

Article 25. Site Development and Design Standards

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25-1 SITE CIRCULATION STANDARDS FOR RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT

A. On-Site Pedestrian and Bicycle Circulation

The purpose of these requirements is to ensure adequate and safe pedestrian and bicycle circulation. Sites shall be designed to discourage pedestrians and vehicles from sharing the same pathways and provide for walkable access and bicycle access.

1. In single family detached residential developments, sidewalks shall be required along both sides of any proposed public road and along at least one side and preferably both sides of any proposed private road. Family conveyance access roads and residential developments in the Farm and Forest District and Rural Community District with fewer than 25 lots are exempt from this requirement, [as well as](#) item 4 below.
2. In non-residential developments and townhouse, attached dwelling, multi-family, and mixed residential developments, sidewalks shall be required along both sides of any proposed road.
3. The minimum width for sidewalks is five feet but a greater width may be required [where necessary to accommodate anticipated traffic in some circumstances](#). The minimum width for multi-use paths shall be eight feet, except when adjacent to arterial or collector roads where it shall be ten feet.
4. Sidewalks ~~and~~ or multi-use paths shall be provided adjacent to residential units and along pedestrian circulation routes, connecting units with each other and to link residences with parking lots, recreation facilities, open space, parks, schools, other institutional uses, commercial developments, and town centers.
5. Sidewalks ~~and~~ or multi-use paths are required along the site frontage of existing or proposed public roads, from parcel line to parcel line, to connect with subdivisions ~~and~~ or other destinations located along the public roads.
6. Non-residential developments shall provide sidewalks ~~and~~ or multi-use paths between multiple buildings on a single site.
7. The design and construction of sidewalks, multi-use paths, and trails will be evaluated on the basis of safety, accessibility, suitability for use by motor-impaired individuals, and surface suitability in terms of anticipated use and maintenance requirements. Sidewalks, multi-use paths, and trails shall be hard surface. In woodland reserves, conservation open space, and the Critical Area other pervious and non-erodible surface materials may be substituted and approved.
8. Sidewalks ~~and~~ or multi-use paths shall be indicated by a change in surface material ~~and~~ or height difference from the travel lane, striping, ~~and~~ or a narrowing of the travel lanes.
9. Cross-walks are required wherever pedestrian circulation routes extend across a road right-of-way ~~and~~ or travel way.
10. Sidewalks, multi-use paths, ~~and~~ or trails along public and private roads shall be located outside the county right-of-way or per the Calvert County Construction Standards as currently amended and in effect at time of development. Maintenance ([including repair, replacement, snow removal, etc.](#)) of sidewalks, multi-use paths, and trails is the responsibility of property owners.

11. Additional sidewalk requirements are outlined in the Calvert County Sidewalk Policy (The Sidewalk Policy is on file with the Department of Public Works).
12. Sites shall be designed to provide access for persons with disabilities in compliance with the Americans with Disabilities Act (ADA) and Maryland Accessibility Code (MAC).
13. Outdoor lighting in support of on-site pedestrian circulation is required as per Article 26 of this Ordinance.
14. For sites located within a Town Center, the location of such dedicated pedestrian walkways, sidewalks, ~~and~~ or multi-use paths shall be in accordance with the Town Center Master Plan and constructed in accordance with the requirements of the Town Center Zoning Ordinance. If requirements are not specified in the Town Center Zoning Ordinance, sidewalks ~~and~~ or multi-use paths shall be constructed in accordance with this Article and the Calvert County Road and Site Development Ordinance.

B. Vehicular Circulation and Road Design

All roads shall be constructed to the standards of the Calvert County Road and Site Development Ordinance and shall be completed or bonded prior to the issuance of building permits.

1. Internal streets, alleys, and aisles shall be interconnected to provide an internal street network. The County shall require construction of cross access roads and easements to adjacent development sites to limit access points on public roads and streets to the maximum extent possible.
2. Sites shall be designed to maximize traffic queue lengths, ensure adequate sight lines and right-angle intersections as much as possible to promote safe, efficient movement of vehicles.
3. A travel way should be located at least ten and preferably fifteen feet from a building corner to maximize intersection sight distance. At no time shall the travel way be closer than six feet from a building corner.

C. Road Classifications and Minimum Standards

1. Townhouse/Attached Dwellings/Multi-Family/Mixed Residential Collector Road: Public

- a. A public collector road serves as the principal traffic artery within a townhouse, attached dwelling, multi-family, or mixed residential development which provides access to through-traffic.
- b. Minimum standards are as specified in the Calvert County Road and Site Development Ordinance and the Calvert County Construction Standards as currently amended and in effect at time of site development.

2. Townhouse/Attached Dwellings/Multi-Family/Mixed Residential Local Road: Private

- a. A private road serves as the principal traffic artery within a townhouse, attached dwelling, multi-family, or mixed residential development unless Section 25-1.C.1.a above applies. The private road serves as direct access from dwelling units to higher classification roads.
- b. Minimum standards are as specified in the Calvert County Road and Site Development Ordinance and the Calvert County Construction Standards as currently amended and in effect at time of site development.

D. Drive-Through Facilities and Stacking

1. The following requirements apply to uses involving stacking for drive through facilities:
 - a. A traffic analysis shall be required for a development that requires at least one drive through facility. The analysis shall include estimates of peak queue estimates for the drive through lane and stacking lanes and other stacking areas to ensure they are adequate to accommodate the 95th percentile during the business peak period. Stacking spaces provided for drive through uses shall be a minimum of ten feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 20 feet in length. In the case of a recessed service window, the measurement is taken from the building wall. The horizontal curvature of the drive through lane design shall accommodate a single unit vehicle. Minimum vertical clearances shall be clearly marked.
 - b. Drive through lanes shall be designed so that flow is in a counter-clockwise direction. Stacking spaces shall begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a

service window or car wash bay (this does not include a restaurant menuboard). Spaces shall be placed in a single line behind each lane or bay.

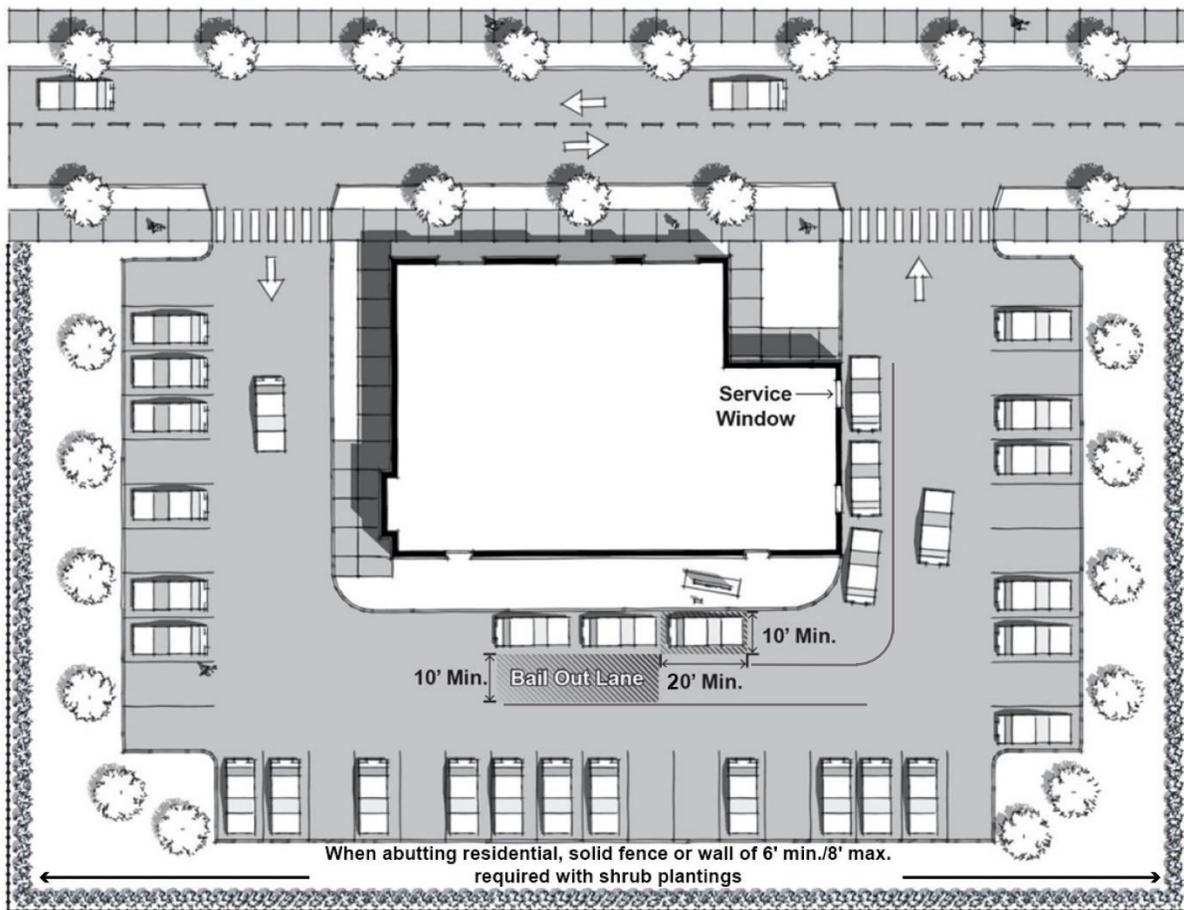
c. A drive through lane shall have bail out capability provided through a by-pass lane for all vehicles that enter the drive through lane. The by-pass lane shall have a minimum width of ten feet and run parallel to and to the right (outer side) of the drive through lane. The by-pass lane is limited to a one-way traffic pattern following the direction of the drive through lane. The by-pass lane shall remain parallel and separate and shall not merge with the drive through lane.

d. The drive through lane, stacking, and by-pass lane shall not negatively impact or block site circulation, including but not limited to designated fire lanes, loading zones, parking spaces or pedestrian crosswalks or back up into a road right-of-way.

e. If more than one drive through lane is provided, stacking for the lane adjacent to the drive-through facility shall meet the requirements of item a above. Additional drive-through lanes shall contain adequate room for stacking a minimum of five vehicles (20 feet x 10 feet per vehicle).

f. When a drive-through facility is adjacent to the lot line or property boundary of a residential use, it shall be screened along the side and/or rear lot lines or property boundaries adjacent to the residential lot or property. Screening required shall be a solid fence or wall, a minimum of six feet and a maximum of eight feet in height along the common boundary line adjacent to the residential use. Shrubs shall be planted along the fence or wall and spaced sufficiently to form a continuous linear hedgerow at plant maturity.

