

Text Amendment Case #24-05  
Amendments to Dunkirk, Owings,  
Huntingtown, Prince Frederick, St.  
Leonard, Lusby and Solomons  
Town Center Zoning Ordinances

Black font – existing ordinance language

**Red font** – proposed ordinance language

~~**Black Strikethrough**~~ – existing ordinance  
language to be removed

DUNKIRK ZONING ORDINANCE

D. SPECIAL DEVELOPMENT REQUIREMENTS

1. Road Access

Road access shall be as shown on the Dunkirk Transportation Map.

2. Route 4 Corridor Landscaping

Wherever possible, a 60 foot landscaped buffer should be required along Route 4 for new construction. All landscaping along Route 4 shall be consistent with the Dunkirk Landscaping Plan (see pages 28 and 29).

(2/27/92) 3. Signs

(6/17/97)

(1/31/18)

The provisions of ~~Section 6-8~~ **Article 29** of the Calvert County Zoning Ordinance apply in the Dunkirk Town Center.

(12/02/03) 4. Transfer Zone

(5/01/06)

Dunkirk is designated as a Transfer Zone. The maximum conventional density is one dwelling unit per acre. The density may be increased to no more than four (4) dwelling units per acre with the purchase of Calvert County Transferable Development Rights (TDRs)<sup>1</sup>. The purchase of five TDRs is required for each dwelling unit over one (1) dwelling unit per acre.

In lieu of purchasing TDRs, applicants with bona fide affordable housing projects may apply to the Board of County Commissioners for a waiver of the requirement to purchase TDRs. The Board may approve the application in whole or in part provided that no more than 30% of the existing housing stock within the Town Center meets the State definition of affordable housing.

~~<sup>1</sup>The use of Transferable Development Rights (TDRs) shall not be required for age-restricted housing developments that comply with Section 5-5 of the Calvert County Zoning Ordinance and which are properly submitted prior to July 1, 2006.~~

## OWINGS TOWN CENTER ZONING ORDINANCE

### ARTICLE 1

#### SCOPE OF REGULATIONS

- 1-0 Scope of Regulations
- 1-1 Purpose of This Ordinance
- 1-2 Effective Date and Territorial Limits
- 1-3 Applicability
- 1-4 Separability
- 1-5 Interpretations
- 1-6 Permits

#### 1-6 PERMITS

Building permits must be obtained before constructing, demolishing or erecting buildings or structures covering more than **150 200** square feet; signs; moving, adding to, or extending buildings or structures; or excavating for any construction.

### ARTICLE 4

#### TRANSFER ZONE DISTRICT

- 4-0 Transfer Zone District
- 4-1 Designated Transfer Zone

(12/02/03) 4-1 DESIGNATED TRANSFER ZONES

(05/01/06) The Village and Edge Districts are designated transfer zones per the requirements of the Calvert County Zoning Ordinance. Five development rights shall be used by the developer for each lot or dwelling unit, which is created in excess of one dwelling unit per acres.

In lieu of purchasing Transferable Development Rights (TDRs), applicants with bona fide affordable housing projects may apply to the Board of County Commissioners for a waiver of the requirement to purchase TDRs. The Board may approve the application in whole or in part provided that no more than 30% of the existing housing stock within the Town Center meets the State definition of affordable housing.

~~'The use of Transferable Development Rights (TDRs) shall not be required for age-restricted housing developments that comply with Section 5-5 of the Calvert County Zoning Ordinance and which are properly submitted prior to July 1, 2006.~~

## ARTICLE 5

### DEVELOPMENT REQUIREMENTS

- 5-0 Development Requirements
- 5-1 Purpose
- 5-2 Development Requirements for All Districts
- 5-3 Development Requirements for the Core District
- 5-4 Development Requirements for the Village District
- 5-5 Development Requirements for the Edge District

#### 5-2 DEVELOPMENT REQUIREMENTS FOR ALL DISTRICTS

All development projects in the Town Center are subject to the requirements of this section. The use of private streets shall in no way relieve an applicant of any of the articles of this section. Under no circumstances shall the back of residential structures on a private right-of-way face to a public road.

##### 5-2.01 Conservation Areas

Conservation areas and buffers are required in accordance with the conditions listed in the Calvert County Zoning Ordinance **Article 21** ~~under Section 8-2, Natural Resources Protection Areas.~~

##### 5-2.04 Parking And Loading Requirements

- A. The number of required spaces, by land use and type of structure, set forth in ~~Section 6-3.01~~ **Section 27-4** and ~~Table 6-2~~ **Table 27-1** of the Calvert County Zoning Ordinance, may not be exceeded on-site.

## ARTICLE 6

### ARCHITECTURAL REQUIREMENTS AND GUIDELINES

- 6-0 Architectural Requirements and Guidelines
- 6-1 Purpose
- 6-2 Town Center Standard Requirements
- 6-3 Building Design Standards
- 6-4 Signage
- 6-5 Procedures for Architectural Review

#### 6-3 BUILDING DESIGN STANDARDS

(12/4/01) 6-3.04 Exceptions:

- A. Cupolas or tower elements connected to residential structures (maximum of 150-square feet in plan) may extend to four stories in height.
- B. Tall structures and/or tower elements are permitted at the end of commercial blocks unless used for the purpose of camouflaging or concealing wireless communications facilities such as towers or antennas. Such structures shall be subject to the requirements of ~~Section 3-4~~ **Section 18-12.C** of the Calvert County Zoning Ordinance.

#### 6-4 SIGNAGE

(01/31/18) The provisions of ~~Section 6-8~~ **Article 29** of the Calvert County Zoning Ordinance apply in the Owings Town Center.

(12/4/01) 6-3.04 Exceptions:

- C. Cupolas or tower elements connected to residential structures (maximum of 150-square feet in plan) may extend to four stories in height.
- D. Tall structures and/or tower elements are permitted at the end of commercial blocks unless used for the purpose of camouflaging or concealing wireless communications facilities such as towers or antennas. Such structures shall be subject to the requirements of ~~Section 3-4~~ **Section 18-12.C** of the Calvert County Zoning Ordinance.

#### 6-4 SIGNAGE

(01/31/18) The provisions of ~~Section 6-8~~ **Article 29** of the Calvert County Zoning Ordinance apply in the Owings Town Center.

HUNTINGTOWN TOWN CENTER ZONING ORDINANCE

**ARTICLE 1: SCOPE OF REGULATIONS**

**1-5 Permit**

Building permits must be obtained before constructing, demolishing or erecting buildings or structures covering more than ~~150~~**200** square feet; signs; moving, adding to, or extending buildings or structures; or excavating for any construction.

(12/02/03)  
(05/01/06) **ARTICLE 4: TRANSFER ZONE DISTRICTS**

~~<sup>1</sup>The use of Transferable Development Rights (TDRs) shall not be required for age-restricted housing developments that comply with Section 5-5 of the Calvert County Zoning Ordinance and, which are properly submitted prior to July 1, 2006.~~

(01/31/18) **ARTICLE 8: Sign Regulations**

The provisions of ~~Section 6-8~~ **Article 29** of the Calvert County Zoning Ordinance apply in the Huntingtown Town Center.

PRINCE FREDERICK TOWN CENTER ZONING ORDINANCE

INTRODUCTION

PERMITS

Building permits must be obtained before constructing, demolishing or erecting buildings or structures covering more than ~~150~~ **200** square feet; signs; moving, adding to, or extending building or structures; or excavating for any construction.

I. NATURAL FEATURES

B. NATURAL VEGETATIVE AREAS (non-tidal Flood Plains, non-tidal Wetlands and USGS Blue Line Streams and their buffers)

(10/28/03) All of the provisions in ~~Section 8-2~~ **Article 21** of the Calvert County Zoning Ordinance shall be met. ~~with the exception of the following (subject to federal and state approval):~~

~~2. Reductions in Wetland Buffers~~

~~a. ...for Commercial and Public Uses~~

~~The required minimum 50 foot buffer adjacent — (10/28/03)~~

~~To wetlands may be reduced to 25 feet for commercial and public uses if adequate methods are formulated by the developer and approved by the Zoning Officer, in accordance with the provisions in Section 8-2.05 of the Calvert County Zoning Ordinance and if the proposed square footage of the project can not be accommodated on the site without intruding into the 50 foot buffer.~~

II. TRAVELWAYS

A. ROADS

1. Site Access

(10/28/03) All of the provisions in ~~Section 6-4.01~~ **Section 25-1.F.** of the Calvert

(05/01/06) County Zoning Ordinance governing site access shall be met

Exhibit A

III. SITE DESIGN

**F. PARKING LOT LAYOUT AND DESIGN**

4. Parking Space and Loading Requirements

a. Non-Residential Parking Space and Loading Requirements

(10/28/03) The parking and loading requirements in ~~Section 6-3~~ **Article 27** of the Calvert County Zoning Ordinance shall be met.

b. Residential Parking Space and Vehicular Storage Requirements

i. Each one-bedroom unit requires a minimum of one parking space. Two parking spaces are required for units with two or more bedrooms.

(07/03/01)

(05/18/14) Exception: for age-restricted multifamily housing the parking requirements in ~~Section 5-1.12~~ **Section 27-4.F.** of the Calvert County Zoning Ordinance shall be met.

(05/01/06)

CHAPTER IV – BUILDING DESIGN AND HEIGHT REQUIREMENTS

Exhibit A

M. Building Height* Restriction By District (See Chapter VI for map of Districts)		
1.	Old Town District Old Town Residential District Fairgrounds District	Two stories plus a habitable roof. Maximum height 36 ft.
2.	Old Town Transition District Entry District Village District Forest District	40 feet, plus habitable roof, except that areas where there is a water supply system which is capable of providing adequate supply for fire protection, is certified by the agency providing fire protection, and is in compliance with Chapter 44 of the Calvert County Code, as amended from time to time, a height of 50 feet, plus the roof, shall be allowed. See exceptions in <del>Section 5-1.11 (Residential) and 6-2.02 (Non-Residential)</del> <b>Section 25-5</b> of the Calvert County Zoning Ordinance.
3.	New Town District	60 feet, plus a habitable roof, shall be permitted provided that there is a water supply system which is capable of providing adequate supply for fire protection, is certified by the agency providing fire protection, and is in compliance with Chapter 44 of the Calvert County Code, as amended from time to time.

V. SIGN DESIGN

(1/31/18) This provision of ~~Section 6-8 Article 29~~ of the Calvert County Zoning Ordinance apply in the Price Frederick Town Center.

ST. LEONARD TOWN CENTER ZONING ORDINANCE

ARTICLE 1: SCOPE OF REGULATIONS

1-5 PERMITS

Building permits must be obtained before constructing, demolishing or erecting buildings or structures covering more than **150 200** square feet; signs; moving, adding to, or extending buildings or structures; or excavating for any construction.

ARTICLE 5: DEVELOPMENT REQUIREMENTS

5.1 PURPOSE:

The following development standards are designed to help promote an attractive image for the town center and to maintain a high level of environmental quality.

5.2 DEVELOPMENT REQUIREMENTS FOR ALL DISTRICTS

All development projects in the Town Center are subject to the requirements in this section (SECTION 5.2).

5.2.1 CONSERVATION AREAS

- (10/28/03) Conservation areas and buffers are required in accordance with the conditions listed in  
(05/01/06) the Calvert County Zoning Ordinance under ~~Section 8-2, Natural Resources Protection Areas.~~  
**Article 21.**

~~<sup>1</sup>The use of Transferable Development Rights (TDRs) shall not be required for age-restricted housing developments that comply with Section 5-5 of the Calvert County Zoning Ordinance and which are properly submitted prior to July 1, 2006.~~

6.4 SIGN REQUIREMENTS

(0/31/18) 6.4.1 GENERAL REQUIREMENTS - ALL SIGNS

The provisions of ~~Section 6-8~~ **Article 29** of the Calvert County Zoning Ordinance apply in the St. Leonard Town Center.

LUSBY TOWN CENTER ZONING ORDINANCE

**ARTICLE 1: SCOPE OF REGULATIONS**

1-5 PERMITS

Building permits must be obtained before constructing, demolishing or erecting buildings or structures covering more than ~~150~~ **200** square feet or signs; moving, adding to, or extending buildings or structures; or excavating for any construction.

**ARTICLE 5: DEVELOPMENT REQUIREMENTS**

5-2 DEVELOPMENT REQUIREMENTS FOR ALL DISTRICTS

5-2.01 Conservation Areas

(10/28/03) Conservation areas and buffers are required in accordance with the conditions listed in the Calvert County Zoning Ordinance **Article 21**, ~~under the following Sections: 8-2.03 (Flood Plain Area) 8-2.04 (Slopes 25 Percent or Greater and Erodible Soils Adjoining Streams), 8-2.05 (Wetlands), 8-2.06 (Development Adjacent to Blue Line Streams), 8-2.07 (Natural Vegetative Areas) and 8-3 (Forest Conservation Requirements).~~

5-2.06 Parking and Loading Requirements

(10/28/03) A. Except as noted in this Ordinance, the parking requirements set forth in ~~Section 6-2~~ **Article 27** of the Calvert County Zoning Ordinance, shall govern the provision of parking for all new construction, for all additions to existing buildings and structures, and for all buildings for which the primary use is being changed.

(10/28/03) B. The number of required spaces, by land use and type of structure, set forth in ~~Section 6-2.01~~ **Section 27-4** of the Calvert County Zoning Ordinance, shall not be exceeded on-site.

5-2.08 Towers

A. Fire towers, hose towers, cooling towers, steeples, flag poles, smokestacks, masts, transmission line poles and towers, water tanks, monuments, and similar structures may exceed the height restrictions of the districts in which they are located provided they are all approved by the Calvert County Planning Commission. If the purpose is to

Exhibit A

camouflage or conceal wireless communications facilities such as towers or antennas, they shall be subject to the requirements of ~~Section 3-4~~ **Article 18-12.C.** of the Calvert County Zoning Ordinance.

5-5 DEVELOPMENT REQUIREMENTS FOR THE VILLAGE COMMERCIAL DISTRICT

5-5.02 Parking and Loading

- A. No parking is required to be provided in the Village Commercial District for any new construction, for any additions to existing buildings and structures, or for any buildings for which the primary use is being changed.
- B. If on-site parking is provided, no less than 75 percent of on-site parking shall be provided to the rear of the building.
- C. Access to on-site parking may be provided through the front, side, or rear lot line.
- D. Parking lots shall not abut street intersections or the village green.
- (10/28/03) E. Upon approval of the Planning Commission, on street loading and unloading of goods or people is permitted in the Village Commercial District, provided a designated loading lane/zone or a no-parking lane is provided along the side of the street closest to the building so as to minimize obstructions to vehicular and pedestrian traffic. If off-street loading is provided instead, it must meet the requirements set forth in ~~Section 6-2~~ **Article 27-7** of the County Zoning Ordinance. No on street loading or unloading is permitted along the parkway.

5-6 DEVELOPMENT REQUIREMENTS FOR THE VILLAGE RESIDENTIAL-OFFICE DISTRICT

The following development requirements for the Village Residential-Office District are in addition to those in Section 5-2.

