

Pertaining to the Amendments of the Calvert County
and Solomons Town Center Zoning Ordinances
(Calvert County Zoning Ordinance Sections 3-1.03, Residential Uses #4a and #4b,
3-1.10 Institutional Uses #1 and #3, 3-2.07 Solomons Table of Land Uses – Residential
Uses #4a and #4b, 3-2.07 Solomons Town Center Conditional Use #4a
and Article 12 Definitions; Solomons Town Center Zoning Ordinance Sections 3-1.03
Residential Uses #4a and #4b and 3-2.03 Residential Uses & Definitions Use #4a)
RE: DORIMTORIES ACCESSORY TO INSTITUTIONAL USES

(Text Amendment Case No. 12-13)

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 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, by Resolution 35-09 the Board of County Commissioners of Calvert County, Maryland has heretofore adopted the Solomons Town Center 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") and Solomons Town Center Zoning Ordinance ("STCZO"), CCZO Section 3-1.03, Uses #4a and #4b, Section 3.207, Uses #4a and #4b and STCZO Section 3-1.03, Uses #4a and #4b and 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 April 16, 2013, 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 approve the amendments and conveyed its recommendation to the Board of County Commissioners by resolution; 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 Exhibit A, attached hereto and made a part hereof.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Calvert County, Maryland, that Sections 3-1.03, Residential Uses #4a and #4b, 3-1.10 Institutional Uses #1 and #3; 3-2.07, Solomons Table of Land Uses – Residential Uses #4a and #4b; 3-2.07, Solomons Town Center Conditional Use #4a; and Article 12, Definitions, of the CCZO and that Sections 3-1.03, Residential Uses #4a and #4b; and 3-2.03, Residential Uses & Definitions Use #4a of the STCZO **BE**, and hereby **ARE**, 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 Ordinances).

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 or Solomons Town Center Zoning Ordinances, 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.

EX 000420265

Ordinance No. 16-13

RE: Text Amendment Case No. 12-13

Amendments to the Calvert County and Solomons Town Center Zoning Ordinances

RE: Dormitories Accessory to Institutional Uses

Page 3 of 3

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

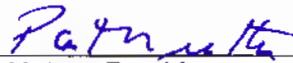
DONE, this 21st day of May 2013 by the Board of County Commissioners of Calvert County, Maryland.

Aye: 5
 Nay: 0
 Absent/Abstain: 0

ATTEST:

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

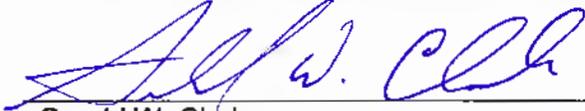

 Maureen L. Frederick, Clerk

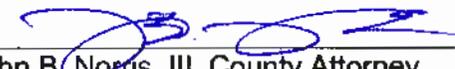

 Pat Nutter, President

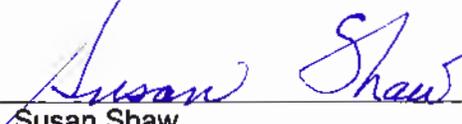
Approved for form and legal
 sufficiency on 5/16/13


 Steven R. Weems, Vice-President

by:

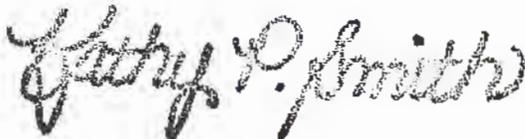

 Gerald W. Clark


 John B. Norris, III, County Attorney


 Susan Shaw

Received for Record 5/22 2013
 at 9:45 o'clock A.M. Same day
 recorded in Liber KPS No. 42
 Folio 263 COUNTY COMMISSIONERS
 ORDINANCES AND RESOLUTION.


 Evan K. Slaughenhop Jr.



Article 3: Land Use Charts

EXHIBIT A

USE #	3-1.03 RESIDENTIAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
4a.	Boarding House or Dermitory (more than 3 Lodgers) (9/22/09) <i>A dwelling or part thereof, in which the owner or operator provides lodging and meals to more than three Lodgers. Lodger—A non-transient individual other than a member of the family occupying the dwelling unit or a part thereof who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.</i>											
4b.	Boarding House or Dermitory (no more than 3 Lodgers) (9/22/09)	C	C	C		C	C	C	C	C		1. An owner <u>or operator</u> lives on the premises; and 2. no separate kitchens shall be provided.

