

Comparison of the 2023 Draft Zoning Ordinance Article 25 with the Current Zoning Ordinance (Adopted 2006)

Draft Zoning Ordinance	Current Zoning Ordinance
Article 25 (Site Development and Design Standards)	Article 5 (Section 5-1.09; Section 5-2; Section 5-3; Section 5-4; Section 5-5); Article 6 (Section 6-2; Section 6-4; Section 6-7); Article 7 (Section 7-1.06.I.5; Section 7-1.06.P)

Article 25 (Site Development and Design Standards)

- **Section 25-1 (On-Site Pedestrian and Bicycle Circulation)**
 - In the current Zoning Ordinance, the provisions of this section are located in separate residential and non-residential sections, in the draft, these sections have been consolidated and combined.
 - The provisions in this section apply to all residential and non-residential development unless otherwise specified.

- **Section 25-1.A (On-Site Pedestrian and Bicycle Circulation)**
 - The following provision has been added to the beginning of this section, *“Sites shall be designed to discourage pedestrians and vehicles from sharing the same pathways and provide for walkable access and bicycle access.”*
 - This statement is located in the pedestrian and bicycle flow section for non-residential development in the current Zoning Ordinance (Section 6-4.03)

- **Section 25-1.A.1 and 2 (On-Site Pedestrian and Bicycle Circulation)**
 - The sidewalk requirements have been revised in the draft Zoning Ordinance
 - In the current Zoning Ordinance, the requirement for single family detached subdivisions is, *“The Planning Commission may require sidewalks in a subdivision created in any residential, commercial or industrial district”* and, *“sidewalks may be required in residential subdivisions under the following circumstances: in subdivisions of 50 lots or more, in subdivisions that are part of a phased community, or in subdivisions that are linked to existing subdivisions by a road system that supports an existing sidewalk system; in subdivisions where the lot sizes*

average less than one acre; in subdivisions where RD-5 road construction is required; or in subdivisions that contain recreation or amenities that encourage pedestrian activities.”

- In the draft Zoning Ordinance, this requirement has been revised and now states, *“In single family detached residential developments, sidewalks shall be required along both sides of any proposed public road and along at least one side and preferably both sides of any proposed private road. Family conveyance access roads and residential developments in the Farm and Forest District and Rural Community District with fewer than 25 lots are exempt from this requirement, as well as items 4 and 7 below.”*
- In the current Zoning Ordinance, the requirement for townhouse, single family attached, multi-family, and mixed residential development is, *“Sidewalks are required along both sides of all streets.”* For non-residential development, Section 6-4.03 of the current Zoning Ordinance states that, *“Sites shall be designed to discourage pedestrians and vehicles from sharing the same pathways and provide for bicycle access”*
 - In the draft Zoning Ordinance, this has been revised so that the requirement now states, *“In nonresidential developments and townhouse, attached dwelling, multi-family, and mixed residential developments, sidewalks shall be required along both sides of any proposed road”*
- **Section 25-1.A.3 (On-Site Pedestrian and Bicycle Circulation)**
 - The following provision was added to this section, *“The minimum width for sidewalks is five feet but a greater width may be required in some circumstances. The minimum width for multi-use paths shall be eight feet, except when adjacent to arterial or collector roads where it shall be ten feet.”*
 - In the current Zoning Ordinance, for townhouse, single family attached, multi-family, and mixed residential development the minimum width for sidewalks is four feet. No minimum width for sidewalks is stated in the current Zoning Ordinance for single family detached residential and non-residential development and there is no minimum width requirement for multi-use paths.
- **Section 25-1.A.4 (On-Site Pedestrian and Bicycle Circulation)**
 - This section includes the following statement *“Sidewalks and/or multi-use paths shall be provided adjacent to residential units and along pedestrian circulation routes, connecting units with each other and to link residences with parking lots, recreation facilities, open space, parks, schools, other institutional uses, commercial developments, and town centers.”*

maintenance requirements. The applicant may be required to install hard surface sidewalks, trails, and bicycle paths adjacent to units and along pedestrian circulation routes connecting units with each other and with recreation or commercial areas. In less intensive areas, other pervious and non-erodible surface materials may be approved.”

- **Section 25-1.A.9 (On-Site Pedestrian and Bicycle Circulation)**

- The following provision was included in this section, *“Sidewalks and/or multi-use paths shall be indicated by a change in surface material and/or height difference from the travel lane, striping, and/or a narrowing of the travel lanes.”*
 - This has been revised slightly from the following provision in the current Zoning Ordinance which applies to non-residential development, *“Indicate pedestrian walkways by a change in pavement surface and/or height and a narrowing of the travel lanes.”*

- **Section 25-1.A.10 (On-Site Pedestrian and Bicycle Circulation)**

- The following provision was added to the draft Zoning Ordinance, *“Cross-walks are required wherever pedestrian circulation routes extend across a road right-of-way and/or travel way.”*

- **Section 25-1.B (Vehicular Circulation and Road Design)**

- The following provisions have been added to the draft Zoning Ordinance
 - *“Internal streets, alleys, and aisles shall be interconnected to provide an internal street network. The County shall require construction of cross access roads and easements to adjacent development sites to limit access points on public roads and streets to the maximum extent possible.”*
 - *“Sites shall be designed to maximize traffic que lengths, ensure adequate sight lines and right-angle intersections as much as possible to promote safe, efficient movement of vehicles.”*
 - *“A travel way should be located at least ten and preferably fifteen feet from a building corner to maximize intersection sight distance. At no time shall the travel way be closer than six feet from a building corner.”*

- **Section 25-1.C.1 (Road Classifications and Minimum Standards)**

- The following provisions from the current Zoning Ordinance were removed from the draft Zoning Ordinance
 - *“A public collector road serves as the principal traffic artery within a townhouse, attached dwelling, multi-family, or mixed residential development of 100 or more units”*

