

Critical Area Commission

STAFF REPORT

June 4, 2025

APPLICANT: Calvert County

PROPOSAL: Refinement - Comprehensive Review of Critical Area Program

JURISDICTION: Calvert County

COMMISSION ACTION: Concurrence with Chair's Determination of Refinement

STAFF RECOMMENDATION: Approval with Conditions

STAFF: Jonathan Coplin

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article 8-1809(g) and Natural Resources Article 8-1809(p)

DISCUSSION:

Calvert County is seeking Commission approval of its most recent comprehensive review of its Critical Area program. On February 18, 2025, the Calvert County Commissioners approved Ordinance #13-25, which repealed and replaced the County's entire Zoning Ordinance. Article 22 of the County's new approved Zoning Ordinance contains the revised Critical Area program.

Overview of Calvert County's Comprehensive Review and Critical Area Program Update

Per Natural Resources Article §8-1809(g), each local jurisdiction is required to comprehensively review and update their local Critical Area program every ten years and ensure conformance with the requirements of the Critical Area law, criteria, and regulations. Calvert County last updated their Critical Area program in 2010. Calvert County Critical Area totals 23,314.3 acres, with 16,153.14 acres designated as Resource Conservation Area (RCA), 6,499.99 acres designated as Limited Development Area (LDA), and 661.17 acres designated as Intensely Developed Area (IDA). The total growth allocation remaining for the County to date is 224.95 acres.

With this comprehensive review, the County updated Article 22 of the Zoning Ordinance based on previous County Critical Area language and the Critical Area Commission's County Model Ordinance. Below are two sections that deviate from the Commission model ordinance:

Article 22-1 (H). Steep Slopes

The County is establishing a definitive, streamlined procedure that allows the Zoning Officer, or their designee, to review specific requests to disturb steep slopes for the purpose of slope stabilization under the administrative variance process; this process will shorten review time for projects that qualify under the outlined parameters and encourage applicants to minimize disturbance and maximize vegetative plantings. Slope stabilization is defined as the prevention of soil movement by various vegetative and minimal structural means (minimal grading, retaining walls) and excludes the use of accessory structures such as patios or terraces to be used as a means of stabilization¹. The applicant must demonstrate that erosive conditions exist and the proposed slope stabilization method minimizes disturbance and clearing. Mitigation is required at a 2:1 ratio if the variance is granted. The Zoning Officer can also decide to send the variance to the Board of Appeals rather than review it at the administrative level; this determination can be made based on comments provided by County staff or Commission staff, or if the Zoning Officer determines that the proposed project does fall within the parameters of the regulations. Commission staff are notified of all slope stabilization variances so that comments can be provided.

Article 22-4 (I). Intrafamily Transfer

The updated ordinance includes limitations on the number of lots that may be created via intrafamily transfer. With the proposed changes, only one intrafamily transfer lot may be created in the RCA, regardless of the size of the lot or parcel. This is stricter than what is allowed in Natural Resources Article 8-1808.2, which provides for one intra-family transfer lot for lots or parcels between 7-12 acres and two intra family lots for lots or parcels more than 12 but less than 60 acres.

Natural Resources Inventory

Natural Resource Article 8-1809 (g) requires a jurisdiction during its comprehensive review to update the jurisdiction's natural resource inventory. This includes habitat protection areas including threatened and endangered species habitats and species in need of conservation, anadromous fish propagation waters, plant and wildlife habitats, and locally significant habitats. The Commission coordinates with the Maryland Department of Natural Resources Wildlife and Heritage Service (DNR WHS) to provide a Natural Resources Inventory (NRI) that includes updated narratives and maps to meet this requirement.

In an email provided to Commission staff on March 10, 2021, DNR WHS provided updated Habitat Protection Area maps and confirmed two minor edits/reductions to the NRI for Calvert County. This information was forwarded to County staff working on the comprehensive review at that time; however, due to staff turnover since then, current County staff did not have this information and therefore it was not adopted with the comprehensive review. Commission staff did confirm with DNR WHS that this information is still accurate for this comprehensive review.

¹ The County's definition of slope stabilization matches the definition found in the City of Annapolis' Critical Area Program, which was approved by the Critical Area Commission in 2020.

Recommendation

The comprehensive update of the Calvert County Critical Area program, as reflected in Calvert County's updated Zoning Ordinance, meets the goals of the Critical Area law and standards for comprehensive review; therefore, Commission staff recommends that the Commission concur with the Chair's determination that this comprehensive review be processed as a refinement.

In order to ensure that all provisions are entirely consistent with Critical Area law and regulations, including the 2024 legislative updates to Chapter 424 of the Natural Resources Article and the WHS Natural Resources Inventory updates, minor revisions to the Zoning Ordinance are necessary. Therefore, Commission staff recommends that the Chair approve this refinement with the following condition:

1. Within 120 days of the date of Commission approval, Calvert County will update the approved Zoning Ordinance to meet the provisions outlined in Attachment 1 of this staff report.

Attachments

1. Proposed Revisions
2. Calvert County Ordinance 13-25, Article 2, 22

ATTACHMENT 1

Commission staff's recommended revisions to the Calvert County ordinance are listed below. These changes are required to bring the Calvert County Critical Area program into compliance with current Critical Area law and regulations as of October 1, 2024 (updates to Chapter 424 of the Natural Resource Article under House Bill 233) and to include WHS recommended NRI updates. All text in underline should be added; all text in ~~striketrough~~ should be deleted.

1. Article 2: Critical Area Definitions:
 - a. Add the following definitions:
 - i. "Climate resiliency" means the capacity of a natural system to maintain function in the face of stresses imposed by climate change.
 1. 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.
 - ii. "Overburdened community" has the meaning stated in 1-701 of the Environmental Article
 - iii. "Underserved community" has the meaning stated in 1-701 of the Environmental Article.
 - b. Amend the definition of "lot coverage" on 2-3(G)(3)

"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."
 - c. Amend 2-3(G)(3)(a)(iv)

~~"A deck with gaps to allow water to pass freely~~ permeable deck."
 - d. Amend the definition of "dwelling unit"

"One or more rooms forming a single habitable unit with facilities for living, sleeping, cooking, ~~and~~ sanitation and other activities routinely associated with daily life. Dwelling unit includes a living quarter for a domestic or other employee or tenant, an in-law or accessory apartment, a guest house, or a caretaker residence."
 - e. Add the definition of "Project approvals"

"Project approvals" means the approval of development, other than development by the State or local government, in the Critical Area 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.
2. 22-1: Critical Area Overlay District: Include the following additional language:
 - a. Add text to A.2.:

(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.
- 3. 22-1.I: Text and Map Amendments:
 - a. Amend text of 22-1.I.1. in accordance with Natural Resource Article 8-1809(g)
 - a. “The Critical Area provisions of the Zoning Ordinance and the Critical Area maps shall be comprehensively reviewed at least every ~~six~~ ten years.”
 - b. Calvert County shall notify the Commission in writing if it requires a one (1) year extension to the ten-year deadline.
 - c. Shall notify the Commission in writing, within 60 days after the completion of its review, in accordance with all requirements established in Natural Resource Article 8-1809(g).
 - b. Amend 22-1.I.2. as shown below:
 - 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:
 - i. Conforms to the State Critical Area mapping criteria based on land uses in existence either:
 - A. As of December 1, 1985 if part of the originally mapped Critical Area; or
 - B. As of the date the land was included in the Critical Area due to a Critical Area boundary remapping effort;
 - ii. Follows Calvert County mapping methodology for Critical Area classification at the time of mapping; and
 - iii. Is consistent with the purpose, policies, and goals of the Critical Area law and regulations.
- 4. 22-3: Limited Developed Area:
Add text as H.3.h.:
- 5. For development that uses pervious materials that have been approved by the Commission as part of a local program, the limits established in item of this subsection may be exceeded by up to 500 square feet using the following pervious materials: (i) Permeable pavers; or (ii) Pervious Concrete.22-5: Growth Allocation
 - a. Add text as C.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.
 - b. Add text as D.9.:
Environmental impacts on underserved or overburdened communities.

6. 22-6.E: Habitat Protection Areas

Amend text as follows:

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.

CALVERT COUNTY

Zoning Ordinance

March 1, 2025



Article 2. Definitions

- 2-1 GENERAL ABBREVIATIONS
- 2-2 DEFINITIONS
- 2-3 MEASUREMENT STANDARDS

2-1 GENERAL ABBREVIATIONS

The following abbreviations may be used within this Ordinance:

- A. GFA is an abbreviation for “gross floor area.”
- B. ft is an abbreviation for “feet.”
- C. N/A is an abbreviation for “not applicable.”
- D. sf is an abbreviation for “square feet.”

2-2 DEFINITIONS

The following are definitions of terms used throughout this Ordinance.

100-Year Floodplain.

1. An area along or adjacent to a stream or body of water, except tidal waters, that is capable of storing or conveying floodwaters during a 100-year frequency storm event, or a 100-year flood.
2. Any area depicted as frequently flooded on the Calvert County Soil Survey Maps. It can be revised based on a hydrologic study or onsite soil survey with required State and local review and approval.

100-Year Flood. A flood which has a 1% chance of being equaled or exceeded in any given year.

Abandon. To cease from actively using land or any premises for its approved use.

Abandoned Premises. Any premises that is not occupied, used, or inhabited on a regular and continuing basis by some person with a valid claim of right to possession or a fee simple title. The intrusion of trespassers or squatters into such buildings on any basis does not render such building occupied or nonvacant.

Abatement. The act of putting an end to a land alteration or development activity or reducing the degree or intensity of the alteration or activity.

Abut. To share a common wall, lot line, or property boundary without being separated by a street, alley, right-of-way, or easement.

Accessibility Ramp. A ramp or similar structure that provides wheelchair, or similar, access to a premises.

Access. A way or means of approach to provide physical entrance to a property.

Accessory Structure. A structure located on the same lot or parcel as the primary structure that is incidental to the use of the primary structure.

Accessory Structure (Floodplain). A building or structure on the same lot or parcel with, and of a nature customarily incidental and subordinate to, the primary structure. For the purposes of these regulations, an accessory structure shall be used solely for parking of vehicles and limited storage.

Accessory Use. A use of land or a structure, or portion thereof, customarily incidental and subordinate to the principal use of the land or structure.

Adequate Public Facilities. See the Calvert County Code, Chapter 3, Adequate Public Facilities Requirements, as amended from time to time.

Administrative Decision. Also known as a decision made administratively. A decision made by the Director of the Department of Planning & Zoning, or their designee.

Administrative Plat. A plat which shows changes to an existing recorded lot or parcel. Known as a replat under previous Ordinances.

Adjacent Property. Any property abutting the subject property.

Affected Property Owner. Owners of property that directly adjoin the subject property of the application and those directly across any public or private roads or rights-of-way. In the case of an administrative variance, affected property owners include all owners of all properties that abut the side or rear property line from which an administrative variance is sought; or in the case of an administrative variance request for a front setback adjustment, all owners of all properties that abut a side property line of the subject property and those whose properties lie directly across any public or private roads or rights-of-way from the subject property; or in the case of administrative variances from sign height and forest conservation requirements, all owners of properties which abut the subject property shall be considered affected property owners; or in the case of an administrative variance if the use does not have direct access to a public road, affected property owners shall be all property owners who access or have right of access to the private road(s) connecting the use to the public road.

Affordable Dwelling Unit. A dwelling unit that is affordable to households earning 60% or less of the area median income.

Affordable Housing. Housing in which the occupant is paying no more than 30 percent of occupant's gross income for housing costs. Housing costs includes rent for a rental housing unit or mortgage principal and interest, real property taxes, and insurance for a housing unit that is for sale owner occupied.

Affordable Housing Agency. An agency organized for the purpose of developing residential housing for rental or ownership by residents having low and moderate incomes. Further, to qualify as an Affordable Housing Agency, the agency must be established as a not-for-profit organization and meet the requirements of end are approved by the IRS as tax-exempt by 26U.S.C.501(c)(3) or (4)..

Afforestation. The creation of a biological community dominated by trees and other woody plants in an area that is not presently and has not recently been in forest cover.

A-Frame Sign. A portable sign ordinarily in the shape of an "A" or some variation thereof, which is readily movable and is not permanently attached to the ground or any structure. This definition does not include T-frame sign.

Affix. Stick, attach, or fasten an object to something else.

Agreement to Submit an Elevation Certificate. A form on which the applicant for a permit to construct a building or structure, to construct certain horizontal additions, to place or replace a manufactured home, to substantially improve a building, structure, or manufactured home, agrees to have an Elevation Certificate prepared by a licensed professional engineer or licensed professional surveyor, as specified by the Floodplain Administrator, and to submit the certificate:

1. Upon placement of the lowest floor and prior to further vertical construction.
2. Prior to the final inspection and issuance of the Certificate of Occupancy.

Agriculture. An activity related to the production or management of livestock, crops, vegetation, or soil. This includes tillage, harvest, fertilization, pest management, cropping, pasturing, or production of an agricultural product, including livestock, poultry, plants, trees, sod, food, feed, and fiber; and an activity that directly contributes to the production, conversion, processing, storage, or sale of agricultural products generated onsite.

Agricultural Activity or Use. Farming activities including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, and harvesting for production of food and fiber products (except commercial logging and timber harvesting operations), the grazing and raising of livestock, aquaculture, sod production, orchards, nursery, and other products cultivated as part of a recognized commercial enterprise.

Agricultural Advisory Board. The Agricultural Advisory Board (APAB) promulgates the rules and regulations and has developed procedures for the formation of Agricultural Preservation Districts (APDs) and implementation of the county's Agricultural Preservation Program. The APAB has developed rules, regulations, and procedures for the creation and operation of the County's Purchase and Retirement Fund (PAR) for Development Rights. The APAB meets on a monthly basis to review program participant requests to ensure they are within compliance with the rules

and regulations, as well as to administer the County's PAR program. The APAB works with the Department of Planning & Zoning to review and recommend changes to the County's Agricultural Preservation Program as needed.

Agricultural Best Management Practices (Critical Area). An agronomic, conservation, or pollution control practice, installation, or structure that manages soil loss, nutrients, animal wastes, or agricultural chemicals so as to minimize their movement into State waters. Includes strip cropping, terracing, cover crops, grass waterways, animal waste management, conservation tillage, riparian buffers, nutrient management, and stream protection practices such as fencing, stream crossings, and remote watering devices. It does not include a shoreline erosion control measure authorized by the Department of the Environment under COMAR 26.24.04

Agricultural and Resource Areas (Forest Conservation). Undeveloped areas zoned for densities of less than or equal to one dwelling unit per five acres.

Agricultural Easement. A non-possessory interest in land which restricts the conversion of use of the land, preventing non-agricultural uses.

Agricultural Machinery, Service, or Supplies. A facility designed for the maintenance and sale of goods related to farm machinery including tractors, plows, backhoes, balers, harrows, harvesters, manure spreaders, seeders, and similar machinery used directly in agricultural production.

Agricultural Preservation Districts. Agricultural Preservation Districts (APDs) are overlay districts created through the Agricultural Land Preservation Program. These areas of prime agricultural and forestry land are voluntarily placed in the Calvert County and/or Maryland State Agricultural Land Preservation Program, with the recommendation of the Calvert County Agricultural Preservation Advisory Board and the approval of the Board of County Commissioners. The purpose of this program is to offer an incentive for preservation of prime agricultural and forestry land, provide compensation to landowners who voluntarily agree to place agricultural and forestry use covenants on their land, offer a free market system for financing agricultural and forestry preservation, thus reducing direct cost to the taxpayers, guide development away from prime agricultural and forestry lands on which viable farming and forestry endeavors are practical, and act as a source of Transferable Development Rights (TDRs).

Agricultural Support Building. A building, other than a human residence, necessary to sustain an agricultural activity.

Air-Activated Sign. A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion. This definition does not include balloon sign.

Aircraft. A machine (as an airplane, glider, or helicopter) that can travel through the air and that is supported either by its own buoyancy or by the action of the air against its surfaces.

Airport or Landing Field. Land that is used for the landing or taking off of aircraft and which may or may not have facilities for the shelter, supply, or care of aircraft.

All-Terrain Recreational Vehicle. As defined by the Maryland Annotated Code, Transportation Article, as may be amended.

Alley. A public or private right-of-way that connects two or more streets and is intended to provide access to the rear or side of a building or lot. It is intended for local traffic only.

Alteration of a Watercourse. Includes, but is not limited to widening, deepening or relocating the channel, including excavation or filling of the channel. Alteration of a watercourse does not include construction of a road, bridge, culvert, dam, or in-stream pond unless the channel is proposed to be realigned or relocated as part of such construction.

Americans with Disabilities Act (ADA). The ADA is a federal civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and public and private places that are open to the general public. The ADA includes the additional and further requirements and provisions adopted by the State of Maryland.

Amusement Ride. A mechanical device that carries passengers along, under, around, through, or over a fixed course, or within a limited area, for the amusement of the passengers, and includes, but is not limited to a merry-go-round or ferris wheel.

Anadromous Fish. Fish that travel upstream (from their primary habitat in the ocean) to freshwaters in order to spawn.

Anadromous Fish Propagation Waters. Streams that are a tributary to the Chesapeake and Atlantic Coastal Bays where the spawning of anadromous species of fish (e.g., rockfish, yellow perch, white perch, shad, and river herring) occurs or has occurred. The streams are designated by the Department of Natural Resources. For purposes of this definition, streams refer to designated anadromous fish propagation waters within the Critical Area.

Ancillary Use or Structure. In regard to principal uses and structures, a use or structure that provides support and is typically integral to or is functionally integrated into a principal structure or use.

Animals - Dangerous, Wild, or Exotic. Animals that, by their very nature, are wild and potentially dangerous and, as such, do not adjust well to a captive environment, including but not limited to those considered by the State of Maryland to be wild or dangerous, such as:

1. Fox, skunk, raccoon, or bear;
2. Alligator or crocodile;
3. Member of the cat family other than the domestic cat;
4. Any other mammalian wildlife species, or hybrids, for which there is no U.S.D.A. certified vaccine against rabies;
5. Any venomous snakes specifically in the family groups of Hydrophidae, Elapidae, Viperidae, or Crotolidae;
6. Any reptiles greater than six feet in length.

Animation. An applied art that makes still images appear to move.

Applicant. A person who is requesting formal approval as required by this Ordinance.

Applicant, Forest Conservation Program. Relative to the Forest Conservation Program, a person who is applying for subdivision approval, a grading or sediment control permit, or project plan approval if the applicant is a state or local agency or has received approval of a Forest Stand Delineation or Forest Conservation Plan.

Approved Forest Management Plan.

1. Approved by the Department of Natural Resources forester assigned to Calvert County.
2. Operates as a protective agreement for forest conservation as described in the Natural Resources Article, §§5-1607(e)—(f), Maryland Annotated Code.

Aquaculture (Critical Area). Aquaculture” has the meaning stated in Natural Resources Article, §4-11A-01(b), Maryland Annotated Code.

Arbor. A landscape structure of vertical posts or pillars that usually support cross-beams and a sturdy open lattice.

Archaeological Interest. Capable of providing scientific or humanistic understanding of past human behavior, cultural adaptation, and related topics through the application of scientific techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation, and explanation.

Archaeological Resource. Material remains of human life or activities which are of archaeological interest. This includes all sites, objects, structures, artifacts, implements, and locations of prehistoric or historic archaeological interest whether previously recorded or not, including but not limited to those pertaining to Native American and historic burials, campsites, habitation sites, and the artifacts and objects associated with them. This also includes any material remains of human life or activities which are at least partially below the ground surface necessitating archaeological methods for study or recovery.

Archaeological Significance. The ability of a site to address questions that are important to the understanding of national, state, or local history.

Archaeological Site. A geographic locality within Calvert County that contains archaeological objects.

Architectural Feature. A part or projection that contributes to the aesthetics of a structure, exclusive of signs, that is not necessary for the structural integrity of the structure or to make the structure habitable.

Architectural Review. The Department of Planning & Zoning review exterior design features of all structures as well as all signs within town centers in accordance with appearance standards and guidelines specified by the master plans and zoning ordinances for their respective town centers.

Areal Cover. Portion of defined area covered by vegetation or tree canopy.

Area of Shallow Flooding. A designated Zone AO on the Flood Insurance Rate Map with a 1% annual chance or greater of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Arterial Road. A road with controlled access, channelized intersections, restricted parking if any, and which collects and distributes traffic to and from collector roads.

As-Built. Set of plans submitted upon completion of a project. They reflect all changes made in the specifications and working drawings during the construction process, and show the exact dimensions, geometry, and location of all elements of the work completed.

Attached. Physically joined together by a wall or covered breezeway; sharing a wall with another building; or not freestanding.

Awning. A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Awning Sign. A sign painted on, printed on, or attached flat against the surface of an awning which is a shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework.

Balcony. A roofed or unroofed platform that projects from the exterior wall of a structure above the ground floor, which is exposed to the open air, has direct access to the interior of the building, and is not supported by posts or columns extending to the ground.

Balloon Sign. A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached, or held in place by a cord, rope, cable or similar method. This definition does not include air-activated sign.

Banner Sign. Canvas, plastic, fabric, or similar lightweight, nonrigid material that can be mounted to a structure with cord, rope, cable, or a similar method. If such sign is supported by stakes in the ground, it is considered a yard sign.

Barren Land. Unmanaged land having sparse vegetation.

Base Building. The building to which an addition is being added. This term is used in provisions relating to additions in the 100-year floodplain.

Base Density. The permitted density in a zoning district not including bonus lots or transfer zone density. If the number of lots permitted following a base density calculation is not a whole number, the number of lots permitted is rounded down to the nearest whole number.

Base Flood. The flood having a 1% chance of being equaled or exceeded in any given year. The base flood also is referred to as the 1% annual chance (100-year) flood.

Base Flood Elevation. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. In areas of shallow flooding, the base flood elevation is the highest adjacent natural grade elevation plus the depth number specified in feet on the Flood Insurance Rate Map, or at least four feet if the depth number is not specified.

Basement. The floor of a building which is partly or entirely below ground level.

Basement (Floodplain). Any area of the building having its floor subgrade (below ground level) on all sides.

Bay Window. A window that projects outward from the structure, which does not rest on the building foundation or on the ground.

Berm. A linear mound of earth.

Best Management Practices (BMP). Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics, and sediment.

Billboard. A type of nonconforming sign that exceeds allowed sign area or height provisions, which existed prior to February 27, 1992; and has been inventoried by Calvert County.

Blade Sign. A temporary sign that is constructed of cloth, canvas, plastic fabric, or similar lightweight, nonrigid material and that is supported by a single, rigid or semi-rigid vertical member mounted into the ground or on a portable structure.

Block. See Section 2-3.A of this Article.

Blockface. See Section 2-3.A of this Article.

Board of Appeals. The Board of Appeals of Calvert County.

Board of Appeals Administrator. An administrator, designated by the Director of Planning & Zoning, who is responsible for ensuring proper administration of the Board of Appeals process in accordance with these Rules of Procedure, COMAR, and the Calvert County Zoning Ordinance; administration of the Board of Appeals budget; and providing planning and zoning expertise to the Board, including interpretation of regulations, ordinances and plans, written reports on applications that are scheduled for Public Hearing before the Board, and assistance in any other matters related to cases scheduled before the Board.

Boathouse. A structure with a roof or cover, or similar device placed over open water to protect a boat or other vessel.

Bona Fide Intrafamily Transfer. A transfer to a member of the owner's immediate family of a portion of the owner's property for the purpose of establishing a residence for that family member.

Bonus Lots. Lots which are permitted to be created under certain conditions specified in this Ordinance. Bonus lots are permitted in addition to base and transfer zone density. Examples of bonus lots include exception lots and family conveyance lots.

Boundary Survey. A process carried out to determine property lines and define true property corners of a parcel of land described in a deed, as well as any easements or encroachments.

Breakwater. An offshore structure designed to protect any landform or water, area behind them from direct assault of waves.

Buffer (Critical Area). The area that based on conditions at the time of development, is immediately landward from mean high water of tidal waterways, the edge of bank of a tributary stream, or the edge of a tidal wetland; and the area exists, or may be established in, natural vegetation to protect a stream, tidal wetland, tidal waters or terrestrial environments from human disturbance. The buffer includes an area of at least 100 feet, even if that area was previously disturbed by human activity, and also includes any expansion for contiguous areas, including a steep slope, hydric soil, highly erodible soil, nontidal wetland, or a Nontidal Wetland of Special State Concerns as defined in Article 22 of this Ordinance.

Buffer Management Plan. A type of Habitat Protection Plan consisting of a narrative and graphic description of the Critical Area Buffer that is necessary when an applicant proposes a development activity that will affect a portion of the Critical Area Buffer, alter buffer vegetation, or when the buffer or a portion of the buffer is required to be established in vegetation. The plan should be designed to minimize negative impacts to the buffer or extended buffer, provide appropriate mitigation requirements for any anticipated impacts, and improve the habitat value for wildlife

whenever possible. A Buffer Management Plan includes a Major Buffer Management Plan, a Minor Buffer Management Plan, and a Simplified Buffer Management Plan.

Buffer Yard. An area at least 25-feet wide, located between development activity and tidal waters, tidal wetlands, or a tributary stream, planted with vegetation consisting of native canopy trees, understory trees, shrubs, and perennial herbaceous plants used in Special Buffer Management Areas to provide water quality and habitat benefits. This area is to be managed and maintained in a manner that optimizes these benefits.

Build-To Line. See Section 2-3.C of this Article.

Build-To Percentage. See Section 2-3.C of this Article.

Build-To Zone. See Section 2-3.C of this Article.

Buildable Area. This is the area in which a principal building may be located on a property. The buildable area of a lot or parcel is exclusive of Natural Resource Protection Areas, Critical Area Buffers, Forest Retention Areas, septic recovery areas and reserve, required setbacks, and designated open space.

Buildable Lot. A lot or parcel approved by the Health Department and Planning Commission or its designee that meets the size, density, dimensions and other requirements of this Ordinance, and has, in addition to the required legal right-of-way, a completed road constructed to standards established in the Calvert County Road and Site Development Ordinance.

Buildable Residue. The portion of a parcel remaining as a result of the creation of one or more buildable lots by way of a subdivision plat approved by the Planning Commission and recorded among the land records of Calvert County, which meets Health Department requirements and meets the size, dimension, and other requirements of this Ordinance.

Building Restriction Line (BRL). The building restriction line is the delineation of setbacks which restrict where a principal building can be located on a plan or plat. This line establishes the location of the buildable area on a property.

Building. A structure, not including a tent or trailer, having a roof, and supported by permanent columns or walls on the ground and used for shelter or enclosure of persons, animals or property of any kind.

Building Code. The effective Maryland Building Performance Standards (COMAR 05.12.07), including the building code, residential code, and existing building code as well as any local amendments.

Building Coverage. See Section 2-3.B of this Article.

Building Façade, Primary. A primary building façade is any side of a building, which fronts directly onto a public or private right-of-way. If a building fronts directly onto one or more public or private rights-of-ways, each side with such frontage shall be considered a primary building façade.

Building Footprint. See Section 2-3.B of this Article.

Building Height. See Section 2-3.D of this Article.

Building Permit. An official document issued by the Division of Inspections and Permits which authorizes the construction of a new structure or repair, alteration, or addition to an existing structure.

Building Signs. Signs mounted directly on a building, or attached to the facade, roof or other elements of a building. Such signs include awning signs, canopy signs, wall signs, and projecting signs.

Bulkhead. A vertical structure composed of wood, metal, stone, concrete, plastic, or other similar material designed to retain land or to protect land from wave damage.

Caliper. The diameter of a tree measured at breast height.

Canopy. A canopy is a roof-like cover designed for protection from the weather or as a decorative embellishment affixed to a building or freestanding, with supports that extend to the ground.

Canopy Sign. A sign attached to the soffit or fascia of a canopy of a covered entrance or walkway, which is a permanent structure made of cloth, metal, or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure but typically is supported by features other than the building facade (e.g., structural legs, building extensions, etc.).

Canopy Tree. A tree that, when mature, reaches a height of at least 35 feet.

Champion Tree. The largest tree of its species within the United States, the state, county, or municipality.

Champion Tree of the State. A tree which appears in the list of State Champion Trees.

Chimney. A structure containing one or more flues for drawing off emissions from stationary sources of combustion.

Classroom Relocatable. A structure containing one or more rooms, each of which is designed, intended, and equipped for use as a place for formal instruction, not constructed with a permanent foundation.

Clearcutting. The removal of an entire stand of trees in one cutting with tree reproduction obtained by natural seeding from adjacent stands or from trees that were cut, from advanced regeneration or stump sprouts, or from planting of seeds or seedlings by man.

Clearing. The process of cutting or removing trees, ground cover, or stumps, with or without removal of the associated roots.

Cliff. A high steep face of ten feet or higher from the toe of the slope with a slope in excess of 50% either vegetated or non-vegetated adjacent to the Chesapeake Bay, Patuxent River, and their tidal tributaries within Calvert County.

Club. A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, and may include the payment of fees and dues, regular meetings, and a constitution and by-laws.

Cluster Box Unit (CBU). A centralized unit of individually locked compartments for the delivery and collection of mail. Sometimes known as "community mailboxes".

Cluster Development (Critical Area). A residential development in which dwelling units are concentrated in a selected area or selected areas of the development tract so as to provide natural habitat or other open space uses on the remainder.

Cluster Subdivision. Cluster subdivisions group residential lots closer together in order to preserve open space, natural resources, and agricultural lands.

Coastal A Zone. An area within a special flood hazard area, landward of a coastal high hazard area (V Zone) or landward of a shoreline without a mapped coastal high hazard area, in which the principal source(s) of flooding are astronomical tides and storm surges, and in which, during base flood conditions, the potential exists for breaking waves with heights greater than or equal to 1.5 feet. The inland limit of the Coastal A Zone may be delineated on FIRMs as the Limit of Moderate Wave Action.

Coastal High Hazard Area. An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms. Coastal high hazard areas also are referred to as V Zones and are designated on FIRMs as zones VE or V1-30.

Co-Location. Placing more than one antenna on the same physical structure (tower or building).

Collector Road. A road which allows for the collection and distribution of traffic to and from other roads with access as a secondary function. This includes Major Collector, Minor Collector, and Residential Collector roads as defined in the Road and Site Development Ordinance.

COMAR. The Code of Maryland Regulations, as amended from time to time, including any successor provisions.

Commercial Districts. Zoning districts that allow a variety of non-residential uses such as retail, restaurant, entertainment, service, and office, where such types of uses are the primary uses allowed.

Commercial Harvesting. Commercial operation that would alter the existing composition or profile, or both, of a forest, including all commercial cutting operations done by companies and private individuals for economic gain.

Commercial Logging or Timber Harvesting Operations. The cutting and removing of tree stems from a site for commercial purposes, leaving the root mass intact.

Commercial Use. A use for the purpose of monetary reward by means of sale, resale, loan, transfer, hire, or other form of commerce.

Commission (Critical Area). Refers to the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

Common Access Drive. An access area created to provide access to lots. Commonly owned by adjoining lot owners but may also be owned individually.

Common Area. An area of land within a residential community that is reserved and designated for the use of the residents of the community.

Communications Antenna. A transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunications signals or other communication signals. This definition includes omnidirectional (whip) antennas and panel antennas, and camouflaged or concealed antennas that are integrated into the architectural features of a building, such as church steeples. This definition does not include satellite dish antennas.

Communications Tower. A structure designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar commercial or public communications purposes, including self-supporting lattice towers, guyed towers, monopole towers, or camouflaged towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and the like.

Communications Tower, Commercial or Governmental. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar commercial or public communications purposes, including self-supporting lattice towers, guyed towers, monopole towers, or camouflaged towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and the like. This definition includes, but is not limited to, the following specific types of towers: a. Camouflaged Tower. Man-made trees, flagpoles, clock towers, bell towers, light poles and similar alternative-design towers that camouflage or conceal the presence of antennas or the tower itself. b. Guyed Tower. A monopole or lattice tower that is supported by cables. c. Lattice Tower. A self-supporting tower with multiple legs and cross-bracing of structural steel. d. Monopole Tower. A tower that is self-supporting with a single shaft of wood, steel, concrete or other construction material and a platform for panel antennas.

Communications Tower, Monopole. A self-supporting pole-type structure, tapering from base to top and supporting a fixture designed to hold one or more antennas for transmitting or receiving radio, mobile telephone communications or electromagnetic waves.

Communications Tower, Private/Not-For-Profit. Any structure whose primary purpose is to support one or more antennas or to serve as an antenna itself for transmitting or receiving radio or electromagnetic waves for private/not-for-profit use. This term includes lattice-type structures, either guyed or self-supporting, monopoles, and camouflaged towers.

Community (Floodplain). A political subdivision of the State of Maryland (county, city or town) that has authority to adopt and enforce floodplain management regulations within its jurisdictional boundaries.

Community Enhancement District (CED). A planning tool for commercial, industrial, and mixed-use developments to provide flexibility of design elements. The CED is like other land development projects but requires Planning Commission and Board of County Commissioner approval to achieve substantially higher-quality development that provides a public benefit that would otherwise not be obtained.

Community Pier. A boat docking facility associated with a subdivision or similar residential area, or with condominiums, apartments, or other multiple-family dwelling units. A community pier does not include a private pier or a mooring.

Community Sewer System. A publicly or privately-owned sewerage system that serves at least two lots or parcels.

Compatible Use. A use that is of the same nature as surrounding uses, the characteristics of which allow it to be located near or adjacent to other uses in harmony and without adversely affecting surrounding uses.

Comprehensive Plan. A document prepared by the Planning Commission and approved by the Board of County Commissioners setting forth policies for the future of Calvert County. It is the result of considerable study and analysis of existing physical, economic, and social conditions, and a projection of future conditions. It serves as a guide for many public decisions, especially land use changes and preparation of capital improvements programs, and the enactment of zoning and related growth management legislation.

Comprehensive Rezoning. A process that assigns a zoning category to every property in a defined area at the same time, as a result of adoption of a new Comprehensive Plan or amendment to an existing Comprehensive Plan.

Concept Plan. A general plan of a development proposal that shows existing site conditions (including topography, structures, surrounding land uses, etc.) and the proposed land use, size of the development, general layout of structures and streets, lots and utilities, and any other items that may be required for review

Conforming (Critical Area). A parcel or lot that meets all Critical Area requirements. Conforming does not include a parcel or lot for which a Critical Area variance is sought or has been issued; or that is located in the Resource Conservation Area and is less than twenty acres.

Conservation Easement. A non-possessory interest in land which restricts the manner in which the land may be developed in an effort to preserve or manage natural resources.

Consolidation (Critical Area). A combination of any legal parcel of land or recorded legally buildable lot into fewer lots or parcels than originally existed. An application for consolidation may include a subdivision, lot line abandonment, boundary line adjustment, administrative plat request, or lot line adjustment.

Conventional Density. The permitted density in a zoning district, including base density and bonus lots, but not including transfer zone density.

County. Calvert County, Maryland.

County Engineer. The Director of the Department of Public Works or its designee.

Cover Crop. The establishment of a vegetative cover to protect soils from erosion and to restrict pollutants from entering the waterways. Cover crops can be dense, planted crops of grasses or legumes, or crop residues such as corn, wheat or soybean stubble which maximize infiltration and prevent runoff from reaching erosive velocities.

Critical and Essential Facilities. Buildings and other structures that are intended to remain operational in the event of extreme environmental loading from flood, wind, snow, or earthquakes. See Maryland Building Performance Standards, Sec. 1602 and Table 1604.5. Critical and essential facilities typically include hospitals, fire stations, police stations, storage of critical records, facilities that handle or store hazardous materials, and similar facilities.

Critical Area. All lands and waters defined in §8-1807 of the Natural Resources Article, Maryland Annotated Code. They include:

1. All waters of and lands under the Chesapeake Bay and Atlantic Coastal Bays and their tributaries to the head of tide as indicated on State wetland maps;
2. All State and private wetlands designated under Title 16 of the Environment Article, Annotated Code of Maryland;
3. All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 16 of the Environment Article, Maryland Annotated Code; and
4. Modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in §8-1807 of the Natural Resources Article, Maryland Annotated Code.

Critical Area Buffer. An existing naturally vegetated area, or an area established in vegetation and managed to protect aquatic, wetlands, shoreline, and terrestrial environments from man-made disturbances.