DRIVE THROUGH FACILITY



2. The following stacking requirements apply to automobile filling stations:
 - a. Pump islands shall be capable of accommodating a minimum of three vehicles beyond the termini of the physical pump island. Additional space may be needed if the filling stations accommodate larger than single unit vehicle types.
 - b. The stacking shall not negatively impact or block the circulation, including but not limited to designated fire lanes, loading zones, parking or pedestrian crosswalks or back up into a road right-of-way.

E. Delivery Trucks and Trash Collection

1. One or more trash collection facility shall be provided for multi-family residential and all non-residential uses.
2. Trash boxes shall be capable of being readily accessible to collection vehicles when all vehicle parking spaces are filled.
3. Loading and unloading spaces for delivery trucks are required and shall not block major pedestrian circulation routes or vehicular travel ways, or create blind spots when trucks are loading and unloading. Loading and unloading spaces shall be shown on the site plan.

F. Site Access

Site access is subject to the following regulations in order to help ensure traffic safety and alleviate traffic congestion. The proposed development shall be served by access roads adequate to safely accommodate the vehicular traffic projected to be generated by the development.

1. Where a property abuts an arterial and a secondary or collector road, access to the property shall be by way of the secondary or collector road.
2. Where one or more contiguous parcels abutting an arterial road are under the same ownership and any one of the parcels abuts a secondary or collector road, access to all parcels under the same ownership shall be by way of the secondary or collector road. A shared access easement shall be recorded, unless the properties are consolidated.
3. Residential developments that exceed 50 dwelling units ~~and~~/or lots shall provide a minimum of two access points that can be accessed by all units ~~and~~/or lots. Residential developments that exceed 150 dwelling units ~~and~~/or lots shall provide a minimum of three access points that can be accessed by all units ~~and~~/or lots. The Planning Commission may waive this requirement due to environmental constraints.
4. No more than one direct access approach onto an arterial road is allowed to any individual parcel of record as of May 8, 1984. However, the following exceptions may be allowed with approval by the State Highway Administration:
 - a. The Planning Commission or its designee may approve additional access if any movement to or from the single access is Level of Service (LOS) E or worse and by granting the additional access the LOS would improve to a LOS "D" or better. Other conditions for granting multiple access include restricted sight distance from a single access or conflicts with adjacent traffic flow.
 - b. The Planning Commission or its designee may approve additional access when the parcel is bisected by steep slopes ~~and~~/or wetlands in such a manner as to render some portion(s) of the property inaccessible without additional road access.
5. Existing and proposed accesses shall be consolidated to minimize access along arterial roads to improve sight distance ~~and~~/or control traffic.
6. For non-residential developments, the number of entrances shall be kept to a minimum by utilizing existing entrances and connecting parking lots where possible.
7. Non-residential development access through an existing residential development shall not be permitted with the exception of where the development is part of an overall planned development.

8. If access to the development is proposed through one or more adjacent properties, a subdivision or administrative plat may be required to meet the access, frontage, and Road and Site Development Ordinance requirements.

9. Where a future roadway is designated on an approved County map, site plans ~~and~~ or subdivisions for development adjacent to the designated roadway shall provide a platted connection to the future roadway and transfer that area by deed to the Board of County Commissioners of Calvert County for future development. If the future roadway is located within the parcel, it shall be platted and transferred by deed to the Board of County Commissioners of Calvert County at the time of final plat recordation.

10. If the adjacent property is not fully developed, adequate access shall be provided by a reserved platted future right-of-way with temporary construction easements and amenities easements for future road extension. The right-of-way for public or private road construction shall extend to the adjacent property. Upon development of the adjacent property, the developer of that adjacent parcel shall be responsible for building the road connection. Temporary easements for turn-arounds shall be provided at the boundary lines.

25-2 DESIGN OF SINGLE-FAMILY DETACHED RESIDENTIAL COMMUNITIES

Single-family detached residential communities shall be designed in a manner which preserves forest and wildlife habitat, prevents soil erosion, provides open space, including recreational open space when required, and contributes to maintaining clean water. Site disturbance shall be held to a minimum.

A. Required Clustering

All single-family detached subdivisions outside Town Centers shall be clustered with the following exceptions:

1. Clustering is not required in the Residential District and Rural Neighborhood District.
2. Clustering is not required in Agricultural Preservation Districts from which transferable development rights have been sold.
3. In the Farm and Forest District, clustering is not required for new lots created that are at least 25 acres in size.
4. In cases where the parcel is less than 30 acres, clustering is not required, provided that a note is recorded on the plat stating that no further subdivision of lots is permitted.

B. Site Design - Clustered and Non-Clustered Subdivisions

1. Setbacks, Lot Area, Lot Width

Minimum standards for setbacks, lot area, and lot width for each zoning district are found in Articles 4 through 8 of this Ordinance and the Town Center Zoning Ordinances. All required setbacks for parcels shall also apply to buildings, structures, or uses permitted in designated open space.

2. Lot Frontage, Private Lanes, Fire and Safety Protection

In addition to subdivision requirements, the following requirements apply:

- a. Minimum lot frontage shall be 25 feet. All lots shall have at least 25 feet of frontage onto a public or private right-of-way, except for adjacent flag lots where the minimum lot frontage for each lot may be reduced to 12.5 feet as provided in item b below.
- b. The fee simple strip (lot stem) of a flag lot shall be at least 25 feet wide over its entire length, except where the fee simple strips of two flag lots lie adjacent to each other in which case each fee simple strip shall be at least 12.5 feet wide, provided the two flag lots share and maintain a common access driveway. When there is a shared driveway an easement and maintenance agreement shall be placed over the combined 25-foot area until each lot stem or driveway divides off separately. A note shall be placed on the subdivision plat stating that such driveways are not petitionable into the County road system or eligible for County maintenance.
- c. The fee simple strips of no more than two flag lots shall be adjacent to each other.

- d. A private lane may be provided to serve three to seven lots, per the Calvert County Road and Site Development Ordinance. A private lane may not be located adjacent to another existing or proposed private lane, private right-of-way, or lot stem.
- e. To ensure adequate fire and safety protection, all buildings shall be accessible to emergency vehicles.

3. Archaeological Resources and Historic Significance

In order to protect and preserve farm structures, historic structures, archeological sites, cemeteries, and historic roadways the provisions of Section 25-10 below apply to all subdivisions.

4. Front Roadway Buffer

Building sites shall be designed to afford the least visibility of the development from existing public roads. A front roadway buffer shall be provided along all public roads in the Farm and Forest District, Rural Community District, Rural Neighborhood District, and the Residential District except along those roads that are internal to the subdivision. The front roadway buffer shall meet one or more of the following requirements. Buffering along Rt. 4 and Rt. 2/4 shall be increased as indicated. The Planning Commission or its designee may modify these provisions to the minimum extent needed to resolve conflicts between individual provisions of this Ordinance or to address unique site constraints.

- a. If a naturally vegetated buffer exists, it shall be maintained at a minimum of 100 feet in width from the right-of-way line to the closest lot line (200 feet in width from Rt. 4 and Rt. 2/4) into the parcel.
- b. In instances where only part of a naturally vegetated buffer exists, the existing buffer shall be enhanced to a 100-foot wide buffer (200 feet buffer from Rt. 4 and Rt. 2/4) with additional plantings as approved by the Planning Commission or its designee.
- c. If a naturally vegetated buffer does not exist, the applicant shall plant a 100-foot wide vegetated buffer (200-foot wide vegetated buffer adjacent to Rt. 4 and Rt. 2/4) with plantings as approved by the Planning Commission or its designee.
- d. No plantings are required if a minimum depth of 200 feet of open space is provided from the edge of the road right-of-way to the closest lot line (300 feet from Rt. 4 and Rt. 2/4). Dwellings adjoining the open space shall be arranged so that the rears of the dwelling are not visible from the road.
- e. Exceptions:
 - i. The Planning Commission or its designee may reduce or waive the front roadway buffer for lots where the front roadway buffer would impact the front yard of existing dwellings.
 - ii. The front roadway buffer shall not be required in the Residential District for the following roads:
 - Boys Turn Road
 - Cove Point Road
 - Dowell Road
 - Fifth Street in the North Beach area
 - Little Cove Point Road
 - Olivet Road
 - Rousby Hall Road
 - iii. The front roadway buffer shall not be required on property that is designated as an Agricultural Preservation District (APD) or a family conveyance lot or on land which is actively being farmed.

5. Potential Trails, Greenways, or Parks

In the event the parcel includes areas which have been identified in an officially adopted plan as part or all of a potential trail, greenway or park, these areas shall be included as part of the designated open space and an easement for construction and maintenance shall be made to the benefit of the Board of County Commissioners of Calvert County and for the use of the public.

6. Stormwater Management

All stormwater management requirements shall be met. If a stormwater management pond is proposed, it shall be integrated into the overall development and serve as a visual amenity to the site.

7. Cluster Box Units

If required by the United States Postal Service, cluster box units shall meet the requirements of Section 25-3.E below.

C. Site Design - Clustered Subdivisions

1. The percentage of land to be clustered is based on the zoning of the property, as follows:

a. In the Farm and Forest District, at least 80% of the site shall be designated open space and lots and roads shall be clustered onto the remainder of the site.

b. In the Rural Community District, at least 60% of the site shall be designated open space and lots and roads shall be clustered onto the remainder of the site.

2. Stormwater management may be located within open space, but the area where stormwater management devices are located shall not count towards the minimum open space requirements.