5-6.02 Parking and Loading

- A. For non-residential uses, if on-site parking is provided, no less than 75 percent of on-site parking shall be provided to the rear of the building.
- B. Access to on-site parking may be provided through the front, side, or rear lot line.
- C. Parking lots shall not abut street intersections or the village green.

Exhibit A

- (10/28/03) D. Upon approval of the Planning Commission, on street loading and unloading of goods or people is permitted in the Village Commercial District, provided a designated loading lane/zone or a no-parking lane is provided along the side of the street to minimize obstruction to vehicular and pedestrian traffic. If off-street loading is provided instead, it must meet the requirements set forth in ~~Section 6-2~~ **Section 27-7** of the County Zoning Ordinance. No on street loading or unloading is permitted along the parkway.

6-4 SIGNAGE

- (1/31/18) The provisions of ~~Section 6-8~~ **Article 29** of the Calvert County Zoning Ordinance apply in the Lusby Town Center.

SOLOMONS TOWN CENTER ZONING ORDINANCE

**ARTICLE 1  
SCOPE OF REGULATIONS**

	Article 1, Page No.
1-1 Purpose of This Ordinance	1
1-2 Territorial Limits and Application of this Ordinance	2
1-3 Separability	2
1-4 Zoning Officer	2
1-5 Schedule of Fees, Charges & Expenses	2
1-6 Ordinance Amendments	2
1-7 Enforcement of Ordinance	2

**1-1 PURPOSE OF THIS ORDINANCE**

The Solomons Town Center Master Plan is based on the stated goal of the Calvert County Comprehensive Plan. One tool necessary to implement the Master Plan is a Zoning Ordinance designed to regulate land uses as part of the effort to promote the health, safety and general welfare of Calvert County residents.

Many aspects of land use can impact adjoining properties, neighborhoods, public facilities and overall development of the Solomons Town Center. Therefore, the purpose of this Zoning Ordinance is to implement the stated objectives of the Solomons Master Plan, which include, among others:

- A. Treat the entire Solomons Town Center as an economic, environmental, and aesthetic whole, except for the Solomons Annex of NAS PAX River (Planning Area A).
- B. Recognize and provide for all the water-based activities of Solomons, including but not limited to, commercial and recreational boating, crabbing and fishing, and public access to the water.
- C. Support and enhance a mix of uses in the Solomons Island Village Core that are family-friendly, encourage year round activity, and are visually compatible with Solomons architectural heritage that makes it a distinctive destination.
- D. Protect and enhance established residential areas.
- E. Encourage commercial development that is compatible with the environmental, cultural, historical, and aesthetic character of Solomons.
- F. Promote a broad mix of commercial, office, residential, public and institutional uses within the Solomons Town Center.
- G. Protect the environment.
- H. Promote a balanced, complete transportation system to enhance mobility.

## **1-2 TERRITORIAL LIMITS AND APPLICATION OF THIS ORDINANCE**

This Ordinance shall apply to all the lands, uses and improvements within the Solomons Town Center, as designated on the Official Zoning Maps, adopted by the Calvert County Board of County Commissioners and recorded among the Land Records of Calvert County, as amended from time to time. Except as otherwise specified, the use of any property and the construction or alteration of any building or structure within the Solomons Town Center shall conform to the requirements of this Zoning Ordinance.

## **1-3 SEPARABILITY**

If a court of competent jurisdiction declares any Section, Subsection, sentence, clause or phrase of this Ordinance invalid or unconstitutional, such provision shall be deemed separate and such invalidity or unconstitutionality shall not affect the validity of the Ordinance in its entirety or of the remaining Sections or parts thereof.

## **1-4 ZONING OFFICER**

The Calvert County Zoning Officer shall be responsible for giving approval for building permits, enforcement of the provisions of this Ordinance, and clarifying the intent of this Ordinance, in accordance with Section ~~4-4~~ **30-13** of the Calvert County Zoning Ordinance.

## **1-5 SCHEDULE OF FEES, CHARGES & EXPENSES**

The adoption and administration of the schedule of fees, charges, and expenses for applications relating to this Ordinance shall be in accordance with Section 1-5 of the Calvert County Zoning Ordinance.

## **1-6 ORDINANCE AMENDMENTS**

Any amendment to this Ordinance shall be made in accordance with Section ~~4-6~~ **30-12** of the Calvert County Zoning Ordinance.

## **1-7 ENFORCEMENT OF ORDINANCE**

The Zoning Officer or its designee is authorized to make such inspections as are reasonable and necessary to determine satisfactory compliance with this Ordinance as well as other enforcement provisions as described in ~~Section 1-7~~ **Article 33** of the Calvert County Zoning Ordinance.

**ARTICLE 2  
ZONING MAPS & ZONING DISTRICTS**

		Article 2, Page No.
2-1	Zoning Map & District Boundaries Established	1
2-2	Interpretation of District Boundaries	1
2-3	Note Restrictions on Zoning Maps	1
2-4	District Changes	1
2-5	Non-Conforming Uses	2
2-6	Non-Conforming Structures (Excluding Signs)	3
2-7	Planning Areas and Zoning Sub-Areas	4
2-8	Planning Areas and Zoning Sub-Areas: Purposes, Descriptions & Policies	4
2-9	Overlay Districts	9
2-10	Overlay Districts: Purposes, Descriptions & Policies	9

**2-1 ZONING MAP & DISTRICT BOUNDARIES ESTABLISHED**

As specified in the Solomons Town Center Master Plan, the Solomons Town Center is divided into six planning areas. The planning areas are further divided into sub-areas, which are also the Solomons Zoning Districts. The locations and boundaries of the planning areas and sub-areas are established as shown on the maps entitled "Solomons Town Center Zoning Maps". The maps and all notations, dimensions, references and other data shown, as well as properly attested amendments, are incorporated as a part of this Ordinance. Maps reflecting the current status of zoning are available from the Department of Planning & Zoning, ~~Room 304, County Services Plaza, 150~~ Main Street, Prince Frederick, Maryland.

**2-2 INTERPRETATION OF ZONING BOUNDARIES**

The interpretation of zoning boundaries within the Solomons Town Center shall be in accordance with Section ~~2-3~~ **3-2** of the Calvert County Zoning Ordinance.

**2-3 NOTE RESTRICTIONS ON ZONING MAPS**

Note restrictions are placed on Zoning Maps to address special situations. In the event of a conflict between the note restrictions and the Zoning Ordinance, the note restrictions will supersede the specific regulations in the Zoning Ordinance. Also see Section ~~2-5~~ **30-12** of the Calvert County Zoning Ordinance for amendments to note restrictions on Zoning Maps.

**2-4 DISTRICT CHANGES**

The Solomons Town Center Zoning Maps may from time to time be amended, through rezonings by application and comprehensive rezonings, in accordance with Section ~~2-5~~ **30-12** of the Calvert County Zoning Ordinance. Note restrictions on the Zoning Maps may be amended by the procedure for Ordinance text amendments, in accordance with Section ~~4-6~~ **30-12** of the Calvert County Zoning Ordinance.

## **2-5 NON-CONFORMING USES<sup>1</sup>**

In order to effectively implement the stated goals of the Solomons Master Plan and the Calvert County Comprehensive Plan, uses that do not conform to those goals shall be strictly regulated by the provisions of this Ordinance.

### **2-5.01 Non-Conforming Use Defined**

A non-conforming use is a use which lawfully existed prior to the adoption or amendment of this Ordinance, but, by virtue of the adoption or amendment of this Ordinance, is no longer a permitted use in the sub-area within which it is located. For the purposes of this Section, the "date of non-conformity" shall be the date of the adoption or amendment of this Ordinance; the adoption or amendment of which rendered a use non-conforming.

### **2-5.02 Continuation of Lawfully Existing Uses**

Any use lawfully existing at the time of the adoption or amendment of this Ordinance may continue to be used even though such use is no longer permitted in the Sub-area in which it is located. Non-conforming uses may continue even if ownership of the property changes.

### **2-5.03 Expansion of Non-Conforming Uses**

The provisions of Section ~~2-6~~ **32-2** of the Calvert County Zoning Ordinance shall apply to all non-conforming uses on properties north of Lore Road. The following provisions apply to non-conforming uses on properties south of Lore Road only:

- A. The area occupied by a non-conforming use shall not be permitted to be expanded beyond the area occupied by the use as of the date of non-conformity.
- B. For a non-conforming use that does not involve a building or structure, the area of the lot utilized by such a use as of the date of non-conformity shall not be expanded.
- C. If a nonconforming use does not involve a building or structure and the area of the lot utilized by such a use is also used for a permitted use, expansion of the non-conforming use shall not be permitted.
- D. The Board of Appeals shall not be permitted to grant variances to the provisions of subparagraphs A, B and C, above.

### **2-5.04 Replacement of Non-Conforming Uses**

The provisions of Section ~~2-6~~ **32-2** of the Calvert County Zoning Ordinance shall apply to all non-conforming uses on properties north of Lore Road. For non-conforming uses on properties south of Lore Road, the non-conforming use of a building, structure or premises shall not be replaced with another non-conforming use. The non-conforming use shall only be replaced with a use permitted by this Ordinance.

### **2-5.05 Discontinuance of a Non-Conforming Use**

A non-conforming use of property which has been discontinued or abandoned for nine consecutive months or for 18 months during a three-year period shall not again be used for a non-conforming use except that non-conforming seasonal uses shall be permitted to continue unless discontinued or abandoned for a period of 24 consecutive months.

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<sup>1</sup> For provisions regarding non-conforming **structures**, see Section 2-6 herein.

#### 2-5.06 When a Non-Conforming Use Becomes a Special Exception

If a change to this Ordinance results in an existing non-conforming use being permitted as a special exception use, the use shall thereafter be considered a conforming use. A special exception shall automatically be granted and the owner shall not be required to obtain a special exception from the Board of Appeals to continue the use. However, expansion in area of the use or building area requires the approval of the Board of Appeals. The Board of Appeals shall apply the criteria for special exceptions contained in Section ~~11-1.02~~ **30-6** of the Calvert County Zoning Ordinance.

### **2-6 NON-CONFORMING STRUCTURES (EXCLUDING SIGNS)<sup>2</sup>**

#### 2-6.01 Non-Conforming Structure Defined

A non-conforming structure is a structure which lawfully existed prior to the adoption or amendment of this Ordinance, but which, by virtue of the adoption or amendment of this Ordinance, no longer conforms to the site design provisions of this Ordinance in terms of such requirements as area, setback, or height requirements, architectural standards, etc. For the purposes of this Section, the “date of non-conformity” shall be the date of adoption or amendment of this Ordinance; the adoption or amendment of which rendered a structure non-conforming.

#### 2-6.02 Continuation of Lawfully Existing Structures

Any structure lawfully existing at the time of the adoption or amendment of this Ordinance may continue to be used even though such structure does not conform to the site design provisions of the sub-area in which it is located. A non-conforming structure may be used for a permitted use or a non-conforming use as described in Section 2-5 herein. The use of non-conforming structures may continue even if ownership of the property changes.

#### 2-6.03 Expansion of Non-Conforming Structures

- A. The expansion of a non-conforming structure may be permitted subject to the following conditions:
  1. The length of a building wall that does not conform to the current setback requirements may be extended provided that it is not extended closer to the property line than the original structure. Such extension would require a variance from the Board of Appeals.
  2. Such extension shall not constitute more than 50 percent of the length of the original non-conforming building wall. Extensions beyond 50 percent require a variance from the Board of Appeals.
  3. Expansion shall not be permitted if the structure is occupied by a non-conforming use, the expansion of which would be prohibited by Section 2-5.03 of this Ordinance.

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<sup>2</sup> For provisions regarding non-conforming *uses*, see Section 2-5 herein. For provisions regarding non-conforming *signs*, see Article 6.

2-6.04 Replacement of Non-Conforming Structures

- A. Nothing in these regulations shall prevent the restoration and/or replacement of a non-conforming structure destroyed by fire, wind storm, flood, explosion or act of public enemy or accident, or prevent the continuance of the use thereof as it existed at the time of such destruction, provided that a building permit application is properly submitted within one year after the occurrence. This provision does not apply if an owner of a property intentionally destroys a non-conforming structure either by means as described above or by neglect or abandonment.
- B. A non-conforming structure which is taken in a negotiated settlement or condemnation proceedings shall be permitted to relocate only on the same lot or parcel, or on a contiguous lot or parcel which was in the same ownership at the inception of the condemnation proceedings, and provided the applicable lot area, setback and height requirements of the District in which such use is a principal permitted use can be met. Such relocation or construction as existed prior to its taking may be permitted provided a building permit application is properly submitted within six months of the settlement date of the condemnation proceedings.

**2-7 PLANNING AREAS AND ZONING SUB-AREAS**

2-7.01 Purpose of Establishing Planning Areas and Zoning Sub-Areas

The Solomons Town Center is divided into six planning areas, each of which is further divided into zoning sub-areas. These sub-areas are established to regulate appropriate locations for different types of land uses within the Town Center. The appropriate location for a particular land use is determined by the stated objectives of the Solomons Master Plan as well as environmental suitability, the location of public facilities and services, and existing land uses in the vicinity.

**2-8 PLANNING AREAS AND ZONING SUB-AREAS: PURPOSES, DESCRIPTIONS & POLICIES**

2-8.01 Planning Area A - The Solomons Annex of NAS PAX River

The Solomons Annex of NAS PAX River is federal property and, therefore, exempt from County Planning and Zoning regulations. It is identified for reference purposes as Planning Area A. Should it ever cease being federal property, the Solomons Master Plan and Zoning Ordinance will be revised accordingly.

2-8.02 Planning Area B – The Sandy Point Area

- A. Description  
Planning Area B includes the Sandy Point residential area; the institutional buildings and property of the University of Maryland Center for Environmental Science, Chesapeake Biological Laboratory; a mixture of residential, marina and institutional buildings and structures on property located at the north end of Farren Avenue; and the retail and lodging uses in the center of the area.
- B. Planning Area B Zoning Policies  
The Solomons Master Plan includes general policies relating to the zoning of Planning Area B. They are as follow:

## Exhibit A

1. The Appearance Code shall be mandatory in Planning Area B. See Article 6 herein.
2. Reduced waterfront buffers are allowed in some areas that are already developed within the 100-foot buffer. See **Article 8 Section 22-6** of the Calvert County Zoning Ordinance.
3. The retention of historic buildings shall be encouraged.

### C. Sub-area Zoning Policies for Planning Area B

Planning Area B is further divided into Zoning Sub-areas as shown on the Official Solomons Town Center Zoning Maps. The following policies relating to the zoning of each sub-area are included in the Solomons Master Plan and are intended to be implemented and enforced through this Ordinance:

1. Sub-area B1: This sub-area shall be designated primarily for residential use.
2. Sub-area B2 and B3: The property owned by the University of Maryland Center for Environmental Science should be encouraged to adhere to the appearance standards governing new development and substantial rehabilitation in order to preserve the architectural character of the area and to ensure compatibility with adjacent residential areas. A mixture of institutional and water-related commercial uses is encouraged in this area.
3. Sub-area B4: This sub-area is designated for mixed commercial/residential use. Because the area borders the Sandy Point residential area, it is important to buffer this residential area from commercial incursion through the use of setbacks, fencing and screening. Commercial uses shall be required to provide a buffer, screening, or fencing along property boundaries when adjacent to residential properties to reduce the development impact on residences.