Critical Area Commission. The Critical Area Commission (CAC) was created by the Critical Area Act of 1984 by the Maryland General Assembly to protect the Chesapeake Bay from the negative effects of development. The CAC is a body that oversees the development and implementation of land use programs in the Critical Area. Sometimes referred to formally as the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

Critical Habitat Area (Forest Conservation). A critical habitat for an endangered species and its surrounding protection area. A critical habitat area must:

1. Be likely to contribute to the long-term survival of the species.
2. Be likely to be occupied by the species for the foreseeable future.
3. Constitute habitat of the species which is considered critical under Natural Resources Article, §§4-2A-04 and 10-2A-06, Annotated Code of Maryland.

Critical Habitat for Endangered Species (Forest Conservation). A habitat occupied by an endangered species as determined or listed under Natural Resources Article, §§4-2A-04 and 10-2A-04, Annotated Code of Maryland.

Critical Area Program Amendment. Any change or proposed change to the adopted Critical Area Program that is not determined by the Chairman of the Critical Area Commission to be a Program Refinement.

Critical Area Program Refinement. Any change or proposed change to the adopted Critical Area Program that the Chairman of the Critical Area Commission determines will result in a use of land or water in the Chesapeake Bay Critical Area in a manner consistent with the adopted Critical Area Program, or that will not significantly affect the use of land or water in the Critical Area. Program refinement may include a change to the adopted Critical Area Program: that results from State law; that affects local processes and procedures; that clarifies an existing provision; and, that is a minor change that is clearly consistent with the provisions of State Critical Area law and all the Criteria of the Commission.

Cross-Access. A vehicular and/or pedestrian connection between abutting properties that connects the two sites and allows vehicles and/or pedestrians to travel between sites without the having to exit to the street.

Cultural Resources. Physical evidence or place of past human activity: site, object, landscape, structure; or a site, structure, landscape, object, or natural feature of significance to a group of people traditionally associated with it.

Cutoff. See Section 2-3.F of this Article.

Cutoff, Full. See Section 2-3.F of this Article.

Days. Calendar days unless otherwise specified.

Day Care, Home. A residential dwelling where care and supervision is provided by a permanent occupant of the dwelling for: 1) care children not related to the owner or operator of the facility; or 2) elderly or functionally-impaired adults in a protective setting that are not related to the owner or operator of the facility. A child day care home does not include a dwelling that receives children from a single household. For the purposes of applying district dimensional standards, day care homes are subject to the standards for the dwelling type.

Deck. A roofless outdoor space built as an aboveground platform projecting from the wall of a structure and connected by structural supports at grade or by the structure.

Declaration of Intent (Forest Conservation).

1. A signed and notarized statement by a landowner, or the landowner's agent, certifying that the activity on the landowner's property:
 - a. Is for certain activities exempted under this Ordinance or Natural Resources Article, §§5-103 and 5-1601—5-1612, Annotated Code of Maryland,
 - b. Does not circumvent the requirements of this Ordinance or Natural Resources Article, §§5-103 and 5-1601—5-1612, Annotated Code of Maryland, and
 - c. Does not conflict with the purposes of any other declaration of intent; or

2. The document required under COMAR08.19.01.05 or this Ordinance.

Declaration of Land Restriction (Nonconversion Agreement). A form signed by the owner to agree not to convert to a living space or modify in any manner that is inconsistent with the terms of the permit and these regulations, certain enclosures below the lowest floor of elevated buildings, and certain accessory structures. The form requires the owner to record it on the property deed to inform future owners of the restrictions.

Deed. A legal document conveying ownership of, or interest in, real property.

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.

Department of Public Works. The Calvert County Department of Public Works.

Developed Woodland. An area of trees and natural vegetation interspersed with residential, commercial, industrial, institutional, or recreational development.

Developed Woodland Management Plan. A plan associated with a development activity in the Critical Area that is designed to minimize negative impacts to developed woodlands, that provides appropriate mitigation requirements for any anticipated impacts, and improves the habitat value for wildlife whenever possible.

Developer. Any individual(s), partnership, firm, corporation, company, public housing authority, or agent therefore, that undertakes or participates in the establishment or development of a subdivision or parcel of land.

Developer in the Critical Area. A person who undertakes, in the Critical Area, development activity as defined in this Ordinance, or a person who undertakes development activity as defined in the criteria of the Critical Area Commission.

Development. Any activity, other than normal agricultural or forestry activity, which materially affects the existing condition or use of any land or structure including but not limited to buildings or other structures, placement of manufactured homes, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials, which materially affects the existing condition or use of any land or structure.

Development Activity. Human activity that results in disturbance to land, natural vegetation, or a structure.

Development Envelope (Critical Area). An individually owned lot or parcel, the lot coverage on that individually owned lot or parcel, a road, a utility, a stormwater management measure, an onsite sewage disposal measure, any area subject to human use such as an active recreation area, any required buffers, and any additional acreage necessary to meet the requirements of this Ordinance.

Development in the Floodplain. Any manmade change in the floodplain to improved or unimproved real estate, including but not limited to buildings or other structures, placement of manufactured homes, mining dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

Development of Local Significance in the Critical Area. Any development in the Critical Area that does not meet the definition of Major Development in the Critical Area.

Development Project (Forest Conservation).

1. The grading or construction activities occurring on a premises that is 40,000 square feet or greater; or
2. Redevelopment of a premises.

Development Project Completion (Forest Conservation). For the purposes of afforestation, reforestation, or payment into a fund:

1. The release of the development bond, if required.
2. Acceptance of the project's streets, utilities, and public services by the Department of Planning & Zoning.
3. Designation by the Department of Planning & Zoning or State that a:

- a. Development project has been completed, or
- b. Particular stage of a staged development project, including a planned unit development, has been completed.

Directional Sign. A sign for public safety or which provides direction information for the control of vehicular or pedestrian traffic.

Display. Make a prominent exhibition in a place where it can easily be seen.

Distillation of Alcohol as a Fuel. The fermentation or other refinement of grains or other biomass for the production of liquid fuel. This does not include the capture/reclamation of methane from agricultural or commercial operations.

Disturbance. Any alteration or change to the land including any amount of clearing, grading, or construction activity. Disturbance does not include gardening or maintenance of an existing grass lawn.

Documented Breeding Bird Areas. Forested areas where the occurrence of interior dwelling birds, during the breeding season, has been demonstrated as a result of on-site surveys using standard biological survey techniques.

Drainage Divide. An elevation on a topographic feature that separates watersheds.

Drainage Easement. An easement for the installation of stormwater sewers or drainage ditches, or for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

Drive-Through Sign. Any signage located along a drive-through lane that is oriented toward the customer or user in the drive-through lane.

Driveway. A private area providing access for vehicles to a parking space, dwelling, garage, or other structure.

Driving Range. An area of land for practicing long golf shots, especially drives, with clubs and balls available for rent from the management.

Durable. Able to withstand wear, pressure, or damage, or hard-wearing and not easily worn over a long duration.

Dwelling Unit. One or more rooms forming a single habitable unit with facilities for living, sleeping, cooking and sanitation.

Easement. An agreement between parties, usually a property owner and another party, for access or use of land for a specific purpose.

Eave. The projecting lower edges of a roof overhanging the wall of a structure.

Ecosystem. A more or less self-contained biological community, together with the physical environment in which the community's organisms occur.

Ecotourism Use. A commercial enterprise located in an agricultural or preservation area intended to attract tourists and provide supplemental income for the property owner. Eco-tourism uses include, but are not limited to nature trails, canoeing, fishing, wildlife observation, and birding.

Effective Approval Date. The date of approval for a permit, plan or other document based on a hearing or signature.

Electronic Message Center (EMC). A variable message sign that utilizes computer-generated messages or some other mechanical or electronic means of changing copy. These signs include displays using one or more lamps, light emitting diodes (LEDs), liquid-crystal display (LCDs) or a flipper matrix.

Elevation Certificate. FEMA Form 086-0-33, on which surveyed elevations and other data pertinent to a property and a building are identified and which must be completed by a licensed professional land surveyor or a licensed professional engineer, as specified by the Floodplain Administrator. When used to document the height above grade of buildings in special flood hazard areas for which base flood elevation data are not available, the Elevation Certificate must be completed in accordance with the instructions issued by FEMA.

Employment Center District. A zoning district intended to best utilize the County labor force by providing areas adjacent to the Town Centers where attractive and appropriately designed office parks, light manufacturing, educational facilities, research and development companies, and some commercial enterprises may develop.

Enclosure Below the Lowest Floor. An unfinished or flood-resistant enclosure that is located below an elevated building, is surrounded by walls on all sides, and is usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations. Also see "Lowest Floor".

Endangered Species. Any species of fish, wildlife, or plants which have been designated as such by regulation by the Secretary of the Department of Natural Resources. This includes any species determined to be an endangered species pursuant to the federal Endangered Species Act.

Energy Generating System (Critical Area). Has the meaning stated in the Land Use Article, §4-211, Maryland Annotated Code.

Environmental Planner. A planner, designated by the Director of Planning & Zoning, that reviews plans to ensure environmental regulations are followed.

Ephemeral Stream. A stream that has periodic flow but requires a storm event to have flow. There is no connection to groundwater.

Erect. Construct or installing a building, wall or other structure.

Erosive Conditions. An annual rate of erosion of two feet or greater.

Establishment. Relative to the Critical Area, the creation of native vegetated cover throughout the buffer.

Exception Lot. A bonus density lot enabled by zoning ordinances on or before October 21, 1974 which may affect the permitted density of a property.

Excess Stormwater Run-Off. All increases in stormwater resulting from one or more of the following:

1. An increase in the imperviousness of the site, including all additions to buildings, roads, and parking lots;
2. Changes in permeability caused by compaction during construction or modifications in contours, including the filling or drainage of small depression areas;
3. Alteration of drainageways, or regrading of slopes;
4. Destruction of forest; or
5. Installation of collection systems to intercept street flows or to replace swales or other drainageways.

Extenuating Circumstances. Conditions requiring extension of a set time limit to process an application, render a decision, or conduct a public hearing.

Exterior Stairwell. One or more flights of stairs, and the necessary landings and platforms connecting them, to form a continuous passage from the entryway of a floor or level to another in a structure located on the exterior of a principal building.

Fall Zone. The area on the ground within a prescribed radius from the base of a tower. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

Family Conveyance Easement or Right-Of-Way (Private). A private easement or right-of-way, for the purpose of providing access to a family conveyance subdivision.

Family Conveyance Subdivision. A single-family residential development within which one bonus lot is designated to be conveyed only to family members of the grantor being spouse, parent, child, grandchild, grandparent, sibling, or the child of a sibling. Under the specific circumstances outlined in this Ordinance, where a parcel is undeveloped, the grantor may be considered his/her own family member for the purpose of creating a family conveyance lot for oneself, provided all other requirements are met.

Family Conveyance Lot. A bonus lot created through a family conveyance subdivision.

Farm and Forest District. A zoning district which allows limited development and encompasses existing agriculture and forested areas (See Section 4-1 of this Ordinance for further description).

Federal Emergency Management Agency (FEMA). The federal agency with the overall responsibility for administering the National Flood Insurance Program.

Field Crops. Agricultural plant commodities traditionally grown and harvested in open land including, but not limited to, grains, vineyards, orchards, vegetables, legumes, and tobacco.

Fill. Any materials placed in an area which change the elevation of the preexisting surface or ground water level, or the soil surface.

Final Subdivision Plat. A drawing of all or any portion of the subdivision, prepared by a licensed professional in accordance with the approved Preliminary Subdivision Plan, which is to be recorded in the official Plat or Land Records of Calvert County after approval by the Planning Commission of its designee.

Financial Assurance. A performance bond, letter of credit, cash deposit, insurance policy, or other instrument of security acceptable to a local jurisdiction.

Fire Escape. A fireproof stairway, ladder, or chute on the outside wall of a building intended to be used to assist in emergency escape from a building in case of fire or another calamity.

Fisheries Activities. Commercial water dependent fisheries facilities including structures for the packing, processing, canning, or freezing of finfish, crustaceans, mollusks, and amphibians and reptiles and also including related activities such as wholesale and retail sales, product storage facilities, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquaculture operations.

Flag. A sign made of nonrigid material such as canvas or vinyl and having no enclosing or supporting framework. A flag is usually rectangular or triangular in shape and is attached at one end to a pole.

Flashing Light or Sign. Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or any externally mounted intermittent light source.

Float. Any floating structure normally used as a point of transfer for passengers and goods from boats or for mooring purposes.

Flood or Flooding (Floodplain). A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Damage-Resistant Materials. Any construction material that is capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

Flood Insurance Rate Map (FIRM). An official map on which the Federal Emergency Management Agency has delineated special flood hazard areas to indicate the magnitude and nature of flood hazards, to designate applicable flood zones, and to delineate floodways, if applicable. FIRMs that have been prepared in digital format or converted to digital format are referred to as Digital FIRMs (DFIRM).

Flood Insurance Study (FIS). The official report in which the Federal Emergency Management Agency has provided flood profiles, floodway information, and the water surface elevations.

Flood Opening. A flood opening (non-engineered) is an opening that is used to meet the prescriptive requirement of 1 square inch of net open area for every square foot of enclosed area. An engineered flood opening is an opening that is designed and certified by a licensed professional engineer or licensed architect as meeting certain performance characteristics, including providing automatic entry and exit of floodwaters; this certification requirement may be satisfied by an individual certification for a specific structure or issuance of an Evaluation Report by the ICC Evaluation Service, Inc.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Protection Elevation. The base flood elevation plus four feet of freeboard, except for Solomons Town Center where the Flood Protection Elevation is 10' NAVD 88. Freeboard is a factor of safety that compensates for uncertainty in factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, climate change, and the hydrologic effect of urbanization in a watershed.

Flood Protection Setback. A distance measured perpendicular to the top of bank of a watercourse that delineates an area to be left undisturbed to minimize future flood damage and to recognize the potential for bank erosion. Along nontidal waters of the State, the flood protection setback is:

1. 100 feet, if the watercourse has special flood hazard areas shown on the FIRM, except where the setback extends beyond the boundary of the flood hazard area; or
2. 50 feet, if the watercourse does not have special flood hazard areas shown on the FIRM.

Flood Zone. A designation for areas that are shown on Flood Insurance Rate Maps:

1. Zone A: Special flood hazard areas subject to inundation by the 1% annual chance (100-year) flood; base flood elevations are not determined.
2. Zone AE and Zone A1-30: Special flood hazard areas subject to inundation by the 1% annual chance (100-year) flood; base flood elevations are determined; floodways may or may not be determined. In areas subject to tidal flooding, the Limit of Moderate Wave Action may or may not be delineated.
3. Zone AH and Zone AO: Areas of shallow flooding, with flood depths of one to three feet (usually areas of ponding or sheet flow on sloping terrain), with or without BFEs or designated flood depths.
4. Zone B and Zone X (shaded): Areas subject to inundation by the 0.2% annual chance (500-year) flood; areas subject to the 1% annual chance (100-year) flood with average depths of less than one foot or with contributing drainage area less than one square mile; and areas protected from the base flood by levees.
5. Zone C and Zone X (unshaded): Areas outside of Zones designated A, AE, A1-30, AO, VE, V1-30, B, and X (shaded).
6. Zone VE and Zone V1-30: Special flood hazard areas subject to inundation by the 1% annual chance (100-year) flood and subject to high velocity wave action (also see coastal high hazard area).

Floodplain. Any land area susceptible to being inundated by water from any source.

Floodproofing Certificate. FEMA Form 0-86-34 that is to be completed, signed and sealed by a licensed professional engineer or licensed architect to certify that the design of floodproofing and proposed methods of construction are in accordance with the applicable requirements of these regulations.

Floodproofing or Floodproofed. Any combination of structural and nonstructural additions, changes, or adjustments to buildings or structures which reduce or eliminate flood damage to real estate or improved real property, water, and sanitary facilities, structures and their contents, such that the buildings or structures are watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to pass the base flood discharge such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. When shown on a FIRM, the floodway is referred to as the designated floodway.

Floor Area. See Section 2-3.E of this Article.

Floor Area Ratio. See Section 2-3.E of this Article.

Footcandle. See Section 2-3.F of this Article.

Forest (Critical Area). Has the meaning stated in Natural Resources Article, §5-1601, Annotated Code of Maryland.

Forest (Forest Conservation). A biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater. Forest includes areas that have at least 100 live trees per acre with at least 50% of those trees having a two-inch or greater diameter at 4.5 feet above the ground and larger, and areas that have been cut but not cleared. Forest does not include orchards.

Forest Conservancy District Board. The forestry board created for each State forest conservancy district under Natural Resources Article, §§5-601—5-610, Annotated Code of Maryland.

Forest Conservation. The retention of existing forest or the creation of new forest at the levels set by the State or Department of Planning & Zoning.

Forest Conservation and Management Agreement. An agreement as stated in Tax-Property Article, §8-211, Annotated Code of Maryland.

Forest Conservation Plan. A plan approved pursuant to Natural Resources Article, §§5-1606 and 5-1607, Annotated Code of Maryland.

Forest Cover. The area of a site meeting the definition of forest.

Forest Interior Dwelling Birds (FIDS). Species of birds which require forest interior habitat in order to breed successfully (for example, various species of flycatchers, warblers, vireos, and woodpeckers).

Forest Interior Habitat. Forests of at least 50 acres in size with 10 or more acres of “forest interior habitat” (i.e., forest greater than 300 feet from the nearest forest edge). The majority of the forest tract should be dominated by pole-sized timber (5 inches in diameter or more at breast height (DBH)) or have a closed canopy; or B. Riparian forests of at least 50 acres in size with an average total width of at least 300 feet. The stream within the riparian forest should be perennial. The majority of the forest tract should be dominated by pole-sized or larger trees or have a closed canopy; or C. Any forested habitat until documented otherwise as required by “A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area” June 2000.

Forest Management Plan. A plan establishing best conservation and recommended management practices for a landowner based on the landowner’s objectives and an assessment of the resources of the forested property.

Forest Mitigation Bank. An area of land which has been intentionally afforested or reforested for the express purpose of providing credits for reforestation requirements.

Forest Mitigation Bank Agreement. An agreement entered into by an individual owning a forest mitigation bank and the County or local government which commits the banker to certain procedures and requirements when creating and operating the forest mitigation bank.

Forest Mitigation Bank Plan. A plan submitted for approval of a forest mitigation bank to the County, or a local government with an approved local program, by an individual proposing to establish a forest mitigation bank.

Forest Preservation Area. Forest area in the Critical Area to remain as forest in perpetuity for water quality protection and wildlife habitat unless appropriate permits or approval are obtained.

Forest Retention Area. Forest area outside of the Critical Area to remain as forest in perpetuity for water quality protection and wildlife habitat unless appropriate permits or approval are obtained.

Forest Stand Delineation. The methodology for evaluating the existing vegetation on a site proposed for development.

Forestry. The science of planting and caring for forests and the management of growing timber.

Freeboard. An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, wave actions, subsidence, or other unpredictable effects.

Free-Of-Obstruction. A term that describes open foundations (pilings, columns, or piers) without attached elements or foundation components that would obstruct the free passage of floodwaters and waves beneath structures that are elevated on such foundations.

Freestanding Sign. Any sign supported upon the ground by a monument, pedestal, pole, bracing or other permanent measure and not attached to any building.

Front Roadway Buffer. A designated area within a subdivision or site along an existing public road that has existing vegetation which qualifies as a forest to remain, or to be planted if the area is not vegetated, or as otherwise permitted by this Ordinance. It is designed to afford the least visibility of the development from the road and to provide a visual and sound buffer for the residents of a subdivision.

Fully Established (Critical Area). The buffer contains as much diverse, native vegetation as necessary to support a firm and stable riparian habitat capable of self-sustaining growth and regeneration.

Functionally Dependent Use (Floodplain). A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water; the term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Garage. A structure, either attached or detached, used for the parking and storage of vehicles as an accessory use to a residence. For the purposes of this definition, garage does not include a commercial parking structure.

Gazebo. A freestanding outdoor accessory structure with a roof and open sides designed for recreational use and not for habitation.

Glare. The sensation produced by lighting that causes an annoyance, discomfort or loss in visual performance and visibility to the eye. Glare is subjective and cannot be measured with a meter.

Governmental Agency: A permanent or semi-permanent organization that is created by the government to carry out specific tasks or provide services to the public. Any federal, state, local, foreign or other governmental agency, instrumentality, commission, authority, board or body.

Grading. Any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled, or any combination thereof.

Grandfathered Lot or Parcel (Critical Area). A single lot or parcel of land that was created or a lot created through the subdivision process and recorded as a legally buildable lot prior to December 13, 1988.

Grandfathered Site Plan. A conceptual or detailed site development plan application that has been permitted or approved by prior legislation to proceed under regulations that have been superseded.

Grantee. A person to whom property is conveyed.

Grantor. A person who conveys property to another.

Greenhouse (Accessory). A structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Groin. A shore protection structure built perpendicular to the shore to trap sand and retard shoreline erosion.

Gross Floor Area. See Section 2-3.E of this Article.

Gross Tract Acreage. The total tract area determined by survey. If a survey does not exist, the total tract area as determined by deed. Sometimes referred to as gross acreage.

Groundcover. Small plants, such as salal, ivy, ferns, mosses, or other types of vegetation, designed to grow low to the ground (generally one foot or less) that normally cover the ground and intended to stabilize soils and protect against erosion.

Growing Season. The period of consecutive frost-free days as stated in the current soil survey for this county published by the National Cooperative Soil Survey Program, 16 U.S.C. §590 (a)—(f).

Growth Allocation (Critical Area). The number of acres of land in the Critical Area that the County use, or allocate to municipal jurisdictions to use, to create new Intensely Developed Areas and new Limited Development Areas. The Growth Allocation is 5% of the total Resource Conservation Area acreage in the County at the time the Critical Area Commission approved the County's original Critical Area Program, not including tidal wetlands or land owned by the federal government.

Growth Allocation Envelope (Critical Area). All of the proposed components of a growth allocation that are necessary to serve the proposed development, including an individually owned lot, lot coverage, a road, a utility, a stormwater management measure, an on-site sewage disposal measure, an active recreation area, and additional acreage needed to meet the development requirements of the Critical Area criteria.

Habitable Attic. An attic containing space for human occupancy or use.

Habitat Protection Area. An area where plant communities and physiographic features provide food, water cover, nesting, foraging or feeding conditions necessary to maintain populations of rare, threatened, or endangered species; or colonial water bird nesting sites, historic waterfowl staging and concentration areas, riparian forest or other areas identified to be of local, state or federal significance for existing plant and wildlife habitat areas, including the Critical Area Buffer and anadromous fish propagation waters.

Habitat Protection Plan (HPA). A plan that provides for the protection and conservation of the species and habitats identified as HPAs in the Critical Area. The HPA shall be specific to the site or area where the species or its habitat is located and shall address all aspects of a proposed development activity that may affect the continued presence of the species. These include, but are not limited to, cutting, clearing, alterations of natural hydrology, and increases in lot coverage. In developing the HPA, an applicant shall coordinate with the Department of Natural Resources to ensure that the HPA is adequate to provide for long-term conservation and can be effectively implemented on the specific site.

Harbor Line. The line as shown on the applicable Zoning Map for Harbor Lines defining the channelward limits of marine construction for a given waterway.

Hazardous Tree. A tree with a structural defect, such as a crack, canker, weak branch union, decay, dead wood, root damage, or root disease, that decreases the structural integrity of the tree and which, because of its location, is likely to fall and cause personal injury or property damage, including acceleration of soil erosion; or based on its location in the landscape, a healthy tree that, with continued normal growth, will damage an existing permanent structure or significantly increase the likelihood of soil erosion. Hazardous tree does not include a tree for which the likelihood of personal injury, property damage, or soil erosion can reasonably be eliminated or significantly diminished with routine and proper arboricultural practices, such as regular watering, application of fertilizer or mulch, and pruning; or by relocation of property that is likely to be damaged.

Heavy Industrial District. A zoning district intended to provide for a variety of energy production and associated uses as well as light manufacturing, fabricating, processing, distributing and warehousing uses. Industrial uses in this district may result in external effects such as smoke, noise, glare or vibration, and typically include outdoor storage and related outdoor activities.

Heliport. A permanent facility designed to accommodate the operation and routine servicing and maintenance of helicopters.

High Density Residential Areas (Forest Conservation). Areas zoned for densities greater than one dwelling unit per acre, including both existing and planned development and their associated infrastructure, such as roads, utilities, and water and sewer service.

Highest Adjacent Grade. The highest natural elevation of the ground surface, prior to construction, next to the proposed foundation of a structure.

Highly Erodible Soils. Those soils with a slope greater than 15% or those soils with a K value greater than 0.35 and with slopes greater than 5%.

Historic District. An overlay district intended to preserve areas and structures which reflect significant cultural, social, economic, political, or architectural history; promote the use and preservation of historic areas and structures for the education, welfare, and pleasure of the residents of the County; foster civic beauty; stabilize and improve property values in the area of Historic Districts and strengthen the local economy; develop an awareness among property owners

of the value of preserving, protecting and restoring areas of historical significance; enable the County government to identify and officially designate landscapes, structures, and sites of historical and cultural importance 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.

Historic Site. A historic structure or archaeological site.

Historic Structure. Any structure that is:

1. Individually listed in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Maryland Inventory of Historic Properties; or
4. Individually recognized as a Calvert County Historic District.

Historic Waterfowl Staging and Concentration Area. An area of open water and adjacent marshes where waterfowl gather during migration and throughout the winter season. These areas are historic in the sense that their location is common knowledge and because these areas have been used regularly during recent times.

Home Improvement. The addition to or alteration, conversion, improvement, modernization, remodeling, repair, or replacement of a building or part of a building that is used or designed to be used as a residence or dwelling place or a structure adjacent to that building, or an improvement to land adjacent to the building. This includes construction, improvement, or replacement, on land adjacent to the building or on the same or contiguous parcels or lots, of a driveway, fall-out shelter, fence, garage, landscaping, deck, pier, porch, swimming pool, or a shore erosion control project, as defined under § 8-1001 of the Natural Resources Article, for a residential property, and as further defined under Section 8-101 of the Business Regulation Article of the Maryland Annotated Code.

Home Studio. A commercial studio, performance arts studio, or personal/physical training studio as a home occupation. A home studio is only permitted to have two clients or fewer on premise at a time.

Hunting Reserve. Any tract or parcel of land that is used for the purpose of releasing game species for commercial hunting.

Hydrologic and Hydraulic Engineering Analyses. Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Maryland Department of the Environment (Nontidal Wetlands & Waterways) and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

Hydric Soils. Soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on those soils.

Hydrophytic Vegetation. Those plants cited in "Vascular Plant Species Occurring in Maryland Wetlands" (Dawson, F. et al., 1985) which are described as growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (plants typically found in water habitats).

Illuminance. The intensity of incident light at a point, measured with a light meter in footcandles or lux.

Immediate Family. Person within two degrees of consanguinity, including a father, mother, children, grandfather, grandmother, grandson, or granddaughter. Children include all children by blood, marriage (step-children), foster children, and legal guardianship.

Improvement Plan. A plan which shows improvements and amenities to be located within a subdivision or residential development, either proposed by the developer or required by county or state regulations.

In-Kind Replacement. The removal of a structure and the construction of another structure that is smaller than or identical to the original structure in use, footprint area, width, length, and height.

Industrial Use. Uses relating to, concerning, or arising from the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods, or mineral extraction.

Institutional Development Area. Relative to the Forest Conservation Program, includes schools, colleges, universities, military installations, transportation facilities, utility and sewer projects, government offices and facilities, golf courses, recreation areas, parks, and cemeteries.

Institutions. Any building or open area used only by an educational, religious, or medical, non-profit organization, either public or private.

Institutional Use. A public, nonprofit, or quasi-public use such as places of worship, educational facilities, cultural facilities, hospitals, parks, and government facilities.

Intensely Developed Area (IDA) (Critical Area). Those areas within the Critical Area where residential, commercial, institutional, or industrial development land uses predominate, and where little natural habitat occurs. These areas are designated on the Critical Area Map as IDA.

Interested Person. Someone who has a stake in a matter or transaction and could be affected by the outcome.

Intermittent Stream. A stream in which surface water is absent during a part of the year as shown on the most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey, or as confirmed by field verification.

Intrafamily Transfer. A transfer to a member of the owner's immediate family of a portion of the owner's property for the purpose of establishing a residence for that family member.

Intrafamily Transfer Lot. A lot created by a family conveyance subdivision in the Critical Area, which in addition to meeting all the requirements of a family conveyance subdivision must also meet the requirements of Article 22 of this Ordinance.

Invasive Species. A type of plant that is non-native to the ecosystem under consideration and whose introduction causes, or is likely to cause, economic or environmental harm or harm to human health.

Jurisdictional Determination of Wetlands. The identification and location of jurisdictional Waters of the United States (which includes wetlands) regulated by the U.S. Army Corps of Engineers (COE) under Section 404 of the Clean Water Act of 1977, is physically determined through a process known as a jurisdictional determination (JD).

K Value. The soil erodibility factor in the Universal Soil Loss Equation. Also known as K-factor.

Kitchen. A room or area where food is prepared and cooked including a sink with plumbing.

Land-Based Aquaculture. The raising of fish or shellfish in any natural or man-made, enclosed or impounded, water body.

Landscaping Plan (Forest Conservation).

1. Drawn to scale, showing dimensions and details for reforesting an area at least 35 feet wide and covering 2,500 square feet or greater in size.
2. Using native or indigenous plants when appropriate.
3. Which is made part of an approved forest conservation plan.

Landward Edge. The limit of a site feature that is furthest away from a tidal water, tidal wetland, or tributary stream.

Large Shrub. A shrub that, when mature, reaches a height of at least six feet.

Lateral Line. A line projecting from the shoreline to the harbor line separating useable waterway areas and determined by bisecting the angles formed by determined points on the shoreline, and at the property corners.

Legally Developed (Critical Area). All physical improvements to a property that existed before Critical Area Commission approval of a local program or were properly permitted in accordance with the provisions of the local Program in effect at the time of construction.

Letter of Map Change (LOMC). An official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

1. Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property or structure is not located in a special flood hazard area.
2. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
3. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A Conditional Letter of Map Revision Based on Fill (CLAMOR) is a determination that a parcel of land or proposed structure that will be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision and may be issued by FEMA, to revise the effective FIRM.

Licensed. As used in these regulations, licensed refers to professionals who are authorized to practice in the State of Maryland by issuance of licenses by the Maryland Board of Architects, Maryland Board of Professional Engineers, Maryland Board of Professional Land Surveyors, or the Maryland Real Estate Appraisers and Home Inspectors Commission.

Light Industrial and Mixed-Use District. A zoning district intended to provide for a variety of light manufacturing, fabricating, processing, distributing, and warehousing uses as well as compatible commercial uses such as recreation, entertainment, and retail establishments in part to promote the reuse of older, industrial structures that may no longer be suitable for their original limited purposes. Light industrial uses are low-intensity uses with minimal, if any, outside impacts.

Light Trespass. Light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.

Limited Development Area (LDA) (Critical Area). An area: with a housing density ranging from one dwelling unit per five acres up to four dwelling units per acre; with a public water or sewer system; that is not dominated by agricultural land, wetland, forests, barren land, surface water, or open space; or that is less than 20 acres and otherwise qualifies as an Intensely Developed Area under the definition in this Ordinance.

Limit of Disturbance. The outermost area of a development or redevelopment activity that includes temporary disturbance and permanent disturbance.

Limit of Moderate Wave Action (LiMWA). Inland limit of the area affected by waves greater than 1.5 feet during the base flood. Base flood conditions between the VE Zone and the LiMWA will be similar to, but less severe than those in the VE Zone.

Linear Project (Forest Conservation). A project which:

1. Is elongated with nearly parallel sides.
2. Is used to transport a utility product or public service not otherwise contained in an application for subdivision, such as electricity, gas, water, sewer, communications, trains, and vehicles.
3. May traverse fee simple properties through defined boundaries, or established easement rights.

Livestock. Generally accepted outdoor farm animals (i.e., horses, cows, sheep, swine, goats, llamas, alpacas, etc.) not to include cats, dogs, and other household pets. For the purposes of this definition livestock does not include chickens.

Living Shoreline. A suite of stabilization and erosion control measures that preserve the natural shoreline and are designed to minimize shoreline erosion, maintain coastal process, and provide aquatic habitat. Measures must include marsh plantings and may include the use of sills, sand containment structures, breakwaters, or other natural components.

Loading Area. An off-street space or berth used for the loading or unloading of vehicles.

Local Road. A low-volume road providing access to abutting properties with limited through traffic. These roads convey traffic to a higher functional type road.

Local Significance (Critical Area). Development of a minor scale, which causes environmental or economic consequences that are largely confined to the immediate area of the parcel of land on which it is located; does not substantially affect the Critical Area Program of the County; and is not considered to be major development as defined in this chapter.

Lodger. A non-transient individual other than a member of the family occupying the dwelling unit or a part thereof who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

Lot. A unit of land created through the subdivision process and recorded on a subdivision plat for building or development purposes.

Lot (Forest Conservation). A unit of land, the boundaries of which have been established by subdivision of a larger parcel, and which will not be the subject of further subdivision, as defined by Natural Resources Article, §5-1601, Annotated Code of Maryland, and this Ordinance without an approved forest stand delineation and forest conservation plan.

Lot Area. See Section 2-3.G of this Article.

Lot Consolidation. A combination of any legal parcels or lots of land into fewer parcels or lots.

Lot Coverage. See Section 2-3.G of this Article.

Lot, Corner. See Section 2-3.H of this Article.

Lot, Flag. See Section 2-3.H of this Article.

Lot Frontage. See Section 2-3.H of this Article.

Lot, Interior. See Section 2-3.H of this Article.

Lot Line. See Section 2-3.H of this Article.

Lot Line, Rear. See Section 2-3.H of this Article.

Lot Line, Side. See Section 2-3.H of this Article.

Lot Line, Street. See Section 2-3.H of this Article.

Lot, Multiple Frontage. See Section 2-3.H of this Article.

Lot Stem. The narrow portion of a flag lot through which the lot is accessed. Also known as a pole or pipestem.

Lot, Through. See Section 2-3.H of this Article

Lot Width. See Section 2-3.G of this Article.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement) of a building or structure. The floor of an enclosure below the lowest floor is not the lowest floor provided the enclosure is constructed in accordance with these regulations. The lowest floor of a manufactured home is the bottom of the lowest horizontal supporting member (longitudinal chassis frame beam).

Lumen. A unit of luminous flux, used to measure the amount of light emitted by lamps.

Luminaire. The complete lighting assembly including the lamp, housing, reflectors, lenses, and shields, less the support assembly, including the pole or mounting bracket; a light fixture. For the purposes of determining total light output from a luminaire or light fixture, lighting assemblies which include multiple unshielded or partially shielded lamps on a single pole or standard is considered as a single unit.

Lux. A unit of illuminance stated in lumens per square meter.

Maintenance Agreement (Forest Conservation). The short-term management agreement associated with afforestation or reforestation plans required under Natural Resources Article, §5-1605, Annotated Code of Maryland, and this Ordinance.

Major Buffer Management Plan (MaBMP). A landscape plan and supporting documentation required under this Ordinance to mitigate for disturbances in the Critical Area Buffer.

Major Development in the Critical Area. Development of a scale that may cause state-wide, regional or inter-jurisdictional, environmental or economic effects in the Critical Area, or which may cause substantial impacts on the Critical Area Program of a local jurisdiction. This type of development includes, but is not limited to, airports, power plants, major solar energy generating systems, wastewater treatment plants, highways, regional utility transmission facilities, prisons, hospitals, public housing projects, public beaches, and intensely developed park and recreation facilities, and any development or project authorized by the Public Service Commission under a certificate of Public Convenience and Necessity.

Major Subdivision.

1. When the total number of new residential lots or other divisions of land are derived from a parcel of record as of October 1, 2012 is eight or more;
2. Any division of non-residential land for development purposes or the creation of any new public rights-of-way; or
3. The creation of any new public rights-of-way.

Manufactured Home. A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contain therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United State Code.

Manufactured Home (Floodplain). A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term manufactured home does not include a recreational vehicle.

Manufactured Home for Resident Watchman/Caretaker. A manufactured home located on the same site as a business that functions as a complete independent living facility with provisions for cooking, eating, sanitation, and sleeping for an on-site watchman or caretaker.

Map Amendment. A non-comprehensive rezoning or adjustment to district boundaries.

Marine Commercial District. A zoning district intended for commercial development in locations adjoining waterways and outside of Town Centers that supplies and caters to marine activities and needs. These include but are not limited

to services and facilities such as boat service and repair facilities, boat docks, marine equipment stores, wholesale and retail fish and shellfish sales, hotels, motels, restaurants, and cocktail lounges.

