

**From:** Tina Shepherd <doctort22@hotmail.com>  
**Sent:** Monday, December 2, 2024 8:55 PM  
**To:** Zone Ordinance Update  
**Subject:** Public comment on Article 26 Outdoor Lighting

**This Message Is From an Untrusted Sender**

You have not previously corresponded with this sender.

To whom it may concern,

I am writing this email to express my concern about Article 26(outdoor lighting)of the purposed Zoning Ordinance Update. I have read the purposed Updates. However, We do raise this question, Why is the zoning ordinance not more specific in regards to whether or not residential property falls under this ordinance. The reason this question is being raised is that I have neighbor who has lights that shine into our home from a structure that he placed without a permit. Ran electric to it without a permit.(While this is a separate issue that is being dealt with by Chris Breedlove and his team) He placed a light on said structure. The was so bright that it was shining into the bedrooms in my home through closed blinds and my family was not able to sleep. We tried to be civil and asked to turn the light off he told us it is his property and he will do whatever he wants and told us to get off his property. We did leave and then we started making phone calls to building and permits and planning and zoning. We also started looking into the county code and looking for something to help us with this issue. We thought we were in good shape and found this:

**1. In no case can the illumination cast by a source or sources onto an adjacent residential property exceed 0.1 horizontal footcandle measured line-of-site from any point on the adjacent residential property.**

After many phone calls to planning and zoning, We were surprised to find out that there is NOTHING in the county code that will help us. Nothing to protect a property owner from another property owner. The above code listed in article 26-3 section c. Applies only to commercial builds. Why does it not apply to residential neighborhoods? Do the residents not deserve to live in their homes without having light trespass from an adjacent property.

Why is there nothing to help a resident with dealing with another resident? who thinks that they are allowed to do whatever they want and the neighboring property owners are just supposed to deal with it. We are supposed to spend money on window coverings that we don't want in our home. We have been in our home for 22years. We have never had a problem until this. We have a long list of the nonsense we have put up with. WE have had enough! We deserve to live in our home peacefully and quietly as we have for the last 22 years. We should not be forced to close our blinds if we don't want to. We cannot enjoy opening our windows and letting fresh air in, as these dang lights shine in our property. This has affected our enjoyment of our property.

I have also attached some pictures to show what we are dealing with. The first picture is of my front hallway you can see the light on the wall on the left side of the picture. That picture was taken at 9:21pm  
The second picture while it is a little distorted that is what it looks like when the doors to this building are up and the lights are on. (It is super bright)  
The third picture is of my daughter's room at night with the blinds somewhat open but not all the way open. The light is also bright so bright that if she doesn't close the blinds she would never be able to sleep.  
We are almost certain that we are not the only ones dealing with something like this.

I ask that you amend this zoning update to include that Article 26 applies to residential neighborhoods.

Thank you for your time and consideration in this matter.

Kind regards,  
Michele Shepherd,







Tina Shepherd and Michael Shepherd



## CALVERT COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT

184 B Main Street  
Prince Frederick, Maryland 20678  
410-535-4583 • 301-855-1880  
[www.calvertcountymd.gov](http://www.calvertcountymd.gov)

*Board of Commissioners*  
Mark C. Cox Sr.  
Catherine M. Grasso  
Earl F. Hance  
Mike Hart  
Todd Ireland

Julianne A. Oberg, Director

December 3, 2024

Calvert County Planning Commission  
Department of Planning & Zoning  
Calvert County Government  
150 Main Street  
Prince Frederick, MD 20678

Subject: Request to Amend Draft Zoning Ordinance – Section 18-10 Motor Vehicle & Related Service – Condition 3: Fuel Pump Placement in Owings, Lusby, and Solomons Town Centers

Dear Members of the Planning Commission,

I am writing to express support for revising the draft zoning ordinance concerning the placement of fuel pumps in Owings, Lusby, and Solomons Town Centers. Specifically, I urge the Commission to remove **Condition 3**, which requires fuel pumps to be located at the rear of the building.

While the intent behind this condition may be aesthetic, its practical implications pose significant safety, operational, and economic challenges:

### 1. Safety and Visibility Concerns

- **Traffic Safety:** Locating fuel pumps at the rear of a building could obstruct a driver's line of sight, creating potential blind spots and increasing the risk of vehicle collisions and pedestrian accidents. Visibility is a key component of traffic safety, and front-facing fuel pumps provide clear, direct sightlines, which reduce confusion and improve vehicular flow.
- **Emergency Access:** Emergency responders require unobstructed access to fueling stations in case of incidents. Rear-located fuel pumps could delay critical responses due to hidden access points.

### 2. Operational Challenges

- **Customer Convenience:** Front-facing fuel pumps align better with customer convenience, enabling smoother ingress and egress, which minimizes congestion and frustration. Rear locations may cause confusion among drivers and exacerbate traffic issues within town centers.

### 3. Economic Development Impacts

- **Discouraging Investment:** Requiring rear placement may discourage potential developers from investing in fuel stations or convenience stores, particularly in high-traffic areas where customer convenience is essential. Such restrictions could inadvertently impact revenue generation and employment opportunities.
- **Economic Growth:** By maintaining flexibility for fuel pump placement, Calvert County can attract businesses while still promoting thoughtful site design through landscaping and architectural standards.

### 4. Design and Planning Alternatives

- **Aesthetic Solutions:** Aesthetic concerns can be addressed through landscaping, architectural enhancements, and other design elements without mandating rear placement. This approach allows businesses to meet customer needs while contributing to the visual appeal of the Town Centers.

Given these factors, I respectfully request that the Commission **remove Condition 3** from the draft zoning ordinance. This revision will support safer, more practical development while maintaining the County's broader goals for cohesive and attractive Town Center environments.

Thank you for considering this request. I am happy to discuss these concerns further or provide additional input on solutions that align with the County's vision for sustainable growth.

Sincerely,



Julie Oberg  
Director



## CALVERT COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT

184 B Main Street  
Prince Frederick, Maryland 20678  
410-535-4583 • 301-855-1880  
[www.calvertcountymd.gov](http://www.calvertcountymd.gov)

**Board of Commissioners**  
Mark C. Cox Sr.  
Catherine M. Grasso  
Earl F. Hance  
Mike Hart  
Todd Ireland

Julianne A. Oberg, Director

December 5, 2024

Calvert County Planning Commission  
Department of Planning and Zoning  
Calvert County Government  
150 Main Street  
Prince Frederick, MD 20678

Subject: Supporting the Inclusion of Accessory Use (Retail Accessory in the District) in the Zoning Rewrite.

Dear Members of the Planning Commission,

As part of the ongoing review and rewrite of the Calvert County zoning ordinance, I want to highlight a significant issue related to the proposed changes to the Industrial Mixed-Use District (I-MU). As stated in the draft, The I-MU is intended to provide for a mix of light industrial uses and compatible commercial uses such as recreation, entertainment, and *retail establishments* in part to promote the reuse of older, industrial structures that may no longer be suitable for their original limited purposes. Currently, the Industrial District permits limited retail sales under the "flex space" designation, allowing businesses to allocate up to 15% of their area for retail activities directly tied to their primary operations. However, the removal of flex space as a use in the new draft ordinance will eliminate this provision and prohibit retail sales altogether, potentially causing unintended economic consequences for businesses utilizing I-MU spaces.

### **Economic Development Impacts:**

#### **1. Business Viability and Attraction:**

Many businesses that typically occupy I-MU spaces—such as auto detailing shops, specialty manufacturing, or artisan workshops—require a small retail component to support their operations. This retail area often serves as a critical revenue stream, allowing them to sell accessories or tools related to their services (e.g., waxes, cleaning cloths, or parts). Without the ability to conduct retail sales, such businesses may find I-MU spaces unsuitable and choose to locate elsewhere.

#### **2. Flexibility in Mixed-Use Spaces:**

The flexibility to accommodate both service and retail activities within a single property is vital for ensuring the I-MU District remains competitive and attractive to prospective tenants. Removing retail entirely undermines the inherent adaptability of these spaces, which has historically contributed to their success.

**3. Regional Competitiveness:**

Surrounding jurisdictions often allow accessory retail uses in mixed-use or industrial zones, recognizing the value of such flexibility for economic growth. If Calvert County fails to accommodate this need, it risks losing potential businesses to neighboring counties, diminishing local job opportunities and economic activity.

**4. Support for Small Businesses:**

Many small businesses in Calvert County rely on accessory retail sales to diversify their revenue streams and remain viable in competitive markets. Prohibiting this use in I-MU districts could disproportionately affect small, locally owned enterprises—an essential component of our county's economic development strategy.

**Proposed Solution:**

To address these concerns, I recommend adding "Accessory Use (Retail Accessory for I-MU District)" to the new zoning ordinance with the following conditions:

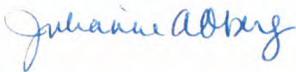
- Retail sales must be directly associated with the primary industrial or service activity conducted on the premises.
- The accessory retail use shall not exceed 15% of the total gross floor area of the principal building or 2,000 square feet, whichever is less.
- Retail operations must provide sufficient parking spaces to accommodate customers, separate from industrial-use parking.

**Conclusion:**

Incorporating Accessory Use (Retail Accessory for I-MU District) into the zoning rewrite is a practical solution to mitigate the negative impacts of eliminating flex space while continuing to promote balanced growth in Calvert County.

Please let me know if additional information or supporting data is needed to advance this recommendation.

Sincerely,



Julie Oberg  
Director

**From:** Katrina P <katrina.palombi@gmail.com>  
**Sent:** Sunday, December 8, 2024 8:58 AM  
**To:** Zone Ordinance Update  
**Subject:** Draft zoning comments; Section 18

**This Message Is From an Untrusted Sender**

You have not previously corresponded with this sender.

I greatly appreciate the recent November amendments to Section 19 as it pertains to poultry and livestock. I would also like to address Section 18-4, Agricultural

The draft version states:

*18-4.A. Animal Husbandry*

*The care or breeding of livestock on a farm and raised for sale or profit, including, but not limited to, the following animals: horses, cattle, sheep, swine, goats, bison, llamas, alpacas, rabbits, and poultry. The following shall apply where applicable.*

- 1. The lot or parcel is a minimum of three acres; and*
- 2. The property has received an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation.*

I would like to see the removal of 18-4.A.2. where it pertains to poultry. I am on just over 3 acres in RCD, and it is impossible to obtain a Maryland Agricultural Use Assessment due to homesite acreage restrictions. For poultry, I can obtain an NPIP certification through the Maryland Department of Agriculture which is required to breed and sell poultry (for profit or not). I think meeting state regulations for poultry breeding is sufficient. This is applicable for homesteaders, farmers, and breeders who breed and sell purebred heritage breeds.

Thank you for your consideration,  
Katrina Palombi

[Redacted]

**From:** David Harris <davidharris2nd@gmail.com>  
**Sent:** Monday, December 9, 2024 3:51 PM  
**To:** Zone Ordinance Update  
**Cc:** Brittain, Katie E.; Grasso, Catherine M.; Ireland, Todd M.; Cox, Sr., Mark C.; Hance, Earl F.; Hart, Michael R.  
**Subject:** Zoning Comment . NRL Chesapeake Beach should be Industrial not RD

**This Message Is From an External Sender**  
This message came from outside your organization.

Good Afternoon,

I am way behind in the process but I found an error that I believe needs correction. I am writing about the proposed changes to the Zoning. I believe that you all are making a big error by labeling the Naval Research Lab in Chesapeake Beach as RD. It is being used 100% as Industrial. As such it should be labeled Industrial. If you don't believe Industrial is the proper classification, perhaps something different, but certainly not RD as you are labeling it.

The reason I say this is that the houses that formerly were on it were torn down many years ago. The site is a Military Research facility. They have numerous radar dishes on it and perform various tests at this site. They have chemical storage and have had leaks on this site. Those chemicals are now showing up in the wells surrounding the site. It has not been used as residential for over 80+ years and you should be zoning it as it is being used.

Additionally due to the site contamination levels this area should never be considered residential and that is the other primary concern and reason why I feel that you should not label it as RD, but it should be Industrial.

David Harris  
[Redacted] Chesapeake Beach, MD 20732

[REDACTED]

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**From:** Brinkley, Jason P.  
**Sent:** Sunday, December 8, 2024 12:13 PM  
**To:** O'Shea, Rachel D.; Hager, George W. "Will"  
**Cc:** jason@scaggsexcavating.com  
**Subject:** Fw: Zoning ordinance revision Comment, I1 and flex space removal

Rachel/Will

Please see Mr Scaggs comments below. Please include these in the public comments for the Planning Commission.

Thanks,

Jason Brinkley  
Via [Outlook for iOS](#)

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**From:** jason@scaggsexcavating.com <jason@scaggsexcavating.com>  
**Sent:** Saturday, December 7, 2024 10:21 AM  
**To:** Brinkley, Jason P. <jason.brinkley@calvertcountymd.gov>  
**Subject:** Zoning ordinance revision Comment, I1 and flex space removal

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**This Message Is From an External Sender**

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The current revision proposal splits industrial between regular Light Industrial, Heavy Industrial and Industrial Mixed Use and all removes Flex Space.

The current proposal leaves the Meadow Run Park with regular I1 Zoning.

In our park we currently have a Bingo Hall, a dentist office, a residential house, retail hot tub sales, T shirt Sales, a Sports Plex Facility, some traditional Light industrial uses and a deal in the works for a Skating rink.

One would assume that the Meadow Run Park would fall under the Mixed Use type industrial zoning.

These changes make an already difficult to navigate zoning ordinance more difficult and would prevent expansion of the Sports Plex and the new Skating Rink from coming to Calvert County.

I would advocate for doing nothing with the current ordinance as it pertains to Light Industrial land or at a minimum give meadow run park the multi use designation.

An Unrelated topic is the Dunkirk Supply property. If anything is ever to be done with this property, it needs to be grouped with my park as Industrial Mixed Use. The Rural Commercial tag is a horribly restrictive category and will result in the property sitting as an eyesore for generations.

Jason Scaggs  
Scaggs Site Development

Division of Scaggs Homes, Inc.

[www.ScaggsExcavating.com](http://www.ScaggsExcavating.com)



**From:** Parkinson, Josephine R.  
**Sent:** Wednesday, December 11, 2024 12:05 PM  
**To:** O'Shea, Rachel D.; Hager, George W. "Will"  
**Cc:** Cook, Mary Beth; Mackall, Judy J.; Brinkley, Jason P.; Blake-Wallace, Tamara L.  
**Subject:** FW: Zoning Update (Jason Scaggs)

**Importance:** High

FYI

**From:** jason@scaggsexcavating.com <jason@scaggsexcavating.com>  
**Sent:** Wednesday, December 11, 2024 12:02 PM  
**To:** Zone Ordinance Update <ZOupdate@calvertcountymd.gov>; Parkinson, Josephine R. <becky.parkinson@calvertcountymd.gov>; MacAdams, Kathy L. <Kathy.MacAdams@calvertcountymd.gov>  
**Subject:** Zoning Update

**This Message Is From an External Sender**

This message came from outside your organization.

The new Zoning Ordinance is not ready for approval. Please delay until the issues can be worked out properly.

Asking citizens to accept this today with no guarantee that text amendments will follow to correct problems is not the right thing to do.

In my opinion, rushing to accept this will erode public trust and force some people to seek legal action.

Below are my comments to Planning and Zoning as well as the county commissioners.

**From:** jason@scaggsexcavating.com <jason@scaggsexcavating.com>  
**Sent:** Sunday, December 8, 2024 12:01 PM  
**To:** County Commissioners

Lady and Gentlemen,

I hadn't paid much attention to the Zoning rewrite because I thought I would be long gone to NC by now. Now that my departure is who knows how long delayed I have read through several sections.

It appears that the revisions are getting more complicated and growing in pages.

It took me 5 years to get the original site plan approval for the flag barn lot, for a small rural county, that is insane.

Am I the only one that thinks the goal of this rewrite should be to simplify, cut the number of pages in half and speed up the approval process?

Here is one example.

Back in the spring I brought in the Owner of SkateZone Crofton to talk with Economic Development, P and Z and DPW to open his second location. SkateZone and I had already agreed to a price on the 12 acre lot and we did a complete budget. He was ready to spend 5 million dollars and hire over 10 people for this location. The goal of the meeting was to iron out any potential issues and stress that Skatezone had zero interest in 3 years of permitting. County staff all pointed to the process taking less than 12 months.

After walking out of that meeting, it took us 6 months to get a definitive answer on needing a traffic study or not. After the 6 month delay, skatezone is no longer very excited about building the project.

I like to think I am on the same page with most of you. Limit a whole lot more residential development and encourage interesting amenities for the community.

2...3 and 5 year permit processes do not encourage local people to build cool amenities. What it does and I will say it for the 5<sup>th</sup> time is...make people like me sell the property to large investment firms. Those real estate investment firms have no community connection to the area and only focus on profitability.

Clearly I could make more money with the flag barn lot vs what I am doing now but I live right across the street and I have young kids, so I as a local land owner want something interesting there. I do however have 2 different investment firms harassing me every month about buying it.

There are many staff members here now and many from the past that added to the complexity and personal preference of the zoning regs under the nose of past county commissioners. With an all fairly like minded group of commissioners, I think we should use this opportunity to really overhaul our system while still protecting our values.

Below is my first email regarding the changes to the Ordinance.

Jason Scaggs  
Scaggs Site Development  
Division of Scaggs Homes, Inc.  
[www.ScaggsExcavating.com](http://www.ScaggsExcavating.com)

The current revision proposal splits industrial between regular Light Industrial, Heavy Industrial and Industrial Mixed Use and removes Flex Space.

The current proposal leaves the Meadow Run Park (Flag Barn, Kelly Generator Area) with regular I1 Zoning.

In our park we currently have a Bingo Hall, a dentist office, a residential house, retail hot tub sales, T shirt Sales, a Sports Plex Facility, some traditional Light industrial uses and a deal in the works for a Skating rink.

One would assume that the Meadow Run Park would fall under the Mixed Use type industrial zoning. Out of all the Industrial Parks in Calvert County, Meadow Run Park fits more in the definition of Industrial Mixed Use than any other.

These changes make an already difficult to navigate zoning ordinance more difficult and would prevent expansion of the Sports Plex and the new Skating Rink from coming to Calvert County.

I would advocate for doing nothing with the current ordinance as it pertains to Light Industrial land or at a minimum give meadow run park the multi use designation.

There is no evidence that I have seen to support more complexity in the Industrial category.

An Unrelated topic is the Dunkirk Supply property. If anything is ever to be done with this property, it needs to be grouped with Meadow Run park as Industrial Mixed Use. The Meadow Run Park and the Dunkirk Supply property are cut from the same parent track and wrap around each other. The Rural Commercial tag is a horribly restrictive category and will result in the property sitting as an eyesore for generations.

Jason Scaggs  
Scaggs Site Development  
Division of Scaggs Homes, Inc.  
[www.ScaggsExcavating.com](http://www.ScaggsExcavating.com)



**From:** jason@scaggsexcavating.com  
**Sent:** Wednesday, December 11, 2024 9:47 PM  
**To:** Planning and Zoning; Zone Ordinance Update; Willis, Julian M.; Brinkley, Jason P.; Parkinson, Josephine R.; Hance, Earl F.; Hart, Michael R.; Cox, Sr., Mark C.; Grasso, Catherine M.; Ireland, Todd M.; MacAdams, Kathy L.  
**Subject:** Changes to Industrial Land.

**This Message Is From an External Sender**

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The Proposed Zoning Regulations split the Industrial Category into 3 different sections.

Industrial Mixed Use  
Light Industrial  
Heavy Industrial

The question is why and what is accomplished by this?

My Industrial park, also known as the Meadow Run Park has more flex uses/mixed use than any other industrial park in the county.

My Industrial Park is proposed to be Light Industrial in the new ordinance.

25 percent of the Skinners Turn Road industrial area is proposed as Mixed Use Industrial

All of the 231 Industrial Park is proposed to be mixed use, yet this entire park more closely fits with regular light industrial or Heavy Industrial.

The Patuxent Business Park is proposed entirely as Mixed use. It should be noted that much of this park is still owned by the county and state.

My question is, who was in charge of picking what industrial park gets what zoning and what on earth could have been the reasoning?

As one of the largest land owners of Industrial land in this county, why was I not informed of these proposed changes and why was my opinion on the matter not asked for?

It is clear that the Mixed Use label offers more options and more likely to be developed.

This change makes the code unnecessarily more complex, for what end goal?

There are many vacant lots in existing industrial parks and this code change will make it harder to develop these lots and bring jobs to this county.

Other sections of the code convert some EC and other classified land to one of the three industrial categories. By my math, this change will over double the land area of Industrial zoned land in the county.

Given the additional land to be re-zoned industrial, why would existing owners of industrial land be punished with a downgrade of their zoning?

The concept of splitting Industrial into three categories needs to be taken out of the proposed zoning update.

A line item can be added in the allowed industrial uses chart that will allow a Data Center without breaking Industrial into 3 separate pieces.

I am also not a fan of the rush to get this across the finish line. I respectfully request the approval of the new ordinance to be delayed until these changes can be addressed.

Jason Scaggs  
Scaggs Site Development  
Division of Scaggs Homes, Inc.  
[www.ScaggsExcavating.com](http://www.ScaggsExcavating.com)



**From:** jason@scaggsexcavating.com  
**Sent:** Friday, December 13, 2024 11:06 AM  
**To:** Planning and Zoning; Zone Ordinance Update; Parkinson, Josephine R.  
**Subject:** Changes to Indoor Recreation Conditions

**This Message Is From an External Sender**

This message came from outside your organization.

In the Proposed ordinance, Indoor Recreation is not allowed in Meadow Run Park, a park that already has the largest rec center in Calvert County.

It will also Block SkateZone in Crofton from opening their second location here. We have been in talks/design with them for over a year.

Indoor Rec becomes Conditional in I-MU (Industrial mixed use) Only, with the below Condition.

*Section 18-8*

*K. Recreation Facility, Indoor Commercial An entirely enclosed building or facility that offers commercial indoor recreational activities that may include, but not limited to, tennis, batting cages, bowling, skating, racquetball, arcade games, volleyball, basketball, indoor soccer, martial arts, miniature golf, paint ball, laser tag, gymnastics, play gallery, the study of performing arts and related training, the production of arts and crafts products, or similar activities. This use also includes establishments offering or providing facilities in controlled exercise, weightlifting, calisthenics, aerobics, and general physical fitness. This use may include associated ancillary eating and drinking areas, retail sales areas (limited to items customarily associated with the principal use only), and staff offices. The following shall apply where applicable. 1. Outside Town Centers, the combined **gross floor area of all buildings supporting the use is limited to 25,000 square feet***

So even we change my park to I-MU, it still won't allow my Rec Center in my industrial park...I become out of compliance again because I am at 35,000 Square Feet and I would be blocked from expansion.

The second phase of the Sports Plex is targeted for another one of my lots in the park.

What is the purpose and who are we protecting by capping the size of a rec center?

What is the purpose of not allowing a Rec Center in the Industrial Park that currently has the largest Rec Center in the County?

