

Highlights of substantive changes from the May 2023 Draft Zoning Ordinance to the August 2024 Draft Zoning Ordinance

This document is meant to highlight substantive differences between the May 2023 Draft Zoning Ordinance and the August 2024 Draft Zoning Ordinance but does not include every change that has been made to the draft. To review all changes made to the draft articles, you can view redlined versions of the draft articles available on the [Zoning Ordinance Update webpage](#)

Article 1 (Title, Purpose, and Applicability)

- Section 1-3.H has been revised and now states as follows, *“Any requirement recorded on a plat prior to the adoption of this Ordinance may or may not be valid based on changes to regulations at the federal, state, and local level and applicability will be determined at the time of application submittal.”*
 - This replaces the following provision which has been removed, *“Any requirements recorded on plats prior to the adoption of this Ordinance supersede any conflicting requirements of this Ordinance, with the exception of remaining density.”*

Article 2 (Definitions)

- The definition of density has been revised and now states that density is the number of dwelling units permitted per the net acreage of a parcel as opposed to the gross acreage of a parcel, which is in line with the current policy
 - Net acreage is the number of acres of a parcel remaining after tidal wetlands, non-tidal wetlands and State wetlands are deducted from the gross acreage.

Article 3 (Zoning Map)

- The Heavy Industrial District (I-2) has been expanded to the parcel south of the Calvert Cliffs Nuclear Power Plant
 - This parcel is currently split zoned between Light Industrial (I-1) and Farm and Forest District (FFD)
- The Heavy Industrial District (I-2) has been expanded to the Appeal Landfill/Solomons Wastewater Treatment Plant (which was Light Industrial District in the previous draft Zoning Map) and the surrounding parcels (which were Rural Community District previously)

Article 4 (Agricultural Districts)

- Removed maximum lot area requirement of 3 acres for clustered subdivisions in the Farm and Forest District (FFD)
- Removed increased setback requirements for lots over 3 acres in the FFD

Article 5 (Rural Residential Districts)

- Removed maximum lot area requirement of 3 acres for clustered subdivisions in the Rural Community District (RCD)
- Removed increased setback requirements for lots over 3 acres in the RCD and Rural Neighborhood District (RND)
- Increased minimum lot size requirement in the RND from 30,000 square feet to 1 acre

Article 6 (Residential Districts)

- Transfer zone density has been reduced in the RD from 4 dwelling units per acre to 1 dwelling unit per acre
- Increased minimum lot size requirement in the RD from 30,000 square feet to 1 acre if not connected to sewer

Article 17 (Transferable Development Rights)

- Table 17-1 (Residential Density and Minimum Lot Sizes – Town Centers) has been added to the draft Zoning Ordinance
 - In all Town Centers, any district with a permitted residential density over 4 dwelling units per acre currently has been reduced to a maximum of 4 dwelling units per acre in the draft
- Section 17-2.A states that one Transferable Development Right (TDR) is allocated per net acre of land within an APD
 - This is a change from the current policy, in which TDRs are allocated based off gross acreage, despite the fact that residential density is calculated based off net acreage

Article 18 (Uses)

- For detached accessory dwellings, the maximum square feet of gross floor area permitted has been increased from 1,200 square feet to 1,500 square feet
- Townhouse, quadraplex, and triplex dwellings are no longer permitted in the Residential District (RD)
- Short-Term Rental has been removed from the list of uses on the use table (meaning the current policy of not requiring a use permit for short term rentals would continue)
- For Tenant Houses, the minimum acreage required has been reduced from 50 acres to 25 acres.
- Manufactured Home on Individual Lot or Parcel is now permitted with conditions in the Rural Neighborhood District (RND), Waterfront Community District (WCD), and Residential District (RD)