Marine Facility. Any facility affecting the use and operations of any vessels on any waterway under the jurisdiction of the County, such as moorings, docks, etc.

Market Value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. For the purposes of these regulations, the market value of a building is determined by a licensed real estate appraiser or the most recent, full phased-in assessment value of the building (improvement) determined by the Maryland Department of Assessments and Taxation.

Maryland Department of the Environment (MDE). A principal department of the State of Maryland that is charged with, among other responsibilities, the coordination of the National Flood Insurance Program in Maryland (NFIP State Coordinator) and the administration of regulatory programs for development and construction that occur within the waters of the State, including nontidal wetlands, nontidal waters and floodplains, and State and private tidal wetlands (Tidal Wetlands). Unless otherwise specified, "MDE" refers to the Department's Wetlands and Waterways Program.

Master Sign Plan. A comprehensive plan that provides for variation in the amount, location or features of permanent signage that shows the general locations of all signs.

Maximum Density. The cumulative total density permitted through conventional density and transfer zone density.

Mean High Water Line (MHWL). The average level of high tides at a given location.

Medium Density Residential Areas (Forest Conservation). Areas zoned for densities greater than one dwelling unit per five acres and less than or equal to one dwelling unit per acre, including both existing and planned development and their associated infrastructure, such as roads, utilities, and water and sewer service.

Microwave Antenna. A physical device that transmits and receives microwave signals between two or more locations.

Minipark. A small park or outdoor area which at a minimum includes two permanently installed benches and trees that will provide shading for the benches.

Minor Buffer Management Plan (MiBMP). A landscape plan and supporting documentation required under this Ordinance when Critical Area buffer establishment or required mitigation is less than 5,000 square feet.

Minor Development Project (Forest Conservation). A project:

1. On less than five acres of land containing not more than four lots per acre; or
2. Substantively similar as defined by the Department of Planning & Zoning and approved by the State.

Minor Solar Energy Generating System (Critical Area). An energy generating system that derives energy from the sun to produce two megawatts or less of electricity, based upon nameplate capacity. Does not include a small residential accessory solar energy generating system.

Minor Subdivision.

1. When the total number of residential lots or other divisions of land are derived from a parcel of record as of October 1, 2012 is seven or less; or
2. Any division of land for development purposes that does not require the creation of any new right-of-way, other than a private lane and family conveyance easement or right-of-way.

Mitigation. An action taken to compensate for an adverse impact to the environment resulting from a development activity or a change in land use or intensity.

Mixed Residential Development. A mix of housing types that includes single-family detached dwellings along with townhomes, attached dwellings, or multi-family.

Mixed-Use Building. A single building, or attached buildings, containing one or more residential dwelling units and one or more non-residential uses which are permitted in the zoning district or sub-area and regulated by the Ordinance. For the purposes of this Ordinance, a residential dwelling unit in a mixed-use building is not considered a single-family dwelling.

Mixed-Use Development. A mixed-use building, or a group of buildings, on a single buildable lot or site plan, that contain both residential dwelling units and non-residential land uses which are permitted in the zoning district or sub-area and regulated by the Ordinance.

Mixed Use Structure (Floodplain). Any structure that is used or intended for use for a mixture of non-residential and residential uses in the same structure.

Modular Dwelling. A building assembly or system of building subassemblies designed for habitation as a dwelling for one or more individuals. For the purpose of this Ordinance, a modular dwelling is considered a single-family detached dwelling.

Monument Tree. Defined as one of the following:

1. A national, state or local champion tree;
2. A tree having a diameter of at least 24 inches, measured at 4.5 feet above the ground;
3. A tree having a diameter that is at least 75% of the diameter of the current state champion of that species, measured at 4.5 feet above the ground.

Mooring. A place where buoyant vessels are secured other than a pier.

Mooring Pile. A heavy beam of timber, concrete, or steel, driven into the bottom of a waterway and used to secure boats.

Motor Vehicle. Any device that is self-propelled or propelled by electric power by which any individual or property is or might be transported or towed. This definition includes, but is not limited to, automobiles, motorcycles, trucks, etc.

Movie Theater. A theater where movies are shown for public entertainment.

Multi-Faced Sign. A sign having at least two display faces, where the sign faces are not mounted back-to-back and where the faces are such that the interior angle of the faces is greater than 91 degrees and not being a three-way dimensional sign.

Multi-Service Non-Residential Development. A mixed-use building, or a group of buildings, on a single buildable lot that contain multiple non-residential land uses which are permitted in the zoning district or sub-area and regulated by the Ordinance.

Multi-Use Path. A traveled way constructed for both pedestrian and bicycle use.

Mural. An image that is primarily artistic in nature with no promotional graphics or promotional text typically applied to a wall, ceiling, or room of a building. A mural is not considered a sign.

National Flood Insurance Program (NFIP). The program authorized by the U.S. Congress in 42 U.S.C. §§ 4001 - 4128. The NFIP makes flood insurance coverage available in communities that agree to adopt and enforce minimum regulatory requirements for development in areas prone to flooding. (See definition of "Special Flood Hazard Area.")

Native Plant. A plant species that is indigenous to the physiographic area in Maryland where the planting is proposed.

Native Shrub. A shrub listed in the Calvert County Native Plants Guide, prepared and provided by Calvert County Department of Planning & Zoning.

Native Tree. A tree listed in the Calvert County Native Plants Guide, prepared and provided by the Calvert County Department of Planning & Zoning.

Native Vegetation. Vegetation that grows naturally in the area and is included in the Calvert County Native Plant List, prepared and provided by the Calvert County Department of Planning & Zoning.

Natural Disaster. Any event caused by natural forces, rather than by human action, such as but not limited to, earthquake, flood, hurricane, lightning, or tornado.

Natural Features. Components and processes present in or produced by nature, including but not limited to, soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life, and wildlife.

Natural Forest Vegetation. Vegetation consisting of canopy trees, understory trees, shrubs, and herbaceous plants that are typically found in riparian areas in the State of Maryland. Areas of natural forest vegetation planted to meet the mitigation requirements in this ordinance shall resemble the structure and species composition of natural forests.

Natural Heritage Area. Any communities of plants or animals which are considered to be among the best Statewide examples of their kind and are designated by regulation by the Secretary of the Department of Natural Resources.

Natural Regeneration. As defined in COMAR 08.19.03.01 if different from, the natural establishment of trees and other vegetation with at least 400 woody, free-to-grow seedlings per acre, which are capable of reaching a height of at least 20 feet at maturity.

Natural Vegetation. Vegetative cover that exists prior to any disturbance or development activity or those plant communities that develop in the absence of human activities. This definition does not include lawns.

Nature-Dominated. A condition where landforms or biological communities, or both, have developed by natural processes in the absence of human intervention.

Net Acreage. The number of acres of a parcel remaining after tidal wetlands, non-tidal wetlands and State wetlands are deducted from the gross acreage.

Net Floor Area. See Section 2-3.E of this Article.

Net Tract Area (Forest Conservation).

1. Except in agriculture and resource areas, the total area of a site, including both forested and non-forested areas, to the nearest 1/10 acre, reduced by that area where forest clearing is restricted by another local ordinance or program.
2. In agriculture and resource areas, the part of the total tract for which land use will be changed or will no longer be used for primarily agricultural activities, reduced by that area where forest clearing is restricted by another local ordinance or program.
3. For a linear project:
 - a. The area of a right-of-way width, new access roads, and storage.
 - b. The limits of disturbance as shown on an application for sediment and erosion control approval or in a capital improvements program project description.

New Construction. For floodplain regulations, structures, including additions and improvements, and the placement of manufactured homes, for which the start of construction commenced on or after the initial effective date of the Calvert County Flood Insurance Rate Map, including any subsequent improvements, alterations, modifications, and additions to such structures.

New Development (Critical Area). For purposes of implementing specific provisions of this Ordinance, new developments (as opposed to redevelopment) means a development activity that takes place on a property with pre-development imperviousness (in IDA) or lot coverage (LDA and RCA) of less than 15% as of December 1, 1985.

NFIP State Coordinator. See Maryland Department of the Environment.

Nonconforming Structure. A principal or accessory structure that existed prior to zoning, or at one time lawfully conformed to applicable zoning regulations, but because of the adoption of the Zoning Ordinance or subsequent amendments to the Ordinance no longer conforms to applicable regulations.

Nonconforming Use. The use of a structure or land that existed prior to zoning, or at one time lawfully conformed to applicable zoning regulations, but because of the adoption of the Zoning Ordinance or subsequent amendments to the Ordinance, no longer conforms to applicable regulations.

Non-Profit Organization. A nonprofit organization (NPO), also known as a non-business entity, not-for-profit organization, or nonprofit institution, is a legal entity organized and operated for a collective, public, or social benefit, in contrast with an entity that operates as a business aiming to generate a profit for its owners.

Non-residential Districts. Zoning districts that allow a variety of non-residential uses such as retail, restaurant, service, and office, where such types of uses are the primary uses allowed, or where a wide range of commercial uses are allowed with residential uses to create mixed-use development.

Non-residential Use. A structure or land used or intended to be used for non-residential uses, which includes, but is not limited to, retail, office, entertainment, recreation, public, institutional, and other non-residential uses. Structures with multi-family dwellings above ground floor non-residential uses are considered mixed-use development and considered a non-residential use for the purposes of this Ordinance.

Non-Structural Shoreline Stabilization Measures. A suite of stabilization and erosion control measures that preserve the natural shoreline and are designed to minimize shoreline erosion, maintain coastal processes, and provide aquatic habitat. Measures must include marsh plantings and may include the use of sills, sand containment structures, breakwaters or other natural components.

Nontidal Waters of the State. As used in these regulations, "Nontidal Waters of the State" refers to any stream or body of water within the state that is subject to state regulation, including the 100-year frequency floodplain of free-flowing waters. COMAR 26.17.04 states that "the landward boundaries of any tidal waters shall be deemed coterminous with the wetlands boundary maps adopted pursuant to Environment Article, § 16-301, Maryland Annotated Code.

Nontidal Wetlands. An area that is:

1. Inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation; or
2. Considered a nontidal wetland in accordance with the publication known as the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands," published in 1989 and as may be amended and interpreted by the U.S. Environmental Protection Agency.

Nontidal wetlands do not include tidal wetlands regulated under Title 16 of the Environment Article of the Maryland Annotated Code.

Noxious Weed. An invasive species of plant that has been designated by the Maryland Department of Agriculture to be harmful or injurious and is regulated under the Maryland Weed Control Law, Maryland Annotated Code, Agriculture Article Title 9, Subtitle 4.

Off-Premise Sign. A sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

Off-Street Parking Space. A space for parking a vehicle anywhere but on the street. These are usually parking facilities like garages and lots. Off-street parking can be either indoors or outdoors. Off-street parking also includes private lots, garages, and driveways.

Offsets. Structures or actions that compensate for undesirable impacts.

Offsite (Forest Conservation). Outside of the limits of the area encompassed by the tract.

On-Premise Sign. A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered on the same lot, parcel, site or property where the sign is located.

Onsite (Forest Conservation). Within the limits of the area encompassed by the tract, including an area classified as a 100-year floodplain.

Opaque. Material through which light cannot pass; not transparent.

Open Space. Any piece of land or water which is designated as open space in accordance with the provisions of Article 25 of this Ordinance. Designated open space has development restrictions and serves one or more of the following objectives; the conservation of natural resources, agricultural resources, or historic resources or for providing recreational opportunities.

Outdoor Light Fixture. An exterior illuminating device, lighting or reflective surface, luminous tube, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement.

Outlot. An outlot is a unit of land designated on a plat that does not meet the subdivision requirements as a buildable lot due to size, access, topography, or other restraints but may be used for public and community facilities (e.g., public utility lines and accessory structures, stormwater management facilities, wastewater and water supply treatment facilities, etc.)

Overlay District. A district established in the Ordinance that is superimposed on one or more zoning districts or parts of zoning districts. The standards and requirements associated with an overlay district may be more or less restrictive than those in the underlying districts.

Owner. An individual, firm, association, syndicate, partnership, or corporation that owns something.

Palustrine. All non-tidal wetlands dominated by trees, shrubs persistent emergent plants, or emergent mosses or lichens and all such wetlands that occur in tidal areas where the salinity due to ocean-derived salts is below one-half part per 1,000 parts of water.

Parapet. The extension of a false front or wall above a roof-line.

Parapet, Corniced. A horizontal molded projection coupled with a low wall on the edge of a roof designed to screen the roof or equipment that may be on the roof.

Parcel. A measured portion or area of land usually defined by a metes and bounds description within a deed. A unit of land identified as a separate entity for description purposes with a designated parcel number assigned by the Maryland Department of Assessments and Taxation. May include an aggregation of lots, blocks, sections, or phases. The assigned parcel number may include multiple tracts of land or lots.

Parcel Line. A line of record bounding a parcel which divides one parcel from another parcel, lot, or from a public or private street. The front parcel line is the parcel line separating a parcel from a road right-of-way. The rear parcel line is the parcel line opposite and most distant from the front parcel line. A side parcel line is any parcel line other than a front or rear parcel line.

Parent Tract. The parcel of record as of June 29, 1967.

Park-and-Sell Lot. An outdoor or indoor space where owners of motor vehicles or watercraft display their motor vehicles or watercraft for sale or trade.

Party Wall. A wall starting from the foundation and extending continuously through all stories to or above the roof that separates one building from another but is in joint use by each building.

Patio. A hard surface designed and intended for recreational use by people and not used as a parking space.

Patron Area. An indoor or outdoor area of an eating establishment, or similar use, including but not limited to, a tavern, nightclub, lounge, or bar designated for use by customers or the general public for eating, drinking, congregating, or waiting for service.

Pedestrian Circulation Route. A route intended and suitable for pedestrian use. May include sidewalks, multi-use paths, or crosswalks.

Pennants. A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands, or supported on small poles, intended to flap in the wind.

Perennial Stream. A stream containing surface water throughout an average rainfall year, as shown on the most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey, as confirmed by field verification.

Pergola. A freestanding, open structure that forms a partially shaded pedestrian walkway, passageway, or sitting area, and is constructed of a semi-open roof and vertical posts that support cross-beams and a sturdy open lattice. It may also be used as an extension of a building entryway.

Permanent Disturbance (Critical Area). A material, enduring change in the topography, landscape, or structure that occurs as part of a development or redevelopment activity. Permanent disturbance includes:

1. Construction or installation of any material that will result in lot coverage;
2. Construction of a deck;
3. Grading or clearing (except where it meets the definition of temporary disturbance); and
4. The installation of a septic system, in a forest or developed woodland on a grandfathered lot, if clearing is required.

Permanent disturbance does not include installation of a septic system on a grandfathered lot if located in existing grass or clearing is not required.

Permanent Sign. A sign permitted by this Ordinance to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground.

Person. An individual or group of individuals, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any of their affiliates, or any other entity, including state and local governments and agencies.

Pets, Dangerous or Wild Animals. Dangerous or Wild Animals - Animals that, by their very nature, are wild and potentially dangerous and, as such, do not adjust well to a captive environment, including but not limited to those considered by the State of Maryland to be wild or dangerous, such as: (i) fox, skunk, raccoon, or bear; (ii) Alligator or crocodile; (iii) Member of the cat family other than the domestic cat; or (iv) Any other mammalian wildlife species, or hybrids, for which there is no U.S.D.A. certified vaccine against rabies. (iv) Any poisonous snakes specifically in the family groups of Hydrophidae, Elapidae, Viperidae, or Crotolidae. Furthermore, reptiles greater than 6 feet in length shall be considered dangerous or wild animals.

Phased Development. Industrial, commercial or residential project that is developed in stages and not at the same time. A plan to show the sequence and phases of the development is approved by the necessary reviewing agencies.

Pier. Any marine structure generally referred to as a pier, dock, or wharf, walkway, breakwater, including pilings and other such facilities, used for the wet storage of watercraft. It does not include any structure on pilings or stilts that was originally constructed beyond the landward boundaries of State or private wetlands.

Plat. A drawing prepared at an appropriate scale to show the results of the findings and conclusions of a survey or a legal description. A plat may also show lots, streets easements, and other features as part of development review and approval.

Planning Commission Administrator. The Planning Commission Administrator for Calvert County. The Planning Commission Administrator also serves as the Secretary to the Planning Commission.

Plant Habitat. A community of plants commonly identifiable by the composition of its vegetation and its physiographic characteristics.

Planting Plan (Critical Area). A narrative, graphic description, or plan of an area when planting is required for mitigation, on-site or off-site plantings, or under solar panels.

Plot Plan. A drawing to scale based upon an accurate instrument survey, defining and showing the design of the proposed actions, the existing physical condition of the land, including but not limited to parcel boundaries, easements, roads, topography, natural and man-made features, trees, and structures. A plot plan is submitted with a grading or building permit.

Porch. An architectural feature that projects from the exterior wall of a structure, has direct access to the street level of the building, and is covered by a roof or eaves.

Port. A facility or area established or designated by the State or a jurisdiction for the purpose of waterborne commerce.

Portable Sign. A sign that is capable of being transported because of being lighter and smaller in size, such as A-Frame and T-Frame signs.

Poultry. Domestic fowl, such as chickens, turkeys, ducks, and geese.

Power Generating System, Accessory. A system designed and constructed on the same property with an individual residence, business, or public building for the purpose of generating power for use in that residence, business or public building. Types of power generating systems include but are not limited to petroleum, methane, ethanol, thermal, and hydroelectric. Wind and solar energy generating systems are not included with this definition.

Preliminary Approval. The conditional approval of a minor or major subdivision by the Planning Commission or its designee. Preliminary approval is required prior to final approval.

Preliminary Subdivision Plan. A drawing prepared for the overall planning of a proposed subdivision with the proposed layout of lots, roads, easements, existing features and requirements as outlined in this ordinance for review by county, state or federal agencies.

Premise. A house, building, or structure and the land on which it is located.

Primary Structure. A non-accessory structure in which a principal use of the lot or parcel on which it is located is conducted. Also known as a Principal Building.

Principal Structure (Critical Area). The primary or predominant structure on any lot or parcel. For residential parcels or lots, the principal structure is the primary dwelling.

Principal Building. A non-accessory structure in which a principal use of the lot or parcel on which it is located is conducted. Also known as a primary structure.

Principal Use. The primary use of land or structures as distinguished from an accessory use.

Priority Funding Area. A designation created by the State of Maryland in the 1997 Priority Funding Areas Act (Smart Growth Act); geographic growth areas defined under state law (§ 5-7B-02 and § 5-7B-03 of the State Finance and Procurement Article of the Annotated Code of Maryland) and designated by the local jurisdiction for targeting state investment in infrastructure such as roads, water and sewer facilities, and economic development.

Priority Preservation Area. An area designated as a priority preservation area under the Agriculture Article, §2-518, Annotated Code of Maryland. An area designated by the county and certified jointly by the Maryland Department of Planning and Department of Agriculture that contains agricultural or forest or is capable of supporting profitable agricultural and forestry enterprises where productive soils are lacking.

Private Harvesting. The cutting and removal of trees for personal use.

Private Lane. A private right-of-way, for the purpose of providing access to no less than three single-family residential lots and no more than seven single-family residential lots.

Private Wetlands (Critical Area). Not considered State tidal wetlands but are regulated as described under the "Tidal Wetlands" definition. Private wetlands are irregularly inundated with extremely high tides and storm tides. Private wetlands support aquatic vegetation and extend landward beyond the Mean High Tide.

Produce. Agricultural products such as vegetables and fruits. For purposes of this Ordinance, produce includes flowers, vegetable seedlings, potted plants, and eggs.

Program Amendment (Critical Area). Any change or proposed change to an adopted program that is not determined by the Chairman of the Critical Area Commission to be a Program refinement.

Program Refinement (Critical Area). Any change or proposed change to an adopted program that the Chairman of the Critical Area Commission determines will result in a use of land or water in the Chesapeake Bay Critical Area or Atlantic Coastal Bays Critical Area in a manner consistent with the adopted Program, or that will not significantly affect the use of land or water in the Critical Area. Program refinement may include:

1. A change to an adopted Program that results from State law;
2. A change to an adopted Program that affects local processes and procedures;
3. A change to a local ordinance or code that clarifies an existing provision; or
4. A minor change to an element of an adopted Program that is clearly consistent with the provisions of State Critical Area law and all the Criteria of the Commission.

Prohibit. To forbid by law or other authority.

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 subdivision plats and site plans, inclusion of areas with floating zones, issuance of variances, special exceptions, and conditional use permits, and issuance of zoning permits. The term does not include building permits.

Project Area. The total area within the limits of disturbance inside the Critical Area of a solar energy generating system. Includes a parcel or portions of parcels within the limits of disturbance inside the Critical Area, whether or not those parcels are contiguous; the components of solar generating system; and any required roads, internal access ways, transmission ways, transmission infrastructure, fencing, or improvements accessory to the solar generating system.

Project Plan (Forest Conservation). A construction, grading, or sediment control activity on an area of 40,000 square feet or greater.

Project Road. Any non-dedicated right-of-way used within an apartment, commercial, industrial, trailer, or manufactured home rental community along which house numbers are assigned.

Projecting Sign. A sign that is affixed to a building or wall and extends more than 18 inches beyond the face of such building or wall. A projecting sign also includes a sign hung under an arcade.

Property. A building, structure, or parcel of land or the combination thereof.

Pruning. The horticultural practice of selectively removing certain parts of a tree using proper cuts to produce strong, healthy, attractive trees. Improper pruning, such as topping, is prohibited.

Property Owner. A person holding title to a property or two or more persons holding title to a property under any form of joint ownership or legally recognized entity.

Property Lines. The lot lines or parcel lines which define the boundary of a property.

Public Sewer. A community, shared, or multi-use sewerage system owned and operated by the County or state, or a state or local government agency.

Public Utility. A public service company that provides goods or services to the general public, such as electricity, gas, water, heat, or television cable systems. The State of Maryland regulates public utilities in place of competition because they are monopolies in the areas they serve.

Public Water-Oriented Recreation. Shore-dependent recreation facilities or activities provided by public agencies which are open to the public with or without an entrance fee.

Qualified Professional (Forest Conservation). An individual is considered a qualified professional to prepare a forest stand delineation or a forest conservation plan, if the individual:

1. Is a licensed forester.
2. Is a licensed landscape architect.
3. Is approved by a local program for work in that jurisdiction and the program has:
 - a. Received final approval by the Department of Planning & Zoning.
 - b. Criteria for a qualified professional consistent with the requirements of the Department of Planning & Zoning.

Quasi-Government. Agencies substantially supported by the government.

Raceway. An elongated metal enclosure used to mount individual channel lettering or to conceal related transformers and wiring for wall-mounted signs.

Reader Board. A sign or portion of a sign where it is possible to change the copy on a frequent basis but where such sign change must be manually made and is not made electronically.

Reclamation. The rehabilitation of disturbed land for useful purposes, and the protection of the natural resources of adjacent areas, including waterbodies.

Reconfiguration. A change of the configuration of an existing lot or parcel line of any legal parcel of land or recorded legally buildable lot. "Reconfiguration" includes a lot line adjustment, a boundary line adjustment, and an administrative plat.

Record Plat. The final plat of a subdivision that is recorded in the Land Records of Calvert County.

Recorded Archaeological Site. An archaeological site that has been included in the Maryland Archeological Site Survey maintained by the Maryland Historical Trust.

Recreation Facility, Indoor Commercial: Arcade. An indoor area containing video games.

Recreation Facility, Indoor Commercial: Bingo Hall. Premises used for the purposes of playing a game of chance in which players place markers on a pattern of numbered cards according to numbers drawn, announced or displayed either electronically or by a caller, in which money or prizes are wagered. This definition does not include player-operated video lottery terminals or slot machines.

Recreation Facility, Indoor Commercial: Bowling Alley. A building containing long narrow tracks used in bowling games.

Recreation Facility, Indoor Commercial: Fitness Center. An establishment offering or providing facilities in controlled exercise, weightlifting, calisthenics, aerobics, and general physical fitness.

Recreation Facility, Indoor Commercial: Movie Theater. A facility having seating for an audience and a large screen for showing movies.

Recreation Facility, Indoor Commercial: Pool Hall. An establishment where pool or billiard games are played.

Recreation Facility, Indoor Commercial: Skating Rink. An expanse of ice artificially made for skating, or a floor used for roller skating.

Recreation Facility, Indoor Commercial: Studio. Premises used principally for the production of arts and craft products using paint, clay, fabric, metal or other medium and may include accessory sales, display and exhibition of arts and craft products.

Recreation Facility, Indoor Commercial: Studio, Performing Arts. A facility, catering to more than three students at a time, that contains specialized equipment and other support services for the study and training of performing arts, including but not limited to dance, voice, theatre or music, and may include accessory sales, displays and exhibits.

Recreation Facility, Indoor Commercial: Theater. A facility, in which plays and other dramatic performances are given.

Recreational Vehicle. A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use. These vehicles include but are not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Redevelopment. The process of developing land which is or has been previously developed.

Redevelopment (Critical Area). The process of developing land which is or has been developed. For purposes of implementing specific provisions of this Ordinance, redevelopment (as opposed to a new development) means a development activity that takes place on property with pre-development imperviousness (in IDA) or lot coverage (in LDA and RCA) of 15% or greater.

Reforestation.

1. Reforestation or reforested means the:
 - a. Creation of a biological community dominated by trees and other woody plants containing at least 100 live trees per acre with at least 50 percent of those trees having the potential of attaining a 2-inch or greater diameter measured at 4.5 feet above the ground, within 7 years; or
 - b. Establishment of a forest according to procedures set forth in the County Forest Conservation Technical Manual.
2. Reforestation or reforested includes landscaping of areas under an approved landscaping plan establishing a forest at least 35 feet wide and covering 2,500 square feet or more of area.
3. Reforestation or reforested for a linear project involving overhead transmission lines may consist of a biological community dominated by trees and woody shrubs with no minimum height or diameter criteria.

Refuse and Recycling Containers. In multi-family residences, commercial, industrial, and other non-residential developments, the bins for refuse and recycling located outdoors for pick-up by authorized haulers.

Regulated Activity (Forest Conservation). Any of the following activities, when that activity occurs on a unit of land which is 40,000 square feet or greater: subdivision; grading; activity that requires a sediment control permit; or project plan of a local agency.

Reservation of Resource Conservation Area Density Rights. Withholding by recorded agreement a certain number of density rights that are attributable to a lot or parcel that prevents them from being used for development for a specified period of time.

Reservation of Resource Conservation Area Density Rights Agreement. A legal instrument recorded among the land records and approved by the local jurisdiction, restricting land development within a defined area in the resource conservation area and for a specified period of time.

Residential District. A zoning district intended to provide for residential development in proximity to the Town Centers of Prince Frederick, Solomons, Lusby, North Beach, and Chesapeake Beach (see Section 6-1 for further description).

Residential Use. A structure designed and used, or intended to be used, for residential occupancy by one or more households, such as single-family, two-family, townhouse, and multi-family dwellings. Multi-family dwellings with ground floor non-residential uses are considered mixed-use development and are considered a non-residential use for the purposes of this Ordinance.

Residential Care Facility. A licensed group care facility that provides medical or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing homes, senior housing, hospice care, and continuum of care facilities. Continuum of care facilities may also include independent living facilities as part of the continuum. Residential care facilities must meet all district design and dimensional standards for multi-family

dwellings unless specific standards are cited for such housing. When a district permits dwellings above the ground floor, residential care facilities may also be developed and designed as such, subject to the design standards of the district for the structure.

Residential Property. A parcel of record that is improved by a single or two-family structure occupied as a residence. Residential property does not include a farm.

Residue. The portion of a parcel remaining as a result of the creation of one or more lots by way of a subdivision plat approved by the Planning Commission and recorded among the land records of Calvert County.

Resource Conservation Area (RCA). An area that is characterized by nature dominated environments, such as wetlands, surface water, forests, and open space; and resource-based activities, such as agriculture, forestry, fisheries, or aquaculture. Resource Conservation Areas include areas with a housing density of less than one dwelling per five acres.

Resubdivision. When an existing lot created through subdivision is further divided for development purposes through the subdivision process.

Restoration (Critical Area). The act of returning a site or area to an original state or any action that reestablishes all or a portion of the ecological structure and functions of a site or area.

Restrictive Covenant. A restriction on the use of land, usually set forth in the deed, recorded in land records.

Retail Commercial Building with Drive-Through Facility. An establishment that provides physical goods, products, or merchandise directly to the consumer, where such goods are available for immediate purchase that includes a structure or part of a structure designed to accommodate patrons' motor vehicles, from which the occupants of the motor vehicle may make purchases or transact business.

Retaining Wall. A wall designed to contain and support soil, fill or loose material which prevents the movement of soil, fill or loose material in order to allow ground levels of different elevations to exist adjacent to one another.

Retention (Forest Conservation). The deliberate holding and protecting of existing trees, shrubs, or plants on the site according to established standards as provided in the County Forest Conservation Technical Manual.

Retreat, Day. A facility designed with the specific intent of facilitating spiritual or educational enrichment needs, and that may include supporting dining and recreational facilities as ancillary uses.

Revetment. An assemblage of stones or concrete, commonly known as riprap, placed to prevent shore erosion, fortify a bulkhead, or stabilize an embankment.

Rezone. To change the zoning district classification of particular lots or parcels of land.

Right-Of-Way.

1. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or currently occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses;
2. Generally, the right of one to pass over the property of another.

Right-Of-Way, Public. Any street, avenue, boulevard, highway, alley, or similar place that is owned or controlled by a governmental entity.

Riparian Habitat. A habitat that is strongly influenced by water and which occurs adjacent to streams, shorelines, and wetlands.

Riparian Land. Land that is traversed or bounded by a natural watercourse or adjoining tidal lands.

Riparian Owner. One who owns riparian land.

Road. A vehicular way constructed within a public or private right-of-way (a.k.a. avenue, drive, circle, street, highway, thoroughfare or other similar terms, but not driveways, lanes, or alleys).

Road Direction. Relative to the premise addressing system, the direction any road travels the longest in the distance.

Road and Site Development Ordinance. The Calvert County Road and Site Development Ordinance as amended from time to time and currently in effect.

Road in the Critical Area. A public thoroughfare under the jurisdiction of the State, a County, a municipal corporation or any other public body. Road does not include a drive aisle or driveway.

Roof Pitch. The ratio of rise to run of roof slope.

Roof, Green. A roof that is partially or completely covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane.

Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

Rural Commercial District. A zoning district intended to support existing commercial enterprises located outside Town Centers. (See Section 7-1 for further description).

Rural Community District. A zoning district intended to maintain a mix of farms, forests, and residential uses, retain historic and scenic areas, and protect watersheds, fish, and wildlife. (See Section 5-1 of this Ordinance for further description).

Rural Neighborhood District. A zoning district is intended to accommodate residential development as well as agricultural uses in proximity to the Town Centers of Dunkirk, Owings, Huntingtown, and St. Leonard (See Section 5-1 for further description).

Rubble. Demolition debris associated with the razing of buildings, roads, bridges and other structures including structural steel, concrete, bricks, lumber, plaster and plasterboard, sheet rock, insulation material, cement, shingles and roofing materials, floor and wall tile, asphalt, pipes and wires, and other items physically attached to structures, including appliances.

Scenic Landscape. A geographic area with landscape patterns and features, including but not limited to properties such as landform, land cover, slope and land use, arising from natural or cultural processes, which are visually or aesthetically pleasing or unique, and contribute affirmatively to the definition of a distinct community or region within the County.

Seasonal Use. A use carried on for only a part of the year such as the sale of vegetables during the summer months.

Seating Capacity. The number of devices for seating individual persons or the number of spaces allocated for seating individuals (but not less than 24 linear inches) in multi-person seating units (i.e., benches, pews, etc.).

Sediment Control Permit. The authorization of an activity regulated under a sediment control plan as provided in Environment Article, Title 4, Maryland Annotated.

Seedling. An unbranched woody plant, less than 24 inches in height and having a diameter of less than 1/2 inch measured at two inches above the root collar.

Selection. The removal of single, scattered, mature trees or other trees from uneven-aged stands by frequent and periodic cutting operations.

Selective Clearing. The careful and planned removal of trees, shrubs, and plants using specific standards and protection measures under an approved forest conservation plan.

Service Building. A structure that contains toilets and hand sinks. It may also include bathing facilities, laundry facilities, a vending area, or other service type facilities for public use.

Service Road. A road paralleling and contiguous to a major thoroughfare designed primarily to promote safety by providing free access to adjoining property and limited access to major thoroughfares.

Setback. See Section 2-3.I of this Article.

Setback, Front. See Section 2-3.I of this Article.

Setback, Side. See Section 2-3.I of this Article.

Setback, Rear. See Section 2-3.I of this Article.

Severely Eroding Areas. Areas that erode two feet or more per year.

Shopping Center. A group of commercial buildings planned, constructed and managed as a total entity with customer and employee parking provided on-site.

Shore Erosion Protection Works. Those structures or measures constructed or installed to prevent or minimize erosion of the shoreline in the Critical Area.

Shoreline. For the purposes of determining lateral lines, the line as shown on the applicable Harbor Line Map defining the landward limit of the waterway. For all other purposes, the shoreline is determined by the mean high water line.

Sidewalk. A traveled way constructed for the use of pedestrians.

Sight Distance. A line of unobstructed vision at a road or driveway intersection defined by a continuous line of sight between points.

Sign. Any object, device, vehicle, display or structure or part thereof situated outdoors or adjacent to the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means; which may include words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

Sign Area. See Section 2-3.J.

Sign Height. See Section 2-3.J.

Sign Structure. Any structure designed for the support of a sign.

Simplified Buffer Management Plan (SBMP). A landscape plan required for an application under this Ordinance for disturbance in the Critical Area buffer for water access, invasive vegetation removal or cutting a hazardous tree(s).

Site. Any plot or parcel of land or combination of contiguous lots or parcels of land.

Site Plan. The development plan for one or more lots or parcels on which is shown the existing and proposed conditions of the lot or parcel including: topography, vegetation, drainage, floodplains, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting, and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

Slip. Berthing arrangement for a single vessel.

Slope. The deviation of a surface from the horizontal, usually expressed in percent or degrees.

Slope Stabilization Activities. The prevention of soil movement by any of the various vegetative or structural means. Stabilization can include minimal grading; retaining walls; erosion control mats, blankets and fiber logs; or, other environmentally sensitive practices. It shall not include the use of accessory structures including but not limited to patios, terraces or gazebos.

Small Shrub. A shrub that, when mature, reaches a height no greater than six feet.

Small Residential Accessory Solar Energy Generating System (Critical Area). An energy generating system that derives energy from the sun to produce electricity to support the principal use on a residential property on the same lot or parcel as the principal use. Includes an energy generating system that delivers electricity to a power grid and complies with the laws of the State of Maryland.

Soil Conservation and Water Quality Plan. Means an agricultural plan approved by a local soil conservation district to minimize soil erosion and the movement of sediment, animal waste, nutrients or agricultural chemicals into waters of the State.

Solar Energy Generating System (Critical Area). A land use that uses solar collectors, panels, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware, or equipment to produce electricity; and any term used for a solar application that proposes to construct a solar energy generating system such as a solar energy system utility scale, solar energy system utility scale on farms, utility scale solar array, solar power plant, solar energy system large scale, solar energy system medium scale, solar array, power generating facilities, solar facilities, solar energy system grid connected, and solar energy generating facility commercial. Does not include an energy storage device or facility where the device or facility operates independently of, is separate from, and the primary purpose of which does not include supporting the solar energy generating system within the Critical Area.

Solid Waste. Unwanted or discarded material, including garbage with insufficient liquid content to be free flowing.

Special Buffer Management Area (SBMA) (Critical Area). An area officially mapped by the County and approved by the Critical Area Commission as a Modified Buffer Area, where it has been sufficiently demonstrated that the existing pattern of residential, industrial, commercial, institutional, or recreational development prevents the Buffer from fulfilling its water quality and habitat functions, and where development in accordance with specific SBMA provisions can be permitted in the Buffer without a variance.

Special Event. Any pre-planned entertainment, sporting, cultural, business, or other type of unique activity (including parades, festivals, races, etc.) presented to a live audience that is to be held in whole or in part upon owned or managed County property, or may impact the ordinary and normal use by the general public, public safety services of owned or managed County property, or public right-of-way within the vicinity of the event. Any activity that substantially inhibits the usual flow of pedestrian or vehicular travel, or which occupies any public/private place or building that preempts normal use of space by the general public, or which deviates from the established use of space or building. Activities that are part of a regular series or subscription are not deemed Special Events unless they are an atypical activity outside the ordinary (e.g. regular scheduled baseball game is not a special event, but a tournament is a special event).