I request that Meadow Run Park get the I-MU Designation and that the above condition be removed completely. The use should be permitted not conditional.

Jason Scaggs  
Scaggs Site Development  
Division of Scaggs Homes, Inc.  
[www.ScaggsExcavating.com](http://www.ScaggsExcavating.com)

**From:** jason@scaggsexcavating.com  
**Sent:** Friday, December 13, 2024 12:22 PM  
**To:** Hance, Earl F.; Hart, Michael R.; Cox, Sr., Mark C.; Grasso, Catherine M.; Ireland, Todd M.; MacAdams, Kathy L.; Planning and Zoning; Zone Ordinance Update  
**Cc:** 'Steve Piazza'  
**Subject:** Changes to Conditions on Indoor Gun Range  
**Attachments:** 200 foot setback from lot line Buildable area.pdf

**This Message Is From an External Sender**

This message came from outside your organization.

The 61,000 SF gun Range folks have recently acquired financing and would like to move forward.

Currently the Setbacks for an Indoor Gun Range are 200 feet from a dwelling. This only applies to the gun range building, not the parking lot.

This is what I received a variance for to make the building fit on the lot.

We have the variance but no site plan submittal yet. The site plan engineering is estimated at over \$200,000 and had to wait for financing.

In the revised zoning the condition now calls out a 200 foot BRL from the lot line for the building and the parking lot.

This would completely kill the indoor gun range concept.

Attached is the site plan marked in red boxes for the new proposed 200 foot lot line setback. The green area is where you can build for a gun range and parking.

This proposed rule change would limit the new building on a 12 acre lot to around 20,000 Square Feet. Significantly smaller than any successful new range in the country.

I would argue that this proposed rule change would eliminate just about any parcel in the county from this type of use.

I respectfully request that the existing condition of 200 feet from a dwelling remain as written.

Below is the proposed code change.

*Section 18-8N*

*N. Target Range, Indoor A building that is used for the purpose of organized shooting events or practice using rifles, shotguns, pistols, and other firearms. The following shall apply where applicable.*

*1. The target range site, including any ancillary uses such as **as parking**, shall be located **at least 200 feet from any lots or parcels** with a residential building or active residential building permit; and*

Jason Scaggs  
Scaggs Site Development

P. 300  
LOT 498  
SEC. 2, PLAT 1  
ARROW GREEN  
ABE 2 1/2  
MICHAEL & CRYSTAL V. MARTI  
KPS 2760 298

P. 299  
LOT 47  
REG. ATTACH. OF PLAT 1  
W. TONIA STATION  
ABE 2 1/2  
MATTHEW W. RAMBLE & WIFE  
KPS 5850 006

P. 301  
LOT 30  
REG. ATTACH. OF PLAT 1  
W. TONIA STATION  
ABE 2 1/2  
MICHAEL R. & TONIA W. OF  
ABE 410 765

P. 302  
LOT 15  
REG. ATTACH. OF PLAT 1  
W. TONIA STATION  
ABE 2 1/2  
JESSE E. JOHNSON JR.  
KPS 5815 285

P. 300  
LOT 15  
REG. ATTACH. OF PLAT 1  
W. TONIA STATION  
ABE 2 1/2  
PETER R. BARNES & WIFE  
KPS 5730 325

P. 303  
LOT 306  
REG. ATTACH. OF PLAT 1  
W. TONIA STATION  
ABE 2 1/2  
MARY ANN LUNNICH  
KPS 5802 375

P. 104  
HOWAN OVERSEAS BURY CO. LLC  
KPS 1302 568

P. 237  
LOT 300  
THOMAS NORRICK FURNITURE CO.  
KPS 6 120  
JAMES, L.L.C.  
KPS 6 000 000

P. 47  
LOT 1  
OWEN RICKS SR. PROPERTY  
ABE 2 1/2  
MICHAEL W. & WELLM E.  
BUCKENHAM  
ABE 052 351

P. 201  
LOT 3 & PARCELS A  
OWEN RICKS SR. PROPERTY  
ABE 40 000  
MEADOW RUN & COMPANY, INC.  
KPS 50 000

P. 247  
LOT 8  
MEADOW RUN PARK  
ABE 3 201  
SCAGGS INDUSTRIAL, LLC  
KPS 469 187

P. 261  
LOT 788  
MEADOW RUN PARK  
KPS 5 241  
VILCOFF'S PROPERTIES LLC  
KPS 400 000

P. 261  
LOT 499  
MEADOW RUN PARK  
KPS 8 243  
VILCOFF'S PROPERTIES LLC  
KPS 440 000

P. 304  
LOT 1000  
SEC. 3, PLAT 1  
ARROW GREEN  
ABE 2 1/2  
DORIS J. & KAMLA K.  
MILLIGAN  
KPS 2700 319

P. 305  
LOT 0  
MEADOW RUN PARK  
ABE 3 221  
SCOTT C. & JANE L. NORFOLK  
KPS 260 317

BLDO 'N' PAD  
61200 GSF  
KPS 100 000

BLDO 'N' PAD  
61200 GSF

MEADOW RUN LANE - 60' ROW

PARKING AND LOADING REQUIREMENTS						
DESCRIPTION OF APPROVED USES	NET AREA (SQ)	PARKING MULTIPLIER - (SPACE/UNIT)	PARKING REQUIRED	PROVIDED	LOADING REQUIRED	PROVIDED
Commercial (General)	15,000,000	1.250	675	60		
Industrial/Manufacturing	40,000	3.00 x 100	36	26		
Automotive (Auto, parts)	28,000	1.000	141	141		
Commercial (Retail, Office)	15,000	1.000	150			
<b>SUB TOTAL</b>			<b>332</b>	<b>127</b>		
<b>SHARED PARKING PRODUCTION FACTOR</b>						
<b>GRAND TOTAL</b>	28,000	N/A	231	231	6	0

NOTES:  
1. EXISTING CONTOURS ARE BASED ON 2017 DEMOGRAPHIC INFORMATION PROVIDED BY CALVERT COUNTY  
2. THIS CONCEPT IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT INCLUDE ALL THE NECESSARY INFORMATION FOR DESIGN, PERMITTING AND CONSTRUCTION

SCALE: 1" = 100'

SHEET NO. 1 OF 2

DATE: 11/15/2023

PROJECT: MEADOW RUN PARK

LOCATION: 100' WEST OF MEADOW RUN LANE, BLOOMING, MARYLAND  
INDUSTRIAL DISTRICT, CALVERT COUNTY, MARYLAND

PREPARED BY: BARRETT & ASSOCIATES, INC.  
100 BIRCH DRIVE SUITE 100  
BLOOMING, MARYLAND 21117  
(410) 377-2135  
www.barrettassociates.com

DATE: 11/15/2023

BY: JAMES E. CUNY

December 10, 2024

Calvert County Board of Commissioners  
175 Main Street  
Prince Frederick, Maryland 20678

Re: Request for Zoning Change for  
6401 Southern Maryland Boulevard  
(Tax Map 11, Parcel 70) and 260 Lower  
Marlboro Road (Tax Map 11, Parcel 507)

Dear Honorable Commissioners,

I hope this letter finds you well. I am writing to formally request a zoning change for the properties located at 6401 Southern Maryland Boulevard, Tax Map 11, Parcel 70 and 260 Lower Marlboro Road, Tax Map 11, Parcel 507. Currently, these properties are designated as RCD (Rural Community District) under the current county zoning laws. I am requesting that the properties be rezoned to commercial such as the RC (Rural Commercial District) as part of the new county-wide zoning update.

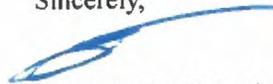
The purpose of this request is to accommodate the evolving needs of the community and the properties potential for commercial use, which aligns with the broader vision of Calvert County's growth and development plan. The property's locations are along Southern Maryland Boulevard, a primary route for local and regional traffic, offers a unique opportunity for commercial development while remaining sensitive to the rural character of the area.

The proposed zoning change to RC – Rural Commercial District business activities while maintaining compatibility with surrounding areas and will contribute to the economic development of the area, providing opportunities, and ensure that the property is developed in a manner to meet the community's needs.

I have attached the current property information and relevant review. I would greatly appreciate your consideration of this request. If you need additional information or wish to discuss this matter further, please contact me at [REDACTED] or via email at [kmichael@naimichael.com](mailto:kmichael@naimichael.com).

Thank you for your time and attention to this matter. I look forward to your response.

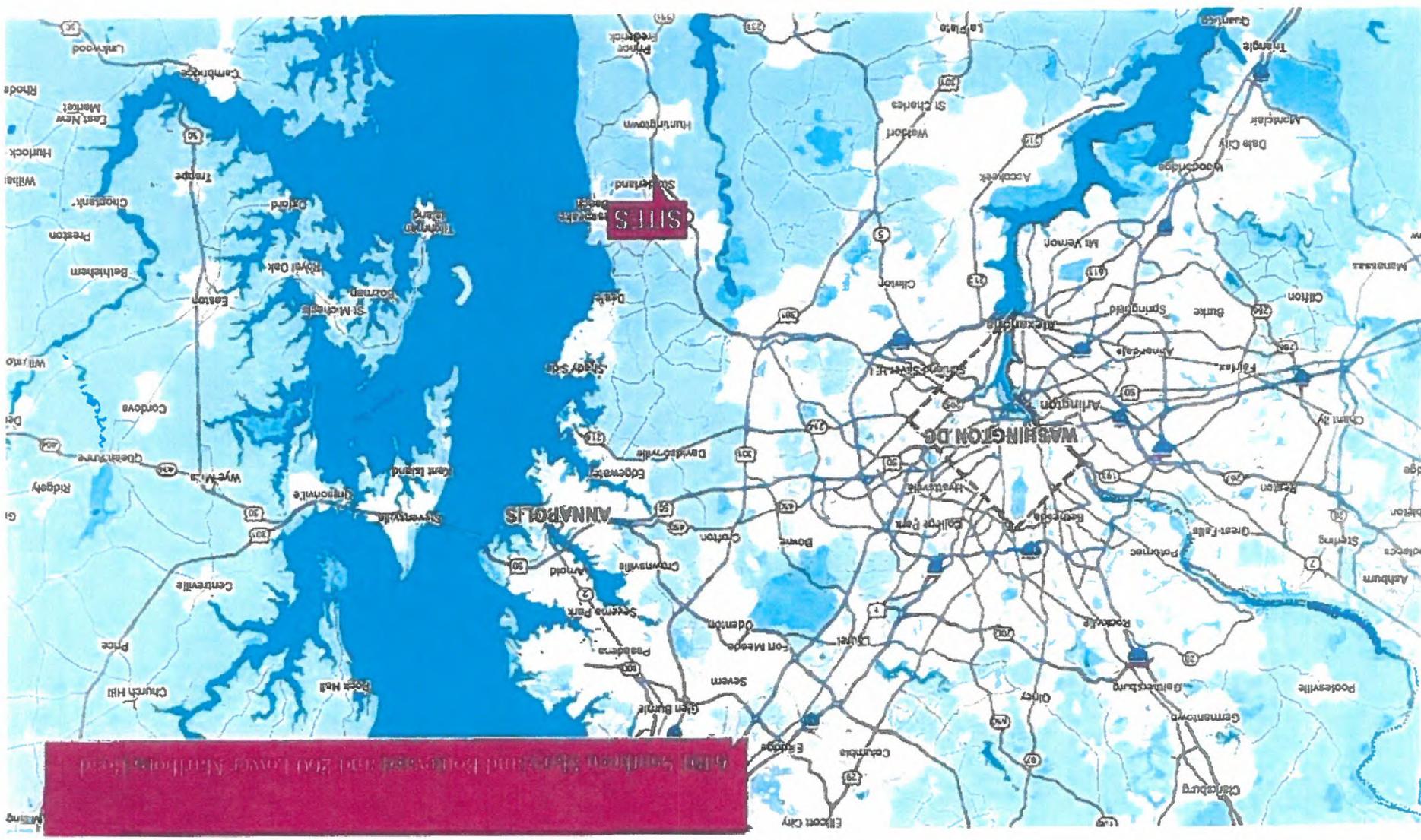
Sincerely,



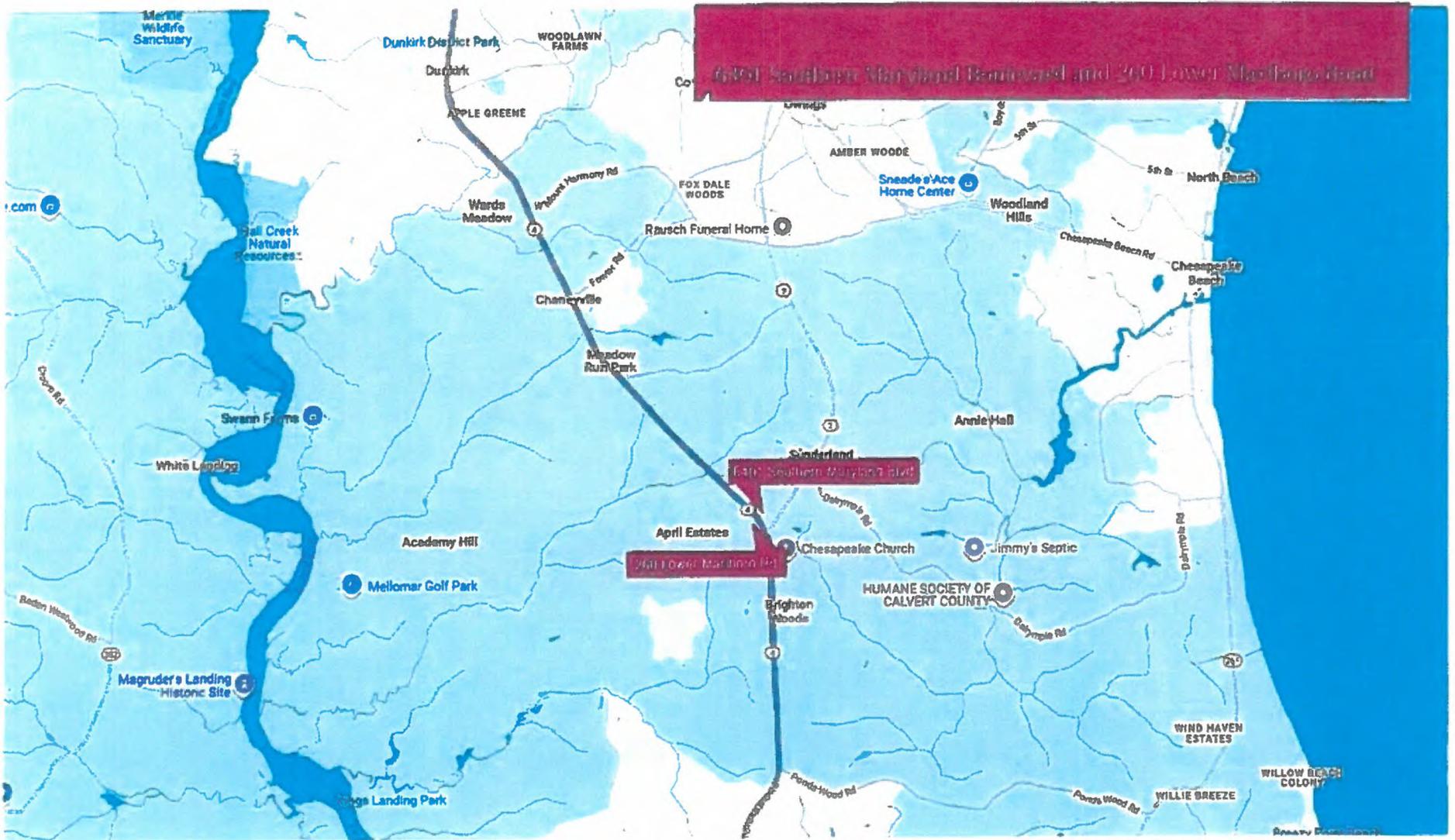
Kenneth H. Michael  
Owner  
KMH Sunderland LLC

cc: Mary Beth Cook Director of Planning and Zoning

The information contained herein has been prepared by the firm of the preparer or other sources of such information. We make no warranty as to the accuracy, reliability, or completeness of such information. All information should be verified prior to reliance or action. All numbers, and all other information, are for informational purposes only and do not constitute a financial plan or investment recommendation. Please consult your broker or other professional advisor for more information.



400 Southpark Boulevard and 500 Lower Annapolis Road





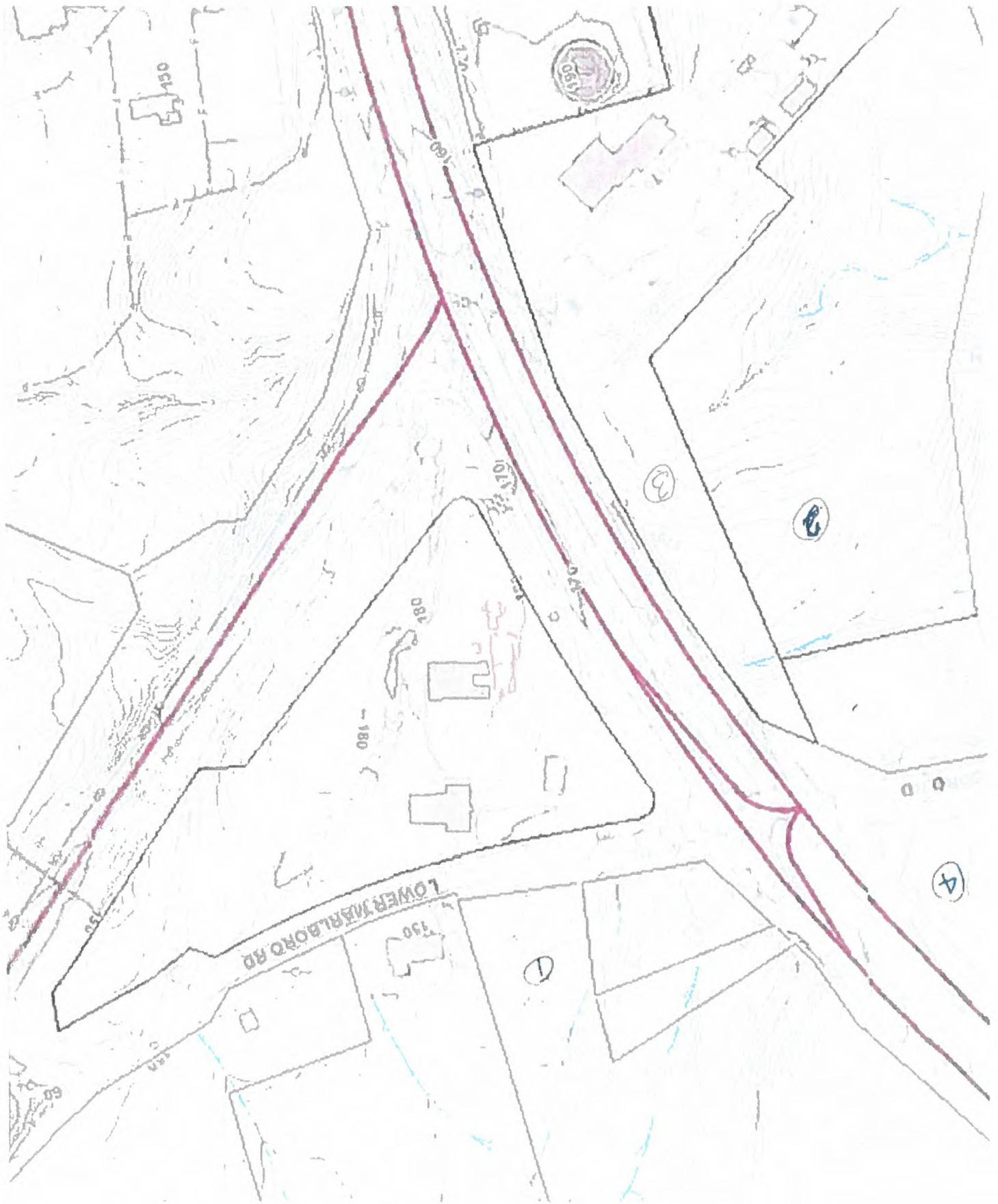
The information contained herein has been given to us by the owner of the property or other sources we deem reliable. We have no reason to doubt its accuracy, but we do not guarantee it. Floor plans, site plans and other graphic representations of this property have been reduced and reproduced, and are not necessarily to scale. All information should be verified prior to purchase or lease.

6401 Southern Maryland Boulevard and 260 Lower Marlboro Road

6401 Southern  
Maryland Blvd

260  
Lower  
Marlboro Rd





Real Property Data Search ( )  
 Search Result for CALVERT COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 03 Account Number - 003469

**Owner Information**

Owner Name: KHM SUNDERLAND LLC Use: RESIDENTIAL  
 Principal Residence: NO  
 Mailing Address: 10100 BUSINESS PKWY Deed Reference: /04997/ 00499  
 LANHAM MD 20706-0000

**Location & Structure Information**

Premises Address: 6401 SOUTHERN MARYLAND BLVD Legal Description: 1.17 AC  
 SUNDERLAND 20689-0000 6401 SOUTHERN MARYLAND BLVD  
 SUNDERLAND

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0011	0020	0070	3010001.05	0000				2023	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
	756		32,670 SF	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
							/

**Value Information**

	Base Value	Value As of	Phase-In Assessments	
			As of	As of
Land:	140,000	140,000	07/01/2024	07/01/2025
Improvements	5,100	5,600		
Total:	145,100	145,600	145,433	145,600
Preferential Land:	0	0		

**Transfer Information**

Seller: WEBB HAZEL JANE & JAMES K Type: ARMS LENGTH MULTIPLE	Date: 05/23/2017 Deed1: /04997/ 00499	Price: \$200,000 Deed2:
Seller: LITTEN JONATHON & HANNAH Type: NON-ARMS LENGTH OTHER	Date: 03/17/2011 Deed1: /03687/ 00494	Price: \$143,000 Deed2:
Seller: LITTEN, CURTIS P & VIALONDA Type: NON-ARMS LENGTH OTHER	Date: 01/18/2009 Deed1: KPS /03232/ 00176	Price: \$150,000 Deed2:

**Exemption Information**

Partial Exempt Assessments:	Class	07/01/2024	07/01/2025
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

**Homestead Application Information**

Homestead Application Status: No Application

**Homeowners' Tax Credit Application Information**

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ( )  
 Search Result for CALVERT COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

**Special Tax Recapture: None**

Account Identifier: District - 02 Account Number - 131579

**Owner Information**

Owner Name: KHM SUNDERLAND LLC Use: RESIDENTIAL  
 Principal Residence: NO  
 Mailing Address: 10100 BUSINESS PKWY Deed Reference: /04997/ 00489  
 LANHAM MD 20706-0000

**Location & Structure Information**

Premises Address: 260 LOWER MARLBORO RD Legal Description: 1 AC  
 HUNTINGTOWN 20839-0000 HUNTINGTOWN

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:  
 0011 0019 0507 2010001 05 0000 2025 Plat Ref:  
 Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use  
 1,000 AC 000000

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements

**Value Information**

	Base Value	Value As of 01/01/2022	Phase-In Assessments As of 07/01/2024	As of 07/01/2025
Land:	130,000	130,000		
Improvements	0	0		
Total:	130,000	130,000	130,000	
Preferential Land:	0			

**Transfer Information**

Seller: WEBB HAZEL JANE & JAMES K	Date: 05/23/2017	Price: \$200,000
Type: ARMS LENGTH MULTIPLE	Deed1: /04997/ 00489	Deed2:
Seller: COX, EVA O	Date: 09/24/2001	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: KPS /01448/ 00443	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

**Exemption Information**

Partial Exempt Assessments:	Class	07/01/2024	07/01/2025
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00	0.00

**Special Tax Recapture: None**

**Homestead Application Information**

Homestead Application Status: No Application

**Homeowners' Tax Credit Application Information**

Homeowners' Tax Credit Application Status: No Application Date:

[REDACTED]

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**From:** Meredith McKinnon <mmckinnon@silvermanthompson.com>  
**Sent:** Friday, December 13, 2024 12:30 PM  
**To:** Zone Ordinance Update  
**Subject:** RHV Public Comments  
**Attachments:** 2024-11-18 Comments to Draft CCZO.pdf

**This Message Is From an External Sender**

This message came from outside your organization.

