

Comparison of the 2023 Draft Zoning Ordinance Articles 3 through 9 with the Current Zoning Ordinance (Adopted 2006)

Draft Zoning Ordinance	Current Zoning Ordinance
Article 3 - Zoning Map	Section 2-3; Section 2-8
Article 4 - Agricultural Districts	Section 2-8.01; Section 2-10.01; Section 5-1.06; Section 5-1.07; Section 6-2.01
Article 5 - Rural Residential Districts	Section 2-8.02; Section 5-1.06; Section 5-1.07; Section 6-2.01
Article 6 - Residential Districts	Section 2-8.03; Section 5-1.06; Section 5-1.07; Section 6-2.01
Article 7 - Commercial Districts	Section 2-8.06; Section 2-8.07; Section 2-8.09; Section 6-2.01
Article 8 - Industrial Districts	Section 2-8.05; Section 6-2.01
Article 9 - Historic Districts	Section 2-10.04

Density

- The sections addressing residential density are located in sections 5-1.01 through 5-1.05 in the current ordinance
 - These sections describe various different types of permitted densities; zoned density, exception lots, conventional density, TDR lots, receiving area lots, and family conveyance lots
 - The draft ordinance uses slightly different terminology
 - Base density (comparable with zoned density in current ordinance)
 - Conventional density = base density + bonus lots (exception lots, family conveyance)
 - Transfer zone density (comparable with TDR lots/receiving area lots in current ordinance)
 - Maximum density = conventional density + transfer zone density
- Current ordinance uses “lots per acre” in its density calculations. Draft ordinance uses “dwelling units (DUs) per acre”.
 - This isn’t meant to be a substantive change but using “dwelling units” is inclusive of particular housing types that that create additional dwelling units but not lots.
 - However, accessory dwelling units don’t count towards density

- In the draft, density is defined as being calculated based on gross tract acreage (total tract area of the parcel); in the current ordinance density is calculated based on the net tract acreage of a parcel (gross tract acreage minus wetlands)
 - This was done to be more consistent with how density is calculated inside and outside town centers and to simplify the process of determining density for property owners; currently a wetlands delineation may be required prior to being able to determine the permitted density of a parcel, which is also expensive
- Calculations for bonus lots (family conveyance and exception lots) are in Section 31-5 of the draft Subdivision article; these calculations are located in Sections 5-1.02 through 5-1.04 of the current ordinance
- It should also be noted that there are certain requirements and restrictions on permitted residential density based on a parcel's location within the [Growth Tier Map](#) (adopted in 2017) as required by the Sustainable Growth and Agricultural Preservation Act of 2012
 - In Tier IV, areas not planned for public sewerage service, only minor residential subdivisions (seven or fewer lots) are permitted
 - The draft FFD zoning is located predominately within Tier IV
 - In Tier III, areas not planned for public sewerage service, the Planning Commission must hold at least one public hearing prior to approval of a major residential subdivision (greater than seven lots)
 - In the draft, the rural residential districts are located predominately within Tier III
 - In Tier II, areas planned to be served by public sewerage service, only minor residential subdivisions (seven or fewer lots) are permitted if the development is not connected to public sewerage service
 - The draft Residential District areas to the west of Prince Frederick Town Center are predominately a mix of Tier II and Tier III areas
 - The Tier II areas are located north of MD-231
 - The parcels south of MD-231 along German Chapel Rd. are located within Tier III
 - In Tier I, areas with existing public sewerage service, development will be served by public sewerage systems

Article 3 (Zoning Map)

- The draft ordinance doesn't include summaries of the Zoning Districts in this article because those are included in Articles 4 through 8
 - The Wetlands District in the current ordinance is not included in draft Zoning Ordinance due to redundancy

Article 4 (Agricultural Districts)

- In the current ordinance, a density of 1 lot/DU per 10 acres can be achieved with purchase of TDRs in the FFD
 - In the draft, only base density (1 lot/DU per 20 acres) + exception lots + family conveyance is permitted in FFD
- In the draft Zoning Ordinance, clustering is required on all parcels 30 acres or larger
 - There is an exception from clustering requirements for new lots created that are 25 acres or greater in size
 - The current ordinance provides an exception from clustering requirements for lots created that are 20 acres or greater
- Section 4-2 of the draft Zoning Ordinance refers to the Agricultural Preservation District Rules and Regulations instead of repeating those regulations in the Zoning Ordinance
 - So, if the rules & regulations are revised or updated in the future it won't also require text amendments to the Zoning Ordinance

Article 5 (Rural Residential Districts)

