



Calvert County Zoning Ordinance Update: Articles 18 & 19

Public Forum

January 25, 2024

Introduction

- Staff prepared a draft ordinance to bring the Zoning Ordinance into compliance with the current Comprehensive Plan.
- Draft Zoning Ordinance (CCZO) was made available to the public May 2023.
- Joint work sessions and public forums have been held monthly to review articles of the draft ordinance and will continue through May 2024.
- [Calvertcountymd.gov/ZoningOrdinanceUpdate](https://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 18 and 19, Uses and Accessory Structures.

Use Article and Tables

The tables of Article 18 list the different uses and the zoning districts in which they are permitted

- P = Permitted without conditions
- C = Permitted with conditions
- S = requires a special exception from the Board of Appeals
- SC = requires a special exception with conditions
- SH = special exception with conditions specific to Historic Districts
- S1 = special exception if less than 150ft. from residential parcel or HD
- S2 = special exception if less than 300ft. from residential parcel or HD

Use Article and Tables

Individual uses are grouped into the following sections:

- Agritourism, Heritage Tourism, and Ecotourism
- Agricultural
- Residential
- Commercial Retail
- Business and Personal Service
- Recreation
- Commercial Wholesale
- Motor Vehicle & Related Uses
- Industrial
- Institutional
- Temporary
- Accessory

New Zoning Districts

- **Rural Neighborhood District (RND)**
 - Predominately Residential, Agricultural, and Institutional uses
- **Waterfront Community District (WCD)**
 - Predominately Residential and Institutional uses
- **Industrial Mixed-Use District (I-MU)**
 - Industrial, Commercial Retail, Business and Personal Service, Recreational uses
- **Heavy Industrial District (I-2)**
 - Heavy Industrial and Commercial Wholesale uses

New Uses

The following uses have been added to the draft Zoning Ordinance:

- Amphitheater
- Animal Shelter, Municipal or Non-Profit
- Cultural Heritage Tourism
- Dormitory
- Pet Grooming Establishment
- Short-Term Rental
- Solar Energy Generating Systems, Major or Minor

Use Article and Tables

- In the current Zoning Ordinance, there are eight different use tables; one for uses outside town centers and one for each individual town center;
- In the draft Zoning Ordinance, there are three use tables; one for uses outside town centers, one for town centers (excluding Solomons), and one for Solomons Town Center;
- In the current Zoning Ordinance, the conditions for uses outside town centers and conditions for town centers are listed in eight different sections;
- In the draft Zoning Ordinance, conditions for all zoning districts and town centers are listed in one location.

Agricultural & Agritourism

The FFD, RCD, RND, and RD all accommodate agricultural uses:

- Agritourism Enterprise
- Animal Husbandry
- Commercial Greenhouse
- Commercial Kitchen, Farm
- Commercial or Non-Profit Stable or Horseback-Riding Club
- Commercial Raising of Fur-Bearing Animals
- Farm Alcohol Production Facility
- Farm Stand
- Farm Support Business
- Nursery

Residential

Dwelling, Accessory to a Residence:

- Permitted in the following zoning districts: FFD, RCD, RND, WCD, RD, EC
- Only one accessory dwelling is permitted on a lot or parcel
- The accessory dwelling must be subordinate to the single-family dwelling.
- An attached accessory dwelling is limited to no more than 40% of the total gross floor area of the building, unless it is located within the basement (it can consist of the entire basement).
- An owner of the lot or parcel must occupy at least one of the dwelling units on the premises except for bona fide temporary absences
- In the current Zoning Ordinance, cannot exceed 900 square feet gross floor area and must be within 100 feet of the principal dwelling
- In the draft Zoning Ordinance, cannot exceed 1,200 square feet

Residential

Dwelling, Attached (Duplex/Triplex/Quadraplex and Townhomes)

- The following conditions from the current zoning Ordinance effective in the RD were not included in the draft Zoning Ordinance
 - Permitted if the combined lot area of the attached dwelling development is at least 30,000 square feet
 - The architecture of the attached dwelling development is such that the building looks like a single-family detached dwelling
- In the draft Zoning Ordinance, attached dwellings are permitted in the RD provided that at least 40 percent of the units on the site are single family detached dwellings.
- In the draft Zoning Ordinance, all triplex/quadraplex and townhouse dwellings must be served by sewer