- *“A public collector road serves as the principal traffic artery within a townhouse, attached dwelling, multi-family, or mixed residential development which includes uses open to the general public”*
- **Section 25-1.C.2 (Road Classifications and Minimum Standards)**
 - The following statement in red text was added to this section for clarification purposes, *“A private road serves as the principal traffic artery within a townhouse, attached dwelling, multi-family, or mixed residential development unless Section 25-1.C.1.a above applies. The private road serves as direct access from dwelling units to higher classification roads”*
- **Section 25-1.D.1 (Drive-Through Facilities and Stacking)**
 - The drive-through and stacking requirements have been revised in the draft Zoning Ordinance
 - The following has been added to the draft Zoning Ordinance, *“A traffic analysis shall be required for a development that requires at least one drive through facility. The analysis shall include estimates of peak queue estimates for the drive through lane and stacking lanes and other stacking areas to ensure they are adequate to accommodate the 95th percentile during the business peak period. Stacking spaces provided for drive through uses shall be a minimum of ten feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 20 feet in length. In the case of a recessed service window, the measurement is taken from the building wall. The horizontal curvature of the drive through lane design shall accommodate a single unit vehicle. Minimum vertical clearances shall be clearly marked.”*
 - The following has been added to the draft Zoning Ordinance, *“Drive through lanes shall be designed so that flow is in a counter-clockwise direction. Stacking spaces shall begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window or car wash bay (this does not include a restaurant menuboard). Spaces shall be placed in a single line behind each lane or bay.”*
 - The following has been added to the draft Zoning Ordinance, *“A drive through lane shall have bail out capability provided through a by-pass lane for all vehicles that enter the drive through lane. The by-pass lane shall have a minimum width of ten feet and run parallel to and to the right (outer side) of the drive through lane. The by-pass lane is limited to a one-way traffic pattern following the direction of the drive through lane. The by-pass lane shall remain parallel and separate and shall not merge with the drive through lane.”*

the secondary or collector road. A shared access easement shall be recorded, unless the properties are consolidated.”

- **Section 25-1.F.3 (Site Access)**

- The following provision has been added to the draft Zoning Ordinance, *“Residential developments that exceed 50 dwelling units and/or lots shall provide a minimum of two access points that can be accessed by all units and/or lots. Residential developments that exceed 150 dwelling units and/or lots shall provide a minimum of three access points that can be accessed by all units and/or lots. The Planning Commission may waive this requirement due to environmental constraints.”*

- **Section 25-1.F.4 (Site Access)**

- The following text in red was added to the draft Zoning Ordinance, *“No more than one direct access approach onto an arterial road is allowed to any individual parcel of record as of May 8, 1984. However, the following exceptions may be allowed with approval by the State Highway Administration: (a) The Planning Commission or its designee may approve additional access if any movement to or from the single access is Level of Service (LOS) E or worse and by granting the additional access the LOS would improve to a LOS “D” or better. Other conditions for granting multiple access include restricted sight distance from a single access or conflicts with adjacent traffic flow.”*
 - The text in red replaces the following provision from the current Zoning Ordinance, *“The Planning Commission or its designee may, with approval by the State Highway Administration, approve one additional access if the additional access is deemed to be significantly beneficial to the safety and operation of the highway or if allowing only one access approach would be a safety hazard or increase traffic congestion.”*

- **Section 25-1.F.5 (Site Access)**

- The following provision was included in the draft Zoning Ordinance, *“Existing and proposed accesses shall be consolidated to minimize access along arterial roads to improve sight distance and/or control traffic.”*
 - This replaces the following provision from the current Zoning Ordinance, *“Accesses shall be consolidated wherever feasible”*

- **Section 25-1.F.6 (Site Access)**

- The following provision was added to the draft Zoning Ordinance, *“For nonresidential developments, the number of entrances shall be kept to a minimum by utilizing existing entrances and connecting parking lots where possible.”*

- **Section 25-1.F.7 (Site Access)**
 - The following provision was included in the draft Zoning Ordinance, *“Nonresidential development access through an existing residential development shall not be permitted with the exception of where the development is part of an overall planned development.”*
 - This replaces the following provision from the current Zoning Ordinance, *“Where an industrial use abuts a road within a residential subdivision and a road not located within a residential subdivision, access shall be restricted to the nonsubdivision road.”*

- **Section 25-1.F.8 (Site Access)**
 - The following provision was included in the draft Zoning Ordinance, *“If access to the development is proposed through one or more adjacent properties, a subdivision or administrative plat may be required to meet the access, frontage, and Road and Site Development Ordinance requirements.”*
 - This replaces the following provision from the current Zoning Ordinance, *“If access to the development is proposed over one or more adjacent properties, a permanent access easement, with a minimum width of 20 feet, shall be recorded among the Land Records of Calvert County. A copy of the easement shall be submitted with the site plan or plot plan application.”*

- **Section 25-1.F.9 (Site Access)**
 - The following provision was included in the draft Zoning Ordinance, *“Where a future roadway is designated on an approved County map, site plans and/or subdivisions for development adjacent to the designated roadway shall provide a platted connection to the future roadway and transfer that area by deed to the Board of County Commissioners of Calvert County for future development. If the future roadway is located within the parcel, it shall be platted and transferred by deed to the Board of County Commissioners of Calvert County at the time of final plat recordation.*
 - This replaces the following provision from the current Zoning Ordinance, *“Where a future roadway is designated on an approved County map, site plans for development adjacent to the designated roadway shall include provisions for future access to the roadway.”*

- **Section 25-1.F.10 (Site Access)**
 - The following provision was included in the draft Zoning Ordinance, *“If the adjacent property is not fully developed, adequate access shall be provided by a reserved platted future right-of-way with temporary construction easements and*

amenities easements for future road extension. The right-of-way for public or private road construction shall extend to the adjacent property. Upon development of the adjacent property, the developer of that adjacent parcel shall be responsible for building the road connection. Temporary easements for turn-arounds shall be provided at the boundary lines.”

