

BK0075PG0309

Ordinance No. 07-25
RE: Text Amendment Case No. 24-01
Amendments to Town Center Zoning Ordinances
RE: To Reduce Permitted Residential Density

Page 1 of 2

PERTAINING TO THE AMENDMENTS OF THE PRINCE FREDERICK, LUSBY, AND SOLOMONS TOWN CENTER ZONING ORDINANCES

RE: Proposed Change to Reduce Permitted Residential Density

(Text Amendment Case No. 24-01)

WHEREAS, Title 4 of the *Land Use Article* of the Maryland Annotated Code, as amended, empowers the Board of County Commissioners of Calvert County, Maryland (the “Board of County Commissioners”) to enact a Zoning Ordinance to promote the health, safety and welfare of the citizens of Calvert County, and to provide for its administration, enforcement and amendment;

WHEREAS, by Ordinance 35-06, the Board of County Commissioners of Calvert County, Maryland has heretofore adopted the Calvert County Zoning Ordinance;

WHEREAS, after study and evaluation, the Calvert County Department of Planning & Zoning recommended to the Planning Commission and the Board of County Commissioners text amendments to the Prince Frederick, Lusby, and Solomons Town Center Zoning Ordinances;

WHEREAS, after due notice was published, the Planning Commission conducted a public hearing on November 20, 2024, at which time the proposed revisions to the CCZO, and comprehensive rezoning were discussed, staff’s recommendations were considered, and public comment was solicited;

WHEREAS, at the conclusion of said public hearing the Planning Commission voted to leave the record open and did reconvene at special meeting on December 30, 2024, and continued deliberations at its regular meeting of January 15, 2025, and conveyed its recommendation to the Board of County Commissioners by Resolution dated January 15, 2025;

WHEREAS, after due notice was published, the Board of County Commissioners conducted a public hearing on February 18, 2025, at which time the proposed amendments were discussed, staff’s recommendations were considered, and public comment was solicited; and

WHEREAS, after considering the staff report, testimony presented at the public hearing regarding the proposed text amendments, and the recommendation of the Planning Commission, and in furtherance of the public health, safety and welfare, the Board of County Commissioners of Calvert County, Maryland determined it is in the best interest of the citizens of the County to enact the text amendments to the aforementioned Town Center Zoning Ordinances as set forth in Exhibit A, attached hereto and made a part hereof.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Calvert County, Maryland, the Prince Frederick, Lusby, and Solomons Town Center Zoning Ordinances **BE**, and hereby **IS**, amended by adopting the text amendments as shown in Exhibit A hereto and made a part hereof (Exhibit B depicts the amendments as they will actually appear in the Zoning Ordinance);

BK0075PG0310

Ordinance No. 07-25

RE: Text Amendment Case No. 24-01

Amendments to Town Center Zoning Ordinances

RE: To Reduce Permitted Residential Density

Page 2 of 2

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Ordinance or the Calvert County Zoning Ordinance, is found to be unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid;

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein; and

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that this amendatory Ordinance shall take effect on the 1st day of March 2025 without publication of a fair summary.

DONE, this 18th day of February 2025, by the Board of County Commissioners of Calvert County, Maryland.

Aye:	<u>5</u>
Nay:	<u>0</u>
Absent/Abstain:	<u>0</u>

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF CALVERT COUNTY, MARYLAND


 Ashley Staples-Reid, Acting Clerk


 Earl F. Hance, President


 Todd Ireland, Vice President

Approved for legal sufficiency:


 Mark C. Cox Sr.


 John B. Norris, III, County Attorney


 Catherine M. Grasso

Received for Record February 19, 2025 11:09 at 11:09 o'clock A M. Same day
 recorded in Liber KPS No. 75
 Folio 309 COUNTY COMMISSIONERS
 ORDINANCES AND RESOLUTION.



