

PERTAINING TO THE AMENDMENTS OF THE CALVERT COUNTY ZONING ORDINANCE

RE: Revising Section 2-2 Definitions, Section 2-3 Measurement Standards, Section 22-1

General, Section 22-3 Limited Development Area (LDA and LDA-3), Section 22-5

Growth Allocation, and Section 22-6 Habitat Protection Areas

(Text Amendment Case No. 25-13)

WHEREAS, Title 4 of the *Land Use Article* of the Maryland Annotated Code, as amended, and specifically Md. Code Ann., Land Use § 4-204, 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, Calvert County has a Comprehensive Plan and Town Center Master Plans that guide the future growth and development in the community, by Ordinance 13-25, the Board of County Commissioners of Calvert County, Maryland has heretofore adopted the Calvert County Zoning Ordinance;

WHEREAS, Md. Code Ann., Land Use § 4-204 and Section 30-13 of the Calvert County Zoning Ordinance prescribe the process and procedures for adoption, repeal, amendment and reclassification of zoning regulations and maps;

WHEREAS, the present proposed text amendment requests a revision to Sections 2-2, 2-3, 22-1, 22-3, 22-5 and 22-6 of the Calvert County Zoning Ordinance, concerning Critical Areas;

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 Calvert County Zoning Ordinance;

WHEREAS, upon consideration of the input of the public and governmental agencies, the Planning Commission found that the zoning text amendment is consistent with and implements the Comprehensive Plan and Master Plans, and forwarded its findings and recommendation to the Board of County Commissioners by Resolution dated August 20, 2025;

WHEREAS, after due notice was published, the Board of County Commissioners of Calvert County, Maryland conducted a public hearing on September 30, 2025, at which time the proposed amendments were discussed, staff’s recommendations were considered, and public comment was solicited;

WHEREAS, after considering the staff report, testimony presented at the public hearing regarding the proposed text amendment, 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 Calvert County Zoning Ordinance as set forth in Exhibit A, attached hereto and made a part hereof.

BK 0077PG0454

Ordinance No. 47-25

RE: Text Amendment Case No. 25-13

Amendments to Calvert County Zoning Ordinance

RE: Section 2-2 Definitions, Section 2-3 Measurement Standards, Section 22-1 General, Section 22-3 Limited Development Area (LDA and LDA-3), Section 22-5 Growth Allocation, Section 22-6 Habitat

Protection Areas

Page 2 of 3

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Calvert County, Maryland, the Calvert County Zoning Ordinance **BE**, and hereby **IS**, amended by amending Sections 2-2, 2-3, 22-1, 22-3, 22-5 and 22-6 of the Calvert County Zoning Ordinance, concerning Critical Areas, 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);

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 be effective upon recordation and without publication of a fair summary, but not sooner than ten (10) days following adoption.

DONE, this 30th day of Sept., 2025, by the Board of County Commissioners of Calvert County, Maryland.

[SIGNATURES ON FOLLOWING PAGE]

BK0077PG0455

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Page 3 of 3

Aye: 5

Nay: 0

Absent/Abstain: 0

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF CALVERT COUNTY, MARYLAND

Katie Brittain

Katie Brittain, Clerk

Earl Hance

Earl F. Hance, President

Todd Ireland

Todd Ireland, Vice-President

Approved for form and legal sufficiency by:

Mark C. Cox Sr.

Mark C. Cox Sr.

John B. Norris

John B. Norris, County Attorney

Catherine M. Grasso

Catherine M. Grasso

Mike Hart

Mike Hart

Received for Record... October 3, 2025
10:43 o'clock... A... M. Same day
recorded in Liber KPS No. 77
Folio 453... COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.

Garry P. Smith

Text Amendment Case #25-13

Amendment to the Calvert County

Zoning Ordinance

Section 2-2 Definitions

Section 2-3 Measurement Standards

Section 22-1 General

Section 22-3 Limited Development Area (LDA and
LDA-3)

Section 22-5 Growth Allocation

Section 22-6 Habitat Protection Areas

Black font – existing ordinance language

Red font – proposed ordinance language

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

2-2 DEFINITIONS

Climate Resiliency. The capacity of a natural system to maintain function in the face of stresses imposed by climate change. Climate resiliency includes adapting a natural system to be better prepared for future climate impacts including sea level rise, saltwater intrusion, wetland migration, storm surge, precipitation induced flooding, and other extreme weather events.

Density. The number of dwelling units permitted per the net acreage of a parcel. Where an overlay district is present the most restrictive density applies. **Unless otherwise specifically stated, accessory dwelling units do not count towards the permitted density of a parcel.**

Dwelling Unit. One or more rooms forming a single habitable unit with facilities for living, sleeping, cooking, ~~and~~ sanitation, **and other activities associated with daily life. Examples of dwelling units include but are not limited to accessory dwelling units such as a living quarters for a domestic or other employee or tenant, an in-law or accessory apartment, a guest house, or a caretaker residence.**

Overburdened Community. Has the meaning stated in MD Environment Code § 1-701, as updated or amended from time to time.

Permeable Pavements. An alternative that may be used to reduce imperviousness. While there are many different materials commercially available, permeable pavements may be divided into three basic types: porous bituminous asphalt, pervious concrete, and permeable interlocking concrete pavements. Permeable pavements typically consist of a porous surface course and open graded stone base/subbase or sand drainage system, and infiltrates into the surrounding soils. Permeable pavements significantly reduce the amount of impervious cover, provide water quality and groundwater recharge benefits, and may help mitigate temperature increases. Perviousness ranges from 10 to 50%, depending on the product.

