

ORDINANCE NO. 23-12

Pertaining to the Amendment of the Calvert County Zoning Ordinance
(Section 3-1.02, Use #13b & Article 12)

**RE: VETERINARY HOSPITALS & CLINICS FOR SMALL ANIMALS &
HOUSEHOLD PETS**

(Text Amendment Case No. 11-3d)

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 an amendment to Section 3-1.02, Use #13b of the Calvert County Zoning Ordinance to make Veterinary Hospitals and Clinics for Small Animals and Household Pets a Conditional Use subject to the conditions, and to Article 12 to amend the definition; and

WHEREAS, after due notice was published, the Planning Commission of Calvert County conducted a public hearing on September 21, 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 recommend approval of the amendments with a minor change to the definition; and

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

WHEREAS, after due notice was published, the Board of County Commissioners of Calvert County, Maryland conducted a public hearing on September 27, 2011, 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, 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 3-1.02, Use #13b & 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

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 1 day of May, 2012 by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

Received for Record May 4 2012
at 9:00 o'clock A.M. Same day
recorded in 49 of the 40
Folio
ORDINANCES AND RESOLUTIONS
COUNTY COMMISSIONERS

Aye: 5
Nay: 0
Absent/Abstain: 0

Gary P. Smith

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF CALVERT COUNTY, MARYLAND

Corinne J. Cook
Corinne J. Cook, Clerk

Gerald W. Clark
Gerald W. Clark, President

Approved for legal sufficiency on April 19, 2012

Steven R. Weems
Steven R. Weems, Vice-President

by:

Pat Nutter
Pat Nutter

John B. Norris, III
John B. Norris, III, County Attorney

Susan Shaw
Susan Shaw

Evan K. Slaughenhoupt Jr.
Evan K. Slaughenhoupt Jr.

USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
13a.	Veterinary Hospital or Clinic, Livestock (12/09/06) <i>(9/22/09)</i> 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	S			P	P		P			
13b.	Veterinary Hospital or Clinic, Small Animals and Household Pets (12/09/06) (05/12/09) (9/22/09) <i>A place licensed facility 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.</i>						C		P		PC	<ol style="list-style-type: none"> 1. <u>In the HD, the minimum lot size shall be one acre and the boarding of animals shall be limited to indoor, short-term care incidental to animals receiving medical treatment.</u> 2. <u>In the EC & TCs, small animals and household pets may be boarded, groomed, or bred indoors, regardless of whether the animals are receiving medical services.</u>

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Res. No. 23-12

**ARTICLE 12
DEFINITIONS**

<u>Term</u> (Date of Amendment)	<u>Definition</u>
Variance	A modification of the density, bulk, or area requirements 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.
Vegetation, Hydrophytic	<u>See: Hydrophytic Vegetation</u>
Vegetation, Natural	<u>See: Natural Vegetation</u>
Vehicle Ferry Service	The point-to-point transport of passenger and commercial vehicles aboard a waterborne vessel. May be either a public or private service.
Vehicle, Inoperative	<u>See: Inoperative Vehicle</u>
Vehicle, Recreational	<u>See: Recreational Vehicle</u>
Veterinary Hospital or Clinic, Livestock	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.
Veterinary Hospital or Clinic, Small Animal and Household Pets	A place <u>licensed facility</u> 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.
Violation, Zoning	<u>See: Zoning Violation</u>
Warehouse	A structure used for the storage and/or distribution of products.
Wash Plant	A facility where sand and gravel is washed during processing.
Waste, Solid	<u>See: Solid Waste</u>
Water and Sewer Service Areas	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.
Water Dependent Facility	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.
Water Frontage	The point at which land abuts a body of water.
Water-Dependent Activities	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.
Water-Dependent Facility (05/04/10)	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.
Waterfowl	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.
Watermen's Market	<u>See: Market, Watermen's</u>

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RES. NO. 23-16

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