

Pertaining to Amending the Lusby Town Center Master Plan and Zoning Ordinance and the Calvert County Zoning Ordinance (Lusby Town Center Zoning Map)

RE: Tax Map 42, P/O Parcel 370, Lusby, MD to Rezone 5.1± Acres from Institutional to Neighborhood Commercial District in the Lusby Town Center
(Rezoning Case No.17-01)

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 and by Resolution 1-02 adopted the Master Plan and Zoning Ordinance for the Lusby Town Center;

WHEREAS, by §3-204 of the *Land Use Article* of the Maryland Annotated Code, the Board of County Commissioners of Calvert County may modify and amend the Lusby Town Center Master Plan and maps adopted thereby, and, by §4-204 of the *Land Use Article* of the Maryland Annotated Code, may modify and amend the Lusby Town Center Zoning Ordinance and Calvert County Zoning Ordinance and maps adopted therewith;

WHEREAS, the Department of Economic Development of Calvert County applied for the rezoning of property, owned by the Board of County Commissioners described in the Deed recorded among the Land Records of Calvert County, Maryland at Liber K.P.S. 4581, folio 083, the “Property”, in the Lusby Town Center from Institutional to Neighborhood Commercial, specifying a substantial change in the character of the neighborhood;

WHEREAS, after study and evaluation, the Calvert County Department of Community Planning & Building recommended to the Planning Commission and the Board of County Commissioners to remap the Property;

WHEREAS, after due notice was published, the Property duly posted, and notices sent to adjoining property owners, the Board of County Commissioners and the Planning Commission of Calvert County, Maryland (hereinafter, the “Planning Commission”) conducted a joint public hearing on July 18, 2017, at which time the proposed map changes 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 map changes and conveyed its recommendation to the Board of County Commissioners by resolution; and

WHEREAS, after review and consideration of the Findings of Facts and Conclusions incorporated herein as Exhibit C, the County Commissioners of Calvert County, Maryland are of the opinion and belief that it is in the best public interest of, and in order to secure the health, safety and general welfare for, the present and future of residents of Calvert County, and in order to achieve the purposes set out in the *Land Use Article* of the Maryland Annotated Code, to adopt and approve Rezoning Case #17-02, pertaining to that part of Parcel 370 upon Tax Map 42 declared surplus by the Calvert County Board of Education, being 5.1 acres of land, more or less, and **DOES** hereby **ADOPT** the amendments to those maps attached hereto as Exhibit A (Exhibit B depicts the amendments as they will appear in the official maps of the Master Plan and Zoning Ordinances).

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Calvert County, Maryland, the Lusby Town Center Master Plan and Zoning Ordinance of Calvert County **BE**, and hereby **IS**, amended by adopting the rezoning as shown in attached Exhibit A hereto and made a part hereof.

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 Lusby Town Center Master Plan and Zoning Ordinance of Calvert County, 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 Master Plan and Zoning 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 June 29, 2017.

DONE, this 18th day of July 2017 by the Board of County Commissioners of Calvert County, Maryland.

Aye: Commissioners Hejl, Nutter, Slaughenhaupt and Weems

Nay: _____

Absent/Abstain: Commissioner Hart (recused himself)

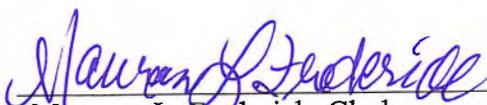
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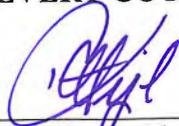
Ordinance No. 35-17

RE: Rezoning Case No. 17-01
Amending the Lusby Town Center Zoning Map
(Tax Map 42, P/O Parcel 370)
Page 3 of 3

ATTEST:

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

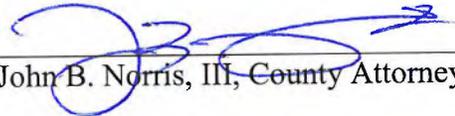

Maureen L. Frederick, Clerk

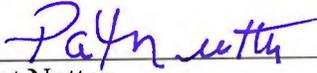

Tom Hejl, President

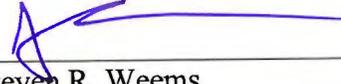
Approved for form and legal
sufficiency by:


Evan K. Slaughenhaupt, Jr. Vice-President


Mike Hart


John B. Norris, III, County Attorney


Pat Nutter


Steven R. Weems

Received for Record... July 26, 20...17
at... 10:35 ..o'clock... A ..M. Same day
recorded in Liber KPS No. 52
Folio... 258 ... COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.



