

EX 0004280274

Ordinance No. 17-13

RE: Text Amendment Case No. 12-14

Amendments to the Calvert County Zoning Ordinance

RE: Reduction of Setbacks for adjacent non-residential properties under the same ownership

Page 1 of 3

Pertaining to the Amendments of the Calvert County Ordinance
(Calvert County Zoning Ordinance Article 6 – Table 6-1 Minimum Lot Area & Setback
Requirements for Non-Residential Structures & Uses)

**RE: REDUCTION OF SETBACKS FOR ADJACENT NON-RESIDENTIAL
PROPERTIES UNDER THE SAME OWNERSHIP**

(Text Amendment Case No.12-14)

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; and

WHEREAS, by Ordinance 35-06, the Board of County Commissioners of Calvert County, Maryland has heretofore adopted the Calvert County Zoning Ordinance; and

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 to Article 6 – Table 6-1, Minimum Lot Area & Setback Requirements for Non-Residential Structures & Uses;

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, Article 6 – Table 6-1, Minimum Lot Area & Setback Requirements for Non-Residential Structures & Uses of the Calvert County Zoning Ordinance **BE**, and hereby **IS**, 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 Ordinance).

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 Zoning Ordinance, 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.

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

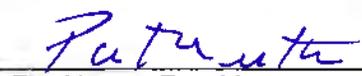
County, Maryland.

Aye:	<u>5</u>
Nay:	<u>0</u>
Absent/Abstain:	<u>0</u>

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


Evan K. Slaughenhoupt Jr.

Received for Record 5/22 2013
at 9:45 o'clock A.M. Same day
recorded in Liber KPS No. 42
Folio 274 COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.



BA 50420277

(3/25/08) (05/12/09)				
TABLE 6-1 MINIMUM LOT AREA & SETBACK REQUIREMENTS FOR NON-RESIDENTIAL STRUCTURES & USES ¹				
Use	District ²	Minimum Lot Area	Minimum Depth of Front Setback (in Feet)	Minimum Width of Each Rear ³ & Side Setback (in Feet)
Non-Residential Buildings & Uses (does not include signs ⁴ , fences or uses that have lot area and/or setbacks specified as conditions in Article 3)	TC, EC, I-1, RC & MC	No minimum lot area	100 feet from arterial roads; 50 feet from collector roads; 35 feet from local roads	50 feet ^{5,6}
	FFD, RCD, and RD outside 1-mile radius of TCs	3 acres	100 feet from arterial roads; 60 feet from all other roads	50 feet ^{5,6}
	RD inside 1-mile radius of TCs	1 acre	100 feet from arterial roads; 35 feet from all other roads	35 feet ^{5,6}
Parking Lots	All	N/A	35 feet from arterial roads; 20 feet from all other roads	20 feet ^{5,6}
Utility Service Boxes	FFD, RCD	N/A	30 feet	5 feet
	All Others	N/A	15 feet	5 feet
Bus Shelters	All	N/A	15 feet ^{6,7}	Side Setbacks: 2 feet ^{7,8} ; Rear Setbacks: N/A
Fences	All	N/A	0 feet	0 feet

¹ Note: Landscaping, buffering and screening may be required in addition to the setbacks specified in this table. See Section 6-5.

² Abbreviations for Districts: Farm and Forest District (FFD); Rural Community District (RCD); Residential (RD); Light Industrial (I-1); Rural Commercial (RC); Marine Commercial (MC); Employment Center (EC); and Town Center (TC).

³ In cases where a single parcel, owned by a single entity, is divided into more than one Zoning District, the Zoning District boundary may be used as the rear setback.

⁴ See Section 6-8.03.G for sign setbacks.

⁵ May be reduced by the P.C. Administrator to 0 feet if: (1) the adjoining property is zoned TC, EC, I-1, RC, or MC; and (2) emergency vehicle access and maintenance are properly addressed; and (3) screening (existing or proposed) is determined to be adequate by the P.C. Administrator.

⁶ **Setbacks may be reduced to 0 feet for adjacent properties under the same ownership.**

^{6,7} Front setbacks for bus shelters may be reduced to 0' if the Dept. of Public Works & the Dept. of Public Safety certify that the reduction will not adversely affect public safety.

^{7,8} Side setbacks for bus shelters may be reduced to 0' when written approval is obtained from the adjoining property owner on lots containing a lot stem of 25' or less.

ARTICLE 6: NON-RESIDENTIAL DEVELOPMENT REQUIREMENTS

(3/25/08) (05/12/09)				
TABLE 6-1 MINIMUM LOT AREA & SETBACK REQUIREMENTS FOR NON-RESIDENTIAL STRUCTURES & USES ¹				
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Non-Residential Buildings & Uses (does not include signs ⁴ , fences or uses that have lot area and/or setbacks specified as conditions in Article 3)	TC, EC, I-1, RC & MC	No minimum lot area	100 feet from arterial roads; 50 feet from collector roads; 35 feet from local roads	50 feet ^{5,6}
	FFD, RCD, and RD outside 1-mile radius of TCs	3 acres	100 feet from arterial roads; 60 feet from all other roads	50 feet ^{5,6}
	RD inside 1-mile radius of TCs	1 acre	100 feet from arterial roads; 35 feet from all other roads	35 feet ^{5,6}
Parking Lots	All	N/A	35 feet from arterial roads; 20 feet from all other roads	20 feet ^{5,6}
Utility Service Boxes	FFD, RCD	N/A	30 feet	5 feet
	All Others	N/A	15 feet	5 feet
Bus Shelters	All	N/A	15 feet ⁷	Side Setbacks: 2 feet ⁸ ; Rear Setbacks: N/A
Fences	All	N/A	0 feet	0 feet

¹ Note: Landscaping, buffering and screening may be required in addition to the setbacks specified in this table. See Section 6-5.

² Abbreviations for Districts: Farm and Forest District (FFD); Rural Community District (RCD); Residential (RD); Light Industrial (I-1); Rural Commercial (RC); Marine Commercial (MC); Employment Center (EC); and Town Center (TC).

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⁸ Side setbacks for bus shelters may be reduced to 0' when written approval is obtained from the adjoining property owner on lots containing a lot stem of 25' or less.