To whom it may concern,

Please find attached Running Hare Vineyard, Inc.'s public comments to the proposed updates to the Calvert County Zoning Ordinance. Kindly confirm receipt.

Thank you,

Meredith E. McKinnon  
Silverman Thompson Slutkin & White  
[REDACTED]  
Baltimore, Maryland 21202  
Office: [REDACTED]  
Direct: [REDACTED]  
Fax: [REDACTED]  
[MMcKinnon@SilvermanThompson.com](mailto:MMcKinnon@SilvermanThompson.com)



# SILVERMAN THOMPSON

Silverman Thompson Slutkin White

ATTORNEYS AT LAW

*A Limited Liability Company*

Baltimore, Maryland 21202

Telephone [REDACTED]

Facsimile [REDACTED]

silvermanthompson.com

*Baltimore | Towson | New York | Washington, DC*

Writer's Direct Contact:  
Ramsay Whitworth

rwhitworth@silvermanthompson.com

November 18, 2024

**Via Electronic Mail**

Department of Planning and Zoning  
Attn: ZO Update  
205 Main Street  
Prince Frederick, MD 20678  
ZOupdate@calvertcountymd.gov

Re: *Public Comments to the November 2024 Draft Updates to the Calvert County Zoning Ordinance ("CCZO")*

To Whom It May Concern:

This firm represents Running Hare Vineyard, Inc. ("RHV"), a business located in Calvert County at 150 Adelina Road, Prince Frederick, Maryland 20678. RHV's property is located in an Agricultural Preservation District ("APD"). Consequently, RHV will be directly impacted by many of the proposed revisions to the CCZO. Accordingly, on behalf of our client, please accept the following comments to the November 2024 Draft Updates to the CCZO.

- 1) Article 4. Agricultural District, Section 4-2(C) – Uses
  - a. The proposed provision should include language in accordance with COMAR § 15.15.07.04. *See* COMAR § 15.15.07.04 attached hereto as **Exhibit A**. COMAR § 15.15.07.04 sets forth an additional limitation for properties within State and County preservation programs. Specifically, before the Maryland Agricultural Land Preservation Foundation ("MALPF") may approve a request for any use or activity provided in Md. Code Regs. Title 15, Subtitle 15, the County must submit, on behalf of the applicant/landowner, a "written statement from the local planning and zoning office, or the county program administrator, indicating that the proposed use or activity is permitted as of right or by special exception under local zoning." COMAR § 15.15.07.04(c). Related language should be included in the CCZO to advise landowners falling within the purview of both State and County preservation programs of their requirement to meet the County conditions for APD land uses prior to receiving approval from MALPF for State preservation land uses.
- 2) Article 18. Table 18-1 Outside Town Center Uses
  - a. The following proposed revisions to Table 18-1 should be reconsidered:
    - i. Bed & Breakfast Facilities (with up to 2 or 3 to 5 Bedrooms in Use) –

1. Landowners with property in the APD are currently permitted to use their property, so long as they meet the conditions set forth in 3-1.03.(3a) and (3b), as a Bed & Breakfast Facility. For whatever reason, the drafters have removed this use from the CCZO solely with respect to APD landowners. This revision will negatively impact landowners in the APD that currently use their land to operate Bed & Breakfast Facilities. The drafters should reconsider this revision and permit APD landowners to continue to use their land as Bed & Breakfast Facilities so long as they meet the conditions currently prescribed in the CCZO 3-1.03.(3a) and (3b).
- ii. Market, Farmers' –
  1. As drafted, the CCZO would prohibit APD landowners from using their land to host farmers' markets. The drafters should reconsider this decision and allow APD landowners, who own preserved farmland and produce agricultural products on their land, to host farmers' markets where vendors may sell locally produced agricultural products. Permitting APD landowners to host farmers' markets on their farms corresponds with the intent of the APD program, the ideals and goals of the Agricultural Preservation Advisory Board ("APAB"), and the mission of Calvert County's Comprehensive Plan.
- iii. Sawmill, Commercial –
  1. As drafted, the CCZO would prohibit APD landowners from using their land to process their own lumber. Forestry and timber operations are prevalent on many APD properties. The drafters should reconsider this decision and allow APD landowners to cut logs that are present on their property into lumber.
- iv. Solar Energy Generating Systems (major and minor) –
  1. As drafted, the CCZO would prohibit APD landowners from using their land to generate their own power. The drafters should reconsider this decision and allow APD landowners to generate their own power and offset their carbon footprint – which corresponds with the intent of the APD program, the ideals and goals of the APAB, and the mission of Calvert County's Comprehensive Plan.
  2. Additionally, the drafters should establish a land use in the APD for Hydropower Generation. APD landowners should be permitted to use their land to generate hydropower.
- v. Food Truck –
  1. As drafted, the CCZO would prohibit APD landowners from using their land on a temporary basis to host food trucks. The drafters should reconsider this decision and allow APD landowners to continue hosting food trucks on their properties to facilitate food service to patrons of farm businesses.
- vi. Rental Facilities on Farmland –
  1. The drafters have modified the Rental Facilities on Farmland use from an Agritourism, Ecotourism and Heritage Tourism Use to a

Temporary Use. This revision will negatively impact landowners previously permitted to use their land as Rental Facilities. Certain landowners generate significant income from utilizing their properties as Rental Facilities and these landowners should not be limited to using their properties as Rental Facilities solely on a temporary basis. Consequently, the drafters should keep the Rental Facilities on Farmland use within the Agritourism, Ecotourism and Heritage Tourism uses.

3) Article 18. Uses, Section 18-2(B)(2)

- a. The proposed provision is misleading. Specifically, the following language should be revised, “[t]he uses listed in this Article apply to APDs in the County Agricultural Preservation Program only. If a property is in a State agricultural preservation program, the uses are required to be permitted by the Maryland Agricultural Land Preservation Foundation.” Because COMAR § 15.15.07.04 requires local planning and zoning to submit a written statement to MALPF indicating that any request for approval of any use or activity made by a landowner in a State agricultural preservation program is permitted as of right or by special exception under local zoning rules and regulations, it cannot always be that the uses listed in this article only apply to APDs in the County Agricultural Preservation Program. Based on the plain reading of COMAR § 15.15.07.04, property in both State and County agricultural preservation programs will ultimately be regulated by both the County APD provisions and the State preservation program codes, as MALPF cannot consider a request for approval of any use before the local planning and zoning office submits a written statement indicating that the proposed use or activity is permitted pursuant to the CCZO.

4) Article 18. Uses, Sections 18-3(A)(1) and (B) and (B)(6) – Agritourism, Ecotourism and Heritage Tourism

- a. The language of Section 18-3(A)(1) – Agritourism Enterprise – is vague and confusing. Specifically, the following language should be revised and/or defined, “such activities shall relate to on premises agriculture and the activities shall be incidental to the agricultural operation.” As drafted, this section will lead to interpretation issues and disputes between businesses, landowners and County agencies. We suggest the drafters include specific examples of those permitted activities, as well as definitions for “relate to” and “incidental to.”
- b. The language of Section 18-3(B) – Campground, Farm – is vague and confusing. As drafted, it is unclear whether Section 18-3(B) additionally applies to permitted Public Events and/or Agritourism Enterprise activities that incorporate camping on a limited basis – as opposed to being part of the landowner’s day-to-day business operations. Accordingly, we suggest including within the Public Events and/or Agritourism Enterprise land use sections of the CCZO examples of limited camping events/activities that would be permitted land uses separate and distinct from the Campground, Farm land use. Further, the limitations of Section 18-3(B) (i.e., limits on the number of camp sites and excluding RV/Camper camping) should not apply to camping events/activities hosted by landowners in accordance with the Public Events and/or Agritourism Enterprise land uses.

5) Article 18. Uses, Sections 18-4(I), 18-4(I)(1)(b), 18-4(I)(4)(a) and 18-4(I)(5) – Farm Alcohol Production Facility

- a. The proposed Section 18-4(I) is unnecessarily limiting. Specifically, the following language should be revised, “[f]acilities include a tasting room and may include retail areas for the purchase of beverages manufactured on-site and items related to beverages manufactured on-site.” This provision conflicts with MD. AL. BEV. § 2-206. *See* MD. AL. BEV. § 2-206 attached hereto as **Exhibit B**. Pursuant to MD. AL. BEV. § 2-206, holders of Class 4 limited winery licenses are not required to manufacture their Maryland-grown agricultural products on-site and therefore landowners using their land as Farm Alcohol Production Facilities, under Class 4 limited winery licenses, should not be limited to the retail sale of beverages manufactured solely on-site. As drafted, this would limit a landowner’s ability to sell beverages they legally manufacture off-site. This limitation does not further the mission of Calvert County’s Comprehensive Plan and is arbitrary. We suggest the drafters revise this provision as follows, “[f]acilities include a tasting room and may include retail areas for the purchase of locally produced beverages and items related to beverages manufactured by the facility.”
- b. For the same reasons set forth in paragraph (4)(a) above, the language of Section 18-4(I)(1)(b) is unnecessarily limiting and conflicts with MD. AL. BEV. § 2-206. Specifically, the following language should be revised, “[a]t least one of the primary ingredients shall be produced on the farm where the facility is located.” MD. AL. BEV. § 2-206 does not require holders of Class 4 limited winery licenses to manufacture their Maryland-grown agricultural products on-site. Consequently, holders of Class 4 limited winery licenses operating Farm Alcohol Production Facilities should not be required to grow at least one of the primary ingredients for their Maryland-grown agricultural products on-site. We suggest the drafters revise this provision as follows, “[a]t least one of the primary ingredients shall be produced by the facility.”
- c. The proposed Section 18-4(I)(4)(a) is unnecessarily limiting. Specifically, the following language should be revised, “[t]he items sold are primarily associated with the farm alcohol production facility (e.g., glassware and souvenirs) or are locally produced goods which would be permitted to be sold at an artisan's and crafter's market or farmers' market, as defined by this Ordinance.” This provision conflicts with MD. AL. BEV. § 2-206. Pursuant to MD. AL. BEV. § 2-206, holders of Class 4 limited winery licenses are permitted to sell certain food products. *See* Md. Al. Bev. § 2-206(c)(5)(iii). Consequently, the County should not limit Farm Alcohol Production Facility’s retail sales by excluding items enumerated in the State code. We suggest the drafters revise this provision as follows, “[t]he items sold are primarily associated with the farm alcohol production facility (e.g., glassware and souvenirs) or are permitted items pursuant to MD. AL. BEV. § 2-206(c)(5)(iii) or are locally produced goods which would be permitted to be sold at an artisan's and crafter's market or farmers' market, as defined by this Ordinance.”
- d. The proposed Section 18-4(I)(5) is misleading. The provision acts to mandate APAB approval of Farm Alcohol Production Facility land use. However, the APAB Rules and Regulations do not grant the APAB the proposed authority. *See* APAB Rules and Regulations attached hereto as **Exhibit C**. Accordingly, we suggest the

drafters remove the following language from the CCZO, “If located in an Agricultural Preservation District, approval of the Agricultural Preservation Advisory Board is required.”

- 6) Article 18. Uses, Sections 18-13(F)(2) – Temporary Uses/Temporary Entertainment
  - a. The language of Section 18-13(F)(2) – Public Events/Public Assemblies on Farmland – is vague and confusing. Specifically, the following language should be revised and/or defined, “[a]n event held on a farm not related to farm activities.” As drafted, this section will lead to interpretation issues and disputes between businesses, landowners and County agencies. We suggest the drafters include specific examples of those activities considered unrelated to farming – examples beyond “performing arts and concerts.”
  - b. The proposed revision to Section 18-13(F)(2), limiting a landowner’s ability to host more than 12 events per year, is detrimental to Calvert County farm businesses. Surrounding counties do not impose similar restrictions on their farm businesses, making it impossible for Calvert County farm businesses to compete with the surrounding counties’ farm businesses. Accordingly, we suggest the drafters remove the limitation on Public Events/Public Assemblies on Farmland, or in the alternative, increase the amount of permitted public events to 50 events per year.
- 7) Article 33. Enforcement, Section 33-2(A)(3) – Zoning Violation Defined
  - a. The proposed revision indicating that a violation of the CCZO has occurred prior to the violative act occurring is troublesome. Specifically, the provision states that “[a]ny advertising or marketing of any use of a property which is impermissible pursuant to this Ordinance” is a violation of the CCZO. The proposed language will ultimately lead to numerous Notices of Violations for what would be pre-violative acts. The CCZO should not authorize violations based on purported events that have not yet occurred. Accordingly, we suggest removing the entirety of Section 33-2(A)(3).

Sincerely,

*Ramsay Whitworth*

Ramsay Whitworth

cc: Meredith McKinnon  
mmckinnon@silvermanthompson.com

Running Hare Vineyard, Inc.  
c/o Matthew Scarborough  
mattscarborough14@gmail.com

John Mattingly, County Attorney  
John.Mattingly@calvertcountymd.gov

# **EXHIBIT A**

- LII > State Regulations > Maryland Code of Regulations
- > Title 15 - MARYLAND DEPARTMENT OF AGRICULTURE
- > Subtitle 15 - MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
- > Md. Code Regs. tit. 15, subtit. 15, ch. 15.15.07 - Approval for Uses of or Activities on Farmland Subject to an Agricultural Land Preservation District or Easement
- > **Md. Code Regs. 15.15.07.04 - Application Procedure**

## Md. Code Regs. 15.15.07.04 - Application Procedure

State Regulations    Compare

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Before the Foundation may consider a request for approval of any use or activity provided by this chapter, all of the following information shall be submitted by the county on behalf of the landowner:

- A. An application for approval that has been completed and signed by all titled landowners that fully and completely describes the proposed use or activity on the farm;
- B. A letter of recommendation from the local agricultural land preservation advisory board or program administrator;
- C. A written statement from the local planning and zoning office, or the county program administrator, indicating that the proposed use or activity is permitted as of right or by special exception under local zoning; and
- D. A written statement from the local soil conservation district that the use or activity does not:

- (1) Interfere in the implementation or maintenance of a best management practice for the farm provided in its soil conservation and water quality plan; or
- (2) Adversely impact sensitive natural resources on the farm, if this statement is requested by the Foundation.

## Notes

Md. Code Regs. 15.15.07.04

### State Regulations Toolbox

- [about](#)

# **EXHIBIT B**

West's Annotated Code of Maryland

Alcoholic Beverages and Cannabis (Refs & Annos)

Division I. General Provisions Affecting Multiple Jurisdictions [Titles 1-8] (Refs & Annos)

Title 2. State-Issued Permits and Licenses (Refs & Annos)

Subtitle 2. Manufacturer's Licenses (Refs & Annos)

MD Code, Alcoholic Beverages, § 2-206

Formerly cited as MD CODE, Art. 2B, § 1-102; MD CODE Art. 2B, § 2-201; MD CODE Art. 2B, § 2-205

§ 2-206. Class 4 limited winery license

Effective: July 1, 2024

Currentness

**Maryland-grown agricultural product defined**

(a)(1) In this section, “Maryland-grown agricultural product” means any product produced or cultivated on a farm or vineyard in the State.

(2) “Maryland-grown agricultural product” does not include:

(i) cannabis; or

(ii) any other product containing tetrahydrocannabinol as defined in § 36-1102 of this article.

**Established**

(b) There is a Class 4 limited winery license.

**Scope of authorization**

(c)(1) A license holder may:

(i) subject to paragraph (2) of this subsection, from available Maryland agricultural products:

1. ferment and bottle wine; and

2. distill and bottle pomace brandy; and

(ii) sell and deliver the wine and pomace brandy to:

1. a holder of a wholesaler's license;
2. a holder of a permit that is authorized to acquire wine or pomace brandy; or
3. a person outside the State that is authorized to acquire wine or pomace brandy.

(2) A license holder:

(i) shall own or have under contract at least 20 acres of Maryland-grown agricultural products in cultivation for use in the production of wine; or

(ii) except as provided in paragraph (3) of this subsection, if less than 20 acres are owned or under contract, shall ensure that at least 51% of the ingredients used in the annual production of the license holder's wine are Maryland-grown agricultural products.

(3)(i) The Secretary of Agriculture each year may grant a 1-year exemption to an applicant from the percentage requirement under paragraph (2)(ii) of this subsection.

(ii) The Secretary shall adopt regulations governing the granting of an exemption under subparagraph (i) of this paragraph, after consultation with the Advisory Commission on Maryland Alcohol Manufacturing, the Maryland Grape Growers Association, the Maryland Wineries Association, and other interested parties.

(4) Except as provided in Subtitle 3 of this title, a license holder need not obtain any other license to possess, manufacture, sell, or transport wine or pomace brandy.

(5) A license holder may:

(i) sell wine and pomace brandy produced by the license holder for on- and off-premises consumption;

(ii) in an amount not exceeding 2 fluid ounces per brand, provide samples of wine and pomace brandy that the license holder produces to a consumer:

1. at no charge; or
2. for a fee; and

(iii) subject to paragraphs (6) and (7) of this subsection, prepare, sell, or serve only:

1. bread and other baked goods;
2. chili;
3. chocolate;
4. crackers;
5. cured meat;
6. fruits (whole and cut);
7. hard and soft cheese (whole and cut);
8. salads and vegetables (whole and cut);
9. the following items made with Maryland wine:
  - A. ice cream;
  - B. jam;
  - C. jelly; and
  - D. vinegar;
10. pizza;
11. sandwiches and other light fare;
12. soup; and
13. condiments.

(6)(i) A caterer is not limited to preparing, selling, or serving only the foods specified in paragraph (5)(iii) of this subsection.

(ii) A license holder or entity in which the license holder has a pecuniary interest may not act as a caterer of food.

(7) Subject to paragraph (8) of this subsection, a license holder may conduct the activities specified in paragraph (5) of this subsection from 10 a.m. to 10 p.m. each day.

(8) Except as provided in Division II of this article, the license allows the license holder to operate 7 days a week.

(9) Nothing in this subsection limits the application of relevant provisions of Title 21 of the Health--General Article, and regulations adopted under that title, to a license holder.

#### **Place listed on license to be in compliance**

(d) The place listed on the license shall be in compliance with § 1-405(b) of this article.

#### **Scope of license**

(e) A license holder may:

(1) store on its licensed premises, in a segregated area approved by the Executive Director, the product of other Class 4 limited wineries to be used at Maryland Wineries Association promotional activities, provided records are maintained and reports filed regarding the storage under this item as may be required by the Executive Director;

(2) distill and bottle not more than 1,900 gallons of pomace brandy made from available Maryland agricultural products;

(3) purchase bulk wine made entirely of Maryland-grown agricultural products fermented by a manufacturer licensed under this article and blend the wine with the license holder's wine and pomace brandy if the aggregate purchase does not exceed 75% of the license holder's annual wine and pomace brandy production;

(4) purchase pomace brandy only for blending with wine;

(5) import, export, and transport its wine and pomace brandy in accordance with this section; and

(6) produce wine and pomace brandy at a warehouse for which the license holder has been issued an individual storage permit, if:

(i) the license holder does not serve or sell wine or pomace brandy at a warehouse to the public; and

(ii) the Executive Director has full access at all times to the warehouse to enforce this article.

**Location**

(f) A Class 4 limited winery may be located only at the place stated on the license.

**Acts allowed with proper records and reports**

(g) If a license holder maintains the records and files the reports that the Comptroller and the Executive Director require, the license holder may:

(1) in the State, conduct winemaking and packaging activities at another federally bonded winery or limited winery; or

(2) outside the State, conduct winemaking and packaging activities, other than fermentation, at another federally bonded winery.

**Additional duties of license holder**

(h) Throughout the winemaking process, the license holder shall:

(1) maintain ownership of the wine or pomace brandy; and

(2) ensure that the wine or pomace brandy returns to the location of the limited winery.

**Annual reports**

(i) The license holder shall report to the Executive Director annually on a form provided by the Executive Director on:

(1) the amount of alcoholic beverages produced under the license;

(2) the amount of alcoholic beverages sold for off-premises consumption; and

(3) the amount of alcoholic beverages served for on-premises consumption.

**Intent to resell**

(j) Except as otherwise provided by law, the license holder may not sell alcoholic beverages for off-premises consumption to a person who intends to resell the alcoholic beverages.

**Fee**

(k) The annual license fee:

(1) shall be determined by the Executive Director; and

(2) may not exceed \$200.

**Credits**

Added by Acts 2016, c. 41, § 2, eff. July 1, 2016. Amended by Acts 2016, c. 8, § 5; Acts 2016, c. 627, § 1, eff. July 1, 2016; Acts 2018, c. 542, § 1, eff. July 1, 2018; Acts 2021, c. 359, § 2, eff. May 18, 2021; Acts 2021, c. 360, § 2, eff. May 18, 2021; Acts 2021, c. 359, § 3, eff. May 18, 2021; Acts 2021, c. 360, § 3, eff. May 18, 2021; Acts 2023, c. 450, § 1, eff. July 1, 2023; Acts 2023, c. 452, § 1, eff. July 1, 2023; Acts 2024, c. 824, § 1, eff. July 1, 2024; Acts 2024, c. 825, § 1, eff. July 1, 2024; Acts 2024, c. 918, § 1, eff. July 1, 2024.

MD Code, Alcoholic Beverages, § 2-206, MD AL BEV § 2-206

Current through all legislation from the 2024 Regular Session of the General Assembly. Some statute sections may be more current, see credits for details.

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End of Document

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# **EXHIBIT C**

# Calvert County Agricultural Preservation Rules and Regulations



Adopted by the Calvert County Board of County Commissioners:

January 9, 2007

Amended:

January 20, 2017

April 17, 2018

Calvert County, Department of Planning & Zoning

150 Main Street, Prince Frederick, MD 20678

410-535-1600 x 2339

Available on the county's website at:

[www.co.cal.md.us](http://www.co.cal.md.us)

April 17, 2018

## AGRICULTURAL PRESERVATION RULES AND REGULATIONS

The following Rules and Regulations are adopted for implementation of the Calvert County Agricultural Land Preservation Program under provisions of Article 12, Agricultural Land Preservation Program, Public Local Laws of Calvert County, Maryland.

