

## ARTICLE 1. TITLE, PURPOSE, AND APPLICABILITY

- 1-1 TITLE AND STATUTORY AUTHORIZATION
- 1-2 PURPOSE
- 1-3 APPLICABILITY/RULES OF CONSTRUCTION
- 1-4 RULES OF INTERPRETATION
- ~~1-54~~ TRANSITION RULES
- ~~1-65~~ ADDITIONAL AUTHORITIES
- ~~1-76~~ EXEMPTION
- ~~1-87~~ SEPARABILITY

### 1-1 TITLE AND STATUTORY AUTHORIZATION

A. This Article, together with the Official Zoning Map adopted under it, is cited as the “Zoning Ordinance of Calvert County.” This Ordinance may be referred to as the “Zoning Ordinance” or the “Ordinance.”

B. The Maryland General Assembly, in the Land Use Article of the Maryland Annotated Code, has established as policy of the State that the orderly development and use of land and structures requires comprehensive regulation through the implementation of planning and zoning control, and that planning and zoning controls are implemented by local government in order to, among other purposes, secure the public safety, health, and welfare, and promote the conservation of natural resources.

### 1-2 PURPOSE

This Ordinance is intended to serve the following purposes:

- A. To execute the powers authorized to Calvert County by Land Use Article of the Maryland Annotated Code.
- B. To ensure that the vision set forth in Calvert County’s Comprehensive Plan is implemented by land use regulations consistent with the goals set forth.
- C. To promote and protect public health, safety, and welfare for current and future generations.
- D. To preserve and enhance neighborhoods.
- E. To preserve, protect, and promote the County’s employment base.
- F. To protect the County’s natural and cultural resources.
- G. To provide oversight and planning to sustain the vibrancy of the County’s Town Centers.

### 1-3 APPLICABILITY/RULES OF CONSTRUCTION

#### A. Territorial Application

This Ordinance applies to all the lands, uses, and improvements within the territorial limits of Calvert County, except for the incorporated territory of any municipality in the County.

#### B. General Application

In their interpretation and application, the provisions of this Ordinance are held to be the minimum requirements for the promotion and protection of the public health, safety, and welfare.

#### C. Required Conformance

~~Any~~ Every part or whole of a structure shall be erected, constructed, reconstructed, moved, maintained, or enlarged in conformance with the requirements of this Ordinance. ~~Every~~ Any structure and all ~~or~~ land shall be used and occupied in conformance with the requirements of this Ordinance.

#### D. Determination of Rights Attendant to a Parcel

For the purpose of determining rights attendant to a parcel of land by virtue of the property being a discrete parcel, any determination as to the description of the parcel shall go back no further than the parcel as it existed in a deed under which the grantee in the deed held title to real property as of June 29, 1967.

#### E. Relation to Private Agreements

This Ordinance does not nullify any private agreement or covenant. However, where this Ordinance is more restrictive than a private agreement or covenant, this Ordinance controls. The County will not enforce any private agreement or covenant.

#### F. Relation to Town Center Zoning Ordinances

If a Town Center Zoning Ordinance does not address a requirement, condition, or issue which is addressed in the Zoning Ordinance of Calvert County, the Zoning Ordinance of Calvert County applies. ~~However, with the exception of Article 18,~~ The provisions of the Zoning Ordinance of Calvert County are subordinate to any applicable Town Center Zoning Ordinance.

#### G. Relation to Other Laws and Regulations

Unless otherwise specifically provided, this Ordinance controls over less restrictive County or State statutes, ordinances, or regulations, ~~and m~~ More restrictive County or State statutes, ordinances, or regulations control over the provisions of this Ordinance. Unless specifically indicated, when this Ordinance refers to another statute, ordinance, or regulation it refers to the statute, ordinance, or regulation as updated or amended from time to time.