Special Exception. The granting of a specific use that would not be appropriate generally or without restriction. Any use that requires special consideration of its location, design and methods of operation before it can be deemed appropriate and compatible with its surroundings.

Special Flood Hazard Area (SFHA). The land in the floodplain subject to a 1% or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency in Flood Insurance Studies and on Flood Insurance Rate Maps as Zones A, AE, AH, AO, A1-30, and A99, and Zones VE and V1-30. The term includes areas shown on other flood maps that are specifically listed or otherwise described in this Ordinance.

Species in Need of Conservation. Those fish and wildlife whose continued existence as part of the State's resources are in question and which may be designated by regulation by the Secretary of Natural Resources as in need of conservation pursuant to the requirements of Natural Resources Article, 10-2A-06 and 4-2A-03, Annotated Code of Maryland.

Specimen Trees. Trees having a diameter, measured at 4.5 feet above the ground, of 30 inches or more, or trees having 75% or more of the diameter of the current state champion tree for that species.

Square. A square is an area designated for public use, including parking, which is bordered on all sides by public or private rights-of-way.

Stacking Space. Spaces specifically designated as a waiting area for vehicles whose occupants will be patronizing a drive-in business or automobile filling station.

Start of Construction. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets or walkways; nor does it include

excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvements, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Static/Instant Message Change. On electronic message centers, a static or instant message change is when one message changes to another message instantly without rotating, scrolling, fading, dissolving, blinking, audio, pyrotechnic or flashing elements or other movement of the message.

Steep Slopes. Within the Critical Area: Slopes 15% or greater. Outside the Critical Area: 25% or greater slopes. Slopes greater than 50% are defined as cliffs.

Stoop. An exterior floor typically, constructed of stone, concrete, or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to a structure. A stoop may be roofed and designed with railings but cannot be enclosed.

Stop Work Order. A notice issued by the Zoning Officer, or other designated official, that directs the owner to cease work that was undertaken without proper permits or approval.

Stormwater Management.

1. For quantitative control, a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land; and
2. For qualitative control, a system of vegetative, structural, and other measures that reduces or eliminates pollutants that might otherwise be carried by surface runoff.

Stream Buffer Outside the Critical Area. All lands and vegetation lying within at least 50 feet of a perennial or intermittent stream.

Stream Restoration Project. An activity that:

1. Is designed to stabilize stream banks or enhance stream function or habitat located within an existing stream, waterway, or floodplain;
2. Avoids and minimizes impacts to forests and provides for replanting on-site an equivalent number of trees to the number removed by the project;
3. May be performed under a municipal separate storm sewer system permit, a watershed implementation plan growth offset, or another plan administered by the State or local government to achieve or maintain water quality standards; and
4. Is not performed to satisfy stormwater management, wetlands mitigation, or any other regulatory requirement associated with proposed development activity.

Structure. A combination of building materials that are purposely joined together on, above or below the surface of the land or water including those that do not result in lot coverage, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Structure (Critical Area). Building or construction materials, or a combination of those materials, that are purposely assembled or joined together on or over land or water. Includes a temporary or permanent fixed or floating pier, piling, deck, walkway, dwelling, building, boathouse, platform, gazebo, and shelter for the purpose of marina access, navigation, working, eating, sleeping, or recreating.

Structural Alteration. Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

Studio. A room or area where an artist, photographer, sculptor works. A place for instruction or experimentation in one of the performing arts.

Subdivision. A division of a unit of land into two or more lots or parcels for the purpose, whether immediate or future, of transfer of ownership, sale, lease, or development.

Subdivision Entrance. As defined in the Calvert County Road Ordinance.

Subdivision Evaluation Group (SEG). State and local agencies that review subdivisions to ensure that proposed and existing development complies with all County ordinances and State regulations. SEG members review and provide comments on proposed subdivisions or amendments to existing subdivisions.

Subdivision Sign. A sign placed at the entrance of subdivisions from state or county highways.

Substantial Alteration. A repair, reconstruction, replacement, or improvement of a principal structure, with a proposed total footprint that is at least 50% greater than that of the existing principal structure.

Substantial Construction. A building is considered to have substantial construction if over 50% of the square footage is under roof and enclosed.

Substantial Damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. Also used as "substantially damaged" structures.

Substantial Improvement. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure taking place during a ten year period, the cumulative cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. The Floodplain Administrator may require documentation of a structure's continued eligibility and designation as a historic structure.

Supplemental Planting Plan (Critical Area). A description and landscape schedule that shows the proposed species type, quantity, and size of plants to be located within a buffer if natural regeneration does not meet the required stem density.

Surety. A surety includes, but is not limited to, a Certificate of Guarantee as defined in Section 1-203 of the Insurance Article of the Maryland Annotated.

Surface Mining. The breaking of surface soil to extract or remove minerals; any activity or process constituting all or part of the process for the extraction or removal of minerals from their original location; the extraction of sand, gravel, rock, stone, earth, or fill from borrow pits for highway construction purposes or other public facilities; any operations engaged in processing of materials at the site of extraction; removal of overburden and excavation of any material for the purpose of prospecting and, to the extent necessary, to determine the location, quantity or quality of a natural deposit; or, any activities thereof, if the affected land exceeds one acre or more in area.

T-Frame Sign. A portable sign which is ordinarily in the shape of an upside down "T" or some variation thereof, which is readily moveable and is not permanently attached to the ground or any structure. This definition does not include A-frame sign.

Technical Evaluation Group (TEG). State and local agencies which review site plans to ensure that proposed and existing development complies with all County ordinances and State regulations. TEG members review and provide comments on proposed site plans and revisions to site plans.

Temporary Cell on Wheels (COW). Cell on wheels (COW) is a portable, mobile cell site that provides temporary network and wireless coverage to locations where additional cellular coverage is required due to a temporary increase in user volume at such location or states of emergency.

Temporary Disturbance (Critical Area). A short-term change in the landscape that occurs as part of a development or redevelopment activity. Temporary disturbance includes: storage of materials that are necessary for the completion of the development or redevelopment activity; construction of a road or other pathway that is necessary for access to the site of the development or redevelopment activity, if the road or pathway is removed immediately after completion of the development or redevelopment activity and the area is restored to its previous vegetative condition; grading of a development site, if the area is restored to its previous vegetative condition immediately after completion of the development or redevelopment activity; and locating a septic system on a lot or parcel created before local program approval if the septic system is located in existing grass or clearing is not required. Temporary disturbance does not include a "Violation".

Temporary Outdoor Storage Container. Temporary self-storage containers delivered to a residence or business owner to store belongings, and then picked up and returned to a warehouse until called for. This also includes the use of cargo containers as temporary storage.

Temporary Sign. Any sign which is movable, not permanently attached to the ground, a structure or other sign, designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes, intended for a limited period of display or constructed out of cloth, canvas, plastic sheet, cardboard or other like materials.

Temporary Structure (Floodplain). A structure installed, used, or erected for a period of less than 180 days.

Tenant. An occupant of land or premises who occupies, uses, and enjoys real property for a fixed time, usually through a lease arrangement with the property owner.

Theater. A building or outdoor area in which plays and other dramatic performances are given.

Thinning. A forest practice used to accelerate tree growth of quality trees in the shortest interval time by reducing stem counts.

Threatened Species. Any species of fish, wildlife, or plants designated as such by regulation by the Secretary of the Department of Natural Resources which appear likely, with the foreseeable future, to become endangered, including any species of wildlife or plant determined to be a "threatened" species pursuant to the federal Endangered Species Act, 16 U.S.C. 153 et seq., as amended.

Tidal Wetlands. Estuarine wetlands flooded with salt or brackish water and affected by the regular rise and fall of the tide. Tidal wetlands are found along the shores of the Bay and the tidal portions of streams, creek and rivers. The Critical Area Buffer is measured from the edge of tidal wetlands, regardless of whether the wetlands are private or State.

Timber Harvesting. A tree-cutting operation affecting one or more acres of forest or developed woodland within a one-year interval that disturbs 5,000 square feet or more of forest floor. Timber harvesting does not include grubbing and clearing of root mass.

Topography. The existing configuration of the earth's surface including the relative relief, elevation, and position of land features.

Topping. The removal of large portions of the crown of the tree and is an inappropriate pruning method

Town Centers. Town Centers are located as delineated on the Zoning Map and are regulated by their particular Town Center Zoning Ordinance as well as the Calvert County Zoning Ordinance in accordance with Section 1-3.F (Relation to Town Center Zoning Ordinances).

Tract. A specified parcel of land with defined boundaries generally created by a deed. A deed may describe one or more tracts.

Tract (Forest Conservation). Property or a unit of land subject to an application for a grading or sediment control permit, subdivision approval, project plan approval, or areas subject to this law.

Tract for Planned Unit Development (Forest Conservation). The entire premises subject to a planned unit development.

Trailer. A structure standing on wheels, towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary office (does not include manufactured homes).

Transfer Zone. An area in Calvert County where Transferable Development Rights (TDRs) may be used to increase the residential density.

Transfer Zone Density. The permitted density in a transfer zone and zoning district that is allowed through the purchase and transfer of Transferable Development Rights (TDRs). Does not include bonus lots.

Transferable Development Right (TDR). The right a landowner in an Agricultural Preservation District conveys to a person which permits that person to increase the density of residential use of land.

Transportation Facilities. Anything that is built, installed, or established to provide a means of transport from one place to another.

Transitional Habitat. A plant community and physiographic features whose species are adapted to the diverse and varying environmental conditions that occur along the boundary that separates aquatic and terrestrial areas.

Travel Way. The public or private right of way used for vehicular travel, including areas used for vehicular circulation within parking facilities.

Tree. A large, branched woody plant having one or several self-supporting stems or trunks that reach a height of at least 20 feet at maturity.

Tree Canopy. The aerial branches of terrestrial plants, together with their complement of leaves or needles.

Tree Canopy Coverage. The area beneath the aerial extent of the tree canopy.

Tree Cover. The combined area, in square feet, of the crowns of all trees on a tract.

Tree Diameter. The diameter of a tree trunk measured at 4.5 feet above the ground.

Tree Drip Line. An imaginary line projected to the ground delineating the outermost extent of tree foliage in all directions.

Tributary Stream. Perennial or intermittent streams within the Critical Area that have been identified by site inspection or in accordance with County program procedures approved by the Critical Area Commission.

Truck, Bus and Diesel Service and Repair Shop. An establishment that repairs heavy equipment such as trucks, construction equipment, diesel engines, and similar heavy equipment. Typical uses include truck and bus repair garages, excavation implement service, diesel engine repair, and shops related to the machining of related parts, but specifically excluding the dismantling or salvaging of vehicles.

Understory. The layer of forest vegetation typically located underneath the forest canopy.

Understory Tree. A tree that, when mature, reaches a height of 12 to 35 feet.

Universally Accessible. A site, building, or facility that can be approached, entered, and used by individuals with disabilities and is ADA compliant.

Universally Adaptable. A site, building, or facility that includes, at a minimum:

1. Door widths of all interior and exterior doors measuring 36 inches;
2. No more than one step from outside to inside; and
3. Reinforced walls for installation of handrails in bathrooms and hallways.

Unwarranted Hardship. That without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

Upland Boundary. The landward edge of a tidal wetland or a nontidal wetland.

Use and Occupancy Permit. A document issued by the proper authorities allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable codes, ordinances and regulations.

Use. The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

Useable Waterway Area. The area of a waterway enclosed by the harbor line, lateral lines and shoreline.

Utility. Underground gas mains and pipes and underground and overhead electrical and communications wires, cables, pipes, conduits, and their supporting poles, towers or repeaters, boosters, anodes, regulating and measuring devices, and the minor buildings or structures in which they may be housed, including but not limited to substations for transforming, boosting, switching or pumping purposes, where such facilities are constructed on the ground. This definition does not include other uses defined separately by this Ordinance.

Utility Transmission Facilities. Fixed structures that convey or distribute resources, wastes, or both, including but not limited to electrical lines, water conduits and sewer lines.

Variance. A grant of relief from the strict application of one or more requirements of these regulations. The purpose of a variance is to afford an applicant relief from the requirements of the letter of the Zoning Ordinance only when unnecessary hardship or practical difficulty exists.

Value-Added Agricultural Products. Goods produced on Calvert County farms that have been increased in value or price at the post-harvest stage of production through alterations in size, shape, appearance, or convenience.

Vehicle Display Area. The area where vehicles for sale are parked inside of a building, on any exterior designated area for display or an area designated adjacent to the right-of-way.

Vehicle Sign. Any sign permanently or temporarily attached to or placed on a vehicle or trailer. Signs attached to a motor vehicle or trailer include, without limitation, any signage painted on, physically applied to, or otherwise affixed to the vehicle.

Vested Right. A right that is protected from legislative interference to the extent that an applicant may develop a site plan without the plan having to conform to changes to zoning and development regulations enacted after conceptual or final approval as the case may be.

Violation. Any use of property which is not in compliance with this Ordinance, or any other decision issued pursuant to this Ordinance.

Violation (Floodplain). Any construction or development in a special flood hazard area that is being performed without an issued permit. The failure of a building, structure, or other development for which a permit is issued to be fully compliant with these regulations and the conditions of the issued permit. A building, structure, or other development without the required design certifications, the Elevation Certificate, or other evidence of compliance required is presumed to be a violation until such time as the required documentation is provided

Waiting Area. An area inside an establishment dedicated to the reception and waiting of clients of the establishment and visitors.

Wall Sign. A sign attached directly to an exterior wall of a building and which does not extend more than 18 inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall.

Water and Sewer Service Areas. Areas of the County designated by the Water and Sewerage Plan as potential areas for service by a community or public water or sewer system.

Watercourse. The channel, including channel banks and bed, of nontidal waters of the state.

Watercraft. Any vehicle designed for travel across or through water bodies, such as a boat, ship, hovercraft, submersible or submarine.

Watercraft Dealership. The use of any building, land area, or other premise for the sale, exchange, rental, or lease with option to purchase, of more than two new or used watercraft per year.

Watercraft Launch Ramp. An inclined surface or roadway connecting the shore to an adjacent waterway.

Watercraft Service or Repair. A facility designed for the maintenance of watercraft and watercraft-related accessories including engines, hulls, masts, trailers, and sails.

Watercraft Storage, Commercial. A facility designed for the keeping of watercraft and associated trailers for a fee.

Water Dependent Facility or Activity. A structure or activity that, by reason of its intrinsic nature or operation or because of its association with an industrial, maritime, recreational, educational, aquaculture, or fishery activity, is dependent on the water and requires location at or near the shoreline or in the buffer. Water-dependent facility or activity includes a port; an intake or outfall structure, marina, another boat-docking facility; or a structure or activity that is essential to the operation of the water-dependent facility, structure, or activity; a fuel pump or other fuel-dispensing equipment on a pier, a sanitary sewage pump or other wastewater removal equipment on a pier, and an office on a pier for managing marina operations, such as monitoring vessel traffic, registering vessels, providing docking services, and housing electrical or emergency equipment related to marina operations; a public beach and any other public water-oriented recreation area; and any other water-dependent facility or activity that supports water quality restoration in the Chesapeake Bay, the Atlantic Coastal Bays, or their watersheds.

Water Frontage. The point at which land abuts a body of water.

Waterfront Community District. A zoning district intended to recognize existing, long-established residential waterfront communities along the Patuxent River, the Chesapeake Bay, and their tributaries (See Section 5-1 of this Ordinance for further description).

Waterfowl. Birds which frequent and often swim in water, nest and raise their young near water, and derive at least part of their food from aquatic plants and animals.

Watershed. All land lying within an area described as a subbasin in water quality regulations adopted by the Department of the Environment under COMAR 26.08.02.08.

Watershed, MD DNR Eight-Digit. This delineation breaks the state up into 138 watersheds whose boundaries generally represent drainage divides between 3rd order rivers or streams. These watersheds are identified via an 8-digit numeric code. The 8-digit scale is the most common management scale for watersheds across the state and therefore is the scale at which most of Maryland's local TMDLs are developed. There are three MD DNR Eight-Digit Watersheds located in Calvert County; 02131101 (Patuxent River lower), 02131005 (West Chesapeake Bay), and 02131102 (Patuxent River middle).

Waters of the State. See Environment Article, Title 5, Subtitle 1, Maryland Annotated. Waters of the State include:

1. Both surface and underground waters within the boundaries of the state subject to its jurisdiction;
2. That portion of the Atlantic Ocean within the boundaries of the state;
3. The Chesapeake Bay and its tributaries; and
4. All ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within the state, other than those designed and used to collect, convey, or dispose of sanitary sewage.
5. The floodplain of free-flowing waters determined by MDE on the basis of the 100-year flood frequency.

Waterway. Any water area providing access from one place to another, principally a water area providing a regular route for water traffic, that is owned, managed or controlled by the State or under the jurisdiction of the County either in incorporated or unincorporated territory.

Wetland Migration Area. An area that will likely be suitable for future wetland establishment in response to a change in sea level.

Wetlands. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted

for life in saturated soil conditions. Man-made stormwater management devices and sediment control devices are not included under this definition.

Wetlands Buffer. A naturally vegetated area or vegetated area established or managed to protect wetlands from man-made disturbances.

Wetlands Overlay. Those lands both within and outside the Critical Area which exhibit hydrologic, soil, and vegetation characteristics sufficient to qualify as jurisdictional wetlands according to State or Federal requirements.

Whip (Forest Conservation). An unbranched woody plant greater than 24 inches in height and having a diameter of less than one inch measured at two inches above the root collar.

Wildlife Corridor. A strip of land having vegetation that provides habitat and a safe passageway for wildlife.

Wildlife Habitat. Those plant communities and physiographic features that provide food, water and cover, nesting, and foraging or feeding conditions necessary to maintain populations of animals in the Critical Area.

Wind Energy System. A wind-powered electric system designed and constructed for the production of power for sale.

Wind Turbine. The part of a wind energy system that includes the blades, generator and tail.

Window Sign. Any sign viewable through or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior including, but not limited to, window paintings and signs located inside a building but visible primarily from the outside of the building. This does not include merchandise and other displays located in a window, or print intended to be viewable from the interior of a building.

Woody Vegetation. Vegetation containing wood or wood fibers.

Workforce Housing. Housing that is affordable (no more than 30% of median income) to households of moderate income that is up to 80% of the median income level for Calvert County as determined by Department of Housing and Urban Development (HUD) statistics.

Yard. See Section 2-3.I of this Article.

Yard, Rear. See Section 2-3.I of this Article.

Yard, Side. See Section 2-3.I of this Article.

Yard, Street. See Section 2-3.I of this Article.

Yard Sign. Any temporary sign placed on the ground or attached to a supporting structure, posts or poles, that is not attached to any building.

Zero-Grid. The horizontal and vertical lines specified on a map, which are used as starting points for determining premise addresses.

Zoning Map. The official Zoning Maps of Calvert County adopted by the Board of County Commissioners, together with all amendments thereto.

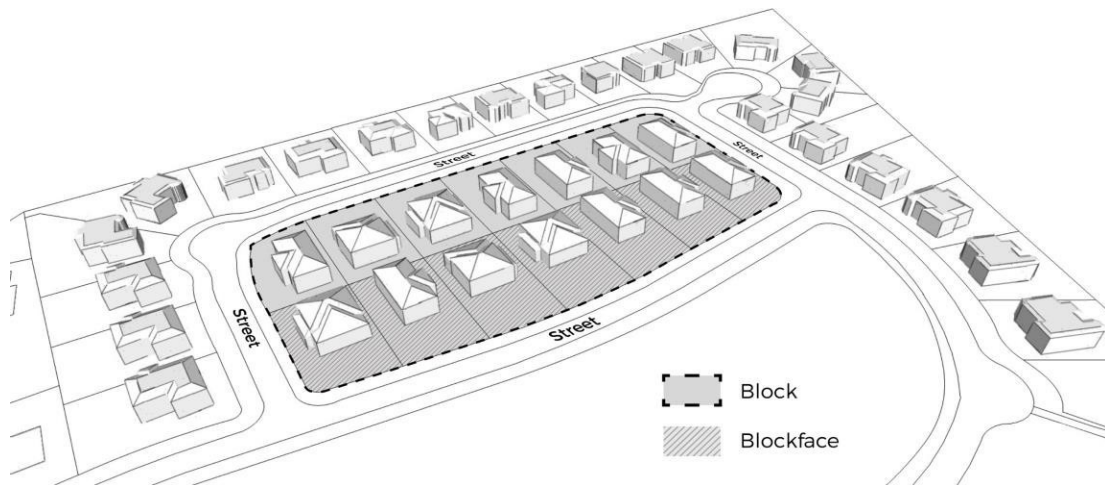
Zoning Officer. The administrative officer, or his/her designee, authorized to administer the Ordinance, give zoning approval for permits, grant administrative variances, and clarify the intent of the Ordinance. The Zoning Officer may delegate the authority to grant administrative variances to the Planning Commission Administrator if a request for an administrative variance is submitted with the review and approval of a site plan, subdivision, or administrative plat.

2-3 MEASUREMENT STANDARDS

A. Block and Blockface

1. A block is a tract of land bounded by streets, or a combination of streets and railroad rights-of-way, municipal boundary lines, waterways, or any other barrier to the continuity of development.
2. Blockface is measured as that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets or a street and a railroad right-of-way or waterway.

BLOCK AND BLOCKFACE



B. Building Coverage and Building Footprint

1. Building Coverage

The horizontal area measured within the outside of the exterior walls of the ground floor of all principal buildings and accessory structures on a lot or parcel.

2. Building Footprint

That portion of the ground covered by a building or structure at the surface level, measured on the horizontal plane.

C. Build-To Dimensions

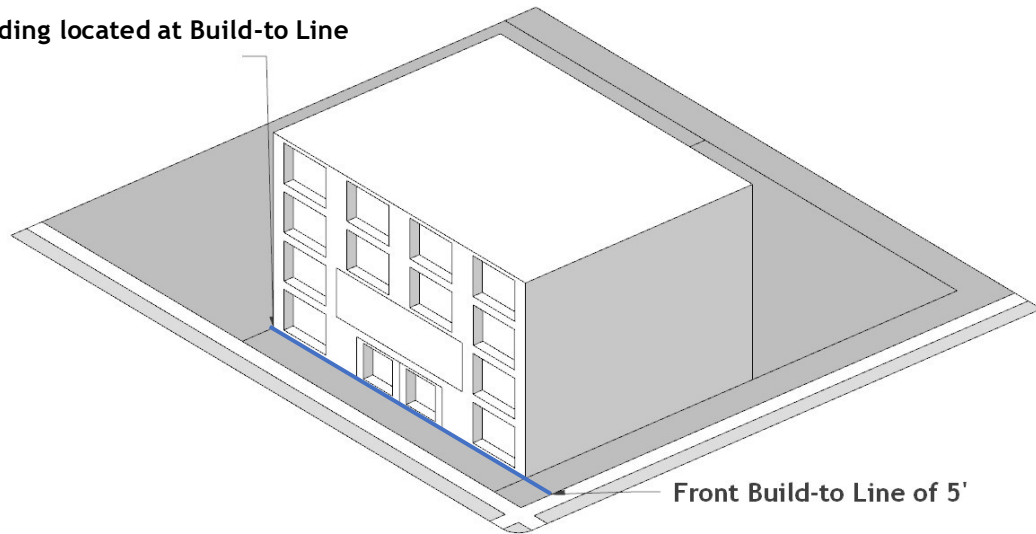
Certain dimensional requirements with the district may require structures to be constructed at a build-to dimension. A build-to requirement is a boundary or alignment, parallel to a lot or parcel line, where a structure must be placed. This Ordinance includes three types of build-to dimensions:

1. A build-to line (BTL) is a set line on a lot or parcel, measured perpendicular from the applicable lot line or parcel line, where a building must be located. Facade articulation, such as window or wall recesses and projections are not counted as part of the building, which begins at the applicable building wall.
2. A build-to zone (BTZ) is the area on a lot or parcel, measured perpendicular from the applicable lot line or parcel line, where the building must locate within the minimum and maximum range provided. Facade articulation, such as window or wall recesses and projections are not counted as part of the building, which begins at the applicable building wall.

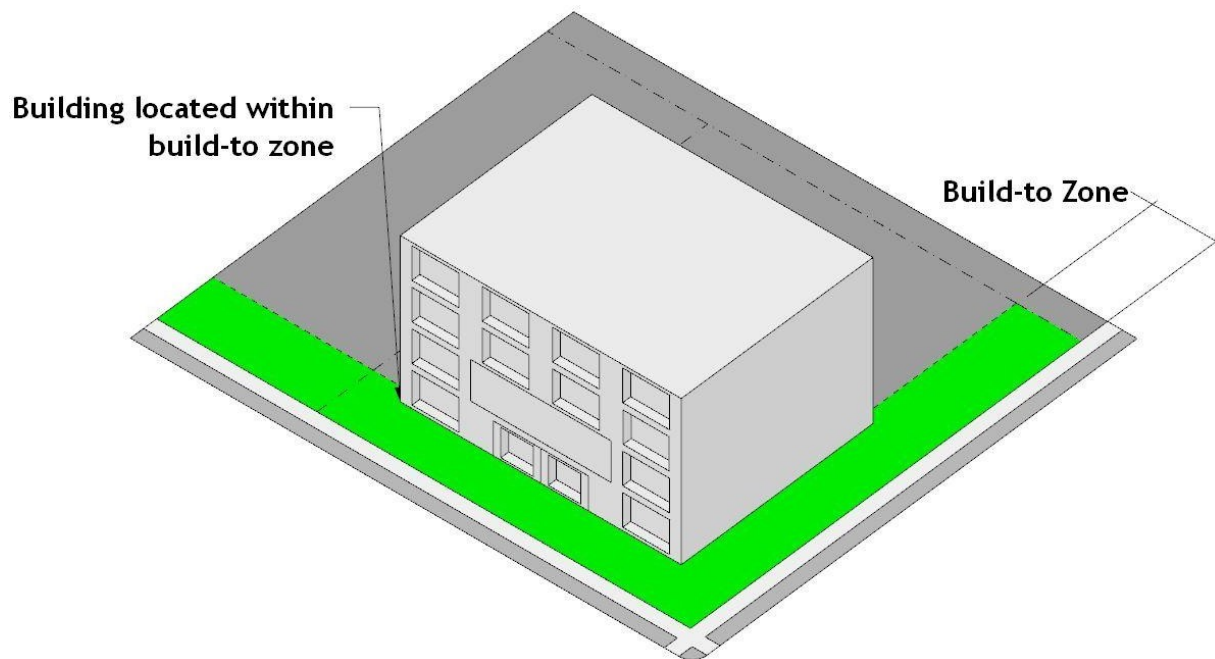
3. A build-to percentage specifies the percentage of the building or applicable building wall that must be located within a build-to line or build-to zone. (Build-to percentage is measured as a percentage of the total building or building wall, not lot width).

BUILD-TO LINE

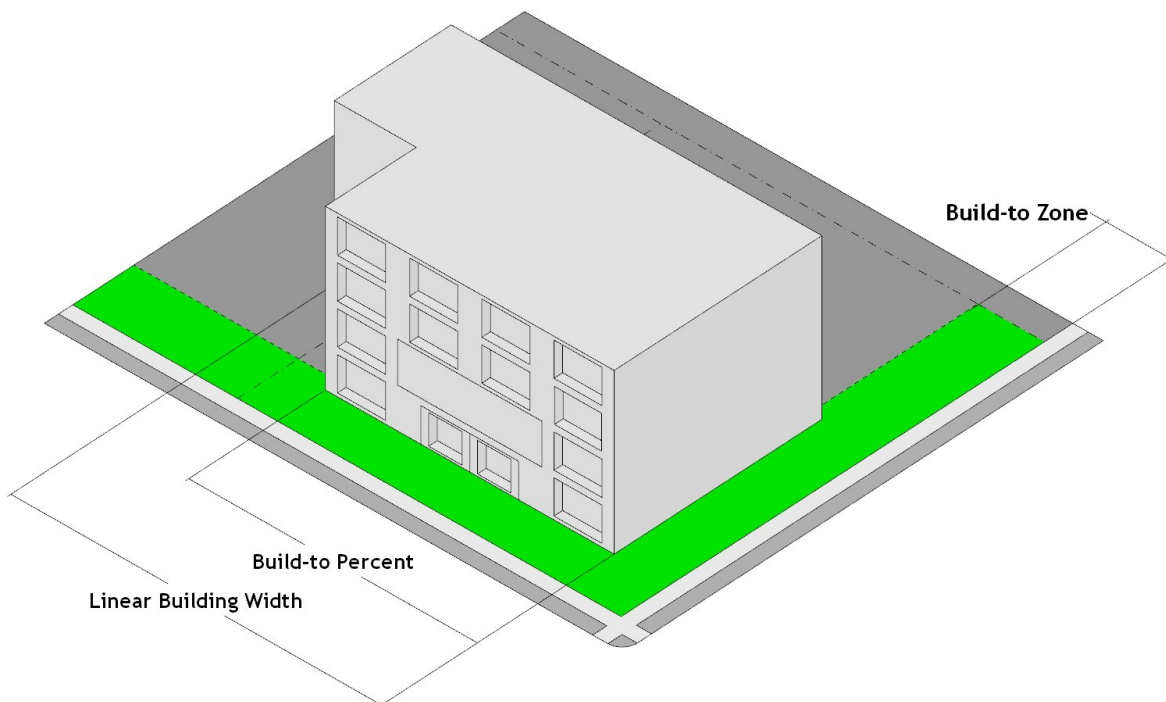
Building located at Build-to Line



BUILD-TO-ZONE



BUILD-TO PERCENTAGE



D. Building Height

The maximum height of a building or structure is measured from the average elevation of the finished grade at the front of the building facing the street to the highest point of the roof. For structures with the lowest floor support beams raised to or above the flood protection elevation, the maximum height of a building or structure shall be measured from the flood protection elevation to the highest point of the roof.

BUILDING HEIGHT



E. Floor Area

1. Gross Floor Area (GFA)

The sum of the gross horizontal areas of the floor or floors of a building measured from the exterior face of the exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading and unloading spaces for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

2. Net Floor Area

The net floor area of a building is calculated as 85% of the gross floor area.

3. Floor Area Ratio (FAR)

The ratio of a building's gross floor area to the net developable acres upon which it is built. The FAR calculation includes the gross area on all floors of all buildings on a lot or parcel. When used in a zoning district which does not encompass the entire lot or parcel, only the portion of the lot or parcel in the zoning district is used for the calculation.

F. Lighting

1. Footcandle

A unit of illuminance stated in lumens per square foot and measurable with an illuminance meter, a.k.a. footcandle or light meter.

2. Cutoff

A luminaire light distribution where the candela per 1,000 lamp lumens does not numerically exceed 25 (2.5%) at an angle 90° above nadir, and 100 (10%) at a vertical angle of 80° above nadir. This applies to all lateral angles around the luminaire.

3. Full Cutoff

A luminaire light distribution where zero candela intensity occurs at an angle of 90° above nadir, and at all greater angles from nadir. Additionally, the candela per 1,000 lamp lumens does not numerically exceed 100 (10%) at a vertical angle of 80° above nadir. This applies to all lateral angles around the luminaire.

G. Lot Area, Lot Width, and Lot Coverage

1. Lot Area

The total area within the boundaries of a lot, excluding any street right-of-way, usually defined in acres or square feet. When applicable, lot area shall be calculated above the mean high water line.

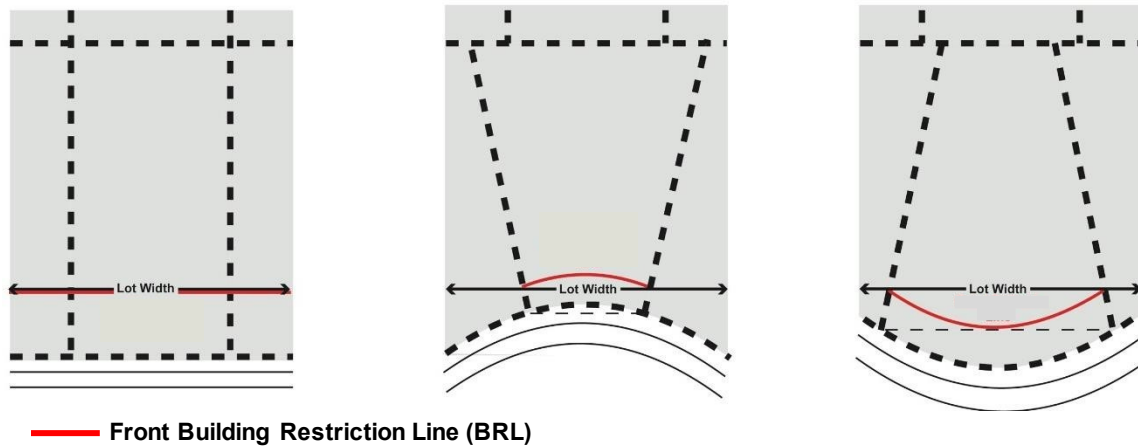
2. Lot Width

The distance between side lot lines measured at the front building restriction line.

a. For cul-de-sac lots or lots with a curved front lot line, lot width is measured at the points where the front building restriction line intersects with the side lot lines from point to point.

b. For corner lots, lot width is the distance between the non-adjacent lot lines closest to each other measured at the building restriction line.

LOT WIDTH



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:

- i. A fence or wall that is less than one foot in width that has not been constructed with a solid footer;
- ii. A walkway in the Critical Area Buffer or expanded Buffer, including a stairway, that provides direct access to a community or private pier;
- iii. A wood mulch pathway;
- iv. A deck with gaps to allow water to pass freely;
- v. Gravel or stone under a pervious deck not used for vehicular parking or storage; or
- vi. Stormwater management and erosion control measures when specifically designed and installed to perform stormwater management or erosion control functions.

H. Lot Types and Lot Lines

1. Lot Types

A lot is the basic development unit for determination of lot area, depth, and other dimensional regulations. The following describes the types of lot configurations:

Article 22. Critical Area

- 22-1 GENERAL**
- 22-2 INTENSELY DEVELOPED AREA (IDA)**
- 22-3 LIMITED DEVELOPED AREA (LDA AND LDA-3)**
- 22-4 RESOURCE CONSERVATION AREA (RCA)**
- 22-5 GROWTH ALLOCATION**
- 22-6 HABITAT PROTECTION AREAS**
- 22-7 SHORELINE AND CLIFF AREAS ON THE CHESAPEAKE BAY, PATUXENT RIVER, AND THEIR TRIBUTARIES**
- 22-8 RENEWABLE ENERGY GENERATING SYSTEMS**
- 22-9 VARIANCES**
- 22-10 ENFORCEMENT**

22-1 GENERAL

A. Purpose and Goals

1. Purpose

The Critical Area Act recognizes that the land immediately surrounding the Chesapeake Bay and its tributaries has the greatest potential to affect water quality and wildlife habitat. The General Assembly enacted the Critical Area Act for the following purposes:

- a.** To establish a resource protection program for the Chesapeake Bay and Atlantic Coastal Bays and their tributaries by fostering more sensitive development activity for certain shoreline areas so as to minimize impacts to water quality and natural habitats.
- b.** To implement a resource protection program on a cooperative basis between the State and affected local governments, with local governments establishing and implementing their programs in a consistent and uniform manner subject to State Criteria and oversight.

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.

B. Implementation of the Critical Area Provisions

1. Critical Area Program

Calvert County adopted its Critical Area Program on December 13, 1988. The Calvert County Critical Area Program consists of the County Zoning Ordinance and the Official Critical Area maps.

- a.** Notwithstanding any provision in this Ordinance, or the lack of a provision in this Ordinance, all of the requirements of Natural Resources Article 8-1801 through 8-1817 and COMAR Title 27 shall apply to, and be applied by Calvert County as minimum standards.
- b.** In the case of conflicting provisions, the most restrictive provision applies.

2. Critical Area Overlay Map

The Official Critical Area Overlay Map is maintained as part of the Official Zoning Map for Calvert County. The Official Critical Area Map delineates the extent of the Critical Area Overlay that shall include:

- a.** All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide and all State and private wetlands designated under Title 16 of the Environment Article of the Annotated Code of Maryland.

b. All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 16 of the Environment Article of the Annotated Code of Maryland.

c. Within the designated Critical Area Overlay, all land is assigned one of the following land management and development area classifications, based on land uses and development in existence on December 13, 1988:

- i. Intensely Developed Area (IDA)
- ii. Limited Development Area (LDA)
- iii. Resource Conservation Area (RCA)

d. The Critical Area Map may be amended by the Board of Calvert County Commissioners in compliance with amendment provisions in this Ordinance and the Maryland Critical Area Law COMAR Title 27.