Article 12: Definitions

<u>Term</u> (Date of Amendment)	<u>Definition</u>
Boarding House or Dermitory (9/22/09)	A dwelling or part thereof, ^{in which} the owner or operator provides lodging and meals to more than three boarder <u>Lodgers</u> .
Lodger	A non-transient individual other than a member of the family occupying the dwelling unit or a part thereof who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

BK00042PG266

Article 3: Land Use Charts

EXHIBIT A

USE #	3-1.10 INSTITUTIONAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	ED	CONDITIONS
1.	College or University <i>An institutional facility for tertiary or higher levels of education. Includes buildings, structures, or facilities that, by design and construction, are primarily intended for the education of students including accessory associated uses, including, without limitation, dormitories, office buildings, athletic fields, etc.</i>			C							P	A College or University is permitted in the RD District only if the property is within the one-mile radius of a Town Center as described in Section 2-8.10.B.
3.	Elementary or Secondary School (9/22/09) (10/20/11) <i>An educational facility that typically includes pre-kindergarten through twelfth grades. Includes buildings, structures, or facilities that by design and construction, are primarily intended for the education of students including accessory associated uses, including, without limitation, dormitories, office buildings, athletic fields, etc.</i>		CP	C							C	If the school is private, it shall meet the conditions imposed on Day Care Centers, based on the maximum number of students allowed as per the State accreditation requirements.

Article 12: Definitions

Term	Definition
(Date of Amendment) College or University	An institutional facility for tertiary or higher levels of education. <u>Includes buildings, structures, or facilities that by design and construction, are primarily intended for the education of students including accessory associated uses, including, without limitation, dormitories, office buildings, athletic fields, etc.</u>
Dormitory	<u>A structure specifically designed for a long-term stay by students of a school, college, and/or university, for the purpose of providing rooms for sleeping purposes. One common kitchen and some common gathering rooms for social purposes may also be provided.</u>
Elementary or Secondary School	<u>An educational facility that typically includes pre-kindergarten through eighth, in the instance of elementary, or twelfth grades in the instance of secondary schools. Includes buildings, structures, or facilities that by design and construction, are primarily intended for the education of students including accessory associated uses, including, without limitation, dormitories, office buildings, athletic fields, etc.</u>

EX003420267

Article 3: Land Use Charts

EXHIBIT A

Calvert County Zoning Ordinance:

USE #	3-2.07 SOLOMONS TABLE OF LAND USES - RESIDENTIAL USES												DOWELL		WEST SIDE						
	SOUTH OF LORE ROAD						NORTH OF LORE ROAD						D1	D2	D3	D4	D5	E1	E2	E3	F1
4a.	B1	B2	B3	B4	C1 ₁	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2
	C	C	C	C			C	C	C*	C	C		C	C			C	C	C	C	C
4b.	P	P	P	P					P*	P	P	P	P	P	P	P	P	P	P	P	P

3-2.07.A Solomons Town Center Conditional Uses

USE #	SOLOMONS RESIDENTIAL USES	CONDITIONS
4a.	Boarding House or-Dormitory (more than 3 Lodgers).	<ol style="list-style-type: none"> 1. An owner <u>or operator</u> lives on the premises; and 2. the facility <u>Boarding House</u> is a part of the dwelling unit <u>in which the owner or operator resides or is with the exception that an existing non-conforming guest houses located upon the same property upon which the owner or operator resides</u> may be used; and 3. no separate kitchens are provided; and 4. Fire Marshall and Health Department approvals are obtained; and 5. An Occupancy Permit for such is obtained.

DK5094276268

Article 3: Land Use Charts

EXHIBIT A

Solomons Town Center Zoning Ordinance

USE #	SOLOMONS TABLE OF LAND USES - 3-1.03 RESIDENTIAL USES																				
	SOUTH OF LORE ROAD							NORTH OF LORE ROAD													
	B1	B2	B3	B4	C1 ²	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2
4a.	C	C	C	C				C	C*	C	C		C	C			C	C	C	C	C
4b.	P	P	P	P					P*	P	P	P	P	P	P	P	P	P	P	P	P

USE #	3-2.03 RESIDENTIAL USES & DEFINITIONS (<i>in italics</i>)	CONDITIONS
4a.	Boarding House or Dormitory (more than 3 Lodgers). <i>A dwelling or part thereof, in which the owner or operator provides lodging and meals to more than 3 lodgers.</i>	<ol style="list-style-type: none"> 1. An owner or operator lives on the premises; and 2. the facility <u>Boarding House</u> is a part of the dwelling unit <u>in which the owner or operator resides or is with the exception that existing non-conforming guest houses located upon the same property upon which the owner or operator resides</u> may be used; and 3. no separate kitchens are provided; and 4. Fire Marshall and Health Department approvals are obtained; and 5. An Occupancy Permit for such is obtained.

Elementary and Secondary Schools are not a permitted use in the Solomons Town Center.

All other Town Center Zoning Ordinances currently do not contain a reference to Dormitories on their Use Charts & conditions.