EXHIBIT A



Legend

 EXISTING ZONING LINE TO BE REMOVED

 PROPOSED ZONING LINE

EXHIBIT B

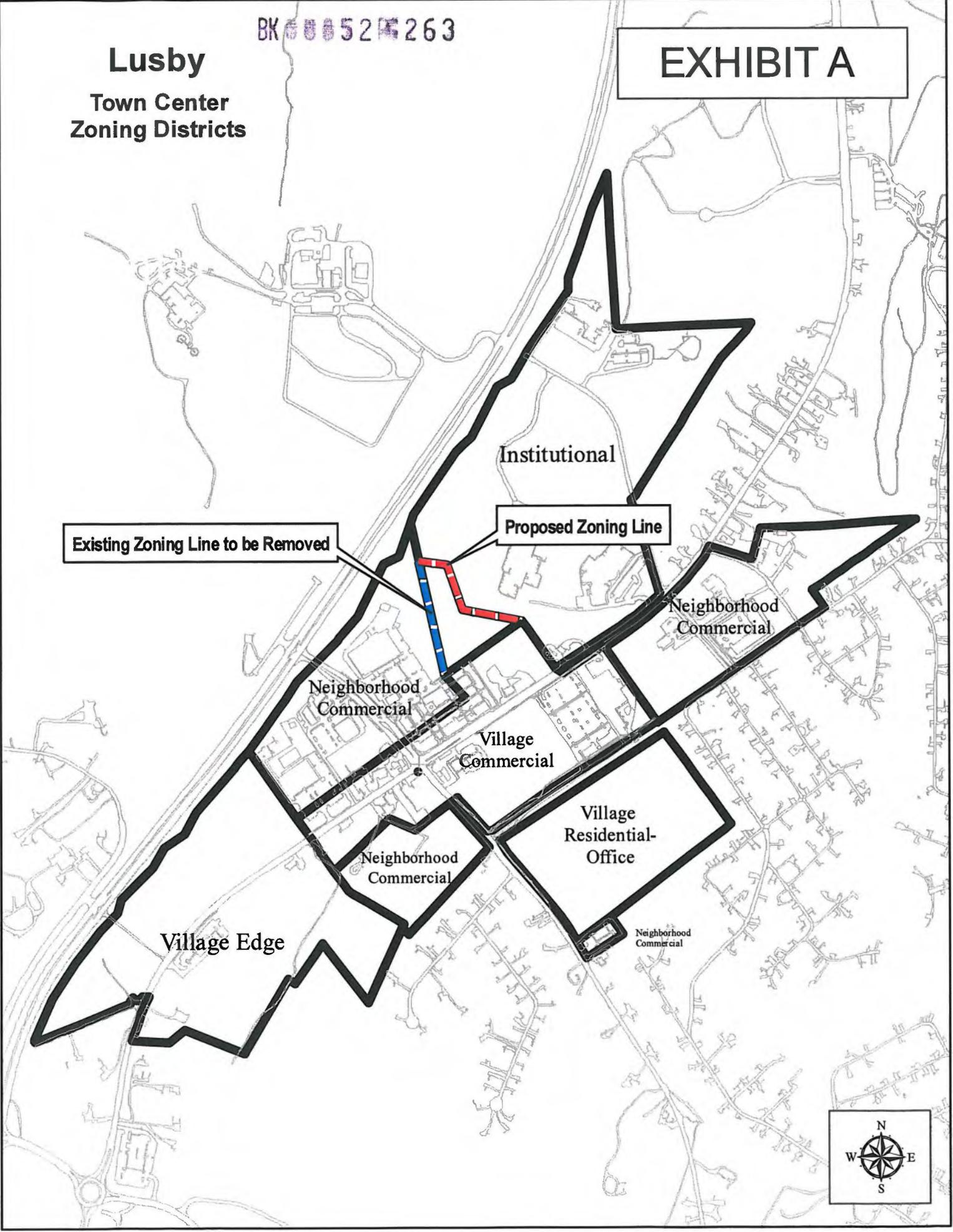


BK 0005216263

Lusby

Town Center Zoning Districts

EXHIBIT A



Existing Zoning Line to be Removed

Proposed Zoning Line

Institutional

Neighborhood
