

ORDINANCE NO. 17-12

Pertaining to the Amendment of the Calvert County Zoning Ordinance
(Section 3-1.10, Use #2b, #2c, and #2d)

RE: DAY CARE CENTERS IN THE I-1 AND EC DISTRICTS
(Text Amendment Case No. 11-3f)

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; 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, Section 3-1.10, Uses #2b, #2c, and #2d, to amend the conditions for Day Care Centers located in the I-1 Light Industrial District and the EC Employment Center District; and

WHEREAS, after due notice was published, the Planning Commission of Calvert County and the Board of County Commissioners of Calvert County conducted a joint public hearing on November 1, 2011, 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 hold the record open for two weeks to receive additional public comment; and

WHEREAS, at its regular meeting on November 16, 2011, after considering the evidence which had been presented at the public hearing regarding the proposed text amendments, the Planning Commission voted to recommend denial of the amendments; and

WHEREAS, the Planning Commission conveyed its recommendation to the Board of County Commissioners by letter dated November 21, 2011; and

WHEREAS, during its regular session on November 29, 2011, 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 Exhibits A and B, 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 Section 3-1.10, Uses #2b, #2c, and #2d 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

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.

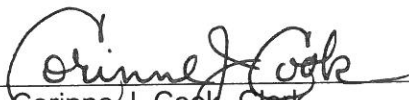
BE IT FURTHER RESOLVED AND ORDAINED, by the Board of County Commissioners of Calvert County, Maryland that this amendatory Ordinance shall be effective upon recordation.

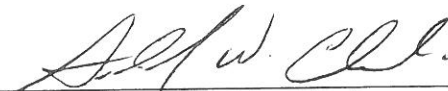
DONE, this 10th day of April, 2012 by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

Aye: 5
 Nay: 0
 Absent/Abstain: _____

ATTEST:

BOARD OF COUNTY COMMISSIONERS
 OF CALVERT COUNTY, MARYLAND

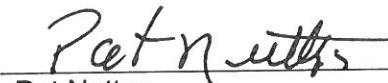

 Corinne J. Cook, Clerk

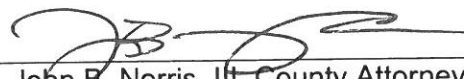

 Gerald W. Clark, President

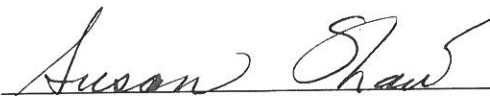
Approved for legal
 sufficiency on April 10, 2012


 Steven R. Weems, Vice-President

by:


 Pat Nutter


 John B. Norris, III, County Attorney


 Susan Shaw

Received for Record April 16 2012
 at 2:55 o'clock P M. Same day
 recorded in Liber KPS No. 39
 Folio 422 COUNTY COMMISSIONERS
 ORDINANCES AND RESOLUTION.


 Evan K. Slaughenhaupt Jr.



Ordinance No. 17-12
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Text Amendment Case No. 11-3f (Part 2)
 Amendments to the Calvert County Zoning Ordinance
 Re: Day Care Centers in the I-1 & EC Districts

USE #	3-1.10 INSTITUTIONAL USES & DEFINITIONS (in italics)	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
2b.	Day Care Center <i>An establishment enrolling four or more clients and where tuition, fees, or other forms of compensation for the care of the clients may be charged, and which is licensed.</i> Day Care Center, 9 to 19 Clients (9/22/09)	C	C	SC		C	C	C	C	C	C	1. On-premise signs shall be limited to 16 square feet in size. No off-premise signs shall be permitted; and 2. in the I-1 and EC Districts only, the following additional condition shall apply: the Day Care Center shall serve the on-site businesses not be open to the public, but shall only provide care to children of employees of businesses located: a. <u>on-site; or</u> b. <u>other businesses located within the same I-1 or EC zoning district boundary as the Day Care Center; or</u> c. <u>other businesses located within I-1 or EC Districts which adjoin the I-1 or EC zoning district within which the Day Care Center is located.</u> The Day Care Center shall maintain records demonstrating compliance with this condition.
2c.	Day Care Center, 20 to 40 Clients (9/22/09)	SC	SC	SC				C	C	C	C	1. The Day Care Center shall receive site plan approval in accordance with Article 4 and 6; and 2. on-premise signs shall be limited to 16 square feet in size. No off-premise signs shall be permitted; and 3. in the I-1 and EC Districts only, the following additional condition shall apply: the Day Care Center shall serve the on-site businesses not be open to the public, but shall only provide care to children of employees of businesses located: a. <u>on-site; or</u> b. <u>other businesses located within the same I-1 or EC zoning district boundary as the Day Care Center; or</u> c. <u>other businesses located within I-1 or EC Districts which adjoin the I-1 or EC zoning district within which the Day Care Center is located.</u> The Day Care Center shall maintain records demonstrating compliance with this condition.