### 2-8.03 Planning Area C – Lore Road South to Charles Street

#### A. Description

The area from Lore Road south to Charles Street is the historic core of Solomons Island and Avondale. This area includes a mix of water-related commercial, residential, and institutional uses between the Narrows and Solomons Island Road; the parking area and bulkhead west of Solomons Island Road; the residential area of Avondale; the marinas on Back Creek and the Solomons inner harbor area; the farm along the Patuxent River, and the recreational area & open space under and adjacent to the Governor Thomas Johnson Memorial Bridge. The Solomons Island Village Core, from the Tide Box to Charles Street, is a destination for both residents and visitors.

#### B. Planning Area C Zoning Policies

The Solomons Master Plan includes general policies relating to the zoning of Planning Area C. They are as follow:

1. The Appearance Code shall be mandatory in Planning Area C. See Article 6 herein.
2. Waterfront buffers shall be required to protect the Patuxent River and the Mill Creek watershed, including The Narrows, Back Creek, and Mill Creek, and thus the Chesapeake Bay. Buffers from mean high water vary based on current intensity of use, need for environmental protection and Chesapeake Bay Critical

Exhibit A

Areas Commission regulations. See ~~Article 8~~ **Section 22-6** of the Calvert County Zoning Ordinance.

3. Because the purpose of the Town Center is to be a focal point in the County for growth, no additional Agricultural Preservation Districts shall be designated in the Solomons Town Center.
4. The retention of historic buildings shall be encouraged.

C. Sub-area Zoning Policies for Planning Area C

Planning Area C is further divided into Zoning Sub-areas as shown on the Official Solomons Town Center Zoning Maps. The following policies relating to the zoning of each sub-area are included in the Solomons Master Plan and are intended to be implemented and enforced through this Ordinance:

1. Sub-area C1, C2 and the southern C3 area: The area designated by the Solomons Master Plan as the “village core” of the Town Center is intended for a mix of residential, commercial, and marina uses. In the C1 Sub-area, development shall be subject to the Form-Based Code contained in Article 6 of this Ordinance. Certain commercial uses shall be permitted in the privately-owned structures currently located along the bulkhead; however, no expansion of the structures shall be permitted.
2. Sub-area C3 (north): There are two areas designated as Sub-area C3 on the Solomons Town Center Zoning Maps. These areas consist primarily of public facilities and amenities. The northern C3 Sub-area is located adjacent to and beneath the Thomas Johnson bridge. It contains the boat ramp, the associated parking area, and the visitor’s center, as well as the Marine Museum complex. The southern C3 Sub-area also contains public amenities such as the pavilion along the boardwalk and is considered part of the “village core” (see above description).
3. Sub-area C4: This area consists primarily of institutional and residential uses. It is the intent to maintain the current uses within this sub-area.
4. Sub-area C5: An Agricultural Preservation District (APD) currently occupies Sub-area C5. While the APD remains in effect, most uses permitted in an APD shall be permitted. However, some uses permitted by the Calvert County Zoning Ordinance in APDs are not appropriate within a Town Center. (See Article 3 herein). If the APD is lifted or changed, the Land Use Charts will be evaluated to determine appropriate uses. Adoption of a form-based code may be appropriate for this Sub-area.
5. Sub-area C6: The area known as Avondale is primarily residential in character and shall be maintained as such. Only small-scale commercial uses shall be permitted within this area; however, a wider variety of commercial uses may be permitted on the properties within Avondale that front on Solomons Island Road due to their convenient access to a major roadway.
6. Sub-area C7: Six areas have been designated as Sub-area C7. These properties contain existing marinas and/or boat-related businesses. Those uses, as well as similar marine-related uses, shall be encouraged in these areas.

2-8.04 Planning Area D – Lore Road to the Northern Town Center Boundary (east side of Route 2/4)

A. Description

## Exhibit A

Planning Area D includes the land north of Lore Road, from the Patuxent Plaza Shopping Center along the east side of MD Route 2/4 north to the Town Center Boundary. It is bounded on the east side by Back Creek and St. John Creek.

### B. Planning Area D Zoning Policies

The Solomons Master Plan includes general policies relating to the zoning of Planning Area D. They are as follow:

1. Water-use related activity shall be discouraged along St. John Creek because of the narrowness of the creek and sensitive shoreline conditions.
2. Waterfront buffers shall be required to protect the Patuxent River and the Mill Creek watershed, including Back Creek, Mill Creek and St. John Creek, and thus the Chesapeake Bay. Buffers from mean high water vary based on current intensity of use, need for environmental protection and Chesapeake Bay Critical Areas Commission regulations. See **Article 8 Section 22-6** of the Calvert County Zoning Ordinance.
3. The Appearance Code shall be mandatory in Planning Area D. See Article 6 herein.
4. No clear-cutting of forest shall be permitted without an approved site plan.
5. The retention of historic buildings shall be encouraged.

### C. Sub-area Zoning Policies for Planning Area D

Planning Area D is further divided into Zoning Sub-areas as shown on the Official Solomons Town Center Zoning Maps. The following policies relating to the zoning of each sub-area are included in the Solomons Master Plan and are intended to be implemented and enforced through this Ordinance:

1. Sub-areas D1 and D4: This sub-area is designated for commercial use because of its convenient transportation access and because it is relatively isolated from residential uses and waterfront areas.
2. Sub-areas D2 and D3: These areas are designated for primarily residential use with small-scale commercial and wet boat storage use.
3. Sub-area D5: This area is designated for residential, commercial and marine-related industrial use. Master plans for large underdeveloped land holdings are encouraged.

## 2-8.05 Planning Area E – Dowell Peninsula

### A. Description

Sub-area E includes the land within the Town Center which is located on the Dowell Peninsula. The entire west side of the peninsula is included in the Solomons Town Center. The north and south areas of the east side of the Dowell peninsula are included in the Town Center, while the central portion is not.

### B. Planning Area E Zoning Policies

The Solomons Master Plan includes general policies relating to the zoning of Planning Area E. They are as follow:

1. The Appearance Code shall be mandatory in Planning Area E. See Article 6 herein.

Exhibit A

2. Waterfront buffers shall be required to protect the Patuxent River and the Mill Creek watershed, including St. John's Creek, and thus the Chesapeake Bay. Buffers from mean high water vary based on current intensity of use, need for environmental protection and Chesapeake Bay Critical Areas Commission regulations. See Article 8 of the Calvert County Zoning Ordinance.
3. Master plans for Sub-areas E1 and E3 are required and it will be mandatory to abide by the appearance and landscape guidelines because of the potential visual impact of development on the site.

C. Sub-area Zoning Policies for Planning Area E

Planning Area E is further divided into Zoning Sub-areas as shown on the Official Solomons Town Center Zoning Maps. The following policies relating to the zoning of each sub-area are included in the Solomons Master Plan and are intended to be implemented and enforced through this Ordinance:

1. Sub-areas E1: This area is developed with marina and residential uses and is designated for mixed residential, marina and commercial use.
2. Sub-area E2: This area is developed with individual single family-homes and is designated for residential, local-serving commercial uses, and wet boat storage.
3. Sub-area E3: This area is primarily developed in townhouses. Commercial use is not permitted on parcels adjacent to the waterfront in Sub-area E3.
4. The retention of historic buildings shall be encouraged.

2-8.06 Planning Area F – West Side of Route 2/4 South of Swaggers Point Road

A. Description

Planning Area F includes primarily residential uses with some commercial uses fronting MD Route 2/4. Sub-area F1 includes the land west of MD Route 2/4 and north of the Solomons Annex of NAS PAX River, and is comprised of multi-family dwellings, single-family attached dwellings and businesses along the highway. Sub-area F2 is the single-family residential area south of Swaggers Point Road.

B. Planning Area F Zoning Policies

The Solomons Master Plan includes general policies relating to the zoning of Planning Area F. They are as follow:

1. The Appearance Code shall be mandatory in Planning Area F. See Article 6 herein.
2. Waterfront buffers shall be required to protect the Patuxent River and the Mill Creek watershed, including Hungerford Creek, and thus the Chesapeake Bay. Buffers from mean high water vary based on current intensity of use, need for environmental protection and Chesapeake Bay Critical Areas Commission regulations. See Article 8 of the Calvert County Zoning Ordinance.

C. Sub-area Zoning Policies for Planning Area F

Planning Area F is further divided into Zoning Sub-areas as shown on the Official Solomons Town Center Zoning Maps. The following policies relating to the zoning of each sub-area are included in the Solomons Master Plan and are intended to be implemented and enforced through this Ordinance:

1. Sub-area F1: This area is developed as age-restricted housing as well as a large townhouse development. It is therefore designated primarily for residential and institutional uses. There is an area of existing commercial development fronting on Creston Lane. However, the Solomons Master Plan includes a policy that retail commercial shall not be permitted in Sub-area F1. The wooded wetland at the entrance to Hungerford Creek is a natural asset and is to be preserved for use as passive recreation. No commercial or community water-dependent facilities are to be permitted within the mouth of the creek.
2. Sub-area F2: This area is to remain in residential use.

## **2-9 OVERLAY DISTRICTS**

### **2-9.01 Purpose of Establishing Overlay Zoning Districts**

Overlay Districts are created to impose special regulations in designated areas of the County. The Solomons Town Center contains properties that have been designated with Overlay Districts or are eligible for such designation. Regulations which apply within Overlay Districts shall be in addition to the underlying Zoning Sub-area regulations. There are three types of Overlay Districts in the Solomons Town Center: Agricultural Preservation Districts (see Section 2-10.01); Critical Area Districts (see Section 2-10.02); and Historic Districts (see Section 2-10.03).

## **2-10 OVERLAY DISTRICTS: PURPOSES, DESCRIPTIONS & POLICIES**

### **2-10.01 Agricultural Preservation Districts**

- A. Agricultural Preservation Districts (APDs) are part of the Agricultural Land Preservation Program. According to the Calvert County Zoning Ordinance, the purpose of this program shall be to:
  1. offer an incentive for preservation of prime agricultural and forestry land;
  2. provide compensation to the landowner who voluntarily agrees to place agricultural and forestry use covenants on his land;
  3. offer a free market system for financing agricultural and forestry preservation, thus reducing direct cost to the taxpayers;
  4. guide development away from prime agricultural and forestry lands on which viable farming and forestry endeavors are practical; and
  5. act as a source of development rights.

See Section ~~2-10.01~~ **4-2** of the Calvert County Zoning Ordinance for regulations applying to APDs.

- B. An APD currently occupies Sub-area C5 and is highly valued for the scenic vistas it provides from within the Solomons Town Center as well as from the Thomas Johnson Bridge.
- C. No additional APDs shall be permitted within the Solomons Town Center, as the Master Plan contains the following policy: "Because the purpose of the Town Center is to be a focal point in the County for growth, it is recommended that no additional Agricultural Preservation Districts be designated in the Solomons Town Center."

### **2-10.02 Critical Area District**

Exhibit A

- A. The majority of the Solomons Town Center is located within the Critical Area District. According to the Calvert County Zoning Ordinance, this District is created to:
1. minimize adverse impacts on water quality that result from pollutants in run off from surrounding land uses;
  2. conserve fish, wildlife and plant habitat; and
- A2 establish land-use policies for development in the Chesapeake Bay Critical Area 2 which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

See Article 8 herein and **Article 22** in the Calvert County Zoning Ordinance for regulations within the Critical Area.

2-10.03 Historic Districts

- A. Many properties within the Solomons Town Center contain historic features which may be eligible for designation as a Historic District. According to the Calvert County Zoning Ordinance, the purpose of this District shall be to:
1. safeguard the heritage of the County by preserving areas and structures which reflect significant elements of its cultural, social, economic, political or architectural history;
  2. stabilize and improve property values in the area of Historic Districts and strengthen the local economy;
  3. foster civic beauty;
  4. promote the use and preservation of Historic Districts for the education, welfare, and pleasure of the residents of the County;
  5. develop an awareness among property owners of the value of preserving, protecting and restoring areas of historical significance; and
  6. enable the County government to identify and officially designate landscapes, structures and sites of historical and cultural importance to the County in order to make such structures and sites eligible for specific benefits conferred by this and other County ordinances and policies both current and adopted in the future.
- B. See **Section 2-10.04 Article 9** of the Calvert County Zoning Ordinance for regulations regarding District Boundaries and Administration of Historic Districts.
- C. Permitted Uses and Special Exception Uses

Permitted and special exception uses shall be as indicated in Article-~~3~~ **18** of the Calvert County Zoning Ordinance. In addition, the following conditions shall apply to special exception uses in Historic Districts:

1. If the property is a lot within a recorded subdivision containing more than seven lots, the use shall only be permitted if:
  - a. access to the Historic District is not through the subdivision, and
  - b. all the lot owners in the subdivision sign the special exception application.
2. Parking and accessory uses such as refuse bins, storage, etc. shall be screened from view from adjoining properties.

**ARTICLE 4  
GENERAL DEVELOPMENT SUBMITTAL REQUIREMENTS**

The provisions of Article 4 of the Calvert County Zoning Ordinance apply throughout the Solomons Town Center except where indicated herein.

	Article 4 Page No.
4-1 General Requirements for All Uses	1
4-2 General Requirements for Development Plans	2
4-3 General Design Standards for Projects Requiring Site Plan Review	2
4-4 Plan Preparation	2
4-5 Appeals	2

**4-1 GENERAL REQUIREMENTS FOR ALL USES**

The provisions of Section ~~4-1 30-2~~ of the Calvert County Zoning Ordinance apply in the Solomons Town Center except for additions to Section 4-1.01.D and the addition of Section 4-1.01.I. As applied within the Solomons Town Center, Section ~~4-1.01-30-2~~ of the Calvert County Zoning Ordinance is amended to read as follows:

**4-1.01 Permits and Zoning Approval Required (See Section 30-2 of the Calvert County Zoning Ordinance)**

This Section describes the instances when permits and/or zoning approval are required. If a building permit is required, zoning approval will be addressed during the building permit process.

- A. See Calvert County Zoning Ordinance.
- B. See Calvert County Zoning Ordinance.
- C. See Calvert County Zoning Ordinance.
- D. A grading permit, grading permit exemption, and/or zoning approval is required for any grading, clearing or excavating. Grading and clearing permits shall not be issued prior to plot plan, site plan or subdivision approval except in the following instances:
  - 1. If the proposed clearing is a part of state forestry management plan unrelated to preparation of the site for sale or development.
  - 2. If, as part of the final approval process for a subdivision or site plan, the protection of natural features are deemed by the Planning Commission to have been satisfactorily addressed in accordance with the requirements of Article 8 of the Calvert County Zoning Ordinance.
  - 3. If the area to be graded and/or cleared is less than 5,000 square feet and will not disturb historical or archeological sites.
  - 4. If the County or State has determined that there is a need to grade or clear within the right-of-way for road safety purposes.
- E. See Calvert County Zoning Ordinance.
- F. See Calvert County Zoning Ordinance.

