

**Pertaining to the Amendments of the Calvert County Zoning Ordinance, Article 3, Land Use Charts; Section 3-1.02, Use #12a Nursery, Retail, and Article 12, Definitions**  
(Text Amendment Case No.15-09)

**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 Community Planning & Building recommended to the Planning Commission and the Board of County Commissioners text amendments to the Calvert County Zoning Ordinance (“CCZO”), to Article 3, Land Use Charts; Section 3-1.02, Use #12a, “Nursery, Retail”, and Article 12, “Definitions”;

**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 5, 2016, 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 voted to recommend adoption of the amendments and conveyed its recommendation to the Board of County Commissioners by resolution; and

**WHEREAS**, after considering the evidence which had been 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 Calvert County Zoning Ordinance as set forth in Exhibit A, attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Calvert County, Maryland, that Article 3 Land Use Charts; Section 3-1.02, Use #12a, “Nursery, Retail,” and Article 12, “Definitions” of the CCZO **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, are 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.

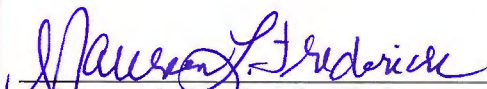
**BE IT FURTHER ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that this amendatory Ordinance shall be effective upon recordation and without publication of a fair summary.

**DONE**, this 5<sup>th</sup> day of April 2016 by the Board of County Commissioners of Calvert County, Maryland.

Aye: 4  
Nay: 0  
Absent/Abstain: 1-Slaughenhaupt


**ATTEST:**


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


  
Maureen L. Frederick, Clerk

  
Evan K. Slaughenhaupt Jr., President


Approved for form and legal  
sufficiency by:

  
Tom Hejl, Vice-President

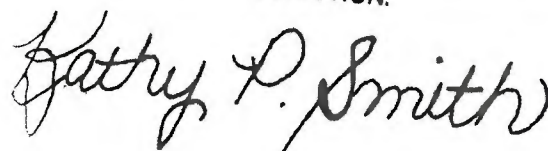
  
Mike Hart

  
John B. Norris, III, County Attorney

  
Pat Nutter

  
Steven R. Weems

Received for Record... April 15 ... 2016  
... 10:15 o'clock... A ... M. Same day  
Recorded in Liber KPS No. 49  
... 200 ... COUNTY COMMISSIONERS  
ORDINANCES AND RESOLUTION.



**Calvert County Zoning Ordinance: Article 3 – Land Use Charts**

**Exhibit A**

USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
12a.	Nursery, Retail (9/22/09) (10/13/10) (3/30/12) (4/11/13) <i>An area or establishment where trees, shrubs or plants are grown for transplanting, for use as stock for budding and grafting or for sale directly to the general public, and where non-plant items may be sold on a limited basis. Includes delivery and installation of purchased trees, shrubs, plants and non-plant items, landscaping, and tree trimming. Storage of machinery and equipment required for nursery maintenance, delivery, installation, landscaping and tree trimming is permitted onsite.</i>	C	C	SC		C	C		P			<ol style="list-style-type: none"> <li>1. Outdoor lighting of the sales area is permitted subject to Article 6; <b>and</b></li> <li>2. <b>T</b>he Retail Nursery shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; <b>and</b></li> <li>3. <b>T</b>he sales inventory shall consist primarily of plants <b>materials</b> and their containers and retail sales of pots, mulch, topsoil, and soil amendments.                             <ol style="list-style-type: none"> <li>a. The area devoted to <b>such</b> accessory sales shall be <b>restricted to no more than 1% of the Parcel/Lot area but in no event may such area not to exceed 1 acre in size (one-acre max.); and</b></li> </ol> </li> <li>4. Fifty (50) foot minimum setback from all property lines.</li> <li>5. The Administrative Variance Officer or his/her designee may reduce or waive the setback requirements, in accordance with Article 11 of this Ordinance.</li> <li>6. <del>The use shall have direct road access on to a publicly owned and maintained right-of-way, or</del></li> <li>7. If the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way.</li> <li>8. A Special Exception is required if the use does not meet Condition 6 <del>or 7</del> above, and the Board of Appeals shall consider adding the following condition:                             <ol style="list-style-type: none"> <li>a. The Department of Public Works shall review and approve the <b>sufficiency of the access for vehicle types and projected trips per day</b> and impose appropriate construction <b>and maintenance</b> standards.</li> </ol> </li> </ol> <p>Overlay Districts:                      9. The requirements of Section 2-10.04 shall apply to properties in <del>FD</del> Overlay.</p>

