

**PERTAINING TO THE AMENDMENT OF THE CALVERT COUNTY ZONING
ORDINANCE (CCZO)**

(Section 3-2.07 Solomons Table of Land Uses) (Text Amendment Case No. 23-05)

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 (the "Board of County Commissioners") 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, an applicant has applied for a Zoning text amendment to the Calvert County Zoning Ordinance (CCZO) Section 3-2.07, Solomons Table of Land Uses, in accordance with CCZO Section 2-5.01, *et seq.*, that would allow certain residential uses in the D-1 Sub-District of the Solomons Town Center as "conditional" where currently not permitted;

WHEREAS, after study and evaluation, the Calvert County Department of Planning & Zoning presented the applicant's requested amendments to the Planning Commission and the Board of County Commissioners in accordance with CCZO Section 1-6.01;

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 November 15, 2023, 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 recommend adoption of the amendments; and

WHEREAS, after considering the staff report, testimony 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 found that the request is not supported by any evidence of substantial change in the character of the neighborhood nor a mistake in the original zoning, nor is the proposed change more desirable in terms of the objectives of the Comprehensive Plan, and, further, found that it is in the best interest of health, safety and welfare of the general public to deny the requested text amendment to the Calvert County Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Calvert County, Maryland, that, based upon the findings in the foregoing recitals, Zoning Text Amendment case 23-05 be, and is hereby, **DENIED**;

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, is found to be unconstitutional, illegal, null or void, it is the intent of the Board of County

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Ordinance No. 41-23

RE: Text Amendment Case No. 23-05

Amendment to the Calvert County Zoning Ordinance

RE: To Permit Multi-Family Residential in D-1 Solomons Sub-District

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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 and without publication of a fair summary, but not sooner than ten (10) days following adoption.

DONE, this 15th day of November 2023, by the Board of County Commissioners of Calvert County, Maryland.

Aye:	<u>4</u>
Nay:	<u>0</u>
Absent/Abstain:	<u>1</u>

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND

Katie Brittain
Katie Brittain, Clerk

Earl F. Hance
Earl F. Hance, President

Approved for form and legal
sufficiency by:

Mike Hart
Mike Hart, Vice-President

Catherine M. Grasso
Catherine M. Grasso

John B. Norris, III
John B. Norris, III, County Attorney

Abstain
Mark C. Cox Sr.

Todd Ireland
Todd Ireland

Received for Record November 27, 2023
at 10:58 o'clock 11 M. Same day
recorded in Liber KPS No. 72
Folio 391 COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.

Garry P. Smith