Commercial

Neighborhood
Commercial

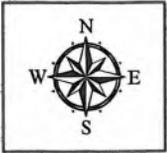
Village
Commercial

Village
Residential-
Office

Neighborhood
Commercial

Village Edge

Neighborhood
Commercial



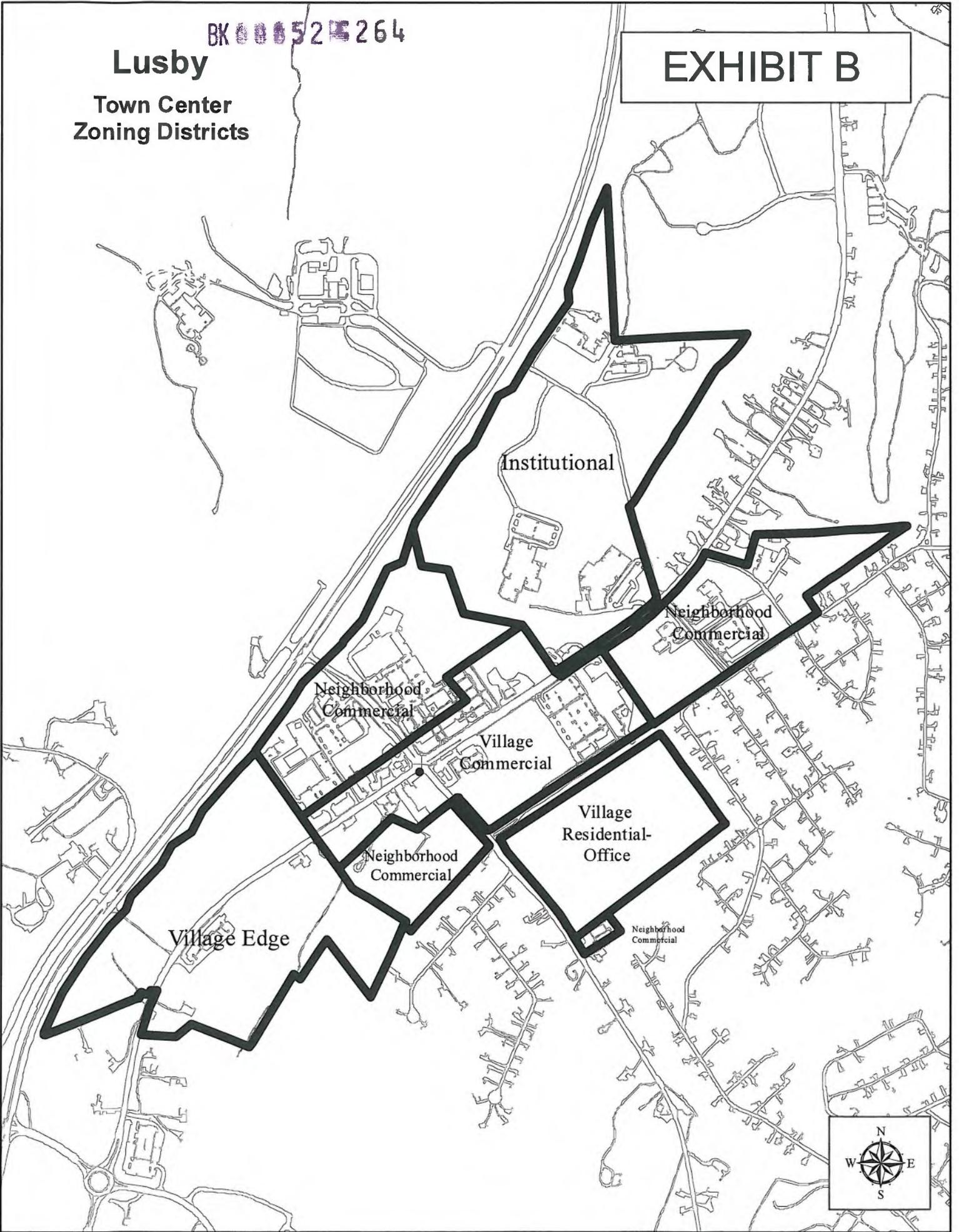
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Lusby