C. Regulated Activities & Applicability

The County Zoning Administrator shall be the oversight authority for development and redevelopment activities in the Critical Area for compliance with this Ordinance and COMAR Title 27. These activities include, but are not limited to, grading, sediment and erosion control, timber harvesting, shoreline erosion control, installation of a septic system and drain field, operation of a waste collection or disposal facility, operation of a commercial or private marina or other water-related commercial or industrial operation (whether public or private), mining (whether surface or sub-surface) or quarrying, farming or other agriculture-related activities. Unless otherwise specified, development and re-development activities shall be subject to: the building/grading permit process; the site plan, subdivision and plot plan process.

1. Agriculture

The County's intent is to maintain agriculture and forestry as viable and productive land uses within the Critical Area. The County has identified agriculture and the protection of agricultural land uses and activities as a priority in the County's Comprehensive Plan. The County works cooperatively with the Calvert Soil Conservation District, the County Agricultural Land Preservation Advisory Boards, the Farm Bureau and other appropriate agencies to promote sound land and water stewardship on agricultural lands. The County shall adhere to all the following policies regarding agriculture in the Critical Area:

- a. Assure that agricultural lands are identified and that programs are established for the Critical Area to maintain, where appropriate, agricultural lands in agricultural use, to the greatest extent possible.
- b. Recognize that agriculture is a protective land use that should be properly managed so that it minimizes its contribution to pollutant loadings to the Chesapeake and Atlantic Coastal Bays and their tributaries.
- c. Assure that the creation of new agricultural land in the Critical Area is prohibited when:
 - i. If the clearing will adversely affect water quality or will destroy plant and wildlife habitat as defined in Habitat Protection Area regulations.
 - ii. Diking, draining, or filling of any class or subclass of palustrine wetland, which have a seasonally flooded or wetter water regime, unless the wetlands are mitigated in accordance with applicable State and County regulations. The appropriate permits shall be obtained from the Maryland Department of the Environment and the Department of Planning & Zoning.
 - iii. By clearing of forests or woodland on soils with a slope greater than 15% or on soils with a "K" value greater than 0.35 and slope greater than 5%.
 - iv. By the clearing of existing natural vegetation within the Critical Area buffer as defined.
- d. Each agricultural operation is implementing a current Soil Conservation and Water Quality Plan, approved by the County Soil Conservation District.
- e. Assure that Best Management Practices for the control of nutrients, animal wastes, pesticides, and sediment runoff shall be used to protect the productivity of the land base and enhance water quality. These

practices shall minimize contamination of surface and groundwater and, further, shall minimize adverse effects on plants, fish, and wildlife resources.

f. Agricultural activities authorized in the Buffer shall be in accordance with the provisions of COMAR 27.01.09.01-6

g. Assure that animal feeding operations, including retention and storage ponds, feed lot waste storage, and manure storage minimize the contamination of water bodies.

h. Assure that any agricultural activity permitted within the Critical Area uses Best Management Practices in accordance with a Soil conservation and Water Quality Plan approved by the County Soil Conservation District.

i. The following performance standards shall be adopted for all land in agricultural use or to be converted to agricultural use in the Critical Area:

i. The County hereby incorporates the agricultural components of the State 208 Water Quality Plan into this program. These components shall be applicable to all agricultural activities in the Critical Area.

ii. Soil Conservation and Water Quality Plans and Best Management Practices shall be developed and implemented for those portions of farms which lie within the Critical Area. Local farmers shall cooperate with the Calvert Soil Conservation District for approval of their proposed plans. Landowners who have signed up as Soil Conservation District operators but who do not have a Conservation Plan i.e., Farm Plan prepared for them by the Calvert Soil Conservation District Office shall be allowed to continue to farm until a Farm Plan is developed provided that the goals of this program are being met.

iii. A landowner shall select and implement, with the assistance of a technically trained soil conservation planner or technician, from among the several best management practices that minimize impacts to water quality, conserve fish, wildlife, and plant habitat, and integrate best with the farming operation.

iv. Best management practices shall include a requirement for the implementation of a grassland and manure management program and that the feeding or watering of livestock is prohibited within 50 feet of the MHW of tidal water and tributary streams, or from the edge of tidal wetlands, whichever is further inland.

v. Until such time as the farm plans are developed and implemented farmers shall as a part of the program be encouraged to use the following practices:

- (1) Cover crops shall be planted to reduce erosion.
- (2) Nutrients shall be applied at the appropriate time and appropriate methods shall be used.
- (3) Reduced tillage i.e., no till practices shall be used where practical.
- (4) Crop rotations shall be implemented where effective.

2. Non-Agricultural Uses

a. The following uses, including expansion of such uses, because of their intrinsic nature, or because of their potential for adversely affecting habitats or water quality, are only permitted in the IDA and only after the applicant has demonstrated to all appropriate State and local permitting agencies that there will be a net improvement in water quality of the adjacent body of water.

i. Non-maritime heavy industry.

ii. Transportation facilities and utility transmission facilities, except those necessary to serve permitted uses, or where regional or interstate facilities shall cross tidal waters (utility transmission facilities do not include power plants).

iii. Permanent sludge handling, storage and disposal facilities, other than those associated with wastewater treatment facilities. However, agricultural or horticultural use of sludge under appropriate

approvals when applied by an approved method at approved application rates may be permitted in the Critical Area, except in the 100-foot buffer.

b. The following uses, including expansion of such uses, because of their intrinsic nature, or because of their potential for adversely affecting habitat and water quality, shall not be permitted in the Critical Area unless no environmentally acceptable alternative exists outside the Critical Area, and these development activities or facilities are needed in order to correct an existing water quality or wastewater management problem.

i. Solid or hazardous waste collection or disposal facilities.

ii. Sanitary landfills.

c. The County shall assure that all available measures are taken to protect the Critical Area from all sources of pollution from surface mining operations including, but not limited to sedimentation, siltation, chemical and petrochemical use and spillage, and storage and disposal of waste, dusts and spoils. The County shall further assure that surface mining is conducted in a way to permit the reclamation of surface mining sites as soon as possible and to the extent possible. Areas such as the following shall not be used for surface mining.

i. Habitat Protection Areas (HPA) and other important natural resource areas such as those of scientific value or areas where assemblages of rare species occur.

ii. Areas where highly erodible soils exist.

iii. Areas where the use of renewable resource lands would result in the substantial loss of long range (25 years or more) productivity of forest and agriculture or would result in a degradation of water quality or a loss of vital habitat.

iv. Lands that are within 100 feet of the mean high water (MHW) line of tidal waters, tidal wetlands, or the edge of streams.

d. Existing, permitted uses noted in this subsection are subject to the standards and requirements of the Maryland Department of the Environment.

D. Roads, Bridges, Utilities and Habitat Protection Areas

Roads, bridges, or utilities in any portion of the Critical Area shall not be located in Habitat Protection Area, unless there is no feasible alternative. If the location of a road, bridge or utility in a Habitat Protection Area is authorized, the design, construction, and maintenance of the road, bridge or utility shall be conducted to:

1. Provide maximum erosion protection.
2. Minimize negative impact on wildlife, aquatic life, and their habitats.
3. Maintain hydrologic processes and water quality.
4. Reduce or maintain existing levels of flooding attributable to the development activity.
5. Retain tree canopy to maintain stream water temperature within normal variation.
6. Provide a natural substrate for streambeds.
7. Minimize adverse water quality and quantity impacts of stormwater.

E. Cutting or Clearing for Utility Corridors, Road Rights-of-Way and Percolation Tests

The following regulations shall apply for cutting or clearing of forests or developed woodland for utility corridors, road rights-of-way, and percolation tests:

1. For percolation tests, reforestation or payment of fees-in-lieu is required for clearing corridors greater than 12 feet in width. Clearing for percolation access shall be minimized and the removal of trees greater than six inches in diameter shall be avoided. Clearing for percolation test sites shall be limited to the number of test sites required by the Health Department and shall not exceed a total of 2,500 square feet per test site (does not

include area cleared for access). If clearing will exceed 2,500 square feet for the percolation test sites, then a grading permit, grading exemption or vegetation removal permit and reforestation or payment of fees-in-lieu is required.

2. If these areas, which are exempt from reforestation and fees-in-lieu, are later changed to another development use (e.g., access lanes to percolation test sites become roadways) these areas will be considered as having been forested in calculations of clearing limits and clearing mitigation.

3. Clearing in public road and utility rights-of-way shall be minimized to the greatest extent possible, but may exceed 30% of the right-of-way, and required mitigation will be on an equal area basis as described in this section. Those portions of road and utility corridors in which small trees and shrubs are maintained are exempt from reforestation requirements. Trees or their limbs that may strike utility lines or structures may be removed without reforestation if small trees and shrubs are maintained.

4. A vegetation removal permit (or grading permit if applicable) shall be obtained for the following clearing activities associated with percolation test sites, road rights-of-way, and utility corridors in the Critical Area:

- a. Total clearing for percolation test site areas per proposed lot or parcel that exceed 2,500 square feet.
- b. Proposed public utility corridors or percolation access lanes greater than 12 feet in width.
- c. Clearing in public road rights-of-way that exceed 30% of the right-of-way.
- d. Private utility corridors and private roads rights-of-way.
- e. For any-sized road right-of-way, utility corridor or percolation access lane proposed in a Habitat Protection Area such as a waterway buffer or wetland buffer, wetland, rare, threatened, or endangered species habitat, or forest interior dwelling (FIDs) bird habitat.

5. Abandoned utility corridors, percolation access and percolation site areas are allowed to naturally regenerate unless, at time of development, these areas have been mitigated for by reforestation or payment of fees-in-lieu.

a. Though mitigation requirements for clearing utility corridors are as described in this section, the limits to the percentage allowed to be cleared do not apply to utility corridor rights-of-way. These clearing limits do not apply to public road rights-of-way which are external to subdivisions. Though clearing should be minimized, up to 100% of these rights-of-way may be cleared. Mitigation for clearing public road rights-of-way that are external to subdivisions is on a one-for-one basis.

b. Offsite mitigation is allowed for public entities including public utilities with the following conditions:

- i. It is on a site within the Calvert County Critical Area, excluding the lands within the corporate limits of Chesapeake Beach and North Beach.
- ii. It is on property owned by the public entity.
- iii. The mitigation meets the requirements of the Calvert County Critical Area Program.
- iv. A planting plan is submitted to and approved by the Department of Planning & Zoning.

F. Commercial Timber Harvests

1. Process

Landowners proposing to harvest timber within any one year interval and affecting one or more acres in the Critical Area shall submit a "Timber Harvest Plan." This plan shall be prepared by a registered professional forester. The Timber Harvest Plan shall be reviewed and approved by the Department of Natural Resources and the District Forestry Board. The approved plan shall be filed with the County Soil Conservation District and the approved plan shall be sent to the Department of Planning & Zoning prior to beginning timbering operations. The office shall review the plan to assure its consistency with this program.

2. Timber Harvest Plan Standards

Plans shall include measures to protect surface and groundwater quality and identify whether the activities will

disturb or affect Habitat Protection Areas as identified in this ordinance and shall incorporate protection measures for these areas as To provide for the continuity of habitat, the plans shall address mitigation through forest management techniques which shall include scheduling size, timing and intensity of harvest cuts, afforestation and reforestation.

3. Sediment Control Plans

In the Critical Area, any landowner who plans to harvest timber on an area which will disturb 5,000 square feet or more including harvesting on agricultural lands shall submit a Sediment Control Plan. This plan is also required for any harvests which will cross perennial or intermittent streams. This plan shall be developed according to the State guidelines entitled: "Standard Erosion and Sediment Control Plan for Harvest Operations". The operations shall be implemented in accordance with specifications set out by the Department of Natural Resources and enforced by the Department of the Environment and the County.

- a. If cuts and fills are three feet or more, if grades for roads are 15% or more, or if landings are on slopes of 10% or more, then the landowner shall get a custom Sediment Control Plan for the operation. These are prepared by Registered Professional Foresters and include controls necessary to prevent site erosion and to ensure site stabilization. This plan shall be submitted to the local Soil Conservation District for approval and notice of approval sent to the Division of Inspections and Permits.
- b. If a custom Sediment Control Plan is not required, a Standard Erosion and Sediment Control Plan is available through the Soil Conservation District. The landowner shall provide the following information:
 - i. Location description.
 - ii. Harvest operation description.
 - iii. Sketch map of the property showing acres to be cleared.
 - iv. Identification of the landowner, licensed timber harvest operator, and other operators or subcontractors.
- c. Either the owner or the operator shall take responsibility for implementation of the Sediment Control Plan or each subcontractor shall file a separate plan.
- d. The landowner shall sign the agreement to certify that he understands the terms of the plan and is responsible for preventing erosion and sedimentation during the forest harvesting.

4. Buffer Protection Standards

Timber harvests are permitted in the Buffer in accordance with the provisions of COMAR 27.01.05.02.

G. Natural Resource Protection and Forest Conservation Outside the Critical Area

Sometimes a parcel or lot is only partially inside the Critical Area boundary and the remainder is outside the boundary. Only proposed impacts inside the Critical Area shall be subject to Critical Area regulations. However, the portion of the parcel outside the Critical Area may be subject to Natural Resource Protection requirements of Article 21 and the Forest Conservation requirements of Article 20.

H. Steep Slopes

1. Development on slopes greater than or equal to 15%, as measured before development, is prohibited unless the project is the only effective way to maintain or improve the stability of the slope, and is consistent with the policies of this Ordinance. For new subdivisions, slopes greater than or equal to 15% shall be platted as "steep slope conservation areas" unless a variance has been granted to disturb these slopes.
2. The following regulations apply for development of slopes greater than 15% and highly erodible soils:
 - a. Super silt fence shall be installed and maintained around the disturbed area until grading is stabilized with vegetative cover.
 - b. After final grading, erosion control matting or stabilization planting shall be installed over the entire area of disturbed soil.

c. Stormwater management measures shall be consistent with the requirements of the Calvert County Stormwater Management Ordinance.

3. At environmental planning staff recommendation, the Zoning Officer or its designee is authorized to grant administrative variances for disturbance to steep slopes for the purposes of slope stabilization (See Section 30-4 of this Ordinance). The applicant must demonstrate that erosive conditions exist, and the proposed stabilization method minimizes land disturbance and clearing of existing vegetation. Slope stabilization activities include the prevention of soil movement by any of the various vegetative or structural means. Stabilization can include minimal grading; retaining walls; erosion control mats, blankets and fiber logs; or, other environmentally sensitive practices. It shall not include the use of accessory structures including but not limited to patios, terraces or gazebos. If an administrative variance is granted, mitigation by planting on the site at a rate of 2:1 per square foot of the disturbance shall be required, whether inside or outside of the Buffer. The Department of Natural Resources (Critical Area Commission) shall be included in the notice letters for any administrative variance under this provision.

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 years.
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).
3. For Critical Area Program refinements, the County shall not adopt the refinements until the Chairman of the Critical Area Commission has approved them.
4. For Critical Area Program amendments, a panel of the Critical Area Commission will hold a public hearing in the County. The panel will then make a recommendation to the full Critical Area Commission. The County cannot adopt the amendments until the Critical Area Commission has approved them.
5. When the County submits a request for review and approval of changes to any element of the County's Critical Area Program including, but not limited to, the Zoning Ordinance, subdivision regulations, or Critical Area Maps, the request must include all relevant information necessary for the Chairman of the Critical Area Commission, and as appropriate, the Critical Area Commission, to evaluate the changes. The Chairman or the Critical Area Commission will determine if the requests for program changes are consistent with the purposes, policies, goals, and provisions of the Critical Area Law and all criteria of the Critical Area Commission.
6. In accordance with the determination of consistency, the Chairman of the Critical Area Commission, or as appropriate, the Critical Area Commission will either:
 - a. Approve the proposed program refinement or amendment and notify the County.
 - b. Deny the proposed program refinement or amendment.
 - c. Approve the proposed program refinement or amendment subject to one or more conditions.
 - d. Return the proposed program refinement or amendment to the County with a list of changes to be made.

J. Notification

1. Public Notification

- a. For all County government major development projects and other County projects not exempt as provided in Section 22-1.J.1.c below shall, as part of a project submittal to the Critical Area Commission, provide proof of the following:
 - i. Public notice published in a newspaper of general circulation in the area where the proposed development activity would occur.

- ii. A minimum 14 day comment period in the local jurisdiction in which the proposed development activity will occur was provided.
 - iii. Certification that the property was posted.
- b. Proof of public notice and public comment shall include the following minimum documentation:
 - i. A copy of the notice as it appeared in the newspaper.
 - ii. The name of the newspaper in which the notice appeared.
 - iii. The date the notice appeared in the newspaper.
 - iv. All copies of correspondence received as a result of the public notice.
 - v. A list of any neighborhood associations contacted, if applicable.
- c. The following classes of development activities of State and local governments in the Critical Area of the Chesapeake Bay are exempt from the notice and comment requirement of this section of this regulation:
 - i. Any State or local agency development activity of local significance on private lands or lands owned by local jurisdictions that have been determined by the Commission to be consistent with the local Critical Area Program as provided by COMAR 27.02.02 and for which the local agency has submitted a consistency report relative to its Critical Area Program.
 - ii. Any State or local government development activity that is included in a General Approval as provided by COMAR 27.02.03.
 - iii. Any State development activities on State lands for which the Commission has approved a Memorandum of Understanding, including notice requirements.

2. Critical Area Commission Notification

- a. Significant Actions in the Critical Area require Critical Area Commission staff review. Any activity listed in Table 22-1 and indicated with a "Y", is considered a Significant Action.
- b. Minor Actions in the Critical Area do not require Critical Area Commission staff review. Any activity listed in Table 22-1 and indicated by either an "N" or "NA" is considered a minor action.
- c. All development actions by a County agency, or on County property, in the Critical Area require Critical Area Commission staff review and of a submitted "Consistency Report" by the County.
- d. For activities that require notification, notification consists of copies of preliminary site plans and subdivisions, grading and building permit applications for activities that are not a site plan or subdivision and complete variance applications. If comments are not received from the Critical Area Commission within 30 days of notification to the Commission, the County will proceed with the review and potential approval of these projects. The County will also submit copies of final site plans and subdivision to the Critical Area Commission. No permits will be issued until at least 30 days after the approval of final site plans, subdivisions and variances. However, administrative variances for the disturbance of steep slopes for the purposes of slope stabilization where there is an imminent danger of loss of life or property may be exempted from this requirement by the Zoning Officer, in consultation with the Environmental Planner.
- e. Shore erosion control measures and private piers that do not involve disturbance to the Buffer, are constructed solely from the water, including all construction related and staging activities, and are permitted by MDE do not require Commission notification.

Table 22-1: Required Notification to Critical Area Commission Y = Yes // N= No // NA = Not Applicable			
Application	IDA	LDA	RCA
Disturbance to Habitat Protection Areas*	Y	Y	Y
Physical disturbance to Buffer	Y	Y	Y
Variance or Administrative Variance from Critical Area Regulations*	Y	Y	Y

Table 22-1: Required Notification to Critical Area Commission Y = Yes // N= No // NA = Not Applicable			
Application	IDA	LDA	RCA
Less than 5,000sf disturbance	N	N	N
Between 5,000sf and 15,000sf of disturbance	N	N	Y
Greater than 15,000 sf of disturbance*	Y	Y	Y
Subdivision of three lots or fewer*	N	N	Y
Subdivision of four to ten lots*	N	Y	Y
Subdivision of greater than ten lots*	Y	Y	Y
Use of growth allocation	NA	Y	Y
Intrafamily transfer*	NA	NA	Y
Rezoning that occurs wholly or partially within the Critical Area*	Y	Y	Y
Special exception or conditional use for industrial, commercial, institutional, non-residential or multi-family*	N	Y	Y
Substantial alteration to applications previously submitted to the Critical Area Commission	Y	Y	Y
Lot consolidation or reconfiguration	Y	Y	Y

Footnote:

* For columns in these rows indicated with a "Y", final subdivision plats, final site plans, final decisions or orders shall be submitted to the Critical Area Commission within 15 days of the decision.

K. Grandfathering

1. After Critical Area Program approval (December 13, 1988), the continuation of any use legally in existence on the date of Critical Area Program approval shall be permitted. In the Critical Area, if the use or structure has been abandoned for more than one year, then it is no longer grandfathered or vested. If any existing use or structure does not conform to the provisions of the Critical Area Program, its intensification or expansion shall be permitted only in accordance with the variance procedures outlined in Section 22-9 below.

- a. Lawns or landscaped areas may continue so long as they are cut or maintained at least once a year.
- b. Nonconforming buildings are allowed to remain.
- c. Nonconforming houses outside ER50 Cliff Setback and greater than 100 feet from cliff edge may be replaced or expanded upward with a second story.

2. Except as otherwise provided, a single lot or parcel of land that was legally of record on the date of Critical Area Program approval (December 13, 1988) may be developed with a single-family dwelling, if a dwelling is not already placed there, notwithstanding that such development may be inconsistent with the density provisions of Calvert County's approved Critical Area Program.

3. Lots in subdivisions which received the County's approval prior to June 1, 1984 may be consolidated or reconfigured in accordance with Section 22-1.M below without the consolidation or reconfiguration being considered a resubdivision.

4. Land that was subdivided into recorded, legally buildable lots, where the subdivision received final approval after December 1, 1985 is permitted provided that development of any such land conforms to the IDA, LDA or RCA requirements in this Ordinance. Existing non-conforming uses in the RCA shall only be expanded 10,000 square feet or 10%, whichever is less, before requiring Growth Allocation.

5. For purposes of implementing this regulation, the Board of County Commissioners has determined, based on land uses and development in existence on December 1, 1985, which land areas fall within the three types of development areas described in this Article.

6. Nothing in the Critical Area regulations within the three types of development areas described in this Article shall be interpreted as altering any requirements of this Ordinance for development and redevelopment activities for Water Dependent Facilities and Habitat Protection Areas.

L. Lot Consolidation and Reconfiguration in the Critical Area

The provisions of COMAR 27.01.02.08 shall be met for lot consolidation and reconfiguration/re-platting in the Critical Area. The provisions of this regulation do not apply to a conforming parcel or lot.

1. Applicability

These provisions shall apply to a consolidation or a reconfiguration of any nonconforming legal grandfathered parcel or lot. These provisions do not apply to the reconfiguration or consolidation of parcels or lots which are conforming or meet all Critical Area requirements. Nonconforming parcels or lots include:

- a. Those for which a Critical Area variance is sought or has been issued.
- b. Those located in the Resource Conservation Area and are less than 20 acres in size.

2. Procedure

- a. An applicant seeking a parcel or lot consolidation or reconfiguration through an administrative plat shall provide the required information in Section 22-1.L.3 below to the Department of Planning & Zoning.
- b. The Department of Planning & Zoning shall not approve a proposed parcel or lot consolidation or reconfiguration without making written findings in accordance with Section 22-1.L.4 below and COMAR 27.01.02.08.F.
- c. The Department of Planning & Zoning shall issue a final written decision or order granting or denying an application for a consolidation or reconfiguration.
- d. After a final written decision or order is issued, the County shall send a copy of the decision or order and a copy of any approved development plan within 10 business days by U.S. mail to the Critical Area Commission's business address.
- e. A building permit shall not be issued until the appeal time has expired.

3. Application

An application for the consolidation or reconfiguration of any nonconforming legal parcel of land or recorded legally buildable lot shall contain at least the following information:

- a. The date of recordation of each legal parcel of land or legally buildable lot to be consolidated or reconfigured.
- b. A plan drawn to scale that shows all existing and proposed lot or parcel boundaries.
- c. Information sufficient for the Department of Planning & Zoning to make the findings set forth in Section 22-1.L.4 below.
- d. A table that lists the number of all legal parcels of land or recorded legally buildable lots and the number of proposed lots or parcels or dwelling units to be derived.
- e. All information required in the administrative plat procedures checklist as established by the Department of Planning & Zoning.

4. Standards

The County shall review a proposed lot consolidation or reconfiguration and will make written findings that each one of the following standards has been met:

- a. The proposed consolidation or reconfiguration will result in no greater number of lots, parcels, or dwelling units in the Critical Area than the existing configuration would allow.
- b. The proposed lot consolidation or reconfiguration will result in no greater lot coverage than the existing configuration would allow.
- c. The proposed consolidation or reconfiguration does not:
 - i. Create an additional riparian lot or parcel, waterfront lot, or any other lot or parcel deeded with water access; or
 - ii. Intensify or increase impacts associated with riparian access.

- d. The proposed consolidation or reconfiguration does not create:
 - i. A lot or parcel or portion of a lot or parcel that will serve development activities outside the Critical Area; or
 - ii. A Resource Conservation Area lot or parcel that serves development activities in the Intensely Developed Area or Limited Development Area.
- e. The proposed consolidation or reconfiguration identifies each Habitat Protection Area and if impacts to a Habitat Protection Area are proposed, the proposal demonstrates that:
 - i. No greater impact to a Habitat Protection Area would result than the impact that would have resulted from the existing lot configuration.
 - ii. Adverse impacts to a Habitat Protection Area are minimized.
 - iii. Protective measures and restoration measures are included that provide for the least possible impact.
- f. The proposed consolidation or reconfiguration provides:
 - i. Stormwater management for all proposed development activities.
 - ii. Benefits to fish, wildlife, and plant habitat that are clearly identified.

M. Fines and Penalties

Enforcement of the Critical Area regulations is pursuant to the requirements of the Maryland Annotated Code, Natural Resources Article, 8 subtitle 18, and the provisions of COMAR Title 27 subtitle 01, notwithstanding any provision in a County law or ordinance or the lack of a provision in a County law or ordinance. The County's Critical Area violation process and procedures are further described in Section 22-10 below.

22-2 INTENSELY DEVELOPED AREA (IDA)

A. Purpose

The purpose of the Intensely Developed Area (IDA) is to serve as the area where future intense development activities will be directed.

B. Goals

The following goals guide development in the IDA:

1. Improve the quality of runoff from developed areas that enters the Chesapeake Bay or its tributary stream.
2. Accommodate additional development of the type and intensity designated by the local jurisdiction provided that water quality is not impaired.
3. Minimize the expansion of intensely developed areas into portions of the Critical Area designated as Habitat Protection Areas.
4. Conserve and enhance fish, wildlife, and plant habitats, to the extent possible, within intensely developed areas.
5. Encourage the use of retrofitting measures to address existing stormwater management problems.

C. IDA Boundaries

Boundaries are as shown on the official Calvert County Critical Area Map as IDA.

D. Designation of IDAs

1. IDAs are those areas within the Critical Area where residential, commercial, institutional, or industrial developed land uses predominate, and where relatively little natural habitat occurs. At the time of the initial mapping, these areas shall have had at least one of the following features:

- a. Housing density is equal to or greater than four dwelling units per acre;
- b. Industrial, institutional, or commercial uses are concentrated in the area; or
- c. Public sewer and water collection and distribution systems are currently serving the area and housing density is greater than three dwelling units per acre.

2. In addition, these features shall be concentrated in an area of at least 20 adjacent acres, or that entire upland portion of the Critical Area within the boundary of a municipality, whichever is less.

E. Permitted Uses

Uses permitted in the underlying district are permitted as long as they meet the conditions of Section 22-2.G below

F. Special Exception Uses

Uses allowed as special exceptions may also be allowed as long as they meet the conditions of Section 22-2.G below.

G. Criteria for Development in the IDA

In addition to the development requirements of this Ordinance, development and redevelopment is subject to the criteria contained in the Habitat Protection Areas regulations.

1. Stormwater management as follows:

- a. The Department of Planning & Zoning requires, at the time of development or redevelopment, technologies as required by applicable State and local ordinances to minimize adverse impacts to water quality caused by stormwater.
- b. In the case of redevelopment, if these technologies do not reduce pollutant loadings by at least 10% below the level of pollution on the site prior to redevelopment, then offsets as described in this section shall be provided to achieve this 10% reduction.
- c. In the case of new development, if these technologies do not reduce pollutant loadings by at least 10% below the level of pollution on the site prior to development, then offsets as described in this section and as determined by the County Engineer shall be used to reduce pollutant loadings by at least 10% of the pre-development levels.
- d. Offsets may be provided either on or off site, provided that water quality benefits are equivalent, that their benefits are obtained within the same watershed, and that the benefits can be determined through the use of modeling, monitoring, or other computation of mitigation measures. The offsets shall be approved by the County Engineer.
- e. The 10% reduction is calculated in the manner developed by the Critical Area Commission in its document entitled "Critical Area 10% Rule Guidance Manual - Fall 2003", and as amended from time to time.
- f. To meet the 10% reduction requirement through offsets, priority is given to planting pervious areas with native vegetation. Examples of acceptable offsets include but are not limited to:
 - i. Installing a new BMP in an existing urbanized area not already served by a stormwater BMP. No offset credits can be taken for a new BMP that is already required under State stormwater management law.
 - ii. Installing or financing an agricultural BMP in the Resource Conservation Area.
 - iii. Modifying an existing stormwater BMP to improve its pollutant removal capability.
 - iv. Modifying a public storm sewer network to trap pollutants (e.g., modify catch basins, installing plate separators or swirl concentrators).

- v. Establishing a forested buffer strip in an existing developed or cropped area where one does not presently exist.
- 2. If practicable, permeable areas shall be established in native vegetation, and, whenever possible, redevelopment shall reduce existing levels of pollution.
- 3. Areas of public access to the shoreline, such as foot paths, scenic drives, and other public recreational facilities, should be maintained and are encouraged to be established within Intensely Developed Areas. Such areas should be pervious where feasible.
- 4. Ports and industries which use water for transportation and derive economic benefits from shore access, shall be located near existing port facilities. The Board of County Commissioners may identify other sites for planned future port facility development and use, if this use will provide significant economic benefit to the State or County and is consistent with the provisions of this Ordinance, and State and Federal regulations.
- 5. To the extent practicable, future development shall use cluster development as a means to reduce impervious areas and to maximize areas of natural vegetation.
- 6. When the cutting or clearing of trees in forests and developed woodland areas is associated with current or planned development activities, a grading permit and the following are required with approval from the Department of Planning & Zoning:
 - a. Planting plans for the enhancement of forest and developed woodland resources such as street tree plantings, gardens, landscaping, open land buffer plantings.
 - b. Development activities shall be designed and implemented to minimize destruction of forest and woodland vegetation.
 - c. Protection shall be provided for existing forests and developed woodlands located in Habitat Protection Areas and as prescribed in Habitat Protection Plan.

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

A. Purpose

The purpose of the Limited Development Area (LDA) and Limited Development Area-3 (LDA-3) is to serve as areas for low or moderate intensity development.

B. Goals

The following goals guide development in the LDA:

- 1. Maintain or, if possible, improve the quality of runoff and ground water entering the Chesapeake Bay and its tributaries.
- 2. Maintain, to the extent practicable, existing areas of natural habitat.
- 3. Accommodate additional low or moderate intensity development if:
 - a. This development conforms to the Habitat Protection Areas regulations.
 - b. The overall intensity of development within the limited development area is not increased beyond the level established by the prevailing character as identified by density and land use currently established in the area.

C. LDA Boundaries

Boundaries are as shown on the official Calvert County Critical Area Map as LDA or LDA-3.

D. Designation of LDAs

LDAs are those areas within the Critical Area which are currently developed in low or moderate intensity uses. They also contain areas of natural plant and animal habitats, and the quality of runoff from these areas has not been

substantially altered or impaired. At the time of the initial mapping, these areas shall have had at least one of the following features:

1. Housing density ranging from one dwelling unit per five acres up to four dwelling units per acre.
2. Areas not dominated by agriculture, wetland, forest, barren land, surface water, or open space.
3. Areas meeting the conditions of IDA but comprising less than 20 acres.
4. Areas having public sewer or public water, or both.

E. Density Limitation

1. In the LDA, the maximum density is four dwelling units per acre. If the underlying zoning district is more restrictive, then those regulations apply.
2. All properties which are designated LDA-3 shall have a minimum lot size of three acres except for those one-acre exception lots which cannot be accommodated outside of the Critical Area and those created in clustered residential developments as described in Article 25 of this Ordinance.

F. Permitted Uses

Uses permitted in the underlying district are permitted as long as they meet the conditions of Section 22-3.H below.

G. Special Exception Uses

Uses allowed as special exceptions may also be allowed as long as they meet the conditions of Section 22-3.H below.

H. Criteria for Development, Redevelopment, and Maintenance

In addition to the development requirements of this Ordinance, development and redevelopment is subject to the criteria contained in the Habitat Protection Areas regulations in Section 22-6 below. For development and redevelopment, the owner or agent of the owner is required to identify and locate any environmental or natural features described in this section and meet all the following environmental protection standards.

1. Criteria as required for the Habitat Protection Area and those for the Water-Dependent Facilities regulations of this Ordinance.
2. All development sites shall incorporate a wildlife corridor system that connects the largest undeveloped, or most vegetative tracts of land within and adjacent to the site in order to provide continuity of existing wildlife and plant habitats with offsite habitats. The wildlife corridor system may include Habitat Protection Areas. The establishment of conservation easements, restrictive covenants, or similar instruments through which the corridor is preserved by public or private groups, including homeowners associations, nature trusts, and other organizations is required before final approval of the site plan or subdivision may be granted.
3. To reduce stormwater runoff, lot coverage is limited as described below:
 - a. In general, lot coverage is limited to 15% of a lot or parcel.
 - b. If a parcel or lot existed on or before December 1, 1985 in the Chesapeake Bay Critical Area and is one-half acre or less in size, then the lot coverage is limited to 25% of the lot or parcel.
 - c. For lots of one acre or less in size, the lot coverage is limited to 15% of the entire parcel being subdivided. The lot coverage on each lot may exceed 15% as long as the lot coverage over the entire parcel being subdivided does not exceed 15%.
 - d. Lots created after December 1, 1985 or properly permitted in accordance with this ordinance and impervious surface policies in effect prior to July 1, 2008 may be considered legally nonconforming for purposes of lot coverage requirements.
 - e. Lot coverage limits do not apply to a Manufactured Home Community that was in residential use on or before December 1, 1985 in the Critical Area.

- f.** A 4-foot walkway or stairway through the Buffer that provides direct access to a pier is not included in lot coverage calculations.
- g.** There is no allowable, by right, percentage of lot coverage within the 100-foot buffer. Lot coverage may be permitted in the Buffer, in accordance with the provisions outlined in the following regulations contained within this Ordinance: Water-Dependent Facilities, Special Buffer Management Areas, and variances..
- 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.
- i.** For grandfathered lots or parcels of record that predate the Critical Area Program, a local government may allow a property owner to exceed the lot coverage limits outlined above and comply with the lot coverage limits set forth in Table 22-2 if the following requirements are met:
- i.** Lot coverage associated with new development activities has been minimized.
 - ii.** Water quality impacts associated with runoff from development activities that contribute to lot coverage have been minimized.
 - iii.** The property owner performs on-site mitigation or pays a fee-in-lieu of mitigation at a rate of 2:1 to offset potential adverse water quality impacts.
 - iv.** The property owner shall perform mitigation as per Section 22-3.I for the square footage of lot coverage added above 15% of the parcel or, if such is not feasible, the property owner may pay a fee-in-lieu of performing the on-site mitigation (in an amount approved by the Board of County Commissioners) multiplied by the area in square feet of the new Lot Coverage that exceeds 15% of the lot/parcel. All fees-in-lieu collected under this section will be placed in the Critical Area fees-in-lieu fund to support projects that improve water quality.