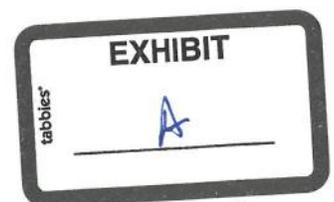
Text Amendment Case #24-01

Amendment to the Prince Frederick, 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



PRINCE FREDERICK ZONING ORDINANCE

Chapter III- SITE DESIGN

E. PERMITTED NUMBER OF DWELLING UNITS

1. Determining the Number of Dwelling Units

The number of residential dwelling units that can be placed on any given site within the Town Center will be determined on the basis of regulations governing protection of natural features (Chapter I), road requirements (Chapter II), site Design standards (Chapter II) height requirements by District (Chapter IV) and Permitted Uses (Chapter VII). In no case may the number of dwelling units per gross acre exceed ~~fourteen~~four.

LUSBY TOWN CENTER ZONING ORDINANCE

(12/02/03) 4-0 DESIGNATED TRANSFER ZONES

(05/01/06)

(11/30/15)

(05/09/22)

The Village Edge District and the Village Residential Office District are designated transfer zones per the Calvert County Zoning Ordinance. Purchase of five Calvert County Transferable Development Rights is required for each single family detached dwelling 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, 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, over one (1.0) dwelling unit per acre¹ A maximum of ~~nine (9.0)~~ four dwelling units per acre is permitted.

Affordable housing projects sponsored by a bona fide affordable housing agency may apply to the Board of County Commissioners for a waiver of the requirement to purchase Transferable Development Rights. 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 proposed development is consistent with the provision related to residential development listed in the Lusby Master Plan and the proposed development meets all other requirements in this Ordinance.

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

5-6.01 Building and Lots

- A. Except as stated on Section 5-2.02, a front yard build-to-line shall be established 15 ft from the right-of-way of all existing and planned streets.
- B. An easement covering the area from the build-to-line to the edge of the right-of-way shall be conveyed to Calvert County upon site approval for the purpose of ensuring continual, safe, and comfortable pedestrian access and movement for the public within and through this area.
- C. All buildings shall have a zero side yard setback on at least one side lot line. The minimum setback from the other side shall be 10 ft, except for in the case of mid-block attached housing and townhouses where the other side yard set back may also be 0 ft.
- D. The minimum rear-yard setback shall be 20 ft for principal structures and 7 feet for ancillary structures.
- E. All buildings shall have their main entrance onto a street or square.
- F. Building height: maximum three stories, plus a habitable roof, to a maximum height of 40 feet to the bottom of the eave.

¹ 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.

Exhibit A

- G. Lot size is subject to Health Department approval; otherwise the minimum lot size shall be 2,000 square ft.
- H. The maximum residential density shall be ~~9~~ 4 units per acre.

5-7 DEVELOPMENT REQUIREMENTS FOR THE VILLAGE EDGE DISTRICT

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

5-4.01 Building and Lots

- A. Except as stated on Section 5-2.02, the minimum front yard building setback shall be as follows:
 - i. 35 ft from the right-of-way of Trueman Road,
 - ii. 35 ft from the right-of-way of Coster Road and the planned extension of Coster Road, and
 - iii. 15 ft from the right-of-way of all other existing and planned streets.
- B. Parking shall be set back at least 20 ft from the right-of-way along Trueman Road, Coster Road, and the planned extension of Coster Road. Parking shall be set back at least 15 ft from the edge of right-of-way along all other existing and planned streets.
- C. The minimum side-yard setback shall be 20 ft.
- D. The minimum rear-yard setback shall be 20 ft.
- E. Building height: maximum three stories, plus a habitable roof, to a maximum height of 40 feet to the bottom of the eave.
- F. Lot size is subject to Health Department approval; otherwise the minimum lot
- G. The maximum residential density shall be ~~9~~ 4 units per acre.

SOLOMONS TOWN CENTER ZONING ORDINANCE

ARTICLE 5: RESIDENTIAL DEVELOPMENT REQUIREMENTS

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

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

The provisions of Section 5-1.08 of the Calvert County Zoning Ordinance are replaced by the following requirements in the Solomons Town Center:

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 4** 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~~ **four** dwelling units per acre with the application of TDRs.

