



# Calvert County Zoning Ordinance Update: Articles 17 & 31

*Public Forum*

*April 11, 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 17 and 31; Transferable Development Rights and Subdivision

# Transferable Development Rights

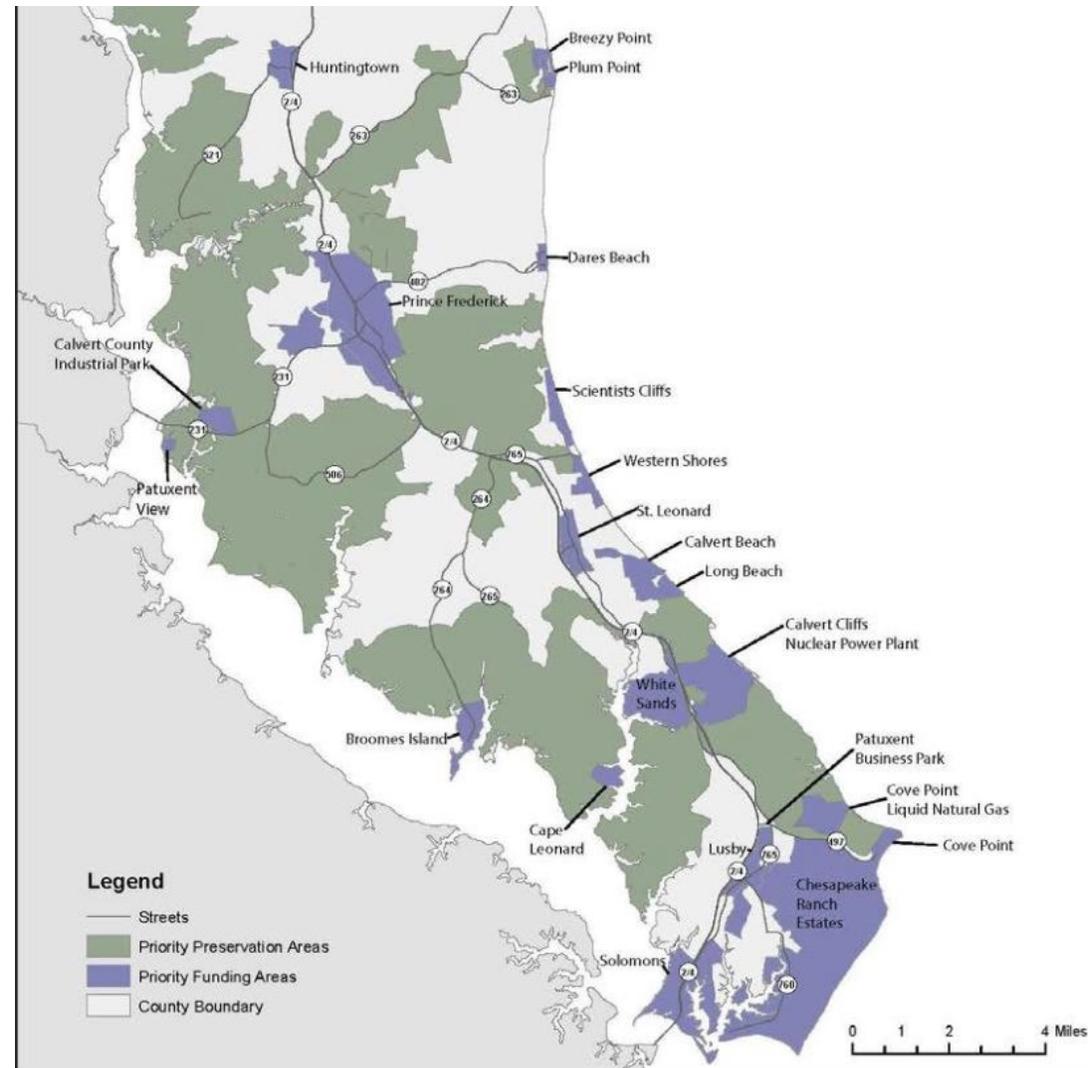
- The purpose of Transferable Development Rights (TDRs) is to transfer residential density potential from eligible preservation areas to eligible receiving areas
- The transfer of development rights furthers the conservation of natural and undeveloped areas as well as agricultural land
- The transfer of development rights contributes to balanced economic growth and coordinating the provision of adequate public facilities with the achievement of other goals