Table 22-2: Lot Coverage Limitations	
Lot/Parcel Size (in square feet)	Lot Coverage Limit
0 - 8,000	25% of lot/parcel plus 500 square feet
8,001 - 21,780	31.25% of lot/parcel
21,781 - 36,300	5,445 square feet
Greater than or equal to 36,301	15% of lot/parcel

- j.** If the Zoning Officer designee makes the findings set forth in Section 22-3.H.3.i above and authorizes an applicant to use lot coverage limits set forth in that paragraph, the applicant shall:
- i.** Demonstrate that the water quality impacts associated with runoff from the development activities that contribute to lot coverage have been minimized through site design considerations or the use of best management practices to improve water quality; and
 - ii.** Provide on-site mitigation in the form of plantings to offset potential adverse water quality impacts from the development activities resulting in new lot coverage. The plantings shall be equal to two times the area of development activity.
 - iii.** If the applicant cannot provide appropriate stormwater treatment and planting due to site constraints, then the County shall require the property owner to pay a mitigation fee to the County in lieu of performing the on-site mitigation. The amount of the fee shall be as established by the Board of County Commissioners. The County shall use all fees collected under this provision to fund projects that improve water quality within the Critical Area, consistent with the County's Critical Area Program and Zoning Ordinance. The first priority is to fund the Critical Area Landscape Conservation Project.
- k.** Grandfathering provisions are as follows:
- i.** Projects for which a building or grading permit was issued prior to January 1, 2010 or a site development plan was approved by July 1, 2010 may be considered legally developed with respect to lot coverage if done in accordance with Natural Resources Article 8-1808.3.

- ii. Lot coverage (impervious surface) limits existing at the time of permit approval shall apply to these permitted projects.
 - iii. Development plans and lot coverage plans may be modified with appropriate permits; however, the amounts of impervious surface, partially pervious, and developed pervious areas shall not be increased beyond set limits. Reductions in these areas are permitted.
 - iv. Projects, including new subdivisions, for which an initial application for development was filled by October 1, 2008 and approval was obtained by July 1 2010, but for which there was no approved lot coverage plan shall be required to comply with all of the lot coverage provisions.
- I.** For lot coverage on split parcels and growth allocation envelope sites, lot coverage shall be limited as follows:
- i. When a site is mapped entirely as LDA: 15% of the total site.
 - ii. When a portion of a lot or parcel is mapped as LDA: 15% of that portion of that lot or parcel.
 - iii. In the case of growth allocation award to change a designation from RCA to LDA either:
 - (A)** 15% of the growth allocation development envelope; or,
 - (B)** 15% of the acreage proposed for growth allocation deduction.
- 4.** Modifications in road standards to reduce potential impacts to the site and Critical Area resources are allowed where the reduced standards do not affect safety.
- 5.** To reduce the extent of lot coverage, i.e., impervious areas, and maximize areas of natural vegetation, cluster development is encouraged as the preferred development method.
- 6.** If less than 15% forest cover is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15% of the lot area within the Critical Area. New accessory structures, additions, minor commercial uses without permanent structures or parking, or remodeling projects are exempt from this requirement. For these projects, mitigation planting requirements shall be calculated by multiplying the area of disturbance by two.
- 7.** For the maintenance of forest and developed woodland in the LDA, the following standards shall apply:
- a.** The recommendations, when provided, of the Maryland Department of Natural Resources shall be followed.
 - b.** Development activities shall be designed and implemented to minimize destruction of forest and developed woodland vegetation, and a Developed Woodland Management Plan (DWMP) is required to be submitted to the Department of Planning & Zoning. The Department of Planning & Zoning shall, at its discretion, send the DWMP to the Maryland Department of Natural Resources for review and comment. The DWMP shall include methods for:
 - i. Minimizing forest loss.
 - ii. Maintaining the health of the existing or remaining forest.
 - iii. Maintaining the functions of the forest or developed woodland area relative to removing stormwater, preventing flooding, providing habitat, controlling runoff, and the uptake of nutrients and other pollutants.
 - iv. Removal or inhibition of invasive species.
 - v. Mitigation as per this section.
 - vi. Forest maintenance activities proposed in Habitat Protection Areas are subject to the provisions of the Habitat Protection Areas.

vii. Development activities proposed in Habitat Protection Areas are subject to the provisions of the Habitat Protection Areas.

I. Cutting or Clearing

For the cutting or clearing of natural vegetation in forests and developed woodland areas within the LDA, a permit (grading permit or Critical Area vegetation removal permit) or grading exemption is required and the following criteria shall apply:

1. If no more than 6,000 square feet or 20%, whichever is greater, of existing natural vegetation is cleared, replacement on an equal area basis (1:1) is required. The remaining natural vegetation shall be designated on the permit to remain in natural vegetation in perpetuity.
2. If more than 6,000 square feet and more than 20%, but less than 30%, of existing natural vegetation is cleared, replacement required for the amount of clearing is one-and-a-half times the area of the entire clearing (1.5:1). The remaining natural vegetation shall be designated on the permit to remain in natural vegetation in perpetuity.
3. Clearing of existing forest or developed woodland in excess of 30% shall be prohibited. If Board of Appeals approval is obtained and more than 30% of natural vegetation is cleared, replacement on a 3:1 basis shall be required. The remaining natural vegetation shall be designated on the permit to remain in natural vegetation in perpetuity.
4. No person shall cut or clear existing natural vegetation, or cause existing natural vegetation to be cut or cleared before a permit for such cutting or clearing has been issued by the Department of Planning & Zoning. No person shall cut or clear in excess of the amount of existing natural vegetation permitted in a permit issued by the Department of Planning & Zoning.
5. Clearing or alteration of vegetation inconsistent with this section or unauthorized clearing or alteration of vegetation prior to having obtained the required permit shall subject to fines and mitigation as described in the Section 22-10 below.
6. The area of vegetation planted to mitigate these requirements shall be designed to replicate a natural forest and shall be planted in accordance with this section (See Table 22-5 Landscaping Stock for mitigation credits). Guidance on allowed tree and shrub species and coverages are given in the document entitled, "Calvert County Native Plant List" which has been adopted by the Board of County Commissioners and is available from the Department of Planning & Zoning Office. This document can also be found on the County Department of Planning & Zoning website on the Critical Area webpage.
7. When homeowner actions are necessary in emergency situations to remove a tree(s), i.e., the tree poses an imminent danger of falling and causing damage to a dwelling or other structure, the homeowner shall take photographs of the tree, prior to removal, remove the tree that poses imminent danger, and submit a Critical Area vegetation removal permit application with the photo documentation within seven days of removal.
8. Clearing or disturbance violations will be mitigated at 4:1. After-the-fact projects that require a variance(s) shall mitigate an additional 3:1. An approved mitigation plan by the Department of Planning & Zoning and payment of the Critical Area bond, fees and fine shall be required before being referred to the Board of Appeals.

J. Surety

1. A person required to conduct replanting as part of a mitigation plan or afforestation requirement shall post a bond or other financial security to insure compliance with the mitigation plan.
2. Requirements for bond or other financial security:
 - a. Financial security shall be furnished in the form of a surety bond, an irrevocable letter of credit, cash bond, certificate of guarantee, or other surety as authorized by the Board of County Commissioners and approved by the Office of the County Attorney. The surety shall include:
 - i. Name the Board of County Commissioners as obligee.
 - ii. Assure that the mitigation replanting is conducted in accordance with the Department of Planning & Zoning approved mitigation plan.

- iii. Be in an amount as approved by the Department of Planning & Zoning and set by the County Commissioners. This fee shall be submitted with the bond.
 - iv. Remain in force until all requirements of the mitigation plan have been fulfilled to the satisfaction of the Department of Planning & Zoning.
 - b. The surety shall not be cancelled by the issuing entity unless both of the following requirements are fulfilled:
 - i. The issuer notifies the Board of County Commissioners and the principal of its intention to cancel the surety, in writing, by registered mail, not less than 90 days before cancellation.
 - ii. At least 45 days before the cancellation date indicated in the notice, the principal files a commitment from another entity to provide a substitute surety that will be effective on the cancellation date indicated in the notice.
 - c. The surety amount and terms shall remain constant even upon transfer to a new property owner.
3. Forfeiture of surety:
- a. The surety is subject to forfeiture if the principal fails to comply with the mitigation plan within the prescribed time.
 - b. If the surety is forfeited, the County and its agents shall be allowed access to the property to accomplish the previously bonded planting as needed to bring the property into compliance. The bond forfeiture shall constitute a County zoning violation and compliance shall require an additional 4:1 mitigation.
 - c. A bond or surety or letter of credit shall have written into the documents that it may not be cancelled or closed without written consent from the Department of Planning & Zoning.
4. Release of surety:
- a. Bonds shall be held for two years or growing seasons as defined in the bond agreement from the deadline specified in the bond agreement.
 - b. If, after the time period described above, the survival of the plantings associated with the mitigation plan meets or exceeds the standards of the mitigation plan, the amount of the surety shall be refunded to the bond holder.

K. Fees-in-Lieu

- 1. If there is not sufficient area on the site to plant the required mitigation area, the Department of Planning & Zoning shall collect fees-in-lieu of replanting from the owner. The fees-in-lieu rate is established by the Board of County Commissioners as approved by the Critical Area Commission. The fees-in-lieu shall be used to plant native woody vegetation in the following types of areas with the Critical Area Buffer always being a priority planting area:
 - a. State, County, and private lands in need of reforestation, buffers, or habitat corridors
 - b. Severely eroding land (non-farm)
 - c. Severely eroding farm land
 - d. Unreclaimed surface mines abandoned prior to the current reclamation regulations
 - e. Fallow fields
 - f. Community open space
 - g. Currently operating surface mines

- h. Abandoned pastures
- i. Subdivision lots
- j. Forested areas following the eradication of invasive species that have effectively destroyed a natural forested area.

2. If reforestation exceeds 100% of the areal extent of forest lost in the Critical Area, then the remaining funds may be used for the following activities in priority order within the Critical Area, with the approval of the Critical Area Commission planning staff:

- a. Projects that improve water quality and increase habitat
- b. Invasive plant control and management
- c. Public education and outreach

22-4 RESOURCE CONSERVATION AREA (RCA)

A. Purpose

The Resource Conservation Area (RCA) is chiefly designated for agriculture, forestry, fisheries activities, and other resource utilization activities and for habitat protection. Development is limited in the Resource Conservation Area.

B. Goals

The following goals will guide development in the RCA:

- 1. Conserve, protect, and enhance the overall ecological values of the Critical Area, its biological productivity, and its diversity.
- 2. Provide adequate breeding, feeding, and wintering habitats for those wildlife populations that require the Chesapeake Bay, its tributaries, or coastal habitats in order to sustain populations of those species.
- 3. Conserve the land and water resource base that is necessary to maintain and support land uses such as agriculture, forestry, fisheries activities, and aquaculture.
- 4. Conserve the existing developed woodlands and forests for the water quality benefits that they provide.

C. Area Boundaries

Boundaries are as shown on the Official Calvert County Critical Area Map as RCA.

D. Designation of Resource Conservation Areas

Resource Conservation Areas are those areas within the Critical Area characterized by nature-dominated environments (that is, wetlands, forests, abandoned fields) and resource-utilization activities (that is, agriculture, forestry, fisheries activities, or aquaculture). At the time of the initial mapping, these areas shall have had at least one of the following features:

- 1. Density is less than one dwelling unit per five acres.
- 2. Dominant land use is in agriculture, wetland, forest, barren land, surface water, or open space.

E. Density Limitations

The maximum allowable density is one lot per 20 acres. This lot density shall only be increased through an intra-family transfer if the parcel is eligible. A variance to density in the RCA shall not be authorized. For parcels divided by the Critical Area line, the density requirements in the Resource Conservation Area are applied to the portion of the property lying within the Critical Area, and the density requirements for the underlying zoning district is applied to the portion of the property lying outside the Critical Area. A variance shall not be granted to modify the density requirements.

- 1. Land within the Resource Conservation Area may be developed for residential uses at a density not to exceed one dwelling unit per 20 acres. Within this limit of overall density, minimum lot sizes shall be in accordance with the requirements of the underlying zoning district.

2. In calculating the density of development that is permitted on a parcel located within the Resource Conservation Areas, the area of any private or State tidal and non-tidal wetlands located on the property is not included.

3. An accessory apartment will not be considered an additional dwelling unit if the criteria under either of the following criteria apply. The provisions of Section 22-4.E.4 below also apply to any accessory apartment that qualifies as exempt from consideration as an additional dwelling unit.

a. The accessory apartment is located within the primary dwelling unit or its entire perimeter is within 100 feet of the primary dwelling unit, the accessory apartment does not exceed 900 square feet in total enclosed area, and the accessory apartment is served by the same sewage disposal system as the primary dwelling unit.

b. The accessory apartment is located within the primary dwelling unit, by its construction, the accessory apartment does not increase the amount of lot coverage already attributed to the primary dwelling unit, and the accessory apartment is served by the same sewage disposal system as the primary dwelling unit.

4. Any accessory apartment that qualifies as exempt from consideration as an additional dwelling unit per Section 22-4.E.3 above is subject to the following:

a. An accessory apartment that is separate from the primary dwelling unit may not be subdivided or conveyed separately from the primary dwelling unit.

b. An accessory apartment that qualifies as exempt from consideration as an additional dwelling unit is subject to density calculations only.

F. Permitted Uses

Uses permitted in the underlying district are permitted as long as they meet the conditions of Section 22-4.H below.

G. Special Exception Uses

Uses allowed in the underlying district as special exceptions are allowed as long as they meet the conditions of Section 22-4.H below.

H. Criteria for Development

1. Development activity within the Resource Conservation Area shall be in accordance with the criteria for the Limited Development Area.

2. Land use management practices shall be consistent with the policies and criteria for Habitat Protection Areas.

3. Agricultural and conservation easements are strongly encouraged.

4. Existing industrial, commercial, and institutional facilities, including those that directly support agriculture, forestry, aquaculture, or residential development not exceeding the density specified in Section 22-4.E above are allowed in Resource Conservation Areas. Expansion or intensification of such uses may be permitted only in accordance with the applicable grandfathering or nonconforming use provisions. Additional land may not be zoned for industrial or commercial development, except as provided in Section 22-6 below. New commercial, industrial, or institutional uses are not permitted.

5. The Department of Planning & Zoning shall ensure that the overall acreage of forest and woodland within the Resource Conservation Areas does not decrease by:

a. Not permitting cutting of trees without replacement unless it is approved thinning or timber stand improvement under a Forest Management Plan.

b. Requiring that commercially harvested land shall be reforested or mitigated as per the applicable sections of this Article.

6. Nothing in this section limits the ability of a participant in the Agriculture Land Preservation Program to convey real property with such a conservation easement to family members provided that no such conveyance

will result in a density greater than one dwelling unit per 20 acres except as described in the Section 22-4.I below.

7. For lot coverage on split parcels, lot coverage is limited as follows:

- a. When a site is mapped entirely as RCA: 15% of the total site.
- b. When a portion of a lot or parcel is mapped as RCA: 15% of that portion of the lot or parcel.

8. A commercial, institutional, or industrial solar energy generating system may be permitted in accordance with Section 22-8 below.

I. Intrafamily Transfers

1. Bona fide intrafamily transfer lots may be created only from parcels of land that:

- a. Were of record on March 1, 1986;
- b. Are 7 or more acres and less than 60 acres in size; and,
- c. Do not have the potential to create eight lots or more including the intrafamily transfer lots.

2. It shall be required as a condition of approval that:

- a. An intrafamily transfer lot shall only be created for an immediate family member and that family member shall be identified on the subdivision preliminary and final plats.
- b. Any deed for a lot that is created by a bona fide intrafamily transfer shall identify the member of the family to receive the lot and contain a covenant stating that the lot is created subject to the provision of this section.
- c. A lot created by a bona fide intrafamily transfer may not be conveyed subsequently to any person other than the person identified in items a and b above, except under procedures established pursuant to Section 22-4.I.3 below.
- d. This subsection does not prevent the conveyance of the lot to a third party as security for a mortgage or deed of trust.
- e. After the adoption of this Ordinance, the number of intrafamily transfer lots that can be created is limited to one lot per parcel of record. If the parcel of record has already platted intrafamily transfer lots permitted under previous Ordinances, no additional intrafamily transfer lots are permitted.
- f. The purchase of five Transferable Development Rights (TDRs) is required.

3. The subsequent conveyance of lots to persons other than immediate family members shall be permitted if the following conditions are met:

- a. The lot was created as part of a bona fide intrafamily transfer and not with the intent of subdividing the original parcel of land for purposes of ultimate commercial sale.
- b. The Planning Commission determines that either:
 - i. Extenuating circumstances, including but not necessarily limited to declining health, military or professional transfer, divorce, or death, has occurred since the original transfer was made that is not inconsistent with this section and that warrants an exception; or
 - ii. Other extenuating circumstances that are consistent with this section and with the County's Critical Area Program to maintain land areas necessary to support the protective uses of agriculture, forestry, open space, and natural habitats in Resource Conservation Areas warrant an exception.
- c. An affidavit affirming the truth of the requirements of Section 22-4.I.3.b above signed by the family member who received the lot through the intrafamily transfer provisions.

J. Certification of Transferable Development Rights

1. Under the County's Agricultural Preservation Program, for Agricultural Preservation Districts recorded prior to July 1, 2009, property in the Resource Conservation Area shall be eligible for the same number of Transferable Development Rights as properties located outside the Critical Area.
2. For Agricultural Preservation Districts recorded after July 1, 2009, the Board of County Commissioners shall certify TDRs separately for lands in the Critical Area, and such lands will be allocated one TDR for every four acres of land in the RCA.
3. Such TDRs shall only be applied to land outside the Critical Area.

22-5 GROWTH ALLOCATION

A. Description

Growth Allocation is the number of acres of land available to Calvert County for new LDAs or IDAs and is equal to 5% of the original acreage of RCA lands that are not tidal wetlands or federally owned. The original amount of Growth Allocation allotted to Calvert County was 684 acres of which 459.05 acres have been used. Chesapeake Beach was allotted 100 acres of which 68.37 acres remain unused; and North Beach was allotted 20 acres and 20 acres remain unused as of the adoption date of this Ordinance. Calvert County has 224.95 acres of Growth Allocation remaining as of the adoption of this Ordinance.

When planning future expansion of IDA and LDA lands, the Board of County Commissioners will cooperate with the municipalities of North Beach and Chesapeake Beach to establish a process to accommodate the growth needs of the municipalities.

B. Purpose

Growth Allocation is available for use in an RCA or in a LDA in the Calvert County Critical Area. The purpose is to authorize a change in the Critical Area classification to: 1) develop at a higher density; or 2) allow a use other than what the current classification allows.

C. Standards

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

1. Locate new IDAs in LDAs or adjacent to an existing IDA and within growth areas defined by the Master Plan. A new IDA shall be at least 20 acres in size unless it is either:
 - a. Contiguous to an existing IDA or LDA; or,
 - b. In a grandfathered commercial, industrial, or institutional use that existed when the Critical Area Program was adopted (December 13, 1988). The amount of growth allocation deducted shall be the equivalent to the area of the entire parcel or parcels subject to the growth allocation request.
2. Locate new LDAs adjacent to an existing LDAs or IDAs.
3. Except as provided in item 6 below, no more than half of the expansion allocated in the Critical Area Commission criteria shall be located in RCAs.
4. New IDAs or LDAs to be located in the RCA shall conform to all criteria of the Critical Area regulations of the Annotated Code of Maryland Natural Resources Article 8-1808.1(c), as amended from time to time, for such areas.
5. Locate a new LDA or an IDA in a manner that minimizes impacts to a Habitat Protection Area, as defined in COMAR 27.01.09 and in an area and manner that optimizes benefits to water quality.
6. If the Board of County Commissioners is unable to designate a portion of the growth allocation in items 1 and 2 above within or adjacent to existing IDAs or LDAs as demonstrated in the Calvert County Critical Area Program approved by the Critical Area Commission, or in any amended Critical Area Program approved by the Critical Area Commission, then that portion of the allocated expansion which cannot be so located shall be located in RCAs, in addition to the expansion allocated in item 3 above. Proof of this situation shall be

demonstrated to and approved by the Critical Areas Commission, or in any Critical Area Program amendment approved by the Critical Area Commission. A developer shall be required to cluster any development in an area of expansion authorized under this regulation allocation and is consistent with Calvert County's Comprehensive Plan. Existing nonconforming uses in the RCA shall only be expanded 10,000 square feet or 10% whichever is less before requiring growth.

7. Locate a new IDA or LDA in a manner that minimizes impacts to the defined land uses of the RCA.
8. Locate a new IDA or LDA at least 300 feet from the landward edge of tidal wetlands or tidal waters.
9. Growth allocation shall only be used for commercial or industrial projects.
10. Only projects where the applicant can demonstrate that a measurable public benefit will be realized from the project shall be approved for use of the 5% growth allocation.
11. All projects submitted during the calendar year shall be reviewed and allocated by the Board of County Commissioners upon the recommendation of the Planning Commission.
12. In approving the use of the growth allocation, priority shall be given to:
 - a. Projects within the Solomons Town Center.
 - b. Projects outside the Solomons Town Center in which meet all of the following:
 - i. The building envelope is located at least 300 feet from the landward edge of tidal waters, tidal wetlands or tributary streams.
 - ii. The undeveloped remainder is contiguous and retains its natural features.
 - iii. The undeveloped remainder is restricted from future development through covenants or other restrictive instruments.
 - iv. Development activities shall be designed and implemented to minimize destruction of woodland vegetation.
13. No growth allocation shall be allowed that adversely affects Habitat Protection Areas.

D. Factors

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

1. Consistency with the County's adopted comprehensive plan and whether the growth allocation would implement the goals and objectives of the adopted plan.
2. For a map amendment or refinement involving a new IDA, whether the development is:
 - a. To be served by a public wastewater system.
 - b. Have an allowed average density of at least 3.5 units per acre.
 - c. If greater than 20 acres, be located in a priority funding area.
 - d. Have a demonstrable economic benefit to the area;
3. For a map amendment or refinement involving a new LDA, whether the development is:
 - a. To be served by a public wastewater system or septic system that uses the best available nitrogen removal technology.
 - b. A completion of an existing subdivision.
 - c. An expansion of an existing business.

- d. To be clustered.
- 4. The use of existing public infrastructure, where practical;
- 5. Consistency with State and regional environmental protection policies concerning the protection of threatened and endangered species and species in need of conservation that may be located on- or off-site;
- 6. Impacts on a priority preservation area, as defined under §2-518 of the Agriculture Article;
- 7. Environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal waters, tidal wetlands, and tributary streams; and
- 8. Environmental impacts associated with location in a coastal hazard area or an increased risk of severe flooding attributable to the proposed development.

E. Process Requirement

An applicant shall submit to the County a complete application for growth allocation that complies with the submittal requirements below.

- 1. A growth allocation request shall be reviewed and approved according to the local process for a Zoning Map Amendment.
- 2. Upon approval of the growth allocation request by the Board of County Commissioners, the County shall send a request to the Critical Area Commission to utilize a portion of their growth allocation.
- 3. The request shall be accompanied by pertinent findings, plans, environmental reports, and studies as described below:
 - a. A finding that ensures the growth allocation is consistent with the purposes, policies, goals, and provisions of the Critical Area law and all criteria of the Critical Area Commission.
 - b. All information and documentation relevant to Calvert County's determination that the project meets the standards listed under Natural Resources Article, §8-1808.1(c)(2).
 - c. A conceptual site development plan and environmental features map in accordance with COMAR 27.01.02.06-1.
 - d. If applicable, an environmental report in accordance with COMAR 27.01.02.06-2 including a Buffer Management Plan or Habitat Protection Plan in accordance with COMAR 27.01.02.06-2.B and C.
 - e. If applicable, the preliminary stormwater management plan for compliance with the 10% pollutant reduction rule, including all worksheets and supporting documentation.
 - f. For the following resources, as appropriate for the project site and each government agency, a preliminary review and comment from the Maryland Department of the Environment, Maryland Department of Natural Resources, Maryland Historical Trust, and U.S. Army Corps of Engineers regarding:
 - i. Rare, threatened, and endangered species.
 - ii. Forest interior dwelling birds and colonial water birds.
 - iii. Anadromous fish and their propagation waters and any other aquatic species located onsite.
 - iv. Plant and wildlife habitat and historic waterfowl staging and concentration areas.
 - v. Submerged aquatic vegetation.
 - vii. Riparian forests and tidal and nontidal wetlands.
 - viii. Natural heritage areas and other historical and cultural resources.

- g.** A map that shows the land area for which the local jurisdiction proposes a change of Critical Area land classification.
 - h.** Verification that the amount of proposed growth allocation indicated on the map submitted under item g above is accurate and equal to the amount of growth allocation to be deducted from the County's existing total allotment of growth allocation.
- 4.** If the growth allocation is approved by the Critical Area Commission with one or more conditions, the County has 60 days to notify the Commission of its intent to adopt the conditions.
 - 5.** Prior to approving the final site plan or subdivision plat, the County shall ensure that all conditions of approval are incorporated into the final plan, public works agreement, deed covenants, and other pertinent documentation.
 - 6.** The County's official Critical Area maps shall be amended to reflect the new land classification, and a copy of the new maps shall be provided to the Critical Area Commission within 120 days of the Board of County Commissioner's approval.

F. Deduction

- 1.** The County shall deduct acreage from its growth allocation reserves using the following methodology.
 - a.** For the entire acreage of the parcel if, as of December 1, 1985 in the Chesapeake Bay Critical Area
 - i.** The parcel was less than 20 acres in the RCA; or
 - ii.** The RCA parcel was at least 20 acres but the application does not qualify for use of a growth allocation envelope under (b) below; or
 - b.** For the number of acres approved within a growth allocation envelope, if:
 - i.** Areas that support the proposed development are included within the growth allocation envelope as defined in this Ordinance.
 - ii.** When converting:
 - (1)** A resource conservation area the remaining resource conservation area on the parcel outside the growth allocation envelope is at least 20 acres; or
 - (2)** A limited development area to a new intensely developed area, the new intensely developed area is at least 20 acres unless a lesser amount is approved in accordance with this Article.
- 2.** The County may not approve a growth allocation development envelope in the RCA, unless the County determines, based on subdivision and development history, that given the existing dwelling units and the development potential on the parcel outside the growth allocation envelope, there remains sufficient resource conservation area acreage outside the envelope to support a minimum density of one dwelling per 20 acres.
- 3.** The County may exclude the following from a growth allocation deduction:
 - a.** The remaining RCA outside the growth allocation envelope if it is at least 20 acres;
 - b.** The remaining RCA outside the growth allocation if it is less than 20 acres, and is adjacent and contiguous to a permanently protected RCA on another parcel and the sum of the combined area is at least 20 acres;
 - c.** The acreage of a 300 foot setback, even when it is less than 20 acres;
 - d.** The acreage within the Buffer, when it is within a 300 foot setback; and
 - e.** The acreage of tidal wetlands on the parcel.
- 4.** The County is limited to one growth allocation envelope per parcel; unless

- a. Deduction of more than one growth allocation envelope will provide water quality or habitat benefit.
 - b. The Commission approves more than one growth allocation envelope.
5. When a 300 foot setback is not provided, the County shall require deduction of the area of the Buffer.
6. The acreage of the area deducted shall match the acreage of the area shown on the official Critical Area map as amended by the County and Critical Area Commission.

22-6 HABITAT PROTECTION AREAS

A. Introduction

The State has designated certain areas and plant and animal species as Habitat Protection Areas meriting special protection. Habitat Protection areas include the Critical Area Buffer; nontidal wetlands; the habitat of rare, threatened, and endangered species, and species in need of conservation; plant and wildlife habitat; anadromous fish propagation water; and Habitat Protection Areas for the Calvert County Critical Area as defined by the Department of Natural Resources – Wildlife and Heritage Service.

B. Boundaries

The boundaries for each type of habitat protection area are described in the applicable section.

C. Criteria for Development

All applications for a development activity, redevelopment activity or change in land use shall identify all applicable Habitat Protection Areas and follow the standards contained in this section.

D. Critical Area Buffer

1. Purpose

The Critical Area Buffer is the largest and most common Habitat Protection Area. There are a number of significant environmental benefits of maintaining a protected buffer between developed areas and adjacent waters and wetlands. The purpose of the Critical Area Buffer shall be to:

- a. Provide for the removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff entering the Chesapeake Bay and its tributaries.
- b. Minimize the adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources.
- c. Maintain an area of transitional habitat between aquatic and upland communities.
- d. Maintain the natural environment of streams.
- e. Protect riparian wildlife habitat and wildlife corridors.
- f. Reduce erosion by stabilizing slopes and the shoreline.

2. Buffer Description and Delineation

- a. A Buffer of at least 100 feet shall be delineated based on existing field conditions and shown on all applications for a development activity or proposed land use change. It shall be delineated landward from;
 - i. The mean high water (MHW) line of a tidal water.
 - ii. The edge of each bank of a tributary stream.
 - iii. The upland boundary of a tidal wetland.
- b. The Buffer shall be expanded beyond 100 feet to include contiguous, sensitive areas, whose development or disturbance may impact streams, wetlands, or other aquatic environments. The minimum 100-foot Buffer shall be expanded to include the following contiguous areas:

- i. In the case of contiguous, steep slopes of 15% or greater, the Buffer shall be expanded to the top of the slope, plus 50 feet.
 - ii. A nontidal wetland and its contiguous 100-foot buffer.
 - iii. A "Wetland of Special State Concern" (COMAR §26.23.06.01) and its contiguous 100-foot buffer.
 - iv. Highly erodible soils on a slope less than 15% and greater than 5% to the landward edge of the highly erodible soil or 300 feet, whichever is less. The Buffer cannot be expanded beyond a drainage divide on grandfathered lots or parcels.
 - v. Hydric soils to the landward edge of the hydric soil or 300 feet, whichever is less.
- c. The expansion of the Buffer shall be drawn perpendicular to the shoreline, tidal wetland, or tributary stream to be protected. The Buffer shall not be expanded beyond a drainage divide on grandfathered lots or parcels. The Planning & Zoning Department has the authority to require a reverification of the Buffer through field inspection. The provisions of Section 22-6.D.7 below apply to clearing within the expanded buffer area.

3. Buffer Applicability

The Zoning Officer, in consultation with the Environmental Planner(s), may authorize disturbance to the Buffer for the following activities, provided mitigation is performed as required in Section 22-6.D.7 below with an approved Buffer Management Plan according to the standards stated in Section 22-6.D.6 below. All measures shall have all applicable approvals. Items a, c, and e below shall require administrative variance approval, and all criteria of Section 22-9.D shall be met.

- a. A new development or redevelopment activity associated with a water-dependent facility under COMAR §27.01.03 and this Ordinance. The approval of an administrative variance is required.
- b. In accordance with COMAR §26.24.02, a shore erosion control measure under COMAR §26.24.04 and this Ordinance. The applicant shall consult with the Maryland Department of the Environment to obtain authorization or a license for the proposed project which shall be submitted with the County permit application package. When work associated with a shore erosion control application extends landward of the Mean High Water line the following provisions shall apply:
 - i. Bulkheads or retaining walls are prohibited.
 - ii. The existing bank shall not be graded except to allow minimal access, no greater than 20 feet wide. No other clearing or cutting of existing vegetation shall be permitted.
 - iii. Work shall be performed from the channelward side of the site except when the landward side is lawn. Staging areas shall be 15 feet wide or less.
 - iv. Minor fill of eroded gullies or depressions created by root wads, tree falls or undercut, or to protect septic recovery areas and wells are permitted.
 - v. Disturbance to the Buffer to install the shore erosion control measure requires a Buffer Management Plan in accordance with the following:
 - (1) Provides mitigation at a 1:1 ratio based on the area of disturbance, and at an additional 1:1 ratio for the area of tree canopy coverage removed; plus through planting a 10-foot wide filter strip of native grasses at the top of the slope parallel to the shore line if the existing condition is lawn; or
 - (2) In accordance with the Critical Area Commission's Shore Erosion Control Buffer Management Plans as found on the Critical Area Commission website, as updated from time to time.
 - vi. Mitigation for work associated with a shore erosion control application that does not fall under item v above shall require a variance from the Board of Appeals.
- c. A slope stabilization activity as defined in Article 2, if the applicant demonstrates erosive conditions and the proposed stabilization method minimizes land disturbance and clearing of existing vegetation and

maximizes replanting the disturbed area with native vegetation. The approval of an administrative variance is required.

d. On a lot or parcel that was created before January 1, 2010, a development activity may be allowed that impacts the expanded Buffer for highly erodible soils on slopes less than 15% or hydric soils, if the following are met:

i. The development activity is in the expanded portion of the Buffer, but not in the 100-foot Buffer or Buffer expanded for 15% slopes.

ii. The entire Buffer occupies at least 75% of the lot or parcel.

iii. Mitigation occurs at a 2:1 ratio based on the lot coverage of the proposed development activity that is in the expanded Buffer.

e. A septic system on a lot or parcel created before December 13, 1988, where mitigation is provided at a 1:1 ratio for the clearing of any area of forest or developed woodland. The approval of an administrative variance is required.

f. An in-kind replacement of an existing legally permitted structure.

g. Maintaining an existing yard/lawn area. However, reducing mowed areas of turf grass is encouraged to enhance the Buffer functions.

h. Direct riparian access that is 4-feet wide or less with a landing no greater than 4 x 4 feet in size.

4. Agricultural Activities in the Buffer

a. Agriculture is authorized in the Buffer if, as a minimum Agricultural Best Management Practice, a vegetated filter strip of at least 25 feet measured landward from the mean high water line of tidal waters or tributary streams (excluding drainage ditches), or from the edge of tidal wetlands, whichever is further inland, is established, and further provided that:

i. The filter strip is composed of native trees, shrubs, grasses or mixed vegetation and managed to provide water quality benefits and habitat protection. Noxious weeds, including Johnson grass, Canada thistle, multiflora rose and other invasive plants which occur in the filter strip, shall be controlled by authorized means.

ii. The filter strip is expanded by a distance of four feet for every 1% of slope, for slopes greater than 6%.

iii. The filter strip is maintained until the landowner is implementing, under an approved Soil Conservation and Water Quality Plan, a program of Agricultural Best Management Practices for the specific purposes of improving water quality and protecting plant and wildlife habitat, and provided that the Plan being implemented achieves the water quality and habitat protection objectives of the filter strip

iv. The feeding or watering of livestock does not occur within 50 feet of the mean high water line of tidal water and tributary streams or from the edge of tidal wetlands, whichever is further inland.

v. The clearing of existing natural vegetation in the Buffer is prohibited.

vi. Agricultural activities, including the grazing of livestock, shall not disturb stream banks, tidal shorelines, or Habitat Protection Areas.

b. Where agricultural use of lands within the area of the Buffer ceases and the lands are proposed to be converted to other uses, the Buffer shall be established as per a Buffer Management Plan approved by the Department of Planning & Zoning (see Section 22-6.D.6 below).

c. The drainage, diking or filling of nontidal wetlands for the purpose of new agricultural lands is prohibited.

5. Commercial Tree Harvests in the Buffer

a. Commercial harvesting of trees shall be permitted in the Buffer as described in b below, under a Timber Harvest Plan approved by the Department of Natural Resources and the District Forestry Board. These plans shall be submitted to the Department of Planning & Zoning for approval.

b. Cutting or the clearing of trees within the Buffer is prohibited, except that commercial harvesting of trees by selection or the clearcutting of loblolly pine and tulip poplar is permitted to within 50 feet of the edge of intermittent streams, and to within 50 feet of the landward edge of the mean high water line of tidal waters and perennial tributary streams or to the edge of tidal wetlands if this cutting does not occur in other Habitat Protection Areas described in COMAR 27.01.09.02, .03, .04 and .05.

c. Disturbance to stream banks and shorelines shall be avoided.

d. The area disturbed or cut shall be replanted or allowed to regenerate in a manner that assures the availability of cover and breeding sites for wildlife and reestablishes the wildlife corridor function of the Buffer.

e. The creation of logging roads and skid trails within the Buffer is prohibited

6. Buffer Establishment

a. The Buffer establishment requirements shall be applicable to:

i. A development or redevelopment activity that occurs on a lot or parcel that includes a Buffer to tidal waters, a tidal wetland, or a tributary stream even if that development or redevelopment activity is located outside the Buffer.

ii. The approval of a subdivision that includes a Buffer to tidal waters, a tidal wetland, or a tributary stream including in the RCA.

iii. Conversion from one land use to another land use on a lot or a parcel.

b. When the Buffer is not fully forested or is not fully established in existing, naturally occurring woody or wetland vegetation, an applicant shall establish the Buffer to the extent as follows:

i. For new development on a vacant lot or parcel created prior to December 13, 1988, an area of the Buffer shall be established equal to the total lot coverage approved.

ii. For new development on a vacant lot or parcel created on or after December 13, 1988, the entire B Buffer shall be established.

iii. For a new subdivision or new lot, the entire Buffer shall be established.

iv. For a new lot with an existing dwelling unit, the Buffer shall be established based on the total square footage of lot coverage outside the Buffer.

v. For the conversion of a land use on a parcel or lot to another land use, the entire Buffer shall be established.

vi. For an addition or accessory structure, an area of the Buffer shall be established equal to two times the area of new lot coverage approved.

vii. For substantial alteration, an area of the Buffer shall be established equal to the total lot coverage, existing and newly approved.

