

**A RESOLUTION PERTAINING TO THE ADOPTION OF A POLICY REGARDING
THE PROCESSING OF AMENDMENTS TO THE
CALVERT COUNTY ZONING ORDINANCE**

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 has heretofore adopted the Calvert County Zoning Ordinance, which Ordinance has been amended from time to time;

WHEREAS, Section 4-203(a) the *Land Use Article* of the Maryland Annotated Code provides that “[a] legislative body shall provide for the manner in which its zoning regulations and the boundaries of districts and zones shall be established, enforced, and amended;”

WHEREAS, the Board of County Commissioners of Calvert County, Maryland finds that such authority must be exercised in a manner that is balanced and always protective of the public's health, safety, welfare and morals;

WHEREAS, the Board of County Commissioners of Calvert County, Maryland finds that such authority must also be exercised in a timely manner, in a manner open to the public for scrutiny; never in a manner that minimizes the opportunity for relevant public input or in any manner that is or can be perceived as secretive or illusive;

WHEREAS, the Board of County Commissioners of Calvert County, Maryland additionally finds that delays and deferral of decision-making can lead to distrust, public apathy and effectively denies the applicant seeking amendment the right to a final decision;

WHEREAS, the Board of County Commissioners of Calvert County, Maryland has heretofore adopted provisions pertaining to the processing of amendments to the Calvert County Zoning Ordinance; and

WHEREAS, the Board of County Commissioners of Calvert County, Maryland finds that its local legislation found at Section 1-6.01 of the Calvert County Zoning Ordinance and referring certain matters not requiring the recommendation of the Planning Commission by State law, to be directory in nature and not mandatory because, in part, of the absence of any sanctions for failing to do so.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Calvert County, Maryland, that Section 1-6.01 of the Calvert County Zoning Ordinance, shall be interpreted and applied in following manner:

1. Except those begun at the initiative of the Planning Commission, each amendment to the Calvert County Zoning Ordinance shall be referred by the Board of County

Commissioners to the Planning Commission for discussion with respect to consistency with the goals and objectives of the Calvert County Comprehensive Plan and any small area Master Plan that may be affected by the proposed amendment.

2. Upon referral by the Board of County Commissioners to the Planning Commission, each proposed amendment referred by the Board of County Commissioners shall be placed upon the agenda of the next regularly scheduled meeting of the Planning Commission.
3. In the event that the Planning Commission does not conduct the public hearing referenced at Section 1-6.01 of the Calvert County Zoning Ordinance and forward its recommendation to the Board of County Commissioners within 180 days following referral by the Board of County Commissioners, regardless of any changes to the wording of the amendment directed by the Planning Commission or the Board of County Commissioners during this period, the Board of County Commissioners may, at its sole and absolute discretion expressed with a motion and vote by a simple majority of the Board, proceed with its public hearing, deliberation and decision regarding the proposed amendment(s) without the Planning Commission's recommendation unless:
 - a. The purpose and effect of a proposed map amendment is to change a zoning classification for which the Planning Commission's recommendation is required by Section 4-203(a) the *Land Use Article* of the Maryland Annotated Code; or
 - b. The purpose and effect of a proposed amendment is to effect a change in subdivision regulations for which the Planning Commission's recommendation is required by Section 5-102(a) the *Land Use Article* of the Maryland Annotated Code.
4. In the event that the Planning Commission advertises or convenes its public hearing referenced at Section 1-6.01 of the Calvert County Zoning Ordinance, singly or as a joint public hearing, but does not forward its recommendation to the Board of County Commissioners within 180 days following referral by the Board of County Commissioners, regardless of any changes to the wording of the amendment directed by the Planning Commission or the Board of County Commissioners during this period and regardless whether the Planning Commission has set an open record period for its public hearing that extends beyond 180 days following referral by the Board of County Commissioners, the Board of County Commissioners may, at its sole and absolute discretion expressed with a motion and vote by a simple majority of the Board, proceed with its public hearing, deliberation and decision regarding the proposed amendment(s) without the Planning Commission's recommendation unless:
 - a. The purpose and effect of a proposed map amendment is to change a zoning classification for which the Planning Commission's recommendation is required by Section 4-203(a) the *Land Use Article* of the Maryland Annotated Code; or

- b. The purpose and effect of a proposed amendment is to effect a change in subdivision regulations for which the Planning Commission's recommendation is required by Section 5-102(a) the *Land Use Article* of the Maryland Annotated Code.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that failure by the Planning Commission members, individually or collectively, to meet the time objectives set forth herein, or to fail to make timely recommendations where recommendation is required by State law, shall be grounds for removal of Planning Commission members by the Board of County Commissioners.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Resolution 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 Resolution shall be enforceable and valid.

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

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that this Resolution shall be effective upon recordation without publication of a fair summary.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that this Resolution shall be applied retroactively as if it had become effective 12:00 a.m. local prevailing time, January 1, 2015.

DONE, this 14th day of June 2016 by the Board of County Commissioners of Calvert County, Maryland.

Aye: Commiss Hart, Hejl, Skushenko
 Nay: Comm'r Weems
 Absent/Abstain: Comm'r Nutter

[SIGNATURES ON FOLLOWING PAGE]

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF CALVERT COUNTY, MARYLAND

Elizabeth Tolomei
Maureen L. Frederick, Clerk
Elizabeth Tolomei
Acting clerk

Evan K. Slaughenhoupt
Evan K. Slaughenhoupt Jr., President

Tom Hejl, Vice-President

Mike Hart

Approved for form and legal sufficiency by:

John B. Norris, III, County Attorney

Pat Nutter

Steven R. Weems

Received for Record 6/14, 2018
at 3:15 o'clock P.M. Same day
recorded in Liber KPS No. 49
Folio 360 COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.

Garry P. Smith