### I. PURPOSE OF THE PROGRAM.

- A. To offer an incentive for preservation of prime agricultural and forestry land.
- B. To provide reimbursement to the landowner who voluntarily agrees to place agricultural and forestry use covenants on his land.
- C. To utilize the free market system for financing agricultural and forestry preservation, thus avoiding direct cost to the taxpayers.
- D. To guide development away from prime agricultural and forestry lands on which viable farming and forestry endeavors are practical.
- E. To promote and preserve the identity of intact rural agricultural communities where working farms and managed woodlands predominate. (11/4/91)
- F. To minimize potential conflicts between agricultural and non-agricultural land use by providing for a functional separation of the two. (11/4/91)
- G. The purpose of the PAR Fund shall be to purchase, retire and permanently remove TDRs from the development rights market, thereby protecting additional farm land acres from development. (6/1/92)

### II. DEFINITIONS USED IN THESE REGULATIONS.

- A. Agricultural Preservation Advisory Board of Calvert County: A five (5) member Board appointed by the County Commissioners with duties and responsibilities as specified in Public Local Laws and these Regulations.
- B. Agricultural Preservation District: An area of prime agricultural or forestry land voluntarily placed in this Program by the owner with approval of the Board.
- C. Designated Agricultural Area: An area of the County identified by the Board as having the greatest potential for maintaining a viable level of agricultural or forest production.

- D. Development Option: The right of a landowner in an Agricultural Preservation District to convey the privilege that permits a person to increase the density of residential use of land in a designated Transfer Zone.
- E. Development Right: The right an agricultural land owner conveys to a person that permits a person to increase the density of residential use of land in a designated Transfer Zone. A development right comes into existence only after a development option has been conveyed by an owner in an Agricultural Preservation District.
- F. Program: The Calvert County Agricultural Land Preservation Program.
- G. Transfer Zone: An area in Calvert County designated by the County Commissioners as an area where development rights may be used to increase the density of residential use. No Transfer Zone shall be created within a Designated Agricultural Area. (11/4/91)
- H. Development Option Agreement: A recorded instrument which sets forth the provisions of the conveyance of the development options. The format and minimum contents shall be established by the County Commissioners.
- I. Parcel: Any area of land described within a deed recorded prior to APD designation. (7/1/96)

### III. ORGANIZATION AND MEETINGS OF THE BOARD.

- A. The Board shall hold one regular meeting each calendar month, and special meetings as called by the Chairman or Vice-Chairman.
- B. At the regular meeting in January or February, the members of the Board shall elect a Chairman, Vice-Chairman and Secretary to serve for a period of one (1) year. Duties of the officers shall be as described for such positions in Robert's Rules of Order as are appropriate for the Board.
- C. All meetings of the Board shall be open to the public, and notice shall be given of the time, date and place of such meetings.
- D. Business of the Board shall be conducted in accordance with the procedures outlined in Robert's Rules of Order, Article IX.
- E. Order of Business for Regular Meetings shall be:

- Call to Order
- Approval of Agenda
- Reading of Minutes of previous meeting(s) and their approval
- Review of Board Correspondence
- Report of Committees
- Unfinished Business
- New Business
- Adjournment

IV. DUTIES OF THE BOARD

- A. Promulgate rules and regulations, and develop procedures for formation of Agricultural Preservation Districts and Designated Agricultural Areas.
- B. Hold a public hearing to present the proposed Program prior to implementation of the Program.
- C. Accept, and approve or reject all applications for Agricultural Preservation Districts and Designated Agricultural Areas.
- D. Promote an open enrollment program annually to attract new landowners to join existing or new Agricultural Preservation Districts.
- E. Record with the Clerk of the Circuit Court in appropriate map of plat form, or by metes and bounds descriptions, all identifications of Designated Agricultural Areas and all designations of Agricultural Preservation Districts.
- F. Record and maintain in the form of an annual summary, all sales of development rights in order to monitor the success and progress of the Agricultural Preservation Program. The identities of individual buyers and sellers of development rights shall not be specified in this summary. (11/4/91)
- G. Conduct a comprehensive review of the Agricultural Preservation Program on the tenth anniversary of the program, or as soon thereafter as is reasonably possible, and to repeat such a comprehensive review at the end of each succeeding five-year period. (11/4/91)
- H. Develop rules, regulations, and procedures for the creation and operation of a Purchase and Retirement Fund for Development Rights. (6/1/92)
- I. Accept, review, and approve or reject all applications for sale of TDRs to the Purchase and Retirement Fund and otherwise administer the operation of the Fund. (6/1/92)

V. PROCEDURES OF THE BOARD.

- A. Designated Agricultural Areas.
  - 1. The Board, with assistance of its staff support, and with the aid of appointed committees and County, State and Federal agencies, shall make an inventory of those lands of the County having the greatest potential for maintaining a viable level of agricultural or forestry production.
  - 2. The board shall accept, and shall approve or reject applications from landowners for identification of land as Designated Agricultural Areas. Applications shall be submitted by landowners on forms prescribed by the Board.

3. The Board shall accept, and shall approve or reject applications from farmer organizations and citizen groups or associations for the identification of land as Designated Agricultural Areas.
4. When an application for a Designated Agricultural Area is approved, notice of the approval shall be furnished to the Department of Planning and Zoning, the Soil Conservation District, the County Commissioners' Office, and the Assessors' Office.

B. Agricultural Preservation Districts.

1. The Board shall at any time accept, and either approve or reject, applications from landowners for designation of land as new APDs or additions to existing APDs. Applications shall be submitted by landowners on forms prescribed by the Board.
2. When an application for an Agricultural Preservation District is approved, notice of the approval shall be furnished to the Department of Planning & Zoning, the Soil Conservation District, the County Commissioners' Office, and the Assessors' Office.

C. Purchase and Retirement Fund

1. The Board shall determine and announce the schedule to be followed for the annual PAR Fund cycle of TDR purchases.
2. The Board shall determine and announce, on an annual basis, the amount of funding available for the purchase and retirement of TDRs.
3. The Board shall recommend, for the approval of the Board of County Commissioners, the price to be offered for the annual purchase of TDRs by the PAR Fund. The Board shall consider the value of TDR sales and transfer during the prior year in recommending the offering price.
4. The Board shall recommend, for the approval of the Board of County Commissioners, the number of TDRs to be sold per application per PAR Fund cycle. The Board shall consider the number of applications received during the prior year and the amount of funding available.  
(4/17/18)
5. The Board shall review and rank applications according to established criteria in order to determine which applications are to be accepted.
6. The investment of PAR Fund monies shall be administered by the Board of County Commissioners.  
(6/1/92)

VI. GUIDELINES FOR ACCEPTANCE OF APPLICATION  
DESIGNATED AGRICULTURAL AREA - (DAA)

- A. Present land use must be of a type which will permit continuation or initiation of viable agricultural or forestry production.
- B. At least fifty (50) percent of the total acreage in a proposed area shall be suitable for cropland and/or managed forest land. (11/4/91)
- C. Suitability of soils. Using the USDA Soil Survey of Calvert County as a guide, at least fifty (50) percent of the proposed area shall be in Capability Classes I, II, III and IV, or Woodland Suitability Group I or II. (11/4/91)
- D. Amount of contiguous farmland. The proposed area shall be sufficient to comprise a viable agricultural unit. (11/4/91)
- E. Boundaries of Designated Agricultural Areas should follow, as closely as possible, existing physical separations, such as streams, valleys, roads, etc. (11/4/91).

VII. CRITERIA FOR ACCEPTANCE OF APPLICATION -  
AGRICULTURAL PRESERVATION DISTRICT (APD)

- A. General Requirements
  - 1. The process of creating or joining an Agricultural Preservation District is entirely voluntary. The determination of eligibility and designation of an APD by the Board shall be based on a written application signed by the owner(s) of the property involved. (11/4/91)
  - 2. An Agricultural Preservation District shall remain in effect for a minimum of five years, unless terminated as provided in these Rules and Regulations. (1/20/17)
  - 3. Owners of parcels of land enrolled in districts from which no development options have been used or conveyed, may withdraw their land within five years from the date of enrollment in the program by giving the Board a written notice of such intent at least one (1) year prior to withdrawal. (1/20/17)
  - 4. Owners of parcels of land enrolled in districts from which no development options have been used or conveyed may withdraw their land after five or more years in the program by giving the Board a written notice of such intent at least thirty (30) days prior to withdrawal. (1/20/17)
  - 5. In the event of individual parcels being withdrawn from an APD, any remaining parcels may retain designation as a District, provided they continue to meet all criteria specified in these Rules and Regulations. If the criteria cannot be met by the remaining parcels, then the entire District shall be terminated upon the withdrawal creating noncompliance.

- (11/4/91)  
(9/1/92)  
(1/20/17)
6. After meeting the applicable notice period, the release of an APD shall be executed and recorded in Calvert County Land Records to complete the withdraw process. (1/20/17)
7. The owner(s) of property designated an Agricultural Preservation District shall voluntarily agree to limit subdivision of their property as indicated in Section IX. of these Rules and Regulations. (11/4/91)  
(1/20/17)
8. In determining eligibility of a proposed APD, the Board shall consider the present land use, the amount of contiguous farmland, and the uses of adjoining properties as may affect or be affected by the designation. (11/4/91)
9. A current Soil Conservation Plan, and/or a current Forest Resource Management Plan shall be in effect on all parcels designated as Agricultural Preservation Districts. Compliance with these plans shall be maintained as long as the Agricultural Preservation District remains in effect. (6/1/92)
10. Once a development right is removed from the District, all parcels within that District are bound by the covenants set forth in the Agreement in perpetuity. (7/1/96)

B. Initial Requirements for APD Designation

The initial minimum requirement to form an Agricultural Preservation District was 300 acres of contiguous land or 500 acres of noncontiguous land. This requirement has been met and no longer pertains to new applications. (11/4/91)

C. Current Requirements for APD Designation

1. Land proposed as an Agricultural Preservation District shall be located within a Designated Agricultural Area (DAA), Farm Community District (FCD), and Resource Preservation District (RPD) or shall consist of fifty (50) or more contiguous acres meeting the criteria for the Agricultural Preservation District, as described below. Exception can only be made for working farms (with Agricultural Use Assessment) along Routes 2, 4, 231, and 260. (7/7/03)  
(12/13/04)
2. For approval as an APD, present land use must be of a type which will permit continuation or initiation of viable agricultural or forestry production.
3. At least seventy-five (75) percent of the total acreage of a proposed APD shall be suitable for cropland and/or managed forest land. (11/4/91)

4. Using the USDA Soil Survey of Calvert County as a guide, land proposed as an Agricultural Preservation District must meet one of the following criteria:
  - a. At least fifty (50) percent of the proposed area shall be in Soil Capability Classes I or II, or Woodland Suitability Group 1 or 2.
  - b. If the property is located within the DAA, or if the application consists of at least 300 contiguous acres (which may be under several different ownerships), at least fifty (50) percent of the proposed area shall be in Soil Capability Classes I,II or III, or Woodland Suitability Group 1 or 2.
  - c. Exceptions may include land areas of lower general capabilities or areas of existing, extensive, specialized production, including but not limited to dairying, livestock, poultry, fruit, tobacco and vegetables.  
(5/1/00)
  - d. If topsoil has been removed from land proposed as an APD, then the Board may require that a new soil survey be conducted by the owner, in order to determine current eligibility under these regulations.  
(9/1/92)
  - e. The Board may approve APD designation for properties in the DAA where an applicant can demonstrate that, through good management and operational practices; his land meets or exceeds the productivity normally associated with the above-mentioned soils.
  - f. In assessing any of the criteria specified in sub-paragraphs (a) through (e) above, the Board may request crop reports in order to verify the viability of the farming operation. Site indices may be needed to determine woodland suitability.  
(11/4/91)
5. No more than fifty (50) percent of an APD may be comprised of floodplain soils having the soils series classification "My" (mixed alluvial).  
(5/3/04)
6. If there is an application for a new APD involving part or all of an existing APD, then the following shall apply:
  - a. If the application pertains to only a portion of an APD:
    - i. The act of creating the new APD shall effectively remove and terminate that portion from the existing district.
    - ii. The remainder of the original district shall meet the requirements for an APD.
    - iii. The time period for which the remainder of the original district is in an APD shall run independently of the new APD, and shall run from the original recording date.
    - iv. The development rights shall be certified and sold as separate tracts.
  - b. If the application pertains to the entire APD, the time period the property must remain in an APD shall be five years from the new date, except in cases where the APD is being re-recorded merely to

correct an error. In that case, the APD time period will run from the original recording date. (4/4/94)

- D. Requirements for Joining an Existing APD
  - 1. If a property is located outside a DAA, FCD, or RPD, and adjoins an existing preserved APD, then the minimum acreage to apply for an APD is 25 acres that are actively devoted to Agricultural or Forestry use. However, parcels of less than twenty-five (25) acres may be approved by the Board if the parcel is contiguous with an established Agricultural Preservation District, and located within the DAA, FCD or RPD. (11/4/91)  
(12/13/04)
  - 2. The proposed addition to an existing APD shall meet all other requirements of a new APD as specified in Section C above. (11/4/91)

VIII. CRITERIA FOR ACCEPTANCE OF PAR FUND APPLICATIONS

- A. The Board shall accept applications for the sale of TDRs from the owner of any recorded Agricultural Preservation District. (4/17/18)
- B. TDRs shall be certified before applications to sell to the PAR Fund will be accepted by the Board.
- C. No individual, group of individuals, partnership, corporation, or other legal entity shall have any vested interest in more than one TDR sale to the PAR Fund per cycle. This provision shall not limit the number of PAR Fund applications that may be made by any such entity. (5/1/00)  
(4/17/18)
- D. PAR Fund applications shall be ranked according to the following formula, with those applications receiving the highest ranking being first considered for PAR Fund purchases.

1.	LAND USE	33 pts
	Active working farm	
	60% Tillable	33 pts
	40% Tillable	25 pts
	20% Tillable	17 pts
	Active Tree Farm	13 pts
	Undesignated Land	0 pts

Note: An "Active Working Farm" shall be defined as a farm which has been entitled to the Agricultural Use Assessment at least

once in the previous five tax years.

"Tillable" shall be defined as that land which is given the Tillable Class A, B, and C, and Class D Land Valuation by the State Department of Assessments and Taxation.

2.	LOCATION (a. plus b.)	25 pts
	a. In DAA	15 pts
	Not in DAA	0 pts
	b. Adjacent to preserved APD	10 pts
	Adjacent to Unprotected APD	5 pts
	Not adjacent to an APD	0 pts
3.	SIZE	25 pts
	100+ acres	25 pts
	75+ acres	20 pts
	50+ acres	15 pts
	25+ acres	10 pts
	10+ acres	5 pts
	-10 acres	0 pts
4.	SOILS	17 pts
	50% Class I	17 pts
	50% Class I and II	11 pts
	50% Class I, II, III	5 pts
	50% Class I, II, III	0 pts
5.	BONUS POINTS	

Ten bonus points shall be given to any property that has not sold any development rights to any purchaser.

- E. In the event that two or more PAR Fund Applications are tied in rank, first priority will be given to the application which has least recently conveyed TDRs to the PAR Fund and second priority will be given to property enrolled in an APD for the longest time.  
 (6/1/92)

IX. CREATION OF RESIDENTIAL AND NON-RESIDENTIAL LOTS/PARCELS,  
COMMERCIAL AND INDUSTRIAL USES, AND WETLAND MITIGATION SITES IN  
APDS.

(10/6/81)  
(2/1/89)  
(4/4/05)  
(1/9/07)

A. Creation of Residential Lots and Non-Residential Lots/Parcels in APDS.

(4/4/05)

With the exception of the following provisions, no major or minor subdivision, as defined by the Calvert County Zoning Regulations, may be created within an existing Agricultural Preservation District.

(6/1/92)

1. Within an approved district, parcels that meet all the criteria for district establishment shall be allowed no more than a given number of residential lots based on the parcel size. (7/1/96)
  - a. Parcels having 75 acres or more - 3 lots in addition to the existing house.
  - b. Parcels having less than 75 acres and at least 50 acres - 2 lots in addition to the existing house.
  - c. Parcels having less than 50 acres and at least 25 acres - 1 lot in addition to the existing house.
  - d. Parcels having less than 25 acres - no additional lots or houses are allowed. (7/1/96)  
(12/13/04)
2. All platted lots, whether developed or not, which are included in the application, are counted against the number of lots permitted in "1" above.
3. Tenant houses are not considered as residential lots; however, a tenant house can be used as one of the lots. (7/1/96)
4. All subdivision of land must comply with the County Zoning Ordinance. As a guideline (to reduce the impact of lot creation on farming and forestry), residential lots are to be less than or equal to three (3) acres in size or twenty-five (25) acres or greater. (12/13/04)  
(4/4/05)
5. A property recorded as a County Agricultural Preservation District may not be subdivided without the specific and written approval of the Agricultural Preservation Advisory Board. All parcels of a district are bound by the district agreement and/or recorded covenants. Board approval is required prior to a lot being designated as a residential building lot. Non-residential parcels/lots are not for residential building purposes. (7/1/96)  
(4/4/05)
6. If a person who owns land within an Agricultural Preservation District has sold all the development rights from the property, but desires to create a lot

for which he is entitled under the above provisions, the owner shall acquire 5 development rights for each lot created. (7/1/96)

B. Commercial and Industrial Uses. (2/1/89)

1. No commercial or industrial use which would require commercial zoning and/or a special exception, other than those directly related to farming or forestry, are allowed in Agricultural Preservation Districts. However, minerals may be extracted from the property provided that the property owner obtains prior approval from the Agricultural Preservation Advisory Board. The Board may apply restrictions on the approval to minimize impact on the farming operation and surrounding properties.
2. No topsoil may be removed from an APD without approval from the Agricultural Preservation Advisory Board. (9/1/92)
3. The operation of a land-clearing debris landfill is allowed on an APD, as long as it meets the following:
  - a. the conditions for a land-clearing debris landfill as set forth in the Calvert County Zoning Ordinance;
  - b. unless debris originates on the site, the landfill must be approved by the Agricultural Preservation Advisory Board;
  - c. the landfill covers no more than five percent of the Agricultural Preservation District;
  - d. the landfill will not be within sight of a public road.(5/1/95)
4. A Commercial Tower with Antennas are allowed on an APD, as long as the tower location receives APAB approval, with the intent that the location will not affect farming or forestry operations and that the access to the tower follows existing farm roads or field edges. (7/7/03)

C. Application for Non-conforming Uses of APD Land.

While an Agricultural Preservation District is in effect, the owners of property enrolled in that District may not make application to any State or County agency for any current or future use of that property which is prohibited by these Rules and Regulations. (6/1/92)

D. Wetland Mitigation Sites in APDs (1/9/07)

Wetland mitigation sites are a permitted use in Agricultural Preservation Districts provided that the property owner obtains prior approval from the Agricultural Preservation Advisory Board. A mitigation site must meet County, State, and Federal regulations. The proposed wetland mitigation site:

1. Must receive prior approval by the Soil Conservation District and must address a water quality issue and have a water control benefit for the Agricultural Preservation District, and
2. Up to 10% of an APD may be included in a wetland mitigation site. For wetland mitigation sites greater than 10% of an APD, the Agricultural Preservation Board may approve the additional percentage if the Soil Conservation District recommends that the additional acreage is needed to adequately address a water quality issue and provided that not more than 5% of the soils in the District having a capability subclass that is not w\* are included in the additional area.
3. If the mitigation site is approved by the Agricultural Preservation Advisory Board, then the practice must be included in the land owner's soil conservation and water quality plan for that parcel.

\*Capability subclass "w shows that water in or on the soil interferes with plant growth or cultivation", Calvert County, Maryland Soil Survey, July 1971, Page 23.

X. DEVELOPMENT OPTIONS (RIGHTS)

(10/6/80)

- A. The owner of property designated as an APD is entitled to convey Development Options (rights) for use in a Transfer Zone or in an Agricultural Preservation District for construction of a family or tenant house under provision of paragraph 285, Article 5, Public Local Laws of Calvert County.
- B. An owner of APD designated land may apply to the County Commissioners' Office for certification of Development Options.
- C. One development option shall be allocated per acre of land in an Agricultural Preservation District, except that:
  1. Five (5) development options shall be subtracted for each residence located on a parcel in an Agricultural Preservation District.
  2. Five (5) development options shall be allocated for each one-acre lot authorized in the Rural District under the provisions of the County Zoning Ordinance and not previously used. Five (5) development options shall be allocated for each recorded buildable lot in a district provided that this lot is then subject to all other density criteria under these rules and regulations.

(7/1/96)
  3. No development options shall be granted on land which previously has been subjected to recorded restrictive development covenants (indentures) which preclude the subdivision and/or residential development of the land. However, the Board, with the approval of the County Commissioners, may grant development options in those cases where a property can only be preserved through the combined action of state and local land preservation programs, and where such restrictive development covenants (indentures) are

recorded contemporaneously with the Agricultural Preservation documents.  
(8/31/99)

- D. Development Options may be conveyed only by use of a Development Option Agreement with format and minimum contents established by the County Commissioners. A title search shall be conducted immediately prior to transfer of Development Rights. (11/2/81)
- E. Any sale of Development Rights must entail prior written consent of the owners of all parcels within the Agricultural Preservation District. The recording of covenants and the conveyance of Development Options for any parcel within an Agricultural Preservation District shall encumber all parcels within that District. (11/4/91)

Development Options may not be conveyed unless all owners of each parcel within the Agricultural Preservation District have signed the "Certification of Development Options" and the "Recording of Covenants" forms.

#### XI. PROCESSING OF APPLICATIONS.

- A. In each case of an application for Designated Agricultural Area or Agricultural Preservation District, a staff report shall be prepared for consideration by the Board.
- B. Each applicant shall be notified of the meeting at which his case will be considered, and the applicant will have an opportunity to appear before the Board at that time.
- C. The Board shall consider each case on its own merits, and in conjunction with contiguous or nearby areas previously accepted.
- D. All actions of the Board to approve or reject applications shall be by majority (3) vote, and a resolution shall be adopted for all actions on applications.
- E. Notification of approval or rejection of an application shall be furnished the following:
  - 1. Applicant
  - 2. County Commissioners
  - 3. County Department of Planning & Zoning
  - 4. County Department of Inspections & Permits
  - 5. County Assessor
- F. An official County "Agricultural Land Preservation Program" map, scale 1" = 600', shall be maintained by the Staff Support Office, with copies recorded periodically in the Office of the Clerk of the Circuit Court.

#### XII. APPEAL PROCEDURE.

Any person or persons, jointly or severally aggrieved by a decision of the Board, may appeal the decision to the County Circuit Court in a manner as set forth in Chapter 1100, Subtitle B of the Maryland Rules. The decision of the Circuit Court may be appealed to the Maryland Court of Appeals.