Exhibit A

- G. See Calvert County Zoning Ordinance.
- H. See Calvert County Zoning Ordinance.
  
- I. Archaeological and Historic Sites shall be protected as follows:
  - 1. If a building 50 years old or older is located within the boundaries of a proposed development project, the Historic Preservation Planner shall conduct an assessment of the building to evaluate its historic significance based on criteria in established use by the County. If the building is found to have historic significance, the applicant shall meet with the Historic District Commission prior to approval of a plot plan, site plan, or subdivision plat. The purpose of the meeting is to determine the feasibility of retaining the building and incorporating it into the site design. In the event it is not feasible to retain the building or make it available for removal to another site, the applicant will be required to document the structure prior to destruction in accordance with criteria established by the Department of Planning and Zoning. Removal of a historic feature prior to approval of a plot plan, site plan, or subdivision plat may be grounds for denial of the application.
  - 2. An inventory of existing on-site archaeological resources may be required prior to preliminary approval of major subdivisions or issuance of grading permits. To determine whether an inventory of archaeological features is required, an application for review will be reviewed by the Department of Planning & Zoning and submitted to the Historic District Commission and other relevant agencies to determine within 30 days of submittal whether any known archaeological sites or resources are located on the property or whether the characteristics of the site suggest the probability of archaeological resources.
  - 3. For the purpose of this Ordinance, an archaeological resource is defined as a resource that has been identified by applicable County, State or Federal agencies as having archaeological significance. In the event either of the above is found to be relevant, the applicant may be asked to conduct an archaeological survey according to criteria established by the Department of Planning & Zoning, upon recommendations by the relevant agencies or to preserve the resources in place.

**~~4-2 GENERAL REQUIREMENTS FOR DEVELOPMENT PLANS~~**

The provisions of Section ~~4-2~~ **30-3** of the Calvert County Zoning Ordinance apply in the Solomons Town Center with no exceptions.

**~~4-3 GENERAL DESIGN STANDARDS ESTABLISHED FOR PROJECTS REQUIRING SITE PLAN AND PLOT PLAN REVIEW~~**

The provisions of Section ~~4-3~~ **30-3.D** of the Calvert County Zoning Ordinance apply in the Solomons Town Center with no exceptions.

**~~4-4 PLAN PREPARATION~~**

~~The provisions of Section 4-4 of the Calvert County Zoning Ordinance apply in the Solomons Town Center with no exceptions.~~

**4-54 APPEALS**

The provisions of Section ~~4-5~~ **30-11** of the Calvert County Zoning Ordinance apply in the Solomons Town Center with no exceptions.

**ARTICLE 5  
RESIDENTIAL DEVELOPMENT REQUIREMENTS**

The provisions of Article 25 of the Calvert County Zoning Ordinance apply throughout the Solomons Town Center<sup>3</sup> except where indicated herein. Note: Section numbers that are “**RESERVED**” do not apply within the Solomons Town Center.

	Article 5 Page No.
5-1 Residential Density, Lot Area, Lot Width, Setback & Height & Parking Requirements	2
5-2 Lay-out and Design of Single-Family Residential Communities	5
5-3 Townhouse, Single-Family Attached, Multi-family Development, & Mixed Residential Development	5
5-4 Section Number Reserved	5
5-5 Age-Restricted Housing Communities	5

**5-1 RESIDENTIAL DENSITY, LOT AREA, LOT WIDTH, SETBACK, HEIGHT & PARKING REQUIREMENTS**

~~The provisions of Section 5-1 of the Calvert County Zoning Ordinance apply in the Solomons Town Center except for the addition and deletion of certain text. As applied within the Solomons Town Center, Section 5-1 of the Calvert County Zoning Ordinance is amended as follows:~~

5-1.01 Purpose of Regulating Residential Density

The purpose of regulating density is to help ensure that residential development is consistent with the goals and objectives of the Comprehensive Plan and Solomons Master Plan, as well as the purpose and intent of each Zoning Sub-area as defined in Article 2 of this Ordinance.

Section 5-1.02 through Section 5-1.06 – **SECTION NUMBERS RESERVED**

5-1.07 Minimum Setbacks for Single-Family Detached Residential Development

- ~~A. See Calvert County Zoning Ordinance.~~
- ~~B. Section Number Reserved.~~
- ~~C. See Calvert County Zoning Ordinance.~~
- ~~D. See Calvert County Zoning Ordinance.~~
- ~~E. See Calvert County Zoning Ordinance.~~

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<sup>3</sup> The provisions of Article 5 do not apply to mixed-use development in the C1 Sub-area. See Article 6 of this Ordinance for those provisions.

TABLE 5-1 <sup>4</sup> SETBACK REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT											
Single-Family Detached Residential Setback Requirement <sup>5</sup>	South of Lore Road										
	B1	B2	B3	B4	C1 <sup>1</sup>	C2	C3	C4	C5	C6	C7
15 feet from South Solomons Island Road Right-of-Way (R/W)						N/A	✓	✓	✓	✓	
10 feet from all other R/W	✓	✓	✓	✓		N/A	✓	✓	✓	✓	✓
6 feet from side property lines	✓	✓	✓	✓		N/A	✓	✓	✓	✓	✓
20 feet from rear property line	✓	✓	✓	✓		N/A	✓	✓	✓	✓	✓
Single-Family Detached Residential Setback Requirement	North of Lore Road										
	A	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2
100 feet from Route 2/4 Right-of-Way (R/W)	✓	✓	✓		✓	✓				✓	✓
50 feet from Dowell Road R/W				✓	✓	✓	✓	✓	✓		
25 feet from all other R/W	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
6 feet from side property lines	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
20 feet from rear property line	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

5-1.08 Residential Density, Minimum Lot Size, and Lot Width Requirements in the Solomons Town Center

The provisions of **Section 5-1.08 Article 17, Table 17-1** of the Calvert County Zoning Ordinance **are replaced by the following requirements apply** in the Solomons Town Center.

TABLE 5-3 **RESERVED**

- A. Maximum Density.
  1. For new residential development, the base density for all Sub-areas shall not exceed one dwelling unit per acre without the application of Transferable Development Rights (TDRs).
  2. In the C6 Sub-area, the base density may be increased to a maximum of 10 dwelling units per acre with the application of TDRs (see sub-paragraph 'B' of this Section). In the C7 Sub-areas, the base density may be increased to a maximum of four dwelling units per acre with the application of TDRs. For maximum density allowed in the C1 Sub-area, see Section 6-12 of this Ordinance. In all other Sub-areas, the base density may be increased to a maximum of seven dwelling units per acre with the application of TDRs.

<sup>4</sup> ~~Table 5-1 of this Ordinance replaces Table 5-2 of the Calvert County Zoning Ordinance.~~

<sup>5</sup> For setback requirements for residential uses other than single-family detached (e.g., townhouses, multi-family, etc.), see Section **5-3.03 25-3.A.1** of the Calvert County Zoning Ordinance. For mixed use and non-residential setback requirements, see Article 6 of this Ordinance.

Exhibit A

(8/27/14)

- a. For Continuing Retirement Communities, the base density may be increased to a maximum of 10 dwelling units per acre with the application of TDR's as reduced pursuant to Section 5-1.08 (B) (3) (c).
3. The maximum density in all Sub-areas shall be subject to the Critical Area regulations contained in Article ~~8~~ **22** of the Calvert County Zoning Ordinance.
4. The maximum density of a buildable lot shall be based on the gross acreage, including any existing or proposed non-residential development on the property. To determine the maximum density allowed with the application of TDRs, the following formulas shall be used:
  - a. In the C6 Sub-area (density = 10 dwelling units/acre): Divide the gross acreage of the property by 4,356 (1/10<sup>th</sup> of an acre) and round down to the nearest integer.
  - b. In the C7 Sub-areas (density = 4 dwelling units/acre): Divide the gross acreage of the property by 10,890 (1/4<sup>th</sup> of an acre) and round down to the nearest integer.
  - c. For all properties in the Limited Development Area (LDA) of the Critical Area (density = 4 dwelling units/acre): Divide the gross acreage of the property by 10,890 (1/4<sup>th</sup> of an acre) and round down to the nearest integer.
  - d. For all properties in the C1 Sub-area, see Section 6-12.
  - e. For all other properties (density = 7 dwelling units/acre): Divide the gross acreage of the property by 6,222 (1/7<sup>th</sup> of an acre) and round down to the nearest integer.

(05/09/22)

B. Application of Transferable Development Rights (TDRs).

(11/30/15)

1. Five TDRs shall be applied as specified in sub-paragraph B.2 of this Section for each new buildable lot recorded after the adoption of this Ordinance (9/22/09), or each new dwelling unit given final site plan approval after the adoption of this Ordinance (9/22/09).

Exceptions. The application of TDRs is not required in the following instances:

  - a. If a buildable lot is vacant at the time of adoption of this Ordinance (9/22/09), and is later subdivided into additional buildable lots, one dwelling unit may be constructed on one of those lots without the application of TDRs.
  - b. One dwelling unit is permitted per buildable lot if the lot was in existence as of the date of adoption of this Ordinance (9/22/09), and meets the requirements of Section ~~5-1.09~~ **25-6** of the Calvert County Zoning Ordinance.
  - c. One apartment that is accessory to a single-family detached residence and which complies with the requirements of Section ~~3-2.03, Use #1a, 18-5.D~~ of **theis Calvert County Zoning** Ordinance is permitted.

Exhibit A

(11/30/15)  
(4/28/22)

2. Additional residential dwelling units may be permitted with the application of TDRs up to the maximum density allowed by sub-paragraph "A" of this section. The application of five TDRs is required for each additional dwelling unit above the base density of one unit per acre. For example, if the density is 10 dwelling units per acre 10 TDRs are required for nine of the dwelling units. The purchase of five Calvert TDRs is required for each single family detached dwelling unit on lots averaging greater than 10,000 square feet (gross), four TDRs for each single family detached dwelling on lots averaging less than or equal to 10,000 square feet (gross), three TDRs for each attached dwelling unit, three TDRs for each three bedroom multi-family attached dwelling unit, two TDRs for each two bedroom multi-family attached dwelling unit, and one TDR for each one bedroom multi-family attached dwelling unit.
3. The Board of County Commissioners (BOCC) may reduce the number of TDRs required for new residential development in the following instances:
  - a. For workforce housing as defined in Article ~~12~~ of the Calvert County Zoning Ordinance, provided that the conditions specified in Section ~~5-1.05.B-18-5.G.2~~ of the Calvert County Zoning Ordinance are met, and the recommendations of the Calvert Housing Opportunity Committee shall be considered.
  - b. The BOCC may reduce the number of TDRs required by up to 50% for non-profit organizations which meet Internal Revenue Service 5.01.C.3 criteria and provide public benefit, as determined by the Board of County Commissioners. Public benefit may include Leadership in Energy and Environmental Design (LEED) for Neighborhood Development Certification, Silver (or better) LEED Certification for all buildings and/or the provision of public access lands.
  - c. For Continuing Care Retirement Communities, the number of TDRs required for new residential development shall be reduced by 50%.
- C. Minimum Lot Size. The minimum lot size for residential development is 4,000 square feet in all Sub-areas except C1 (See Section 6-12). A variance in the minimum lot size requirements shall not be granted if doing so will result in an increase in the maximum density allowed.
- D. Minimum Lot Widths. There is no minimum lot width in the Sub-areas located south of Lore Road. For properties north of Lore Road, the minimum lot width for residential development shall be 75 feet in all Sub-areas except Sub-areas E1 and E3. In those Sub-areas, the lot width requirements may be reduced below 75 feet if the condition specified in Section 5-1.12 is met.

(8/27/14)

5-1.09 Development of Previously-Recorded Residential Lots

The provisions of Section ~~5-1.09 25-6~~ of the Calvert County Zoning Ordinance apply in the Solomons Town Center with the exception of paragraph 'A.1', which does not apply.

5-1.10 Accessory Use Setbacks

The provisions of Section ~~5-1.10~~ **Article 19** of the Calvert County Zoning Ordinance apply in the Solomons Town Center with no exceptions.

5-1.11 Height Regulations for Residential Development

The provisions of Section ~~5-1.11~~ **Section 25-5.B.** of the Calvert County Zoning Ordinance are replaced by the following requirements in the Solomons Town Center:

In addition to the height regulations of this Section, all structures shall conform to the Solomons Appearance Code (Section 6-7 of this Ordinance).

Exhibit A

(8/27/14)

- A. The maximum height of a building or structure shall be measured using either of the following methods, whichever allows for a greater height:
  - 1. from the average elevation of the finished grade at the front of the building facing the street to the highest point of the roof; or
  - 2. if the first floor of the building is elevated to the 10-foot contour above the mean high water line, the maximum height shall be measured from that point to the highest point of the roof.
- B. In Planning Areas B and C, the height of structures is limited to 2 stories plus a habitable roof, with a 6/12 to 12/12 pitch, but not to exceed 36 feet.
- C. In Planning Areas D, E, and F the height of structures is limited to 3 stories plus a habitable roof, but not to exceed 50 feet. Notwithstanding the foregoing, the height of any structure which is part of a Continuing Care Retirement Community is limited to 5 stories and shall not exceed 68 feet.
- D. Exemptions:
  - 1. Fire towers, hose towers, cooling towers, steeples, flag poles, silos, smokestacks, masts, transmission line poles and towers, water tanks, and monuments are exempt from height restrictions unless used for the purpose of camouflaging or concealing wireless communications facilities such as towers or antennas. Such structures shall be subject to the requirements of Section ~~3-3-18-12.C.~~ of the Calvert County Zoning Ordinance.
  - 2. The Planning Commission or its designee may allow architectural features such as clock towers, turrets, widow's walks, or cupolas attached to a residential structure to exceed the height regulations subject to the following conditions:
    - a. the outside measurements of the feature do not exceed 150 square feet; and
    - b. the feature does not exceed the height requirements by more than 12 feet.

5-1.12 Parking Requirements for Residential Development

The provisions of ~~Section 5-1.12 Article 27~~ of the Calvert County Zoning Ordinance apply in the Solomons Town Center except for the addition of the following paragraphs:

- A. ~~See Calvert County Zoning Ordinance.~~ The parking requirements contained in Section 6-12.05 of this Ordinance apply in the C1 Sub-area.
- B. ~~See Calvert County Zoning Ordinance.~~ In Sub-areas E1 and E3, the lot width requirements may be reduced below 75 feet if the following condition is met: Two off-street parking spaces shall be provided for each dwelling unit. In addition, a minimum of an additional 15 percent of the total number of spaces provided for the single-family detached dwelling units shall be provided for guest and overflow parking. Such parking shall either be provided as on-street parking or a separate parking area within easy walking distance of the majority of the dwelling units within the development.
- C. ~~See Calvert County Zoning Ordinance.~~
- D. .
- E. .