- This change was made due to the passage of the Housing Expansion and Affordability Act (HB538), which requires local jurisdictions to permit manufactured housing in zones that allow single family residential uses
 - The Town Center use charts have been revised to address this as well
- Farmer's Market is now a permitted use in the Rural Community District (RCD), Rural Neighborhood District (RND), Waterfront Community District (WCD), and Residential District (RD), with the condition that if the farmers' market is located in a permanent structure the footprint of the structure is limited to 1,500 square feet.
- Entertainment Business, Adult Enterprises is no longer a permitted use in the Industrial-Mixed Use District (I-MU)
- Home Occupation – Class I (where there are no-onsite appointments and/or clients and no employees that aren't permanent residents of the dwelling) has been removed and is no longer a use listed on the use chart (meaning these types of home occupations would no longer require a use permit)
- Agricultural/Seafood/Livestock Processing is now permitted in the Farm and Forest District (FFD), Rural Community District (RCD), Rural Neighborhood District (RND), and Residential District (RD) on farm properties provided the farm has received all required state licenses and approvals
- Data Center has been added as a special exception use with conditions in the Heavy industrial District (I-2)
- Asphalt Plant and Heavy Manufacturing and/or Assembly are no longer permitted uses in the Heavy Industrial District (I-2)
- Public Recreation Area is now a permitted use in the Light Industrial (I-1) and Heavy industrial Districts (I-2)
- Public Events/Public Assemblies on Farmland is now a permitted special exception use with conditions in the Rural Community District (RCD), Rural Neighborhood District (RND), and Residential District (RD)
- For Public Events/Public Assemblies on Farmland, the number of events permitted per year has been increased from 2 to 12
- Commercial Pier is now a special exception use in the C4 Sub-area of Solomons Town Center
- Drive Through Facilities are now permitted with conditions in the Village Commercial District of Lusby Town Center

Article 19 (Accessory Structures and Uses)

- A building permit is required for an accessory structure over 200 square feet in the draft instead of the current policy of 150 square feet
- For Chickens and Poultry Coops, conditions for non-farm properties under 3 acres in size such as, limits on the number of chickens allowed, the prohibition on keeping roosters,

peacocks, and guinea fowl, and the prohibition on the slaughtering of poultry on-site have been removed

Article 20 (Forest Conservation)

- The reforestation requirements and the priorities and time requirements for afforestation and reforestation have been revised so that they are in line with current policies
 - After the updated Zoning Ordinance has been adopted, the Forest Conservation Article will need to be revised via text amendment before July 1, 2026 in order to bring it in line with updates to the Forest Conservation Act mandated by the passage of SB526/HB723. Counties are still waiting on official guidance from the Department of Natural Resources on how to implement these changes.

Article 21 (Natural Resources)

- The NRPA-1 (which includes stronger protective buffers from sensitive environmental features) now applies to environmental features on parcels, lots, outlots, residue, and open space created following the adoption of the updated Zoning Ordinance, both inside and outside of Town Centers
 - In the May 2023 Draft, the NRPA-1 only applied outside of Town Centers

Article 23 (Marine & Water Dependent Facilities)

- Section 23-2 has been revised to allow for encroachments on the harbor line through approval of a variance through the Board of Appeals
- For Private Piers, the limit on the number of slips permitted has been raised from two to four (currently two slips are permitted and an additional two are allowed with special exception approval from the Board of Appeals)

Article 25 (Site Development and Design Standards)

- Building height requirements have been added to Section 25-5 (General Design Requirements)
 - The maximum height permitted in the Heavy Industrial District (I-2) has been increased to 75 feet (with the condition that the building be set back a distance double the height of the building from all property lines except for adjacent properties under common ownership)
 - Currently, the maximum height permitted in industrial districts is 50 feet
- The provisions which allowed for Planned Unit Developments have been removed from the draft
- Provisions addressing architectural design requirements have been added to Section 25-

- The following provision has been added to the draft to bring the Zoning Ordinance in line with Action Item 3.4.3.3 from the Comprehensive Plan, *“Rural Commercial Districts shall comply with the Appearance Code standards of the nearest Town Center where buildings and accessory structures are visible from public roads, waterfront and adjacent residential properties.”*

Article 27 (Off-Street Parking and Loading)

- In Section 27-4.A.5, the following provision has been added to the draft, *“Upon written application, the Zoning Officer may reduce the minimum parking requirements of this Article if the applicant demonstrates that the facility to be served would not require in its day-to-day operation a full complement of parking. The application shall be accompanied by a parking needs study that includes an estimate of the parking needs for the use, a thorough explanation of the basis for the estimate, any data used in calculating the estimate, including parking generation studies and previous experience with similar uses, and an explanation of any other relevant considerations, such as availability of commercial or public parking areas.”*
 - This replaces the following provision from Section 30-4 (Administrative Variance) which has been removed from the draft, *“The parking requirements for nonresidential uses may be reduced up to 15%.”*
- In Section 27-4.E, provisions which would have required the installation of Electric Vehicle Charging Stations (EVCs) in parking facilities that require 50 or more spaces have been removed and replaced with the current policy (which is an incentive to reduce the number of required parking spaces by two spaces if EVCs are installed in parking facilities that require 50 or more spaces)

Article 29 (Signs)

- The provisions addressing Electronic Message Centers (EMCs) have been revised to allow places of worship with reader boards in existence as of the adoption of the updated Zoning Ordinance to replace those reader boards with EMCs in any district