# Transferable Development Rights

- Transfer Zones are designated by the BOCC as areas where TDRs may be used to obtain transfer zone density, which is an increase in residential density above what is permitted through base density
- In the draft Zoning Ordinance, Transfer Zones are permitted in the Rural Community District, Rural Neighborhood District, Residential District, and the Town Centers
  - Currently, Transfer Zones are permitted in the Farm and Forest District (FFD)
  - In the draft, Transfer Zones are not permitted in the FFD

# Transferable Development Rights

- In the draft Zoning Ordinance, no Transfer Zone is allowed within a Priority Preservation Area



# Transferable Development Rights

- In the current Zoning Ordinance, within a one-mile radius or perimeter of Town Centers, higher residential densities are permitted with the purchase of TDRs than outside the one-mile radius/perimeter
  - In the draft Zoning Ordinance this one-mile radius/perimeter policy has been replaced with a reconfigured Residential District in the proximity of Prince Frederick, North Beach, and Chesapeake Beach Town Centers and the introduction of a new district (Rural Neighborhood District) in the proximity of Dunkirk, Ownings, Huntingtown, and St. Leonard Town Centers

# Subdivision

- Provisions for the transfer of lots and issuance of building permits
- Subdivision types (major or minor) and Growth Tiers
- Exception lots and Family Conveyance lots
- General subdivision requirements
- Subdivision review procedures (Concept Plan, Preliminary Plan, Final Plat)
- Amenities and improvements
- Administrative and amended plats
- Review and appeal