5-2 **LAY-OUT AND DESIGN OF SINGLE-FAMILY RESIDENTIAL COMMUNITIES**

The provisions of Section ~~5-2 25-1 and 25-2~~ of the Calvert County Zoning Ordinance apply in the Solomons Town Center except in the C1 Sub-area, which is subject to the Form-Based Code in Section 6-12 of this Ordinance.

**5-3 TOWNHOUSE, SINGLE-FAMILY ATTACHED, MULTI-FAMILY DEVELOPMENT, & MIXED RESIDENTIAL DEVELOPMENT**

The provisions of Section ~~5-3~~ **25-3** of the Calvert County Zoning Ordinance apply in the Solomons Town Center except in the C1 Sub-area, which is subject to the Form-Based Code in Section 6-12 of this Ordinance.

**5-4 SECTION NUMBER RESERVED**

**5-5 AGE-RESTRICTED HOUSING COMMUNITIES**

The provisions of Section ~~5-5~~ **25-7** of the Calvert County Zoning Ordinance apply in the Solomons Town Center with no exceptions.

**ARTICLE 6  
NON-RESIDENTIAL & MIXED USE DEVELOPMENT REQUIREMENTS**

The provisions of Articles **6 25, 26,27,28, and 29** of the Calvert County Zoning Ordinance apply throughout the Solomons Town Center, except where indicated herein. Note: Section numbers that are **“RESERVED”** do not apply within the Solomons Town Center.

	Article 6 Page No.
6-1 Non-Residential & Mixed Use Development Requirements	1
6-2 Lot area, Setback & Height Requirements for Non-Residential Uses & Mixed Uses	1
6-3 Parking And Loading Requirements For Non-Residential Uses	4
6-4 Pedestrian/Vehicular Flow	5
6-5 Landscaping	5
6-6 Outdoor Lighting	7
6-7 Appearance Code	7
6-8 Signs	12
6-9 Section Number Reserved	17
6-10 Adequate Public Facilities Requirements	17
6-11 Appeals	17
6-12 Sub-Area C1 Form-Based Code	19

**6-1 NON-RESIDENTIAL & MIXED USE DEVELOPMENT REQUIREMENTS**

**6-1.01 Purpose and Intent**

~~The provisions of Section 6-1.01 of the Calvert County Zoning Ordinance apply in the Solomons Town Center with no exceptions.~~ **The provisions of this Article are intended to promote public health, safety and welfare by facilitating well-designed and orderly development that is compatible with existing land uses and complies with applicable plan. The provisions of this Article apply to all commercial, industrial, public, quasi-public, and non-profit uses.**

**6-1.02 SECTION NUMBER RESERVED**

**6-2 LOT AREA, SETBACK & HEIGHT REQUIREMENTS FOR NON-RESIDENTIAL USES & MIXED USES**

**6-2.01 Purpose of Lot Area, Lot Width, Setback Requirements for Non-Residential Development**

**A. SECTION NUMBER RESERVED**

**B. See Calvert County Zoning Ordinance.**

TABLE 6-1.A <sup>6</sup> SETBACK REQUIREMENTS FOR NON-RESIDENTIAL DEVELOPMENT & MIXED USE DEVELOPMENT											
Setback Requirements for Structures & Uses (Principal & Accessory)	South of Lore Road										
	B1	B2	B3	B4	C1 <sup>7</sup>	C2	C3	C4	C5	C6	C7
15 feet from Solomons Island Road Right-of-Way (R/W)						N/A	✓	✓	✓	✓	
10 feet from all other R/W	✓	✓	✓	✓		N/A	✓	✓	✓	✓	✓
30 feet from side & rear property lines <sup>8</sup>	✓	✓	✓			N/A	✓	✓	✓	✓	✓
50 feet from side & rear property lines <sup>3</sup>				✓							
Setback Requirements for Structures & Uses (Principal & Accessory)	North of Lore Road										
	A	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2
100 feet from Route 2/4 Right-of-Way (R/W)	✓	✓	✓		✓	✓				✓	✓
50 feet from Dowell Road & H. G. Trueman Road R/W				✓	✓	✓	✓	✓	✓		
15 feet from all other R/W	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
30 feet from side & rear property lines <sup>3</sup>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

6-2.02 Height Regulations for Non-Residential Development & Mixed Use Development

The provisions of Section **6-2.02 25-5.B** of the Calvert County Zoning Ordinance are replaced by the following requirements in the Solomons Town Center:

In addition to the height regulations of this Section, all structures shall conform to the Solomons Appearance Code (Section 6-7 of this Ordinance).

<sup>6</sup> ~~Table 6-1.A replaces in its entirety Table 6-1 of the Calvert County Zoning Ordinance.~~

<sup>7</sup> The C1 Sub-area is subject to the setback requirements contained in the Form-Based Code (Section 6-12 herein).

<sup>8</sup> The side and rear setbacks may be reduced by the Planning Commission or its designee to as low as 0 feet if:

- a. Maintenance is addressed; and
- b. emergency vehicle access is addressed and approved by the Public Safety Dept.; and
- c. the adjoining property has a compatible use or written permission is received from all owners of properties that share a boundary along which a setback reduction is proposed; and
- d. existing screening is determined to be adequate or adequate screening will be provided.

Note: A variance from the Board of Appeals may be sought if the above conditions can not be met.

Exhibit A

- A. The maximum height of a building or structure shall be measured using either of the following methods, whichever allows for a greater height:
  1. from the average elevation of the finished grade at the front of the building facing the street to the highest point of the roof; or
  2. if the first floor of the building is elevated to the 10-foot contour above the mean high water line, the maximum height shall be measured from that point to the highest point of the roof.
- B. In Planning Areas B and C, the height of structures is limited to two stories plus a habitable roof, with a 6/12 to 12/12 pitch, but not to exceed 36 feet.
- C. In Planning Areas D, E, and F the height of structures is limited to three stories plus a habitable roof, but not to exceed 50 feet.
- D. Exemptions:
  1. Fire towers, hose towers, cooling towers, steeples, flag poles, silos, smokestacks, masts, transmission line poles and towers, water tanks, and monuments are exempt from height restrictions unless used for the purpose of camouflaging or concealing wireless communications facilities such as towers or antennas. Such structures shall be subject to the requirements of Section ~~3-3-18-12.C~~ of the Calvert County Zoning Ordinance.
  2. The Planning Commission or its designee may allow architectural features such as clock towers, turrets, widow's walks, or cupolas attached to a non-residential or mixed-use structure to exceed the height regulations subject to the following conditions:
    - a. the outside measurements of the feature do not exceed 150 square feet; and
    - b. the feature does not exceed the height requirements by more than 12 feet.
  3. If a building is designed with a green roof to absorb stormwater, the Planning Commission may approve a flat roof, subject to the same height restrictions outlined above and the following conditions:
    - a. A corniced parapet or mansard roof is required to shield equipment on the roof.
    - b. At least 60 percent of the flat roof shall be covered in plantings.

## 6-12 SUB-AREA C1 FORM-BASED CODE

### 6-12.01 Purpose and General Provisions

#### A. Purpose

The purpose of this Form-Based Code is to implement the land use policies of the Solomons Master Plan, one of which states:

*“The property east of Solomons Island Road from the Tide Box to Charles Street, Sub-area C1, is identified for a mix of residential, commercial, and marina uses. On-site parking requirements should be reduced in order to help reinforce the mixed-use character and pedestrian scale of the area. Steps should be taken to ensure that uses are compatible with each other. In particular, it is important to promote a balanced mix of uses and to avoid any one use dominating others.”*

Specific priorities identified for this area include the following and are addressed in this Form-Based Code:

1. Consider a development bonus for desired public benefit, such as public access, preferred uses, design changes, etc.
2. Encourage a mix of uses.
3. Facilitate ground floor retail/dining to face the street.
4. Establish build-to lines and reinforce the vernacular architecture and existing character of the Island.
5. Clarify and illustrate the review process; modify inconsistent policies.

#### B. General Provisions

1. The provisions of this Form-Based Code apply to the C1 Sub-area of the Solomons Town Center only.
2. In addition to the requirements contained in this Section, all properties in the C1 Sub-area shall comply with the Environmental Regulations contained in Articles **8-20, 21 and 22** and the Plot Plan/Site Plan requirements of Article **4-30** of the Calvert County Zoning Ordinance, as well as the Appearance Code requirements contained in Section 6-7 of this Ordinance.
3. Although the properties in the C1 Sub-area are considered “double-fronted” (bordered by the street in the front and the water in the rear), for the purposes of this Code, the “Front” of a property is considered the property line adjoining S. Solomons Island Road or Charles Street. The “Rear” of a property is considered the property line adjoining the water.



**POTENTIAL LANDSCAPE BUFFER ALONG RIVERWALK**

Sketch by EDAW Design Consultants – December 2007

Exhibit A

6-12.02 Building Size, Orientation and Facades

A. Building Size.

No single building footprint shall exceed 5000 square feet. Exception: The footprint may be expanded to no more than 8000 square feet if the building is certified either LEED Silver or Green Globe designation. The minimum footprint of any building constructed at the front build-to line shall be no less than 1000 square feet and shall be at least two stories in height.

B. Building Orientation.

1. Due to the fact that most lots within the C1 Sub-area are “double-fronted” (bordered by the street in the front and the water in the rear), buildings shall be oriented and architecturally designed to avoid the appearance of the back of a building facing the street or the water.
2. Buildings constructed at the front build-to line shall have a front porch and main entrance facing the adjoining street. The following conditions apply to the front porch:
  - a. The depth of the porch shall be a minimum of eight feet and a maximum of 14 feet. The length of the porch shall be in proportion with the length of the front building wall, equaling at

<p><b>Late Victorian Farmhouse</b> with roof ridge parallel to the street.</p>	
<p><b>Colonial Revival</b> with roof ridge parallel to the street.</p>	
<p><b>Early 20th Century Commercial</b> with roof ridge parallel to the street.</p>	
<p style="text-align: center;"><b>ILLUSTRATION 6-12.1</b> <b>Architectural Styles</b> (DPZ photos)</p>	

Exhibit A

least 80 percent of that length.

- b. While the front of the porch shall be constructed at the build-to line, the square footage of the porch shall be excluded from the minimum and maximum footprint requirements contained in paragraph 'A' of this Section.
  - c. Wrap-around porches are permitted and encouraged for buildings with entrances along the sides of the building.
3. When more than one building is constructed on a site, the buildings shall be separated an adequate distance to provide pedestrian access between the buildings and to allow for maintenance of the buildings.

C. Building Facades.

The dominant architectural styles in the C1 Sub-area are shown in **Illustration 6-12.1**. The facades of new or remodeled buildings shall be architecturally compatible with these styles in order to reinforce the vernacular architecture and existing character of the area. Some historic buildings in the C1 Sub-area have or had flat roofs, which are permitted, subject to the requirements of Section 6-12.03.C of this Ordinance. (**See Illustration 6-12.2**)

**Locust Inn**  
(early 1900's)



**Original Bowen's Inn**  
(torn down in 1976)



**ILLUSTRATION 6-12.2**

**Historic Inns with Flat Roofs**

(from "Solomons Island & Vicinity: An Illustrated History and Walking Tour", compiled by Richard J. Dodds, Calvert Marine Museum, 1995)

Exhibit A

6-12.03. Building Elevations and Height Requirements

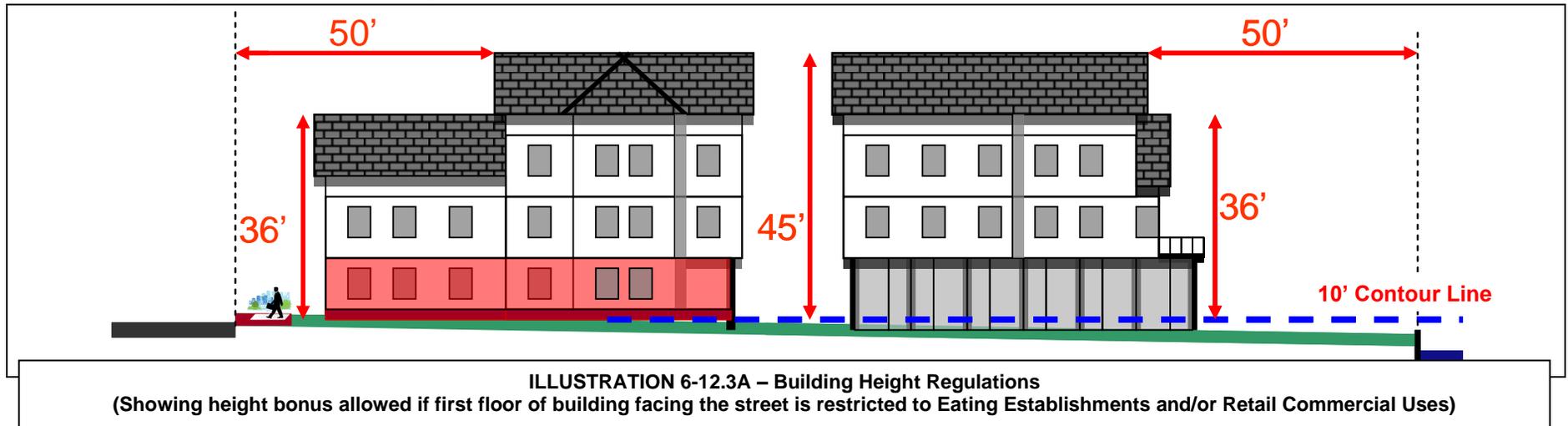
- A. Building height is to be measured using either of the following methods, whichever allows for a greater height: *(See Illustration 6-12.3)*
  - 1. from the average elevation of finished grade at the front of the building facing the street; or
  - 2. if the first floor of the building is elevated to the 10-foot contour above the mean high water line, the maximum height shall be measured from that point to the highest point of the roof.
- B. The maximum building height shall be two stories plus a habitable roof, for a maximum height of 36 feet.

