



Calvert County Zoning Ordinance Update: Articles 30, 32 & 33

Public Forum
October 26, 2023

Introduction

- Joint Work Session on April 19, 2023 which gave an overview of the Zoning Ordinance and the purpose, strategies, and goals of this update.
- Draft Zoning Ordinance made available to the public May 10, 2023
- Joint work session and public forum held in June where the draft Zoning Districts and Zoning Map were discussed.
- Public forum on August 24, 2023 where the draft Critical Area, Marine & Water Dependent Facilities, and Floodplain were discussed followed by work sessions with the Planning Commission and Board of County Commissioners in September and October.

Introduction

- Planning & Zoning staff have met with representatives from several organizations and citizens.
- Questions and comments received have been used to create an FAQ section on the Zoning Ordinance Update website.
- Calvertcountymd.gov/ZoningOrdinanceUpdate to access links to draft articles, draft zoning map, where to send public comment, and other supplemental materials.
- The focus of this public forum will be draft Article 30 - Zoning Approvals, Variances and Appeals, Article 32 - Nonconformities and Article 33 – Enforcement.

Article 30

- Application, procedure, and approval processes for:
 - Development plans;
 - Administrative variances;
 - Variances, special exceptions, and decisions on alleged errors from the Board of Appeals;
 - Zoning map and text amendments.
- Addresses reconsiderations and appeals of Board of Appeals decisions .
- Addresses reconsiderations and appeals of decisions by the Planning Commission Administrator and Planning Commission.
- Addresses zoning interpretations and verifications by the Zoning Officer.

Development Plans

Category I Site Development Plans

- Multi-family and single-family attached (three units or more);
- Institutional, local governmental, commercial, mixed-use, and industrial development if:
 - Cumulative square footage of any new construction is more than 7,500 square feet;
 - The vehicular traffic within an existing development project will be altered;
 - An automobile filling and/or service station is proposed
 - The use has a drive-through service.

Development Plans

Category II Site Development Plans

- All other development that does not require a Category I site plan or only requires plot plan review;
- Telecommunications facilities, parking lot modifications, farm buildings and structures for commercial, agritourism, ecotourism, and heritage tourism uses.

Plot Plans

- All single-family homes and duplexes, residential accessory uses, home occupations, minor commercial remodeling without additions, minor commercial accessory uses, farm buildings and structures not for commercial, agritourism, ecotourism, and heritage tourism uses.

Development Plans

Category I and Category II Site Development Plans

- Planning Commission reviews and approves or denies site plans;
- However, Planning Commission may delegate approval authority to the Planning Commission Administrator for:
 - Category I site development plans with concept plans approved by Planning Commission;
 - Category II site plans (concept and detailed site development plans).

Variations

- The purpose of a variance is to afford relief from the strict application of the requirements of the Zoning Ordinance only when unwarranted hardship or practical difficulty exists.
- Permitted through Board of Appeals hearing and approval.
- Administrative variations may be permitted with Zoning Officer approval and support of affected property owners:
 - Sign height, setback, and parking requirements;
 - Setbacks may not be reduced more than 50% (in no case may the required setback be reduced to less than five feet);
 - Parking requirements for nonresidential uses may be reduced up to 15%.

Administrative Variances

The following provisions from the current Zoning Ordinance were not included in the draft Zoning Ordinance:

- For sign height and parking variances, meeting national corporate standards being considered an extraordinary situation for which an administrative variance may be granted;
- For residential parking, the number of parking spaces being able to be reduced to a minimum of one space for single-family detached dwellings if there is an existing usable garage.

Variations

- The following provision was added to the draft Zoning Ordinance - variations from lot area requirements that result in an increase of density shall not be granted.
- The policies for expiration and revocation of approvals regarding special exceptions have been revised so they also apply to administrative variations and variations from the Board of Appeals.

