

Pertaining to the Amendments of the Calvert County Zoning Ordinance
(Calvert County Zoning Ordinance Article 1, Scope of Regulations, Sections 1-2.03
Exemption, 1-2.04 Statutory Authorization, 1-6.01 Procedures for Ordinance
Amendments and Article 12 Definitions)

**RE: EXEMPTION FOR LIQUID NATURAL GAS IMPORT OR EXPORT FACILITY
AND UPDATED REFERENCES TO THE LAND USE ARTICLE OF THE MARYLAND
ANNOTATED CODE**

(Text Amendment Case No.13-09)

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 1, Scope of Regulations, Sections 1-2.03 Exemption, 1-2.04 Statutory Authorization, 1-6.01 Procedures for Ordinance Amendments 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 October 29, 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 1, Scope of Regulations, Sections 1-2.03 Exemption, 1-2.04 Statutory Authorization, 1-6.01 Procedures for Ordinance Amendments and Article 12 Definitions 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 8th day of November 2013 by the Board of County Commissioners of
Calvert County, Maryland.

Aye: 4
Nay: 1 - Weems
Absent/Abstain: 0

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND

Maureen L. Frederick
Maureen L. Frederick, Clerk

Pat Nutter
Pat Nutter, President

Approved for legal
sufficiency on Nov. 12, 2013

Steven R. Weems
Steven R. Weems, Vice-President

by:

Gerald W. Clark
Gerald W. Clark

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

Susan Shaw
Susan Shaw

Evan K. Slaughenhoupt Jr.
Evan K. Slaughenhoupt Jr.

Received for Record..... 11/26 2013
at 10:38 o'clock A. M. Same day
recorded in Liber KPS No. 43.....
Page 380..... COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.

John B. Norris, III

**ARTICLE 1
SCOPE OF REGULATIONS**

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1-1 PURPOSE OF THIS ORDINANCE

The Calvert County Comprehensive Plan is a policy document that reflects present and future needs and concerns and gives direction in addressing those needs and concerns. One tool necessary to implement the Plan is a Zoning Ordinance designed to regulate land uses. Many aspects of land use can impact adjoining properties, neighborhoods, public facilities and overall County development. As mandated in the Comprehensive Plan, this Zoning Ordinance is adopted to regulate land uses as part of the effort to promote the health, safety and general welfare of Calvert County residents.

(07/27/06) **1-2 APPLICATION OF THIS ORDINANCE**

1-2.01 Territorial Limits

This Ordinance shall apply to all the lands, uses and improvements within the territorial limits of Calvert County, except for the incorporated territory of any municipality in the County, or except as modified by the Town Center Master Plans and Zoning Ordinances. Except as otherwise specified, the use of any property and the construction or alteration of any building or structure shall conform to the requirements of this Ordinance.

(09/21/10) 1-2.02 Determination of Rights Attendant to a Parcel

For the purpose of determining rights attendant to a parcel of land by virtue of the property being a discrete parcel, any determination as to the description of the parcel shall go back no further than the parcel as it existed in a deed under which the grantee in the deed held title to real property as of June 29, 1967.

(09/21/10) 1-2.03 Exemption

Notwithstanding any other provisions of this Ordinance to the contrary, this Ordinance does not apply to a Qualified Commercial Power Generating Facility **or a Liquid Natural Gas Import or Export Facility** as defined herein.

(12/14/11) 1-2.04

Statutory Authorization

The Maryland General Assembly, in the Land Use Article of the Maryland Annotated Code Article 66B, Section 4, General Development Regulations and Zoning (Annotated Code of Maryland), has established as policy of the State that the orderly development and use of land and structures requires comprehensive regulation through the implementation of planning and zoning control, and that planning and zoning controls shall be implemented by local government in order to, among other purposes, secure the public safety, promote health and general welfare, and promote the conservation of natural resources.

