

Pertaining to the Amendments of the Calvert County Zoning Ordinance  
(Calvert County Zoning Ordinance, Article 7 Subdivision Regulations;  
Section 7-1.05 Adequate Public Facilities: Sections 7-1.05.B.1.a Limitations of Applicability  
and 7-1.05.F.1 Exemptions)

**RE: To change the time period for the maximum delay for final approval of a  
residential subdivision or residential development from seven to six years**

(Text Amendment Case No.18-03)

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

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

**WHEREAS**, after study and evaluation, the Calvert County Department of Planning & Zoning recommended to the Planning Commission of Calvert County (hereinafter, the “Planning Commission”) and the Board of County Commissioners text amendments to the Calvert County Zoning Ordinance (“CCZO”), Article 7 Subdivision Regulations; Section 7-1.05 Adequate Public Facilities: Sections 7-1.05.B.1.a Limitations of Applicability and 7-1.05.F.1 Exemptions;

**WHEREAS**, after due notice was published, the Board of County Commissioners and the Planning Commission conducted a joint public hearing on November 27, 2018, at which time the proposed amendments were discussed, staff’s recommendations were considered, and public comment was solicited;

**WHEREAS**, at the conclusion of said public hearing the Planning Commission voted to recommend adoption of the amendments and conveyed its recommendation to the Board of County Commissioners by resolution; and

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

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Calvert County, Maryland, Article 7 Subdivision Regulations; Section 7-1.05 Adequate Public Facilities: Sections 7-1.05.B.1.a Limitations of Applicability and 7-1.05.F.1 Exemptions, of the CCZO **BE**, and hereby **IS**, amended by adopting the text amendments as shown in attached Exhibit A hereto and made a part hereof (Exhibit B depicts the amendments as they will actually appear in the Zoning Ordinance);

BK 00057PG067

Ordinance No. 52-18

RE: Text Amendment Case No. 18-03

Amendments to the Calvert County Zoning Ordinance

RE: Adequate Public Facilities Requirements

Page 2 of 2

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

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

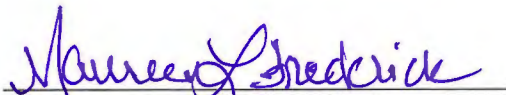
**BE IT FURTHER ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that this amendatory Ordinance shall be effective upon recordation and without publication of a fair summary, but not sooner than ten (10) days following adoption.

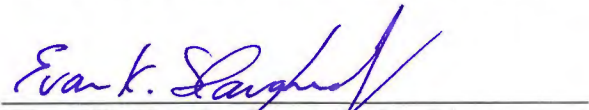
**DONE**, this 27<sup>th</sup> day of November 2018 by the Board of County Commissioners of Calvert County, Maryland.

Aye: 4  
Nay: 0  
Absent/Abstain: 1 - Hejl

**ATTEST:**


**BOARD OF COUNTY COMMISSIONERS  
OF CALVERT COUNTY, MARYLAND**

  
Maureen L. Frederick, Clerk

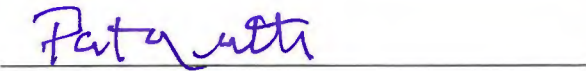
  
Evan K. Slaughter, Jr, President

Approved for form and legal  
sufficiency by:


Tom Hejl Jr., Vice-President

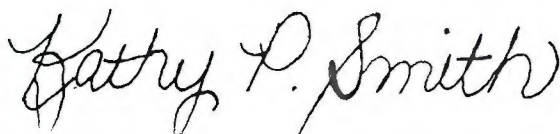
  
Mike Hart

  
John B. Norris, III, County Attorney

  
Pat Nutter

Received for Record..... 11/29/18....., 2018  
at..... 11:58..... o'clock..... 54 A.M. Same day  
recorded in Liber KPS No. ....  
Folio..... 66..... COUNTY COMMISSIONERS  
ORDINANCES AND RESOLUTION.

  
Steven R. Weems



7-1.05 Adequate Public Facilities Requirements

## A. General

Before the Planning Commission can grant final approval of a residential subdivision or residential development of land (which includes subdivisions and site plans for townhouse, single-family attached, multi-family, and mixed residential developments) subject to these regulations either in its entirety or by section, it must find that all identified roads and schools are adequate or that roads are programmed to be adequate within one year. Otherwise, approval shall be denied. In cases where facilities are not adequate, a residential subdivision or residential development shall receive final approval if the applicant provides improvements to render both the roads and schools adequate. The adequacy of schools shall be evaluated based on the rated capacity of the public schools.

## B. Limitation on Applicability

1. If final approval of a residential subdivision or residential development is being delayed only because of inadequate facilities, the following limitation on applicability shall apply:
  - a. Any residential subdivision or residential development which has not been entitled to final approval for at least ~~seven~~ **six** years from the date of preliminary approval, due solely to the lack of adequate school capacity, shall be entitled to final approval, regardless of the adequacy of school capacity, provided that all other conditions of final approval are satisfied.
2. Notwithstanding the above, the Planning Commission may grant final approval of one or more amended plats of a residential subdivision or residential development or a portion thereof without finding that all identified roads and schools are adequate, provided that it finds that the pupil yield that would result from the residential subdivision or residential development as amended is no greater than that of the residential subdivision or residential development without any amendment and that the amendment would not result in any adverse impact on the public health, safety and general welfare of the present and future inhabitants of the development.
3. The Planning Commission shall develop and publish policies and procedures as necessary for obtaining final approval for residential subdivisions or residential developments which have been on hold pending adequacy of public facilities. See also Section 7-1.07.B.8.

