

Pertaining to the Amendments of the Calvert County Ordinance
(Calvert County Zoning Ordinance Section 3-1.04 Commercial Retail Uses &
Definitions, Use #10a and Article 12 - Definitions)

**RE: RETAIL COMMERCIAL BUILDING MAXIMUM SIZE BASED ON
FLOOR AREA RATIO (FAR)**

(Text Amendment Case No.12-15)

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 Section 3-1.04, Commercial Retail Uses & Definitions, Use #10a 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 leave the record open for 30 days;

WHEREAS, at their May 15, 2013 meeting the Planning Commission recommended to not adopt the amendment and conveyed its recommendation to the Board of County Commissioners by letter dated May 20, 2013; 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, Section 3-1.04, Commercial Retail Uses & Definitions, Use #10a and Article 12, Definitions of the Calvert County Zoning Ordinance **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 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.

BK 0004286347

Ordinance No. 22-13

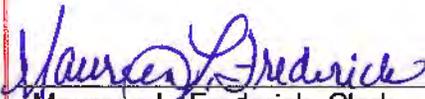
RE: Text Amendment Case No. 12-15
Amendments to the Calvert County Zoning Ordinance
RE: Retail Commercial Building maximum size based on
Floor Area Ratio (FAR)
Page 3 of 3

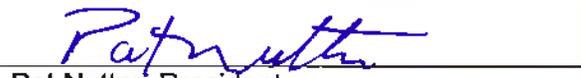
DONE, this 4th day of June 2013 by the Board of County Commissioners of Calvert
County, Maryland, sitting in regular session.

Aye: 3
Nay: 2 - Nutter, Weems
Absent/Abstain: 0

ATTEST:

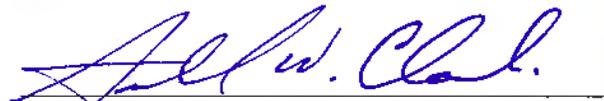
BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND


Maureen L. Frederick, Clerk


Pat Nutter, President

Approved for legal
sufficiency on June 4, 2013 by:


Steven R. Weems, Vice-President


Gerald W. Clark


John B. Norris, III, County Attorney


Susan Shaw


Evan K. Slaughenhaupt, Jr.

Received for Record... 6-12 2013
at 9:50 o'clock... A...M. Same day
recorded in Liber KPS No. 42
Folio 345 COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.



Article 3: Land Use Charts

EXHIBIT A

USE #	3-1.04 COMMERCIAL RETAIL USES & DEFINITIONS (in italics)	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
10a.	Retail Commercial Building (9/22/09) <i>A building that houses a commercial retail establishment that either stands alone or is connected to other buildings by a common wall having no entrances or exits. A commercial retail building may include more than one retail establishment and/or service.</i>								C	C	C	<p>Condition in the RC District: The gross square footage of all buildings combined, regardless of use, shall not exceed 25,000 square feet per lot or parcel of record as of August 10, 2004. a floor area ratio (FAR) of 0.2 up to a maximum of 60,000 sf.</p> <p>Condition in the MC District: The retail commercial use is shall be marine-related.</p> <p>Conditions in the EC District:</p> <ol style="list-style-type: none"> 1. The commercial retail use shall serve primarily the other businesses on site; and 2. the commercial retail use shall not be adjacent to an arterial or collector road; and 3. the total commercial retail use shall consist of no more than 1,000 square feet per lot or parcel of record as of August 10, 2004.

Article 12: Definitions

<u>Term</u> (Date of Amendment)	<u>Definition</u>
<u>Floor Area Ratio (FAR)</u>	<u>The ratio of a building's total floor area to the size of the parcel of land (net developable acres) upon which it is built. The FAR calculation includes the total area on all floors of all buildings on a parcel. When used in a zoning district which does not encompass the entire parcel, only the portion of the parcel in the zoning district shall be used for the calculation.</u>

Article 3: Land Use Charts

EXHIBIT B

USE #	3-1.04 COMMERCIAL RETAIL USES & DEFINITIONS (<i>in italics</i>)	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
10a.	Retail Commercial Building (9/22/09) <i>A building that houses a commercial retail establishment that either stands alone or is connected to other buildings by a common wall having no entrances or exits. A commercial retail building may include more than one retail establishment and/or service.</i>								C	C	C	Condition in the RC District: The gross square footage of all buildings combined, regardless of use, shall not exceed a floor area ratio (FAR) of 0.2 up to a maximum of 60,000 sf. Condition in the MC District: The retail commercial use shall be marine-related. Conditions in the EC District: 1. The commercial retail use shall serve primarily the other businesses on site; and 2. the commercial retail use shall not be adjacent to an arterial or collector road; and 3. the total commercial retail use shall consist of no more than 1,000 square feet per lot or parcel of record as of August 10, 2004.

Article 12: Definitions

<u>Term</u>	<u>Definition</u>
(Date of Amendment) Floor Area Ratio (FAR)	The ratio of a building's total floor area to the size of the parcel of land (net developable acres) upon which it is built. The FAR calculation includes the total area on all floors of all buildings on a parcel. When used in a zoning district which does not encompass the entire parcel, only the portion of the parcel in the zoning district shall be used for the calculation.

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