

BK0068PG0134

Ordinance No. 18-22

RE: Text Amendment Case No. 21-02
Amendments to the Prince Frederick, Lusby and
Solomons Town Center Zoning Ordinances
RE: Proposed Changes to the Transferable Development Rights (TDRs) Requirements

Page 1 of 3

**PERTAINING TO THE AMENDMENTS OF THE PRINCE FREDERICK, LUSBY
AND SOLOMONS TOWN CENTER ZONING ORDINANCE (PFTCZO, LTCZO,
STCZO) (PFTCZO CHAPTER III SITE DESIGN, LTCZO ARTICLE 4: TRANSFER
ZONE DISTRICT, STCAO SECTION 5-1.08 RESIDENTIAL DENSITY, SECTION 6-
12.07 SUB-AREA C1 FORM-BASED CODE)**

RE: Proposed Changes to the Transferable Development Rights (TDRs) Requirements
(Text Amendment Case No.21-02)

WHEREAS, Title 4 of the *Land Use Article* of the Maryland Annotated Code, as amended, empowers the Board of County Commissioners of Calvert County, Maryland (the “Board of County Commissioners”) to enact a Zoning Ordinance to promote the health, safety and welfare of the citizens of Calvert County, and to provide for its administration, enforcement and amendment;

WHEREAS, by Ordinance 35-06, the Board of County Commissioners of Calvert County, Maryland has heretofore adopted the Calvert County Zoning Ordinance;

WHEREAS, after study and evaluation, the Calvert County Department of Planning & Zoning recommended to the Planning Commission and the Board of County Commissioners text amendments to the Prince Frederick Town Center Zoning Ordinance (PFTCZO) Chapter III site Design, Permitted Number of Dwelling Units, Lusby Town Center Zoning Ordinance (LTCZO) Article 4: Transfer Zone District, Solomons Town Center Zoning Ordinance (STCZO) Section 5-1.08 Residential Density, Minimum Lot Size, and Lot Width Requirements in the Solomons Town Center, Section 6-12.07 Sub-Area C1 Form-based Code, Permitted Land Uses;

WHEREAS, after due notice was published, the Board of County Commissioners and the Planning Commission of Calvert County, Maryland (hereinafter, the “Planning Commission”) conducted a joint public hearing on April 28, 2022, at which time the proposed amendments were discussed, staff’s recommendations were considered, and public comment was solicited;

WHEREAS, at the conclusion of said public hearing the Planning Commission closed its record and passed a motion regarding the adoption of the amendments and conveyed its recommendation to the Board of County Commissioners by resolution; and

WHEREAS, after considering the staff report, testimony presented at the public hearing regarding the proposed text amendments, and the recommendation of the Planning Commission, and in furtherance of the public health, safety and welfare, the Board of County Commissioners of Calvert County, Maryland determined it is in the best interest of the citizens of the County to enact the text amendments to the Prince Frederick, Lusby and Solomons Town Center Zoning Ordinances as set forth in Exhibit A, attached hereto and made a part hereof.

BK0068PG0135

Ordinance No. 18-22

RE: Text Amendment Case No. 21-02
Amendments to the Prince Frederick, Lusby and
Solomons Town Center Zoning Ordinances

RE: Proposed Changes to the Transferable Development Rights (TDRs) Requirements

Page 2 of 3

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Calvert County, Maryland, the Prince Frederick Town Center Zoning Ordinance (PFTCZO) Chapter III site Design, Permitted Number of Dwelling Units, Lusby Town Center Zoning Ordinance (LTCZO) Article 4: Transfer Zone District, Solomons Town Center Zoning Ordinance (STCZO) Section 5-1.08 Residential Density, Minimum Lot Size, and Lot Width Requirements in the Solomons Town Center, Section 6-12.07 Sub-Area C1 Form-based Code, Permitted Land Uses **BE**, and hereby **IS**, amended by adopting the text amendments as shown in attached Exhibit A hereto and made a part hereof (Exhibit B depicts the amendments as they will actually appear in the Zoning Ordinance).

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Ordinance or the Calvert County Zoning Ordinance, is found to be unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that this amendatory Ordinance shall be effective for all new applications, without publication of a fair summary, but not sooner than ten (10) days following adoption.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that, notwithstanding the foregoing: (1) any development application for site plan or subdivision review shall be grandfathered under the prior regulations and shall remain vested for twelve (12) months; and (2)(a) those grandfathered by (1), above, that mature to concept site plan or preliminary subdivision approval within the twelve (12) month period, and (b) those projects with concept site plan or preliminary subdivision approval upon the effective date of this Ordinance, shall be grandfathered under the prior regulations so long as such development approval(s) shall remain valid, and not expired, pursuant to the applicable provisions of the Calvert County Zoning Ordinance currently in effect.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that any development grandfathered under the prior regulations by the foregoing, but for which application expires shall be subject to the amendment adopted hereby.

DONE, this 28th day of April, 2022, by the Board of County Commissioners of Calvert County, Maryland.