# Subdivision Review Process

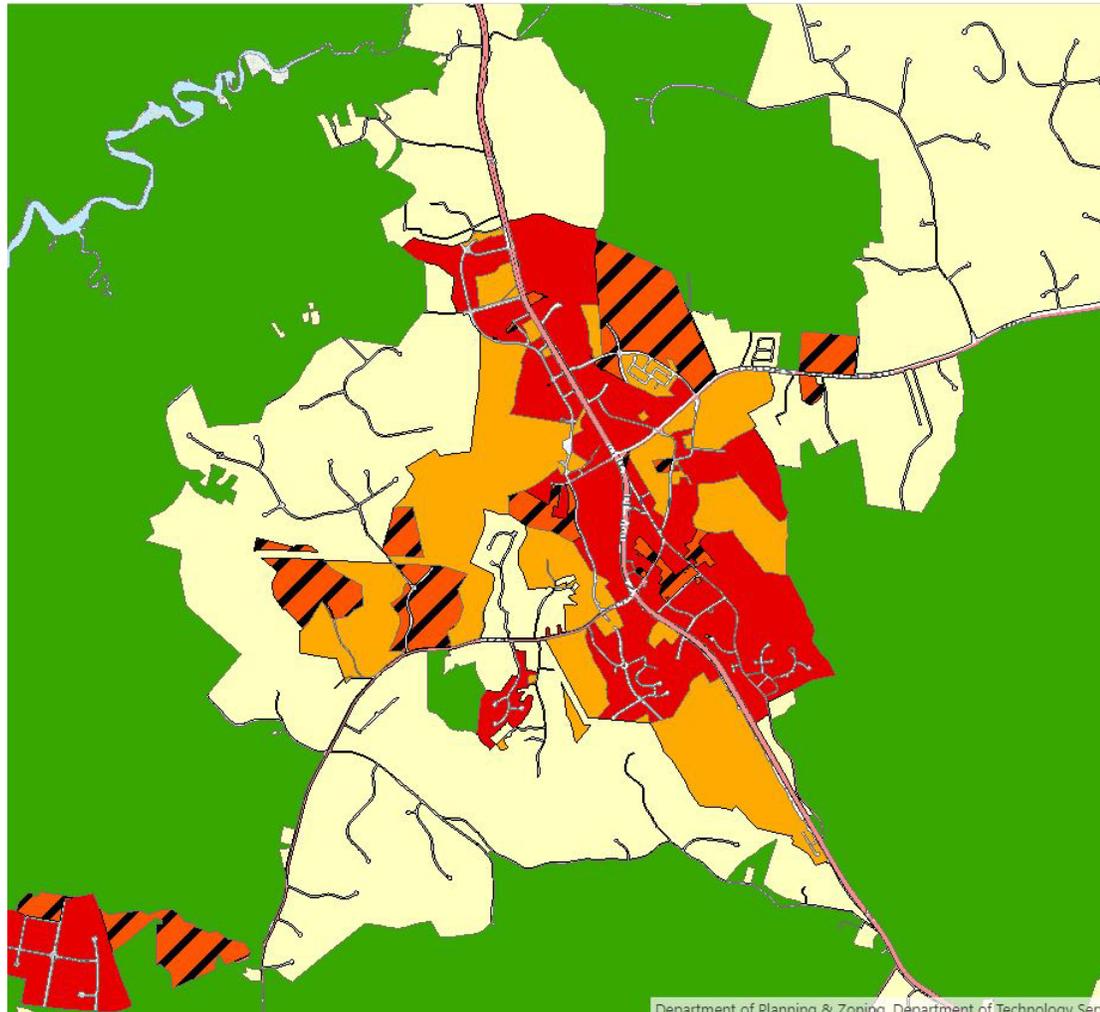
- **Concept Plan:** Submitted prior to submittal of an official subdivision application; shows existing features and all ultimate development with respect to lots, roads, and other site improvements; concept plan review is completed prior to submittal of the preliminary subdivision application package
- **Preliminary Plan:** Provides a basis for the Planning Commission to grant conditional approval of a proposed subdivision in order to minimize changes and revisions which might otherwise be necessary on the final plat
- **Final Plat:** The Planning Commission or its designee is required to approve the final plat prior to recordation

# Subdivision Types and Growth Tiers

- Major Subdivision is eight or more residential lots
- Minor subdivision is seven residential lots or fewer
- Tier I – Served by public sewerage systems; major subdivisions permitted
- Tier II – Planned for public sewerage service; major subdivisions permitted if connected to public sewerage system
- Tier III – Not planned for public sewerage service; major subdivisions on individual on-site septic systems permitted; Planning Commission must hold Public Hearing
- Tier IV – Not planned for public sewerage service; only minor residential subdivisions permitted



# Subdivision Types and Growth Tiers



Department of Planning & Zoning, Department of Technology Services

	I
	I-A
	II
	III
	III-A
	IV

# Exception Lots

- Exception Lots are bonus lots eligible for parcels of record as of October 21, 1974
  - Bonus lots are permitted in addition to base and transfer zone density
  - A maximum of five exception lots may be created
- The following provision has been added to the draft Zoning Ordinance, *“Parcels still eligible for the creation of exception lots must obtain preliminary approval for those exception lots within two years of the adoption of this Ordinance. Two years after the effective date of this Ordinance, the ability to create exception lots is null and void.”*

# Family Conveyance Lots

- Family conveyance lots are bonus lots, permitted in addition to base and transfer zone density, designated to be conveyed only to family members of the grantor being: a spouse, parent, child, grandchild, grandparent, sibling, or the child of a sibling
- Family Conveyance lots are permitted in the FFD, RCD, RND, and RD
- Family conveyance lots may be created from a parcel of record as of November 2, 1999