- There is a similar provision in Section 7-1.06.D.4 of the current Zoning Ordinance in the Subdivision Article, *“If a portion of a tract or an adjacent tract is not subdivided, suitable access to road openings for eventual extension of the roads shall be provided if: (a) either property is zoned Town Center (TC) or Residential District (RD); or (b) either property has access to an arterial road; or (c) such access is called for by the Calvert County Transportation Plan.”*

- **Section 25-2 (Design of Single Family Detached Residential Communities)**

- The opening paragraph to this section has been revised in the draft Zoning Ordinance and states, *“Single-family detached residential communities shall be designed in a manner which preserves forest and wildlife habitat, prevents soil erosion, provides open space, including recreational open space when required, and contributes to maintaining clean water. Site disturbance shall be held to a minimum.”*
 - In the current Zoning Ordinance, this section states the following, *“Single-family detached residential communities outside Town Centers shall be designed to fit into the existing rural landscape in a manner that will retain the land's capacity to grow crops, produce timber, provide wildlife habitat, prevent soil erosion, provide recreational open space, contribute to maintaining clean water and air and preserve rural character. These features not only contribute to the health and welfare of County residents but also contribute to the economic base by providing jobs and revenues in resource-related and tourism-related enterprises. New buildings and roads shall be designed to enhance rather than to replace these important existing features. Site disturbance shall be held to a minimum.”*

- **Section 25-2.A (Required Clustering)**

- In the draft Zoning Ordinance, the clustering of subdivisions is not required in the Residential District (RD) and the Rural Neighborhood District (RND)
 - In the current Zoning Ordinance, clustering is not required in the RD or within the one-mile radius/perimeter of town centers
 - Considering that the RND has been introduced in order to replace the one-mile radius policy from the town centers of Dunkirk,

Owings, Huntingtown, and St Leonard Town Centers, the draft Zoning Ordinance is consistent with the current policy

- In the draft Zoning Ordinance, clustering is not required for new lots created that are at least 25 acres in size in the Farm and Forest District (FFD) and in cases where the parcel being subdivided is less than 30 acres, clustering is not required (in any zoning district), provided that a note is recorded on the plat stating that no further subdivision of lots is permitted.
 - In the current Zoning Ordinance, in cases where all proposed lots are a minimum of 20 acres, clustering is not required (in any zoning district)
- The following provision from the current Zoning Ordinance was not included in the draft Zoning Ordinance, *“Subdivisions that are to be limited to no more than five lots are exempt from clustering provided that a note is recorded on the plat stating that no further subdivision of the entire subject tract is permitted.”*
- **Section 25-2.B (Site Design - Clustered and Non-Clustered Subdivisions)**
 - The following provisions from the current Zoning Ordinance were not included in the draft Zoning Ordinance:
 - *“Lots and roads shall be located in areas where they will contribute toward preserving and maintaining existing farm structures and historic structures, as well as the scenic and rural character of the County”*
 - *“The Planning Commission may modify those provisions designated with an asterisk (*) to the minimum extent needed to resolve conflicts between individual provisions of this Ordinance or to address unique site constraints”*
- **Section 25-2.B.2.b (Lot Frontage, Private Lanes, Fire and Safety Protection)**
 - The following text in red was added to this provision in the draft Zoning Ordinance, *“The fee simple strip (lot stem) of a flag lot shall be at least 25 feet wide over its entire length, except where the fee simple strips of two flag lots lie adjacent to each other in which case each fee simple strip shall be at least 12.5 feet wide, provided the two flag lots share and maintain a common access driveway. **When there is a shared driveway an easement and maintenance agreement shall be placed over the combined 25-foot area until each lot stem or driveway divides off separately.** A note shall be placed on the subdivision plat stating that such driveways are not petitionable into the County road system or eligible for County maintenance.”*
- **Section 25-2.B (Site Design - Clustered and Non-Clustered Subdivisions)**
 - The following provision from the current Zoning Ordinance was not included in the draft Zoning Ordinance, *“Buildings and roads shall be located in a manner that will maintain and enhance a visually attractive rural landscape.”*

- **Section 25-2.B.4.e.ii (Front Roadway Buffer)**
 - The list of roads located in the Residential District that are exempt from front roadway buffer requirements has been revised in order to accurately reflect the reconfigured Residential District in the draft Zoning Map

- **Section 25-2.B (Site Design - Clustered and Non-Clustered Subdivisions)**
 - The following provisions from the current Zoning Ordinance were not included in the draft Zoning Ordinance:
 - *“Exceptions to the Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County) may be approved by the County Engineer for the purpose of maintaining and/or creating a traditional rural community design, provided that the proposed exceptions are consistent with the Manual on Uniform Traffic Control Devices (MUTCD) and current American Association of State Highway and Transportation Officials standards (ASHTO).”*
 - *“*Buildings and roads shall be designed to promote a sense of community within the subdivision by creating a centralized community focal point such as a village green or community park, by providing on-site trails and walkways and by relating buildings to each other and to the designated open space within a coherent arrangement of buildings, open space and roads.”*
 - *“At minimum, buildings shall be arranged to avoid facing the front of a house onto the back of another house”*

- **Section 25-2.B.5 (Potential Trails, Greenways, or Parks)**
 - The following text in red was added to this provision in the draft Zoning Ordinance and the crossed out text was removed, *“In the event the parcel includes areas which have been identified in an officially adopted plan as part or all of a potential trail, greenway or park, these areas shall be included as part of the designated open space and an easement for construction and maintenance shall be made to the benefit of the Board of County Commissioners of Calvert County and for the use of the public. Ownership and management of the open space shall be negotiated between the applicant and the County or a County designee on a case-by case basis.”*

- **Section 25-2.B.7 (Cluster Box Units)**
 - The following provision was added to the draft Zoning Ordinance, *“If required by the United States Postal Service, cluster box units shall meet the requirements of Section 25-3.H below”*

- **Section 25-2.C (Site Design - Clustered Subdivisions)**
 - In the draft Zoning Ordinance, at least 60% of the site must be designated open space and lots and roads are to be clustered onto the remainder of the site in the Rural Community District (RCD).
 - In the current Zoning Ordinance, clustering building lots and roads onto no more than 50% of the site is required in the RCD (unless located within the one-mile radius/perimeter of a town center, where clustering isn't required).