(8/27/14)

- a. For Continuing Retirement Communities, the base density may be increased to a maximum of **10 4** dwelling units per acre **and is exempt from TDR requirements. 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 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 (1/10th 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 (1/4th of an acre) and round down to the nearest integer.~~
 - e.a. 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 (1/4th of an acre) and round down to the nearest integer.
 - d.b. For all properties in the C1 Sub-area, see Section 6-12.
 - e.c. For all other properties (density = ~~7~~ **4** dwelling units/acre): Divide the gross acreage of the property by ~~6,222~~ **10,890** (1/7-4th of an acre) and round down to the nearest integer.

(05/09/22)

B. Application of Transferable Development Rights (TDRs).

Exhibit A

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 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, of this Ordinance is permitted.
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 maximum density is 10 dwelling units per acre 10 TDRs each are required for nine of the dwelling units.~~ The purchase of five Calvert TDRs is required for single family detached dwelling on lots averaging more than or equal to 10,000 square feet (gross), The purchase of five Calvert TDRs is required for 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.

6-12 SUB-AREA C1 FORM-BASED CODE

6-12.07 Permitted Land Uses

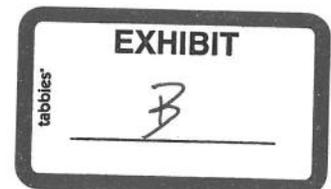
- C. Residential Uses (See Section 3-1.03). Single-family detached dwelling units are not encouraged in the C1 Sub-area. Attached dwelling units or multi-family dwelling units in mixed-use developments better fit with the purpose of these regulations in that they consume less land in this very important 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 of the Calvert County Zoning Ordinance as of 9/22/09. No Transferable Development Rights are required.

Exhibit A

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~~ 4 residential units per acre is permitted. Density shall be calculated by dividing the total lot area by ~~2,178~~ 10,890 (~~1/20th~~ 4th of an acre) and rounding down to the nearest integer. The following conditions shall be met:
 - 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 Transferable Development rights is required for each single family detached dwelling unit on lots averaging greater than 10,000 square feet (gross), three TDRs for each single family detached dwelling on lots averaging less than or equal to 10,000 square feet (gross), two TDRs for each attached dwelling and one TDR for each attached multi-family dwelling. (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 apply to those units:
 - 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

Text Amendment Case #24-01

Amendment to the Prince Frederick, Lusby and
Solomons Town Center Zoning Ordinances



PRINCE FREDERICK ZONING ORDINANCE

Chapter III- SITE DESIGN

E. PERMITTED NUMBER OF DWELLING UNITS

1. Determining the Number of Dwelling Units

The number of residential dwelling units that can be placed on any given site within the Town Center will be determined on the basis of regulations governing protection of natural features (Chapter I), road requirements (Chapter II), site Design standards (Chapter II) height requirements by District (Chapter IV) and Permitted Uses (Chapter VII). In no case may the number of dwelling units per gross acre exceed four.

LUSBY TOWN CENTER ZONING ORDINANCE

(12/02/03) 4-0 DESIGNATED TRANSFER ZONES

(05/01/06)

(11/30/15)

(05/09/22)

The Village Edge District and the Village Residential Office District are designated transfer zones per the Calvert County Zoning Ordinance. Purchase of five Calvert County Transferable Development Rights is required for each single family detached dwelling 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, 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, over one (1.0) dwelling unit per acre¹ A maximum of four dwelling units per acre is permitted.

Affordable housing projects sponsored by a bona fide affordable housing agency may apply to the Board of County Commissioners for a waiver of the requirement to purchase Transferable Development Rights. 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 proposed development is consistent with the provision related to residential development listed in the Lusby Master Plan and the proposed development meets all other requirements in this Ordinance.