#### H. Relation to Previously Recorded Plats

~~Notwithstanding any provision of a recorded plat of subdivision, unless vested rights exist under Maryland law, the density of any residue shall conform to the provisions of this Ordinance. Further, as pertains to the development or redevelopment of any lot within a recorded subdivision, the annotations of a recorded plat of subdivision that are not necessary for the continuity of character of the neighborhood, as determined by the Calvert County Planning Commission, shall yield, and be subordinate to, every conflicting provision of this Ordinance. recorded on a plat prior to the adoption of this Ordinance may or may not be valid based on changes to regulations at the federal, state, and local level and applicability will be determined at the time of application submittal.~~

#### I. In the Case of Conflicting Regulations

If a regulation in this Ordinance conflicts with another regulation in this Ordinance, the more restrictive regulation, as determined by the Zoning Officer shall apply.

#### J. Rules of Ordinance Construction

This Ordinance contains graphics in order to assist the user in understanding and applying the Ordinance. However, where there is any inconsistency between the text of this Ordinance and any such graphics, the text controls unless otherwise specifically stated.

#### K. Scrivener's Errors

The Zoning Officer may approve scrivener's errors to this Ordinance. Such corrections do not require a text amendment. A scrivener's error is a legal principle which permits a typographical error to be corrected administratively. If such correction is substantial and effects the application of this Ordinance and any property affected by it, then a text amendment is required. Scrivener's error shall be an error due to a minor mistake or inadvertence and not one that occurs from any zoning interpretation.

#### L. Variances and Appeal Authority

The Zoning Officer, or its designee, ~~has the approval is granted~~ authority to ~~grant approve~~ administrative variances from the strict application of sign height, setback, and parking requirements of this Ordinance, or from other requirements as stipulated in this Ordinance. The Board of Appeals has the authority to grant variances from the strict application of the lot area, lot width, setback, and height requirements of this Ordinance, or from other requirements as stipulated in this Ordinance. If this Ordinance does not specify an appeal authority from ~~a final the strict application of the requirements of this Ordinance, they~~ decision, they may be appealed by an aggrieved party to the Circuit Court of Calvert County as prescribed at Title 7, Subtitle 2 of the Maryland Rules.

#### M. Violations and Enforcement

A violation of any provision of this Ordinance, or a failure to comply with any requirement of this Ordinance by any person, corporation, association, partnership, legal entity, or the agent of any such person, may be processed as a zoning violation under this Ordinance. (See Article 33).

### 1-4 RULES OF INTERPRETATION

The terms in the text of this Ordinance are interpreted in accordance with the following rules of construction:

A. The singular number includes the plural, and the plural the singular.

B. The present tense includes the past and future tenses, and the future tense includes the present.

- C. The terms “must,” “shall,” and “will” are mandatory, while the word “may” is permissive.
- D. The terms “must not,” “will not,” “shall not,” “cannot,” and “may not” are prohibiting.
- E. Any gender includes all genders.
- F. Whenever a defined word or term appears in the text of this Ordinance, its meaning must be construed as set forth in the definition. Words not defined must be interpreted in accordance with its ordinary (dictionary) or natural meaning.
- G. Definitions of terms with Critical Area in parentheses following the term apply to Article 22 (Critical Area) and Article 23 (Marine and Water Dependent Facilities) of this Ordinance. Within Articles 22 and 23 these definitions supersede any conflicting definitions in Article 2.
- H. Definitions of terms with Floodplain in parentheses following the term apply to Article 24 (Floodplain) of this Ordinance. Within Article 24 these definitions supersede any conflicting definitions in Article 2.
- I. Definitions of terms with Forest Conservation in parentheses following the term apply to Article 20 (Forest Conservation) of this Ordinance. Within Article 20 these definitions supersede any conflicting definitions in Article 2.

## **1-54 TRANSITION RULES**

### **A. Existing Illegal Structures and Uses**

A structure or use that is illegal at the time of the adoption of this Ordinance remains illegal unless specifically made lawful by the Ordinance, and is subject to the enforcement provisions of this Ordinance. [\(See Article 33\).](#)

### **B. Uses Rendered Nonconforming**

If a structure or land is legally used in a manner that was allowed ~~in a district~~ prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance, but this Ordinance no longer allows that use, that use is classified as a nonconforming use and is controlled by the ~~nonconformity~~ provisions of Article 32 of this Ordinance.