3. Designation, Preservation, and Ownership of Open Space

Open space shall be protected by legal arrangements which are adequate to assure the preservation and continued maintenance of the open space for its intended purposes in perpetuity. Covenants or other legal arrangements shall specify ownership of the open space. The legal arrangements shall also include any other matters deemed necessary to carry out the purposes of the development.

a. Designation of Open Space

To qualify as part of the required open space, the land shall be capable of the majority of the area meeting the criteria of one or several of the following categories and be labeled as such on the preliminary plat and recorded on the final plat. Land that is designated as open space within any of these categories may be retained as part of an undivided open space parcel, or may be subdivided as individual open space parcels, provided that each parcel is capable of meeting one or several of the criteria listed below and is at least 20 acres in size. Open space parcels cannot be re-subdivided by plat or deed into smaller parcels than originally recorded.

i. Farm Reserve

Land that has been cleared for use as cropland, pasture, or meadow and which shows up as cleared area on the most recent aerial photography and which is of adequate size and configuration to continue to function as cropland, pasture, or meadow. The farm reserve area shall have a minimum of three acres of suitable space for agricultural related uses.

ii. Woodland Reserve

The portion of a pre-existing ~~and~~/or afforested forest that is to remain contiguous and undisturbed by roads, buildings, and lawns and which is of sufficient acreage to allow for timber production or wildlife management. Structures in support of trails may be approved, but otherwise no new structures are permitted.

iii. Conservation Open Space

Natural resource protection areas, wetlands, floodplains, steep slopes, streams and their buffers. Structures in support of trails may be approved, but otherwise no new structures are permitted.

iv. Community Recreation Open Space

Recreational open space as required in Section 25-4 below.

v. Public Access Open Space

Land that is to be conveyed by deed of easement or conveyed by fee-simple to a government agency or non-profit land trust which agrees to provide public access to any dedicated open space it owns or manages for the purpose of providing space for parks, playgrounds, green spaces, or other recreational purposes ~~and~~/or for the protection of sensitive areas. The land shall be conveyed at time of final plat recordation.

vi. Historic Reserve

Land that is set aside for the protection of historic features, cultural resources, or to preserve and support historic viewsheds including views of historic features, cultural resources, and landscapes.

b. Preservation of Open Space

i. Conservation Easements for the Retention of Open Space

(A) Concurrent with the recording of a subdivision, a conservation easement on any land designated as public or private open space under the provisions of this section shall be deeded to the County or a County-approved designee to further ensure that the designated open space will remain undeveloped in perpetuity, with exception to the limited permissible development described in item ii below.

(B) The conservation easement is solely for the purpose of ensuring that the land remains undeveloped and will not, in any way, imply the right of access onto the property or any other right or obligation not expressly defined under the terms of the easement.

ii. Deed Covenants and Owner's Certificate

Covenants in the deeds of all property owners (including owners of lots and owners of open space) and an owner's certificate on the recorded plat shall state that the open space will not be used as building sites for residential development and the property shall not be subdivided for the creation of residential lots. No industrial or commercial activities except as directly related to on-premise farming ~~and/or~~ forestry shall be conducted on the property except for activities that can be carried out from a residential or farm building and do not necessitate obtaining a special exception from applicable zoning law, including sales of farm products by the owner to the public. Only structures appropriate for the designated open space category may be permitted. Any changes in the acreage or configuration of the open space shall require a revised deed of conservation easement to be recorded in the land records of Calvert County.

c. Ownership and Management of Open Space for Subdivisions with Fewer than 25 Lots

i. The owner of record at the time of subdivision shall have the option of retaining title or conveying, at their discretion, any and all parcels of open space created through the subdivision process.

ii. Any parcel of open space which is not retained by the owner of record at time of subdivision may be sold or otherwise conveyed to an individual, organization or governmental entity provided the open space is conveyed in sections not less than 20 acres in size (unless the total sum of the open space is less than 20 acres, in which case the open space is required to be conveyed in whole). Open space may be conveyed by deed after it is recorded.

iii. Any individual, organization or governmental entity which holds title to any parcel of open space may elect to grant community or public access to that parcel or may elect to convert that parcel into any one of the various categories of open space for which it qualifies.

iv. The disposition of all open space parcels shall be determined and designated on the final plat. If any portion or portions of the open space are to be held by a Homeowners' Association, it shall be governed by covenants addressing the method of maintenance, maintenance fee and insurance arrangements, mandatory membership and assessment requirements, sales disclosure (public offering statement), improvement of common property, timing of conveyance of common property, timing of governance transition to the Homeowners, and maximum assessments.

d. Ownership and Management of Open Space for Subdivisions with 25 or More Lots

i. ~~Upon recommendation by the Planning Commission, if the Planning Commission finds that if~~ the size, location, type, or cost of the development, maintenance of such open space, or the availability of public open space would benefit the public, the developer may convey the open space by deed of easement or by fee-simple to the Board of County Commissioners of Calvert County.

ii. If the open space is not conveyed to the County, the developer shall convey the open space on the final plat to the subdivision's incorporated homeowners' association and ensure that the open space will be protected by legal arrangements sufficient to assure their maintenance and preservation for their intended purpose. Those covenants or other legal arrangements with such homeowners' association shall specify ownership of the open space, method of maintenance, payment of taxes and insurance, compulsory membership and compulsory assessment provisions, and guarantees that the association formed to own and maintain open space will not be dissolved without the providing for the perpetual care, maintenance, upkeep and safety of the facilities.

iii. The developer shall certify that the open space will be maintained and cared for by the homeowners' association. The developer shall also certify that the homeowners' association for the ownership, maintenance and preservation of open space has been established in conformance with the following standards and procedures:

(A) The homeowners' association shall be established by the developer before the final approval of the plat. Establishment of homeowner's association documents shall be required to be reviewed by the County Attorney's Office for sufficiency purposes.

(B) The financial and organizational structures, rules of membership, and methods of cost assessment of the homeowners' association shall be devised to ensure the successful fulfillment of the maintenance, preservation, and improvement responsibilities of the organization.

(C) The homeowners' association shall be responsible for maintenance, preservation, and improvement of open space lands and all property owners within the development shall be permitted to participate in such organization.

(D) Areas set aside to meet the open space requirements hereof shall be adequately described. Instruments in the form of deed restrictions ~~and~~ or covenants shall be provided to ensure the purpose for which the open space is provided will be achieved.

e. Exception to Open Space Requirements

In the event the applicant is not proposing to create all of the lots permitted on the parcel and wishes to reserve the right to develop the additional lots at a later time, up to three lots may be created from the parcel as of January 1, 1993 prior to meeting the provisions in this section provided that:

i. A note is placed on the plat indicating the number of lots to which the residue is entitled.

ii. The residue includes enough acreage to meet the minimum open space requirements for the lots created and the number of permitted lots remaining on the residue.

iii. All of the other provisions in this section are met.

D. Construction and Covenants of Common Facilities

1. In cases where common area ~~and~~ or facilities are required, all required common area facilities shall be completed by the time 50% of the total number of approved units have been issued use and occupancy permits. If a project is developed in phases or sections, all open space requirements for the number of units in each phase or section shall be completed by the time 50% of the total number of units in each phase or section have been issued use and occupancy permits.

2. Prior to the transfer of title of any individual units or lots, the applicant shall submit verification to the Department of Planning & Zoning that covenants are incorporated and in effect and that they contain the following provisions:

a. All common areas and facilities and all residential unit areas are defined in the legal description and are consistent with the approved site plan ~~and~~ or subdivision. Common areas are not to be deeded to the association until they are fully completed.

b. All owners within the development have a legal obligation to share the responsibilities for expenses associated with the management and maintenance of common areas and facilities.

c. All owners are granted perpetual easements or rights to the use of all common areas and facilities and all open space restrictions and reservations are permanent.

d. Owners are responsible for common areas and facilities as well as paying local taxes where applicable. The County will not be liable for recreation facilities or common areas.

e. A system for assessing all units, including those still owned by the developer, and collecting dues sufficient to maintain the common facilities is provided.

f. A statement that the Calvert County government has the right, ~~but not the obligation, under extreme circumstances~~, where the owners are unable ~~or unwilling~~ to perform their responsibilities to protect health and safety, to maintain and operate the common areas or require a court-appointed trustee to administer the affairs of the owners, to assess the homeowners for the cost of this service and to provide a vehicle by which the homeowners can reassume management.

g. A statement on the plat or a document submitted with the site plan or subdivision shall be provided and signed by the developer stating that all purchasers of units are to be fully informed of the existence of covenants, the extent of the common areas and facilities, and the responsibilities of each homeowner to participate in the costs and maintenance of the common areas and facilities.

25-3 TOWNHOUSE, ATTACHED DWELLING, MULTI-FAMILY, AND MIXED RESIDENTIAL DEVELOPMENT

The provisions in this Section apply to all residential projects involving townhouse, attached dwellings, ~~and/or~~ multi-family units or a mix of housing types that includes single-family detached. Townhouse, attached dwelling, multi-family, and mixed residential developments shall be designed in a manner which preserves forest and wildlife habitat, prevents soil erosion, provides open space, including recreational open space when required, and contributes to maintaining clean water. Site disturbance shall be held to a minimum.

A. Building Arrangement and Site Design

1. Lot Area, Lot Width, and Setbacks

Minimum standards for lot area, lot width, and setbacks are established in Table 25-1 below. All required setbacks for parcels shall also apply to buildings, structures, or uses permitted in designated open space.

Table 25-1: Lot Area, Lot Width, and Setbacks for Townhouse, Attached Dwelling, and Multi-Family Development	
Minimum Lot Area	No minimum lot area is required
Minimum Lot Width	No minimum lot width is required
Front Setback: MD 2, 4, 2/4, 260, 261, 263, 231 ^[1]	100'
Front Setback: Local Road	25'
Front Setback: All Other Public Roads ^[1]	60'
Side Setback	10'
Rear Setback	35'
Setback from an adjacent property outside of the development	50'
Setback between buildings	25'

[1] Note also front roadway buffer requirements of Section 25-2.B.4 if located in the Residential District.

2. Size, Scale, and Building Mass

a. The number of units in a row is limited to a maximum of eight units. There shall be at least 25 feet between unit rows.

b. For townhomes and attached dwellings, offsets of 18 inches or more adjacent to party walls along facades and rear exterior walls ~~and/or~~ similar devices are required to visually reduce building mass and create individualized spaces (courtyards, seating areas, etc.).

3. Fire and Safety Protection

To ensure adequate fire and safety protection, all buildings shall be accessible to emergency vehicles.

B. Archaeological Resources and Historic Significance

In order to protect and preserve farm structures, historic structures, archeological sites, cemeteries, and historic roadways the provisions of Section 25-10 below apply to all subdivisions and development requiring site plan approval.

C. Front Roadway Buffer

The front roadway buffer provisions of Section 25-2.B.4 above apply to townhouse, attached dwelling, and mixed residential development in the Residential District.