- Rural Community District (RCD)
 - In terms of permitted residential density, the RCD in the draft is comparable to the density that can be achieved in the RCD under the current ordinance outside of the one-mile radius/perimeter from town centers
 - In the current ordinance, a density of 1 lot/DU per 4 acres can be achieved with purchase of TDRs in the RCD outside of the one-mile radius/perimeter
 - In the draft, a transfer zone density of 1 lot/DU per 5 acres can be achieved with purchase of TDRs
 - In the draft, clustering is required on all parcels 30 acres or larger
 - In the current ordinance, lots and roads are required to be clustered onto a maximum of 50% of the site in the RCD outside of the one-mile radius
 - In the draft, a minimum of 60% of the site is required to be designated as open space and lots and roads are required to be clustered onto the remainder of the site
- Rural Neighborhood District (RND)
 - Density is equivalent to what can be achieved under the current ordinance in the RCD inside of the one-mile radius/perimeter (1 lot/DU per acre)
 - Clustering is not required in the RND
 - Currently, RCD residential developments within the one-mile radius/perimeter of a town center are not required to cluster

- Minimum lot area is reduced in the draft as compared with the current ordinance
 - In the current ordinance, the RCD has a minimum lot area of one acre
 - In the draft it is 30,000 square feet
 - However, minimum lot area is dependent upon health department approval
- The decision of which parcels to include in the RND was based largely on proximity to the one-mile radius around the town centers of Dunkirk, Owings, Huntingtown, and St. Leonard; however other factors were also considered (some examples below)
 - Parcels within the one-mile radius but to the west of MD-2 and MD-2/4 in proximity of Owings and St. Leonard Town Centers were zoned RCD because those highways act as a barrier between the town center and those parcels
 - In the proximity of St. Leonard Town Center, the RND extends a little past the one-mile radius to the north and south because Western Shores Blvd. to the north and the Parran's Grant subdivision to the south were more logical end points
 - The parcels on Yellow Bank Road were not included in the RND, despite being mostly located within the one-mile radius, because those parcels are FFD under current zoning
 - There were several large parcels located within or mostly within the one-mile radius that were left RCD because they are Agricultural Preservation Districts (APDs)
- Waterfront Community District (WCD)
 - New zoning district created to bring the zoning ordinance in line with the waterfront community land use category as designated in the Comprehensive Plan
 - The Comprehensive Plan states that waterfront communities, "are not planned for expansion or additional growth" and that "TDRs may not be used to permit additional dwelling units in these areas"
 - That is reflected in the permitted residential densities for this district, which are none, meaning subdivisions that result in the creation of additional lots are not permitted
 - However, a pre-existing parcel can still pull a building permit if the parcel is buildable and pre-existing lots can be combined to create a new lot
 - Setbacks for this district are comparable to current setbacks for development on previously recorded residential lots on parcels 20,000 sf or less

- Most parcels in this district are currently zoned RD under the current ordinance

Article 6 (Residential Districts)

- The Comprehensive Plan more clearly defines Residential areas than in previous plans, and the draft Residential District (RD) is closely associated with the municipalities of Chesapeake Beach and North Beach and the town centers of Prince Frederick, Lusby, and Solomons
 - The permitted base densities and transfer zone densities in the draft are equivalent to the current permitted densities in the Residential District within the one-mile radius/perimeter of town centers with the purchase of TDRs
 - This is also consistent with the Comprehensive Plan which states, “density in these areas can be increased to a maximum of four dwelling units per acre.”
 - However, transfer zone density can be reduced in the Residential District if desired, it just cannot be increased beyond 4 dwelling units per acre
 - The ability to achieve maximum permitted density is dependent, in part, on the availability of sewerage service, which is reflected in the difference in minimum lot areas for single-family detached development; 30,000 sf without sewer vs. 10,000 sf with sewer
 - Minimum lot area is reduced in the draft as compared with the current ordinance
 - Currently the RD inside the one-mile radius has a minimum lot area of one acre (without sewer service), in the draft it is 30,000 square feet
 - However, minimum lot area is dependent on health department approval
 - In the draft, minimum lot area can be reduced to 10,000 square feet if connected to sewer; this is consistent with the current policy

Article 7 (Commercial Districts)

- Employment Center District (EC)
 - The Comprehensive Plan is silent on the status of the Employment Center District in the interim period before town center expansions
 - So, the Employment Center Districts which are proposed to become part of town center expansions in Prince Frederick and Owings remain zoned Employment Center in this draft