### **C. ~~Premises Structures~~ Rendered Nonconforming**

If a structure existing on the effective date of this Ordinance was a legally conforming structure before the effective date of this Ordinance, but such structure does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that structure is classified as a nonconforming structure and is controlled by the ~~nonconformity~~ provisions of Article 32 of this Ordinance.

### **D. Site Characteristics Rendered Nonconforming**

If a site characteristic existing on the effective date of this Ordinance was legally conforming before the effective date of this Ordinance, or any subsequent amendment to this Ordinance, but such site characteristic does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that site characteristic is classified as a nonconforming site characteristic and is controlled by the provisions of Article 32 of this Ordinance.

### **E. Previously Issued Building Permits**

If a building permit for a structure was ~~lawfully~~ issued prior to the effective date of this Ordinance, and remains valid, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied under a certificate of occupancy for the use originally intended.

### **F. Previously Granted Variances**

All variance approvals granted prior to the effective date of this Ordinance remain in full force and effect, unless such variance is no longer needed after the effective date. The recipient of the variance may proceed to develop the property in accordance with the approved plans and all applicable conditions. However, if the recipient has failed to act on the variance before all approvals expire, including any approved periods of extension, then the provisions of this Ordinance govern.

### **G. Previously Granted Special Exceptions and Conditional Uses**

1. All special exceptions and conditional uses granted prior to the effective date of this Ordinance, but where the use has not yet commenced, remain in full force and effect. The recipient of the special exception and conditional use may proceed to use the property in accordance with the approved plans and all applicable conditions.

2. However, if a special exception or conditional use becomes a permitted use in the district as of the effective date, such approval is no longer needed.
3. If the recipient has failed to act on the special exception or conditional use before the approval expires, including any approved periods of extension, then the approval is null and void.

#### H. Pending Applications

1. A variance, special exception, or conditional use application that has been deemed complete and has been scheduled for a public hearing, as applicable, is subject to the Ordinance requirements in effect on the date the application was deemed complete by the Department of Planning & Zoning.
2. A building permit application that has been submitted and deemed complete is subject to the Ordinance requirements in effect on the date the application was deemed complete by the Department of Planning & Zoning.

#### **1-65** ADDITIONAL AUTHORITIES

- A. The Department of Planning & Zoning ~~shall have the~~has the authority to create application forms and checklists in order to ensure compliance with this Ordinance and require that these be completed when appropriate.
- B. The Department of Planning & Zoning ~~shall have the~~has the authority to create and require compliance with rules of procedure and policy statements.
- C. The Department of Planning & Zoning ~~shall have the~~has the authority to create design manuals or design guidelines to ensure preferable site development and design.
- D. The Board of County Commissioners shall establish a schedule of fees, charges, ~~and~~ expenses, and ~~a collection~~ procedures~~s~~, for zoning certificates, zoning occupancy certificates, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Department of Planning ~~&~~ Zoning and may be altered or amended as needed.
- E. The Board of Appeals shall have the authority to hear and decide applications for variances, special exceptions, and other special requests as specified in this Ordinance.

#### **1-76** EXEMPTION

Public utilities or companies regulated by the Maryland Public Service Commission (MPSC), Federal Energy Regulatory Commission (FERC) or U.S. Nuclear Regulatory Commission (NRC) ~~Utility companies~~ are exempted from permit requirements for maintenance of ~~public~~ utility lines and easement areas.

#### **1-87** SEPARABILITY

If a court of competent jurisdiction declares any section, subsection, sentence, clause, or phrase of this Ordinance invalid or unconstitutional, such provision is deemed separate and such invalidity or unconstitutionality does not affect the validity of the Ordinance in its entirety or of the remaining sections or parts thereof.