5-6 DEVELOPMENT REQUIREMENTS FOR THE VILLAGE RESIDENTIAL-OFFICE DISTRICT**5-6.01 Building and Lots**

- A. Except as stated on Section 5-2.02, a front yard build-to-line shall be established 15 ft from the right-of-way of all existing and planned streets.
- B. An easement covering the area from the build-to-line to the edge of the right-of-way shall be conveyed to Calvert County upon site approval for the purpose of ensuring continual, safe, and comfortable pedestrian access and movement for the public within and through this area.
- C. All buildings shall have a zero side yard setback on at least one side lot line. The minimum setback from the other side shall be 10 ft, except for in the case of mid-block attached housing and townhouses where the other side yard set back may also be 0 ft.
- D. The minimum rear-yard setback shall be 20 ft for principal structures and 7 feet for ancillary structures.
- E. All buildings shall have their main entrance onto a street or square.
- F. Building height: maximum three stories, plus a habitable roof, to a maximum height of 40 feet to the bottom of the eave.
- G. Lot size is subject to Health Department approval; otherwise the minimum lot size shall be 2,000 square ft.
- H. The maximum residential density shall be 4 units per acre.

¹ 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.

Exhibit B

5-7 DEVELOPMENT REQUIREMENTS FOR THE VILLAGE EDGE DISTRICT

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

5-4.01 Building and Lots

- A. Except as stated on Section 5-2.02, the minimum front yard building setback shall be as follows:
 - i. 35 ft from the right-of-way of Trueman Road,
 - ii. 35 ft from the right-of-way of Coster Road and the planned extension of Coster Road, and
 - iii. 15 ft from the right-of-way of all other existing and planned streets.
- B. Parking shall be set back at least 20 ft from the right-of-way along Trueman Road, Coster Road, and the planned extension of Coster Road. Parking shall be set back at least 15 ft from the edge of right-of-way along all other existing and planned streets.
- C. The minimum side-yard setback shall be 20 ft.
- D. The minimum rear-yard setback shall be 20 ft.
- E. Building height: maximum three stories, plus a habitable roof, to a maximum height of 40 feet to the bottom of the eave.
- F. Lot size is subject to Health Department approval; otherwise the minimum lot
- G. The maximum residential density shall be 4 units per acre.

Exhibit B

SOLOMONS TOWN CENTER ZONING ORDINANCE

ARTICLE 5: RESIDENTIAL DEVELOPMENT REQUIREMENTS

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

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

The provisions of Section 5-1.08 of the Calvert County Zoning Ordinance are replaced by the following requirements in the Solomons Town Center:

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 4 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 four dwelling units per acre with the application of TDRs.

(8/27/14)

- a. For Continuing Retirement Communities, the base density may be increased to a maximum of 4 dwelling units per acre and is exempt from TDR requirements.

3. The maximum density in all Sub-areas shall be subject to the Critical Area regulations contained in Article 8 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. 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 (1/4th of an acre) and round down to the nearest integer.
 - b. For all properties in the C1 Sub-area, see Section 6-12.
 - c. For all other properties (density = 4 dwelling units/acre): Divide the gross acreage of the property by 10,890(1/4th of an acre) and round down to the nearest integer.

(05/09/22)

B. Application of Transferable Development Rights (TDRs).

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 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, of this Ordinance is permitted.
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. The purchase of five Calvert TDRs is required for single family detached dwelling on lots averaging more than or equal to 10,000 square feet (gross), The purchase of five Calvert TDRs is required for 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.

6-12 SUB-AREA C1 FORM-BASED CODE

6-12.07 Permitted Land Uses

- C. Residential Uses (See Section 3-1.03). 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 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 4 residential units per acre is permitted. Density shall be calculated by dividing the total lot area by 10,890(1/4th of an acre) and rounding down to the nearest integer. The following conditions shall be met:
 - 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

Exhibit B

Transferable Development rights is required for each single family detached dwelling unit on lots averaging greater than 10,000 square feet (gross), three TDRs for each single family detached dwelling on lots averaging less than or equal to 10,000 square feet (gross), two TDRs for each attached dwelling and one TDR for each attached multi-family dwelling. (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 apply to those units:
 - 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