**BONUS:** If the property owner is willing to record covenants in the Land Records of Calvert County stating that the use of the entire net floor area of the first floor of the building facing the street<sup>1</sup> will be restricted to eating establishments and/or retail commercial uses, then the building height may be increased to 45 feet, so long as the front wall of the bonus floor area is set back at least 50 feet from the street right-of-way and the rear wall of the bonus floor area is set back at least 50 feet from the mean high water line. *(See Illustration 6-12.3a)*

- C. If a building is designed with a green roof to absorb stormwater, the Planning Commission may approve a flat roof, subject to the same height restrictions outlined above and the following conditions:
  - 1. A mansard roof or parapet with cornice is required to shield equipment on the roof.
  - 2. At least 60 percent of the roof shall be covered in plantings. *(See Illustration 6-12.3b)*



**ILLUSTRATION 6-12.3b**  
Flat Green Roof

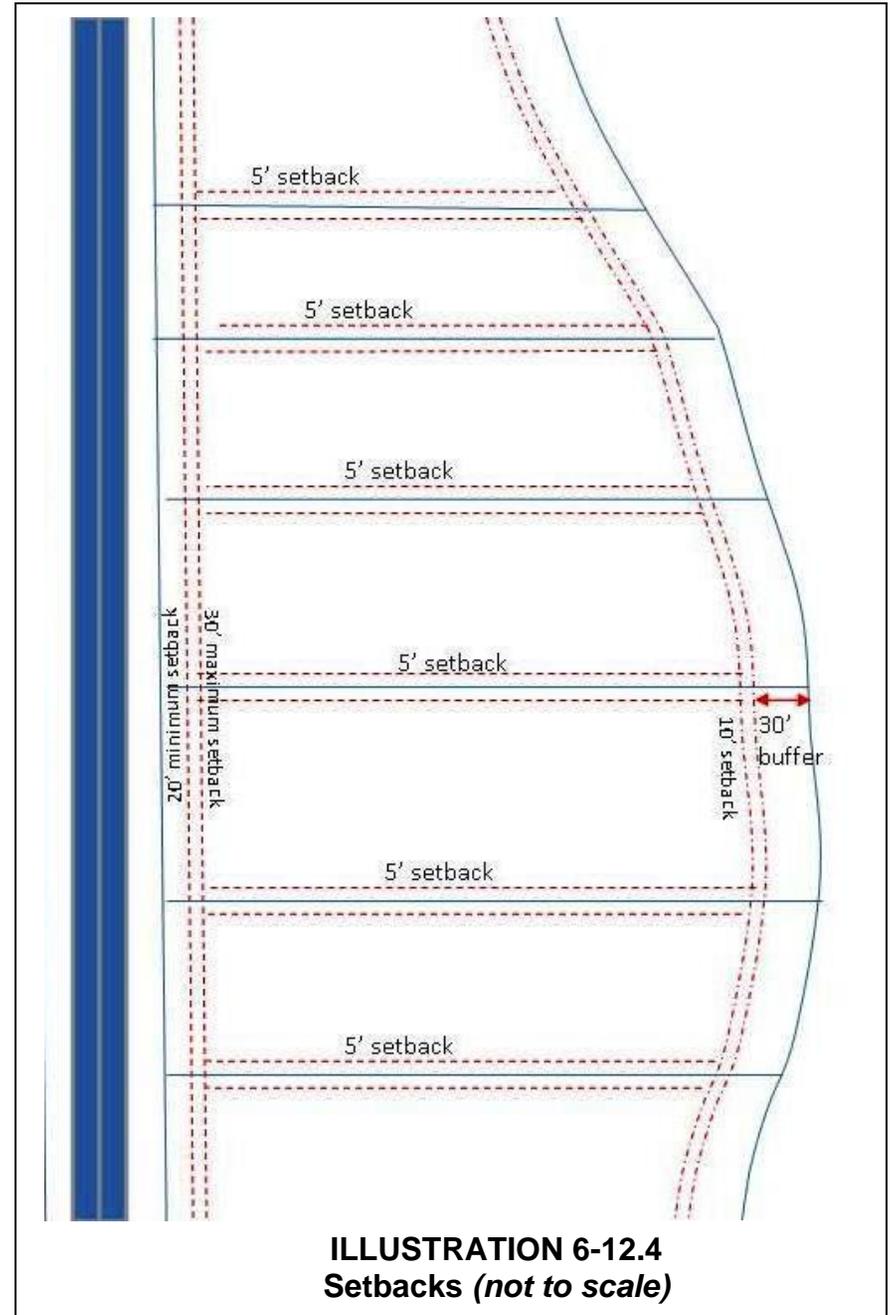


<sup>1</sup> If a lot is a flag lot, and the building envelope is located on the harbor side, the provisions of this paragraph shall apply to the building closest to the waterfront.

Exhibit A

6-12.04 Lot Size, Coverage and Setback Requirements

- A. Lot Size and Coverage. There are no minimum lot size or maximum lot coverage requirements other than the limitations which result from the imposition of maximum density requirements, setbacks, and buffers.
- B. Setbacks. (See **Illustration 6-12.4**)
  - 1. Front: A build-to line is established from the rights-of-way for S. Solomons Island Road and Charles Street. The front of at least one building shall be constructed no less than 20 feet and no more than 30 feet from the edge of the right-of-way. See paragraph 'D' of this Section regarding front porches.
  - 2. Sides: Side setbacks shall be five feet, but may be reduced by the Planning Commission or its designee to 0 feet if the following conditions are met:
    - a. maintenance is addressed;
    - b. and emergency vehicle access is addressed and approved by the Dept. of Public Safety; and
    - c. the adjoining property has a compatible use, or written approval is received from all owners of properties that share a boundary along which a setback reduction is proposed; and
    - d. existing screening is determined to be adequate or that adequate screening will be provided.
  - 3. Rear/Waterfront: A buffer measured inland 30 feet from the mean high water line is required along the waterfront in accordance with Section **8-1.08.D.4.e 22-6.D.13.e** of the Calvert County Zoning Ordinance (Critical Area regulations.) A 10-foot setback from the edge of the buffer shall also be imposed for principal structures (unenclosed decks and patios are exempt). The Zoning Officer may reduce the setback to no less than 5 feet if a finding is made that the buffer will be sufficiently protected.



6-12.05 Parking, Loading Requirements and Property Access

A. Parking. The following provisions apply:

1. No on-site parking shall be permitted between the street and any building constructed at the front build-to line.

**BONUS:** To encourage a true mix of uses in the C1 Sub-area, no on-site parking is required for commercial uses.

2. Three parking spaces are required for all detached dwelling units, and two parking spaces are required for all other dwelling units.

**BONUS:** Only one parking space is required for each dwelling unit meeting the requirements of Section 6-12.07.C.2 of this Ordinance.

3. Parking spaces provided under buildings located in the rear of the lot are encouraged and shall count toward meeting the requirements of this Section. Such parking is not permitted under buildings facing the street.

B. Loading, Unloading and Trash Boxes.

1. Designated loading and unloading spaces are prohibited in the C1 Sub-area.
2. Property owners are encouraged to share trash boxes. Trash boxes shall be positioned and screened so that they are not visible from the adjoining street.

C. Pedestrian Access. Sites shall be designed to be pedestrian-friendly and to:

1. Promote access for persons with disabilities in compliance with the Maryland Accessibility Code (MAC).

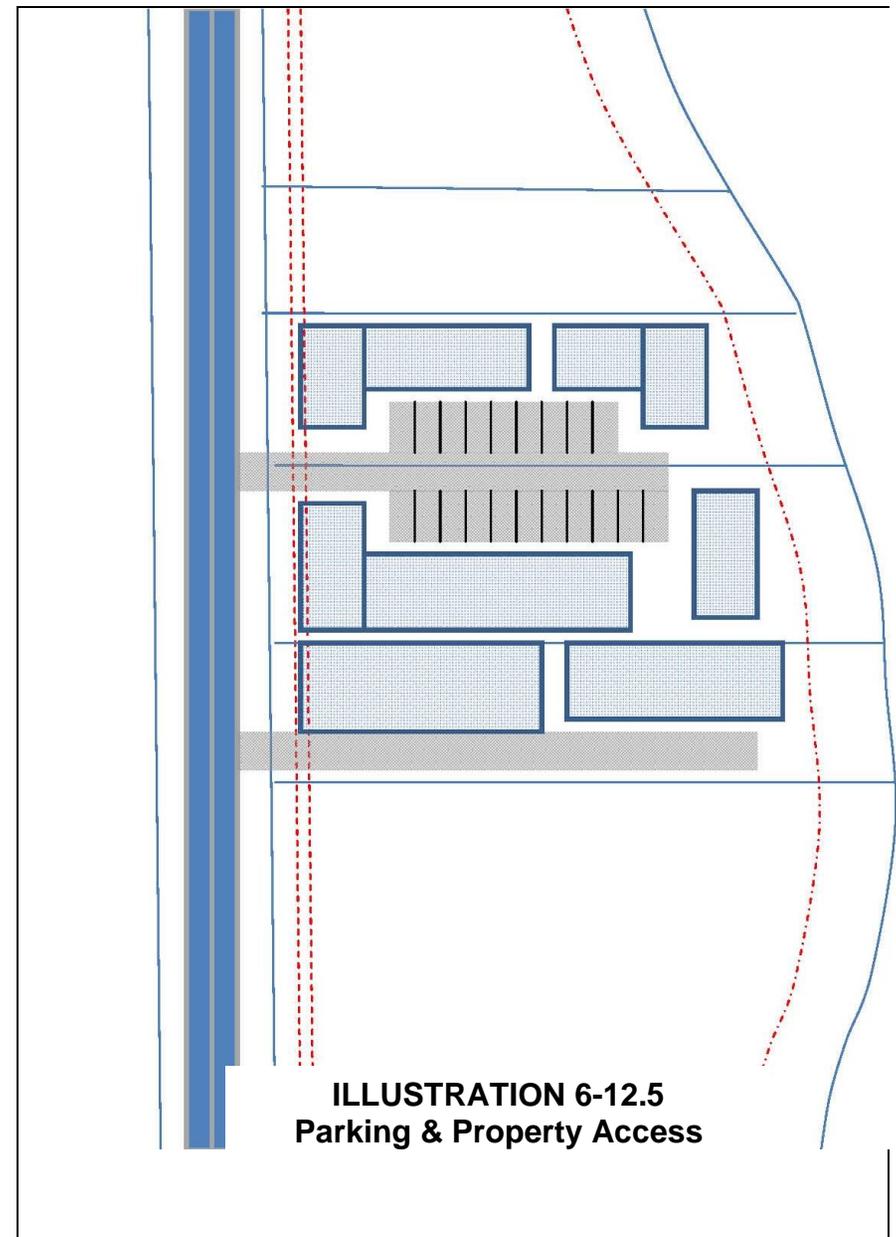


Exhibit A

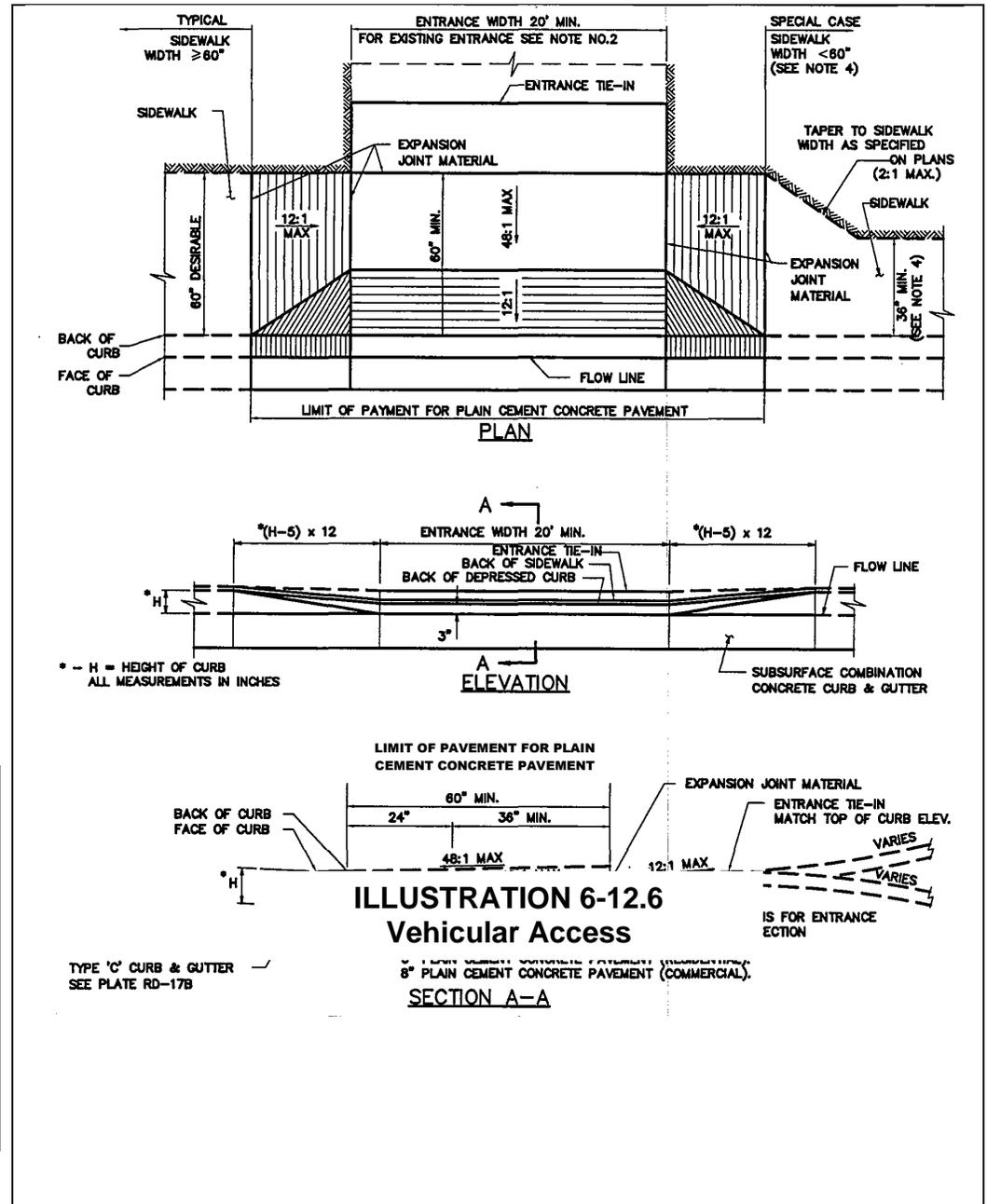
2. Discourage pedestrians and vehicles from sharing the same pathways and provide for bicycle access.
3. Indicate pedestrian walkways by a change in pavement surface and/or height and a narrowing of the travel lanes.
4. Provide dedicated pedestrian walkways between multiple buildings on a single site and from parcel line to parcel line along the road frontage.
5. Sidewalks shall be provided in accordance with the Solomons Town Center Master Plan.

D. Vehicular Access. The following provisions apply:

1. Sharing of driveways is encouraged. To encourage a pedestrian scale of development, narrow driveways (minimum width of 16 feet) are permitted and encouraged. **(See Illustration 6-12.5)**
2. If access to the development is proposed over one or more adjacent properties, a permanent access easement 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.
3. **Illustration 6-12.6** shall be used to design new entrances serving the C1 area.

**Notes:**

1. For use in areas where there is sidewalk adjacent to the back of curb or where it is expected that sidewalk will be added in the future.
2. When an existing entrance is less than 20' in width, a uniform taper shall be constructed to tie into the existing entrance as directed by the Engineer.
3. Expansion joint material to be installed in accordance with STD. MD-655.01 (current as amended).
4. Where 60" sidewalk can not be provided, 36" minimum may be used as long as passing zones are provided in accordance with STD. MD-655.02 (current as amended).
5. Subbase 6" Graded Aggregate B.