6/20/2014 9:20:04

**Calvert County Zoning Ordinance: Article 12 - Definitions**

<b><u>Term</u></b> (Date of Amendment)	<b><u>Definition</u></b>
Nursery, Retail (4/11/13)	An area or establishment where trees, shrubs or plants are grown for transplanting, for use as stock for budding and grafting or for sale directly to the general public and where non-plant items may be sold on a limited basis. <b>Includes delivery and installation of purchased trees, shrubs, plants and non-plant items, landscaping, and tree trimming. Storage of machinery and equipment required for nursery maintenance, delivery, installation, landscaping and tree trimming is permitted onsite.</b>

PK000497#205

**Calvert County Zoning Ordinance: Article 3 – Land Use Charts**

**Exhibit B**

USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
12a.	<p>Nursery, Retail (9/22/09) (10/13/10) (3/30/12) (4/11/13)</p> <p><i>An area or establishment where trees, shrubs or plants are grown for transplanting, for use as stock for budding and grafting or for sale directly to the general public, and where non-plant items may be sold on a limited basis. Includes delivery and installation of purchased trees, shrubs, plants and non-plant items, landscaping, and tree trimming. Storage of machinery and equipment required for nursery maintenance, delivery, installation, landscaping and tree trimming is permitted onsite.</i></p>	C	C	SC		C	C		P			<ol style="list-style-type: none"> <li>1. Outdoor lighting of the sales area is permitted subject to Article 6;</li> <li>2. The Retail Nursery shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation;</li> <li>3. The sales inventory shall consist primarily of plants and their containers and retail sales of pots, mulch, topsoil, and soil amendments;                             <ol style="list-style-type: none"> <li>a. The area devoted to accessory sales shall be no more than 1% of the Parcel/Lot area not to exceed 1 acre in size;</li> </ol> </li> <li>4. Fifty (50) foot minimum setback from all property lines.</li> <li>5. The Administrative Variance Officer or his/her designee may reduce or waive the setback requirements, in accordance with Article 11 of this Ordinance.</li> <li>6. If the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way.</li> <li>7. A Special Exception is required if the use does not meet Condition 6 above, and the Board of Appeals shall consider adding the following condition:                             <ol style="list-style-type: none"> <li>a. The Department of Public Works shall review and approve the sufficiency of the access for vehicle types and projected trips per day and impose appropriate construction and maintenance standards.</li> </ol> </li> </ol> <p>Overlay Districts:</p> <ol style="list-style-type: none"> <li>8. The requirements of Section 2-10.04 shall apply to properties in HL Overlay.</li> </ol>

EM 0004955 206

**Calvert County Zoning Ordinance: Article 12 - Definitions**

<b><u>Term</u></b> (Date of Amendment)	<b><u>Definition</u></b>
Nursery, Retail (4/11/13)	An area or establishment where trees, shrubs or plants are grown for transplanting, for use as stock for budding and grafting or for sale directly to the general public and where non-plant items may be sold on a limited basis. Includes delivery and installation of purchased trees, shrubs, plants and non-plant items, landscaping, and tree trimming. Storage of machinery and equipment required for nursery maintenance, delivery, installation, landscaping and tree trimming is permitted onsite.

BK000498207