D. Stormwater Management

All stormwater management requirements shall be met. If a stormwater management pond is proposed, it shall be integrated into the overall development and serve as a visual amenity to the site.

E. Cluster Box Units (CBU)

If required by the United States Postal Service (USPS), CBUs for residential developments shall meet or exceed the standards of the USPS and meet the following additional requirements. In case of regulatory conflicts, any requirement of the USPS shall supersede regulations of this Ordinance. The installation of required CBUs is the responsibility of the developer.

1. Location

a. CBUs shall be located as follows:

- i. Within a principal building, such as an apartment building, or an accessory facility serving the development such as a clubhouse;
- ii. Stand-alone within 25 feet of the parking area servicing such buildings or facilities; or
- iii. Located along right-of-way and common access drives at least 50 feet interior to the development.

2. Parking

No parking is required for CBUs located within a facility with parking or within 25 feet of a parking area serving another facility. In all other cases, the number of motor vehicle parking spaces shall be provided per CBU in accordance with Table 25-2 below, which shall include at least one space meeting handicap accessibility requirements.

Table 25-2: Parking Spaces Required for CBUs	
Number of Mailboxes per CBU	Minimum Number of Parking Spaces
50 or less	2
51 – 80	3
80 – 110	4
111 or more	4 plus 1 per each additional 25 mailboxes

3. Pedestrian Access

Sidewalks or multi-use paths shall connect CBUs to parking areas and the overall pedestrian circulation system of the development. All CBUs shall be accessed by sidewalks or multi-use paths meeting handicap accessibility width and paving requirements.

F. Refuse and Recycling Containers

In multi-family developments, the provisions of Section 25-5.E below apply to the bins for refuse and recycling located outdoors for pick-up by authorized haulers.

G. Open Space Requirement

A minimum of 0.05 acres (2,178 square feet) of common open space per dwelling unit shall be required of which a minimum of 950 square feet per dwelling unit shall be developed for recreation. (See Section 25-4 below).

- 1. In the event the parcel includes areas which have been identified in an officially adopted plan as part or all of a potential trail, greenway or park, these areas shall be included as part of the designated open space and an easement for construction and maintenance shall be made to the benefit of the Board of County Commissioners of Calvert County and for the use of the public.
- 2. The developer shall convey the open space on the final plat to the development’s incorporated homeowners’ association and ensure that the open space will be protected by legal arrangements sufficient to assure their maintenance and preservation for their intended purpose. Those covenants or other legal arrangements with such homeowners’ association shall specify ownership of the open space, method of maintenance, payment of taxes and insurance, compulsory membership and compulsory assessment provisions, and guarantees that the association formed to own and maintain open space will not be dissolved without the providing for the perpetual care, maintenance, upkeep and safety of the facilities.
- 3. The developer shall certify that the open space will be maintained and cared for by the homeowners’ association. The developer shall also certify that the homeowners’ association for the ownership, maintenance and preservation of open space has been established in conformance with the following standards and procedures:

- a. The homeowners' association shall be established by the developer before the final approval of the plat or site plan. Establishment of homeowner's association documents shall be required to be reviewed by the County Attorney's Office for sufficiency purposes.
- b. The financial and organizational structures, rules of membership, and methods of cost assessment of the homeowners' association shall be devised to ensure the successful fulfillment of the maintenance, preservation, and improvement responsibilities of the organization.
- c. The homeowners' association shall be responsible for maintenance, preservation, and improvement of open space lands and all property owners within the development shall be permitted to participate in such organization.
- d. Areas set aside to meet the open space requirements hereof shall be adequately described. Instruments in the form of deed restrictions ~~and/or~~ covenants shall be provided to ensure the purpose for which the open space is provided will be achieved.

H. Construction and Covenants of Common Facilities

1. In cases where common area ~~and/or~~ facilities are required, all required common area facilities shall be completed by the time 50% of the total number of approved units have been issued use and occupancy permits. If a project is developed in phases or sections, all open space requirements for the number of units in each phase or section shall be completed by the time 50% of the total number of units in each phase or section have been issued use and occupancy permits. The number of units in a section may be no more than the number of units allocated for sewerage each year.
2. Prior to the transfer of title of any individual units or lots, the applicant shall submit verification to the Department of Planning & Zoning Department that covenants are incorporated and in effect and that they contain the following provisions:
 - a. All common areas and facilities and all residential unit areas are defined in the legal description and are consistent with the approved site plan ~~and/or~~ subdivision. Common areas are not to be deeded to the association until they are fully completed.
 - b. All owners within the development have a legal obligation to share the responsibilities for expenses associated with the management and maintenance of common areas and facilities.
 - c. All owners are granted perpetual easements or rights to the use of all common areas and facilities and all open space restrictions and reservations are permanent.
 - d. Owners are responsible for common areas and facilities as well as paying local taxes where applicable. The County will not be liable for recreation facilities or common areas.
 - e. A system for assessing all units, including those still owned by the developer, and collecting dues sufficient to maintain the common facilities is provided.
 - f. A statement that the Calvert County government has the right, under extreme circumstances, where the owners are unable to perform their responsibilities to protect health and safety, to maintain and operate the common areas or require a court-appointed trustee to administer the affairs of the owners, to assess the homeowners for the cost of this service and to provide a vehicle by which the homeowners can reassume management.
 - g. A statement on the plat or a document submitted with the site plan or subdivision shall be provided and signed by the developer stating that all purchasers of units are to be fully informed of the existence of covenants, the extent of the common areas and facilities, and the responsibilities of each homeowner to participate in the costs and maintenance of the common areas and facilities.

25-4 ON-SITE RESIDENTIAL RECREATION REQUIREMENTS

A. Purpose

The purpose of these requirements is to ensure that basic recreational facilities are available on suitable land at appropriate locations within single-family detached, townhouse, attached dwelling, multi-family, and mixed residential

developments. Provisions requiring specific types of recreational facilities have been kept to a minimum in order to allow for a variety of options when designing recreational facilities that will best serve the community.

B. Basic Minimum Standards

1. Single-family detached developments with 25 or more lots shall provide neighborhood recreation on-site. Land suitable for neighborhood recreation shall be provided at a minimum of 950 square feet per lot in total.
2. For townhouse, attached dwelling, multi-family, and mixed residential developments the land suitable for recreation shall be provided on-site at a minimum of 950 square feet per dwelling unit in total.
3. A portion of the total square footage required shall be developed as recreational green space as required in Sections 25-4.C through D below. The remaining square footage shall be developed as other recreational facilities in accordance with Section 25-4.G below.
4. Recreational facilities shall be designed to provide access for persons with disabilities in compliance with the Americans with Disabilities Act (ADA) to the maximum extent practicable.
5. For the purposes of determining minimum residential recreation requirements, individual sections or phases shall not be counted as separate subdivisions or developments. Following the adoption of this ordinance, when a parcel is broken up into multiple parcels for development, the minimum requirements shall be determined by the cumulative total of all parcels.

C. Recreational green space and other recreational facilities, as described in Section 25-4.G below, shall be provided on land as described in this section.

1. The land shall not contain any sensitive environmental features, including but not limited to floodplains, natural resource protection areas, forest retention areas, critical area buffers, front roadway buffers, and conservation areas.
2. The land shall contain no slopes greater than 15% and shall have good drainage.
3. The land shall be visible from some of the residential units they are intended to serve ~~and~~ or public areas.
4. The land shall be accessible to residents without having to cross arterial or collector roads.
5. The land shall not be adjacent to public roads (or private roads in townhouse, attached dwelling, multi-family, and mixed residential developments) unless adequate measures for protection such as fences, berms, hedges, etc. are provided.
6. The land shall not be located in the center of cul-de-sacs or traffic circles.

D. Recreational Green Space

Recreational green space shall be provided on land described in ~~Section 25-4.C item C~~ above. Recreational green space provides fields for general recreation on grass lawns and can also serve as a central focal point and outdoor gathering space for the community.

1. Minimum standards:
 - a. 10,000 square feet per field.
 - b. Dimensions: 100 feet by 100 feet.
 - c. For each field two permanently installed benches; seating for each bench at least 80 inches wide.
2. The number of fields required for recreational green space shall be determined as follows:

Multiply the total number of lots or dwelling units by 400 square feet. Divide total by 10,000 square feet. The total number of required fields equals the whole number in the dividend. The remaining acreage shall be applied to other recreational facilities.

Example: 112 lots multiplied by 400 square feet equals 44,800 square feet. 44,800 square feet divided by 10,000 equals 4.48, which equates to four fields required. The remaining 0.48 equates to 4,800 square feet which shall to be applied to other recreational facilities.

3. Fields designated as recreational green space should generally be consolidated into a single area but may be divided for more equitable distribution into two areas if the subdivision contains 50 or more residential lots.
4. Recreational green space shall be located on cleared land and level to a degree suitable enough for playing on the field. The grade shall have a maximum 3 percent slope.
5. Townhouse, attached dwellings, multi-family, and mixed-residential developments of less than 25 dwelling units are exempt from items 1 and 2 above but have the following requirements:
 - a. 1-5 units: No recreational green space is required
 - b. 6-24 units: One field with a minimum size of 5,000 square feet and minimum dimensions of 70 feet by 70 feet including two permanently installed benches shall be provided. Seating for each bench shall have a minimum width of 80 inches.
6. If athletic fields (such as baseball fields, soccer fields, etc.) are proposed to meet the recreational green space requirements, development plans including but not limited to field dimensions and field specifications shall be approved by the Director of the Department of Parks and Recreation or their designee.

E. Pathways

Hard surface multi-use paths shall be provided as an interconnected system linking residential units with recreational facilities, parks, and the various categories of open space. Hard surface paths a minimum of five feet in width may be approved where appropriate, such as where environmentally sensitive features or existing forest are present. In woodland reserves, conservation open space, and the Critical Area other pervious and non-erodible surface materials may be substituted and approved. These pathways shall not be counted towards the requirements of Section 25-4.G below, with the exception of those hard surface multi-use paths as described in Section 25-4.G.7.

F. Indoor Community Space

Residential developments with 100 or more lots or dwelling units shall provide a minimum of 10 square feet of indoor community space per lot or dwelling unit. This space is for the use and enjoyment of the community. The indoor community space shall be reserved for community recreation purposes. Uses including but not limited to daycares, commercial retail, business ~~and~~ or personal services shall be prohibited.