## Exhibit A

### 6-12.06 Landscaping, Screening, and Outdoor Lighting

#### A. Landscaping and Screening. (See *Illustration 6-12.7*)

1. In order to enhance the streetscape along S. Solomons Island Road and Charles Street, the area between the front build-to line (as described in Section 6-12.04.B) and the street right-of-way shall be heavily landscaped with flowering plants and shrubs.
2. Outdoor Patron Areas shall be screened in accordance with the requirements of Section 6-5.06 of this Ordinance.
3. The waterfront buffer shall be maintained in accordance with the requirements of **Section 8-4 Article 22** of the Calvert County Zoning Ordinance.
4. The requirements of the Section 8-4, Tree Ordinance, shall be met.

#### B. Outdoor Lighting.

All outdoor lighting shall be installed in accordance with **Section 6-6 Article 26** of the Calvert County Zoning Ordinance as well as the Appearance Code of this Ordinance (Section 6-7).

### 6-12.07 Permitted Land Uses

A mix of uses is encouraged in the C1 Sub-area, particularly those uses which will draw visitors to the area. The general use categories listed below are based on the Table of Land Uses contained in Section 3-1 of this Ordinance. Conditions are imposed, where necessary, to achieve the goals of the Solomons Master Plan and the objectives of this Form-Based Code. Certain uses are prohibited as indicated below.

#### A. Agritourism, Eco-Tourism, and Heritage Tourism Uses (See **Section 3-1.01 Article 18, Table 18-3**).

The majority of these uses are intended to be located on farms. Therefore, only “Commercial Kayak and/or Canoe Launching Site” and “Heritage Trail Displays” are permitted in the C1 Sub-area,



**ILLUSTRATION 6-12.7**  
**Landscaping Along Street**  
Photo credit: Victorian B&B, Cape May, NJ

subject to the conditions of Section ~~3-2.04~~ **18-3**.

B. Agricultural Uses (See ~~Section 3-1.02~~ **Article 18, Table 18-3**). The majority of these uses are intended to be located on farms. Therefore, they are not permitted in the C1 Sub-area.

C. Residential Uses (See ~~Section 3-1.03~~ **Article 18, Table 18-3**). Single-family detached dwelling units are not encouraged in the C1 Sub-area. Attached dwelling units or multi-family dwelling units in mixed-use developments better fit with the purpose of these regulations in that they consume less land in this very important commercial village core area.

1. One single-family detached residence may be constructed on an existing buildable lot meeting the requirements of ~~5-1.09~~ **Section 25-6** of the Calvert County Zoning Ordinance as of 9/22/09. No Transferable Development Rights are required.
2. If the bonus provisions of 6-12.03 B. are met and the first floor of the building facing the street is restricted to retail or eating establishments, a maximum of 20 residential units per acre is permitted. Density shall be calculated by dividing the total lot area by 2178 (1/20<sup>th</sup> of an acre) and rounding down to the nearest integer. The following conditions shall be met:

(4/28/22)

- a. TDRs are required for each residential unit after the first unit per buildable lot as of 9/22/09. Purchase of five Calvert County TDRs is required for each single-family, detached unit on lots averaging greater than 10,000 square feet (gross); four TDRs for each single-family, detached dwelling on lots less than or equal to 10,000 square feet (gross); three TDRs for each attached dwelling, three TDRs for each three-bedroom, multi-family unit; two TDRs for each two-bedroom, multi-family unit; and one TDR for each one-bedroom, multi-family unit. (11/30/15)
- b. If any of the dwelling units are restricted by recorded covenants to occupants who qualify for workforce housing as defined in the Calvert County Zoning Ordinance, the following conditions

- i. Renter eligibility shall be verified by the Calvert County Housing Authority.
- ii. No TDRs are required for workforce housing.
- iii. Workforce housing units shall be at least 500 square feet in size

3. Manufactured homes shall not be permitted.

D. Commercial Retail Uses (See ~~Section 3-1.04~~ **Article 18, Table 18-3**). Most commercial retail uses are permitted except:

1. No drive-up facilities shall be permitted.
2. Outdoor ~~Patron Areas~~ **Sales and Display** shall be subject to the conditions of Section ~~3-2.04~~ **19-1.N**.

E. Business and Personal Services Uses (See ~~Section 3-1.05~~ **Article 18, Table 18-3**). Most Business and Personal Service uses are permitted except:

1. No drive-up facilities shall be permitted.
2. Outdoor Patron Areas shall be subject to the conditions of Section ~~3-2.05~~ **18-7.K..**
3. Adult Entertainment Businesses are not permitted.

F. Recreation Uses (See ~~Section 3-1.06~~ **Article 18, Table 18-3**). Only Indoor Recreation Uses are permitted.

G. Commercial Wholesale Uses (See ~~Section 3-1.07~~ **Article 18, Table 18-3**). Commercial Wholesale Uses are prohibited.

H. Motor Vehicle and Related Services Uses (See ~~Section 3-1.08~~ **Article 18, Table 18-3**). Motor Vehicle and Related Service Uses are prohibited except:

1. One Inoperative Vehicle per lot.
2. Parking of Commercial Vehicles, subject to the conditions of Section ~~3-2.08~~ **18-10** of ~~this~~ **the Calvert County Zoning** Ordinance.

I. Industrial Uses (See ~~Section 3-1.09~~ **Article 18, Table 18-3**). Industrial Uses are prohibited except:

1. Industrial Uses accessory to a marina.

Exhibit A

apply to those units:

2. Environmental Research and Development, subject to

Exhibit A

the conditions of Section ~~3-2.09~~ **18-11.Q** of ~~this the~~ **Calvert County Zoning** Ordinance.

- 3. ~~Power Generating Facilities Accessory to a Business or Residence, subject to the conditions of Section 3-2.09 of this Ordinance.~~**

- J. Institutional Uses (See **Section 3-1.10 Article 18, Table 18-3**). The following Institutional Uses are prohibited:

1. College or University.
2. Day Care Centers with more than 12 clients.
3. Elementary or Secondary School.
4. Fire and/or Rescue Service
5. Hospital
6. Nursing or Convalescent Home
7. Solid Waste Collection Site, Non-Government
8. Temporary Structure Incidental to Schools (classroom relocatables)
9. Wastewater Treatment Facility
10. Water Treatment Facility

- K. Unclassified Uses (See **Section 3-1.11 Article 18, Table 18-3**). The following Unclassified Uses are prohibited:

1. Airport or Landing Field
2. Communications Towers. Antennas may be permitted subject to the requirements of Section ~~3-3~~ **18-12.C.** of the Calvert County Zoning Ordinance.
3. Heliport
4. Livestock kept as pets, unless kept entirely indoors.
5. Model Home
6. Temporary Structure Incidental to Sales or Rentals in New Residential or Commercial Developments (sales trailers)
7. Temporary Recreational Vehicle at Construction site (for watchman)

8. Unoccupied Recreational Vehicle
9. Wild or Dangerous Animals

Exhibit A

**ARTICLE 7**  
**SUBDIVISION REGULATIONS**

The provisions of Article ~~7~~ 31 of the Calvert County Zoning Ordinance apply throughout the Solomons Town Center without exceptions.

**ARTICLE 8  
ENVIRONMENTAL REQUIREMENTS**

The provisions of Articles **8-20, 21, 22, and 24** of the Calvert County Zoning Ordinance apply throughout the Solomons Town Center except where indicated herein.

	Article 8 Page No.
8-1 Critical Area District	1
8-2 Natural Resources Protection Areas	1
8-3 Forest Conservation Requirements	4
8-4 Tree Canopy Requirements	4

**8-1 CRITICAL AREA DISTRICT**

The provisions of ~~Section 8-1~~ **Article 22** of the Calvert County Zoning Ordinance apply in the Solomons Town Center except for the addition of sub-paragraphs ~~8-1.08.D.4.a~~ **22-6.D.13.a**. As applied within the Solomons Town Center, Section ~~8-1.08.D.4.a~~ **22-6.D.13.a** of the Calvert County Zoning Ordinance is amended by the addition of sub-paragraphs (i) and (ii) as follows:

8-1.08 Habitat Protection Areas

**D.A.** Critical Area Buffer

4. Special Buffer Management Areas

- a. The location of Special Buffer Management Areas are designated by the Board of County Commissioners and approved by the Critical Area Commission and are depicted on ~~Maps 8-1.1 and 8-1.2~~ **Figures 22-1 and 22-2**.

- (i) Primary Developed Areas

- In the Solomons Town Center, the Special Buffer Management Areas include Sub-areas B1, B2, B3, C1, C4, C6 and C7 in their entirety and parts of Sub-areas D1, D2, E1, and E5.

- (ii) Partially Developed Areas

- In the Solomons Town Center, this includes all of Sub-area C3. A 100' Critical Area buffer is required in this area except along the Island bulkhead, which is already developed to a zero foot buffer.

**8-2 NATURAL RESOURCES PROTECTION AREAS**

8-2.01 General Requirements

The provisions of Section ~~8-2.01~~ **Article 21** of the Calvert County Zoning Ordinance apply in the Solomons Town Center ~~with no exceptions~~.

8-2.02 Shoreline and Cliff Areas on the Chesapeake Bay, Patuxent River and their Tributaries

The provisions of Section ~~8-2.02~~ **22-7** of the Calvert County Zoning Ordinance apply in the Solomons Town Center with no exceptions.

### 8-2.03 Floodplain Area

The provisions of ~~Section 8-2.03~~ **Article 24** of the Calvert County Zoning Ordinance apply in the Solomons Town Center except for the addition of text to sub-paragraphs ~~8-2.03.C.24-1.E~~. As applied within the Solomons Town Center, Section ~~8-2.03.C.24-1.E~~ of the Calvert County Zoning Ordinance is amended to read as follows:

- C.A.** Detailed regulations and maps are hereby made a part of this Ordinance but maintained in a separate document entitled Calvert County Floodplain Management Ordinance and in separate maps entitled Calvert County Flood Insurance Rate Maps. All new development in the Solomons Town Center shall meet the requirements of the Calvert County Floodplain Management Ordinance with the exception of the definition of the Flood Protection Elevation (FPE). In the Solomons Town Center, the Flood Protection Elevation shall be the 10-foot contour above the mean high water line.

### 8-2.04 Erodible Soils-Adjoining Streams and Slopes 25 Percent or Greater

The provisions of **Section 8-2.04 Article 21** of the Calvert County Zoning Ordinance apply in the Solomons Town Center with no exceptions.

### 8-2.05 Wetlands

The provisions of ~~Section 8-2.05~~ **Article 21** of the Calvert County Zoning Ordinance apply in the Solomons Town Center except for variations to the requirements of ~~Section 21-1.D.6 sub-paragraphs 'C.4' and 'C.6'~~. As applied within the Solomons Town Center, Section ~~21-1.D.6 8-2.05.C.4 and 8-2.05.C.6~~ of the Calvert County Zoning Ordinance are **is** amended to read as follows:

~~C.~~ **The following regulations apply within and adjacent to wetlands:**

- ~~4.~~ **Buffer. A buffer zone of 50 feet adjacent to nontidal wetlands and 100 feet adjacent to tidal wetlands shall be maintained and the following additional requirements shall apply to the wetland buffer:**
  - ~~a.~~ **These areas shall be designated on the preliminary and final subdivision plat and/or site plan or plot plan, with a note included on each stating the following: "These areas are to be left undisturbed in perpetuity and to serve for water quality benefits." and**
  - ~~b.~~ **When any disturbance is proposed within 100 feet of the edge of the wetland buffer, protective snow fencing shall be placed at the edge of the buffer; and**
  - ~~c.~~ **A 10-foot setback shall be maintained from the edge of the wetland buffer.**
  - ~~d.~~ **When adjacent slopes to the wetland buffer are less than 25 percent, the wetland buffer may be reduced to 25' for commercial and public uses if adequate methods to protect the wetlands and the 25' wetland buffer are formulated by the developer and approved by the Planning Commission. Mitigation and bonding as described in 6.f below shall be provided.**

#### **A. Wetland Requirements**

- ~~6.~~ **Filling Wetlands are valued for their ability to remove pollutants, control floodwaters, promote groundwater infiltration, and ability to provide habitat for wildlife.**
  - 1.**

Impacts to wetlands should be avoided and minimized but, may be approved at the

discretion of the Planning Commission upon recommendation of the Zoning Officer, when the following conditions can be met:

- a. To provide access when no other option exists
- b. To comply with the County Transportation Plan, or Town Center Master Plan
- c. To provide necessary public infrastructure
- d. To enhance the economic viability of the Town Centers

In addition, wetland fills for roads, multi-family and commercial developments may be approved if the following criteria are met:

- a. The wetlands are not located in the floodplain as indicated on the Flood Insurance Rate Maps (FIRMs) or as determined by elevations, except for unavoidable road crossings or road crossings depicted in the County Transportation Plan or Town Center Master Plan.
- b. Adequate methods to protect the adjacent wetlands and wetland buffers are formulated by the developer and approved by the Zoning Officer.
- c. The Planning Commission approves the fill for site plans and subdivisions upon recommendation from the Zoning Officer.
- d. Required State and Federal Permits are obtained prior to obtaining final Site Plan or Subdivision approval or in other cases before issuing any permits.
- e. Mitigation for wetlands is provided on a two to one basis in the watershed in Calvert County where the activity is located or if this is not possible, elsewhere in Calvert County.
- f. Mitigation for the removal of upland vegetation in the wetland buffer shall be on a two-to-one basis as described in Section 8-1.09.B and bonded according to the procedures provided in Section 8-1.04.G.4.
- g. The Planning Commission or the Zoning Officer may require additional low impact development techniques.
- h. Wetland fill or buffer disturbance will not be allowed for single family residential development other than unavoidable road or driveway crossings.