[REDACTED]

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**From:** Susan Dzurec <calvertwoman@gmail.com>  
**Sent:** Wednesday, December 18, 2024 3:21 PM  
**To:** Hart, Michael R.; Cox, Sr., Mark C.; Grasso, Catherine M.; Ireland, Todd M.; Hance, Earl F.; Blake-Wallace, Tamara L.; Brinkley, Jason P.; Hager, George W. "Will"; Cook, Mary Beth  
**Subject:** KCC report on up-zoning of RCD to RD  
**Attachments:** RCD to RD IS IT GOOD PLANNING.pdf

**This Message Is From an Untrusted Sender**

You have not previously corresponded with this sender.

December 18, 2024

Dear President Hance and members of the Board of County Commissioners and Chairman Toohey and members of the Planning Commission,

It has been almost two years since the draft zoning ordinance and zoning maps were introduced to the citizens. Since then, both the staff and the County Commissioners have heard and addressed many changes requested by the general public. We are grateful for those changes.

Now, with respect to the zoning maps there remains one major concern-- **the up-zoning of Rural Community Districts to Residential Districts.**

The Commissioners were told that the zoning change would not affect the number of lots. Our research shows otherwise.

Commissioner Hance, with this in mind, Keep Calvert Country, (KCC) accepted your challenge to citizens to find any remaining density growth areas in the Draft Zoning Ordinance. While our report focuses on 3 examples of density growth areas, we are confident that other such areas exist in the County.

Page 7 of the attached report outlines how up-zoning the Rural Community District to Residential District will allow just one of the many, many parcels of land affected by this seemingly trivial change, to almost double the allowable number of lots. Under this change, a 40.47 acre parcel in Prince Frederick, with 18 allowable lots, will now allow 30-34 lots. This is just one example.

Most of the lands within the proposed Residential District are currently farmed or forested and meet the zoning ordinance definition of Rural Community Districts. Most are located along narrow, winding roads with no shoulders. Others access directly onto highways that are already congested and pose safety concerns. They will never provide pedestrian access to town centers as called for in the 2040 Comprehensive Plan. In addition, they will have a serious everlasting environmental impact, which will include, but not be limited to, our forest canopy,

streams, rivers and the bay. Cypress Swamp, a nationally recognized environmentally sensitive area in our county, will be one such area.

Therefore, KCC very strongly and respectfully requests the following:

Please direct staff **to return all the land that is currently proposed to change from RCD to RD, back to RCD**, and to apply the new RCD regulations as written in the draft; thus, cancelling the proposed up-zoning of all RCD land.

As you can see, a tremendous amount of work has gone into this report, and we would like to thank the Planning Commission for the extra time we were given to complete this task.

Please review the attached and feel free to contact us with questions.

Thank you again for the opportunity to comment and for listening.

Susan E. Dzurec,

Representative for Keep Calvert Country

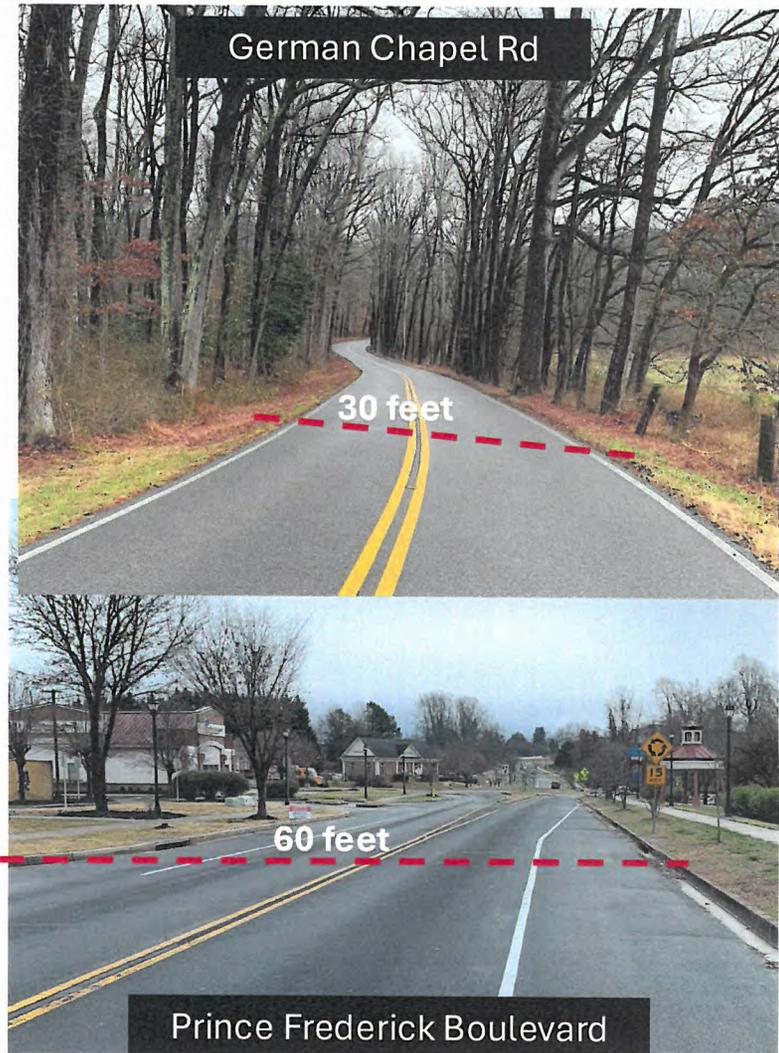
# Proposed Residential District (RD) Up-Zoning

- New zoning maps and a new zoning ordinance have been proposed by the Calvert Planning and Zoning Staff
- Most issues raised by citizens have been addressed. However, a Residential District Up-Zoning continues to be proposed despite opposition raised by citizens.
- Staff alleges that the zoning change will not increase development. That is not what our research has found.

# About the from RCD to RD Up-zoning of Land!

- According to the new Ordinance, “The Rural Community District (RCD) is intended to maintain a mix of farms, forests, and residential uses, retain historic and scenic areas, and protect watersheds, fish, and wildlife”. **The maximum average lot size is one house per 5 acres and developers must cluster, leaving 60% open space.**
- According to the new Ordinance, The Residential District (RD) is intended to provide for residential development in proximity to the Town Centers of Prince Frederick, Solomons, Lusby, North Beach, and Chesapeake Beach.
- According to the Comprehensive Plan, “Residential areas are connected to their adjoining Town Centers through the local roadway, bicycle and pedestrian networks. Community amenities help to establish an identity and provide a sense of place for those living in the area”. **The average density is one house per acre (may go up to four houses per acre with sewer).**

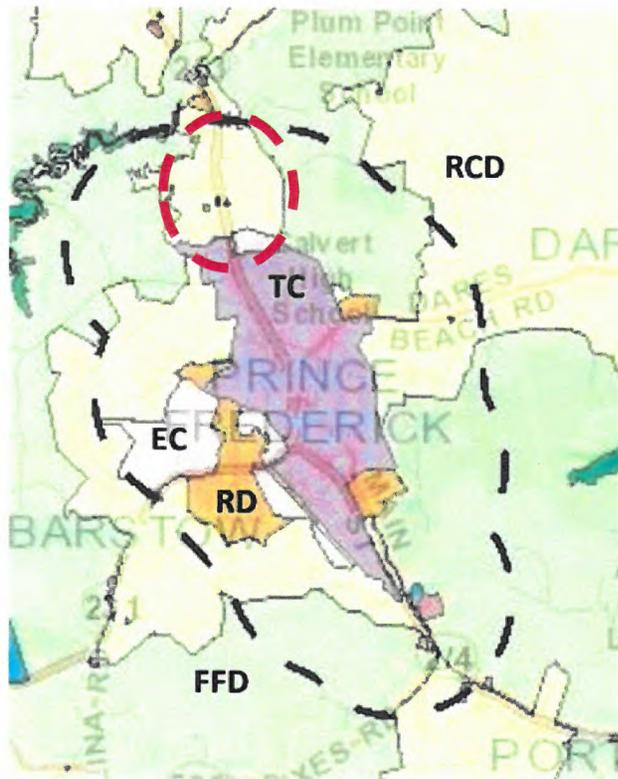
**Note that almost all of the proposed up-zoned lands are on 30' right-of-ways, not wide enough for sidewalks or bike lanes. None of the areas meet this standard.**



## Map 1 Proposed Rezoning from Rural Community District (RCD) to Residential District (RD) outside Prince Frederick

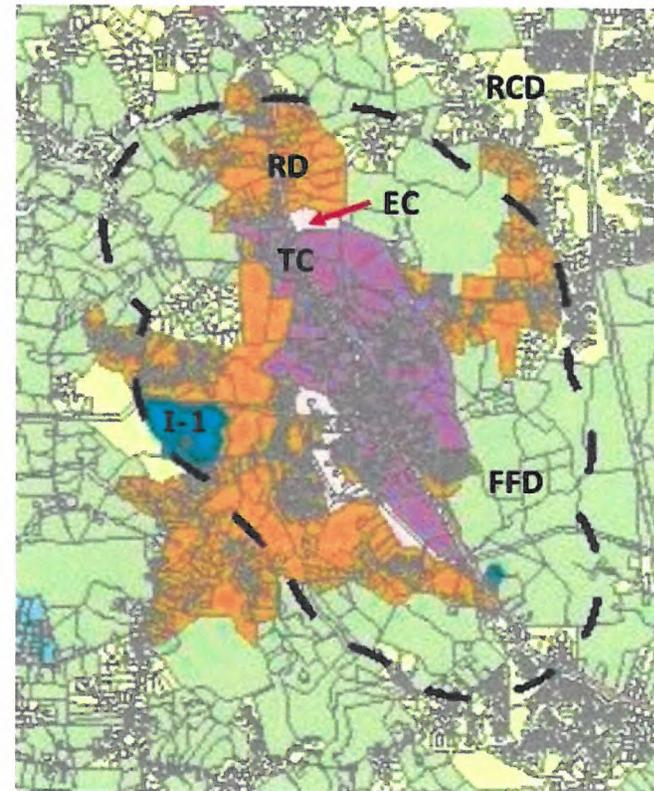
### Current Zoning

RCD Density: Up to 1 dwelling unit per acre (with TDRs)

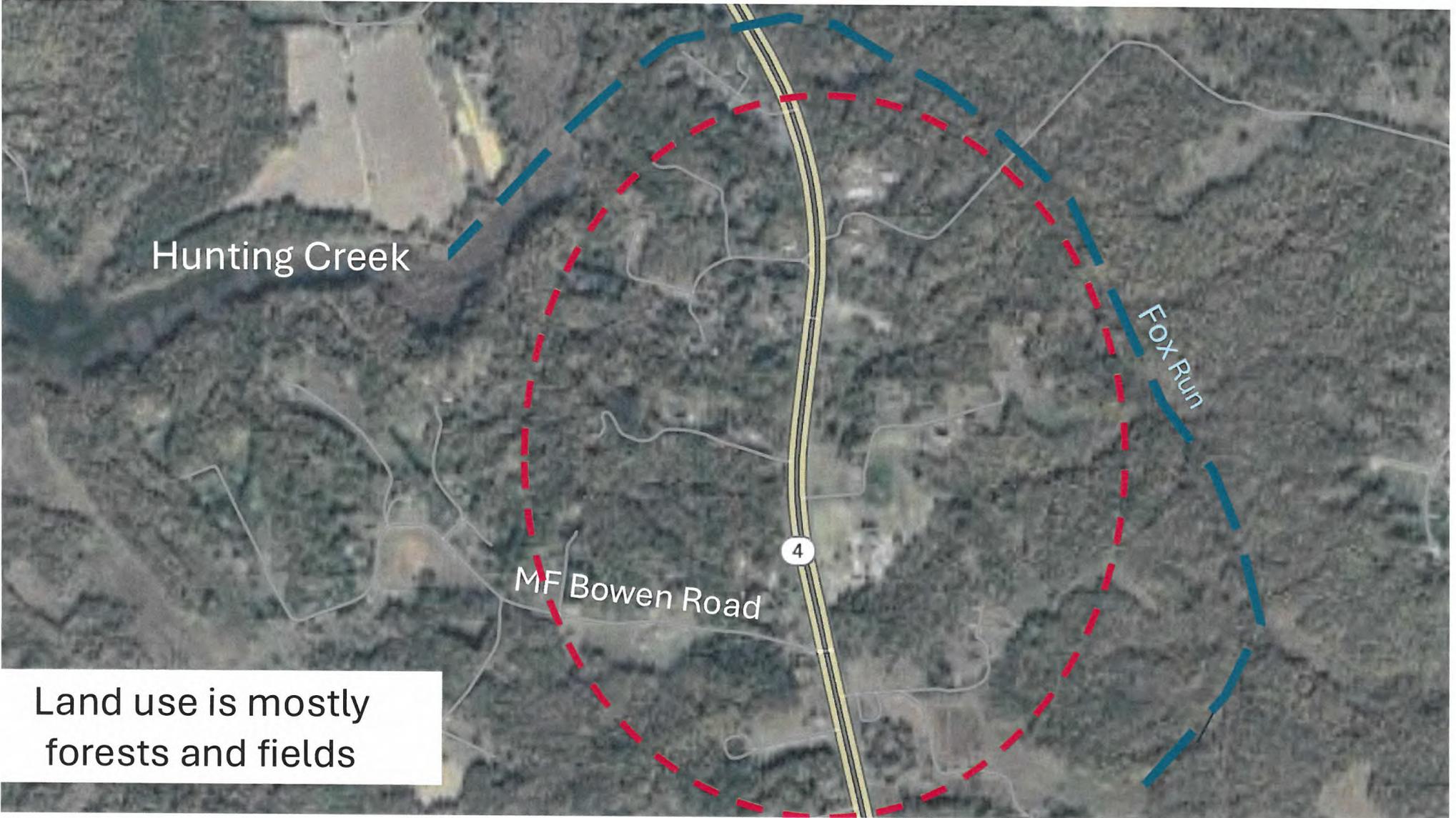


### Proposed Zoning

RD Density: Up to 4 dwelling units per acre (with TDRs)  
1



Note: All EC Districts in the county are planned to be phased out following updates to the Town Center Master Plans and Zoning Ordinances.



Hunting Creek

Fox Run

MF Bowen Road

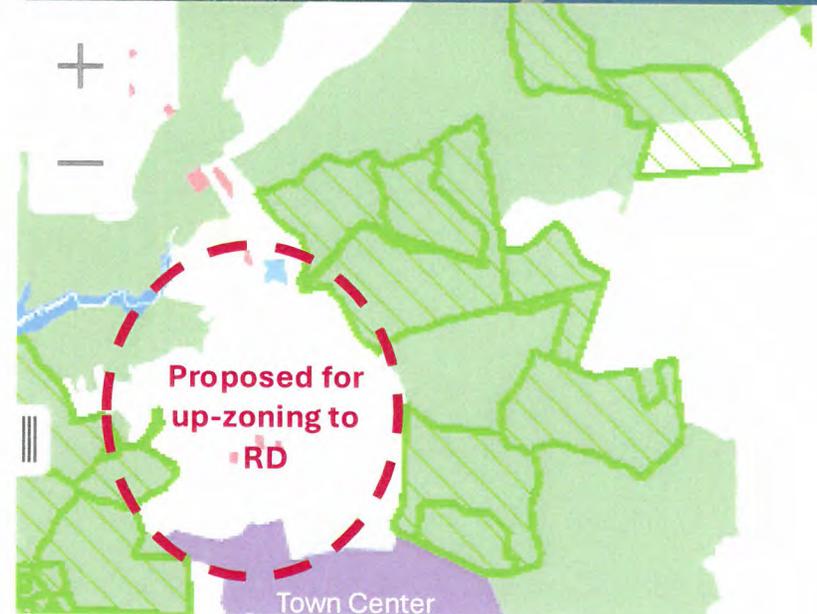
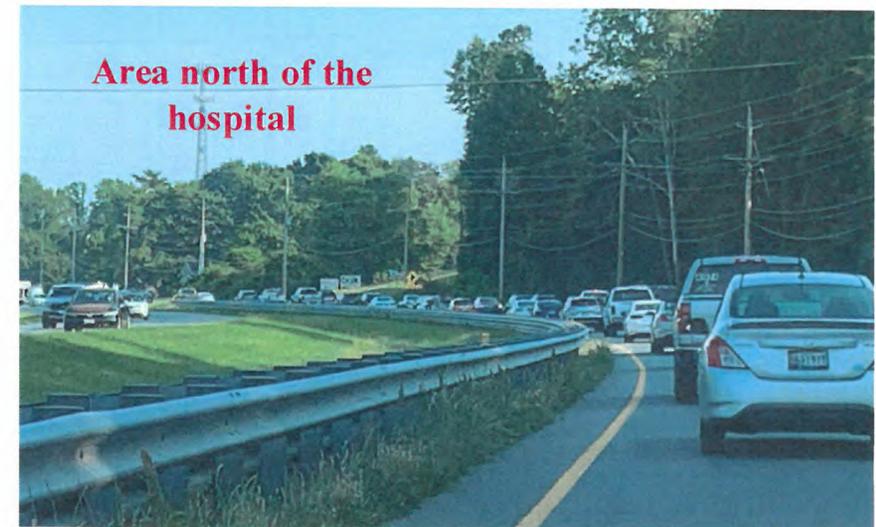
4

Land use is mostly forests and fields

# Upzoning from Rural Community (RCD) to District to Residential District (RD)

- The subject area has a mix of farms and forests and residential uses.
- There are scenic areas and critical wetlands and streams around the property
- There is no bicycle or pedestrian network
- Road traffic is often backed up and additional subdivision roads will only make things worse.

**For these reasons, RCD is the appropriate district,**





# Bowen's Pride

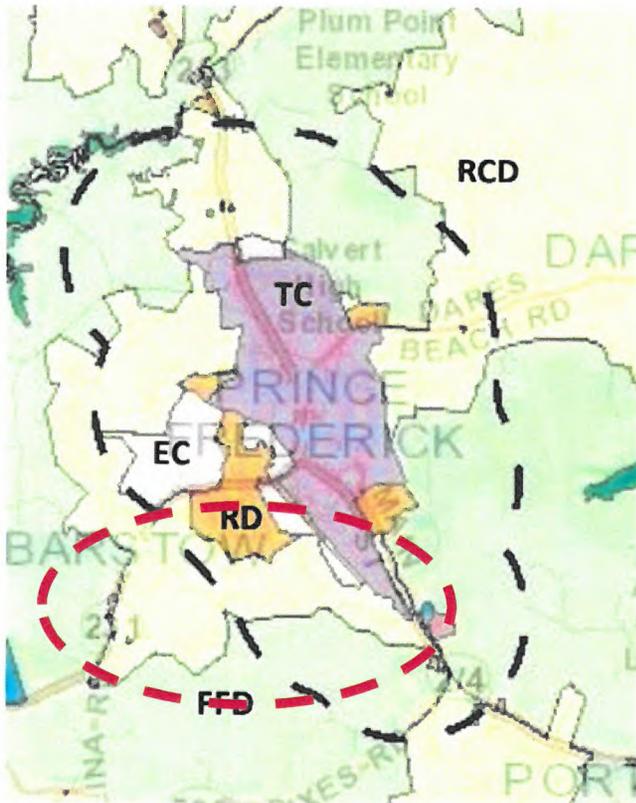
PROJECT INFORMATION		
Project Name: BOWEN'S PRIDE SUBDIVISION LOTS 1-18 SECTION TWO, REPLAT OF P. 234 & LOT 3		
Types of Subdivision: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Mixed Use <input type="checkbox"/> Institutional		
Subdivision Type: <input checked="" type="checkbox"/> Major <input type="checkbox"/> Minor (A major subdivisions is defined as: (1) When the total number of residential lots derived from the Parent Tract (as of June 29, 1967) is six or more. (2) Any division of non-residential land for development purposes and/or the creation of any new public rights-of-way.)		
Utilities: <input type="checkbox"/> Public Sewer <input checked="" type="checkbox"/> Septic <input type="checkbox"/> Public Water <input checked="" type="checkbox"/> Well		
Mandatory clustering per Section 5-2.01: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Clustered subdivision: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
# of Exception Lots: 2	Total Parcel Acreage: 35.32	Average Lot Size: 1.10
# of Conventional Lots: 2	Wetlands Acreage: 6.12	Total Area in Lots: 23.09
# of Family Conveyance Lots: 0	Net Acreage: 29.20	Total Open Space Acreage: 14.29
# of TDR Lots: 0	<p style="color: red;">If rezoned to RD, the developer would get up to 30-34 lots. The Developer can extend the sewer line from the hospital to the property. That is probably why it hasn't been recorded.</p>	Public R/W Acreage: 2.39
# of Receiving Area Lots: 16		Private R/W Acreage 0.044
TOTAL LOTS PROPOSED: 20		Widening Strip Acreage: 0
		Recreation Area Acreage: 0
		Residue Acreage: 0.109
		TOTAL PLATTED AREA: 40.47

**Map 1 Proposed Rezoning from Rural Community District (RCD) to Residential District (RD) outside Prince Frederick**

German Chapel Road Area

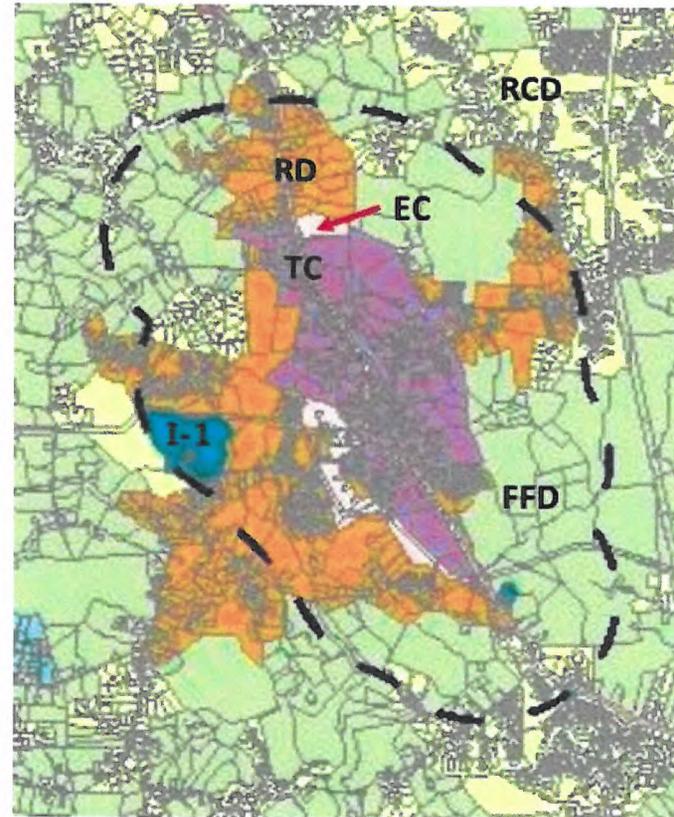
**Current Zoning**

RCD Density: Up to 1 dwelling unit per acre (with TDRs)



**Proposed Zoning**

RD Density: Up to 4 dwelling units per acre (with TDRs)



Note: All EC Districts in the county are planned to be phased out following updates to the Town Center Master Plans and Zoning Ordinances.