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USE #	3-1.10 INSTITUTIONAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
2d.	Day Care Center, 41 or More Clients (9/22/09)	SC	SC	SC					SC		SC	1. In all Districts, the Day Care Center shall receive site plan approval in accordance with Article 4 and 6; and 2. In all Districts, on-premise signs shall be limited to 16 square feet in size. No off-premise signs shall be permitted; and 3. In the Farm and Forest District, the following additional conditions apply: - the property on which the Day Care Center is located must share a common boundary with and lie directly adjacent to an elementary or middle school; and - a pedestrian walkway to that school shall be provided; and - the number of clients shall be limited to no more than 80. 4. In the Rural Community District and Residential District, the number of clients shall be limited to no more than 120. 5. In the Rural Commercial District, the maximum number of clients shall be set by the Board of Appeals. 6. In the EC District, <u>the following additional conditions shall apply:</u> - the maximum number of clients shall be set by the Board of Appeals; and - the Day Care Center shall serve the on-site businesses <u>not be open to the public, but shall only provide care to children of employees of businesses located on-site and other businesses located on within adjoining I-1, EC Districts only.</u> <u>The Day Care Center shall maintain records demonstrating compliance with this condition.</u>

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RES. No. 17-10

USE #	3-1.10 INSTITUTIONAL USES & DEFINITIONS (in italics)	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
	Day Care Center <i>An establishment enrolling four or more clients and where tuition, fees, or other forms of compensation for the care of the clients may be charged, and which is licensed.</i>											
2b.	Day Care Center, 9 to 19 Clients (9/22/09)	C	C	SC		C	C	C	C	C	C	1. On-premise signs shall be limited to 16 square feet in size. No off-premise signs shall be permitted; and 2. in the I-1 and EC Districts only, the following additional condition shall apply: the Day Care Center shall not be open to the public, but shall only provide care to children of employees of businesses located: a. on-site; or b. other businesses located within the same I-1 or EC zoning district boundary as the Day Care Center; or c. other businesses located within I-1 or EC Districts which adjoin the I-1 or EC zoning district within which the Day Care Center is located. The Day Care Center shall maintain records demonstrating compliance with this condition.
2c.	Day Care Center, 20 to 40 Clients (9/22/09)	SC	SC	SC				C	C	C	C	1. The Day Care Center shall receive site plan approval in accordance with Article 4 and 6; and 2. on-premise signs shall be limited to 16 square feet in size. No off-premise signs shall be permitted; and 3. in the I-1 and EC Districts only, the following additional condition shall apply: the Day Care Center shall not be open to the public, but shall only provide care to children of employees of businesses located: a. on-site; or b. other businesses located within the same I-1 or EC zoning district boundary as the Day Care Center; or c. other businesses located within I-1 or EC Districts which adjoin the I-1 or EC zoning district within which the Day Care Center is located. The Day Care Center shall maintain records demonstrating compliance with this condition.

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RES. No. 17-16

USE #	3-1.10 INSTITUTIONAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
2d.	Day Care Center, 41 or More Clients (9/22/09)	SC	SC	SC					SC		SC	- In all Districts, the Day Care Center shall receive site plan approval in accordance with Article 4 and 6; and - In all Districts, on-premise signs shall be limited to 16 square feet in size. No off-premise signs shall be permitted; and - In the Farm and Forest District, the following additional conditions apply: - the property on which the Day Care Center is located must share a common boundary with and lie directly adjacent to an elementary or middle school; and - a pedestrian walkway to that school shall be provided; and - the number of clients shall be limited to no more than 80. - In the Rural Community District and Residential District, the number of clients shall be limited to no more than 120. - In the Rural Commercial District, the maximum number of clients shall be set by the Board of Appeals. - In the EC District, the following additional conditions shall apply: - the maximum number of clients shall be set by the Board of Appeals; and - the Day Care Center shall not be open to the public, but shall only provide care to children of employees of businesses located on-site and other businesses located within adjoining EC Districts only. The Day Care Center shall maintain records demonstrating compliance with this condition.

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RES. No. 17-12