

Calvert County, MD - Zoning Ordinance

(Last visited: 10/6/2020)

2-8 PRIMARY DISTRICTS: PURPOSE, INTENT AND SPECIAL CONDITIONS

2-8.01 Farm and Forest District (FFD)

A. The Farm and Forest District consists of farmland and woodland tracts, along with some scattered residential communities. This District also consists of large undeveloped lands containing a significant portion of sensitive soils and/or steep slopes. This Primary District is intended to:

1. protect and preserve prime farming regions as identified by the presence of Class I, II, or III or Group 1 or 2 soils (as defined by the Soil Survey of Calvert County, Maryland, prepared by the U.S. Department of Agriculture Soil Conservation Service, as amended from time to time);
2. protect lands in proximity to Agricultural Preservation Districts and actively farmed areas;
3. protect and preserve unique or significant environmental features as identified by the presence of large contiguous forested areas, forest interior dwelling bird habitat, wildlife habitat and/or environmentally sensitive areas;
4. protect and manage watersheds and water supplies;
5. maintain historic and scenic landscapes;
6. and promote forestry, the growing of crops and animal husbandry.

B. This District is also intended to permit agritourism, ecotourism and heritage tourism uses that promote and do not conflict with the protection and preservation of agricultural, scenic, natural and historic resources; to limit the amount and impact of residential development; to prohibit sewer and water service areas, schools, fire and rescue stations and other uses intended to serve the general public; and to prohibit uses, other than agritourism, ecotourism, and heritage tourism, that may require increasing the traffic capacity of rural roads.

C. In accordance with the Calvert County Right to Farm Law (Article 99, Calvert County Code), it is intended that in this District there shall be no basis for recourse against the effects of any reasonable farming or forestry operation, as permitted in this District, and conducted in a reasonable manner in accordance with good husbandry or forestry practices, including but not limited to noise, odor, vibration, fumes, dust or glare.

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2-10 OVERLAY DISTRICTS: PURPOSE, INTENT AND SPECIAL CONDITIONS FOR EACH OVERLAY DISTRICT

2-10.01 Agricultural Preservation Districts

A. Agricultural Preservation Districts (APDs) are part of the Agricultural Land Preservation Program. The purpose of this program shall be to:

1. offer an incentive for preservation of prime agricultural and forestry land;

2. provide compensation to the landowner who voluntarily agrees to place agricultural and forestry use covenants on his land;
3. offer a free market system for financing agricultural and forestry preservation, thus reducing direct cost to the taxpayers;
4. guide development away from prime agricultural and forestry lands on which viable farming and forestry endeavors are practical; and
5. act as a source of development rights.

B. District boundaries for Agricultural Preservation Districts shall be established by the Agricultural Preservation Advisory Board following an application by a property owner.

C. The program shall be administered by the Agricultural Preservation Advisory Board which shall be responsible for the development of the guidelines for the approval of Agricultural Preservation Districts, as well as any changes to the guidelines. (See "Agricultural Preservation Rules and Regulations", available from the Department of Planning and Zoning.)

D. Permitted and special exception uses shall be in accordance with Article 3 Land Uses by Zoning Districts.

E. Agricultural Preservation Advisory Board

1. The Board of County Commissioners shall appoint an Agricultural Preservation Advisory Board consisting of five members, at least three of whom shall be owner operators of commercial farms.
2. The Board of County Commissioners may appoint one or more alternate members for the Agricultural Preservation Advisory Board who may be empowered to sit on the Board in the absence of any member of the Board. A quorum for meetings is three members of whom no more than one shall be an alternate.
3. The membership of the Board shall consist of at least one resident from each Election District.
4. The term of a member is five years.
5. The terms of members are to be staggered as required by the terms provided for members of the Board on July 1, 1985.
6. At the end of a term, a member continues to serve until a qualified successor is appointed.
7. A member who is appointed after a term has begun serves only to complete the term or until a qualified successor is appointed.
8. A member may not serve for more than two consecutive full terms.
9. The Board shall accept, approve, or reject all applications; promulgate regulations for adoption by the Board of County Commissioners; and develop procedures for the formation of Agricultural Preservation Districts and the withdrawal from an Agricultural Preservation District, subject to the provisions of this Subsection. The procedures shall include the following:

[Amended 1-10-2017 by Ord. No. 04-17]

- a. The acreage requirements to establish or join an Agricultural Preservation District.
- b. Agricultural Preservation District boundaries should follow as closely as possible, existing physical separations, such as streams, valleys, roads, etc.

c. An Agricultural Preservation District shall remain in effect until terminated as provided in the Calvert County Agricultural Preservation Rules and Regulations, as amended from time to time.

d. Except as expressly provided in Section VII of the Calvert County Agricultural Preservation Rules and Regulations pertaining to the withdrawal of a property or properties from the Program, an Agricultural Preservation District shall be governed by the Laws and Regulations in effect at the time of its creation.

F. Local Ordinances; Eminent Domain; Special Assessments

1. Within an Agricultural Preservation District, the right of eminent domain is limited to those instances where no other viable alternative exists.

2. Within an Agricultural Preservation District, special assessments shall not be permitted for the support of any public service including, but not limited to, water and sewer service. (Code 1981, Section 17-103; 1985, cs. 715, Section 2.)

G. Designated Agricultural Areas

1. The Agricultural Preservation Advisory Board shall designate certain portions of the County as having the greatest potential for maintaining a viable level of agricultural or forest production. The criteria the Board uses shall include, but not be limited to:

- a. Present land use
- b. Percent of cropland
- c. Suitability of the soil
- d. Amount of contiguous farmland

2. The area specified in this Section shall be called the "Designated Agricultural Area". Wooded parcels may be included in the Designated Agricultural Area.

3. Any person who owns land within a Designated Agricultural Area is not required to join an Agricultural Preservation District. The program is entirely voluntary.

H. Transferable Development Rights (TDRs)

1. One Transferable Development Right (TDR) per acre of land is allocated within an Agricultural Preservation District created in the Rural Community and Farm and Forest Districts. Provided that no TDRs have previously been sold, two TDRs per acre of land are allocated within an Agricultural Preservation District created in the RD Residential District. See Section 8-1.06.K for provisions regarding allocation of TDRs for properties in the Critical Area.

2. Five development rights shall be subtracted for each residence located on a parcel in an Agricultural Preservation District.

3. The Board of County Commissioners shall grant five development rights for each one-acre exception lot authorized in the Rural Community and Farm and Forest District under the provisions of Sections 5-1.02 and 5-1.03 of the County Zoning Ordinance and not previously used.

I. Conveyance of Development Rights

1. The conveyance of a development right does not affect the ownership of that property. Once the development right of a property has been conveyed, that property shall be used for agricultural, forestry, or other uses permitted by regulations adopted by the Board of County Commissioners.
2. The conveyance of a development right restricts the use of that land by all future purchasers, owners, heirs, and assigns to the same extent as the use was restricted by the original conveyor of the development.
3. An owner of property located within an Agricultural Preservation District is not required to convey TDRs. However, once a TDR is conveyed, the owner may not remove that designated parcel from the Agricultural Preservation District. This restriction applies only to the designated parcel from which the TDR was conveyed and not to other parcels of land owned by the conveyor.

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