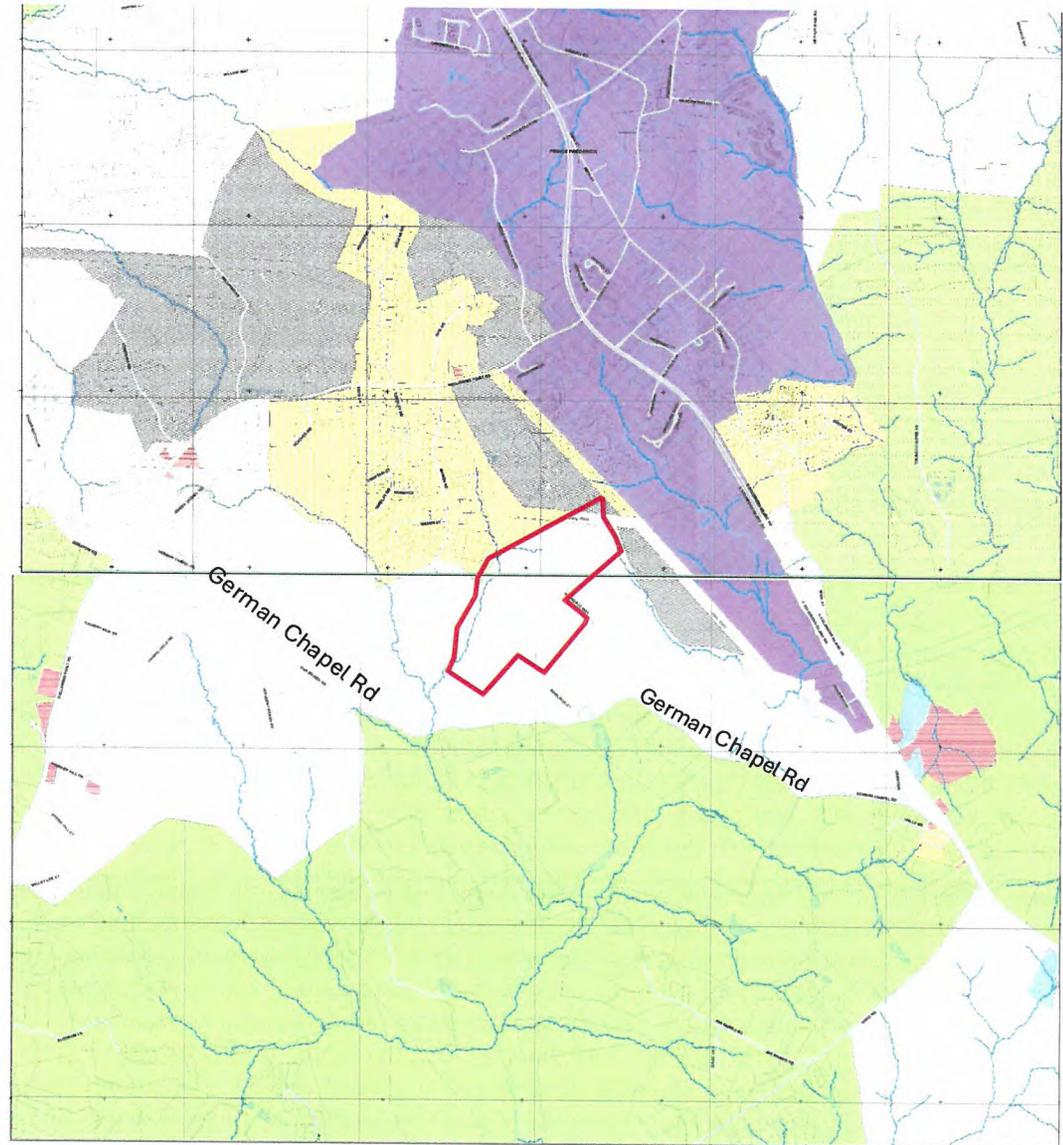
RCD: “to maintain a mix of farms, forests, and residential uses, retain historic and scenic areas, and protect watersheds, fish, and wildlife”.



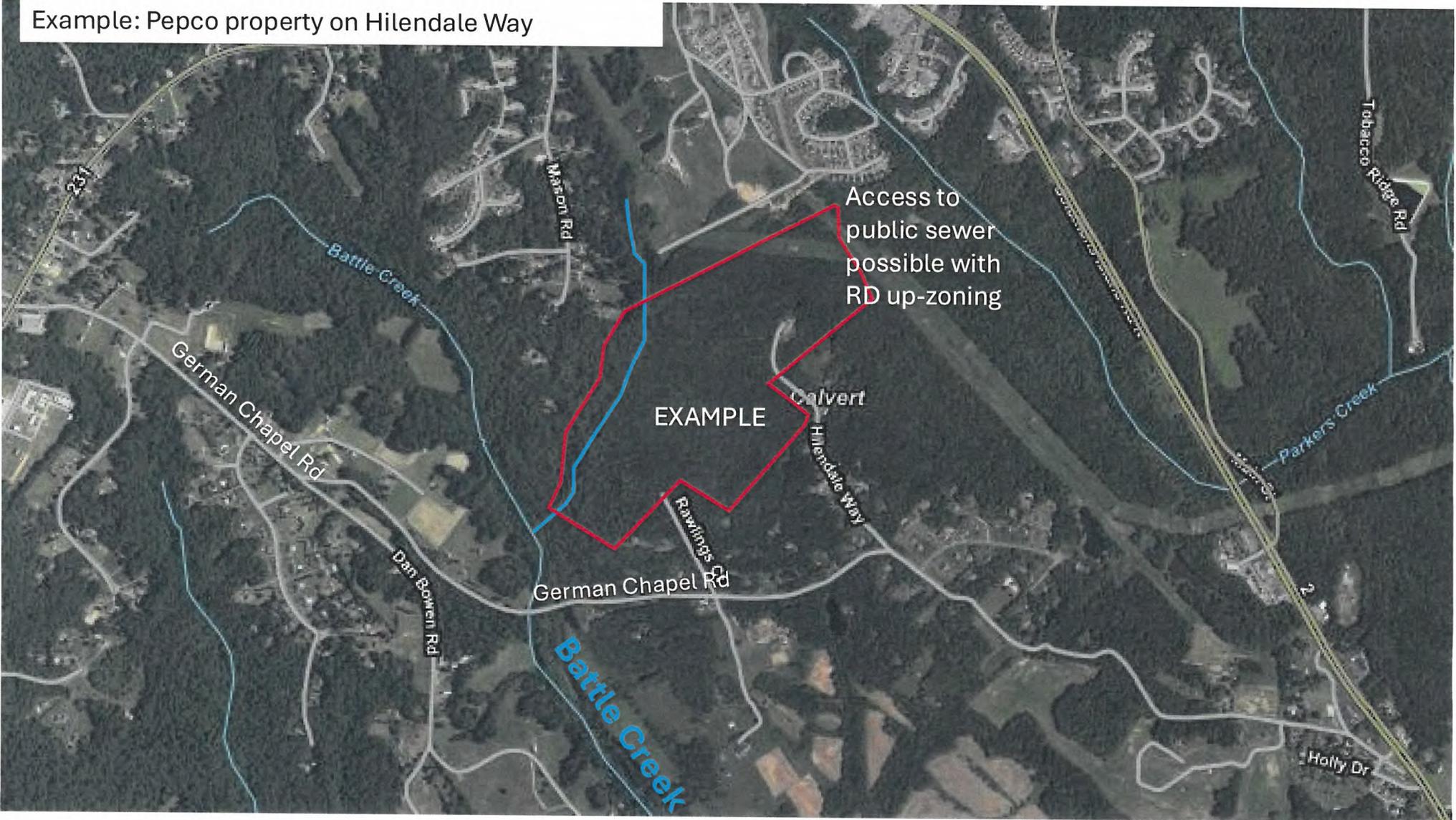
# German Chapel Road

- Everything in white is proposed to be up-zoned to Residential District (RD).
- The subject area has a mix of farms and forests and residential uses.
- There are scenic areas and critical wetland and streams. The Cypress Swamp is down stream from this area and it will be impacted.
- German Chapel Road is only a 30' Right-of-way.
- There are no bicycle or pedestrian networks.
- Road traffic on MD 231 and this road is often backed up and additional subdivision roads will only make things worse.

**For these reasons, RCD is the appropriate district,**

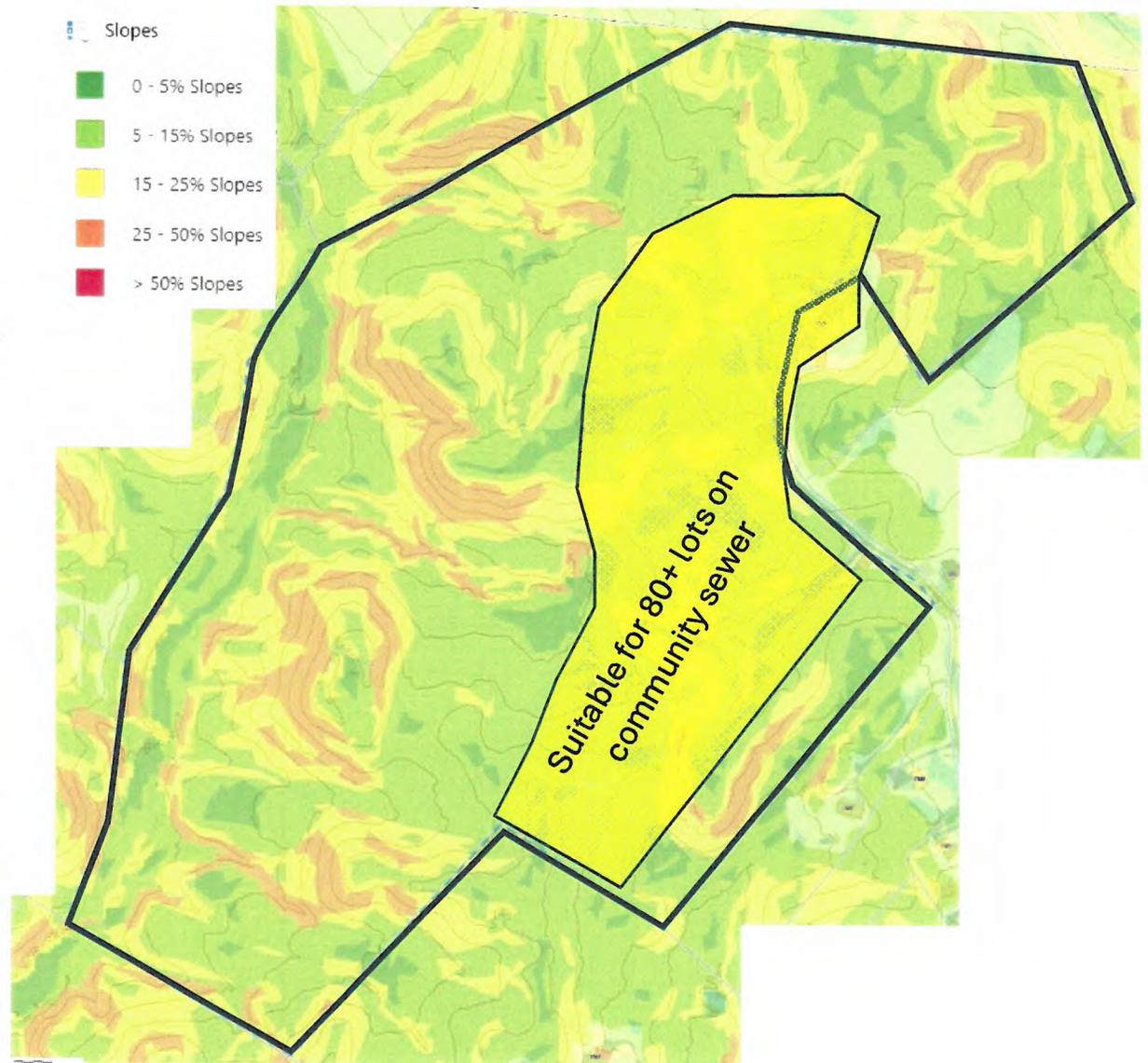


Example: Pepco property on Hilendale Way



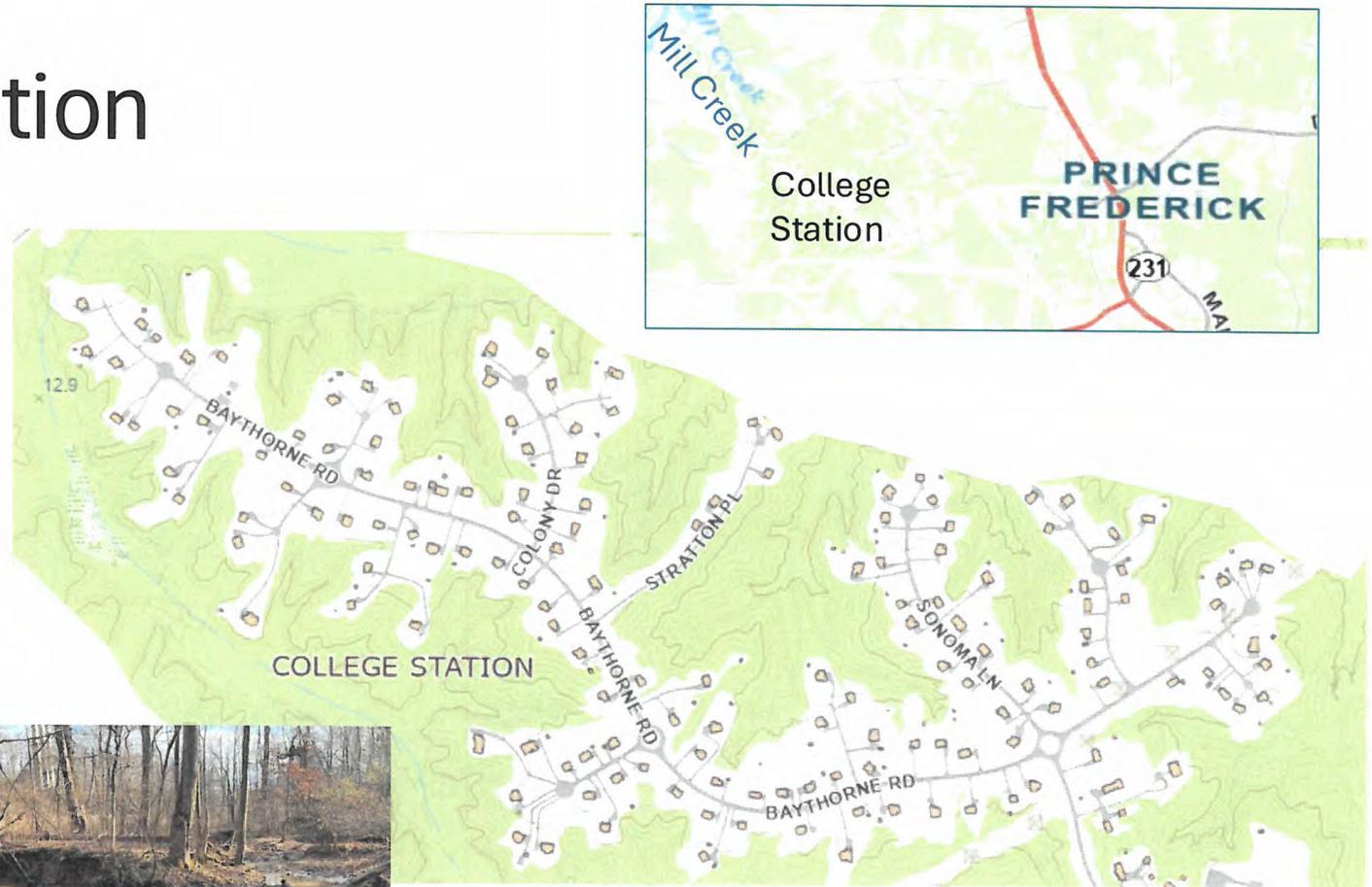
# Example: Pepco property

- Currently, this is Rural Community District
- Under the new zoning ordinance, a developer could create up to **18 lots** on the 91 acres. However, because of the wetlands along the Battle Creek tributary, the actual number of lots would be less. The lots could be clustered to avoid the steepest slopes. In addition, the lots would have to perc due to the septic systems.
- If up-zoned to Residential District, the developer could create ¼ acre lots to get up to **80+ lots** (again a little less because of the wetlands).



# College Station

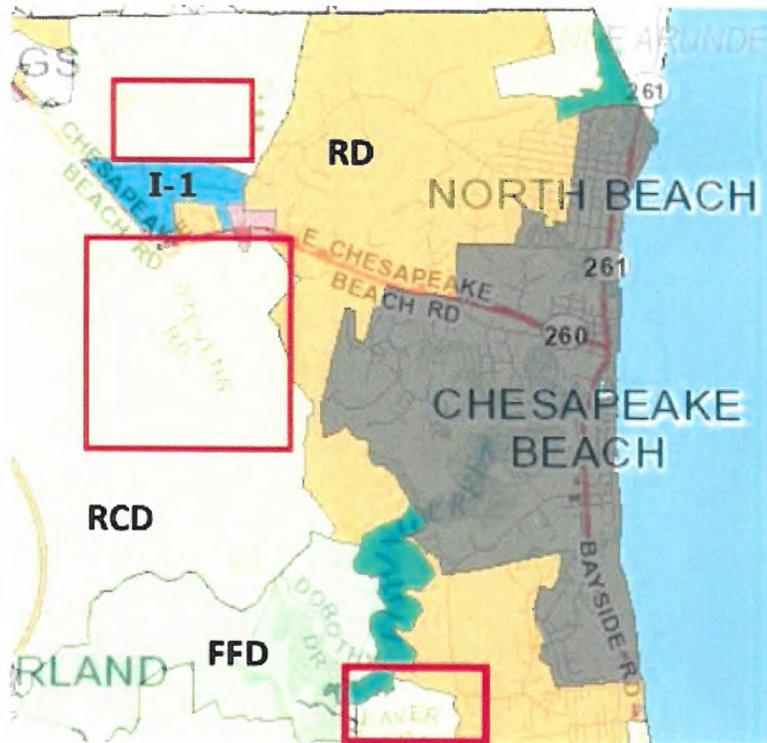
- This Rural Community District (RCD) property by Bultrite yielded .7 lots per acre or a total of 153 lots on 210 acres.
- Had it been zoned Residential District (RD), it would have yielded up to 210 lots.
- Under the new RCD, zone it would have yielded at most 42 lots.
- Run off from development on the steep slopes has created extensive sediment runoff into Mill Creek, a tributary of Hunting Creek.



**Map 2a Proposed Rezoning from Rural Community District (RCD) to Residential Districts (RD) outside North Beach and Chesapeake Beach**

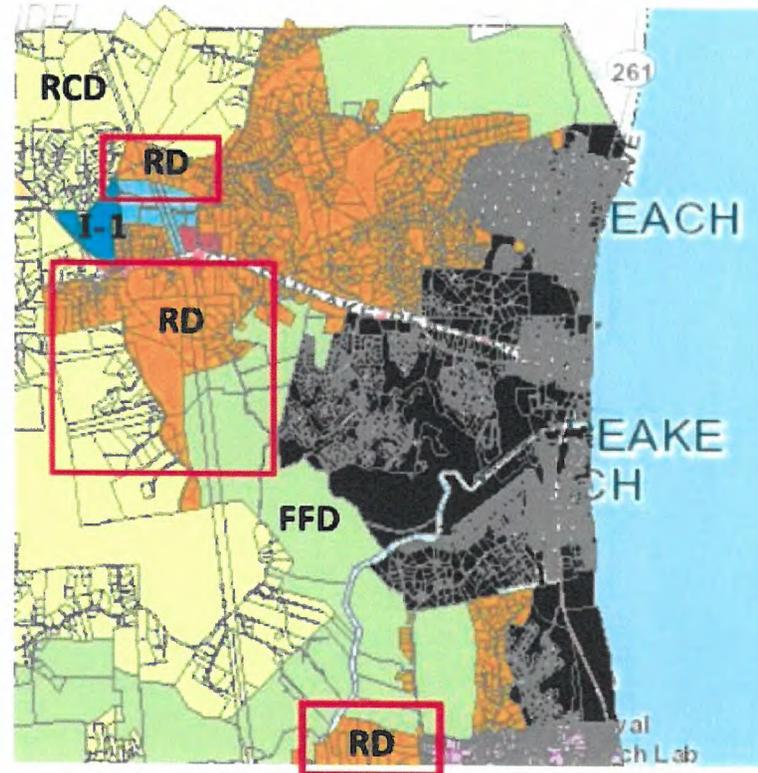
**Current Zoning**

RCD Density: Up to 1 dwelling unit per acre (with TDRs)



**Proposed Zoning**

RD Density: Up to 4 dwelling units per acre (with TDRs)





<b>Table 6-1: Residential District Minimum Standards</b>	
<b>Density</b>	<b>RD</b>
<b>Base Density</b>	1 dwelling unit per 4 acres
<b>Transfer Zone Density<sup>[1]</sup></b>	1 dwelling unit per acre
<b>Single-Family Detached Residential</b>	
<b>Minimum Lot Area<sup>[2]</sup></b>	10,000sf with sewer 1 acre without sewer
<b>Minimum Lot Width at Front Building Restriction Line</b>	75'
<b>Minimum Lot Width at Water Frontage</b>	100'
<b>Front Setback: MD 2, 4, 2/4, 260, 261, 263, 231<sup>[3]</sup></b>	100'
<b>Front Setback: Interior Subdivision Roads</b>	25'
<b>Front Setback: All Other Roads<sup>[3]</sup></b>	60'
<b>Side Setback</b>	10'
<b>Rear Setback</b>	35'
<b>Non-residential</b>	
<b>Minimum Lot Area</b>	1 acre
<b>Minimum Lot Width</b>	N/A
<b>Front Setback: MD 2, 4, 2/4, 260, 261, 263, 231</b>	100'
<b>Front Setback: All Other Roads</b>	35'
<b>Side Setback</b>	35'
<b>Rear Setback</b>	35'

[1] *The purchase of Transferable Development Rights (TDRs) is required to obtain transfer zone density (See Article 17)*

[2] *Minimum lot area shall not be less than that required to satisfy all requirements of the Health Department*

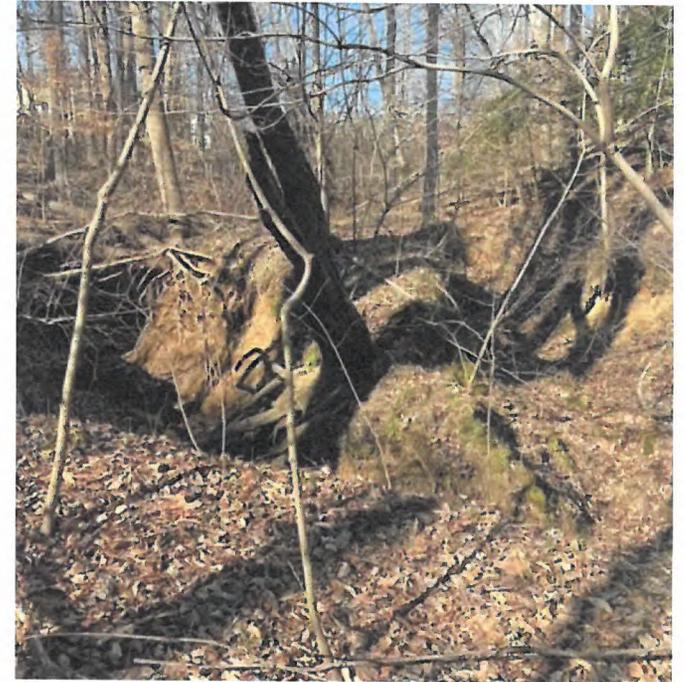
[3] *Front roadway buffer requirements of Section 25-2.B.4 apply and may modify these requirements*

# To Conclude

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These proposed **Residential Districts** don't belong in these rural parts of Calvert.