- Areas that are currently zoned EC that were not proposed to become part of expanded town centers were designated to become either industrial or residential in the Comprehensive Plan
- Marine Commercial District (MC)
 - There are no major changes proposed for the Marine Commercial District in terms of where the district has been delineated as compared to current zoning
 - However, there were a few marine commercial areas on split zoned residential parcels that were eliminated as part of the goal to reduce split zoned parcels generally
- Rural Commercial District (RC)
 - The Comprehensive Plan contains several action items relevant to Rural Commercial Districts
 - To address the Comprehensive Plan action item, “develop a plan for phasing out Rural Commercial districts that are vacant or underutilized”, we reviewed the current Rural Commercial zoned properties and did not include undeveloped or non-commercial properties in the updated draft Rural Commercial District
 - To address the Comprehensive Plan action item, “restrict the expansion of rural commercial uses and maintain a small-scale rural character”, two new policies were included in the draft
 - Expansion of a use in the RC is restricted to 50% of the square footage of the area occupied by the use at the time of the adoption of the updated Zoning Ordinance.
 - This is comparable to the current policy for expansions of non-conforming uses
 - Any map amendments which result in an expansion of the RC District shall not be permitted
 - This is not included in draft Article 6, but instead in draft Article 30 in the Zoning Text and Map Amendments section (Sec. 30-11.G)
 - There are some parcels that are currently split zoned between rural commercial and FFD/rural residential/residential zoning
 - The Rural Commercial District zoning was adjusted on these parcels in the draft zoning map as part of the goal to reduce/eliminate split zoned parcels
 - In most cases, for smaller parcels, the draft rural commercial district zoning was expanded so that it encompasses the entirety of the parcel
 - In a few cases, for larger parcels, the rural commercial zoning was removed entirely from the parcel

- Rural commercial uses active on these parcels would become non-conforming uses if the specific use is not permitted in FFD/rural residential/residential zoning

Article 8 (Industrial Districts)

- There are two new industrial districts included in the draft Zoning Ordinance, the Industrial Mixed-Use District (I-MU) and the Heavy Industrial District (I-2).
 - The I-MU provides for a mix of light industrial uses with 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 purposes.
 - The I-MU was created, in part, to accommodate existing conditions in industrial areas where development has been trending in this direction for a number of years, the Calvert County Industrial Park off MD-231 being a primary example
 - The Department considers this to be in line with the Comprehensive Plan’s statement on Industrial areas that, “the intent is to allow limited retail and service uses in these districts and to reserve adequate and flexible space for high-revenue-generating uses that provide high-quality jobs for County residents.”
 - The Patuxent Business Park is currently zoned light industrial (I-1) but is zoned I-MU in the draft because it is proposed to become part of an expanded Lusby Town Center
 - The area currently zoned EC south of Lusby in the draft is zoned I-MU north of Southern Connector Blvd. and zoned light industrial (I-1) south of Southern Connector Blvd.
 - The area north of Southern Connector Blvd. is zoned I-MU because it is adjacent to Lusby Town Center and due to the presence of Mill Creek Middle School it was determined to be more appropriate than light industrial zoning
 - A portion of the existing industrial center off Skinner’s Turn road was zoned I-MU because it was determined to be more appropriate than light industrial zoning in consideration of the existing uses present
 - The Howlin Business Park off Boyds Turn Rd. is currently zoned I-1 but is zoned I-MU in the draft in part due to the lack of development under current zoning
 - Heavy Industrial District (I-2) provides for higher intensity industrial uses than permitted in the Light Industrial District (I-1)

- The I-2 is a more appropriate zoning category for uses like nuclear power plants and LNG facilities and the proposed zoning is limited to properties where those uses currently exist

Article 9 (Historic Districts)

- No major substantive changes have been proposed for Historic Districts
 - Draft Article 9 which addresses Historic Districts, refers to Article 57 of the County Code for administration and modifications
 - Section 2-10.4.D (Permitted Uses and Special Exception Uses) in the current ordinance was moved to the Uses article in the draft ordinance (Sec. 18-2.A.8) and revised slightly

Additional Notes

- Relevant for setbacks on all non-residential properties
 - The following provisions regarding minimum rear and side setbacks in the current ordinance were not included in the draft
 - *“May be reduced by the P.C. Administrator to 0 feet if: (1) the adjoining property is zoned TC, EC, I-1, RC, or MC; and (2) emergency vehicle access and maintenance are properly addressed; and (3) screening (existing or proposed) is determined to be adequate by the P.C. Administrator.*
 - *“Setbacks may be reduced to 0 feet for adjacent properties under the same ownership.”*
- Draft Articles 5, 6, and 7 erroneously state that building height is included in the minimum standards tables. This was true in an earlier version of the draft, but building height was removed from the tables due to redundancy (it is the same in all districts outside of town centers). Building height is addressed in Section 2-4.D of the draft.