- **Section 25-2.C (Site Design - Clustered Subdivisions)**
 - The following provisions from the current Zoning Ordinance were not included in this draft Article
 - *“In addition to meeting the requirements above, lots and roads in clustered subdivisions must be located in areas where they will have the least effect on forests, sensitive areas, and cropland.”*
 - *“The Planning Commission may modify those provisions designated with an asterisk (*) to the minimum extent needed to resolve conflicts between individual provisions of this Ordinance or to address unique site constraints.”*
 - *“*At least 50 percent of the open space required by paragraphs '1' through '4' of this Section shall be platted as one large, contiguous block of land which shall be a minimum of 600 feet in width”*
 - *“*Buildings and roads shall be located at forest edges or clustered in a manner that will maximize the amount of forest interior dwelling bird habitat and contiguous forested area left intact. The portion of the existing forested area that is to be retained should be determined with reference to the location of forested land on adjacent properties so as to maintain contiguity where feasible.”*
 - *“*Long roads and driveways (more than 400 feet) shall be avoided, especially if they extend into wetland areas or Forest Interior Dwelling Bird Habitat areas.”*
 - *“*Road and driveway crossings through wetlands, floodplains, steep slopes, and perennial and intermittent streams must be avoided.”*
 - Note: provisions protecting wetlands, floodplains, steep slopes, and perennial and intermittent streams, including provisions addressing road crossings, are located in Articles 21 (Natural Resources) and Article 22 (Critical Area) in the draft Zoning Ordinance

- *“*Buildings and roads shall be located in a manner that will retain existing cropland, pasture and meadow and avoid dividing existing cropland.”*
 - *“*If the existing cropland, pasture or meadow has Class I, Class II and/or Class III soils (as defined by the Soil Survey Of Calvert County, Maryland, prepared by the U.S. Dept. of Agriculture Soil Conservation Service), the buildable area may include up to 20 percent of the total area of cropland, pasture and meadow existing prior to subdivision. The portion of the open land that is retained should be determined with reference to the location of cropland on adjacent properties so as to maintain contiguity where feasible.”*
 - *“*If the cropland, meadow or pasture does not have Class I, Class II and/or Class III soils, up to 100 percent of the area may be converted to buildable area, provided all of the other conditions in this Ordinance are met.”*
- **Section 25-2.C.3.a (Designation of Open Space)**
 - The following text in red was added to this provision in the draft Zoning Ordinance and the crossed out text was removed, *“To qualify as part of the required open space, the land shall be capable of the majority of the area meeting the criteria of one or several of the following categories and be labeled as such on the preliminary plat and recorded on the final plat. ~~Land that does not fit within any of these categories shall be included in the buildable area. Land that is designated as open space within any of these categories may be retained as part of an undivided open space parcel, or may be subdivided as individual open space parcels, provided that each parcel is capable of meeting one or several of the criteria listed below and is at least 20 acres in size. Open space parcels cannot be re-subdivided by plat or deed into smaller parcels than originally recorded. In no case may designated open space, whether held as a single parcel or subdivided into several parcels, be eligible for future development.”~~*
- **Section 25-2.C.3.a.i (Farm Reserve)**
 - The following text in red was added to this provision in the draft Zoning Ordinance, *“Land that has been cleared for use as cropland, pasture, or meadow and which shows up as cleared area on the most recent aerial photography and which is of adequate size and configuration to continue to function as cropland, pasture, or meadow. The farm reserve area shall have a minimum of three acres of suitable space for agricultural related uses.”*

- **Section 25-2.C.3.a.ii (Woodland Reserve)**
 - The following text in red was added to this provision in the draft Zoning Ordinance, *“The portion of a pre-existing and/or afforested forest that is to remain contiguous and undisturbed by roads, buildings, and lawns and which is of sufficient acreage to allow for timber production or wildlife management. Structures in support of trails may be approved, but otherwise no new structures are permitted.”*

- **Section 25-2.C.3.a.iii (Conservation Open Space)**
 - The following text in red was added to this provision in the draft Zoning Ordinance, *“Natural Resource Protection Areas, wetlands, floodplains, steep slopes, streams and their buffers. Structures in support of trails may be approved, but otherwise no new structures are permitted.”*

- **Section 25-2.C.3.a.v (Public Access Open Space)**
 - The following text in red was added to this provision in the draft Zoning Ordinance and the crossed out text was removed, *“Land that is to be conveyed by deed of easement or conveyed by fee-simple ~~deeded~~ to a government agency or non-profit land trust which agrees to provide public access to any dedicated open space it owns or manages for the purpose of providing space for parks, playgrounds, green spaces, or other recreational purposes and/or for the protection of sensitive areas. The land shall be deeded at time of final plat recordation.”*

- **Section 25-2.C.3.a.vi (Historic Reserve)**
 - The following provision was added to the draft Zoning Ordinance, *“Land that is set aside for the protection of historic features, cultural resources, or to preserve and support historic viewsheds including views of historic features, cultural resources, and landscapes.”*

- **Section 25-2.C.3.b.ii (Deed Covenants and Owner's Certificate)**
 - The following text in red was added to this provision in the draft Zoning Ordinance and the crossed out text was removed, *“Covenants in the deeds of all property owners (including owners of lots and owners of open space) and an owner's certificate on the recorded plat shall state that the open space will not be used as building sites for residential, ~~commercial, or industrial~~ development and the property shall not be subdivided for the creation of residential lots. No industrial or commercial activities except as directly related to on-premise farming and/or forestry shall be conducted on the property except for activities*

that can be carried out from a residential or farm building and do not necessitate obtaining a special exception from applicable zoning law, including sales of farm products by the owner to the public. Structures ~~accessory to on-site farming, forestry, and subdivision recreation purposes are permitted~~ appropriate for the designated open space category may be permitted. Any changes in the acreage or configuration of the open space shall require a revised deed of conservation easement to be recorded in the land records of Calvert County. ~~Within Farm Communities, covenants in the deeds of all property owners and a note on all subdivision plats shall also state that farming practices that may conflict with residential use activities will be occurring on adjacent lands and are permitted by right.~~

- The crossed out sentence at the bottom of the above paragraph was removed due to redundancy; see Chapter 99 (Right to Farm) of the Calvert County Code

- **Section 25-2.C.3.c (Ownership and Management of Open Space for Subdivisions with Fewer than 25 Lots)**

- The provisions of this section have been revised in the draft Zoning Ordinance so that they apply to subdivisions with fewer than 25 lots; in the current Zoning Ordinance, this section applies to all subdivisions

