

Ordinance No. 10-12

**Pertaining to the Amendment of Article 12 of the Calvert County Zoning Ordinance  
Pursuant to Three (3) Additional Definitions as a Result of Updated Floodplain  
Regulations**

(Text Amendment Case No. 12-02)

**WHEREAS**, Article 66B of the Maryland Annotated Code, as amended, empowers the Board of County Commissioners of Calvert County, Maryland 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; and

**WHEREAS**, pursuant to that authority, the Board of County Commissioners of Calvert County, Maryland has heretofore adopted the Calvert County Zoning Ordinance (May 1, 2006, as amended), hereinafter referred to as the "Calvert County Zoning Ordinance;" and

**WHEREAS**, after study and evaluation, the Department of Planning and Zoning of Calvert County recommended to the Planning Commission and the Board of County Commissioners text amendments to the Calvert County Zoning Ordinance, Article 12, Definitions for 'Development in the Floodplain', 'Watercourse', and the amended definition for 'Variance'; and

**WHEREAS**, after due notice was published, the Planning Commission of Calvert County conducted a public hearing on January 17, 2012, at which time the proposed amendments were discussed, staff's recommendations were considered, and public comment was solicited; and

**WHEREAS**, at the conclusion of said public hearing the Planning Commission voted to recommend approval of the amendments as proposed; and

**WHEREAS**, after due notice was published, the Board of County Commissioners of Calvert County, Maryland conducted a public hearing on January 17, 2012, at which time the proposed amendments were discussed, staff's recommendations were considered, and public comment was solicited; 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, to adopt the amendments proposed 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 RESOLVED AND ORDAINED**, by the Board of County Commissioners of Calvert County, Maryland, that Article 12 of the Calvert County Zoning Ordinance **BE**, and hereby **IS**, amended by adopting amendments to the Calvert County Zoning Ordinance as set forth in Exhibit "A" hereto and hereby incorporated by reference such that the effect of such revisions is as reflected in Exhibit "B" hereto and hereby incorporated by reference; and

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**BE IT FURTHER RESOLVED AND 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, 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 Ordinance shall be enforceable and valid.

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

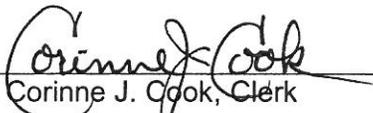
**BE IT FURTHER RESOLVED AND ORDAINED**, by the Board of County Commissioners of Calvert County, Maryland that this amendatory Ordinance shall be effective upon recordation.

**DONE**, this 17th day of January, 2012 by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

Aye: 5  
Nay: 0  
Absent/Abstain: 0

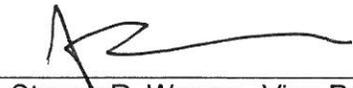
ATTEST:

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

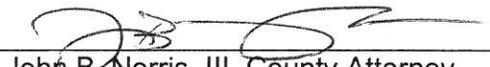
  
Corinne J. Cook, Clerk

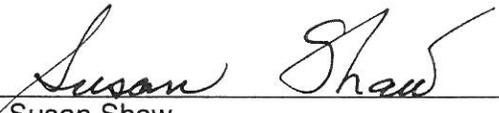
  
Gerald W. Clark, President

Approved for form and legal  
sufficiency on March 14, 2012  
by:

  
Steven R. Weems, Vice-President

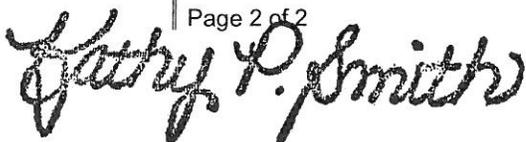
  
Pat Nutter

  
John B. Norris, III, County Attorney

  
Susan Shaw

  
Evan K. Slaughenhoupt Jr.

Received for Record..... 3-22 2012  
at 10:35 o'clock ..... A M. Same day  
recorded in Liber KPS No. .... 39  
Folio..... 10..... COUNTY COMMISSIONERS  
ORDINANCES AND RESOLUTION.