G. Other Recreational Facilities

The remaining required acreage shall be utilized to provide a variety of active and passive recreational facilities. Active recreational facilities include but are not limited to hard surface courts, playgrounds, picnic pavilions, outdoor exercise equipment/fitness trails, piers, waterfront parks, outdoor amphitheaters, pump tracks, skateboard parks, garden plots, putting greens, and swimming pools. Approval will be based on appropriateness with the age groups and population to be served, location and design, and construction and maintenance standards. Passive landscaped recreation facilities, such as green lawns, miniparks/sitting areas, and butterfly gardens, are limited to a maximum of 25% of this acreage unless there are site constraints or if the development is age restricted.

1. If hard surface courts are provided, they shall meet the requirements of Section 25-4.H below.
2. If playgrounds are provided, they shall meet the requirements of Section 25-4.I below.
3. Active recreational facilities shall be provided on land as described in Section 25-4.C above. Fitness trails, waterfront parks, and piers are exempt from Section 25-4.C.1.
4. Facilities where the recreational activity can generate excessive noise shall be required to be located a minimum of 200 feet from any residence.
5. Any parks or miniparks shall be required to provide at minimum two permanently installed benches. Seating for the benches shall have a minimum width of 80 inches.
6. For each active recreational facility, a minimum of two bicycle racks shall be provided.

7. Hard surface multi-use paths that connect cul-de-sacs and dead-end roads with other roads in order to create a more complete pedestrian circulation system may receive credit towards the requirements of this section. This does not include sidewalks or multi-use paths required by Sections 25-1.A.1 and 2 above.

H. Hard Surface Courts

Hard surface courts provide facilities and space for recreational activities including but not limited to basketball, tennis, pickleball, racquetball, shuffleboard, and four square. Hard surface courts shall be provided on land described in Section 25-4.C above.

1. The hard surface court shall be designed to support at least one designated recreational activity (such as basketball, tennis, etc.) and equipment in support of the designated activity (such as two basketball backboards and nets for a full basketball court, net poles and nets for tennis, etc.) shall be installed. A north/south orientation is strongly encouraged. Multi-purpose courts are encouraged. Half courts may be approved when appropriate.
2. The dimensions of the hard surface court shall be standard dimensions in support of the recreational activity. The dimensions and construction materials of the hard surface court shall require the approval of the Department of Parks and Recreation. Appropriate surfacing and markings of the hard surface court in support of the recreational activity shall be required.
3. For half courts, two permanently installed benches shall be provided. For whole courts, three permanently installed benches shall be provided. Seating for each bench shall have a minimum width of 80 inches.
4. The hard surface court shall be level and have good drainage. Sub-surface conveyances underneath hard surface courts shall be required.
5. The hard surface court shall be located a minimum of 200 feet from any residence.

I. Playgrounds

Playground sites shall provide a safe, clean and comfortable environment for children and adults. Playgrounds provided shall meet the following requirements.

1. Playgrounds shall be provided on land described in Section 25-4.C above.
2. The minimum size of a playground shall be 1,800 square feet.
3. Play structures and/or equipment shall be provided for children 2-12 years of age.
4. Playground sites, structures, and ~~er~~ equipment shall be designed to comply with the most current ASTM safety standards and guidelines. Safe surface material such as mulch, rubber mulch or other related materials shall be required and shall comply with the most current ASTM safety standards and guidelines.
5. Play equipment shall be constructed of durable materials designed for frequent exterior use and high resistance to varied climates. Wood and wood products shall not be used as materials.
6. For each playground two permanently installed benches shall be provided. Seating for each bench shall have a minimum width of 80 inches.
7. The playground shall have good drainage. Sub-surface conveyances underneath playgrounds shall be required.
8. The playground shall be located a minimum of 200 feet from any residence.

J. Wherever permanently installed benches are provided or required, two canopy trees per bench shall be required in order to provide shading for the benches. The canopy trees shall have a minimum clear trunk height of six feet from the ground with a two-inch diameter, measured at 4.5 feet above the ground. If the benches are located within a shaded structure (such as a gazebo), canopy trees are not required.

K. All playing fields, paved courts, playgrounds, and other required recreation facilities shall be completed by the time 50% of the total number of approved units have been issued use and occupancy permits. If a project is developed in phases or sections, all recreation requirements for the number of units in each phase or section shall be completed by the time 50% of the total number of units in each phase or section have been issued use and occupancy permits.

L. All recreational facilities and any outdoor lighting provided shall be included in the public works agreement. All outdoor lighting shall comply with Article 26 of this Ordinance.

M. Maintenance

1. If developed lands or facilities are deeded to and accepted by the County, supervision and maintenance of such areas are the responsibility of the County. Indoor community space and aquatic facilities will not be accepted by the County.

2. When areas are reserved for common use by all residents in the development, covenants, and homeowners' association documents shall be provided for recordation with the final plats that provide for construction (by the developer), supervision, and maintenance of such areas.

25-5 GENERAL DESIGN REQUIREMENTS

The provisions of this section apply to both residential and non-residential development, unless specified otherwise.

A. Minimum standards for lot area, lot width, and setbacks for each zoning district are found in Articles 4 through 8 of this Ordinance and the Town Center Zoning Ordinances.

B. No building or structure shall exceed 40 feet, including the roof, except as follows

1. Unless otherwise specified in a Town Center Zoning Ordinance.

2. In the I-2 District, no building or structure shall exceed 75 feet, including the roof. The building shall be set back a distance double the height of the building from all property lines except for adjacent properties under common ownership.

3. Fire towers, hose towers, cooling towers, steeples, chimneys, flag poles, silos, smokestacks, masts, transmission line poles and towers, water tanks, and monuments, and any structure accessory to an active agricultural use are exempt from height restrictions unless used for the purpose of camouflaging or concealing wireless communications facilities such as towers or antennas. Wireless towers, antennas, and wind energy systems (i.e., windmills) are subject to the requirements of Section 18-11 and 18-12 of this Ordinance.

4. A clock tower or cupola containing no more than 150 square feet may exceed the height regulations by no more than 12 feet.

5. See Chapter 95 Public Safety of the Calvert County Code for regulations regarding noninterference with Emergency Communication's microwave system.

C. The front of a principal building in non-residential developments shall be oriented to face the front lot line or parcel line.

D. For indoor commercial recreation facilities, a designated indoor waiting area, a minimum of 100 square feet with a minimum depth of 8 feet, shall be provided for facilities greater than 1,000 square feet. Upon written application, the Zoning Officer may reduce or waive the waiting area requirements if the applicant demonstrates that the facility to be served would not require in its day-to-day operation a full waiting area.

E. The following apply to the bins for refuse and recycling located outdoors for pick-up by authorized haulers.

1. Refuse and recycling containers are prohibited in the front yard.

2. Refuse and recycling containers shall be located so as to provide easy truck access and not conflict with through traffic and shall not be located in residential parking spaces.

3. Refuse and recycling containers shall be located on concrete or asphalt pads large enough to accommodate trash pick-up trucks.

4. All refuse and recycling containers shall be fully enclosed on three sides by a solid fence, wall, or wall extension from the principal building and shall be a minimum of six feet and a maximum of eight feet in height. The

fence, wall, or wall extension shall be constructed of wood, brick, masonry, or stone. If a wall or wall extension is used, it shall be constructed as an integral part of the building's architectural design.

5. Where walls or fencing are utilized, a minimum five-foot strip outside the fencing or walls shall be landscaped with clusters of trees and shrubs with a maximum spacing between clusters of 25 feet. Vegetative screening shall be a minimum of four feet in height at installation.

6. The enclosure shall be gated. Such gate shall be solid and a minimum of five feet and a maximum of eight feet in height. The gate shall be architecturally compatible with other buildings and structures on the site.

F. In order to protect and preserve farm structures, historic structures, archeological sites, cemeteries, and historic roadways the provisions of Section 25-10 below apply to all subdivisions and development requiring site plan approval.

G. In the event the parcel includes areas which have been identified in an officially adopted plan as part or all of a potential trail, greenway, or park, these areas shall be included as designated open space and an easement for construction and maintenance shall be made to the benefit of the Board of County Commissioners of Calvert County and for the use of the public.

25-6 RESIDENTIAL DEVELOPMENT OF PREVIOUSLY RECORDED LOTS AND PARCELS

For lots and parcels recorded prior to the adoption of this Ordinance, the requirements of Sections 25-1 through 25-4 above do not apply for residential development that does not require site plan approval.

A. For lots and parcels of record as of June 29, 1967, the following shall apply:

1. Setbacks

Front, side, and rear setbacks recorded on plats or in covenants shall be applied. If no setbacks are recorded, the following setbacks shall apply:

Table 25-3: Setbacks on Previously Recorded Residential Lots or Parcels			
Lot or Parcel Size	Front Setback	Side Setback	Rear Setback
20,000 Sq. Ft. or Less	25 Feet	6 Feet	20 Feet
> 20,000 Sq. Ft. and < 1 acre	35 Feet	10 Feet	35 Feet
> 1 acre and < 3 acres	100' from Rt. 2, 4, 2/4, 260, 261, 263 & 231 25' from interior subdivision roads 60' from all other roads	10 Feet	35 Feet
> 3 acres	100' from Rt. 2, 4, 2/4, 260, 261, 263 & 231 60' from interior subdivision roads 60' from all other roads	30 Feet	60 Feet

2. Lot or Parcel Size

If a lot or parcel was legally recorded prior to the adoption of the Zoning Ordinance on June 29, 1967 or if it met the lot size requirements at the time it was recorded, that lot or parcel is buildable if:

- a. The building can meet the minimum setbacks for a lot or parcel of equivalent size (as per Section 25-6.A.1 above) and the lot or parcel has sufficient buildable area for a dwelling to be constructed.
- b. The lot or parcel receives Health Department approval.
- c. The lot or parcel has adequate access to a road constructed to the standards specified in the Calvert County Road and Site Development Ordinance, as amended from time to time.
- d. The lot or parcel has not been reduced in size for residential development purposes.