- **Section 25-2.C.3.c.ii (Ownership and Management of Open Space for Subdivisions with Fewer than 25 Lots)**

- The following text in red was added to this provision in the draft Zoning Ordinance and the crossed out text was removed, “*Any parcel of open space which is not retained by the owner of record at time of subdivision ~~or acquired by the County for the purpose of providing trails, parks, playgrounds, green spaces or other recreational amenities~~ may be sold or otherwise conveyed to an individual, organization or governmental entity **provided the open space is conveyed in sections not less than 20 acres in size (unless the total sum of the open space is less than 20 acres, in which case the open space is required to be conveyed in whole).** Open space may be conveyed by deed after it is recorded.”*

- **Section 25-2.C.3.d (Ownership and Management of Open Space for Subdivisions with 25 or More Lots)**

- This section was added to the draft Zoning Ordinance
 - This section requires (for subdivisions with 25 or more lots) that a developer convey the open space on the final plat to the subdivision’s incorporated homeowners’ association and ensure that the open space will be protected by legal arrangements sufficient to assure their maintenance and preservation for their intended purpose

- Subdivisions with 25 or more lots is also the threshold where recreational amenities are required to be installed by the developer
- **Section 25-2.D (Construction and Covenants of Common Facilities)**
 - These provisions were added to this section in the draft Zoning Ordinance; they are located in Section 5-3 (Townhouse, Single-Family Attached, Multi-Family, and Mixed Residential Development) in the current Zoning Ordinance
- **Section 25-2.D (Construction and Covenants of Common Facilities)**
 - The following text in red was added to this provision in the draft Zoning Ordinance and the crossed out text was removed, *“In cases where common area and/or facilities are required, all required common area facilities shall be completed by the time 5070% of the total number of approved units have been issued use and occupancy permits. If a project is developed in phases or sections, all open space requirements for the number of units in each phase or section shall be completed by the time 5070% of the total number of units in each phase or section have been issued use and occupancy permits. ~~The number of units in a section may be no more than the number of units allocated for sewerage each year.~~”*
- **Section 25-3.A.1 (Lot Area, Lot Width, and Setbacks)**
 - In the draft Zoning Ordinance, setbacks for townhouse, attached dwelling, and multi-family development is 60 feet from public roads that are non-local roads other than MD 2, 4, 2-4, 260, 261, 263, and 231
 - In the current Zoning Ordinance, setbacks from county roads that are non-local roads are 50 feet
 - In the draft Zoning Ordinance, setbacks for townhouse, attached dwelling, and multi-family development from adjacent property outside the development is 50 feet
 - In the current Zoning Ordinance, this setback is 40 feet
 - A side setback requirement of 10 feet and a rear setback of 35 feet has been added to this section
- **Section 25-3**
 - The following provisions from the current Zoning Ordinance were not included in the draft Zoning Ordinance:
 - *“Private outdoor spaces shall be visually screened from each other and from public travelways (vehicular and pedestrian) to a height of at least six feet. (To qualify, screening must be permanent, year-round and require little to no maintenance.)”*

- *“Windows of individual units shall not directly face each other unless a minimum of 25 feet is provided between windows.”*
 - *“At least one wall of each unit shall be provided with windows looking onto a space at least 50 feet by 50 feet in size.”*
 - *“Each unit shall be designed to ensure adequate ventilation.”*
 - *“Exterior siding and trim shall be the same on the fronts, sides and rears of buildings.”*
 - *“A storage area for boats, recreational vehicles, trailers of all kinds, unlicensed vehicles and inoperative vehicles shall be provided. The area shall be a minimum of 200 square feet for every five units and shall be screened from the road and adjoining properties.”*
- **Section 25-3.A.2 (Size, Scale, and Building Mass)**
 - The following provision from the current Zoning Ordinance was not included in the draft Zoning Ordinance, *“To avoid monotonous linear development dwelling units shall be organized into blocks separated by streets or in small clusters designed as neighborhood units. A cluster shall not include more than 50 units.”*
- **Section 25-3.A.2 (Size, Scale, and Building Mass)**
 - The following text in red was added to this provision in the draft Zoning Ordinance, *“The number of units in a row is limited to a maximum of eight units. **There shall be at least 25 feet between unit rows.**”*
- **Section 25-3.D (Size, Scale, and Building Mass)**
 - The following crossed out text has been removed from this provision in the draft Zoning Ordinance
 - *“All stormwater management requirements shall be met. ~~Bio-retention areas are encouraged and shall be considered to meet the landscaping requirements.~~ If a stormwater management pond is proposed, it shall be integrated into the overall development and serve as a visual amenity to the site.”*
- **Section 25-3.E (Cluster Box Units)**
 - The provisions of this section, which address cluster box units required by the United States Postal Service, were added to the draft Zoning Ordinance
- **Section 25-3.G (Open Space Requirement)**
 - In the draft Zoning Ordinance, a minimum of 0.05 acres (2,178 square feet) of common open space per dwelling unit shall be required of which a minimum of 950 square feet per dwelling unit shall be developed for recreation.

- **Section 25-4.B.1 (Basic Minimum Requirements)**
 - In the draft Zoning Ordinance, single-family detached developments with 25 or more lots must provide neighborhood recreation on-site and land suitable for neighborhood recreation must be provided at a minimum of 950 square feet per lot in total.
 - In the current Zoning Ordinance, subdivisions with 50 or more lots must provide neighborhood recreation on site and a minimum of 800 square feet per dwelling unit of land suitable for active recreational development must be provided for neighborhood recreation

- **Section 25-4.B.5 (Basic Minimum Requirements)**
 - The following provision was added to the draft Zoning Ordinance, *“For the purposes of determining minimum residential recreation requirements, individual sections or phases shall not be counted as separate subdivisions or developments. Following the adoption of this ordinance, when a parcel is broken up into multiple parcels for development, the minimum requirements shall be determined by the cumulative total of all parcels.”*

- **Section 25-4.C.2**
 - This provision in the draft Zoning Ordinance has been revised and states, *“The land shall contain no slopes greater than 15% and shall have good drainage.”*
 - The current Zoning Ordinance states, *“The finished parcel shall be no more than 25 percent of the required wooded area with slopes of no greater than 15 percent, with good drainage”*

