

Pertaining to the Amendments of the Calvert County Ordinance
(Calvert County Zoning Ordinance Article 3 Land Use Charts: Section 3-1.09 Industrial
Uses & Definitions, Use #11b Power Generating Facility, Commercial)

RE: POWER GENERATING FACILITIES

(Text Amendment Case No. 13-05)

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, 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"), Section 3-1.09, Use #11b;

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 July 23, 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 3-1.09, Industrial Uses & Definitions, Use #11b of the CCZO **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 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.

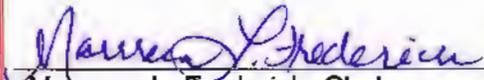
BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that this amendatory Ordinance shall be effective upon recordation.

DONE, this 23 day of ^{July} August 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

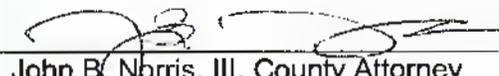

Pat Nutter, President

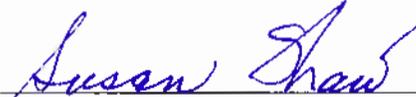
Approved for legal
sufficiency on July 28, 2013


Steven R. Weems, Vice-President

by:


Gerald W. Clark


John B. Norris, III, County Attorney


Susan Shaw


Evan K. Slaughenhoupt Jr.

Received for Record 8/5 20 13
at 1:02 o'clock P M. Same day
recorded in Liber KPS No. 43
Folio 77 COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.



Article 3: Land Use Charts

EXHIBIT A

USE #	3-1.09 INDUSTRIAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
11b.	Power Generating Facility, Commercial (9/22/09) (10/13/10) <i>A generator that uses one or more sources and/or products for the production of power for sale. Types of power generating facilities include but are not limited to petroleum, methane, ethanol, thermal, solar, <u>nuclear</u> and hydroelectric.</i>	SC	SC		SC			S			S	<ol style="list-style-type: none"> In the FFD, RCD, WL and EC The Commercial Power Generating Facilities shall be limited to the production of <u>electricity from wind, solar, and/or hydro-electricity fuel sources only</u> except in the I-1 District, where nuclear power generation is permitted. In the Rural Community District, the use shall be accessory to a Sanitary Landfill only.

Article 12: Definitions

<u>Term</u> (Date of Amendment)	<u>Definition</u>
Power Generating Facility, Commercial	A generator that uses one or more sources and/or products for the production of power for sale. Types of power generating facilities include but are not limited to petroleum, methane, ethanol, thermal, wind, solar, <u>nuclear</u> and hydroelectric.

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Article 3: Land Use Charts

EXHIBIT B

USE #	3-1.09 INDUSTRIAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
11b.	Power Generating Facility, Commercial (9/22/09) (10/13/10) <i>A generator that uses one or more sources and/or products for the production of power for sale. Types of power generating facilities include but are not limited to petroleum, methane, ethanol, thermal, solar, nuclear and hydroelectric.</i>	SC	SC		SC			S			S	1. In the FFD, RCD, WL and EC, Commercial Power Generating Facilities shall be limited to the production of electricity from wind, solar, and/or hydro-electricity fuel sources only.

Article 12: Definitions

<u>Term</u> (Date of Amendment)	<u>Definition</u>
Power Generating Facility, Commercial	A generator that uses one or more sources and/or products for the production of power for sale. Types of power generating facilities include but are not limited to petroleum, methane, ethanol, thermal, wind, solar, nuclear and hydroelectric.

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