

Pertaining to the Amendments of the Calvert County Zoning Ordinance
(Calvert County Zoning Ordinance, Article 12: Definitions)

**RE: To include Eating Establishments with Drive-up Facilities within Retail
Commercial Buildings with Drive-Up Facilities and Add Definitions of Eating
Establishments With and Without Drive-up Facilities**

(Text Amendment Case No.16-06)

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 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 January 10, 2017, 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 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 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, 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.

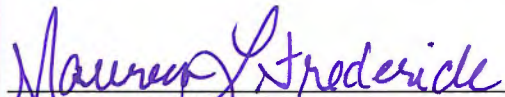
BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that this amendatory Ordinance shall be effective upon recordation and without publication of a fair summary, but not before January 20, 2017.


DONE, this 16th day of January 2017 by the Board of County Commissioners of Calvert County, Maryland.

Aye: 5
Nay: 0
Absent/Abstain: 0

ATTEST:


BOARD OF COUNTY COMMISSIONERS OF CALVERT COUNTY, MARYLAND


Maureen L. Frederick, Clerk


Tom Hejl, President

Approved for form and legal sufficiency by:

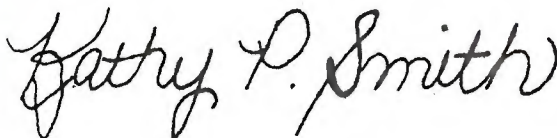

Evan K. Slaughenhoupt Jr., Vice-President


Mike Hart


John B. Norris, III, County Attorney


Pat Nutter

Received for Record January 20, 2017
at 10:50 o'clock A.M. Same day
recorded in Liber KPS No. 51
Folio 9 COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.
Steven R. Weems



Calvert County Zoning Ordinance: Article 12 – Definitions

<p align="center"><u>Term</u> (Date of Amendment)</p>	<p align="center"><u>Definition</u></p>
<p>Eating Establishment with Drive-up Facility</p>	<p>Deleted 9/22/09. An Eating Establishment that includes a structure or part of a structure designed to accommodate patrons' motor vehicles, from which the occupants of the motor vehicle may make purchases or transact business.</p>
<p>Eating Establishment without Drive-up Facility</p>	<p>Deleted 9/22/09 A public eating place that serves food for consumption at tables or counters located on the premises, or by carry-out or delivery, but that does not have a drive-up facility. This term shall include, but not be limited to, an establishment known as a cafeteria, delicatessen, café, smorgasbord, diner or similar business where the sale of alcohol constitutes less than 50 percent of the total sales.</p>
<p>Retail Commercial Building with Drive-up Facility</p>	<p>A commercial retail building that includes a structure or part of a structure designed to accommodate patrons' motor vehicles, from which the occupants of the motor vehicle may make purchases or transact business. This definition does not includes Eating Establishments with Drive-up Facilities within a Retail Commercial Building.</p>

Calvert County Zoning Ordinance: Article 12 – Definitions

<u>Term</u> (Date of Amendment)	<u>Definition</u>
Eating Establishment with Drive-up Facility	An Eating Establishment that includes a structure or part of a structure designed to accommodate patrons' motor vehicles, from which the occupants of the motor vehicle may make purchases or transact business.
Eating Establishment without Drive-up Facility	A public eating place that serves food for consumption at tables or counters located on the premises, or by carry-out or delivery, but that does not have a drive-up facility. This term shall include, but not be limited to, an establishment known as a cafeteria, delicatessen, café, smorgasbord, diner or similar business where the sale of alcohol constitutes less than 50 percent of the total sales.
Retail Commercial Building with Drive-up Facility	A commercial retail building that includes a structure or part of a structure designed to accommodate patrons' motor vehicles, from which the occupants of the motor vehicle may make purchases or transact business. This definition includes Eating Establishments with Drive-up Facilities within a Retail Commercial Building.