All required Buffer establishment shall be bonded as described in the LDA regulations and shall require a Buffer Management Plan approved by the Department of Planning & Zoning.

c. If an applicant for a subdivision uses or leases the proposed lot(s) for an agricultural purpose, the applicant:

i. In accordance with local land recordation requirements, shall record an approved Buffer Management Plan (Sections 22-6.D.8 and 9 below) for buffer establishment.

- ii. If authorized by the Department of Planning & Zoning, may delay implementation of the Buffer Management Plan until the use of the lot is converted to a nonagricultural purpose.
- d. The Buffer shall be established in native vegetation in accordance with a Buffer Management Plan approved by the Department of Planning & Zoning.
- e. For the establishment of more than one acre (Table 22-3), natural regeneration may be used for up to 50% of the area required to be established, if:
 - i. The plan does not include any managed lawn or turf and includes invasive species control.
 - ii. All of the natural regeneration is within 300 feet of a natural forest that contains a seed bank of native species adequate for natural regeneration.
 - iii. The plan includes a supplemental planting plan for subsequent implementation if the natural regeneration does not succeed.
 - iv. The financial assurance provided for implementing the Buffer Management Plan is sufficient to cover the cost of planting an equivalent area; and specifies that release of the financial assurance may not occur until five years after the date of plan approval or the areal coverage of the Buffer is at least 300 native woody stems, on a per acre basis, that are at least four feet in height, whichever is later.
 - v. At the end of five years, after the date of approval of a natural regeneration plan, an applicant shall implement a supplemental planting plan for at least two years if the areal coverage of the Buffer is not, on a per acre basis, at least 300 native woody stems of at least four feet in height.
- f. Buffer establishment requirements are not applicable to an in-kind replacement of a structure.
- g. Any lot coverage removed from the Buffer may be deducted from the total cumulative amount of establishment required if:
 - i. The lot coverage existed before December 13, 1988 or was allowed by local procedures.
 - ii. The total area is stabilized.
- h. For subdivisions or development activities in the RCA and all projects in the RCA that require a site plan or change in use which were submitted on or after July 1, 2008, shall include a minimum Buffer of at least 200 feet landward from the Mean High Water Line of tidal waters and tidal wetlands and a 100-foot buffer from the edge of the bank of tributary streams. If the Buffer is not fully forested or is not fully established in existing naturally occurring woody or wetland vegetation, it shall be established as per this section. The Buffer shall be expanded beyond 200 feet or 100 feet for tributary streams for the same reasons and in the manner as described below. The 200-foot Buffer for subdivisions located in the RCA may be reduced to no less than 100 feet or to the edge of the extended buffer under the following conditions:
 - i. An application for subdivision of site plan approval is submitted before July 1, 2008 and legally recorded by July 1, 2010.
 - ii. The subdivision or site plan receives growth allocation.
- i. If the maximum density (1 dwelling unit per 20 acres) cannot be achieved on site using minimum lot sizes and standard County setbacks without impacting the 200 foot buffer, then minimal impacts to the 200-foot Buffer may be approved.
- j. An intrafamily transfer allowed under Section 22-4.1 is disallowed. The minimum reduction in the Buffer necessary to accommodate the proposed development shall be applied as determined by the Zoning Officer after consultation with the Critical Area Planner, but not to impact the 100-foot Buffer.

7. Buffer Regulations and Mitigation

Development activity that results in disturbance in the Buffer shall require mitigation for impacts. The following regulations govern activities within the Critical Area Buffer.

a. The Buffer shall be maintained in natural vegetation and managed to achieve or enhance the purpose of Section 22-6.D.1.

i. Except as authorized in Section 22-6.D.7.b below, disturbance in the Buffer is prohibited.

ii. Any unauthorized disturbance including cutting, clearing, or topping of trees and any removal of existing vegetation, including shrubs and ground cover (including fallen trees), within the Buffer is prohibited.

iii. On areas of the property where land disturbance or clearing comes within 50 feet of the Critical Area Buffer, the Buffer shall be demarcated using snow fencing or a silt fence prior to clearing, grading, or construction and these protective devices shall remain until construction is complete.

iv. A 10-foot building setback shall be maintained from the edge of the vegetated buffers. A reduction of the setback may be obtained through either an administrative variance or a variance from the Board of Appeals after review and recommendation by the Environmental Planner. The setback reduction may only be granted to allow activities permitted for the construction of primary residences which could not normally be built because of unusual lot configuration or other site constraints.

v. The installation or cultivation of new lawn or turf in the Buffer is prohibited.

b. Notwithstanding the prohibitions of Section 22-6.D.7.a above, the following activities shall be allowed with an approved BMP and a grading permit. Tree replacement is required at the ratios in Table 22-3.

i. Tree or vegetation removal may be permitted for water access. No more than one access through the Buffer shall be permitted per waterfront lot or parcel. A 4-foot wide pedestrian access is allowed, such as steps or a pathway. A 12 foot wide vehicular access shall be allowed to a boat ramp.

ii. Individual trees, living or dead, may be removed which are in imminent danger of falling and causing damage to dwellings or other structures, or which are in imminent danger of falling and therefore causing the blockage of streams, or resulting in accelerated shore erosion (mitigation ratio = 1:1, except that no mitigation or BMP is required for the removal of a tree within ten feet of a cliff, which is in imminent danger of falling and has a diameter at four feet above the ground of four inches or greater.

iii. Appropriate horticultural practices may be used to maintain the health of individual trees, including removal of noxious, invasive, and exotic species which impair the function and growth of a forested buffer. Inappropriate horticultural practices such as topping, girdling, over pruning or severely damaging existing vegetation, are prohibited.

iv. Other cutting techniques may be undertaken within the Buffer under the advice and guidance of the Department of Agriculture or Natural Resources, if necessary, to preserve the forest from extensive pest or disease infestation, threat from fire, or to remove invasive species.

v. Selective thinning and cutting may be approved by the Department of Planning & Zoning if the Department determines that the function of the Buffer will not be impaired.

vi. Mitigation as required within this Article shall be cumulative in nature. Example: Clearing or disturbance violations shall be mitigated at 4:1. After-the-fact projects that require a variance(s) shall mitigate an additional 3:1 for a total mitigation requirement of 7:1.

vii. Removal of vegetation for permitted development or redevelopment activities in the Buffer may be permitted. The mitigation ratio is 3:1 outside Special Buffer Management Areas, unless otherwise specified (See Table 22-3). See Section 22-6.D.13.d for required mitigation in Special Buffer Management Areas.

Table 22-3 - Buffer Mitigation Ratios	
Activity	Mitigation Ratio
Septic on a lot or parcel created before December 13, 1988 if located in existing grass or if clearing is not required	Not Applicable
Septic system in a forest or developed woodland on a lot or parcel created before December 13, 1988 if clearing is required	1:1

Invasive Plant/Pest Control	1:1
Shore Erosion Control	1:1
Slope Stabilization	2:1
Riparian Water Access	2:1
Water-dependent Facility or Activity	2:1
Variance	3:1
Violation	4:1

- c.** As long as there is no removal of trees or existing vegetation, the following activities do not require a permit.
- i.** Maintenance of existing lawns and gardens.
 - ii.** Removal of foundation plantings such as ornamental shrubs, as long as replacement occurs within 30 days.
 - iii.** Pruning of trees provided appropriate horticultural pruning techniques are used and according to the latest edition of the American National Standards Institute Inc. (ANSI) A300 as follows:
 - (1)** No more than 20% of the canopy leaf area or root area is removed.
 - (2)** Pruning is limited to branches on the lower one-third of the tree.
 - (3)** The pruning will not jeopardize the health of the tree.
 - (4)** Inappropriate practices, such as topping, girdling, over pruning, or severely damaging the canopy, trunk or roots of trees which leads to the death of the tree, are prohibited in the Buffer, and shall be considered a violation subject to 4:1 mitigation requirements.
- d.** A permit is required for the removal of a dead tree. If the tree is completely dead, mitigation is not required but the affected area shall be stabilized with native groundcover or other native vegetation as necessary.
- e.** When homeowner actions are necessary in emergency situations to remove a tree(s) in the Buffer, i.e., the tree poses an imminent danger of falling and causing damage to a dwelling or other structure, the homeowner shall take photographs of the tree before cutting it, remove the tree that poses imminent danger, and submit a permit application (a grading permit application or Critical Area vegetation removal permit application as applicable) with the photo documentation and plan within seven days of removal.
- f.** The removal of a diseased, dying invasive or hazardous tree requires a permit and shall be mitigated with one tree of at least ¾-inch caliper for each tree removed.
- g.** Any unauthorized development activity, including clearing, in the Buffer is a zoning violation. Unauthorized clearing requires mitigation at a ratio of four times the area disturbed (4:1) and surety as described in Section 22-3.J.
- h.** Fences, four feet or less in height, are permitted in the Critical Area Buffer provided that the owner or the owners' agent obtains a permit and the fence is made of wood, a material that has a wood-like appearance, chain-link, or wire. Fences that require a foundation are prohibited.
- i.** On grandfathered lots or parcels in the Critical Area, additions to the principal structure of less than 50 square feet of lot coverage are permitted in the Critical Area Buffer provided:
- i.** No trees are removed during construction.
 - ii.** The addition is more than 50 feet from mean high water, the edge of tidal wetlands, or tributary streams.
 - iii.** The addition is not on slopes 15% and greater.
 - iv.** The addition is not within the cliff setbacks.

- v. A permit shall be obtained and mitigation will be at a 1:1 ratio.
- vi. When grading or clearing is allowed in the Buffer, super silt fencing shall be installed and a vegetative mat shall be installed at finished grade.
- j. Planting location priorities are as follows:
 - i. First priority: On-site in the Critical Area Buffer. Other priorities can only be considered when all area in the Buffer has been planted.
 - ii. Second priority: On-site and adjacent to the Buffer.
 - iii. Third priority: A fee-in-lieu payment (2:1) at a rate set by the Board of County Commissioners.
- k. As applicable to a site, an area in the Critical Area Buffer that is temporarily disturbed by a development activity shall be restored to pre-disturbance conditions.
- l. All bonds or fees shall be in compliance with COMAR and as approved by the Board of County Commissioners.

8. Buffer Management Plan Submittal Requirements

An applicant that is required to plant the Buffer to meet establishment or mitigation requirements shall submit a BMP in accordance with COMAR 27.01.09.01-3. The provisions of this section do not apply to maintaining an existing grass lawn or an existing garden in the Buffer.

- a. Any permit for a development activity that requires Buffer establishment or mitigation shall not be issued until a BMP is approved by the Department of Planning & Zoning.
- b. An applicant shall not obtain final approval of a subdivision application until the BMP has been reviewed and approved by the Department of Planning & Zoning.
- c. A BMP shall not be approved unless:
 - i. The plan clearly indicates that all planting standards under this will be met; and
 - ii. Appropriate measures are in place for the long-term protection and maintenance of the Buffer.
- d. For a BMP that is the result of an authorized disturbance to the Buffer, a permit authorizing final use and occupancy shall not be issued until the applicant:
 - i. Completes the implementation of a BMP; or
 - ii. Provides financial assurance at a rate set by the Board of County Commissioners for the long term survivability requirements as set forth in COMAR 27.01.09.01-2.
- e. Concurrent with recordation of a subdivision plat, an applicant shall record a protective easement for the Buffer.
- f. Failure to implement a BMP shall constitute a violation of this Ordinance and no permits for any development activity shall be issued until the applicant comes into to compliance.
- g. A BMP that includes natural regeneration shall follow the provisions of COMAR 27.01.09.01-4 with a five-year surety requirement.
- h. In accordance with COMAR 27.01.09.01-2 before recordation of a final subdivision:
 - i. Permanent signs delineating the upland boundary of the Buffer at a ratio of at least one sign per lot or parcel, or per 200 linear feet of shoreline, whichever is greater, shall be posted.
 - ii. The signs shall be designed to be at least 11 inches wide and 15 inches in height, placed at a height of 21.5 feet (but not attached to a tree), and state "*Critical Area Buffer-No clearing or disturbance permitted.*"

- iii. Concurrent with the recordation of a final plat, an applicant shall record a protective easement for the Buffer.
- i. When a Buffer Management Plan (BMP) is required, a final subdivision application shall not be approved and a permit for a development activity shall not be issued until the County has reviewed and approved the BMP.

9. Buffer Management Plan Standards

An applicant that is required to plant the Buffer to meet establishment or mitigation requirements shall apply the following standards:

- a. If planting to meet a mitigation requirement, the following combination of plantings shall be used:
 - i. If required to plant less than one acre, the entire requirement shall be met using landscape stock as noted in Table 22-5.
 - ii. If required to plant 1 acre or more, at least 50% of the planting requirement shall be met in landscape stock and the remainder may be met in flexible stock as noted in Table 22-6.

Table 22-4: Amount of Landscaping Stock		
Requirement	Amount	Options
Establishment	Less than 1/4 acre	Landscaping stock according to Table 22-5 for the entire area
	1/4 acre to less than or equal to 1 acre	At least 50% of area in landscaping stock according to Table 22-5, the remainder according to Table 22-6
	Greater than 1 acre to less than or equal to 5 acres	At least 25% of area in landscaping stock according to Table 22-5, the remainder according to Table 22-6
	Greater than 5 acres	At least 10% of area in landscaping stock according to Table 22-5, the remainder according to Table 22-6
Mitigation	Less than 1 acre	Landscaping stock according to Table 22-5 for the entire area
	1 acre or greater	At least 50% of area in landscaping stock according to Table 22-5, the remainder according to Table 22-6

Table 22-5: Landscaping Stock			
Vegetation Type <i>Refer to Calvert County Native Plant List</i>	Minimum Size Eligible for Credit	Maximum Credit Allowed (square feet)	Maximum Percent of Credit
Canopy tree	2-inch caliper and 8 feet high	200	Not applicable
Canopy tree	3/4-inch caliper and 6 feet high	100	Not applicable
Understory tree	3/4-inch caliper and 6 feet high	75	Not applicable
Large species shrub	3 feet high	50	30
Small species shrub	18 inches high	25	20
Herbaceous perennial	1 quart or based on the area covered by plugs or seed mix	2	10
Planting Cluster 1* <i>Option only available only for buffer establishment & buffer mitigation of less than 1/2 acre</i>	1 canopy tree; and 3 large species shrubs or 6 small species shrubs of sizes listed above	300	Not applicable
Planting Cluster 2* <i>Option only available only for buffer establishment & buffer mitigation of less than 1/2 acre</i>	2 understory trees; and 3 large species shrubs or 6 small species shrubs of sizes listed above	350	Not applicable

Table 22-6: Flexible Tree Stock			
Stock Size of Trees Only	Required Number of Stems Per Acre	Survivability Requirement	Minimum Financial Assurance Period After Planting
Bare-root seedling or whip	700	50%	5 years
1/2" to 1" container grown trees	450	75%	2 years
1" or more container grown trees	350	90%	2 years

b. If planting to meet an establishment requirement, the following combination of plantings shall be used as noted in Table 22-4:

- i. If required to plant less than one-quarter acre, the entire requirement shall be met using landscape stock (Table 22-5).
- ii. If required to plant at least one-quarter acre and up to one acre, at least 25% of the requirement shall be met using landscape stock according and the remainder may be met in flexible stock (Table 22-6)
- iii. If required to plant more than one acre, at least 10% of the requirement shall be met using landscape stock and the remainder may be met in flexible stock.

c. The percentage of shrubs or herbaceous perennials in Table 22-5, for the landscape stock component of Buffer establishment or mitigation, may be increased, as specified in COMAR 27.01.09.01-2:

- i. If the Buffer has existing canopy coverage of at least 50%.
- ii. If site constraints preclude canopy planting, including severely eroding slopes, saltwater intrusion, predominately sandy soils, or unconsolidated fill.
- iii. To allow buffer planting in shrubs and herbaceous perennials, rather than trees, within an area no wider than 15 feet located immediately adjacent to a marsh creation.
- d. All landscaping stock planted shall be 100% guaranteed for at least two years after planting is completed.
- e. A variance to the Critical Area Buffer planting and mitigation standards shall not be permitted.
- f. A BMP shall include the following:
 - i. Limits of disturbance (LOD), including the entire area of all vegetation being removed. This includes trees, shrubs and ground cover being removed.
 - ii. Planting schedule, which includes species, number of each species, size and spacing of proposed plantings to mitigate removals.
 - iii. Maintenance plan, including invasive species control, watering and monitoring for at least a period of 2 years.
 - iv. Estimated amount and type of surety bond (Section 22-3.J).

10. Types of Buffer Management Plans

- a. A Simplified Buffer Management Plan (SBMP) shall be required for these activities as follows:

- i. Access to a private pier or shoreline that is up to 4-feet wide.
- ii. Manual removal of non-native, invasive or noxious vegetation.
- iii. Filling to maintain an existing grass lawn.
- iv. Managing storm damage.
- v. Repairing or replacing a septic system.
- vi. Cutting up to five trees that are diseased, dying, invasive, or hazardous trees.

A SBMP shall include: a brief narrative describing the proposed activity and method(s) to be used, the anticipated start date, proposed mitigation and planting date, photo documentation and the signature of the party responsible for the proposed activity and for ensuring the survival of the mitigation planting.

- b. Minor Buffer Management Plan (MiBMP) is required when buffer establishment or required mitigation (planting) is less than 5,000 square feet. A MiBMP shall include:

- i. A scaled plan that shows the proposed LOD.
- ii. The total number of trees and square footage of areas of vegetation to be removed and their location within the LOD.
- iii. The information on which the calculation of the amount of buffer to be mitigated was based.
- iv. A mitigation plan, to scale, and landscape schedule showing the plant species and quantity, size, location and estimated planting date.
- v. A maintenance plan for the control of invasive species, pests, and predation including invasive species and pest control practices.

- vi. The provision of at least two years of monitoring, a reinforcement planting provision if survival falls below the standards set in Section 22-6.D.9 above.
 - v. An inspection agreement that grants permission to the County to inspect the plantings at appropriate times.
 - vi. The signature of the party responsible for the proposed mitigation and for ensuring the survival of the planting.
- c. Major Buffer Management Plan (MaBMP) is required when buffer establishment or required mitigation (planting) is equal to or greater than 5,000 square feet. A MaBMP shall be prepared by a landscape design professional or site design engineer and shall include:
- i. A scaled plan that shows the proposed LOD.
 - ii. The total number of trees and square footage of areas of vegetation to be removed and their location within the LOD.
 - iii. The information on which the calculation of the amount of Buffer to be mitigated was based.
 - iv. A mitigation plan, to scale, and landscape schedule that shows the plant species and quantity, the quantity of plants, the size of plants, installation location and estimated planting date.
 - v. A maintenance plan for the control of invasive species, pests, and predation including invasive species and pest control practices.
 - vi. The provision of at least two years of monitoring; and a reinforcement planting provision if survival falls below the standards set in Section 22-6.D.9 above.
 - vii. A long-term protection plan that includes evidence of financial assurance, an anticipated planting date before construction or the sale of the lot or parcel.
 - viii. An inspection agreement that grants permission to the County to inspect the plantings at appropriate times.
 - ix. The signature of the party responsible for the proposed activity and for ensuring the survival of the planting.

11. BMP Installation Standards

- a. Beneath required plantings, vegetated ground cover or mulch shall be required until buffer plantings are established. No bare soil is permitted.
- b. Mitigation is meant to offset area disturbed and to restore the ecological function.
- c. Mitigation requires planting of canopy and understory unless otherwise approved by the Department of Planning & Zoning.
- d. Individual trees removed will be mitigated based on canopy coverage lost in square feet.
- e. Forested areas will be mitigated based on square footage of forest removed. Where canopy does not exist, mitigation will be based on the square footage of subcanopy or herbaceous coverage.
- f. The *Calvert County Native Plant List* indicates the acceptable tree and shrub species that can be used to satisfy planting mitigation. This list is available from the Department of Planning & Zoning Office or on the County's Critical Area webpage.
- g. Single species shall not exceed 20% of the total planting requirement, except as allowed in Section 22-6.D.9 above.
- h. Large and small shrubs may not exceed 50% of the total planting requirement, except as allowed in Section 22-6.D.9 above.

- i. Buffer stocking standards are given in Tables 22-5 and 22-6.

12. Fee-In-Lieu of Buffer Mitigation

- a. The County shall collect a fee-in-lieu of buffer mitigation when planting requirements cannot be met onsite.
- b. The fee-in-lieu rate shall be set by the Board of County Commissioners for mitigation not accommodated onsite and shall be held in the Critical Area Fee in Lieu Special Revenue Fund.

13. 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 Figures 22-1 and 22-2.
- b. New development or redevelopment is permitted provided that the development and redevelopment rules and offsetting requirements set forth in Section 22-6.D.13.h below are observed.
- c. Shore erosion protection measures are permitted provided that such measures are consistent with the shore erosion protection policies described in Section 22-7 below and provided that the measures have all applicable state and federal permits.
- d. Cutting or clearing of trees and removal of vegetation is permitted as described in Section 22-3.l. Mitigation ratio is 2:1 inside of Special Buffer Management Areas, unless otherwise specified (See Table 22-3).
- e. In the Solomons Town Center, the minimum Critical Area Buffer is 30 feet. Outside the Solomons Town Center, the minimum Critical Area Buffer is the average of the setbacks of structures on adjacent properties or 50 feet, whichever is greater and offsets described in Sections 22-6.D.13.h and i below are required.
- f. Subdivision within LDA and LDA-3 Special Buffer Management Areas may be subdivided and retain its status if it meets all of the following criteria:
 - i. The original parcel is less than five acres and it is designated LDA.
 - ii. Structures, roads, and parking areas shall be a minimum of 50 feet from tidal waters, the edge of wetlands, or the edge of tributary streams. The total area of existing and new accessory structures per lot in the Buffer in the subdivision cannot exceed 1,000 square feet.
 - iii. Community sewer shall serve the property.
 - iv. Offsetting requirements listed in Section 22-6.D.13.h below shall be met.
 - v. Housing density does not exceed two dwelling units per acre.
 - vi. Any future shore erosion control on the property shall be non-structural if it is practical and effective at the proposed site.
 - vii. A 10% reduction in pollutants from stormwater will be met on-site through the implementation of Best Management Practices (BMPs) unless findings are made by the Department of Planning & Zoning or the Planning Commission that the implementation of BMPs on site is not feasible because of site conditions such as soil type or depth to water table. This requirement applies to all subdivisions in Special Buffer Management Areas in the Critical Area. If the 10% reduction cannot be obtained, the offsets as described in Sections 22-6.D.13.h and i below shall be required.
 - viii. If land is subdivided, but does not meet the criteria of this section for subdivision, only the parcel or lot that retains the original primary structure will remain in Special Buffer Management Area status. Any new lots shall fully comply with the provisions of this Ordinance.

FIGURE 22-1

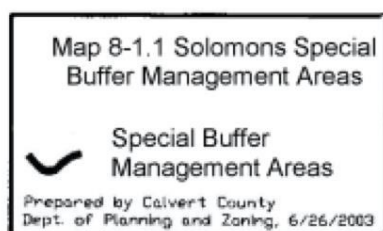
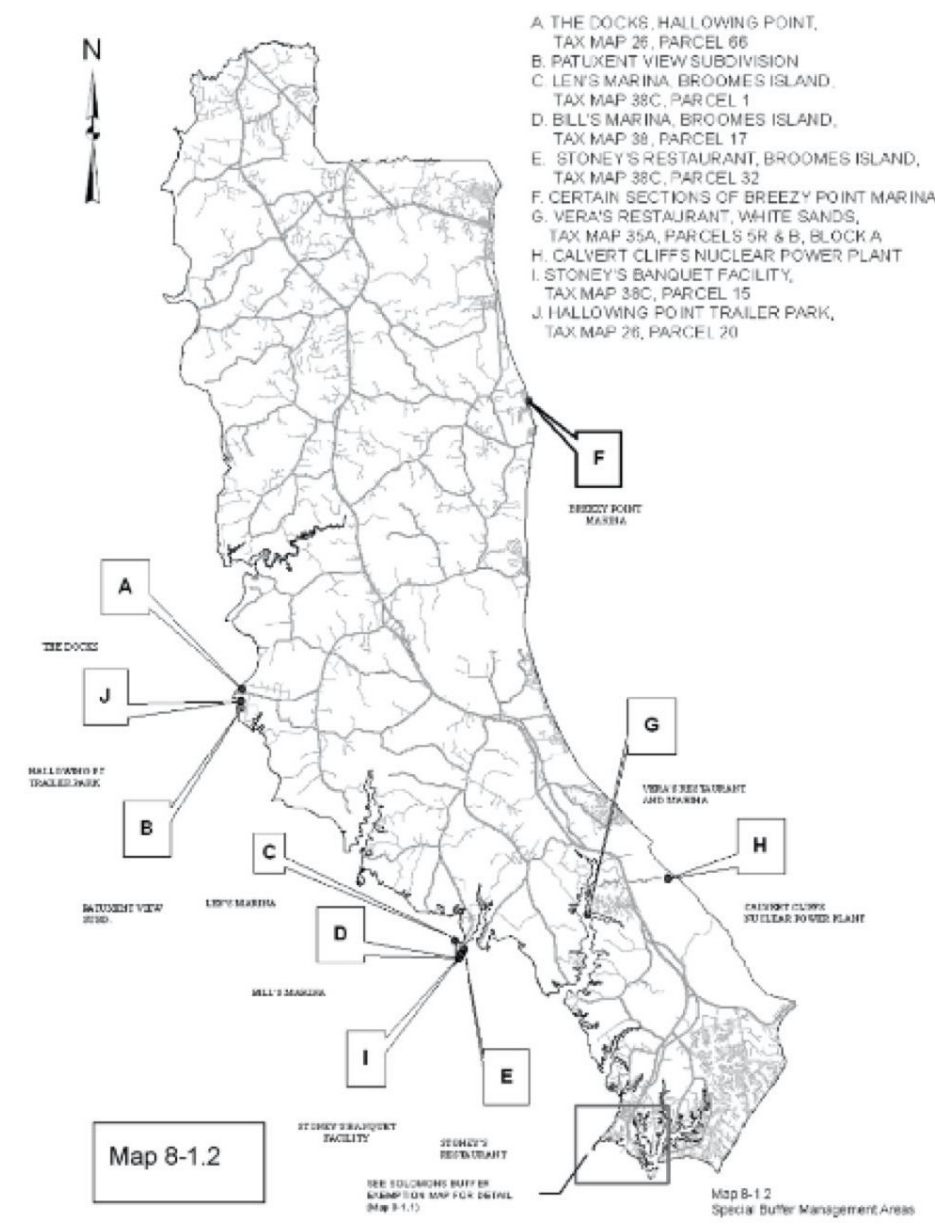


FIGURE 22-2



- g. Subdivision within IDA Special Buffer Management Areas may be subdivided and retain its status if it meets all of the following criteria:
 - i. Any development activity, including structures, roads, and parking areas, shall be set back a minimum of 50 feet from tidal waters, tidal wetlands, or tributary streams. Accessory structures may be permitted within the Buffer, but not within the minimum 50 foot setback.
 - ii. Community sewer shall serve the property.
 - iii. The stormwater management plan for a development shall meet the Intensely Developed Area stormwater criteria for development, except that 20% reduction in pollutants is required (rather than the 10% specified in the section).
 - iv. The development activity within the Special Buffer Management Area shall minimize impact to the Buffer.
 - v. Development or redevelopment within the Special Buffer Management Areas requires that at least 15% of the total acreage of the lot or parcel be in forest or developed woodland.
 - vi. Existing vegetation may not be removed from the Special Buffer Management Area except in accordance with an approved Buffer Management Plan designed to enhance the Buffer.
 - vii. The offset requirements of Section 22-6.D.13.h below are required.
- h. Offset requirements are as follows:
 - i. Except for authorized proposed or existing access to the water, the extent of the lot or parcel shoreward of the new development or redevelopment is required to remain, or established and maintained, in natural vegetation.
 - ii. Natural vegetation of an area twice the extent of the lot coverage created or altered shall be planted on-site or in an offset area or other location as may be determined by the Department of Planning & Zoning. The Department of Planning & Zoning may collect fees in lieu of such planting for purposes described in the Buffer Offset Program described in Section 22-6.D.13.i below.
 - iii. A landscape plan showing existing and proposed vegetation within the Buffer shall be submitted and approved as part of the subdivision review process. For projects that are required to be submitted to the Critical Area Commission for review and comment, the landscape plan shall be part of the submittal.
- i. Buffer offset program: Fees-in-lieu of planting, as described in this section, shall only be used for replanting through the annual County Critical Area Conservation Landscape Project.

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. 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.

1. HPP Process

- a. If the proposed development activity impacts a designated HPA, the applicant shall coordinate technical review with the Department of Natural Resources, Wildlife and Heritage Service, and, as necessary, the United States Fish and Wildlife Service. Agency review letter(s) shall be submitted to the Department of Planning & Zoning at the earliest stage of development. Review by the Department of Natural Resources may not be required for bald eagle protection zones.
- b. If the presence of an HPA is confirmed, the applicant shall be required to develop an HPP that provides for the protection and conservation of the species and habitats identified.

c. The habitat protection plan shall:

- i. Delineate the boundaries of the habitat protection area, as well as a 10-foot setback from the habitat protection area.**
- ii. Propose management guidelines in accordance with the guidelines provided by the Department of Natural Resources, and other agencies as applicable.**
- iii. Contain a detailed plan of the proposed activity and an analysis of possible adverse impacts associated with the proposed activity.**
- iv. The Planning & Zoning Department, in consultation with appropriate local, State, or Federal agencies, will review the proposed protection measures to determine if the measures are adequate for the species and/or habitat area.**
- v. Revisions by the applicant to the HPP may be necessary to incorporate the comments of the reviewing agencies.**
- vi. Once all of the requirements and comments have been adequately addressed, submit the draft HPP to the Planning & Zoning Department so it can be submitted to the Critical Area Commission for review and approval.**
- vii. The HPP shall be incorporated into the proposed development proposal. No preliminary subdivision plan, final plat, site plan, infrastructure or building/grading permit shall be approved until the HPP has been approved and incorporated into the development plan.**
- viii. The HPP shall be recorded in the Land Records of Calvert County and on a record plat, where applicable.**

2. HPA Objectives

- a. Establish buffer areas as recommended by DNR, including for colonial water bird nesting sites so that these sites are protected from the adverse impacts of development activities and from disturbance during the breeding season.**
- b. Provide that new water-dependent facilities do not disturb sites of significance to wildlife such as historic, aquatic staging and concentration areas for waterfowl.**
- c. Provide protection measures, including buffer areas where appropriate, for the plant and wildlife habitat.**
- d. Protect and conserve those forested areas required to support wildlife species identified in this section by developing management programs which have as their objective, conserving the wildlife that inhabit or use the areas. The programs should assure that development activities, or the clearing or cutting of trees which might occur in the areas, is conducted so as to conserve riparian habitat, forest interior wildlife species, and their habitat. Management measures may include incorporating appropriate wildlife protection elements into forest management plans, and cluster zoning or other site design criteria which provide for the conservation of wildlife habitat. Measures may also be included in soil conservation plans which have wildlife habitat protection provisions appropriate to the areas defined in this section, and incentive programs containing the acquisition of easements and other similar techniques.**
- e. Require that, when development activities or the cutting or clearing of trees occur in forested areas, corridors of existing forest or woodland vegetation be maintained to provide effective connections between wildlife habitat areas.**
- f. Protect, by appropriate means, those plant and wildlife habitats designated and mapped by the County as Locally Significant Habitat. Examples of these areas are those whose habitat values may not be of statewide significance, but are of importance locally or regionally because they contain species uncommon or of limited occurrence in the jurisdiction, or because the species are found in unusually high concentrations.**
- g. Protect Natural Heritage Areas from alteration due to development activities or cutting or clearing so that the structure and species composition of the areas is maintained.**

h. If the State proposes new HPA and protective measures, these shall be adopted within one year in accordance with procedures required by the Maryland Department of Natural Resources.

3. HPP Criteria

- a. Minimization of the removal of vegetation.
- b. Plant and wildlife habitat protection.
- c. Reduction of the runoff of pollutants.
- d. Required reforestation and/or afforestation including a planting plan and other mitigation measures.
- e. Protection of the area during development activities.

4. Wetlands

The provisions of this Section apply to tidal and non-tidal wetlands within the Critical Area. Any filling or destruction of wetlands may only occur if required County, State, and Federal permits are obtained.

a. Purpose

Regulations governing development in and adjacent to wetlands are intended to protect wetlands from the negative effects of siltation and nitrification caused by development. The County's intent is to suffer no significant loss of wetlands.

b. Applicability

Boundaries are as delineated and verified by qualified professionals as meeting the definition of jurisdictional wetlands according to State or Federal regulation. A MDE license or authorization is required for all regulated activities within nontidal wetlands in the Critical Area.

c. Delineation

- i. Wetlands and buffers shall be delineated on all site plans, subdivision plats, and grading and building permit applications by qualified professionals. Delineation as per the applicable "Federal Manual for the Identifying and Delineating of Jurisdictional Wetlands", as amended from time to time, may be required. The delineation shall be made using the best available and most current information from state and federal sources. The delineation shall be made within five years of any site plan, subdivision plat, grading and building permit application. A wetland report compiled by a qualified expert shall be submitted to confirm the delineation. The Zoning Officer, or its designee, shall determine if the wetland report and delineation are acceptable and may also require a Jurisdictional Determination by the U.S. Army Corps of Engineers to verify wetland location.
- ii. If a development is a minimum of 100 feet from a wetland, the delineation may be waived by the Zoning Officer, upon a recommendation by the Environmental Planner that the development will not impact the wetlands or buffers and the project will not affect the lot density.
- iii. If it is determined prior to final site plan or subdivision approval that more wetlands exist on the site than originally delineated on the preliminary site plan or plat, preliminary approval of the original submittal granted by the Planning Commission shall lapse. The applicant shall submit subsequent revisions of the plan for staff review and reconsideration by the Planning Commission prior to reapproval.
- d. All site plan, subdivision plat, building and grading permits shall have a disclaimer placed on them that reads: "*The issuance of County permits or approvals is a local process and does not imply that the applicant has met State and Federal requirements for wetlands under COMAR; the Federal Water Pollution Control Act; or the Rivers and Harbors Act.*" The disclaimer shall be signed by the applicant.
- e. If a site plan or subdivision has received preliminary approval and the site plan or subdivision is changed as a result of the Federal or State wetland permitting process, the preliminary approval previously granted is null and void. The applicant shall submit subsequent revisions of the plan for staff review and reconsideration by the Planning Commission prior to reapproval.

f. Filling of wetlands:

- i. Land cannot be subdivided in a manner that requires filling of wetlands for any activities except to provide access to property that is otherwise inaccessible or to provide for stormwater management outside the wetlands. In these instances, approval from the Planning Commission is required.
- ii. Filling of wetlands for the construction of single-family detached residential dwellings is prohibited. Filling of wetlands and impacts to wetland buffers for commercial, industrial and institutional uses requires Planning Commission Conceptual Site Plan approval as well as appropriate Federal, State and County permits.
- iii. For development activities that require Planning Commission approval, receipt of Maryland Department of the Environment approval shall be required. For development activities that do not require Planning Commission approval, receipt of Maryland Department of the Environment approval shall be required prior to application for County permits.
- iv. For development activities that require Planning Commission approval, receipt of Maryland Department of the Environment approval shall be required. For development activities that do not require Planning Commission approval, receipt of Maryland Department of the Environment approval shall be required prior to application for County permits.
- v. Wetlands that are filled after receiving Federal, State and County approval will no longer be defined as wetlands and will not require wetland buffers.

g. Wetland buffers:

- i. A buffer of 50 feet is required adjacent to nontidal wetlands. For nontidal wetlands adjacent to steep slopes, highly erodible soils, or wetlands of special state concern, the buffer shall be expanded as per COMAR § 26.23.01.04 or as required by the Maryland Department of the Environment.
- ii. These areas shall be designated on the preliminary and final subdivision plat 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.*"
- iii. When any disturbance is proposed within 100 feet of the edge of the wetlands buffer, enhanced sediment and erosion control protective measures must be placed along the limit of disturbance.
- iv. A ten foot building setback shall be maintained from the edge of the wetland buffer.
- v. The tidal wetland buffer shall be expanded when required by this Article.
- vi. Existing vegetation in the nontidal wetland buffers shall be maintained except for approved wetland fill, crossings, and stormwater management that is located outside of the wetland. In addition, trees that are a threat to structures and invasive species may be removed within the Buffer with a vegetation removal permit. Mitigation as required by the Critical Area is required for the removal of vegetation for any of these approved activities in the nontidal wetland buffer but on a 2:1 basis unless within the Critical Area Buffer or expanded buffer, then the required mitigation shall be on a 3:1 basis.