Town Center Zoning Districts

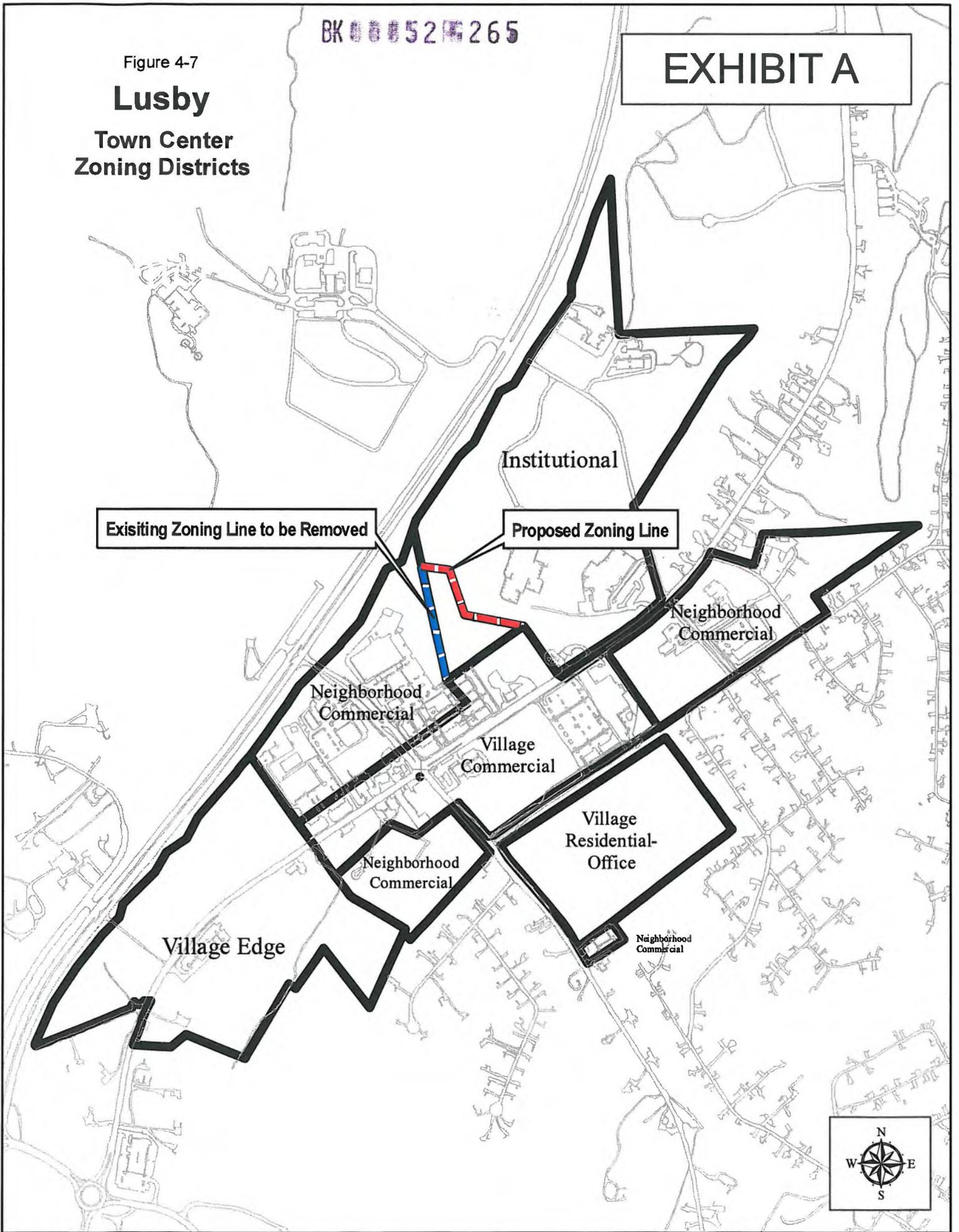
EXHIBIT B



BK 0005216265

EXHIBIT A

Figure 4-7
Lusby
Town Center
Zoning Districts



Existing Zoning Line to be Removed

Proposed Zoning Line

Institutional

Neighborhood
Commercial

Neighborhood
Commercial

Village
Commercial

Village
Residential-
Office

Neighborhood
Commercial

Village Edge

Neighborhood
Commercial



1,000 500 0 1,000 Feet

Figure 4-7
Lusby
Town Center
Zoning Districts

EXHIBIT B