Aye: 4
Nay: 0
Absent/Abstain: 1 Commissioner Hance

RE: Text Amendment Case No. 21-02
Amendments to the Prince Frederick, Lusby and
Solomons Town Center Zoning Ordinances

RE: Proposed Changes to the Transferable Development Rights (TDRs) Requirements

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND**

Rachel Distel
Rachel Distel, Clerk

Abstain due to Recusal
Earl F. Hance, President

[Signature]
Steven R. Weems, Vice-President

Approved for form and legal
sufficiency by:

Kelly D. McConkey
Kelly D. McConkey

[Signature]
John B. Norris, III, County Attorney

[Signature]
Christopher J. Gadway

Received for Record... May 9, 20...22
at... 12:00 ...o'clock... P... M. Same day
recorded in Liber KPS No. ... 168

[Signature]
Mike Hart

Folio... 134-144 ... COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.

Garry P. Smith

Text Amendment Case #21-02

Amendments to Prince Frederick, Lusby and
Solomons Town Center Ordinances to Increase
Transferable Development Right (TDR)
Requirements

Black font – existing ordinance language

Red font – proposed ordinance language

~~Black Strikethrough~~ – existing ordinance language to be removed

**Text Amendment 21-02
Prince Frederick Town Center Zoning Ordinance**

Chapter III Site Design, E. Permitted Number of Dwellings Units

1. Requirements for use of Development Rights

Prince Frederick is designated a Transfer Zone. Purchase of five Transfer Development Rights (TDRs) is required for each single family detached dwelling on lots averaging greater than 10,000 square feet (gross), ~~three~~ **four** TDR's for each single family detached dwelling on lots averaging less than or equal to 10,000 square feet (gross), ~~two-three~~ TDRs for each attached dwelling, ~~and one TDR for each attached multi-family dwelling,~~ **three TDRs for each three bedroom multi-family attached units, two TDRs for each two bedroom multi-family attached units and one TDR for each one bedroom multi-family attached unit,** over one (1.0) dwelling unit per acre.¹

- a. In lieu of purchasing Transferable Development Rights, applicants with bona fide affordable housing projects may apply to the Board of County Commissioner for a waiver of the requirement to purchase Transferable Development Rights. The Board may approve the application in whole or in part provided that no more than 30% of the existing housing stock within the Town Center meets the State definition of affordable housing.

¹. The use of Transferable Development Rights (TDRs) shall not be required for age-restricted housing developments that comply with Section 5-5 of the Calvert County Zoning Ordinance and which are properly submitted prior to July 1, 2006.

**Text Amendment 21-02
Lusby Town Center Zoning Ordinance**

Article 4: Transfer Zone District

4-0 Designated Transfer Zones

The Village Edge District and the Village Residential Office District are designated transfer zones per the Calvert County Zoning Ordinance. Purchase of five Calvert County Transferable Development Rights is required for each single family detached dwelling on lots averaging greater than 10,000 square feet (gross), ~~three~~ **four** TDRs for each single family detached dwelling on lots averaging less than or equal to 10,000 square feet (gross), ~~two~~ **three** TDRs for each attached dwelling, ~~and one TDR for each attached multi-family dwelling,~~ **three TDRs for each three bedroom multi-family attached dwelling unit, two TDRs for each two bedroom multi-family attached dwelling unit and one TDR for each one bedroom multi-family attached dwelling unit,** over one (1.0) dwelling unit per acre¹. A maximum of nine (9.0) dwelling units per acre is permitted.

Affordable housing projects sponsored by a bona fide affordable housing agency may apply to the Board of County Commissioners for a waiver of the requirement to purchase Transferable Development Rights. The Board may approve the application in whole or in part provided that no more than 30% of the existing housing stock within the Town Center meets the State definition of affordable housing, the proposed development is consistent with the provision related to residential development listed in the Lusby Master Plan and the proposed development meets all other requirements in this Ordinance.

¹. The use of Transferable Development rights (TDRs) shall not be required for age-restricted housing developments that comply with Section 5-5 of the Calvert County Zoning Ordinance and which are properly submitted prior to July 1, 2006.

**Text Amendment 21-02
Solomons Town Center Zoning Ordinance**

**SECTION 5-1.08 Residential Density, Minimum Lot Size, and Lot Width Requirements in
the Solomons Town Center**

B. Application of Transferable Development Rights (TDRs).

2. Additional residential dwelling units may be permitted with the application of TDRs up to the maximum density allowed by sub-paragraph "A" of this section. The application of five TDRs is required for each additional dwelling unit above the base density of one unit per acre. For example, if the density is 10 dwelling units per acre 10 TDRs are required for nine of the dwelling units. The purchase of five Calvert TDRs is required for each single family detached dwelling unit on lots averaging greater than 10,000 square feet (gross), ~~three~~ **four** TDRs for each single family detached dwelling on lots averaging less than or equal to 10,000 square feet (gross), ~~two~~ **three** TDRs for each attached dwelling unit, **three TDRs for each three bedroom multi-family attached dwelling unit**, **two TDRs for each two bedroom multi-family attached dwelling unit**, and **one TDR for each one bedroom multi-family attached dwelling unit.** ~~and one TDR for each attached multi family dwelling.~~

