiltration.”*
- **Section 28-4 (Parking Lot Perimeter Landscape)**
 - The following was added to the draft Zoning Ordinance, *“Perimeter landscaping shall be established along the edge of the parking lot to create a visually attractive environment. Perimeter landscaping is required for all parking lots that abut a street or travel way. Perimeter landscaping is also required where a parking lot abuts adjacent features such as a plaza, public seating area, or park.”*
- **Section 28-4.B (Parking Lot Perimeter Landscape)**
 - This section was revised to clarify that, the minimum number of shrubs required is one shrub for every three linear feet. Alternatively, a mix of shrubs, perennials, native grasses, and other planting types that provide a continuous screening of a minimum of three feet in height within three years may be used.
- **Section 28-4.C (Parking Lot Perimeter Landscape)**
 - This section was revised to include an exception to the requirement of one canopy tree provided for every 40 linear feet of perimeter landscape area as follows, *“Two understory trees may be substituted for one canopy tree and shall be spaced one understory tree every 20 feet. Trees may be spaced linearly on-center or grouped to complement an overall design concept.”*
- **Section 28-4.D (Parking Lot Perimeter Landscape)**
 - The following provision was added to the draft Zoning Ordinance and states, *“The landscape area outside of shrub and tree masses shall be maintained with a uniformed stand of grass unless otherwise approved.”*

- **Section 28-4.E (Parking Lot Perimeter Landscape)**
 - This section was revised so that alternatives to planting trees for parking lot perimeter landscaping such as brick or stone walls, berms and a mix of shrubs, perennials, native grasses, and other planting types may be permitted

- **Section 28-4.F (Parking Lot Perimeter Landscape)**
 - The following was removed from the exceptions for which the Planning Commission Administrator may waive the parking lot perimeter landscaping requirements, *“If all or part of the parking lot is not visible from public roads or existing buildings on adjacent properties.”*

- **Section 28-5.A (Parking Lot Interior Landscape)**
 - This section was revised so that all parking lots of 16 or more spaces are required to have parking lot interior landscape
 - In the current Zoning Ordinance, landscaping is required within all parking lots having more than 25 spaces
 - This section was revised so that a parking lot islands landscaped with trees are required between every eight parking spaces in a continuous row
 - In the current Zoning Ordinance, an equivalent of one parking lot island landscaped with trees is required for every 20 spaces (or portion thereof) in excess of 25 spaces
 - The following provisions were added to item 3 of this section, *“If a parking lot island extends the width of a double row, then two canopy trees are required. In addition to the required canopy trees, a minimum of 50% of the area of every parking lot island shall be planted in shrubs, live groundcover, perennials, or ornamental grasses. In parking lot islands, canopy trees cannot be substituted with understory trees as the purpose is to provide shade.”*
 - The following provisions were added to this section in item 4, *“In addition to parking lot islands, additional landscaped areas shall be provided within the interior of parking lots when the parking area is 15,000 square feet or more in area, which includes parking spaces, islands, and area for vehicular circulation. The minimum total landscaped area of a parking lot, including parking lot islands, shall be a minimum of 10% of the total parking lot area. Parking lot perimeter landscape is excluded from the calculation of total parking lot area square footage and is not counted toward required landscape area.”*

- **Section 28-5.B (Parking Lot Interior Landscape)**
 - The draft Zoning Ordinance was revised so that landscaping is required within the interior of parking lots in the I-2 District when the parking area is 15,000 square feet or more in area, which includes parking stalls, islands, and area for

vehicular circulation. The minimum total landscape area of a parking lot, including parking lot islands, must be a minimum of 10% of the total parking lot area.

- In the current Zoning Ordinance, interiors of parking lots in the I-1, FFD, and RCD Districts are exempt from parking lot interior landscape requirements.

- **Section 28-6 (Buffer Areas)**

- This section has been revised

- In the current Zoning Ordinance buffering is required to reduce the impact of the townhouse, single-family attached, multi-family, or mixed residential development on surrounding uses; buffering needs to be capable of creating a forest canopy with deciduous trees spaced a minimum of 40 feet apart in staggered rows or clustered together with scattered groupings of evergreens and building setbacks from adjacent properties and high noise generating uses are to be buffered.
 - In the draft Zoning Ordinance, buffer areas are required between the side and/or rear setbacks and property lines where a multi-family or townhouse development abuts a single-family or duplex development; the buffer areas must be a minimum of 20 feet in width; and one canopy or evergreen tree shall be planted for every 40 linear feet of buffer area length. One understory tree must be planted evenly spaced between canopy or evergreen trees. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted shall be no less than one canopy/evergreen tree and one understory tree per 40 linear feet of buffer area length.
- In the current Zoning Ordinance, all non-residential developments shall provide a minimum 20-foot landscaped buffer along the length of the property line when adjacent to an existing residentially used property, a property with an active residential building permit, or a property with a non-compatible use.
 - In the draft Zoning Ordinance, where a nonresidential use is adjacent to an existing residentially used property, a property with an active residential building permit, or a property with a non-compatible use the buffer areas shall be a minimum of 40 feet in width; two staggered rows of evergreen trees are required within the buffer area. One evergreen tree shall be planted for every 40 linear feet of buffer area length in one row. In the second row, one evergreen tree shall be planted, centered and

evenly spaced, between the trees planted in the first row. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted shall be no less than two per 40 linear feet of buffer area length.