5. Rare, Threatened, and Endangered Species and Species in Need of Conservation

a. Purpose

To provide protection for those species in need of conservation and rare, threatened, and endangered species, and their habitats which occur in the Critical Area.

b. Administration

- i. Development activities and other disturbances shall be prohibited in HPAs unless it can be shown that these activities or disturbances will not have or cause adverse impacts on these habitats.
- ii. At such time as an activity is proposed which might adversely affect a HPA, protection measures will be developed using the expertise of the Maryland Department of Natural Resources and other appropriate public agencies and private organizations as documented in the HPP.

- iii. Bald eagles are federally regulated and any disturbance of a bald eagle nest from June 16th to December 14th of any year shall be reported to the United States Fish and Wildlife Service (USF&WS).

6. Plant and Wildlife Habitat

a. Purpose

- i. Conserve wildlife habitat in the Critical Area.
- ii. Protect those wildlife habitats that tend to be least abundant or which may become so in the future if current land-use trends continue.
- iii. Protect those wildlife habitat types which are required to support the continued presence of various species.
- iv. Protect those wildlife habitat types and plant communities which are determined by the Board of County Commissioners to be of significance to Calvert County, including Kings Landing Park, Battle Creek Cypress Swamp Sanctuary, and Flag Ponds Nature Park.
- v. Protect Natural Heritage Areas, including Briscoe Gray Heritage Farm and Jefferson Paterson Park.

b. Boundaries

Boundaries of HPAs are as determined by the State of Maryland, except for Forest Interior Dwelling Birds (FID) habitat and the Critical Area Buffer. HPAs, excluding Critical Area Buffers, are identified on the official County Critical Area Habitat Protection Area map. Any impacts to FID habitat in the Critical Area shall be minimized and mitigated as prescribed in a document entitled, "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area" prepared by and available from the Critical Area Commission. FID habitat disturbed under a Timber Harvest Plan shall follow the guidelines of the approved plan. FID habitat is defined as follows:

- i. Forests of at least 50 acres in size with ten or more acres of "forest interior habitat" (i.e., forest greater than 300 feet from the nearest forest edge). The majority of the forest tract should be dominated by pole-sized timber (5 inches in diameter or more at breast height (DBH) or have a closed canopy; or
- ii. Riparian forests of at least 50 acres in size with an average total width of at least 300 feet. The stream within the riparian forest should be perennial. The majority of the forest tract should be dominated by pole-sized or larger trees or have a closed canopy; or
- iii. Any forested habitat until documented otherwise as required by "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area" June 2000.

c. Habitat Protection Plans

The following types of habitats shall require an HPP be developed prior to any development plans or permits being approved.

- i. Colonial water bird nesting sites.
- ii. Historic waterfowl staging and concentration areas in tidal waters, tributary streams, or tidal and non-tidal wetlands.
- iii. Existing riparian forests (for example, those relatively mature forests of at least 300 feet in width which occur adjacent to streams, wetlands, or the Bay shoreline and which are documented breeding areas).
- iv. Forest areas utilized as breeding areas by forest interior dwelling birds and other wildlife species shown on the Calvert County FID Bird Habitat Map.
- v. Other areas which may in the future be identified by state and federal agencies as important plant or wildlife habitat areas.

- vi. Other plant and wildlife habitats determined to be of significance to Calvert County.
- vii. Natural Heritage Areas.
- viii. State-listed species sites.

7. Anadromous Fish Propagation Waters

a. Purpose

- i. Protect the instream and streambank habitat of anadromous fish propagation waters.
- ii. Promote land use policies and practices in the watershed of spawning streams within the Critical Area which will minimize the adverse impacts of development on the water quality of the streams.
- iii. Provide for the unobstructed movement of spawning and larval forms of anadromous fish in streams.

b. Boundaries

Boundaries of Anadromous Fish Propagation Waters are as determined by the State of Maryland.

c. Administration

The following regulations apply:

- i. The installation or introduction of concrete riprap or other artificial surfaces onto the bottom of natural streams is prohibited unless it can be demonstrated that water quality and fisheries habitat can be improved.
 - ii. Channelization or other physical alterations which may change the course or circulation of a stream and thereby interfere with the movement of fish, is prohibited.
 - iii. The construction or placement of dams or other structures that would interfere with or prevent the movement of spawning fish or larval forms in streams is prohibited. If practical, the removal of existing barriers shall be affected.
 - iv. The construction, repair, or maintenance activities associated with bridges, or other stream crossings or with utilities and roads, which involve disturbance within the Buffer, or which occur instream, is prohibited between March 1 and June 14.
- d.** The County shall require each development activity that occurs within a watershed draining to anadromous fish propagation waters to fulfill the following objectives:
- i. Minimize development activities or land disturbances within the watershed.
 - ii. Maintain, or if practicable, improve water quality in affected streams or other water bodies.
 - iii. Minimize to the extent possible the discharge of sediments into affected streams or other water bodies.
 - iv. Maintain, or if practicable, increase the natural or native vegetation of the watershed and tree canopy over the streams.

8. Appeals

Appeals of decisions made by the Department of Planning & Zoning with regard to HPPs, including Buffer Management Plans for subdivisions and site plans, as well as Buffer Management Plans for other activities proposed in the Critical Area Buffer, may be appealed to the Board of Appeals.

22-7 SHORELINE AND CLIFF AREAS ON THE CHESAPEAKE BAY, PATUXENT RIVER, AND THEIR TRIBUTARIES

A. Purpose

1. The shorelines are a significant part of the character of the County and State. The cliffs provide natural heritage, scenic vistas, paleontological resources, and habitat for endangered species. Their preservation is vital to our current and future identity.
2. The geology of the shorelines of Calvert County and the naturally occurring erosion processes combine to present landowners with three complex problems: the possibility of moderate to severe shoreline erosion, greater exposure to storms, and cliff failure.
3. Regulations governing development along the shoreline are designed to allow development in a manner that will protect the property and the lives of residents, reduce various forms of pollution (sediment/ pesticides/ herbicides/ septic leachate) and protect the scenic, paleontological, and natural resource values of the shoreline.
4. There are many factors to be considered when dealing with shore erosion control measures. By allowing shore erosion control within the cliff and shoreline areas, the risk of altering many of the existing features increases. For example, shore erosion control stops the natural erosion process which supplies sand to Calvert County beaches. The Puritan Tiger Beetle, an endangered species, depends on the natural erosion process for its survival. Shore erosion control allows the cliffs to reach a natural angle of repose which will become vegetated and destroy the paleontology, natural beauty and scenic vistas of the cliffs.

B. Boundaries

Boundaries include all cliff and shoreline areas on the Chesapeake Bay, Patuxent River, and their tidal tributaries. The cliff areas have been separated into three categories based on their priority for preservation. Category 1 is given the greatest priority. Category 1 and 2 areas are listed in Sections 22-7.B.1 and 2 below and are shown on the Cliff Category Overlay Map. Category 3 includes all remaining cliff areas along tidal waters.

1. Category 1 is designated for undeveloped cliff sections with significant preservation needs requiring the highest priority for total preservation:
 - a. All park and preserved land with cliffs fronting on the Chesapeake Bay and Patuxent River
 - b. Cove Point LNG Plant to Calvert Cliffs Nuclear Power Plant
 - c. Parkers Cliffs including the Parkers Creek mouth shoreline
 - d. Randle Cliffs
 - e. Matoaka Cliffs (partial: area north of jetties)
 - f. Governors Run Cliffs
 - g. Cliffs north of Willows Beach Colony
 - h. Roosevelt Cliffs Subdivision
2. Category 2 is designated for developed cliff sections with significant preservation needs:
 - a. Scientists Cliffs
 - b. Little Cove Point
 - c. Plum Point South Cliffs
 - d. Matoaka Cliffs (partial: in area of jetties)
 - e. Camp Roosevelt Cliffs
3. Category 3 is any cliff sections not placed in Category 1 and 2. These sections are mostly developed.

C. Conditions for Development: Existing Lots and Parcels

1. The minimum cliff setbacks as measured from the top edge of the cliff for primary structures including septic systems and accessory structures over 150 square feet are:

- a. Category 1: 300 feet or the ER50 line, whichever is greater (Figure 22-3). The ER50 line is established by multiplying the annual average erosion rate (Maryland Geological Survey, Erosion Rate Maps, or recent survey data over at least a 10- year period) for the area multiplied by 50. This line represents where the shoreline is estimated to be in 50 years. Shore erosion control measures are not permitted.
- b. Category 2: 200 feet or the ER50, whichever is greater (Figure 22-4). Moving or relocating of structures should be considered before permitting shore erosion control devices to be installed. Shore erosion control will only be permitted if it is the only way to protect the structure. New structures will not be permitted to use shore erosion control.
- c. Category 3: 100 feet or the ER50, whichever is greater (Figure 22-5).
- d. Categories 1, 2, and 3: If the toe of the cliff is greater than 100 feet from the mean high water line, then the minimum setback is 60 feet from the edge of the cliff (Figure 22-6).

FIGURE 22-3

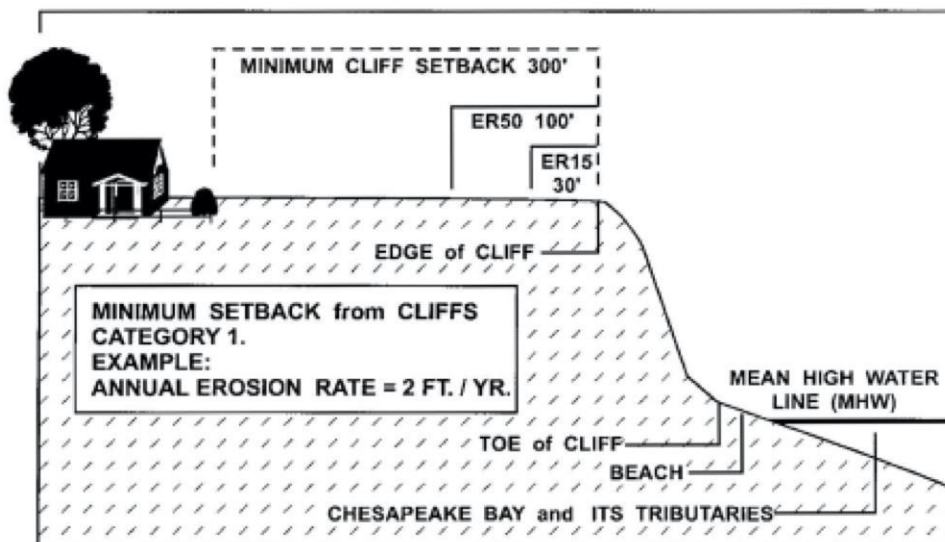


FIGURE 22-4

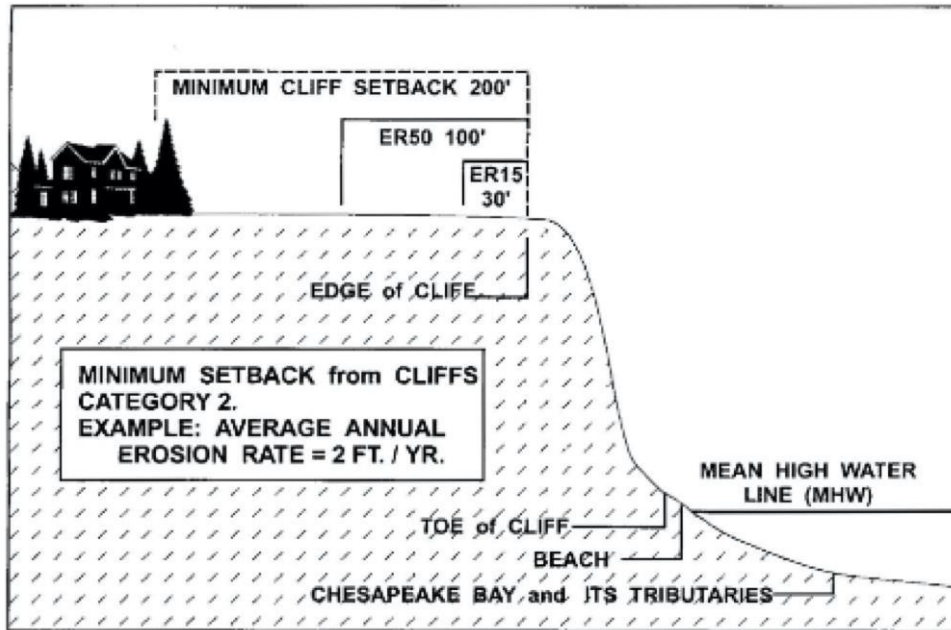


FIGURE 22-5

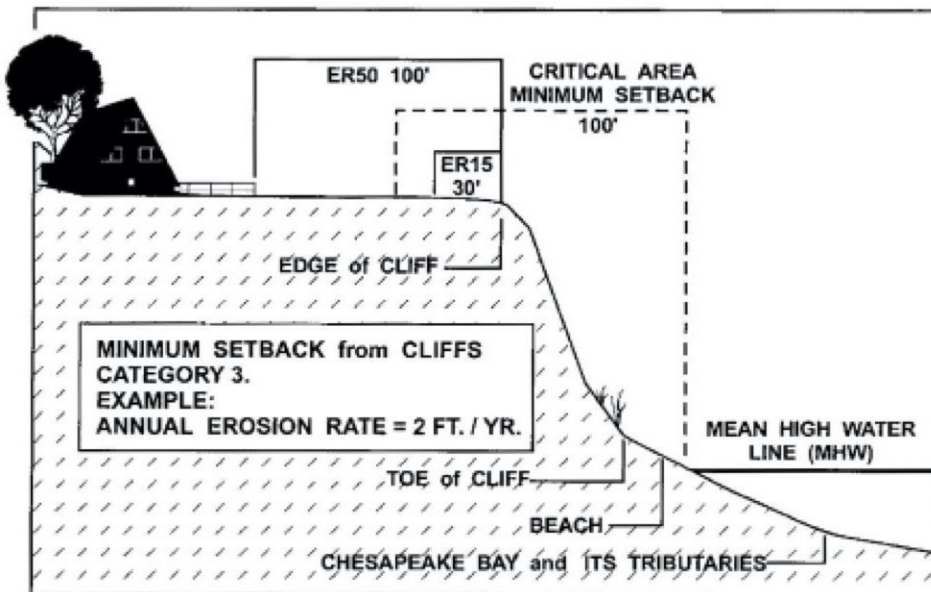
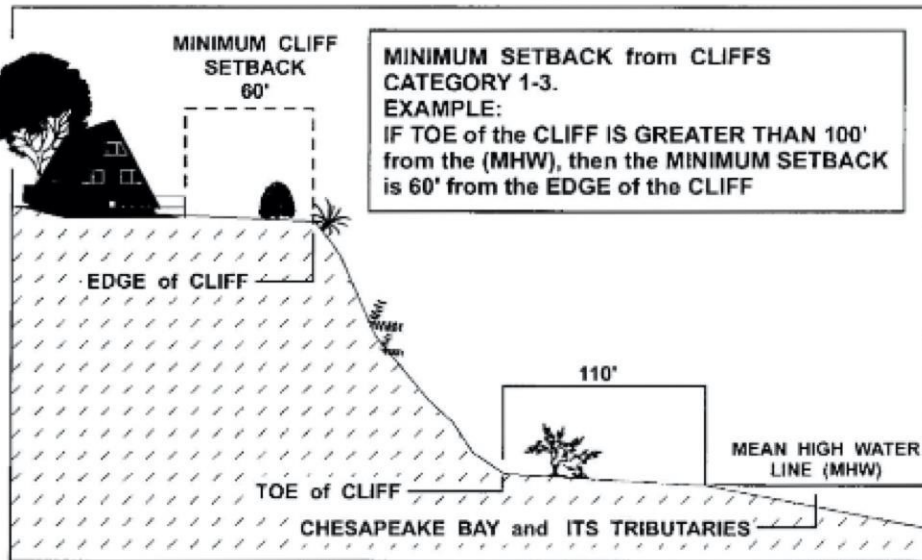


FIGURE 22-6



2. The minimum cliff setbacks as measured from the top edge of the cliff for accessory structures less than 150 square feet are:
 - a. Category 1: 300 feet or the ER50 whichever is greater.
 - b. Category 2: 200 feet or the ER50, whichever is greater.
 - c. Category 3: The ER15 line or 60 feet whichever is greater. The ER15 is established by multiplying the annual average erosion rate for the area multiplied by 15. This setback will be measured from the top edge of the cliff. No primary or accessory structure (except for access) will be permitted within the ER15.
3. In cases where shore erosion control measures are established and functional (erosion rate considered zero) the cliff setback will be 1.5 times the cliff height plus 20 feet measured from the toe of slope.
4. Readily movable structures and special construction techniques are required if an entire site is within or if any part of a proposed structure (including septic system and well) is within the ER50 zone.
 - a. Readily movable structures are:
 - i. On masonry piers or crawlspaces, with no walls below grade
 - ii. Steel beam base or modular construction
 - iii. Stud wall (not masonry) construction
 - b. Special construction techniques are:
 - i. Gutters and roof runoff is piped away from cliff edge; and
 - ii. Septic systems are landward as far as possible from the structure and cliff edge; and
 - iii. Excavation is minimized by flush cutting trees except in septic system trenches; and
 - iv. Runoff is directed away from the cliff areas or into stormwater management facilities to reduce the amount of surface and ground water runoff directed toward the cliff unless otherwise indicated by the Department of Public Works.
5. If structures on a property are damaged due to cliff failure or shoreline erosion, property owners are financially liable for all cleanup costs.

6. If a cliff setback has been previously recorded on a plat of a property, then the recorded setback applies.

7. Applicants shall sign a Cliff Liability Waiver, approved by the County Attorney, to hold the Board of County Commissioners, employees, and representatives harmless for any personal injury or property damage sustained by result of construction, development, building or building permit issued or allowed by the County. The Waiver shall be recorded in the Land Records of Calvert County prior to issuance of a building permit.

D. Conditions for Subdivisions

All lots shall be set back 300 feet from the cliff edge for land in Category 1, and 200 feet for land in Category 2. Shore erosion control is prohibited.

22-8 RENEWABLE ENERGY GENERATING SYSTEMS

A. Application Requirements

1. To ensure compliance with the requirements of this Article for a major solar energy generating system in a resource conservation area the Department of Planning & Zoning shall require a site plan that addresses the requirements of COMAR 27.02.07 and includes the following:

- a. Calculations of any required reservation of resource conservation area density development rights; and
- b. The identification and location of property restrictions including the boundary and area of a conservation easement, restrictive covenant, or other protective instrument.

2. The Department of Planning & Zoning may require a site plan for a minor solar energy generating system.

B. Authority of the Public Service Commission; Applicability

1. The provisions of this chapter may not be construed to limit the authority of the Public Service Commission under Public Utilities Article, § 7-207, Annotated Code of Maryland.

2. The requirements of this Article are applicable to major, minor, and small residential accessory solar energy generating systems, where not superseded by State law.

C. General Provisions

1. The Department of Planning & Zoning may authorize:

- a. A major or minor solar energy generating system within the Critical Area in accordance with Section 22-8.D below;
- b. A major solar energy generating system in the resource conservation area without growth allocation in accordance with this Article and COMAR 27.01.14; and
- c. A small residential accessory solar energy generating system in the Buffer or in a modified buffer area if:
 - i. There is not an alternative location outside the Buffer;
 - ii. The lot or parcel is 1/4 acre or less in size and created before December 13, 1988; and
 - iii. Provided mitigation is required at a 1:1 ratio.

2. The Department of Planning & Zoning may authorize a major and minor solar energy generating system in a Special Buffer Management Area in accordance with the Calvert County Critical Area program provided the project is located over existing legally developed lot coverage as described in Section 22-3.H above.

3. In addition to meeting the requirements of this Article, the Department of Planning & Zoning may not authorize a growth allocation to accommodate a major or a minor solar energy generating system in the limited development area or the resource conservation area.

4. Except for a regulated activity that is authorized by the Maryland Department of the Environment in accordance with COMAR 26.23.02, the Department of Planning & Zoning may not authorize a major or minor solar energy generating system:

- a. In a habitat protection area designated under Section 22-6 of this Article except as described in item 2 above; or
- b. On a steep slope or a highly erodible soil.

5. The Department of Planning & Zoning may not authorize a variance, modification, waiver, or other local procedure or approval that alters the requirements of this Section.

D. Criteria for a Solar Energy Generating System

1. Except for a small residential accessory solar energy generating system as provided in Section 22-8.C above, the provisions of this regulation are applicable to a major and minor solar energy generating system in an Intensely Developed Area, a Limited Development Area, and a Resource Conservation Area.

2. The Department of Planning & Zoning shall not count the area of a solar panel as lot coverage and:

- a. For a minor solar energy generating system, the solar panel is:
 - i. Located over existing, legally developed lot coverage as described in Natural Resources Article, § 8-1808.3, Annotated Code of Maryland; or
 - ii. Elevated above the ground and the area under the solar panel is maintained as an area of existing grass, established grass, or other natural vegetation, or as an agricultural use; and
- b. For a major solar energy generating system, the solar panel is:
 - i. Located over existing, legally developed lot coverage as described in Natural Resources Article, § 8-1808.3, Annotated Code of Maryland; or
 - ii. Elevated above the ground and the area under the solar panel is maintained in accordance with the planting plan requirements of Section 22-8.F below as pollinator habitat, native vegetation other than pollinator habitat, or an agricultural use.

3. The Department of Planning & Zoning shall require the following minimum standards for the Critical Area Buffer:

- a. Measure and delineate the Buffer in accordance with Section 22-6.D.2 above;
- b. Unless there is no feasible alternative, prohibit access through the Critical Area Buffer to the project area; and
- c. When there is no feasible alternative to access through the Critical Area Buffer, authorize one point of access through the Buffer to the project area, or where a project includes noncontiguous parcels, minimize the number of access points through the Buffer if:
 - i. The disturbance inside the Buffer is replanted at a 2.5:1 ratio; and
 - ii. A buffer management plan is required in accordance with Section 22-6.D above.

4. Except when a project area is in an Intensely Developed Area, the Department of Planning & Zoning shall minimize the clearing of forest and developed woodlands and not exceed the following standards:

- a. In a Limited Development Area, limit clearing of forest and developed woodlands to 20 percent of the entirety of the forest and developed woodlands on the parcel or parcels on which the project area is located; and

- b. In a Resource Conservation Area, limit clearing of forest to 10 acres or 20 percent of the entirety of the forest and developed woodlands on the parcel or parcels on which the project area is located, whichever is less.
- 5. The applicant shall replace cleared forest and developed woodlands on an equal area basis by square foot of tree canopy.
- 6. For a major solar energy generating system, the Department of Planning & Zoning shall require on-site or off-site planting in accordance with the following:
 - a. 15 percent of the total project area in a Limited Development Area; and
 - b. 20 percent of the total project area in a Resource Conservation Area.
- 7. The applicant shall provide a planting plan for mitigation in accordance with Section 22-8.F below.
- 8. The applicant shall provide stormwater management in accordance with Environment Article, §§ 4-201-4 - 215, Annotated Code of Maryland, and COMAR 26.17.02.
- 9. Except for a small residential accessory solar energy generating system, the Department of Planning & Zoning shall require a decommissioning plan if one is not otherwise required as a result of obtaining a Certificate of Public Convenience and Necessity from the Public Service Commission.

E. Criteria for a Major Solar Energy Generating System in the Resource Conservation Area

- 1. In addition to the requirements of this regulation, the Department of Planning & Zoning shall also apply the standards under Section 22-8.D above when authorizing a major solar energy generating system in the Resource Conservation Area.
- 2. Except for access allowed in accordance with Section 22-8.D.3 above and in accordance with the provisions in COMAR 27.01.06, the Department of Planning & Zoning shall restrict forest clearing within 300 feet beyond the landward boundary of tidal waters or tidal wetlands, or the edge of each bank of a tributary stream.
- 3. In addition to any applicable local land recordation requirements, the applicant shall record a Reservation of Resource Conservation Area Density Rights Agreement in accordance with Sections 22-8.E.4 and 5 below.
- 4. The number of density rights reserved is equal to:
 - a. The permitted density associated with the project area of each parcel as calculated under Section 22-4.E above; and
 - b. The number of density rights that are attributable to the project area, with a minimum of one density right reserved.
- 5. The Reservation of Resource Conservation Area Density Rights Agreement shall remain in effect until:
 - a. The decommissioning plan, as required in Section 22-8.D above, has been implemented and completed; and
 - b. The Department of Planning & Zoning confirms the implementation of the decommissioning plan is complete and the termination of the Reservation of Resource Conservation Area Density Rights Agreement is reflected in the land records.
- 6. The remaining land unencumbered by the solar energy generating system or lands not otherwise restricted by the Reservation of Resource Conservation Area Density Rights Agreement may be developed in accordance with Natural Resources Article, § 8-1808.1, Annotated Code of Maryland, and COMAR 27.01.02.05C(4).
- 7. A lot, a parcel, or a portion of a lot or parcel is not eligible for a major solar energy generating system if the density rights associated with that lot, parcel, or portion of a lot or parcel have been:
 - a. Utilized for an intrafamily transfer;

- b. Transferred through a transfer of development rights program;
- c. Preserved or conserved through an easement; or
- d. Otherwise reserved in association with an area of land to be utilized for the solar energy generating system.

8. The Department of Planning & Zoning may propose alternatives to a Reservation of Resource Conservation Area Density Rights Agreement in the Resource Conservation Area if the Department of Planning & Zoning submits those standards to the Commission and they are approved as part of the Calvert County Critical Area program. The standards may include:

- a. A transfer of development rights program; or
- b. A permanent restriction of development rights of other lands that proffer water quality and habitat benefits such as wetland migration areas.

F. Planting Plan Requirements

1. Based on the constraints and opportunities presented by a project area, the Department of Planning & Zoning shall select from the following options to address the requirements for a planting plan in Sections 22-8.D.4 and 6 above:

- a. Plant on-site in one of the following planting areas:
 - i. The area within 300 feet beyond the landward boundary of tidal waters or tidal wetlands, or the edge of each bank of a tributary stream;
 - ii. Contiguous to or within a designated forest interior dwelling bird habitat; or
 - iii. A wildlife corridor;
- b. If the Department of Planning & Zoning has in place an agreement with the Critical Area Commission:
 - i. Plant off-site in accordance with the options specified in Section 22-8.F.1.a above;
 - ii. Create a wetland migration area, nonstructural shoreline erosion control project, or other nature-based practice that naturally adjusts to changing environmental conditions through the lifespan of the practice and is designed to address future sea level rise, precipitation-induced flooding, or other climate change impacts;
 - iii. Create, restore, or enhance a nontidal wetland that results in habitat and water quality benefits provided it is authorized by the Maryland Department of the Environment; or
 - iv. Propose alternative mitigation options that include provisions for Critical Area Commission review; or
- c. Collect a fee in lieu in accordance with Section 22-8.G below.

2. The Department of Planning & Zoning shall ensure that any general landscape screening requirements for an energy generating system are not included as part of the mitigation planting required in Section 22-8.D above.

3. The Department of Planning & Zoning shall require a planting plan for:

- a. The area under the solar panels; or
- b. Replanting required in Section 22-8.D.4 and 6 above.

4. The Department of Planning & Zoning shall ensure long-term maintenance of the plantings through financial assurance measures.

5. The Department of Planning & Zoning shall require that all planting is in accordance with local reforestation and planting plan requirements, including protecting all planted areas through conservation easements, restrictive covenants, or other protective instruments.

G. Fee In Lieu

1. All fees in lieu for mitigation required in Section 22-8.F above shall be in compliance with COMAR 27.01.14.07 and as approved by the Board of County Commissioners;
2. Ensure the fee is adequate to cover the cost associated with administration, acquisition, planting, monitoring, and maintenance for the required mitigation or required planting requirements of Section 22-8.D.4 and 6 above;
3. Establish a separate account independent of other Critical Area funds, which may not revert to the Department of Planning & Zoning's general fund, for the collection of the fee in lieu;
4. Prohibit the use of the fees to meet other landscaping requirements; and
5. Use the fees to accomplish:
 - a. Off-site plantings in accordance with the options provided in Section 22-8.F.1a above; or
 - b. Other water quality and habitat enhancement projects provided in Section 22-8.F.1.b above, and as described in the Calvert County Critical Area program approved by the Critical Area Commission or in an agreement between the Department of Planning & Zoning and the Critical Area Commission.

22-9 VARIANCES

A. Authority

The Board of Appeals has the authority to grant variances from the Critical Area requirements within this Ordinance, unless otherwise stated.

B. Applicability

The County has established provisions where, owing to special features of a site or other circumstances, implementation of this Ordinance or a literal enforcement of provisions within this Ordinance would result in unwarranted hardship to an applicant; a Critical Area variance may be obtained.

1. In considering an application for a variance, The Board of Appeals shall presume that the specific development activity in the Critical Area, that is subject to the application and for which a variance is requested, does not conform with the general purpose and intent of Natural Resources Article, Title 8 Subtitle 18, COMAR Title 27, and the requirements of this Ordinance.
2. Unwarranted hardship means that without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

C. Standing

In accordance with Natural Resources Article 8-1808(d)(2), Annotated Code of Maryland, if a person meets the threshold standing requirements under Federal law, the person shall have standing to participate as a party in a local administrative proceeding.

D. Criteria

The provisions for granting such a variance shall include evidence demonstrated by the applicant that the standards of COMAR 27.01.12.04 are met, in addition to the standards of Section 30-6.C of this Ordinance.:

E. Process

Applications for a variance shall be made in writing. The County shall provide a copy of the application package to the Critical Area Commission. The County shall follow its established procedures for advertising and notification of affected property owners.

1. After hearing an application for a Critical Area Program variance, the Board of Appeals shall make written findings reflecting analysis of each standard. With due regard for the person's technical competence, and specialized knowledge, the written findings may be based on evidence introduced and testimony presented by:

- a. The applicant.
- b. County or any other government agency.
- c. Any other person deemed appropriate by the County.

2. If the variance request is based on conditions or circumstances that are the result of actions by the applicant, the County shall consider that fact.

3. The applicant has the burden of proof and the burden of persuasion to overcome the presumption of nonconformance.

4. The County shall notify the Critical Area Commission of its findings and decision to grant or deny the variance request.

F. After-the-Fact Requests

1. The Department of Planning & Zoning may not accept an application of a variance to legalize a violation of this Ordinance, including an unpermitted structure or other development activity until the County:

- a. Issues a Notice of Violation.
- b. Assesses a citation for the violation.

2. The County may not approve an after-the-fact variance unless an applicant has:

- a. Fully paid all mitigation bonds, fees and fines imposed under Section 22-10 below and the adopted fee schedule.
- b. Prepared a restoration or mitigation plan, approved by the local jurisdiction, to abate impacts to water quality or natural resources as a result of the violation.
- c. Performed the abatement measures in the approved plan in accordance with the local Critical Area program.

3. If the Board of Appeals denies the requested after-the-fact variance, then the County shall:

- a. Order removal or relocation of any structure.
- b. Order restoration of the affected resources.

4. Application for a variance pursuant to violation constitutes a waiver of the right to appeal the terms of a Notice of Violation and its final adjudication including the payment of any assessed penalties and costs.

G. Conditions and Mitigation.

The Board of Appeals shall impose conditions on the use or development of a property which is granted a variance as it may find reasonable to ensure that the spirit and intent of this Ordinance is maintained, including, but not limited to, the following:

- 1. For any variance granted by the Board of Appeals, mitigation by planting on the site at a rate of 3:1 per square foot of the disturbance shall be required at minimum.
- 2. New or expanded structures or lot coverage shall be located the greatest possible distance from mean high water, the landward edge of tidal wetlands, tributary streams, nontidal wetlands, or steep slopes.

H. Commission Notification

Within ten working days of the date a written decision is issued, a copy of the decision shall be sent to the Critical Area Commission. Within 30 days after the date the Critical Area Commission receives the order or decision of the

Board of Appeals, the Commission may file a petition for judicial review of that decision. The County may not issue a permit for the activity that was the subject of the order or decision until the Commission's 30 day appeal period has elapsed.

I. See Section 30-5 for Board of Appeals procedure.

22-10 ENFORCEMENT

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

A. Consistency

The Critical Area provisions of this Ordinance, in accordance with the Critical Area Act and criteria supersede any inconsistent Law, Chapter or Plan of Calvert County's Code. In the case of conflicting provisions, the stricter provisions shall apply.

B. Violations

1. No person shall violate any provision of this Article. Each violation that occurs and each calendar day that a violation continues shall be a separate offense.
2. Each person who violates a provision of this Article shall be subject to separate civil penalties, abatement and restoration orders, and mitigation for each offense.
3. Noncompliance with any permit, notice of violation or citation issued by the County related to the Critical Area shall be a violation of this Article and shall be enforced as provided herein.

C. Responsible Persons

The following persons may each be held jointly or individually responsible for a violation:

1. Persons who apply for or obtain any permit or approval
2. Contractors
3. Subcontractors
4. Property owners
5. Managing agents
6. Any person who has committed, assisted, or participated in the violation

D. Required Enforcement Action

In the case of zoning violations of this Ordinance, the County shall take enforcement action including:

1. Conduct and assess civil penalties necessary to cover the costs associated with performing inspections, supervising or rendering assistance with identifying and citing the violation, issuing abatement and restoration orders, reviewing mitigation plans, and ensuring compliance with these plans. Mitigation is calculated at 4 times the area disturbed (4:1).
2. Issue abatement, restoration, and mitigation orders as necessary to:
 - a. Stop work on unauthorized activity.
 - b. Restore and stabilize the site to its condition prior to the violation, or to a condition that provides the same water quality and habitat benefit.
3. Require the implementation of mitigation measures, in addition to restoration activities, to offset the environmental damage and degradation or loss of environmental benefit resulting from the violation.

E. Administrative Civil Penalties

In addition to any other penalty applicable under State or County law, every violation of a provision of the Critical Area provisions of this Ordinance shall be punishable by a fine in accordance with Article 33 of this Ordinance for each violation per calendar day.

F. Cumulative Remedies

The remedies available to the County under this Ordinance are cumulative and not alternative or exclusive, and the decision to pursue one remedy does not preclude pursuit of others.

G. Injunctive Relief

1. The County is authorized to institute injunctive or other appropriate actions or proceedings to bring about the discontinuance of any violation of this Ordinance, an administrative order, a permit, a decision, or other imposed condition.
2. The pendency of an appeal to the Board of Appeals or subsequent judicial review shall not prevent the County from seeking injunctive relief to enforce an administrative order, permit, decisions, or other imposed condition, or to restrain a violation pending the outcome of the appeal or judicial review.

H. Variances Pursuant to a Violation

The County may accept an application for a variance regarding a parcel or lot that is subject to a current violation of this subtitle or any provisions of an order, permit, plan, or this Ordinance in accordance with the variance provisions of this Ordinance. However, the application shall not be reviewed, nor shall a final decision be made, until all abatement, restoration, and mitigation measures have been implemented and inspected and approved by the County.

I. Appeals

An appeal to the Board of Appeals may be filed by any person aggrieved by any order, requirement, decision or determination by the County in connection with the administration and enforcement of this Ordinance.

1. An appeal is made by filing a written notice of appeal with the Board of Appeals in accordance with the provisions in the Calvert County Zoning Ordinance and accompanied by the appropriate filing fee.
2. An appeal shall be filed within 30 days after the date of the decision or order being appealed.
3. An appeal stays all actions by the County while seeking enforcement or compliance with the order or decisions being appealed, unless the County certifies to the Board of Appeals that (because of facts stated in the certificate) such stay will cause imminent peril to life or property. In such a case, action by the County shall not be stayed except by order of the Board of Appeals or a Court, upon application of the party seeking the stay.
4. Application for a variance pursuant to a violation constitutes a waiver of the right to appeal the terms of a notice of violation and its final adjudication including the payment of any penalties and costs assessed.
5. The Board of Appeals shall be divested of any jurisdiction or authority to adjudicate any matter for which there is a pending criminal or civil enforcement proceeding or enforcement action for injunctive relief before a court of competent jurisdiction.