B. For a lot or parcel properly recorded in the Land Records on or after June 29, 1967 and before October 21, 1974, the lot or parcel is buildable if:

- 1. The lot or parcel met the lot size requirements at the time it was recorded.
- 2. The dwelling can meet the minimum setbacks for a lot or parcel of equivalent size (as per Section 25-6.A.1 above) and the lot or parcel has sufficient buildable area for a dwelling to be constructed.

3. The lot or parcel receives Health Department approval.
 4. The lot or parcel has adequate access to a road constructed to the standards specified in the Calvert County Road and Site Development Ordinance, as amended from time to time.
 5. In major subdivisions recorded on or after April 2, 1972, the lot or parcel is only buildable if it was approved by the Planning Commission.
- C. For a lot or parcel recorded in the Land Records on or after October 21, 1974, it is buildable if:
1. The lot or parcel has sufficient buildable area for a dwelling to be constructed.
 2. The lot or parcel receives Health Department approval.
 3. The lot or parcel has adequate access to a road constructed to the standards specified in the Calvert County Road and Site Development Ordinance, as amended from time to time.
 4. The lot ~~or parcel~~ was given final subdivision approval by the Planning Commission or its designee.
- D. Development on Properties Where Two or More Lots or Parcels are Required to Establish an Approved Building Site
1. If a lot or parcel is determined to be unbuildable as a result of failure to meet the minimum standards for residential construction, and combination with one or more other lots or parcels is required for standards to be met, the lots or parcels combined to meet this standard shall be contiguous along a common boundary for a minimum distance of 20 feet. If more than two lots or parcels are being combined, each lot or parcel shall be contiguous along a common boundary of at least one other lot being combined for a minimum distance of 20 feet. A plat showing the newly created lot shall be prepared by a licensed surveyor, approved by the Planning Commission or its designee, and recorded among the land records before a building permit will be issued for construction thereon. Septic fields (primary and back-up) shall be located within the boundaries of the new lot.
 2. If a lot or parcel is to be divided for the purpose of adding to adjoining lots so as to create one or more buildable lots from the combined properties then the revised lot or parcel shall meet subdivision regulations currently in effect or the portion of the existing cannot count towards meeting the requirements of Section 25-6 during the administrative plat process.
 3. Once the lots or parcels have been combined by recorded plat, they cannot be replatted to separate the original lots or parcels. Any additional division shall require the full subdivision review and approval process.
 4. Once combined only one residential primary structure may be placed on the combined lot.
- E. Retirement of Existing Lots and Creation of Transferable Development Rights (TDRs)
1. No new TDRs shall be created except as provided in the Calvert County Agricultural Preservation Rules and Regulations. Certified TDRs for which covenants have been recorded prior to April 15, 2016, created under this Section from a recorded, unimproved subdivision lot, shall be used in the same manner as those created pursuant to the Calvert County Agricultural Preservation Rules and Regulations.
 2. Prior to conveyance of one or more TDRs certified under this Section, the owner of the lot or parcel from which the TDRs were certified shall record restrictive covenants, as prescribed by the Board of County Commissioners, on the lot or parcel from which the TDRs were certified.

25-7 GENERAL REQUIREMENTS FOR AGE-RESTRICTED HOUSING COMMUNITIES

- A. Single-family detached age-restricted housing communities shall comply with the requirements for standard development contained in Section 25-2 above.
- B. Townhouse, single-family attached, multi-family, and mixed residential age-restricted housing communities shall comply with Section 25-3 above.

C. The Planning Commission may adjust the minimum active recreational requirements of Section 25-4 for age restricted communities to ensure that the recreation facilities meet the needs of the people living in the development.

D. The following additional requirements shall apply to age-restricted housing communities:

1. The development shall include at least 20 residential units.

2. All units shall be universally accessible ~~and~~/or adaptable.

3. Covenants shall be placed on the property that specify the age-restricted nature of the proposed community. Such covenants shall require the prior approval of the Board of County Commissioners and the Planning Commission or its designee and shall be in accordance with the Federal Fair Housing Act, 42 U.S.C. § 3601 et seq., the Maryland Fair Housing Law, Md. Code Ann., [State Gov't Art. 49B, § 20-701](#)~~19 et seq.~~, and this Zoning Ordinance, as amended from time to time. The covenants shall provide:

a. That at least 80% of the dwelling units are to be occupied by at least one Age-Qualified Resident, [being a resident 55 years of age or older.](#)

b. That persons, at least 19 but under 55 years of age, may reside in a dwelling unit provided the person resides with the Age-Qualified Resident or occupies one of the 20% of dwelling units not required to be occupied by an Age Qualified Resident.

c. That a person under 19 years of age may visit a dwelling unit as the guest of the occupants of a dwelling unit, provided that no person under the age of 19 may stay overnight in a dwelling unit for more than two consecutive weeks or for a total of more than 30 days in any 12-month period.

d. That except as otherwise required by the Federal Fair Housing Act, 42 U.S.C. § 3601 et seq., the Maryland Fair Housing Law, Md. Code Ann., [State Gov't Art. 49B, § 4920-701](#) et seq., no persons under 19 years of age may reside in any unit.

e. That any provision of the covenants pertaining to the age-restricted nature of the community may not be amended without the approval of the Board of County Commissioners.

f. That none of the units may be converted to general housing unless: (i) conversion is approved by all unit owners, the Board of County Commissioners and the Planning Commission, (ii) all of the units are converted, (iii) all Adequate Public Facilities requirements are met at the time of conversion, (iv) the building excise tax in effect at the time of conversion for the type of dwelling into which the units are converted shall be paid, less the amount of excise tax originally paid, and (v) all recorded documents with age-restrictions are re-recorded.

25-8 MANUFACTURED HOME COMMUNITIES

A. Applicability

1. This section applies to the expansion of manufactured home communities in existence as of May 1, 2006. Such communities are considered nonconforming uses and the number of approved units in existence as of the effective date of this amendment may be permitted to expand up to 50% percent with Board of Appeals approval. However, the expansion cannot exceed the maximum density of six units per acre, excluding rights-of-way.

2. All units located within existing manufactured home communities shall conform to the definition of manufactured home contained in Article 2. Conversion of any manufactured home to another type of housing requires compliance with the density, lot size, and setback requirements for a single-family detached dwelling units in the district.

3. Site plan approval is required in order to alter or expand a manufactured home community. A building permit is required to install, alter, or extend a manufactured home.

B. Manufactured Home Community Development Requirements

1. Density

The overall density of the manufactured home community is limited to a maximum of six units per acre, excluding rights-of-way.

2. Lot Size

Lots shall be at least 5,000 square feet for single-wide homes and 6,000 square feet for double-wide homes.

3. Parking Requirements

Two parking spaces shall be provided for each unit. The space shall be located for convenient access to the home stands and constructed with crushed rock or pavement.

4. Setbacks and Screening

a. Distance to Development Boundaries

The distance from the line or corner of any home to a boundary line of the development shall meet the following minimum:

- i. Where the adjoining land use (existing or permitted) is either a similar or higher density residential use or is a minor or collector street, not less than 50 feet containing a minimum of a 70% visually solid year-round landscape buffer a minimum of six feet in height.
- ii. Where the adjoining land use is an arterial street, a residential use of lower density, or a non-residential use, a 100-foot wide buffer area is required containing earth mounds, walls, solid or louvered fencing, open fencing with appropriate planting, or visually solid year-round landscape buffer, a minimum of six feet in height.

b. Distance Across Driveways

The distance from the line or corner of any manufactured home to any manufactured home on the opposite side of a driveway shall be a minimum of 60 feet.

c. Distance to Common Areas

The distance from the line or corner of the manufactured home to a driveway pavement, a common parking area, a common walk or other common area shall be a minimum of 15 feet.

d. Distances Between Homes

The distance between home manufactured home shall be a minimum of 20 feet. If structural additions to a home are anticipated in the planning program, design distances between homes shall be computed on the assumption that the addition is already a part of the manufactured home.

5. Buffer Areas

Off-site views shall be screened by visual buffers within the property boundary perimeter setback area. These regulations do not apply to the first initial expansion of up to ten units.

- a. Screen plantings consisting of a mixture of evergreen and deciduous trees or shrubs which will be at least six feet in height and 70% solid within five years of planting.
- b. Screen fences a minimum of six feet in height shall be visually attractive structures and constructed of durable, weather resistant materials.
- c. Earth mounds shall be limited to slopes which can be easily maintained (3:1 for grassed slopes) and be used in combination with screen planting.

6. Access

a. General

All manufactured home communities shall be provided with safe and convenient vehicular access from abutting public roads to each unit. Such access shall be provided by roads or driveways. Roads shall be designed and constructed in accordance with the Calvert County Road and Site Development Ordinance.

b. Entrance Roads

Entrances to manufactured home communities shall have direct connections to a public street and designed to allow free movement of traffic on such adjacent public streets. These regulations do not apply to expansions of up to ten units.

- i. No parking is permitted on the entrance road for a distance of 100 feet from its point of beginning.

- ii. The number of lanes, lane widths, and turning lanes shall be adequate for the anticipated traffic generated by the development during peak hours.
- iii. Signs for a manufactured home park, landscape, and lighting should be integrated in a coordinated manner.
- iv. Entrances should be focused on community buildings, facilities or natural features rather than on residential living areas.

c. Circulation

The street system shall provide convenient and safe access to individual lots and community facilities and ensure safe pedestrian conditions within living areas. These regulations do not apply to the first initial expansion of up to ten units.

- i. A hierarchy of entrance, collector, and local streets shall be provided.
- ii. Entrance points shall be well-defined, uncluttered, safe, and attractive.
- iii. The street systems should relate logically to topographic conditions of the site.
- iv. Lot frontage on entrance or collector streets should be minimized.
- v. Curvilinear road systems with flowing horizontal and vertical alignments, designed for slow moving vehicles shall be encouraged.
- vi. Street systems shall be developed in consideration of reasonable movement and placement of manufactured homes on individual sites.

7. Manufactured Home Community Designs

The manufactured home community shall be designed to encourage accessibility to community recreation and service buildings. All manufactured home lots shall be served by surfaced sidewalks. Community buildings shall have parking spaces nearby.