<u>Term</u> (Date of Amendment)	<u>Definition</u>
Designated Agricultural Area	An area of the County identified by the Agricultural Preservation Advisory Board as having strong potential for maintaining a viable level of agricultural or forestry production.
Developed Woodland (05/04/10)	An area of trees and natural vegetation interspersed with residential, commercial, industrial, institutional or recreational development.
Developed Woodland Management Plan (05/04/10)	A plan associated with a development activity in the Critical Area that is designed to minimize negative impacts to Developed Woodlands, that provides appropriate mitigation requirements for any anticipated impacts, and improves the habitat value for wildlife whenever possible.
Developer	Any individual(s), partnership, firm, corporation, public housing authority, or agent therefore, that undertakes or participates in the establishment or development of a subdivision or parcel of land.
Developer in the Critical Area (05/04/10)	A person who undertakes development activity as defined in this Ordinance; or a person who undertakes development activity as defined in the Criteria of the Critical Area Commission.
Development	Any activity, other than normal agricultural and/or forestry activity, which materially affects the existing condition or use of any land or structure.
Development Activity (05/04/10)	Human activity that results in disturbance to land, natural vegetation or a structure.
<b><u>Development in the Floodplain</u></b>	<b><u>Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, placement of manufactured homes, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.</u></b>
Development of Local Significance in the Critical Area (05/04/10)	Any development in the Critical Area that does not meet the definition of Major Development in the Critical Area.
Development Project (05/04/10)	Relative to the Forest Conservation Program, the grading or construction activities occurring on a specific tract that is 40,000 square feet or greater and would include redevelopment.
Development Project Completion	For the purposes of managing afforestation, reforestation or payment into a fund: (a) The release of the development bond, if required; (b) Acceptance of the project's streets, utilities, and public services by the local authority; or (c) A designation by the State or local authority that (i) Development project has been completed, or (ii) Particular stage of a staged development project, including a planned unit development, has been completed.
Development Right, Transferable	<b><u>See: Transferable Development Right (TDR)</u></b>
Development, Phased	<b><u>See: Phased Development</u></b>
Direction, Road	<b><u>See: Road Direction</u></b>
Directional Sign	<b><u>See: Off-Premise Directional Sign</u></b> or <b><u>On-Premise Directional Sign</u></b>

<p><b>Term</b> (Date of Amendment)</p>	<p><b>Definition</b></p>
<p>Variance</p>	<p>A modification of the density, bulk, or area requirements <b>or any other criteria specifically listed or referenced in Section 11-1 of</b> in the Zoning Ordinance where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property, and not the results of any action taken by the applicant, a literal enforcement of the Ordinance would result in unnecessary hardship; granted by the Calvert County Board of Appeals.</p>
<p>Vegetation, Hydrophytic</p>	<p><b><u>See: Hydrophytic Vegetation</u></b></p>
<p>Vegetation, Natural</p>	<p><b><u>See: Natural Vegetation</u></b></p>
<p>Vehicle Ferry Service</p>	<p>The point-to-point transport of passenger and commercial vehicles aboard a waterborne vessel. May be either a public or private service.</p>
<p>Vehicle, Inoperative</p>	<p><b><u>See: Inoperative Vehicle</u></b></p>
<p>Vehicle, Recreational</p>	<p><b><u>See: Recreational Vehicle</u></b></p>
<p>Veterinary Hospital or Clinic, Livestock</p>	<p>A place where livestock is given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the medical use. Such use may include outdoor facilities such as runs, pens, and walking areas.</p>
<p>Veterinary Hospital or Clinic, Small Animal and Household Pets</p>	<p>A place where small animals or household pets are given medical or surgical treatment and the boarding of animals is limited to indoor, short-term care incidental to the medical use.</p>
<p>Violation, Zoning</p>	<p><b><u>See: Zoning Violation</u></b></p>
<p>Warehouse</p>	<p>A structure used for the storage and/or distribution of products.</p>
<p>Wash Plant</p>	<p>A facility where sand and gravel is washed during processing.</p>
<p>Waste, Solid</p>	<p><b><u>See: Solid Waste</u></b></p>
<p>Water and Sewer Service Areas</p>	<p>Areas of the County designated by the Water and Sewerage Plan as potential areas for service by a community or public water or sewer system.</p>
<p><b><u>Watercourse</u></b></p>	<p><b><u>The channel, including channel banks and bed, of nontidal waters of the State.</u></b></p>
<p>Water Frontage</p>	<p>The point at which land abuts a body of water.</p>
<p>Water-Dependent Activities</p>	<p>An activity is water-dependent if it cannot exist outside the Critical Area Buffer and is dependent on the water by reason of the intrinsic nature of its operation.</p>
<p>Water-Dependent Facility (05/04/10)</p>	<p>A facility or structure is water dependent if it cannot exist outside the Critical Area Buffer and is dependent on the water by reason of its intrinsic nature.</p>
<p>Waterfowl</p>	<p>Birds which frequent and often swim in water, nest and raise their young near water, and derive at least part of their food from aquatic plants and animals.</p>
<p>Watermen's Market</p>	<p><b><u>See: Market, Watermen's</u></b></p>
<p>Watershed</p>	<p>All land lying within a drainage area or subbasin.</p>
<p>Water-Use Industry</p>	<p>An industry that requires location near the shoreline because it utilizes surface waters for cooling or other internal purposes.</p>

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