Special Exceptions

- A special exception is the granting of a specific use that would not be appropriate generally or without restriction.
- Approval of a special exception is based upon a finding that certain conditions as detailed in this Ordinance are met, that the use conforms to the Comprehensive Plan and is compatible with the existing neighborhood.

Zoning Map and Text Amendments

- The following provision was added to the draft Zoning Ordinance - Any map amendments which result in an expansion of the RC District shall not be permitted.
- Added to address the Comprehensive Plan action item to “restrict the expansion of rural commercial uses and maintain a small-scale rural character”.

Revocation of Permits

Section 30-15 was added to make clear that the Zoning Officer has the authority to rescind approval of any permit if any conditions of approval are not met or if incorrect information was given by the applicant during the application process and establishes procedures.

Nonconformities

- Any use, structure, site element, or sign that legally existed prior to the adoption of the Zoning Ordinance or any subsequent amendments may continue subject to the provisions of Article 32 so long as it remains otherwise legal.
- Establishes policies in regard to expansion, change of use, discontinuation and abandonment, damage and destruction, and structural alterations of nonconforming uses and structures.

Nonconforming Uses

- The current policy is that a nonconforming use may, with approval of the Board of Appeals, be changed to another nonconforming use which the Board of Appeals finds to be of the same or a more appropriate use or classification.
- In the draft Zoning Ordinance, this policy is proposed to be changed so that a nonconforming use can only be changed to a use allowed within the zoning district where it is located.

Nonconforming Uses

- The current policy is a non-conforming use which has been discontinued or abandoned for nine consecutive months or for 18 months during a three-year period cannot not again be used for a non-conforming use except that non-conforming seasonal uses shall be permitted to continue unless discontinued or abandoned for a period of 24 consecutive months.
- In the draft Zoning Ordinance this has been revised so that if a nonconforming use or seasonal nonconforming use is discontinued or abandoned for 12 consecutive months, the nonconforming use is terminated. This time period may be extended by the Zoning Officer for an additional six months.

Nonconforming Structures

Section 32-3.C was added to the draft Zoning Ordinance.

Structural alterations are permitted only when:

- the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting public safety;
- when the alteration will eliminate the nonconformity;
- or when the alteration will not create any new nonconformity or increase the degree of any existing nonconformity.

Nonconforming Site Elements

Section 32-4 was added to the draft Zoning Ordinance.

- Establishes that all nonconforming site elements must be brought into conformance when a new principal building is constructed on a site or an existing principal building increases its footprint.
- When a parking lot does not conform to required parking lot landscape requirements, it must be brought into conformance when such a parking lot is fully reconstructed or expanded.
- When exterior lighting is replaced, all exterior lighting on the site must be brought into conformance with current regulations.

Enforcement

Defines zoning violations, addresses policies and processes for citations, fines, referral to district court, repeat violations, and impacts to other permit applications on the same property.

- Revisions were made to clarify existing policies, streamline processes and to reduce redundancies.
- Section 1-7.01.J (Time Limits for Enforcement Actions) from the current Zoning Ordinance was not included in the draft Zoning Ordinance following legal review.

Proposed Revision Highlights

Article 30 (Zoning Approvals, Variances, and Appeals)

Revisions to types of variance requests for parking and sign height that can be permitted through an administrative variance process; variances from lot area requirements that result in an increase of density shall not be granted.

Article 32 (Nonconformities)

Revised so a nonconforming use can only be changed to a use allowed within the zoning district; revised and simplified policy for when a nonconforming use is considered abandoned; revised to address nonconforming site elements such as parking landscape and lighting.

Article 33 (Enforcement)

Revisions done to clarify existing policies, streamline processes and to reduce redundancies.

Public Forum Wrap Up

- The next public forum is scheduled for November 16, 2023
- Members of the public can submit comments to ZOupdate@calvertcountymd.gov
 - Public comment period for Articles 30, 32, 33 closes November 3rd
- Questions – Contact:
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