- They are not connected to our towns with “bicycle and pedestrian networks” as called for in the Comprehensive Plan.
- They are located on roads with heavy traffic already (MD 4, MD 231, Dares Beach Road, and MD 260).
- They are located over creeks that would be adversely impacted by the increased stormwater from small lots.



# Housing Authority of Calvert County

██████████ – Prince Frederick – MD 20678

██████████ ————— MD Relay Svc. 711 or 1-800-552-7724 —————

December 19, 2024

Calvert County Board of Commissioners  
175 Main Street  
Prince Frederick, MD 20678

## **Subject: Addressing the Urgent Need for Affordable Housing in Calvert County**

Dear Members of the Calvert County Board of Commissioners,

We are writing to express our deep concern regarding the critical lack of affordable housing in Calvert County, an issue that directly impacts the foundation of our community. We respectfully urge the Board of Commissioners to reconsider the proposed limitation on higher-density housing developments, as such a policy would have profound and far-reaching consequences for our residents and the local economy.

Affordable housing is more than a basic necessity; it is the cornerstone of a thriving, inclusive, and sustainable community. Yet, a significant number of Calvert County residents struggle with housing insecurity, and some face homelessness. According to the Calvert County Homeless Service Board's 2020-2022 Strategic Plan, 373 unduplicated households were identified as homeless in 2018. This troubling statistic highlights the persistent nature of housing instability in our community, as encampments and homelessness remain visible challenges. These numbers represent real individuals and families, including veterans, grappling daily with the harsh realities of housing insecurity.

Beyond its human toll, the lack of affordable housing imposes a significant economic strain on our community. Service industry jobs, which are vital to Calvert County, often fail to provide wages sufficient to meet the high cost of living here. According to the Massachusetts Institute of Technology (MIT) Living Wage Calculator, a single parent with two children must earn \$68.26 per hour to achieve a living wage in Calvert County. Even two working parents with two children would each need to earn \$29.01 per hour—figures that far exceed the average pay in many service-sector roles. The result is a workforce forced into lengthy commutes or leaving critical positions unfilled, further destabilizing our economy.

The housing shortage also disproportionately impacts our most vulnerable populations, including veterans, older adults, and elderly residents in fragile health. It is deeply concerning to see seniors, many of whom have contributed significantly to our community, taking on service jobs just to afford basic housing and food. Limiting higher-density housing developments would only exacerbate these challenges by further reducing affordable housing options.

We believe that permitting higher-density housing developments is a practical and compassionate solution. These developments can provide reasonably priced housing for individuals working in local businesses, filling vacant jobs, reducing reliance on public safety



nets, and fostering overall community stability. Supporting affordable housing initiatives is not merely an economic decision—it is a reflection of our community’s values and a commitment to support those facing hardships.

We respectfully request that the Board of Commissioners prioritize this pressing issue by exploring alternative solutions that balance growth with affordability. Specifically, we recommend:

1. Hosting a public forum to gather input and ideas from residents, stakeholders, and housing advocates.
2. Forming a task force to explore higher-density housing initiatives and their potential benefits for our community.
3. Collaborating with local businesses and developers to create incentives for affordable housing projects.

By taking these steps, we can ensure that Calvert County remains a place where all residents—regardless of income level—can live, work, and thrive.

Thank you for your time and attention to this critical matter. We welcome the opportunity to collaborate further on strategies to address affordable housing in Calvert County. Please feel free to reach out to us at your earliest convenience.

Sincerely,



William (Bill) Gorman  
Chair, Calvert County Housing Authority Board of Commissioners  
Email: [wwg@alacritasadvisers.com](mailto:wwg@alacritasadvisers.com)



Judy (JC) Hooker  
Vice-Chair, Calvert County Housing Authority Board of Commissioners  
Email: [jchooker28@gmail.com](mailto:jchooker28@gmail.com)

**References:**

1. MIT Living Wage Calculator: <https://livingwage.mit.edu/counties/24009>
2. Calvert County Homeless Service Board Strategic Plan: <https://www.calvertcountymd.gov/DocumentCenter/View/30445/Calvert-County-Strategic-Plan-on-Homelessness-2020-2022>
3. State of Maryland: Senior Community Service Employment Program: <https://aging.maryland.gov/Pages/SCSEP.aspx>



**From:** Zach Goldman <[zb.goldman@gmail.com](mailto:zb.goldman@gmail.com)>

**Sent:** Thursday, December 19, 2024 9:31 AM

**This Message Is From an External Sender**

This message came from outside your organization.

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My name is Zach Goldman, I am speaking in support of eliminating Condition #3 in the current zoning ordinance, which prohibits fuel pumps from being placed in front of businesses.

Quick background - I own property in Calvert County, specifically the old strip center in Solomons that some of you may remember burning down a few years ago. My father-in-law has also owned property and operated his business, which is called Southern Maryland Dredging, out of Solomons and Back Creek for the past 50 years. The Office of Economic Development was super helpful to me when navigating the process to restore what remained of the building which is now the new home to Solomons Veterinary Center that serves a lot of the community.

In attempting to place a new building and business on the vacant area that burned down, I have learned that many convenient stores are interested in coming to the Owings, Lusby and Solomons area, but their modernized concept is to have fuel pumps in front of their convenient stores, so this Condition #3 has been a deterrent to them.

I recognize that I am not an expert by any stretch, but since learning of this I have explored and driven around to look at more newly built convenient stores and what I have noticed is that they all seem to have beautiful stores, but also aesthetically pleasing and well lit fuel pumps in front of their stores. It seems to me that, respectfully, Condition #3 may be a bit antiquated as business concepts have modernized and changed over the years, and are now actually safer and more convenient for the customer with fuel pumps in front of their stores

Eliminating this condition will enable businesses in Owings, Lusby, and Solomons town centers to have safer traffic patterns, eliminate operational challenges, and align with the common practice of fuel pumps in the front. While this condition may have originally been intended for aesthetic purposes, it has become evident that it creates safety concerns and poses unnecessary barriers to business operations. We can all agree that prioritizing safety and supporting business growth are more critical factors.

Thanks for your time.

Zach Goldman

**O'Shea, Rachel D.**

---

**From:** David Liese <dlliese@gmail.com>  
**Sent:** Friday, December 20, 2024 12:28 PM  
**To:** Zone Ordinance Update  
**Subject:** New proposed zoning map

**This Message Is From an Untrusted Sender**

You have not previously corresponded with this sender.

I am concerned that there is hidden upzoning in the new proposed zoning map which will potentially add increased density. This could happen by changing the current zoning which is similar to the proposed Rural Community Districts (RCD) to the proposed new Residential Districts (RD). Much of the lands within the proposed Residential District are currently farmed or forested and seem to fit the definition of RCD instead of RD. Many of these areas are remote from town centers or are too far away within town centers like Prince Frederick to fit in with what the Comprehensive Plan's vision of what a town center should be. I like the new definition of RCD and would ask that the zoning map be changed such that all or most of the areas switched from RCD to RD be changed back to RCD zones in the new zoning ordinance.

Thank you,  
Janet Liese

**O'Shea, Rachel D.**

---

**From:** ROBERT Estes <bbbestes@comcast.net>  
**Sent:** Friday, December 20, 2024 2:26 PM  
**To:** Zone Ordinance Update  
**Cc:** ROBERT Estes  
**Subject:** Robert Estes Zoning Ordinance comment 2  
**Attachments:** Unbuildable Lot Portions Estes ZO Comment2.pdf

**This Message Is From an External Sender**

This message came from outside your organization.

Robert Estes  
Resident in Prince Frederick zip code

Subdivisions subtract the areas of wetlands and their buffers when calculating the buildable area available. The areas of fragile soils with steep (25%+) and moderate (15 – 25%) slopes are not considered in the calculation of buildable area. I believe they should be accounted for in some way.

The attached document contains my reasoning, conclusions and recommendation for changing the proposed ZO to include consideration of soils and slopes in the calculation of buildable area.

Thank you for considering my comments.  
Bob Estes

Bob Estes, Resident of Prince Frederick zip code

Subdivisions subtract the areas of wetlands and their buffers when calculating the buildable area available. The areas of fragile soils with steep (25%+) and moderate (15 – 25%) slopes are not considered in the calculation of buildable area. I believe they should be accounted for in some way. I've grouped the text at the beginning of my argument, conclusion, and recommendations. Page 2 shows a typical property in Calvert County which is large enough to be used for a significant development in terms of raw acreage (91 acre) but which also has significant slopes.

The buildable area for a given property is currently reduced due to wetlands and their buffer areas. Other factors such as steep slopes (over 25%) and highly erodible soils especially on moderate slopes (15 – 25%) are not considered for reduction of buildable area. This gives a misleading early assessment of the buildability of a given property. The topographic map on Page 3 shows areas of steep terrain but is hard to assess the actual % slope. Using the Calvert GIS system one can see the areas with higher slopes. The areas of high slope are generally undesirable in Calvert County regardless of the soil type. Moderate slopes may also be undesirable if the soil is fragile. The areas of high slope and moderate slope can be seen on Page 4. The high and moderate slope area were outlined with one of the tools available on the GIS system. The results can be seen on Pages 5 and 6. The total high slope area is 8.1 acre and the high plus moderate slope total is 30.7 acres. Most of the moderate slopes have high slopes within their boundaries. The areas which might have issues are about 41% of the property area if one includes the wetland area. An estimate of the wetland area is 6.2 ac (Page 7). Note that neither the slope areas nor the wetland area includes buffers. The information for soil type can be found using the GIS system (Pages 8 and 9) however there is no assessment of soil/slope fragility available. The online application provided by the USDA called Web Soil Survey combines slope, soil fragility, and proposed use type (such as homes without basements - HWOB) into a calculated assessment of these parameters. The results of the analysis for can be seen graphically on Page 10 and in a detailed table on Pages 11 – 13. A second analysis which is for soil suitability for small commercial buildings is shown on Page 14. The soils/slopes for this example (HWOB) imply that this property may not suitable for this type of structure. It needs to be understood that the results from the soil survey are for terrains which are not modified to accommodate certain types of issues on a given property. The analysis for HWOB shows that the land would be about 70% Very Limited or Somewhat Limited (includes wetland area) if left as is.

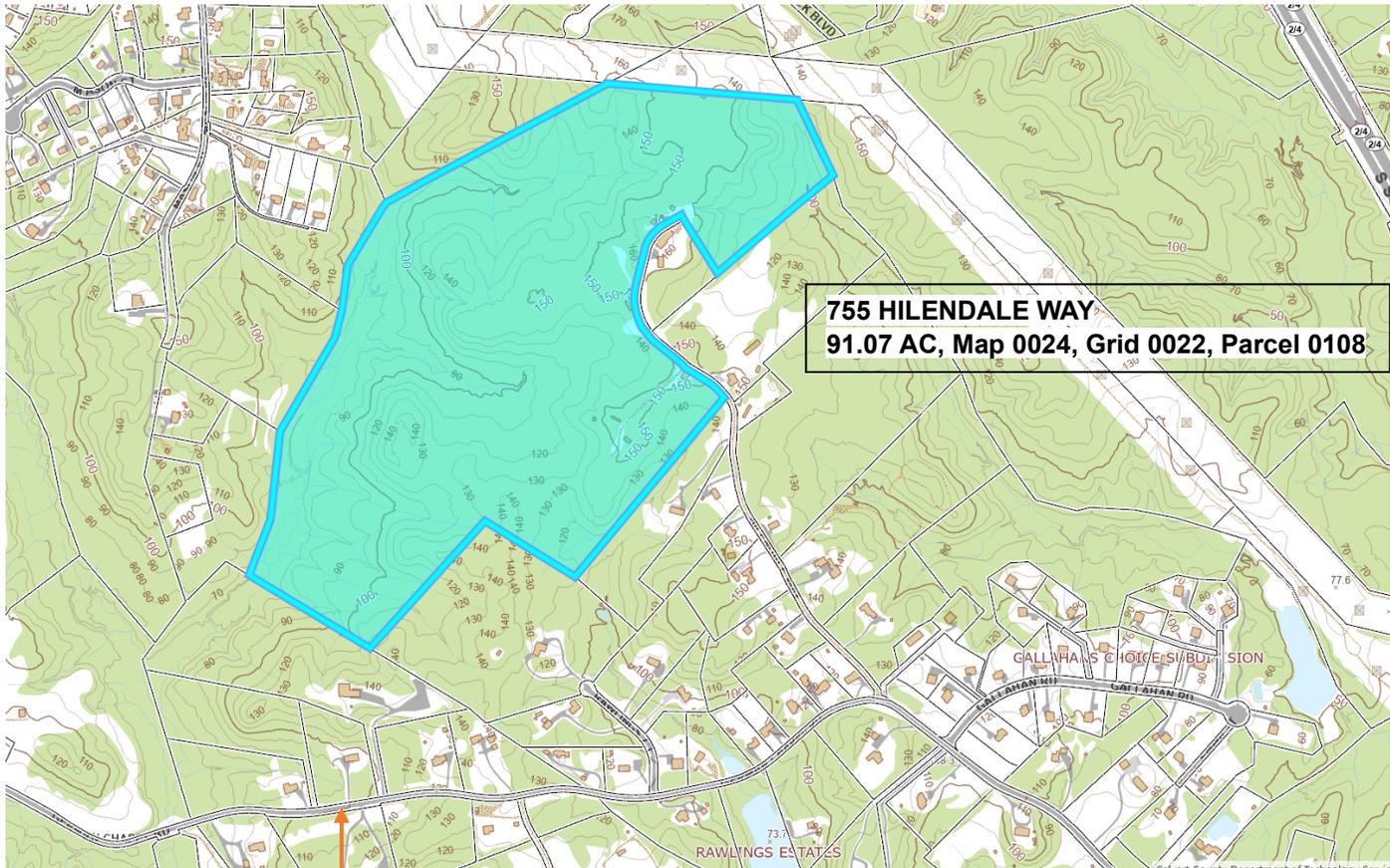
## **Conclusion**

It is unrealistic to use the soil survey analyses for obtaining unbuildable area since some grading and stormwater techniques could allow for suitability increases. However, the analyses do show that one must consider slope plus soil fragility. The areas for slopes over 15% (30.7 ac) are also higher than what might be considered reasonable but it is important to note that examples of significant erosion exist in Calvert for slopes even lower than 15%.

## **Recommendations**

**Minimum:** The areas with slopes over 25% should be considered unbuildable at the very least. A buffer factor (simple percentage, maybe 50% = 12 acre unbuildable due to slope) should be included in the unbuildable calculations.

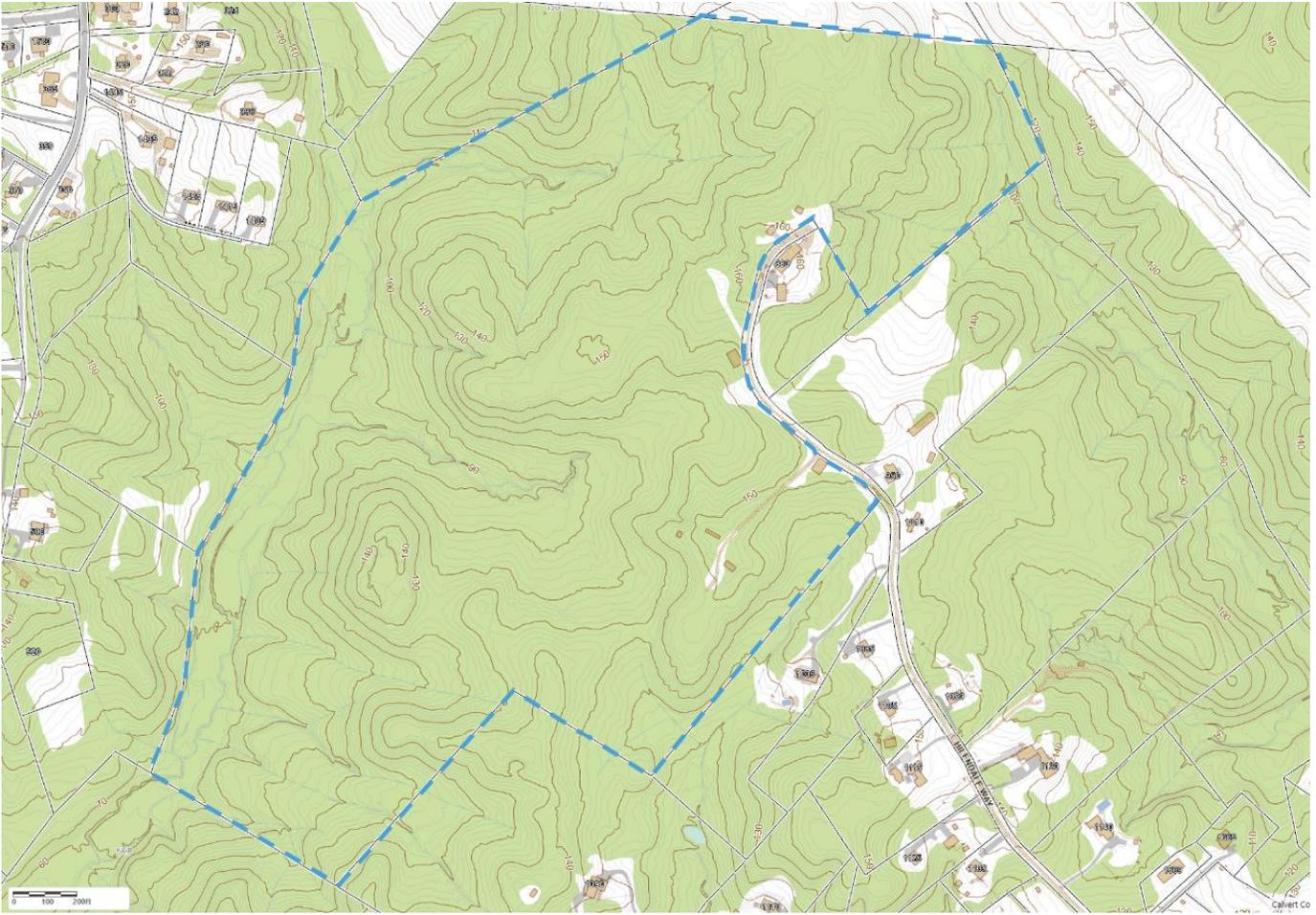
**Better:** Use the over 15% slope area as part of the accounting for fragile soils seen in the analyses. Make this number robust to cover uncertainties and the lack of detailed analyses. Some form of averaging the 25+% slope area with the 15+% slope area or factoring half of the moderate slope area could yield a robust unbuildable estimate.



**755 HILEDALE WAY**  
**91.07 AC, Map 0024, Grid 0022, Parcel 0108**

**German Chapel Rd**

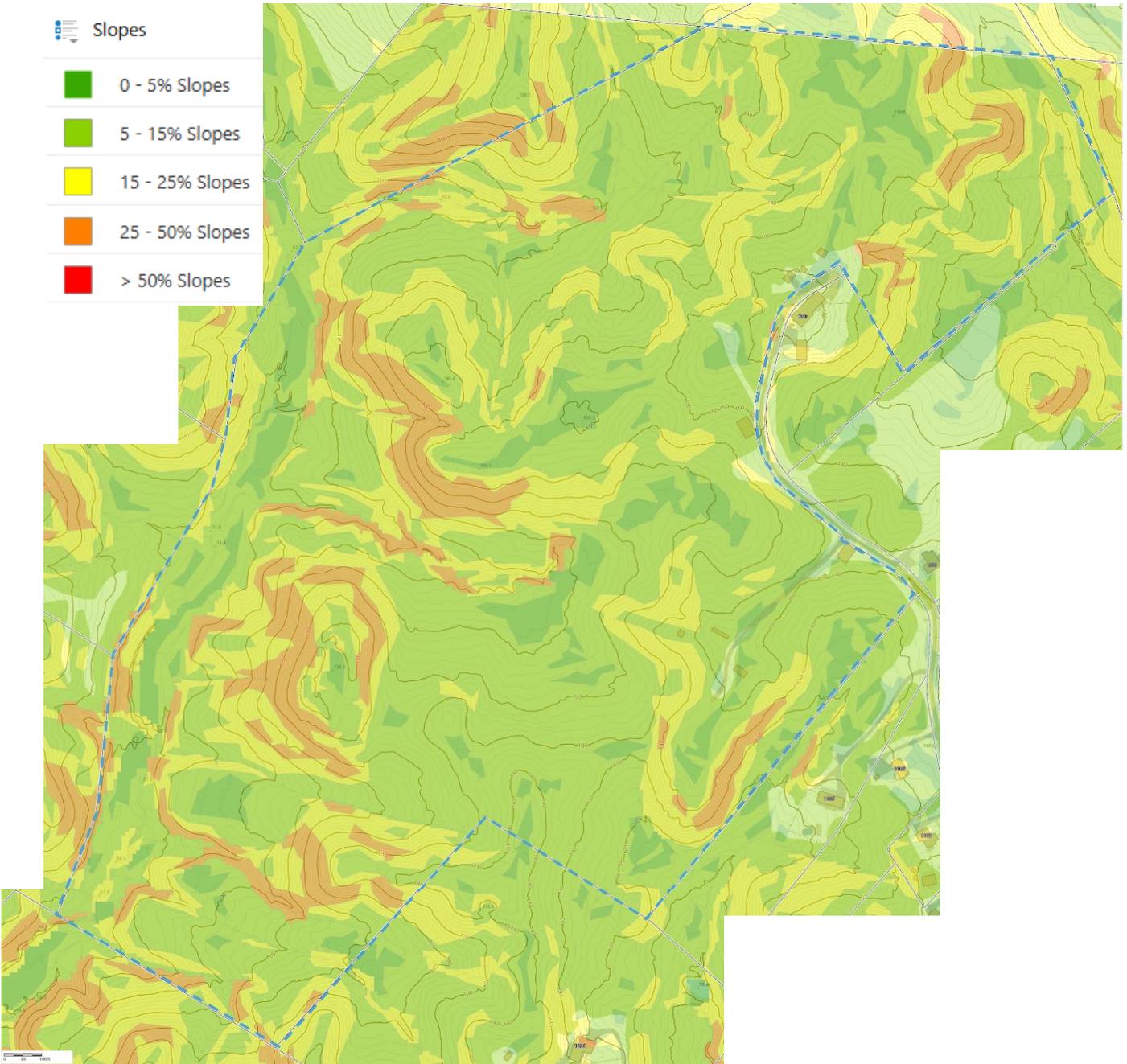
# Topographic Map



# Slopes

## Slopes

- 0 - 5% Slopes
- 5 - 15% Slopes
- 15 - 25% Slopes
- 25 - 50% Slopes
- > 50% Slopes



## 25 – 50% Slopes



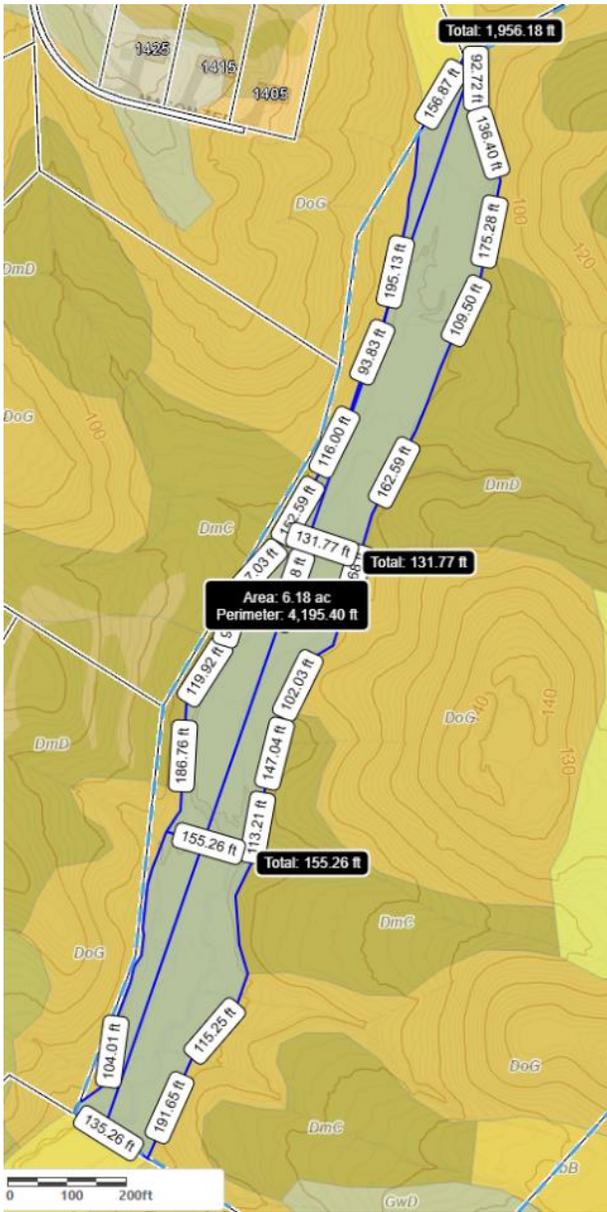
Areas NOT counting buffers

353163 sq. ft.