#### 8-2.06 Development Adjacent to Perennial and Intermittent Streams

The provisions of ~~Section 8-2.06~~ **Article 21** of the Calvert County Zoning Ordinance apply in the Solomons Town Center **with no exceptions, except for variations to the requirements of sub-paragraphs 'B' and 'D'.** ~~As applied within the Solomons Town Center, Section 8-2.06.B and 8-2.06.D of the Calvert County Zoning Ordinance are amended to read as follows:~~

**A. Purpose**

~~To reduce pollutant loadings transported from land to water via sediments and stormwater run-off into perennial and intermittent streams.~~

**B. Conditions for all lots created after the effective date of the Calvert County Zoning Ordinance (05/01/06) and site plan approvals:**

1. ~~A minimum buffer zone of undisturbed, natural vegetation of 50 feet plus four feet for every one percent of slope or to the top of steep slopes (25 percent outside the Critical Area); whichever is nearer to the perennial or intermittent stream shall be established.~~

- ~~Extended stream buffers may be reduced to 50' for streams not in the Critical Area or located in the floodplain as indicated on the Flood Insurance Rate Maps (FIRMS) or as determined by elevations, if adequate methods are formulated by the developer and approved by the Zoning Officer.~~
- ~~C. Except as provided in Section 8-1.08.D.2, a 10-foot building setback shall be maintained from the edge of the vegetated stream buffers. The Zoning Officer may grant a reduction of the setback after review and recommendation by the Environmental Planner. The setback reduction may only be granted to allow activities permitted in Section 8-2.05.C.6 and for construction of primary residences which could not normally be built because of unusual lot configuration or other site constraints.~~
- ~~D. Streams and their buffers are valued for their ability to remove pollutants, control floodwaters, promote groundwater infiltration, and ability to provide habitat for wildlife. Impacts to Perennial and Intermittent Streams should be avoided and minimized, but may be approved at the discretion of the Planning Commission upon recommendation of the Zoning Officer, when the following conditions can be met:~~
- ~~1. The streams are not located in the floodplain as indicated on the Flood Insurance Rate Maps (FIRMs) or a determined by elevation.~~
  - ~~2. Adequate methods to protect the adjacent stream and streams buffer are formulated by the developer and approved by the Zoning Officer.~~
  - ~~3. The Planning Commission approves the impact for site plans and subdivisions upon recommendation of the Zoning Officer.~~
  - ~~4. Required State and Federal Permits are obtained prior to obtaining final Site Plan or Subdivision approval or in other cases before issuing any permits.~~
  - ~~5. Mitigation for impacts to streams is provided on a four to one basis for disturbance in the stream.~~
  - ~~6. Mitigation for the removal of upland vegetation in the stream buffer shall be on a two to one basis as described in Section 8-1.09.B and bonded according to the procedures provided in Section 8-1.04.G.4.~~
  - ~~7. The Planning Commission or the Zoning Officer may require additional low impact development techniques.~~
  - ~~8. Stream fill with buffer disturbance for the construction of single-family detached residential dwellings is prohibited.~~

#### 8-2.07 Fines and Penalties

The provisions of Section ~~8-2.07~~**21-2** of the Calvert County Zoning Ordinance apply in the Solomons Town Center with no exceptions.

### **8-3 FOREST CONSERVATION REQUIREMENTS**

The provisions of **Article 20**~~Section 8-3~~ of the Calvert County Zoning Ordinance apply in the Solomons Town Center without exceptions.

## **8-4 TREE CANOPY REQUIREMENTS<sup>2</sup>**

### 8-4.01 Introduction

Trees help to reduce runoff, uptake nutrients, prevent erosion, improve air quality, provide shade and reduce the 'heat island' effect. Having a tree canopy is even more important in town centers, where there are more impervious surfaces and smaller buffers from sensitive areas. To maintain or improve water quality, the following minimum standards apply to new development and redevelopment in Solomons.

### 8-4.02 General Provisions

A Tree Plan is required for:

- A. Any development requiring a site plan, as per Article 4, and
- B. Any subdivision subject to Article 7, and
- C. Any activity which increases lot coverage over 150 square feet, and
- D. Any development requiring a grading permit or grading exemption as per COMAR 26.17.01, Maryland's Erosion and Sediment Control regulations.

### 8-4.03 Tree Plan Submittal Requirements

All Tree Plan requirements must meet the Tree Plan requirements of Section 8-4.04.

- A. Site Plans. A Tree Plan shall be included with the submittal package for all developments requiring site plans as per Section ~~4-4~~ **30-3.B.1** of the Calvert County Zoning Ordinance.
- B. Subdivisions. A Tree Plan shall be included with the submittal package for all developments requiring subdivision approval as per Article ~~7~~ **31** of the Calvert County Zoning Ordinance.
- C. Plot Plans. A Tree Plan shall be included with the submittal package for all development requiring plot plan approval as per Section ~~4-2.01.C.2~~ **30-3.B.2** of the Calvert County Zoning Ordinance.
- D. For new accessory structures, additions, minor commercial uses without permanent structures or parking, or remodeling projects, a scale-drawing shall be submitted showing the location, dimensions and use of existing buildings, structures, roads, driveways, access, etc. and proposed activities for which a permit is requested.
- E. The Tree Plan shall be prepared by a licensed forester, a licensed landscape architect, licensed arborist, licensed tree expert, or a qualified professional who meets the requirements stated in Section ~~8-3.04.T~~ **20-17** of the Calvert County Zoning Ordinance. However, Tree Plans required for plot plans may be prepared by a home owner (or the home owner's agent), subject to the submittal standards outlined in 8-4.04 of this Ordinance.
- F. The Tree Plan is subject to approval by the Department of Planning and Zoning.

### 8-4.04 Tree Plan Requirements

- A. The Tree Plan shall be at a scale of 1" = 30', 1" = 40', or 1" = 50' and contain the following:

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<sup>2</sup> Note: Section 8-4, Tree Canopy Requirements, is proposed to be added to the Solomons Zoning Ordinance only and not to the Calvert County Zoning Ordinance.

Exhibit A

1. Tree inventory of existing individual trees, including, species, canopy coverage, tree diameter, and locations. For larger tracts of forest, dominant species shall be shown on the plat and the total tree and forest cover shall be given. A species inventory is available in the Department of Planning and Zoning.
  2. Labeling of trees and forest to be preserved and trees and forest to be removed.
  3. A description of any proposed clearing or grading of the site.
  4. A description of the individual tree species (including canopy coverage, size, location, method of root preparation and planting details. For large forested areas, include dominant tree species and location of monument trees.
  5. A timeline for site preparation, purchase, and installation of trees.
  6. A description and location of any underground or overhead utilities. For development requiring plot plans, applicants need only show utilities within 50' of proposed tree plantings.
  7. A description of existing tree protection, maintenance, and replacement as required in Section 8-4.05.
- B. The calculation of future tree canopy shall be the sum of the existing tree canopy and the estimated tree canopy sizes of tree plantings (for mature specimens of that species) minus any tree or forest canopy to be removed. A tree canopy guide is available in the Department of Planning and Zoning. The tree canopy requirements for each Sub-area shall be as shown in the table below.

Tree Canopy Requirement	South of Lore Road										
	B1	B2	B3	B4	C1	C2	C3	C4	C5	C6	C7
Exempt									√ <sup>3</sup>		
15% Tree Canopy				√	√	√	√				√
40% Tree Canopy	√	√	√					√		√	
50% Tree Canopy											
Tree Canopy Requirement	North of Lore Road										
	A	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2
Exempt	√ <sup>4</sup>										
15% Tree Canopy		√			√	√					
25% Tree Canopy									√	√	
40% Tree Canopy							√	√			√
50% Tree Canopy			√	√							

<sup>3</sup> Land in Subarea C-5 is not required to have a tree canopy since it is currently in an Agricultural Preservation District (APD.) However, if the APD is ever terminated, then the tree canopy requirements will be determined based on the allowable uses.

<sup>4</sup> Exemption: Federal Property.

Exhibit A

1. There are no minimum requirements for properties that maintain their current development status and do not construct buildings or grade or clear land (see Section 8-4.02 for activities requiring a Tree Plan and are thus subject to minimum tree canopy standards.)
2. The tree requirements of Article ~~5 and 6~~ **28** of the Calvert County Zoning Ordinance and the planting requirements of Articles ~~8 20, 21 and 22~~ of the Calvert County Zoning Ordinance may be counted in meeting the tree canopy requirements of this Section.

C. Exceptions.

1. For new accessory structures, additions, minor commercial uses without permanent structures or parking, or remodeling projects, tree canopy requirements shall be calculated by multiplying the area of disturbance by two.
2. No additional tree planting is required if the tree canopy requirements have already been met on the lot or parcel and the proposed development will not impact any trees or reduce the tree canopy below the requirements of this Section.
3. Fees-in-lieu. A fees-in-lieu program shall be administered by the Zoning Officer, wherein property owners may pay fees-in-lieu of planting trees required by this section of the Ordinance. Specific criteria for the use of fees-in-lieu of planting trees shall be established. The fees-in-lieu shall be based on the cost of two 6' trees for each tree not planted on site, based on a fee schedule approved by the Board of County Commissioners. However, in no case shall the tree canopy requirements of Section 8-4 be reduced by more than 50 percent through the use of fees-in-lieu. Monies collected from fees-in-lieu shall go toward planting of trees in the Solomons Town Center.
4. Native shrubs can be used to meet the tree canopy requirement in the following cases:
  - a. Along shorelines where submerged aquatic vegetation (SAV) is planted as part of a living shoreline project;
  - b. Within utility easements for new and replacement lines;
  - c. Within 10' of utility line connections to individual residences/businesses;
  - d. To prevent the shading of solar panels on the subject property or adjacent properties.

D. Tree Planting Locations.

1. Trees that normally don't exceed 15 feet in height may be planted under utility lines.
2. All other trees shall be planted at least the average height of the species from the overhead utility lines and at least two-thirds the average height of the species from underground utilities.

E. Tree Planting Size Requirements.

1. Trees shall have a 1.5-inch diameter and be over six feet tall at planting.
2. Tree canopy shall be 400 square feet for large trees, 200 square feet for small trees, and 100 square feet for native shrubs. Refer to the tree canopy guide, available in the Department of Planning and Zoning, for the canopy of specific species.

8-4.05 Tree Protection, Maintenance and Replacement

Trees required to be preserved or planted under an approved Tree Plan must be properly protected, maintained and replaced, by the owner, as follows:

## Exhibit A

- A. Tree Protection. The County adopts the standards provided in the Maryland Department of Natural Resources Forest Conservation Manual. A Tree Plan must show the following:
1. The locations of all protection devices.
  2. Details and specifications required to implement the proposed protection measures.
  3. A construction sequence which includes clearing, grading or installation of sediment and erosion control measures; installation and removal of protections devices, inspections, and other activities that may be required to implement the proposed protection measures.
  4. Protective devices shall be visible, well-anchored, and approved in the field prior to grading, clearing or construction. They must remain in place and maintained until construction completion, final inspection, and an occupancy permit is issued, unless waived by the approving authority.
  5. No person shall use any pruning or horticultural practice that is injurious to plant growth. No person shall place any substance that is injurious to plant growth in such a manner as to injure any street tree or tree designated for preservation on an approved Tree Plan.
  6. Automobiles, trucks and other vehicles, shovels and all other implements, machines and tools shall be used or operated in such a manner as not to damage or destroy any tree, shrub or plant in any street tree or tree designated for preservation on an approved Tree Plan.
  7. If utilities are installed within the drip line of an existing tree, then it is recommended that the lines be tunneled instead of installed via trenching to avoid damaging the tree.
- B. Tree Maintenance. A Tree Plan must include a maintenance plan for newly planted trees and existing trees including: pruning, watering, nutrients, control of invasive species, and protection from diseases, pests, predators and mechanical injury.
1. Tree topping is prohibited except by utilities or their agents to protect utility lines.
  2. Pruning limbs on the lower one-third of the height of the tree is allowed and no more than one-fourth of the tree canopy shall be removed in any calendar year.
- C. Tree Replacement. If a tree dies (whether it is included in a Tree Plan or not) in the Solomons Town Center, it shall be replaced with another (or others) that will mature to similar canopy size. This replacement shall take place within one calendar year of its removal or the determination by enforcement personnel that the tree is dead or was removed without permission (see Section 8-4.04.B for tree canopy sizes.) See Section 8-4.04.C, which allows the replacement of trees with native shrubs under certain circumstances.
1. This includes trees removed on an owner's property by a utility company.
  2. Applicants are to follow the tree planting location and size requirements in Section 8-4.04.
  3. Trees that die naturally in a forest do not have to be replaced.

### 8-4.06 Permits Required

- A. A vegetation removal permit is required prior to the removal of any tree (dead or living).
- B. Trees may be removed with a building permit, grading permit, or grading exemption approval if the approval includes an approved Tree Plan.
- C. Utilities are exempt from this Section.

## Exhibit A

### 8-4.07 Public Hazards

A tree constitutes a public hazard if it has fallen or is in a condition that renders all or part of it a significant risk of falling or injuring utility lines or structures.

- A. Utility companies, the Departments of Public Works and Public Safety and their authorized agents have permission to trim or remove any tree that they deem to be a public hazard.
- B. Property owners or their agents may remove a tree with a vegetation removal permit if they deem a tree to be a significant hazard to their persons, their personal property, or improvements to their property.
- C. A person may remove a tree deemed by the property owner to be in immediate threat of falling on a structure, if the following conditions are met:
  1. A photograph is taken of the tree that shows the tree in relation to the structure.
  2. Within two weeks, the owner or his/her agent shall apply for a vegetation removal permit and include the photograph referred to in '1.' above.
- D. The tree shall be replaced with another (or others) of similar canopy size within one calendar year of its removal or the determination by enforcement personnel that the tree is dead (see Section 8-4.06). The tree shall meet the minimum size requirements specified in Section 8-4.04.E.

### 8-4.08 Fines and Penalties

- A. In addition to the fines and penalties provided for in Section 1-7 of this Zoning Ordinance, the following shall apply to violations of Section 8-1:
  1. Any person in violation of Section 8-1.04.G (Criteria for Development, Redevelopment, and Maintenance in the LDA, LDA-3, and RCA) shall pay a fine not to exceed \$1,000 for each violation and shall be required to replant trees to replace those that have been removed as prescribed in paragraph 'B' of this Section.
  2. A surety bond shall be posted for any replanting that is done in order to correct a violation. See Section 8-1.04.G.4, which describes the bonding process.
- B. Replanting to correct a violation shall be calculated at the rate of four square feet to one square foot (4:1) of the area cleared, graded, or cut in violation of the provisions of this Article. A mitigation plan shall be approved by the Department of Planning and Zoning and shall include canopy trees at a rate equal to one tree per 400 square feet and understory trees and/or shrubs at a rate equal to one per 200 square feet as described in the document entitled, "Calvert County Critical Area Native Trees", adopted by the Board of County Commissioners and available from the Department of Planning and Zoning.

**ARTICLE 9  
MARINE FACILITIES REGULATIONS**

The provisions of Article ~~9~~ **23** of the Calvert County Zoning Ordinance apply throughout the Solomons Town Center without exceptions.

**ARTICLE 10  
NAMING & RENAMING OF ROADS &  
ASSIGNMENT OF PREMISE ADDRESSES**

The provisions of ~~Article 10~~ **Section 31-6.F** of the Calvert County Zoning Ordinance apply throughout the Solomons Town Center without exceptions.

**ARTICLE 11  
VARIANCES, SPECIAL EXCEPTIONS, & APPEALS**

The provisions of ~~Article 11~~ **Sections 30-4, 30-5, 30-6, 30-7, 30-8, 30-9 and 30-10** of the Calvert County Zoning Ordinance apply throughout the Solomons Town Center except where indicated herein.

**11-1 BOARD OF APPEALS**

The provisions of Section ~~11-1~~ **30-5** of the Calvert County Zoning Ordinance apply in the Solomons Town Center **without exceptions**. ~~except for Section 11-1.03. As applied within the Solomons Town Center, Section 11-1.03 of the Calvert County Zoning Ordinance is amended to read as follows:~~

**11-1.03 Other Appeals to the Board of Appeals**

~~The Board of Appeals shall have the authority to hear and decide other special requests as specified in the Ordinance.~~

**ARTICLE 12  
DEFINITIONS**

The provisions of Article ~~12~~ **2** of the Calvert County Zoning Ordinance apply throughout the Solomons Town Center without exceptions.