EX 0304270269

Article 3: Land Use Charts

EXHIBIT B

USE #	3-1.03 RESIDENTIAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
4a.	Boarding House (more than 3 Lodgers) (9/22/09) <i>A dwelling or part thereof, in which the owner or operator provides lodging and meals to more than three lodgers.</i>											
4b.	Boarding House (no more than 3 Lodgers) (9/22/09)	C	C	C		C	C	C	C	C		1. An owner lives on the premises; and 2. no separate kitchens shall be provided.

Article 12: Definitions

<u>Term</u>	<u>Definition</u>
Boarding House (9/22/09)	A dwelling or part thereof, in which the owner or operator provides lodging and meals to more than three lodgers.
Lodger	A non-transient individual other than a member of the family occupying the dwelling unit or a part thereof who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

EXC0042PG270

Article 3: Land Use Charts

EXHIBIT B

USE #	3-1.10 INSTITUTIONAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	ED	CONDITIONS
1.	College or University <i>An institutional facility for tertiary or higher levels of education. Includes buildings, structures, or facilities that by design and construction are primarily intended for the education of students including accessory associated uses, including, without limitation, dormitories, office buildings, athletic fields, etc.</i>			C							P	A College or University is permitted in the RD District only if the property is within the one-mile radius of a Town Center as described in Section 2-8.10.B.
3.	Elementary or Secondary School (9/22/09) (10/20/11) <i>An educational facility that typically includes pre-kindergarten through twelfth grades. Includes buildings, structures, or facilities that by design and construction are primarily intended for the education of students including accessory associated uses, including, without limitation, dormitories, office buildings, athletic fields, etc.</i>		P	C							C	If the school is private, it shall meet the conditions imposed on Day Care Centers, based on the maximum number of students allowed as per the State accreditation requirements.

EXC 0042PG271

Article 12: Definitions

(Date of Amendment)	Term	Definition
College or University		An institutional facility for tertiary or higher levels of education. Includes buildings, structures, or facilities that by design and construction are primarily intended for the education of students including accessory associated uses, including, without limitation, dormitories, office buildings, athletic fields, etc.
Dormitory		A structure specifically designed for a long-term stay by students of a school, college, and/or university, for the purpose of providing rooms for sleeping purposes. One common kitchen and some common gathering rooms for social purposes may also be provided.
Elementary or Secondary School		An educational facility that typically includes pre-kindergarten through twelfth grades. Includes buildings, structures, or facilities that by design and construction are primarily intended for the education of students including accessory associated uses, including, without limitation, dormitories, office buildings, athletic fields, etc.

Article 3: Land Use Charts

EXHIBIT B

Calvert County Zoning Ordinance:

USE #	3-2.07 SOLOMONS TABLE OF LAND USES - RESIDENTIAL USES												NORTH OF LORE ROAD			DOWELL			WEST SIDE		
	SOUTH OF LORE ROAD						SOUTH OF LORE ROAD						D1	D2	D3	D4	D5	E1	E2	E3	F1
	B1	B2	B3	B4	C1 1	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2
4a.	C	C	C	C				C	C*	C	C		C	C			C	C	C	C	C
4b.	P	P	P	P					P*	P	P	P	P	P	P	P	P	P	P	P	P

3-2.07.A Solomons Town Center Conditional Uses

USE #	SOLOMONS RESIDENTIAL USES	CONDITIONS
4a.	Boarding House (more than 3 Lodgers).	<ol style="list-style-type: none"> 1. An owner lives on the premises; and 2. the facility is a part of the dwelling unit with the exception that existing non-conforming guest houses may be used; and 3. no separate kitchens are provided; and 4. Fire Marshall and Health Department approvals are obtained; and 5. An Occupancy Permit for such is obtained.

BK00428272

Article 3: Land Use Charts

EXHIBIT B

Solomons Town Center Zoning Ordinance

USE #	SOLOMONS TABLE OF LAND USES - 3-1.03 RESIDENTIAL USES		SOUTH OF LORE ROAD										NORTH OF LORE ROAD					DOWELL			WEST SIDE				
			B1	B2	B3	B4	C1 ²	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2		
4a.	Boarding House (more than 3 Lodgers)		C	C	C	C			C	C*	C	C		C	C	C			C	C	C	C	C	C	C
4b.	Boarding House (no more than 3 Lodgers)		P	P	P	P				P*	P	P		P	P	P			P	P	P	P	P	P	P

USE #	3-2.03 RESIDENTIAL USES & DEFINITIONS (<i>in italics</i>)	CONDITIONS
4a.	Boarding House (more than 3 Lodgers). <i>A dwelling or part thereof, in which the owner or operator provides lodging and meals to lodgers.</i>	<ol style="list-style-type: none"> 1. An owner lives on the premises; and 2. the facility is a part of the dwelling unit with the exception that existing non-conforming guest houses may be used; and 3. no separate kitchens are provided; and 4. Fire Marshall and Health Department approvals are obtained; and 5. An Occupancy Permit for such is obtained.

00428273