Residential

Dwelling, Detached: Single-Family:

- The following condition from the current Zoning Ordinance was not included in the draft Zoning Ordinance, *“at least 50 percent of the length of the building shall be 20 feet wide, excluding porches”*
- The following condition has been added to the draft Zoning Ordinance, *“In the FFD, RCD, RND, WCD, and RD, if the lot or parcel does not meet the density requirements as required in this Ordinance, a maximum of one single-family dwelling is permitted per lot or parcel of record, provided the lot or parcel meets the requirements of a buildable lot or parcel in accordance with Section 25-6 of this Ordinance.”*
- In the draft Zoning Ordinance, this use is not permitted in the I-1, RC, MC, and EC Districts

Residential

Short-Term Rental:

- This use has been added to the draft Zoning Ordinance
 - Likely hundreds of short-term rentals currently operating in the county
 - Recognizing short-term rentals will allow county to collect taxes on short term rentals
- In the draft, permitted in the FFD, RCD, WCD, MC
- No conditions in the draft currently, but conditions will be considered

Business and Personal Services

Home Occupation:

- The definition of this use has been revised in the draft Zoning Ordinance and now states, *“Any activity carried out for gain by a resident as an accessory use in the resident's dwelling unit. Non-medical offices, home studios, commercial kennels, pet grooming establishments, commercial kitchens, non-farm alcohol production facilities, online retail sales, day cares, and personal service uses are permitted as home occupations. Other uses that are listed separately in the Land Use Charts shall not be permitted as home occupations (e.g., Automobile Repair, Crematorium, Veterinary Hospital, etc.).”*
- The following condition has been added to the draft Zoning Ordinance, *“Home day cares are allowed a maximum of 12 clients and all conditions required for Day Care Centers (Section 18-12.E.1 below) shall be met.”*

Business and Personal Services

Non-Farm Alcohol Production Facility:

- In the current Zoning Ordinance, Non-Farm Alcohol Production Facilities are not permitted in Town Centers
 - In the draft Zoning Ordinance, this use is permitted with conditions in Town Centers wherever Tavern, Bars, or Nightclubs are permitted
- In the draft Zoning Ordinance, the conditions placing specific limits to production (no more than 15,000 barrels of beer or 500 liters of distilled spirits per year) have been replaced with the following, *“The facilities shall be designed and managed to meet all required State regulations for limits on alcohol production.”*

Industrial

Solar Energy Generating Systems, Major and Minor:

- Major SEGS permitted in the FFD, RCD, I-MU, I-1, I-2
 - Generates more than two megawatts of electricity
- Minor SEGS permitted in the FFD, RCD, RND, RD, I-MU, I-1, I-2
 - Generates two megawatts or less of electricity
- Public Service Commission (PSC) has approval authority for solar projects that generate more than two megawatts of electricity
 - However, the PSC is required to take into consideration the Zoning Ordinance of the local jurisdiction

Industrial

Solar Energy Generating Systems, Major and Minor:

- No solar energy generating system shall be more than 20 feet in height.
- All structures and uses shall meet a minimum setback of 50 feet from all property lines.
- A landscaped buffer shall be provided between the solar energy generating systems and side and rear property lines, unless the Planning Commission determines that an alternative buffer is sufficient
- A front roadway buffer shall be provided along all public roads in the FFD, RCD, RND, and RD unless the Planning Commission determines that an alternative buffer is sufficient.

Industrial

Solar Energy Generating Systems, Major and Minor:

- The solar energy generating system shall be constructed and located in a manner so as to minimize the necessity to remove existing trees upon the parcel, and in no event shall forested acreage comprising more than 2% of the gross acreage of the parcel be removed without demonstrating that such removal is necessary for the reasonable construction and efficient performance of the use.
- The combined aggregate acreage in the Rural Legacy Areas utilized throughout the County by major and minor solar energy generating systems shall not exceed 0.5% of the total land area in the Rural Legacy Areas.