- In the draft Zoning Ordinance, there are additional requirements for the design of all buffer areas; evergreen shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity. As part of the landscape plan approval, shrubs may be spaced at various intervals based on specific site requirements, but the total number of shrubs planted shall be no less than one per three linear feet of buffer area length. And existing mature, native, and healthy trees in the buffer area may count toward the buffer area tree requirement. This credit is a 1:1 ratio (one existing tree for one proposed tree).
 - In the current Zoning Ordinance, the 20-foot landscaped buffer may be reduced to a minimum of 12 feet through the use of a landscaped berm at least three feet in height at finished grade elevation
 - In the draft Zoning Ordinance, the required 20-foot landscaped buffer may be reduced to a minimum of 15 feet with the use of a landscaped berm
- **Section 28-7.A (Site Landscape)**
 - This section, which includes site landscaping provisions for townhouse, multi-family, and nonresidential developments that are located ten feet or more from a street and where a building abuts a parking area, was added to the draft Zoning Ordinance
 - **Section 28-7.B (Site Landscape)**
 - This section was revised slightly so that it now states, *“For nonresidential and multi-family residential development, landscaping around the foundation of a building is required. The amount and type of foundation plantings should be adequate to reduce the appearance of building mass, accent buildings, and/or promote sound stormwater management.”*
 - This replaces the following provisions from the current Zoning Ordinance, which state, *“Landscaping around the foundation of a building is required to reduce the appearance of building mass; accent buildings; and/or promote sound stormwater management. The Planning Commission Administrator shall determine appropriate foundation plantings based on the size and design of the building as well as consideration of other on-site existing and proposed landscaping.”*

- **Section 28-8 (Screening of Ancillary Uses)**

- This section was revised
 - In the draft Zoning Ordinance, walls constructed of stone are permitted as screening material and maximum heights for walls and berms are included
 - The following provision was added to this section, *“Natural slopes and existing vegetation may be substituted for some or all of the requirements above, provided that these features serve to screen the ancillary uses from general view.”*
- In the draft Zoning Ordinance, screening requirements for bins for refuse and recycling located outdoors for pick-up by authorized haulers are located in draft Article 25

- **Section 28-9 (Street Landscape)**

- This section was revised
 - In the current Zoning Ordinance, in nonresidential developments canopy trees with a height of at least ten feet must be planted every 40 linear feet along road rights-of-way and understory trees with a height of at least six feet shall be evenly spaced between canopy trees every 40 linear feet along road rights-of-way
 - In the current Zoning Ordinance, in residential developments the spacing between trees must be no less than 30 feet on center unless greater or lesser density is beneficial to a particular species (no minimum height requirement for trees, but all trees must be a minimum one-and-a-half-inch caliper at installation)
 - In the draft Zoning Ordinance, in both residential and nonresidential developments canopy trees must be planted within a minimum five foot planting strip on both sides of the road (or as otherwise approved by the Planning Commission or its designee) and the spacing between canopy trees must not be less than 30 feet on center and no more than 60 feet on center, unless a greater or lesser distance is beneficial to a particular species. Canopy trees must have a minimum clear trunk height of six feet (same height requirement for canopy trees in all required landscaping)
 - The following provision has been added to the draft Zoning Ordinance, *“Tree species that bear fruit or nuts are prohibited.”*

- **Section 28-10 (Monument Trees)**

- The following provision was added to this section, *“If a monument tree is removed without permit approval it shall be considered a violation and a fine of \$10,000 may be imposed for each violation.”*
- **Additional Notes**
 - A number of diagrams were added to this Article to illustrate landscaping requirements
 - In the current Zoning Ordinance, the terms “shade” and “ornamental/flowering” trees are used, in the draft Zoning Ordinance these terms have been replaced with “canopy” and “understory”
 - The following statement from Section 6-5.02 of the current Zoning Ordinance was not included in the draft Zoning Ordinance, *“Bio-retention areas are encouraged and shall be considered to meet the landscaping requirements.”*
 - The following statement from Section 6-5.02.B.2.b of the current Zoning Ordinance was not included in the draft Zoning Ordinance in regard to parking islands and ends of parking rows, *“These areas are encouraged to be designed as bio-retention areas.”*