# Family Conveyance Lots

- The following provision has been added to the draft Zoning Ordinance, *“After the adoption of this Ordinance, the number of family conveyance lots that can be created is limited to one lot per parcel of record. If the parcel of record has already platted family conveyance lots permitted under past Ordinances, no additional family conveyance lots are permitted.”*
  - Currently, the number of conventional lots may be doubled for the creation of family conveyance lots, however no more than seven lots (family conveyance and conventional lots) may be created
- The following provision has been added to the draft Zoning Ordinance, *“The creation of a family conveyance lot requires the purchase of five Transferable Development Rights.”*

# Subdivision Control of Unsuitable Land

- The following provision has been revised in the draft Zoning Ordinance and now states, *“Each single-family detached lot shall contain sufficient contiguous land for the construction of a building or dwelling with amenities within the required setbacks of this Ordinance. Minimum sufficient contiguous suitable land area shall be exclusive of Natural Resource Protection Areas, Critical Area Buffers, Forest Retention Areas, septic recovery areas, and required setbacks. Minimum sufficient suitable land area shall be 20,000 square feet for single-family detached lots having individual septic systems and 10,000 square feet for single-family detached lots served by a public sewer or a community septic system. All proposed single-family detached lots below this minimum shall be considered having marginal amounts of suitable land for building purposes and may be required to provide detailed plot plans to prove suitability.”*

# Subdivision Control of Unsuitable Land

- The following provision has been revised in the draft Zoning Ordinance and now states, *“The Planning Commission may require a plot plan for review and approval prior to approval of the final plat. The plot plan shall show the location of the house footprint, amenities footprint (such as deck, swimming pool, etc.), driveway, well and septic, all required setbacks, Natural Resource Protection Areas, Critical Area Buffers, Forest Retention Areas, required grading easements, as well as any other existing or proposed constraints to site development.”*

# Subdivision Requirements

- Regulations specifying construction standards for roads were not included in the draft and have been replaced with references to the Calvert County Road and Site Development Ordinance and Construction Standards currently in effect at time of project development
- Other provisions from the current Zoning Ordinance that are the responsibility of the Department of Public Works, such as provisions addressing storm drainage systems and drainage easements, were not included in the draft
- Provisions from the current Ordinance that address site development and design standards (such as sidewalk and on-site recreation requirements) are included in draft Article 25 and referenced instead of repeated

# Subdivision Requirements

- The term “Non-Buildable Residue” has been removed from the draft to avoid confusion
  - *“If there is a remainder of land after subdivision and the creation of lots and/or open space, it shall be labeled as either residue or as an outlot on the subdivision plat.”*
  - *“Residue is not evaluated during the subdivision process for further building or development purposes. The designation of a property as residue shall not be construed as a guarantee that the future subdivision of the residue will be approved. Subdivision of the residue shall be subject to the regulations in effect at the time it is subdivided. A note to this effect shall be included on the final plat prior to recordation.”*

# Proposed Revision Highlights

- **Article 17 (Transferable Development Rights)**
  - Transfer Zones are permitted in the Rural Community District, Rural Neighborhood District, Residential District, and the Town Centers; except no Transfer Zone shall be permitted in a Priority Preservation Area
- **Article 31 (Subdivision)**
  - Sunsetting exception lots; revisions made to regulations addressing family conveyance subdivisions; strengthening requirements regarding subdivision control of unsuitable land; removed provisions that are the responsibility of DPW; provisions addressing site development and design moved to draft Article 25; the term “Non-Buildable Residue” removed

# Public Forum Wrap-Up

- Public comment period for Articles 17 and 31 closes  
May 3<sup>rd</sup>
- A joint work session reviewing Articles 17 and 31 is scheduled for May 15,  
2024
- Members of the public can submit comments to  
[ZOupdate@calvertcountymd.gov](mailto:ZOupdate@calvertcountymd.gov)
- Questions – Contact:  
Will Hager, 410-535-1600 ex. 8553  
[will.hager@calvertcountymd.gov](mailto:will.hager@calvertcountymd.gov)  
Rachel O'Shea, 410-535-1600 ex. 2339  
[rachel.oshea@calvertcountymd.gov](mailto:rachel.oshea@calvertcountymd.gov)