1-3 SEPARABILITY

If a court of competent jurisdiction declares any Section, Subsection, sentence, clause or phrase of this Ordinance invalid or unconstitutional, such provision shall be deemed separate and such invalidity or unconstitutionality shall not affect the validity of the Ordinance in its entirety or of the remaining Sections or parts thereof.

1-4 ZONING OFFICER

(01/19/12) 1-4.01 Zoning Officer Responsibilities

There is a Zoning Officer for the County who shall be responsible for:

- A. giving approval for building permits,
- B. enforcement of the provisions of this Ordinance,
- C. determining whether a use or structure is legally non-conforming in accordance with Section 2-6 herein, and
- D. clarifying the intent of this Ordinance. Should there be a question on the application of a Section of the Ordinance; the Zoning Officer shall determine the proper application. Should the determination involve a legal interpretation of the Ordinance, an "official interpretation" shall be approved and signed by the Zoning Officer after consultation with the County Attorney. The Zoning Officer shall keep a volume containing all zoning interpretations. Annotations pertaining to the interpretation shall be added to the Zoning Ordinance at appropriate locations. Interpretations shall not become part of the Zoning Ordinance until they have been enacted pursuant to procedures set forth in Section 1-6. The following parties shall be notified within seven days following the interpretation: The Board of County Commissioners, Planning Commission, Department of Planning and Zoning, and the County Attorney.

1-5 SCHEDULE OF FEES, CHARGES & EXPENSES

The Board of County Commissioners shall establish a schedule of fees, charges, and expenses, and a collection procedure, for zoning certificates, zoning occupancy certificates, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Department of Planning and Zoning and may be altered or amended only by action of the Board of County Commissioners.

1-6 ORDINANCE AMENDMENTS**1-6.01 Procedures for Ordinance Amendments**

- A. Proposed Zoning Ordinance text amendments may be submitted to the Planning Commission by the Board of County Commissioners, any citizen, organization, governmental agency, or by the Planning Commission on its own initiative.
- B. Before any text amendment can be adopted, a duly advertised public hearing shall be held by the Planning Commission and the Board of County Commissioners. Such hearings may be held jointly or separately by the respective Commissions at the discretion of the Board of County Commissioners.
- C. The public hearing notice shall contain a summary of the proposed text amendment and the date, time and place of the public hearing and shall comply with the requirements of **Maryland Annotated Code, Land Use Article, Section 4-203 Article 66B, Section 4.05(c) of the Annotated Code of Maryland**, as amended from time to time.

1-7 ENFORCEMENT OF ORDINANCE**1-7.01 Violations, Penalties and Enforcement**

- A. Authority to Inspect and Enforce
 - 1. The Zoning Officer is authorized to make such inspections as are reasonable and necessary to determine satisfactory compliance with this Ordinance as well as other enforcement provisions as described in Section 1-7.01.H herein.
 - 2. Whenever, upon inspection of any property, the Zoning Officer finds that conditions or practices exist which are in violation of this Ordinance, notice of the violation shall be given in accordance with Section 1-7.01.C of this Ordinance.
- B. Zoning Violation Defined
 - 1. A violation of this Ordinance occurs when there is:
 - a. any work on property which requires approval of the Zoning Officer and which:
 - i. has not been approved; or
 - ii. exceeds the scope of, or is not in compliance with, any permit issued by the Department of Planning and Zoning and/or the Division of Inspections and Permits; or
 - iii. exceeds the scope of, or is not in compliance with, any order or action of the Planning Commission or Board of Appeals; or
 - iv. is otherwise not in compliance with this Ordinance.
 - b. any use of property which is not in compliance with this Ordinance.

(08/28/07)

Article 12: Definitions

<u>Term</u> (Date of Amendment)	<u>Definition</u>
<u>Liquid Natural Gas Import or Export Facility</u>	A Liquid Natural Gas Terminal as defined by the Code of Federal Regulations, 18 CFR §153.2(d), as amended from time to time, that is subject to regulation by the Federal Energy Regulatory Commission (FERC).

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