8.1 acre



Wetland Area = 6.2 acre (not counting buffer) (Calvert GIS)



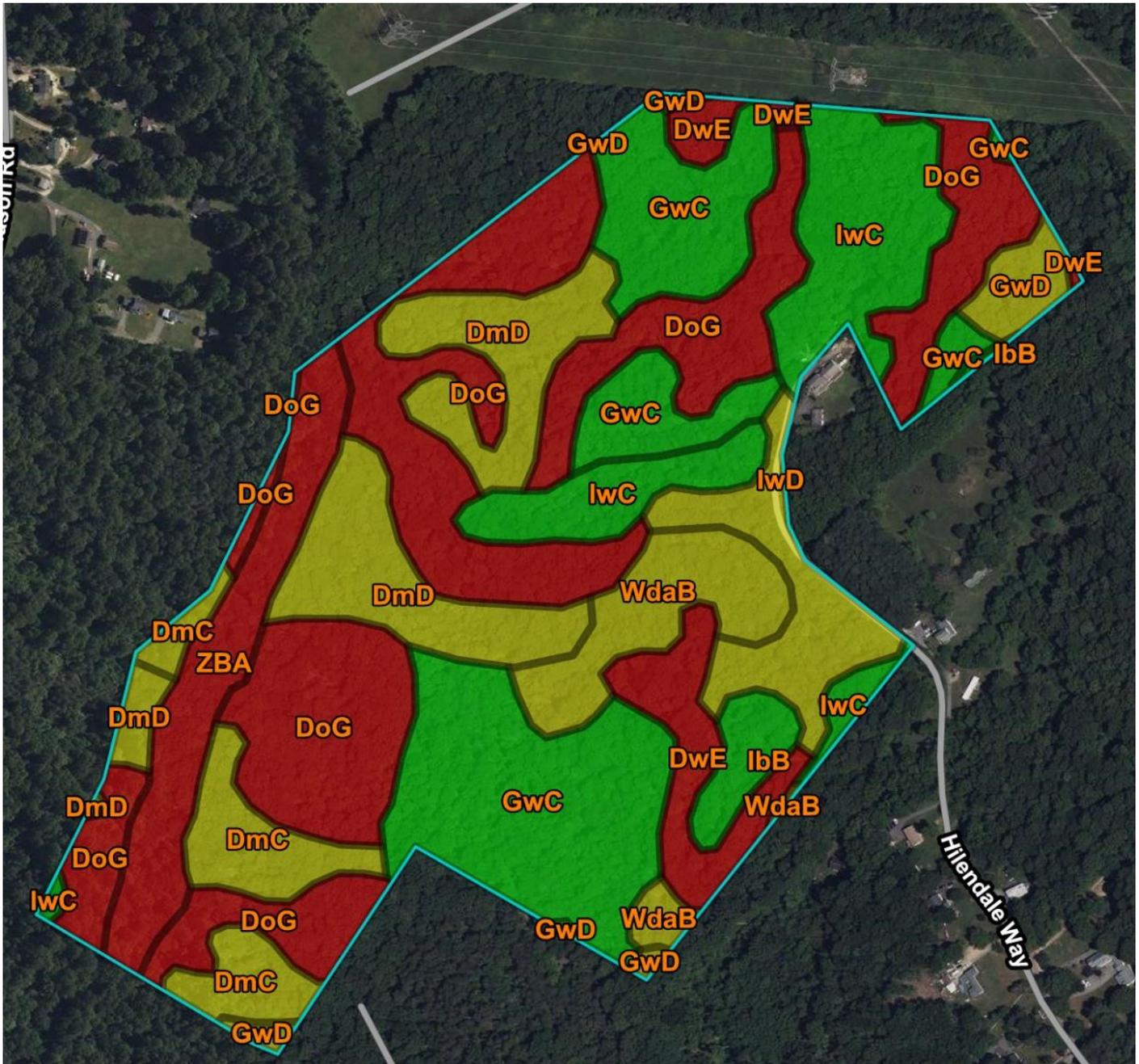
**Calvert GIS Soil Types (see key to colors in Calvert GIS, soil types on Page 9)**





# National Resources Conservation Service Web Soil Survey

## Suitability of Soil for Houses Without Basements



**RED: Very Limited**

**Yellow: Somewhat Limited**

**Green: Not Limited**

Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
DmC	Dodon-Marr complex, 5 to 10 percent slopes	Somewhat limited	Dodon (65%)	Depth to saturated zone (0.81)	4.7	5.3%
DmD	Dodon-Marr complex, 10 to 15 percent slopes	Somewhat limited	Dodon (65%)	Depth to saturated zone (0.81)	9.8	11.1%
				Slope (0.63)		
			Marr (30%)	Slope (0.63)		
DoG	Downer-Dodon complex, 25 to 80 percent slopes	Very limited	Downer, .- (65%)	Slope (1.00)	25.5	28.8%
			Dodon (25%)	Slope (1.00)		
				Depth to saturated zone (0.81)		
			Issue (10%)	Flooding (1.00)		
				Depth to saturated zone (1.00)		
DwE	Downer-Woodstown complex, 15 to 25 percent slopes	Very limited	Downer, .- (65%)	Slope (1.00)	4.1	4.7%
			Woodstown (25%)	Slope (1.00)		
				Depth to saturated zone (0.39)		
			Galestown (5%)	Slope (1.00)		
			Issue (5%)	Flooding (1.00)		
				Depth to saturated zone (1.00)		
GwC	Galestown-Woodstown complex, 5 to 10 percent slopes	Not limited	Galestown (65%)		16.9	19.1%
			Woodstown (30%)			

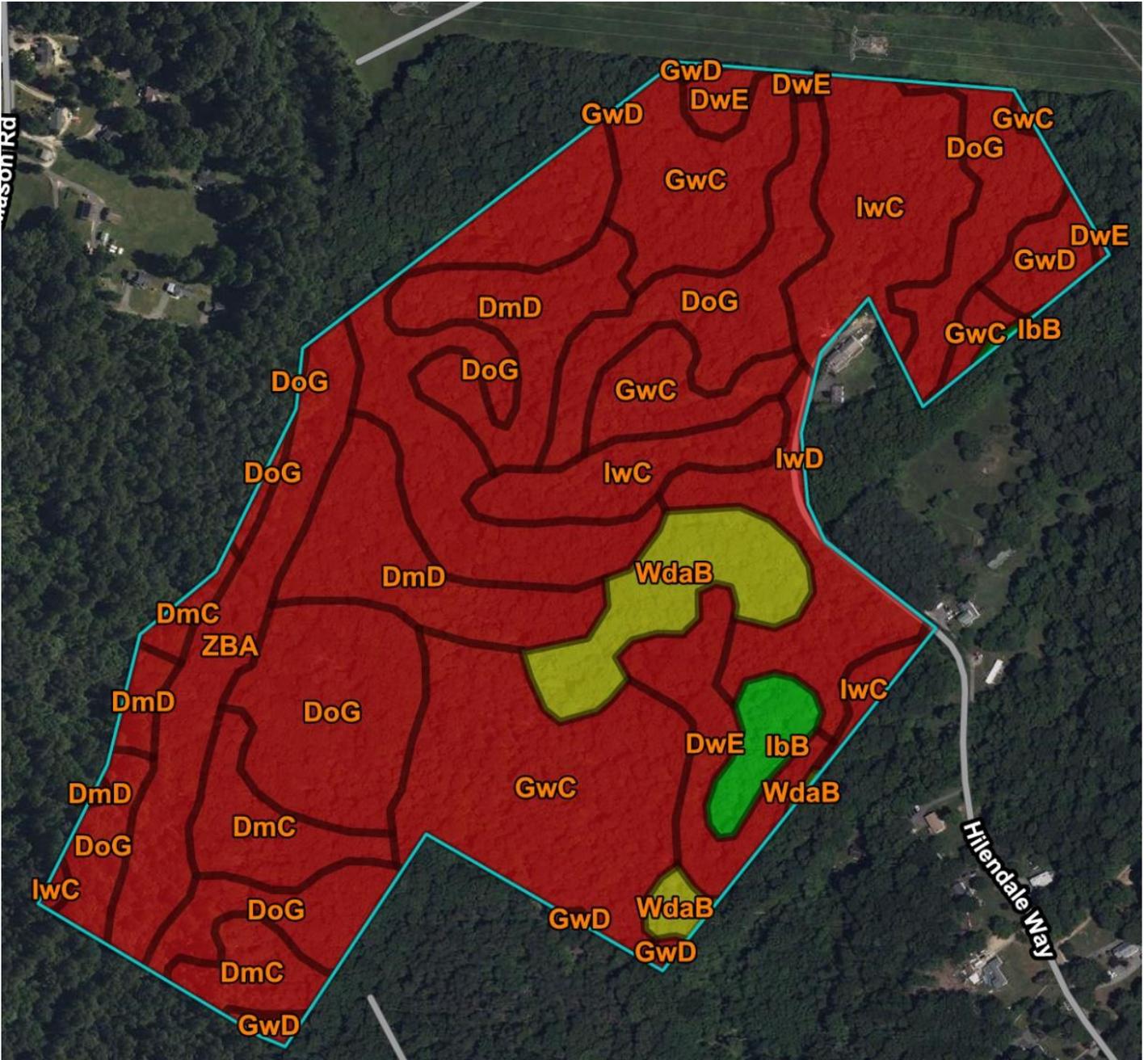
GwD	Galestown-Woodstown complex, 10 to 15 percent slopes	Somewhat limited	Galestown (65%)	Slope (0.84)	1.8	2.0%
			Woodstown (30%)	Slope (0.84) Depth to saturated zone (0.39)		
IbB	Ingleside loamy sand, 2 to 5 percent slopes	Not limited	Ingleside (80%)		1.6	1.8%
			Hoghole (10%)			
IwC	Ingleside-Woodstown complex, 5 to 10 percent slopes	Not limited	Ingleside (70%)		9.2	10.4%
IwD	Ingleside-Woodstown complex, 10 to 15 percent slopes	Somewhat limited	Ingleside (60%)	Slope (0.63)	4.2	4.8%
			Woodstown (30%)	Slope (0.63) Depth to saturated zone (0.39)		
WdaB	Woodstown sandy loam, 2 to 5 percent slopes, Northern Coastal Plain	Somewhat limited	Woodstown (81%)	Depth to saturated zone (0.39)	4.7	5.3%
			Hammonton (7%)	Depth to saturated zone (0.39)		

ZBA	Zekiah and Issue soils, 0 to 2 percent slopes, frequently flooded	Very limited	Zekiah (41%)	Ponding (1.00)	5.9	6.6%
				Flooding (1.00)		
				Depth to saturated zone (1.00)		
			Issue (39%)	Flooding (1.00)		
				Depth to saturated zone (1.00)		
			Widewater (10%)	Ponding (1.00)		
				Flooding (1.00)		
				Depth to saturated zone (1.00)		
			Fallsington (5%)	Ponding (1.00)		
				Depth to saturated zone (1.00)		
			Longmarsh (5%)	Ponding (1.00)		
				Flooding (1.00)		
				Depth to saturated zone (1.00)		

Rating	Acres in AOI	
Very limited	35.5	40.1%
Not limited	27.7	31.3%
Somewhat limited	25.3	28.6%
<b>Totals for Area of Interest</b>	<b>88.5*</b>	<b>100.0%</b>

**\*Difference between actual 91 acre due to small tracing errors**

Soil Suitability for Small Commercial Buildings



If you made it this far thank you.

Bob Estes

**O'Shea, Rachel D.**

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**From:** Patrick R. O'Meara <pomeara@rappaportco.com>  
**Sent:** Friday, December 20, 2024 11:09 AM  
**To:** Zone Ordinance Update  
**Subject:** Draft Zoning Ordinance Comment

**This Message Is From an External Sender**

This message came from outside your organization.

To whom it may concern,

We fully support and encourage you all to permit (with conditions) drive-through food uses within the Village Commercial zoning in Lusby. I also wanted to inquire about allowing Automobile Filling Station, Repair Shop, and Car Washes under the Village Commercial designation within Lusby. All of these uses are permitted (either with "SC" or "C") under the "Village" zoning for St. Leonard and Prince Frederick. The filling station is also allowed with a SC within Owings as well, so I'm not sure why the Village designation is being treated so differently within Lusby compared to the other towns. Adding these uses to Lusby under a C, S, or SC definition would still allow these uses to be controlled to a certain degree, but it would increase the likelihood of getting certain pieces of land developed.

I would love for these uses to be included in the upcoming zoning revision. If not, can you explain the reason why they are not being included in the revision? What would be the next step to correct this if it cannot be included in this zoning revision?

Thank you for your consideration!



**Patrick O'Meara** | Senior Director of Brokerage

[pomeara@rappaportco.com](mailto:pomeara@rappaportco.com) | [www.rappaportco.com](http://www.rappaportco.com)

**O'Shea, Rachel D.**

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**From:** ROBERT Estes <bbbestes@comcast.net>  
**Sent:** Friday, December 20, 2024 12:19 PM  
**To:** Zone Ordinance Update  
**Cc:** ROBERT Estes  
**Subject:** Robert Estes Zoning Ordinance comment

**This Message Is From an External Sender**

This message came from outside your organization.

Robert Estes  
Resident in Prince Frederick zip code

I have become aware of potential upzoning in the proposed zoning map where it does not seem to belong. The existing Rural Community District (RCD) has been revised in the proposed new ZO. I like the updated version of the RCD. The proposed new zoning map has changed a number of previous RCDs to Residential District (RD). Many if not most of the RCDs which are proposed to be changed to RDs are indeed rural in that they feature country roads, farms and forests and only allow for relatively low residential development. An added benefit beyond lower impervious footprint compared with potential RD densities is that the high amount of forested area transforms rainfall into ground water rather than surface runoff. Many of the new RDs which came from previously designated RCDs are either not near town centers or if in a town center are not close enough to areas that would attract walking or biking. This seems to go against what the Comprehensive Plan intends for higher density development. Remember that developing bedroom communities rather than communities built that attract local taxable businesses cost the county an average of \$2000 in services beyond taxes and fees collected.

I would propose that most if not all of the previously designated RCDs changed to RD be changed back to the new RCD prior to approving the new Zoning Ordinance. We just don't need development that does nothing for the county and diminishes its rural character.

Thank you for considering my comments.  
Bob Estes

**O'Shea, Rachel D.**

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**From:** Susan E. Martone <SEM@CouncilBaradel.com>  
**Sent:** Friday, December 20, 2024 11:39 AM  
**To:** Zone Ordinance Update  
**Cc:** Stephen A. Oberg; stephanie@rubble-bee.com; keithjr@rubble-bee.com; Brinkley, Jason P.; MacAdams, Kathy L.; Brittain, Katie E.  
**Subject:** Letter-Zoning Ordinance Update/Rubble Bee Recycling & Demolition, LLC  
**Attachments:** ZO Update letter - Final 12-20-24.pdf

**This Message Is From an External Sender**

This message came from outside your organization.

Dear Sir or Madam: Please see the attached letter from Steve Oberg on behalf of Rubble Bee Recycling & Demolition, LLC. Please confirm receipt.

Thank you.  
Sue Martone



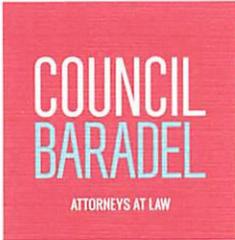
**Susan E. Martone, Legal Assistant**

125 West Street, Fourth Floor  
Annapolis, Maryland 21401  
T 410.268.6600 F 410.269.8409

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[www.CouncilBaradel.com](http://www.CouncilBaradel.com)

This email, and any attachments hereto, contains information that may be confidential or privileged.  
If you received this email in error please notify us and delete the email from your system.



STEPHEN A. OBERG  
E-Mail: [Oberg@CouncilBaradel.com](mailto:Oberg@CouncilBaradel.com)

December 20, 2024

Via Email to: [ZOupdate@calvertcountymd.gov](mailto:ZOupdate@calvertcountymd.gov)  
Calvert County, Maryland  
Attn: ZO Update  
205 Main Street  
Prince Frederick, MD 20678

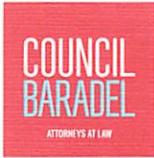
RE: Zoning Ordinance Update, Proposed Revision to Commercial Recycling Conditions (2) and (3), Zoning Ordinance Section 18-11 (E).  
Our File No.: 27773.02

Dear Sir or Madam:

The purpose of this correspondence is to request consideration for revisions to the Calvert County Zoning Code as it pertains to conditions for Commercial Recycling facilities as part of the Zoning Ordinance update. This firm represents Rubble Bee Recycling and Demolition, LLC, (“Rubble Bee”). For over three decades Rubble Bee has been engaged in recycling clean concrete and asphalt for re-use by commercial enterprises, including for road construction projects, at its facility in Owings, Maryland. Rubble Bee recycles 100% of the concrete and asphalt it receives and reports its recycling tonnage annually to the Calvert County Department of Public Works, Solid Waste Division. Rubble Bee’s concrete and asphalt recycling have taken place outdoors for decades.

Rubble Bee is included within the 2019 - 2028 Calvert County Solid Waste Management Plan (“SWMP”) as a processing facility that recycles clean concrete and asphalt. The SWMP describes Rubble Bee’s operations as: “the materials are crushed into RC-6 (a recycled concrete material ideal as a base material under paving projects or as a paving stone), 2 inch recycled concrete and asphalt fines, and 2 inch recycled asphalt (used throughout the construction industry). Once crushed, the material is sold to contractors and road crews.” SWMP, page 3-36. Further, the SWMP includes within its source reduction and recycling strategy “technical assistance programs for County haulers and businesses to promote waste reduction techniques, recycling, the entrepreneurial opportunities available in the recycling field... [and to] encourage private entities within Calvert County who operate as a recycling facility/center to meet specified recycling percentages.” SWMP page 4 – 13,14.

Commercial Recycling is a Conditional Use in the I-1 Zone in both the current and draft Zoning Ordinance update. The November, 2024 Draft Ordinance at Section 18-11 (E), “Commercial Recycling Facility” includes, Condition (1) “incinerators are prohibited” and Condition (3) “outdoor areas shall be screened with a solid fence a minimum of six feet to a maximum of eight feet in height.” Condition (2) states “outdoor processing is prohibited.”



Rubble Bee seeks to revise the November, 2024 Draft Zoning Ordinance at Section 18-11 (E) Condition (2) to allow outdoor processing of concrete and asphalt, only, provided that all storm water management requirements are satisfied and that adequate measures are in place to abate any potential nuisances such as dust, vibrations or noise. Rubble Bee also seeks to modify condition (3) to state that outdoor areas shall be screened with a solid fence *and/or berm* a minimum of six feet to a maximum of eight feet in height.

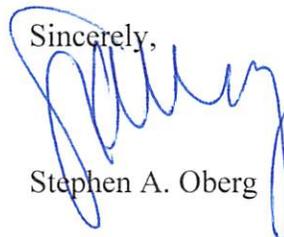
Accordingly, Rubble Bee requests the verbiage in Section 18-11 (E) Conditions (2) and (3) be modified to state:

**(2) outdoor processing is prohibited except that outdoor processing of concrete and/or asphalt only is permitted, so long as the facility complies with all County and State Storm Water Management requirements and that adequate measures are taken for the abatement of any potential dust, noise, vibration or similar nuisances.**

**(3) Outdoor areas shall be screened with a solid fence and/or berm a minimum of six feet to a maximum of eight feet in height.**

We would be pleased to discuss this proposed revision with Staff, the Planning Commission and/or the Board of County Commissioners as relevant. Rubble Bee plans to attend the December 30, 2024 Planning Commission Special Meeting and Board of County Commissioners January 7, 2025 hearing.

Thank you for your time and attention to this matter.

Sincerely,  
  
Stephen A. Oberg

cc: Rubble Bee Recycling and Demolition, LLC  
Mr. Jason Brinkley  
Calvert County Board of County Commissioners  
Ms. Kathy MacAdams

**O'Shea, Rachel D.**

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**From:** cpamboukian@gmail.com  
**Sent:** Saturday, December 21, 2024 3:12 PM  
**To:** Zone Ordinance Update  
**Subject:** Zoning Ordinance

**This Message Is From an Untrusted Sender**

You have not previously corresponded with this sender.

I am excited to see that Lusby may be revising its zoning to allow for drive-through food uses within the Village Commercial zoning .

I would also encourage the county to consider more automotive type uses in the Village Commercial district, currently we have to really go out of our way to have simple convenience such as gas stations and car wash's ect.

Happy Holidays and Merry Christmas to you and your families,

We appreciate all your efforts.

Chris Pamboukian