8. Rights-of-way and Pavements

All rights-of-way within the manufactured home community are intended to remain private and shall be constructed in accordance with the Calvert County Road and Site Development Ordinance.

a. Recognition of Existing Facilities

The street system shall be designed to recognize existing easements, utility lines, etc. which are to be preserved, and to permit connection to existing facilities where necessary for the proper functioning of the drainage and utility systems.

b. Access to Lots

The street improvements shall extend continuously from the existing improved street system to the site. They shall provide suitable access to the stand and other important facilities on the property, adequate connection to existing or future streets at the boundaries of the property, and convenient circulation for vehicles.

9. Street Lights

Lighting shall meet the standards of Article 26. The design of a manufactured home community expansion for up to ten units may maintain the existing conditions in the manufactured home community.

10. Walks

The design of a manufactured home community expansion for up to ten units may maintain the existing conditions in the manufactured home community.

a. General Requirements

All walks shall be convenient, of adequate width for intended use, durable, and convenient to maintain.

b. Common Walks

Common walks shall be provided in locations where pedestrian traffic is concentrated; for example, to the entrance, and to the office and other important facilities. Common walks may be through interior areas removed from the vicinity of streets or along collector and entrance roads.

c. Width, Alignment, and Gradient

- i. Width, alignment, and gradient of walks shall be appropriate for safety, convenience, and appearance, and shall be suitable for pedestrian use and for the circulation of small-wheeled vehicles such as baby carriage and service carts.
- ii. Width shall generally be at least 3.5 feet for common walks.
- iii. Sudden changes in alignment and gradient shall be avoided.
- iv. Gradients should be between one-eighth inch per foot (1%) and five-eighths inch per foot (5%) wherever possible, especially in areas subject to ice conditions.
- v. Cross-slope generally shall be not more than one-quarter inch per foot (2%) and not less than one-eighth inch per foot (1%).
- vi. Walks cannot be used as drainage ways.
- vii. Individual walks may be of paving stone, brick pavers, or concrete block to facilitate relocation (i.e., replacement of unit).

C. Individual Site Planning and Improvements

1. General

a. Site Planning

Site planning shall adapt to individual site conditions, reflect advances in site planning techniques, and be adaptable to the trends in design of the home itself. Site planning shall recognize and utilize terrain, existing trees and shrubs, and rock formations.

b. Arrangement of Structures and Facilities

The site, including manufactured home stand, patio structures, and all site improvements shall be harmoniously and efficiently organized in relation to topography, the shape of the plot, and the shape, size, and position of structures. Full attention shall be paid to use, appearance, and livability. Special attention will be given to new home designs and appurtenances that are available.

c. Protection from Adverse Influences

Adequate protection shall be provided against any undesirable off-site views or any adverse influence (such as heavy commercial or industrial use, heavy traffic, or brightly lighted activities) from adjoining streets and areas.

2. Lot Markers and Manufactured Home Stands

- a. The limits of each lot shall be clearly marked on the ground by permanent flush stakes or markers.
- b. Location of lot limits on the ground shall be approximately the same as shown on the accepted plans. The degree of accuracy obtainable by working with a scale on the plan and then a tape on the ground is acceptable. Precise engineering of lot limits is not required either on the plans or on the ground.
- c. Provisions for supports shall be made every 12 feet on centers beginning from the front of the stand. Opened spacing at the rear line of the stand cannot exceed three feet.
- d. The stand shall include provisions for utility connections at locations specified in the appropriate utility standard.

3. Orientation of Home

While orientation of homes perpendicular to the road is common practice, homes angled or parallel to the street are visually preferable.

4. Outdoor Living Area

Private outdoor living and service space shall be provided for each home. It shall be walled, fenced, or planted to create privacy. These regulations do not apply to the first initial expansion of up to ten units.

a. Location

The home shall be located for privacy, convenience, and optimum use.

b. Size

The minimum area of the home shall be not less than 400 square feet with a minimum dimension of 20 feet.

c. Grading

Adequate crown or cross-gradient shall be provided for surface drainage.

5. Landscaping of the Individual Site or Lots

These regulations do not apply to the first initial expansion of up to ten units.

a. Lots shall have basic landscape improvements in keeping with the character of single-family residential neighborhoods. A reasonable amount of shade and visual relief shall be assured by tree preservation or planting, and lawns shall be established to prevent erosion of the soil.

b. Screen planting or fencing shall screen objectionable views and shall be 70% visually solid, and attain a height of six feet within three years. Views from outdoor living areas to be screened include laundry drying yards, garbage and trash collection stations, non-residential uses, and rear yards of adjacent properties.

c. Each lot shall have at least one canopy tree, hardy to the region, of 2.5 to three inches in caliper minimum at time of planting.

d. Each lot shall have an even lawn cover established on all portions of the site not landscaped in another manner.

e. Lawn and groundcover shall be provided where needed to prevent erosion of swales and slopes.

f. Acceptable as required planting to the extent that is equivalent suitable and preserved in good condition.

6. Skirting

Skirting is required and shall be of durable all-weather construction as manufactured specially for the purpose of covering the undercarriage area. Skirting shall be fastened in accordance with manufacturer's instructions and provide for adequate ventilation as necessary.

7. Low Profiling

Low profiling or the lowering of the home to the ground by depressing the supporting foundation below grade will aid in concealing the undercarriage. It reduces the height of skirting required and eliminates the need of step arrangements for access to the unit. It is recommended that at least six inches of height be maintained between the ground and frame to allow adequate ventilation and that 24 inches be maintained to service all utility lines. Provisions shall also be made to ensure the area under the unit is maintained in a relatively dry condition.

8. Accessory Structures

a. Scope

Accessory structures shall be dependent upon the home and cannot be used as complete independent living units with permanent provisions for sleeping, cooking, and sanitation. Accessory structures cannot have enclosed spaces such as pantries, bath, toilet, laundries, closets, or utility rooms. Accessory structures cannot obstruct required openings for light and ventilation of the home and cannot prevent inspection of equipment and utility connections.

b. Awnings or Carports

An awning or carport may be erected, constructed, or maintained on a lot only as an accessory to a home located on the same lot. An awning cannot be enclosed with rigid materials or walls or converted for use as a habitable room.

c. Location

An awning or carport may be erected on a lot line provided the awning or carport is constructed of material which does not support combustion. No separation is required between a freestanding awning or carport and an awning or carport located on the same lot, provided they are not structurally interconnected.

d. Dimensions

An awning or carport supported in part by a home cannot exceed 12 feet in width (projection) without additional supports as measured from the wall of the home to the outer edge of the awning or carport roof or cannot exceed the bearing capacity of the home and structural limits of the awning.

e. Exits from Awning Enclosures

An awning with enclosures of non-rigid materials shall have at least one door in the enclosure opening directly to the outside of the enclosure. The opening shall be no less than 28 inches in width nor less than six feet two inches in height. Two such door openings shall be provided from the enclosure when it encloses two doors of the home.

9. Home Additions

Homes on lots containing at least 6,000 square feet in size may be enlarged subject to the following requirements and issuance of a building permit:

a. Design and Construction

All additions shall be designed and constructed as a freestanding structure subject to the County Building Code. An addition shall be attached to a home with appropriate flashing or sealing materials to provide a weather seal.

b. Dimensions

i. The height of the addition cannot exceed the height of the home and shall be at least 20 feet from the nearest home.

ii. The addition shall have a minimum ceiling height of seven feet from the finished floor. If the ceiling or roof is sloped, one-half of the sloped ceiling area shall meet the minimum ceiling height. No portion of any room having a ceiling height of less than five feet shall be considered as contributing to the minimum area recommended of this section.

iii. Habitable rooms shall be no less than seven feet in any horizontal dimension.

c. Foundation and Floors

i. An addition may be set on piers and girders in lieu of continuous footings.

ii. Piers and girders and floors shall be designed and constructed to support the live and dead loads imposed on them in accordance with the County Building Code.

d. Walls and Roofs

Walls and roofs shall be designed and constructed to withstand vertical, horizontal, and lateral forces in accordance with standard engineering practice and the design criteria established by the County.

10. Storage

These regulations do not apply to the first initial expansion of up to ten units.

a. Design, Location and Size of Storage Facilities

i. Unless provided in current models, storage facilities shall be provided on the lot, or in compounds located within a reasonable distance, generally not more than 100 feet from each stand.

ii. It is recommended that storage sheds be placed to appear as an extension of the home, and to serve the multiple purpose of screening the outdoor living area or utility connections but cannot be placed under awnings.

iii. Storage facilities shall be designed in a manner that will enhance the appearance of the development and constructed of suitable weather resistant materials appropriate under the use and maintenance contemplated. They shall provide a minimum of 90 cubic feet of space.

b. Fuel Oil Storage

In areas where oil heating of a home is customary, a minimum 50-gallon fuel storage facility shall be provided in each lot.

D. Community Facilities

These regulations do not apply to the first initial expansion of up to ten units.

1. General

Community facilities should be provided to supplement the deficiencies caused by limited interior and exterior space of the manufactured home unit and its site. Storm shelter for park or subdivision residents shall be provided in indoor space. Care shall be taken in locating these facilities to ensure that they are safely accessible and convenient to all residents.

2. Location

i. Major community buildings and features to be used by all residents should be centrally located within the parks or subdivision development or easily accessible and convenient to all residents.

ii. Minor recreation areas such as tot-lots should be located at scattered sites close to the groupings of homes they will serve.

iii. School bus stops with adequate lighting and centralized mail boxes shall be located in safe convenient areas.

iv. Leisure areas should incorporate unique natural features such as streams, trees, and variations in topography.

C. Access

i. Walkways along collector streets or internal pathways linking residential areas to community facilities should be provided.

ii. Separate off-street parking areas near community facilities should be provided. Normally no more than one parking space for each ten dwelling units is needed.

D. Ownership, Maintenance and Preservation of Common Open Space

The developer shall make provisions which ensure that the common open space land shall continue as such and be properly maintained.

E. Recreation Facilities

Recreation facilities shall be provided in accordance with Section 25-4.

F. Responsibilities of the Management

1. The management of the manufactured home community shall provide adequate supervision to maintain the Manufactured Home Community in compliance with this Ordinance and to keep its facilities and equipment in good repair and in a clean and sanitary condition.

2. The management shall notify the manufactured home community residents of all applicable provisions of this Ordinance and inform them of their duties and responsibilities under this Ordinance.

3. The management shall supervise the placement of each manufactured home including securing its stability and installing all utility connections.

4. The management shall maintain a register containing the names of all manufactured home community residents identified by lot number or street address. Such register shall be available to any authorized person inspecting the manufactured home community.