- **Section 25-4.C.5**
 - This provision in the draft Zoning Ordinance has been revised and states, *“The land shall not be adjacent to public roads (or private roads in townhouse, attached dwelling, multi-family, and mixed residential developments) unless adequate measures for protection such as fences, berms, hedges, etc. are provided.”*
 - The current Zoning Ordinance states, *“The land shall not be adjacent to public roads unless physical barriers adequate to prevent children from running out into roads are provided.”*

- **Section 25-4.C.5**
 - The following provision was added to the draft Zoning Ordinance, *“The land shall not be located in the center of cul-de-sacs or traffic circles.”*

- **Section 25-4.D (Recreational Green Space)**

- The current Zoning Ordinance uses the term “playing fields”, the draft Zoning Ordinance uses the term “recreational green space” for clarification purposes
- **Section 25-4.D.1 (Recreational Green Space)**
 - The following provision has been added to the minimum requirements for recreational green space, *“For each field two permanently installed benches; seating for each bench at least 80 inches wide.”*
- **Section 25-4.D.2 (Recreational Green Space)**
 - In the draft Zoning Ordinance, the number of fields required for recreational green space is determined by multiplying the total number of lots or dwelling units by 400 square feet and dividing this total by 10,000 square feet. The total number of required fields equals the whole number in the dividend.
 - In the current Zoning Ordinance, this calculation begins by multiplying the total number of lots or units by 150 square feet
- **Section 25-4.D.3 (Recreational Green Space)**
 - The following provision was added to the draft Zoning Ordinance, *“Fields designated as recreational green space should generally be consolidated into a single area but may be divided for more equitable distribution into two areas if the subdivision contains 50 or more residential lots.”*
- **Section 25-4.D.4 (Recreational Green Space)**
 - The following provision was added to the draft Zoning Ordinance, *“Recreational green space shall be located on cleared land and level to a degree suitable enough for playing on the field. The grade shall have a maximum 3 percent slope.”*
- **Section 25-4.D.5 (Recreational Green Space)**
 - In both the draft and current Zoning Ordinance, townhouse, attached dwellings, multi-family, and mixed-residential developments of less than 25 dwelling units are exempt from items 1 and 2 of this section, however the requirements for developments of 6-24 units have been revised slightly in the draft Zoning Ordinance and are as follows: *“One field with a minimum size of 5,000 square feet and minimum dimensions of 70 feet by 70 feet including two permanently installed benches shall be provided. Seating for each bench shall have a minimum width of 80 inches.”*

- In the current Zoning Ordinance, the requirements are 5,000 square feet within minimum dimensions of 75 feet by 75 feet and no benches are required
- **Section 25-4.D.6 (Recreational Green Space)**
 - The following provision was added to the draft Zoning Ordinance, *“If athletic fields (such as baseball fields, soccer fields, etc.) are proposed to meet the recreational green space requirements, development plans including but not limited to field dimensions and field specifications shall be approved by the Director of the Department of Parks and Recreation or their designee.”*
- **Section 25-4.E (Pathways)**
 - The following provision was added to the draft Zoning Ordinance, *“Hard surface multi-use paths shall be provided as an interconnected system linking residential units with recreational facilities, parks, and the various categories of open space. Hard surface paths a minimum of five feet in width may be approved where appropriate, such as where environmentally sensitive features or existing forest are present. In woodland reserves, conservation open space, and the Critical Area other pervious and non-erodible surface materials may be substituted and approved. These pathways shall not be counted towards the requirements of Section 25-4.G below.”*
- **Section 25-4.F (Indoor Community Space)**
 - The following provision was added to the draft Zoning Ordinance, *“Residential developments with 100 or more lots or dwelling units shall provide a minimum of 10 square feet of indoor community space per lot or dwelling unit. This space is for the use and enjoyment of the community. The indoor community space shall be reserved for community recreation purposes. Uses including but not limited to daycares, commercial retail, business and/or personal services shall be prohibited.”*
- **Section 25-4.G (Other Recreational Facilities)**
 - In the current Zoning Ordinance, at minimum, playing fields (recreational green space), paved areas (hard surface courts), and miniparks (in townhouse, attached dwelling, multifamily, and mixed residential developments) are required to be provided
 - The draft Zoning Ordinance allows more flexibility in terms of the types of recreations facilities that can be provided after a minimum amount of

recreational green space has been provided, the provisions for which are addressed in this section

- **Section 25-4.H (Hard Surface Courts)**

- In the draft Zoning Ordinance, if hard surface courts are provided, the minimum standards have been revised and are as follows:

- *“The hard surface court shall be designed to support at least one designated recreational activity (such as basketball, tennis, etc.) and equipment in support of the designated activity (such as two basketball backboards and nets for a full basketball court, net poles and nets for tennis, etc.) shall be installed. A north/south orientation is strongly encouraged. Multi-purpose courts are encouraged. Half courts may be approved when appropriate.”*
- *“The dimensions of the hard surface court shall be standard dimensions in support of the recreational activity. The dimensions and construction materials of the hard surface court shall require the approval of the Department of Parks and Recreation. Appropriate surfacing and markings of the hard surface court in support of the recreational activity shall be required.”*
- *“For half courts, two permanently installed benches shall be provided. For whole courts, three permanently installed benches shall be provided. Seating for each bench shall have a minimum width of 80 inches.”*
- *“The hard surface court shall be level and have good drainage. Sub-surface conveyances underneath hard surface courts shall be required.”*
- *“The hard surface court shall be located a minimum of 200 feet from any residence.”*

- In the current Zoning Ordinance, the minimum standards for paved areas are as follows, *“half court: 50 feet by 42 feet (or 2,100 square feet); whole court: 50 feet by 84 feet (or 4,200 square feet); half court - one basketball backboard and net; post holes for net games, and permanent seating for a minimum of six persons; whole court - two basketball backboards and nets; post holes for net games, and permanent seating for a minimum of nine persons; north/south orientation is strongly encouraged; construction and materials specifications to be approved by the Department of Planning and Zoning; must have good drainage”*

- **Section 25-4.I (Playgrounds)**

- In the draft Zoning Ordinance, if playgrounds are provided, minimum standards have been added and included in this section

Commission may grant modifications based on the size of the building provided that the appearance of a pitched roof is maintained.”