Institutional

Day Care Center:

- In the draft Zoning Ordinance, the following condition applies to all Day Care Centers, *“The use shall have direct road access on to a publicly-owned and maintained right-of-way. If the use does not have direct access on a publicly-owned and maintained right-of-way, special exception approval is required. If special exception approval is granted, the day care center is limited to a maximum of six clients.”*
- This replaces the following condition from the current Zoning Ordinance, *“A Special Exception is required if the use does not have direct access on a publicly-owned and maintained right-of-way.”*

Temporary

Food Truck:

- In the draft Zoning Ordinance, this use is permitted in every district outside town centers with the exception of APDs
 - In the current Zoning Ordinance, outside town centers this use is permitted only in the I-1, RC, MC, and EC
- In the draft Zoning Ordinance, the following condition has been revised and now states, *“If the food truck is scheduled to be located on the same property for three or more days per week a plot plan showing where the mobile food vending units are located on-site shall be required and submitted with the use permit application.”*

Accessory Structures

General Regulations

- A building permit shall be required for the construction of an accessory structure greater than 150 square feet in size and is required for all structures within the Critical Area.
- Detached Accessory Structure less than 500 square feet when Principal Use is Residential or Agricultural has a side and rear setback of 5 feet (unless otherwise specifically permitted or restricted by Article 19)

Accessory Structures

General Regulations

The following provisions have been added to the draft Zoning Ordinance:

- *“Certain accessory structures may also be prohibited in front yards with the exception of flag lots which are exempt from these prohibitions.”*
- *“If more than one zoning district is located on a property, all accessory structures and uses shall be located within the same zoning district as the principal use to which they are accessory.”*
- *“No accessory structure shall be constructed prior to construction of the primary structure to which it is accessory. This does not apply to agricultural uses.”*

Accessory Structures

Chicken/Poultry Coups; Livestock Enclosures:

- The following condition has been revised and now states, *“The keeping of poultry is permitted on properties of one acre or more in size. A special exception from the Board of Appeals is required on properties less than one acre in size.”*
- The following condition has been revised in the draft Zoning Ordinance and now states, *“A minimum lot or parcel size of two acres is required to keep livestock.”*
- These replace the following condition from the current Zoning Ordinance, *“If the size of the parcel is less than three acres, a special exception from the Board of Appeals is required”*

Accessory Structures

Chicken/Poultry Coops:

The following conditions have been added to the draft Zoning Ordinance:

- *“Coops are permitted in the rear or side yard only and shall be setback a minimum of 25 feet from a lot line or parcel line.”*
- *“Up to a maximum of eight poultry may be kept.”*
- *“Roosters, peacocks, and guinea fowl are prohibited”*
- *“If the sex of a chick cannot be determined at hatching, a chick of either sex may be kept on the property for up to six months.”*
- *“All coops shall be designed to ensure the health and well-being of the animals, including protection from predators, the elements, and inclement weather.”*
- *“Slaughtering of poultry on-site is prohibited.”*

Accessory Structures

Solar Energy Generating Systems, Accessory:

The following conditions have been added to the draft Zoning Ordinance:

- Height restrictions for roof mounted systems (18 inches on pitched roofs; 6 feet on flat roofed buildings up to 40 feet in height; 15 feet on flat roofed buildings over 40 feet in height)
- Wall-mounted solar energy generating systems may project up to four feet from a building wall and shall be integrated into the structure as an architectural feature.
- A freestanding system is prohibited in the front yard; limited to a maximum of 20 feet in height; not permitted in designated open space.

Proposed Revision Highlights

- Use tables for town centers have been consolidated and conditions now located in one place
- New Zoning Districts and several new uses have been added
- Revisions to conditions for some residential uses
- Revisions to conditions for In-Home Day Cares and Day Care Centers
- Non-Farm Alcohol Production Facilities permitted in town centers
- Major, Minor, and Accessory Solar Energy Generating Systems included
- Revised minimum acreage requirements for Chickens and Livestock and more conditions included
- For more details, please see the document comparing draft Articles 18 and 19 with the current Zoning Ordinance

Public Forum Wrap-Up

- Public comment period for Articles 18 & 19 closes February 2nd
- The next public forum is scheduled for February 15, 2024
- Members of the public can submit comments to
ZOupdate@calvertcountymd.gov
- Questions – Contact:
Will Hager, 410-535-1600 ex. 8553
will.hager@calvertcountymd.gov
Rachel O'Shea, 410-535-1600 ex. 2339
rachel.oshea@calvertcountymd.gov