

Pertaining to the Amendments of the Calvert County
and Solomons Town Center Zoning Ordinances
(Calvert County Zoning Ordinance Article 3 Land Use Charts: Section 3-1.04 Commercial
Retail Uses & Definitions, Use #9 Mobile Food Sales and Article 12 – Definitions.
Solomons Town Center Zoning Ordinance Section 3-2.04 Commercial Retail Uses &
Definitions/Conditions, Use #9 Mobile Food Sales)
RE: MOBILE FOOD SALES
(Text Amendment Case No. 12-22)

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"), including Section 3-1.04, Use #9, and Article 12, Definitions of the CCZO, and STCZO Section 3-2.04, Use #9;

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 June 25, 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 Section 3-1.04, Commercial Retail Uses & Definitions, Use #9 and Article 12, Definitions, of the CCZO and that Section 3-2.04, Commercial Retail Uses & Definitions/Condition, Use #9 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.

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 25th day of ~~July~~ ^{June} 2013 by the Board of County Commissioners of Calvert County,

Maryland.

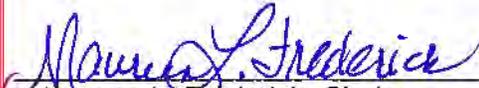
Aye: 5

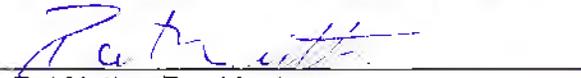
Nay: 0

Absent/Abstain: 0

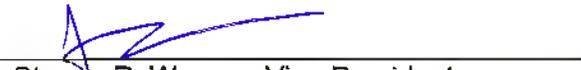
ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND


Maureen L. Frederick, Clerk


Pat Nutter, President

Approved for legal
sufficiency on 6/27/13

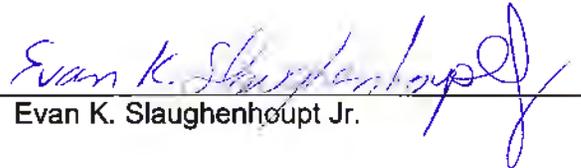

Steven R. Weems, Vice-President

by:


Gerald W. Clark


John B. Norris, III, County Attorney
Not effective before July 5, 2013


Susan Shaw


Evan K. Slaughenhoupt Jr.

Received for Record 7/12 2013
at 2:12 o'clock P.M. Same day
recorded in Liber KPS No. 42
Folio 476 COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.



Calvert County Zoning Ordinance
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
9.	<p>Mobile Food Sales (9/22/09)</p> <p><i>Mobile Food Sales - The selling of food from a mobile food-vending unit that is temporarily parked or located on a private parcel of property.</i></p> <p><u><i>This Use does not apply to food sales from units parked at events including, without limitation, fairs, carnivals, festivals, etc.</i></u></p> <p><i>Mobile Food Vending Unit - Any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand or other device designed to be portable and not permanently attached to the ground from which only prepared, ready-to-eat food is sold.</i></p>							C	C	C	C	<ol style="list-style-type: none"> 1. The mobile food-vending unit shall be located on property with the permission of the owner; and 2. while in operation <u>on site</u>, the mobile food vending unit shall not be parked at a single property for more than one hour per site <u>may be located within designated parking spaces where it can be demonstrated that the parking requirements for the site will be met, or will not interfere with regular commerce, pedestrian or traffic flow; and</u> 3. <u>the mobile food vending units and all related accessories (tables, chairs, signs, etc.) must be removed from the site between 10pm to 6am, unless the unit and property on which it is located are under the same ownership; and</u> 4. <u>if units will remain on site and will not be removed daily, they are subject to the appropriate use and conditions within the Land Use Charts and a plot plan shall be required; and</u> 5. <u>the mobile food vending unit and all related accessories are limited to occupying a space not to exceed 400 sf; and</u> 6. <u>sign permits are required for any signs not attached to the unit; and</u> 7. Health Department approval is obtained.

Article 12: Definitions

Term (Date of Amendment)	Definition
Mobile Food Sales	The selling of food from a mobile food-vending unit that is temporarily parked or located on a private parcel of property. <u>This Use does not apply to food sales from units parked at events including, without limitation, fairs, carnivals, festivals, etc.</u>
Mobile Food Vending Unit	Any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand or other device designed to be portable and not permanently attached to the ground from which only prepared, ready-to-eat food is sold.