7-1.05 Adequate Public Facilities Requirements

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E. Notification of Inadequate Capacity

If facilities are identified as having inadequate capacity, the Department of Planning and Zoning shall notify the Planning Commission and the County Commissioners.

F. Exemptions

1. Parcels eligible for more than ~~five~~ **seven** lots:
  - a. The first three lots to be created for residential purposes from any parcel on record as of the date of this amendment (February 23, 1988) shall be exempt from the Adequate Public Facilities Requirements. If the parcel already contains a residence, or if a building permit for a residence on the property has been issued, that residence may remain on the residue, and three additional lots may be created.
  - b. If the parcel contains ~~an~~ historic residence that is designated ~~an~~ Historic District during the subdivision process, then the lot on which the Historic District is designated may be recorded, regardless of whether the Adequate Public Facilities requirements are met.
2. Subdivisions containing seven or fewer lots shall be exempt from the Adequate Public Facilities Requirements if the following items can be met:
  - a. the subject parcel was a parcel of record as of February 23, 1988 and it is determined that the maximum number of lots to which a parcel is entitled is seven or fewer (including any existing residences), or
  - b. an owner voluntarily restricts the maximum number of lots to no more than seven (including any existing residences) from parcels of record as of February 23, 1988. Any existing residence must be included on an individual lot, or
  - c. Subdivisions that were recorded prior to October 1, 2012, with a maximum of five lots exempted from the Adequate Public Facilities Requirements shall be permitted additional exempt lots not to exceed a total of seven lots. The total number of exempt lots may not exceed seven lots from any parcel of record as of February 23, 1988.

7-1.05 Adequate Public Facilities Requirements

BK00057PG070

A. General

Before the Planning Commission can grant final approval of a residential subdivision or residential development of land (which includes subdivisions and site plans for townhouse, single-family attached, multi-family, and mixed residential developments) subject to these regulations either in its entirety or by section, it must find that all identified roads and schools are adequate or that roads are programmed to be adequate within one year. Otherwise, approval shall be denied. In cases where facilities are not adequate, a residential subdivision or residential development shall receive final approval if the applicant provides improvements to render both the roads and schools adequate. The adequacy of schools shall be evaluated based on the rated capacity of the public schools.

B. Limitation on Applicability

1. If final approval of a residential subdivision or residential development is being delayed only because of inadequate facilities, the following limitation on applicability shall apply:
  - a. Any residential subdivision or residential development which has not been entitled to final approval for at least six years from the date of preliminary approval, due solely to the lack of adequate school capacity, shall be entitled to final approval, regardless of the adequacy of school capacity, provided that all other conditions of final approval are satisfied.
2. Notwithstanding the above, the Planning Commission may grant final approval of one or more amended plats of a residential subdivision or residential development or a portion thereof without finding that all identified roads and schools are adequate, provided that it finds that the pupil yield that would result from the residential subdivision or residential development as amended is no greater than that of the residential subdivision or residential development without any amendment and that the amendment would not result in any adverse impact on the public health, safety and general welfare of the present and future inhabitants of the development.
3. The Planning Commission shall develop and publish policies and procedures as necessary for obtaining final approval for residential subdivisions or residential developments which have been on hold pending adequacy of public facilities. See also Section 7-1.07.B.8.

7-1.05 Adequate Public Facilities Requirements

## E. Notification of Inadequate Capacity

If facilities are identified as having inadequate capacity, the Department of Planning and Zoning shall notify the Planning Commission and the County Commissioners.

## F. Exemptions

1. Parcels eligible for more than seven lots:
  - a. The first three lots to be created for residential purposes from any parcel on record as of the date of this amendment (February 23, 1988) shall be exempt from the Adequate Public Facilities Requirements. If the parcel already contains a residence, or if a building permit for a residence on the property has been issued, that residence may remain on the residue, and three additional lots may be created.
  - b. If the parcel contains a historic residence that is designated a Historic District during the subdivision process, then the lot on which the Historic District is designated may be recorded, regardless of whether the Adequate Public Facilities requirements are met.
2. Subdivisions containing seven or fewer lots shall be exempt from the Adequate Public Facilities Requirements if the following items can be met:
  - a. the subject parcel was a parcel of record as of February 23, 1988 and it is determined that the maximum number of lots to which a parcel is entitled is seven or fewer (including any existing residences), or
  - b. an owner voluntarily restricts the maximum number of lots to no more than seven (including any existing residences) from parcels of record as of February 23, 1988. Any existing residence must be included on an individual lot, or
  - c. Subdivisions that were recorded prior to October 1, 2012, with a maximum of five lots exempted from the Adequate Public Facilities Requirements shall be permitted additional exempt lots not to exceed a total of seven lots. The total number of exempt lots may not exceed seven lots from any parcel of record as of February 23, 1988.