- **Section 25-5.D (Design Standards for the Rural Commercial District)**
 - The following provision has been added to the draft Zoning Ordinance, *“The front of a principal building shall be oriented to face the front lot line or parcel line.”*

- **Section 25-5.E (Design Standards for the Rural Commercial District)**
 - Provisions addressing the location and screening of refuse and recycling containers located outdoors for pick-up by authorized haulers have been added to this section in the draft Zoning Ordinance
 - These provisions also apply to multifamily residential developments

- **Section 25-5.F (Design Standards for the Rural Commercial District)**
 - The following provision has been added to this section in the draft Zoning Ordinance, *“In order to protect and preserve farm structures, historic structures, archeological sites, cemeteries, and historic roadways the provisions of Section 25-10 below apply to all subdivisions and development requiring site plan approval.”*

- **Section 25-5.G (Design Standards for the Rural Commercial District)**
 - The following provision has been added to this section in the draft Zoning Ordinance, *“In the event the parcel includes areas which have been identified in an officially adopted plan as part or all of a potential trail, greenway, or park, these areas shall be included as designated open space and an easement for construction and maintenance shall be made to the benefit of the Board of County Commissioners of Calvert County and for the use of the public.”*

- **Section 25-6.A.2.a and Section 25-6.B.2**
 - The following text in red has been added to this provision in the draft Zoning Ordinance, *“The dwelling can meet the minimum setbacks for a lot or parcel of equivalent size (as per Section 25-6.A.1 above) and the lot or parcel has sufficient buildable area for a dwelling to be constructed.”*

- **Section 25-6.A.2.d (Lot or Parcel Size)**
 - The following text in red has been added to this provision in the draft Zoning Ordinance, *“The lot or parcel has not been reduced in size for residential development purposes.”*

- **Section 25-6.C.1**
 - The following provision has been added to the draft Zoning Ordinance, *“The lot or parcel has sufficient buildable area for a dwelling to be constructed.”*

- **Section 25-6.D.2**
 - The following provision has been revised in the draft Zoning Ordinance, *“If a lot is to be divided for the purpose of adding to adjoining lots so as to create one or more buildable lots from the combined properties then the revised lot shall meet subdivision regulations currently in effect or the portion of the existing cannot count towards meeting the requirements of Section 25-6 during the administrative plat process.”*
 - This replaces the following provision from the current Zoning Ordinance, *“If a lot is to be subdivided, with partitioning to other adjoining lots so as to create one or more buildable lots from the combined properties, then that lot must meet current subdivision regulations.”*

- **Section 25-6.D.3**
 - The following provision has been added to the draft Zoning Ordinance, *“Once the lots have been combined by recorded plat, they cannot be replatted to separate the original lots. Any additional division shall require the full subdivision review and approval process.”*

- **Section 25-6.D.4**
 - The following provision has been added to the draft Zoning Ordinance, *“Once combined only one residential primary structure may be placed on the combined lot.”*

- **Section 25-6**
 - The following provision from the current Zoning Ordinance was not included in the draft Zoning Ordinance, *“Residue from Comprehensive Rezoning - If a portion of a recorded lot was comprehensively rezoned to Rural Commercial, the residue shall be considered a buildable lot if it meets the criteria in Section 5-1.09.A.1 and 2.a, b and c.”*

- **Section 25-7.D.2**
 - The following text in red has been added to this provision in the draft Zoning Ordinance and the crossed out text has been removed, *“All units shall be universally accessible and/or adaptable ~~handicapped accessible or handicapped~~ adaptable.”*

- **Section 25-7.D.3.f**
 - The following text in red has been added to this provision in the draft Zoning Ordinance, *“That none of the units may be converted to general housing unless: (a) conversion is approved by all unit owners, the Board of County Commissioners and the Planning Commission, (b) all of the units are converted, (c) all Adequate Public Facilities requirements are met at the time of conversion, (d) the building excise tax in effect at the time of conversion for the type of dwelling into which the units are converted shall be paid, less the amount of excise tax originally paid, and (e) all recorded documents with age-restrictions are re-recorded.”*

- **Section 25-9 (Planned Unit Developments)**
 - This section addressing Planned Unit Developments (PUDs) was added to the draft Zoning Ordinance

- **Section 25-10 (Archaeological Resources and Historic Significance)**
 - In the current Zoning Ordinance, the provisions protecting structures and sites with historic significance applies only to residential development
 - In the draft Zoning Ordinance, these provisions apply to residential development as well as all development requiring site plan approval
 - In the current Zoning Ordinance, the provisions protecting structures and sites with historic significance for residential subdivisions and townhomes/attached dwelling/multifamily development are located in separate sections (Section 5-2.01.D.4 and Section 5-3.04) and are worded and substantively different
 - In the draft Zoning Ordinance, these provisions have been consolidated and are located in one section

- **Section 25-10.A (Archaeological Resources and Historic Significance)**
 - The following crossed out text has been removed from this provision in the draft Zoning Ordinance, *“In the event existing farm structures (such as barns, outbuildings, and fences) are located on the site or within the boundaries of a proposed subdivision, they shall be retained ~~and included together with cropland, pasture and/or meadow as part of one or several farm lots.~~ The Planning Commission or its designee, may modify this provision to the minimum extent needed to address unique site constraints.”*

- **Section 25-10.B (Archaeological Resources and Historic Significance)**
 - The following provision has been revised in the draft Zoning Ordinance and now states, *“In the event that a building, or buildings, 50 years old or older is located within the boundaries of a proposed development project or subdivision, the Historic Preservation Planner will conduct an assessment of the building(s) to*

estimate its historic significance based on criteria in established use by the county and will advise the Historic District Commission accordingly.”