25-9 ARCHITECTURAL DESIGN REQUIREMENTS

A. Authorization

The Board of County Commissioners of Calvert County is authorized to adopt provisions to, among other things, regulate design in accordance with the provisions of Title 4 of the Land Use Article of the Maryland Annotated Code.

B. Purpose

Architectural requirements and guidelines are based on the premise that the overall appearance of a community bears a direct relationship to the social well-being of its residents, affects property values, and provides economic opportunities. The purpose of architectural review in town centers is to ensure that new development and exterior modifications to existing structures enhance the overall aesthetic, cultural, and historical character of each of the town centers

C. Applicability

1. Projects located within a Town Center requiring architectural review, as well as the Appearance Code and architectural design standards, shall be determined by the associated Town Center Zoning Ordinance.
2. 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.
3. Employment Center Districts shall comply with the Appearance Code standards of the nearest Town Center, where applicable.

D. Process

Applicants for architectural review shall submit applications, elevations, and relevant information regarding building materials to the Department of Planning & Zoning in compliance with the Appearance Code standards contained in the applicable Town Center Zoning Ordinance.

1. Architectural review approval is required for applicable exterior Appearance Code elements, excluding signs, for Category I and II Detailed Site Plans prior to final site development plan approval.
2. Architectural review approval is required for applicable exterior Appearance Code elements, excluding signs, for Category I and II Detailed Site Plans prior to final site development plan approval.
3. Architectural review approval is required for applicable exterior Appearance Code elements for building permits prior to permit issuance.

E. Variances

~~See~~ [Variance may be sought in accordance with](#) Section 30-~~65~~ of this Ordinance.

25-10 ARCHAEOLOGICAL RESOURCES AND HISTORIC SIGNIFICANCE

In order to protect and preserve farm structures, historic structures, archeological sites, cemeteries, and historic roadways the provisions of this section apply to all subdivisions and development requiring site plan approval.

A. In the event existing farm structures (such as barns, outbuildings, and fences) are located on the site or within the boundaries of a proposed subdivision, they shall be retained. ~~The~~ Planning Commission or its designee, may modify this provision to the minimum extent needed to address unique site constraints.

B. In the event that a building, or buildings, 50 years old or older is located within the boundaries of a proposed development project or subdivision, the Historic Preservation Planner will conduct an assessment of the building(s) to estimate its historic significance based on criteria in established use by the county and will advise the Historic District Commission accordingly.

1. If the Historic District Commission determines that the building has historic merit, coordination with historic preservation staff is required to determine the feasibility of retaining the building(s) and incorporating it into the site design or subdivision.

2. Where feasible to retain the building(s) on site, coordination with the Historic Preservation Planner is required to develop an appropriate preservation strategy whereby views of the building(s) from roads, adjacent properties and proposed building sites shall be protected. The Planning Commission or its designee, may modify this provision to the minimum extent needed to address unique site constraints.

3. In the event it is not feasible to retain the building(s) or make it available for removal to another site, the applicant shall be required to document the structure(s) prior to destruction in accordance with criteria established by the Department of Planning & Zoning. Removal of a building 50 years old or older prior to approval of a site design or subdivision may be grounds for denial of the application.

C. An inventory of existing on-site archaeological resources may be required prior to preliminary approval of subdivision or any proposed ground disturbance. The Historic Preservation Planner will review plans and/or applications to determine if the property has been surveyed for archaeological resources, if previously identified archaeological sites have been identified on the property, and to estimate the potential for archaeological resources. If previously identified significant archaeological resources are located on the property, the applicant may be required to preserve the resources in place. If preservation is not feasible, the Department of Planning & Zoning will determine the extent and level of investigation necessary to mitigate impacts to significant archaeological sites resulting from proposed subdivision. If the property has been judged to possess a high archaeological potential and has not been the subject of previous archaeological inventory, the applicant may be required to conduct an archaeological survey to determine the presence or absence of potentially significant archaeological sites. Avoidance is always the preferred option.

D. In the event that a known cemetery exists on the property, the applicant shall visually delineate cemetery boundaries, avoid ground disturbing activity within 25 feet of the cemetery boundaries during construction, place an easement over the cemetery, prepare and maintain a 15-foot right of way providing for public or family access, and designate an individual or entity responsible for maintenance and protection. If review of relevant documentary and cartographic materials indicates a high probability for an unmarked cemetery, the Department of Planning & Zoning may require cemetery identification either through survey utilizing professionally accepted methods or visual inspection for common cemetery indicators.

E. Subdivisions and/or development occurring along a designated Historic Roadway shall maintain the historic character of the landscape as viewed from the road. This should be accomplished through site design and vegetative screening. Tree removal and roadside grading should be avoided to the extent possible. When feasible, primary access should not be via a historic roadway. When unavoidable, primary access should be sited to minimize impact to the historic landscape to the greatest extent possible.

F. Fences and buffers in subdivisions adjacent to farms, Agricultural Preservation Districts and Historic Districts:

1. Fencing such as cattle fencing and chain link fencing may be required by the Planning Commission or its designee along the common boundary between subdivisions and farms, Agricultural Preservation Districts, or Historic Districts to provide protection from intruders that can cause damage to crops, farm machinery, or historic sites and structures.

2. Additionally, the Planning Commission or its designee may require a wooded or landscaped buffer measuring a minimum of 100 feet in width along the common boundary between subdivisions and farms, Agricultural Preservation Districts, or Historic Districts.

25-11 COMMUNITY BENEFIT AGREEMENTS

A Community Benefit Agreement (CBA) is a planning tool for commercial, industrial, and institutional developments to provide flexibility of design elements. The CBA 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.

A. Scope

This section applies to Community Benefit Agreements, referred to in this section as an CBA. Land use development standards and requirements established herein for an CBA are intended to:

1. Establish a procedure for the development of land under unified control to achieve efficient land use patterns while permitting creative and innovative approaches to the development of commercial, industrial, and institutional uses in growth areas.

2. Encourage mixed development patterns and avoid monotony in large developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenities.
3. Allow a developer to take advantage of special site characteristics, locations, or land uses.
4. Provide for relief from the strict application of the land use standards, development regulations, and performance standards found in the base zoning districts.
5. Decrease the burden created by new development on utilities and other infrastructure systems.
6. Provide a mechanism for increasing development in growth areas, where the Comprehensive Plan directs additional development be accommodated, without adversely affecting traffic circulation, infrastructure, and public services, or existing or planned adjacent development.

B. General Principles

1. A CBA shall be developed in accordance with the following general principles:
 - a. Provisions concerning public improvements, such as sewer laterals, roads, and sidewalks, shall be applied to the development in its entirety.
 - b. The developer shall demonstrate unified control of the entire development and the capability to provide for completion and continuous operation and maintenance of the development.
2. Approval of application of a CBA shall be permitted only in accordance with a development plan reviewed for compliance with the standards in this section, and upon a recommendation by the Planning Commission to the Board of County Commissioners and approved by the Board of County Commissioners in accordance with the procedures set forth herein.
3. Any use within the use tables of Article 18 of this Ordinance and any town center zoning ordinance that may be applicable to the land subject to the CBA may be included in an CBA plan, with the exception of residential uses, provided that the use and the intensity of the use is consistent with:
 - a. The Comprehensive Plan's land use concept for the area.
 - b. The provisions of this Ordinance.
4. All uses in an CBA shall be in accordance with the approved CBA Plan. Uses not specifically allowed under an approved CBA Plan are prohibited.

C. Submission Requirements

1. The CBA submission shall include a Pattern Book, described below, as the principal element. In addition, the following shall be included:
 - a. An explanation of how the project meets the CBA criteria.
 - b. A statement of benefit to the community.
 - c. A statement outlining how the CBA process is superior in this instance to base zoning.
2. A Pattern Book shall be included as the main element of the Concept Plan submission. It shall be either 8½"x 11", 8½"x 14", or 11"x 17" in size, bound and in color, and include the following:
 - a. Cover page including project name, date, and contact information of principle parties involved.
 - b. Vicinity map, including site address, acreage, current zoning and land use, and proposed use.
 - c. Aerial photo of the site including existing conditions and boundary.
 - d. Photographs of the site including significant built, natural, and topographical features.

- e. Narrative detailed description of the proposal.
- f. Site plan at a standard scale meeting the site plan checklist.
- g. Architectural code with illustrations, and typical elevations, including materials, colors, roofs, openings, porches, and other design details, for all building types.
- h. Landscape plan.
- i. Proposed fencing and screening details.
- j. Illustrations of street furniture and lighting.
- k. Streetscape design, including dimensions and cross sections.
- l. Elements relative to green and sustainability design components.

D. Processing

The CBA in addition to the process listed below which entails the process for public input and Planning Commission and Board of County Commissioner approval, the CBA site plan will then follow the approved Technical Evaluation Group (TEG), Subdivision Evaluation Group (SEG), and site plan review processes.

1. Prior to the submittal, the applicant shall hold a public meeting with affected property owners, County staff, representatives of businesses and community organizations to discuss the CBA project, potential concerns and/or site design alternatives. The purpose of the public meeting is to generate ideas and provide assistance. Decisions are non-binding and cannot overrule the provisions of this Ordinance or the town center ordinances.
 - a. Applicant shall schedule the public meeting 30 days in advance of meeting date.
 - b. Applicant shall post two advertisements in a newspaper, within the county, a week apart.
2. The developer of an CBA shall provide to the Department of Planning & Zoning:
 - a. A site plan.
 - b. A report on the proposed development.
3. The Department of Planning & Zoning shall review the developer's submittal and determine whether it considers the proposed CBA to be compatible with existing development in the surrounding area and applicable comprehensive and small area plans.
4. The Department of Planning & Zoning shall issue in writing a recommendation that the CBA be approved as submitted, approved with specified conditions, or denied. The Department shall transmit the recommendation to the Board of County Commissioners and Planning Commission.
5. Upon receipt of the Staff recommendation, the Planning Commission shall schedule and conduct a public hearing upon the CBA application, following which the Planning Commission shall make a recommendation to the Board of County Commissioners regarding the consistency of the CBA to the applicable comprehensive and small area plans.
6. Upon receipt of the Planning Commission's recommendation, the Board of County Commissioners shall hold a public hearing, which may be held jointly with the Planning Commission, for further action.