Permeable Pavers. Permeable surfaces that can replace asphalt and concrete and can be used for driveways, parking lots and walkways. The two broad categories of alternative pavers are paving blocks and other surfaces including gravel, cobbles, wood, mulch, brick, and natural stone. Perviousness ranges from 10 to 50%, depending on the product.

Project Approvals. Relative to the ~~Chesapeake Bay~~ Critical Area, the approval of development, other than development by a State or local government agency, by the appropriate local approval authority. The term includes approval of **preliminary and final** subdivision plats and site plans, inclusion of areas within floating zones, issuance of variances, special exceptions, and conditional use permits, and issuance of zoning permits. The term does not include building permits.

Underserved Community. Has the meaning stated in MD Environment Code § 1-701, as updated or amended from time to time.

2-3 MEASUREMENT STANDARDS

3. Lot Coverage

The percentage of a total lot or parcel that is occupied by a structure, accessory structure, parking area, driveway, walkway, roadway, areas covered with gravel, stone, shell, ~~impermeable~~-decking, a paver, permeable pavement, or any manmade material.

- a. This does not include:
 - iv. A deck with gaps to allow water to pass freely (**permeable deck**);

22-1 GENERAL

A. Purpose and Goals

2. Goals

The goals of the Critical Area Program are to accomplish the following:

- a. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or run off from surrounding lands.
- b. Conserve fish, wildlife, and plant habitat.
- c. Establish land use policies for development in the Critical Area which accommodate growth as well as address the environmental impacts that the number, movement, and activities of people may have on the area.
- d. **Reduce vulnerability to the impacts of climate change and incorporate measures to improve the climate resiliency of the Chesapeake and Atlantic Coastal Bays and its tributaries; and**
- e. **Ensure an equitable distribution of the burdens and benefits of development, mitigation, restoration, conservation and adaptation to climate change with the Critical Area.**

I. Text and Map Amendments

The requirements for amendments of this Ordinance shall be met.

1. The Critical Area provisions of the Zoning Ordinance and the Critical Area maps shall be comprehensively reviewed at least every ~~six~~ **ten** years. **Calvert County shall notify the Commission in writing if it requires a one (1) year extension to the ten-year deadline. The Commission shall notify the County in writing, within 60 days after**

the completion of its review, in accordance with all requirements established in Natural Resource Article 8-1809(g).

2. An amendment to the LDA, LDA-3, RCA, or IDA boundaries may be granted only upon proof of a mistake in the zoning existing at the time of adoption of the Critical Area law in 1985 (Critical Area Law, Section 8-1809(h)) or by the use of Growth Allocation (as per Section 22-5 below). **Calvert County may grant a change to the Critical Area land classification on proof of a mistake if the proposed Critical Area classification:**

- a. Conforms to the State Critical Area mapping criteria based on land uses in existence either;

 - i. As of December 1, 1985 if part of the originally mapped Critical Area; or**
 - ii. As of the date the land was included in the Critical Area due to a Critical Area boundary remapping effort;****
- b. Follows Calvert County mapping methodology for Critical Area classification at the time of mapping; and**
- c. Is consistent with the purpose, policies, and goals of the Critical Area law and regulations.**

22-3 LIMITED DEVELOPMENT AREA (LDA AND LDA-3)

H. Criteria for Development, Redevelopment, and Maintenance

- 3. To reduce stormwater runoff, lot coverage is limited as described below:
 - h. Addition or alteration of any lot coverage including but not limited to sidewalks, paving of driveways, construction of sheds, decks, etc. requires either a grading exception, grading permit, or building permit. For development that uses pervious materials that have been approved by the Commission as part of a local program, the limits established in this subsection may be exceeded by up to 500 square feet using permeable pavers or permeable pavement installed to the manufacturer's specifications. The degree of perviousness shall be agreed upon by the Department of Planning & Zoning and shall fall within the ranges as defined in Section 2-2 of this Ordinance.**

22-5 GROWTH ALLOCATION

C. Standards

EXHIBIT A

When locating a new IDA or LDA, the Board of County Commissioners shall use the following standards:

14. Locate new Intensely Developed Areas and Limited Development Areas outside of areas vulnerable to climate change as identified by the County, unless the County proposes, and the Commission approves measures that assess climate resiliency and vulnerability and incorporate siting, design, construction and other natural features to significantly enhance climate resiliency and reduce vulnerability.

D. Factors

In reviewing map amendments or refinements involving the use of growth allocation, the County shall consider the following factors:

9. Environmental impacts on underserved or overburdened communities.

22-6 HABITAT PROTECTION AREAS

E. Other Habitat Protection Areas

Other Habitat Protection Areas (HPAs) in the Critical Area include, but are not limited to, nontidal wetlands; rare, threatened, and endangered species and species in need of conservation; plant and wildlife habitat; and anadromous fish propagation waters. **Maps identifying these specific Habitat Protection Areas are maintained by the Department of Natural Resources Wildlife and Heritage Division. The most recent updated inventory was completed on March 10, 2021 and recommendations contained within WHS's report *Habitat Protection Areas for the Calvert County Critical Area* and associated maps are hereby incorporated into this Ordinance.** Additional HPAs could be designated in the future, and if so, would require development criteria. All applications for a development activity, redevelopment activity or change in land use shall identify HPAs and prepare a Habitat Protection Plan (HPP) if required.

Text Amendment Case #25-13

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