- *“(1) If the Historic District Commission determines that the building has historic merit, coordination with historic preservation staff is required to determine the feasibility of retaining the building(s) and incorporating it into the site design or subdivision.”*
- *“(2) Where feasible to retain the building(s) on site, coordination with the Historic Preservation Planner is required to develop an appropriate preservation strategy whereby views of the building(s) from roads, adjacent properties and proposed building sites shall be protected. The Planning Commission or its designee, may modify this provision to the minimum extent needed to address unique site constraints.”*
- *“(3) In the event it is not feasible to retain the building(s) or make it available for removal to another site, the applicant shall be required to document the structure(s) prior to destruction in accordance with criteria established by the Department of Planning & Zoning. Removal of a building 50 years old or older prior to approval of a site design may be grounds for denial of the application.”*
- In the current Zoning Ordinance, this provision states, *“In the event any building on the site is 50 years old or older, the Historic District Commission shall be notified to determine whether the building has historic merit. In the event the Historic District Commission determines that the building has historic merit, the building shall be retained on site and incorporated into the site where feasible, and views of the building from roads, adjacent properties and proposed building sites shall be protected.”*
 - In the current Zoning Ordinance, the Planning Commission or its designee, may modify this provision to the minimum extent needed to address unique site constraints

- **Section 25-10.C (Archaeological Resources and Historic Significance)**

- The following provision has been revised in the draft Zoning Ordinance and now states, *“An inventory of existing on-site archaeological resources may be required prior to preliminary approval of subdivision or any proposed ground disturbance. The Historic Preservation Planner will review plans and/or applications to determine if the property has been surveyed for archaeological resources, if previously identified archaeological sites have been identified on the property, and to estimate the potential for archaeological resources. If previously identified significant archaeological resources are located on the property, the applicant may be required to preserve the resources in place. If preservation is not feasible, the Department of Planning & Zoning will determine the extent and level of*

investigation necessary to mitigate impacts to significant archaeological sites resulting from proposed subdivision. If the property has been judged to possess a high archaeological potential and has not been the subject of previous archaeological inventory, the applicant may be required to conduct an archaeological survey to determine the presence or absence of potentially significant archaeological sites. Avoidance is always the preferred option.”

- In the current Zoning Ordinance, this provision states the following, “Where significant trees, groves, waterways, historic or pre-historic sites or unique habitats are located within the property boundaries of a proposed townhouse, single-family attached, multi-family, or mixed residential project, every possible means shall be provided to preserve these resources on site. In addition to identifying existing natural features as per Section 4-4.01.F of the Calvert County Zoning Ordinance, an inventory of existing on-site historic and archeological resources may be required prior to the issuance of a grading and clearing permit. (Failure to obtain a grading and clearing permit prior to grading and clearing will be grounds for denying a site plan for any townhouse, single-family attached, multi-family, or mixed residential project.)” and, “In order to determine whether an inventory of any or all of the above resources is required, an application will be reviewed by the Department of Planning & Zoning to determine within 30 days of submittal whether any known significant resources are located on the property or whether the characteristics of the site suggest the probability of significant resources. In the event either of the above is found to be relevant, the applicant may be required to conduct an inventory according to criteria established by the Department of Planning & Zoning. In order to avoid any potential delays, the applicant may make a written request for a cultural resource assessment prior to submittal of a grading and clearing or site plan application. Applicants are strongly urged to complete the assessment and inventory process prior to site design so that the preservation of significant resources can be incorporated into the layout.”

- **Section 25-10.D (Archaeological Resources and Historic Significance)**

- The following provision has been added to the draft Zoning Ordinance, “*In the event that a known cemetery exists on the property, the applicant shall visually delineate cemetery boundaries, avoid ground disturbing activity within 25 feet of the cemetery boundaries during construction, place an easement over the cemetery, prepare and maintain a 15-foot right of way providing for public or family access, and designate an individual or entity responsible for maintenance and protection. If review of relevant documentary and cartographic materials indicates a high probability for an unmarked cemetery, the Department of*

Planning & Zoning may require cemetery identification either through survey utilizing professionally accepted methods or visual inspection for common cemetery indicators.”

- **Section 25-10.E (Archaeological Resources and Historic Significance)**

- The following provision has been added to the draft Zoning Ordinance, *“Subdivisions and/or development occurring along a designated Historic Roadway shall maintain the historic character of the landscape as viewed from the road. This should be accomplished through site design and vegetative screening. Tree removal and roadside grading should be avoided to the extent possible. When feasible, primary access should not be via a historic roadway. When unavoidable, primary access should be sited to minimize impact to the historic landscape to the greatest extent possible.”*

- **Section 25-10.F.1 (Archaeological Resources and Historic Significance)**

- The following provision has been revised in the draft Zoning Ordinance and now states, *“Fencing such as cattle fencing and chain link fencing may be required by the Planning Commission or its designee along the common boundary between subdivisions and farms, Agricultural Preservation Districts, or Historic Districts to provide protection from intruders that can cause damage to crops, farm machinery, or historic sites and structures.”*
 - In the current Zoning Ordinance, this provision states the following, *“Fencing such as cattle fencing and chain link fencing may be required by the Planning Commission or its designee along the common boundary between subdivisions and farms or Agricultural Preservation Districts to protect farming operations from intruders (i.e., dogs and off-road vehicles) that can cause damage to crops and farm machinery.”*

- **Section 25-10.F.2 (Archaeological Resources and Historic Significance)**

- The following provision has been revised in the draft Zoning Ordinance and now states, *“Additionally, the Planning Commission or its designee may require a wooded or landscaped buffer measuring a minimum of 100 feet in width along the common boundary between subdivisions and farms, Agricultural Preservation Districts, or Historic Districts.”*
 - In the current Zoning Ordinance, this provision states the following, *“Additionally, the Planning Commission or its designee may require a buffer measuring between 50 feet and 200 feet in width along the common boundary between subdivisions and farms or APDs. This requirement shall not apply to properties that are not eligible to create more than seven lots or to owners who voluntarily restrict the number of lots to no more than seven in perpetuity.”*

- **Additional Notes**

- Provisions in the current Zoning Ordinance which address construction criteria for roads have been removed at the request of the Department of Public Works
 - Section 5-3.07.C.4 (Road Design) from the current Zoning Ordinance was not included in the draft Zoning Ordinance for these reasons
- A diagram illustrating requirements for drive through facilities was added to this draft article
- Section 5-1.09.F (Development on Small Lots in Communities Without Approved Stormwater Management Plans) from the current Zoning Ordinance has been moved to Article 21 (Natural Resources) in the draft Zoning Ordinance