SECTION 6-12.07 Sub-Area C1 Form-based Code, Permitted Land Uses

C. Residential Uses

- 2.a. TDRs are required for each residential unit after the first unit per buildable lot as of 9/22/09. Purchase of five Calvert County TDRs is required for each single-family, detached unit on lots averaging greater than 10,000 square feet (gross); ~~three~~ **four** TDRs for each single-family, detached dwelling on lots less than or equal to 10,000 square feet (gross); ~~two~~ **three** TDRs for each attached dwelling, ~~and one TDR for each attached multi family dwelling.~~ **three TDRs for each three-bedroom, multi-family unit; two TDRs for each two-bedroom, multi-family unit; and one TDR for each one-bedroom, multi-family unit.**

Text Amendment Case #21-02

Amendments to Prince Frederick, Lusby and
Solomons Town Center Ordinances to Increase
Transferable Development Right (TDR)
Requirements

Text Amendment 21-02
Prince Frederick Town Center Zoning Ordinance

Chapter III Site Design, E. Permitted Number of Dwellings Units

1. Requirements for use of Development Rights

Prince Frederick is designated a Transfer Zone. Purchase of five Transfer Development Rights (TDRs) is required for each single family detached dwelling on lots averaging greater than 10,000 square feet (gross), four TDRs for each single family detached dwelling on lots averaging less than or equal to 10,000 square feet (gross), three TDRs for each attached dwelling, three TDRs for each three bedroom multi-family attached units, two TDRs for each two bedroom multi-family attached units and one TDR for each one bedroom multi-family attached unit, over one (1.0) dwelling unit per acre.¹

- a. In lieu of purchasing Transferable Development Rights, applicants with bona fide affordable housing projects may apply to the Board of County Commissioner for a waiver of the requirement to purchase Transferable Development Rights. The Board may approve the application in whole or in part provided that no more than 30% of the existing housing stock within the Town Center meets the State definition of affordable housing.

1. The use of Transferable Development Rights (TDRs) shall not be required for age-restricted housing developments that comply with Section 5-5 of the Calvert County Zoning Ordinance and which are properly submitted prior to July 1, 2006.

**Text Amendment 21-02
Lusby Town Center Zoning Ordinance**

Article 4: Transfer Zone District

4-0 Designated Transfer Zones

The Village Edge District and the Village Residential Office District are designated transfer zones per the Calvert County Zoning Ordinance. Purchase of five Calvert County Transferable Development Rights is required for each single family detached dwelling on lots averaging greater than 10,000 square feet (gross), four TDRs for each single family detached dwelling on lots averaging less than or equal to 10,000 square feet (gross), three TDRs for each attached dwelling, three TDRs for each three bedroom multi-family attached dwelling unit, two TDRs for each two bedroom multi-family attached dwelling unit and one TDR for each one bedroom multi-family attached dwelling unit, over one (1.0) dwelling unit per acre.¹ A maximum of nine (9.0) dwelling units per acre is permitted.

Affordable housing projects sponsored by a bona fide affordable housing agency may apply to the Board of County Commissioners for a waiver of the requirement to purchase Transferable Development Rights. The Board may approve the application in whole or in part provided that no more than 30% of the existing housing stock within the Town Center meets the State definition of affordable housing, the proposed development is consistent with the provision related to residential development listed in the Lusby Master Plan and the proposed development meets all other requirements in this Ordinance.

¹ The use of Transferable Development rights (TDRs) shall not be required for age-restricted housing developments that comply with Section 5-5 of the Calvert County Zoning Ordinance and which are properly submitted prior to July 1, 2006.

**Text Amendment 21-02
Solomons Town Center Zoning Ordinance**

**SECTION 5-1.08 Residential Density, Minimum Lot Size, and Lot Width Requirements in
the Solomons Town Center**

B. Application of Transferable Development Rights (TDRs).

2. Additional residential dwelling units may be permitted with the application of TDRs up to the maximum density allowed by sub-paragraph "A" of this section. The application of five TDRs is required for each additional dwelling unit above the base density of one unit per acre. For example, if the density is 10 dwelling units per acre 10 TDRs are required for nine of the dwelling units. The purchase of five Calvert TDRs is required for each single family detached dwelling unit on lots averaging greater than 10,000 square feet (gross), four TDRs for each single family detached dwelling on lots averaging less than or equal to 10,000 square feet (gross), three TDRs for each attached dwelling unit, three TDRs for each three bedroom multi-family attached dwelling unit, two TDRs for each two bedroom multi-family attached dwelling unit, and one TDR for each one bedroom multi-family attached dwelling unit.

SECTION 6-12.07 Sub-Area C1 Form-based Code, Permitted Land Uses

C. Residential Uses

- 2.a. TDRs are required for each residential unit after the first unit per buildable lot as of 9/22/09. Purchase of five Calvert County TDRs is required for each single-family, detached unit on lots averaging greater than 10,000 square feet (gross); four TDRs for each single-family, detached dwelling on lots less than or equal to 10,000 square feet (gross); three TDRs for each attached dwelling, three TDRs for each three-bedroom, multi-family unit; two TDRs for each two-bedroom, multi-family unit; and one TDR for each one-bedroom, multi-family unit.