BK0042Pg479

Solomons Town Center Zoning Ordinance:

USE #	SOLOMONS TABLE OF LAND USES – 3-1.04 COMMERCIAL RETAIL USES	SOUTH OF LORE ROAD							NORTH OF LORE ROAD					DOWELL			WEST SIDE				
		B1	B2	B3	B4	C1 ¹	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1
9.	Mobile Food Sales				C							C			C		C	C			

USE #	3-2.04 COMMERCIAL RETAIL USES & DEFINITIONS (in italics)	CONDITIONS
9.	<p>Mobile Food Sales</p> <p><i>Mobile Food Sales</i> – The selling of food from a mobile food-vending unit that is temporarily parked or located on a private parcel of property. <u>This Use does not apply to food sales from units parked at events including, without limitation, fairs, carnivals, festivals, etc.</u></p> <p><i>Mobile Food Vending Unit</i> – Any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand or other device designed to be portable and not permanently attached to the ground from which <u>only prepared, ready-to-eat food is sold.</u></p>	<ol style="list-style-type: none"> The mobile food-vending unit shall be located on property with the permission of the owner; and while <u>in operation on site</u>, the mobile food vending unit <u>shall not be parked at a single property for more than one hour per site</u> <u>may be located within designated parking spaces where it can be demonstrated that the parking requirements for the site will be met, or will not interfere with regular commerce, pedestrian or traffic flow; and</u> <u>the mobile food vending units and all related accessories (tables, chairs, signs, etc.) must be removed from the site between 10pm to 6am, unless the unit and property on which it is located are under the same ownership; and</u> <u>if units will remain on site and will not be removed daily, they are subject to the appropriate use and conditions within the Land Use Charts and a plot plan shall be required; and</u> <u>the mobile food vending unit and all related accessories are limited to occupying a space not to exceed 400 sf; and</u> <u>sign permits are required for any signs not attached to the unit; and</u> Health Department approval is obtained.

BK 0042PG480

Calvert County Zoning Ordinance
Article 3: Land Use Charts

Exhibit B

USE #	3-1.04 COMMERCIAL RETAIL USES & DEFINITIONS (in italics)	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
9.	<p><i>Mobile Food Sales (9/22/09)</i></p> <p><i>Mobile Food Sales - The selling of food from a mobile food-vending unit that is temporarily parked or located on a private parcel of property. This Use does not apply to food sales from units parked at events including, without limitation, fairs, carnivals, festivals, etc.</i></p> <p><i>Mobile Food Vending Unit - Any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand or other device designed to be portable and not permanently attached to the ground from which food is sold.</i></p>							C	C	C	C	<ol style="list-style-type: none"> 1. The mobile food-vending unit shall be located on property with the permission of the owner; and 2. while on site, the mobile food vending unit may be located within designated parking spaces where it can be demonstrated that the parking requirements for the site will be met, or will not interfere with regular commerce, pedestrian or traffic flow; and 3. the mobile food vending units and all related accessories (tables, chairs, signs, etc.) must be removed from the site between 10pm to 6am, unless the unit and property on which it is located are under the same ownership; and 4. if units will remain on site and will not be removed daily, they are subject to the appropriate use and conditions within the Land Use Charts and a plot plan shall be required; and 5. the mobile food vending unit and all related accessories are limited to occupying a space not to exceed 400 sf; and 6. sign permits are required for any signs not attached to the unit; and 7. Health Department approval is obtained.

Article 12: Definitions

Term (Date of Amendment)	Definition
Mobile Food Sales	The selling of food from a mobile food-vending unit that is temporarily parked or located on a private parcel of property. This Use does not apply to food sales from units parked at events including, without limitation, fairs, carnivals, festivals, etc.
Mobile Food Vending Unit	Any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand or other device designed to be portable and not permanently attached to the ground from which food is sold.

BK00042P6481

Solomons Town Center Zoning Ordinance:

USE #	SOLOMONS TABLE OF LAND USES – 3-1.04 COMMERCIAL RETAIL USES	SOUTH OF LORE ROAD											NORTH OF LORE ROAD					DOWELL			WEST SIDE	
		B1	B2	B3	B4	C1	C2	C3	C4	C5	C6	C7	D1	D2	D3	D4	D5	E1	E2	E3	F1	F2
9.	Mobile Food Sales				C								C			C		C	C			

USE #	3-2.04 COMMERCIAL RETAIL USES & DEFINITIONS (<i>in italics</i>)	CONDITIONS
9.	<p>Mobile Food Sales</p> <p><i>Mobile Food Sales – The selling of food from a mobile food-vending unit that is temporarily parked or located on a private parcel of property. This Use does not apply to food sales from units parked at events including, without limitation, fairs, carnivals, festivals, etc.</i></p> <p><i>Mobile Food Vending Unit – Any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand or other device designed to be portable and not permanently attached to the ground from which food is sold.</i></p>	<ol style="list-style-type: none"> 1. The mobile food-vending unit shall be located on property with the permission of the owner; and 2. while on site, the mobile food vending unit may be located within designated parking spaces where it can be demonstrated that the parking requirements for the site will be met, or will not interfere with regular commerce, pedestrian or traffic flow; and 3. the mobile food vending units and all related accessories (tables, chairs, signs, etc.) must be removed from the site between 10pm to 6am, unless the unit and property on which it is located are under the same ownership; and 4. if units will remain on site and will not be removed daily, they are subject to the appropriate use and conditions within the Land Use Charts and a plot plan shall be required; and 5. the mobile food vending unit and all related accessories are limited to occupying a space not to exceed 400 sf; and 6. sign permits are required for any signs not attached to the unit; and 7. Health Department approval is obtained.

BK00042P6482