

BK00057PG062

Ordinance No. 51-18

RE: Text Amendment Case No. 18-02

Amendments to the Calvert County Zoning Ordinance

RE: Critical Area Buffer Mitigation Fees-in-Lieu

Page 1 of 2

Pertaining to the Amendments of the Calvert County Zoning Ordinance
(Calvert County Zoning Ordinance, Article 8 Environmental Requirements;
Section 8-1.08.D.3.m.ii, Critical Area District, Fee in Lieu of Buffer Mitigation)

**RE: To delete the specified fees-in-lieu and make the fee consistent with the fee set by
the Critical Area Commission**

(Text Amendment Case No.18-02, F.K.A. No.18-01)

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, after study and evaluation, the Calvert County Department of Planning & Zoning recommended to the Planning Commission of Calvert County (hereinafter, the “Planning Commission”) and the Board of County Commissioners text amendments to the Calvert County Zoning Ordinance (“CCZO”), Article 8 Environmental Requirements; Section 8-1.08.D.3.m.ii, Critical Area District, Fee in Lieu of Buffer Mitigation;

WHEREAS, after due notice was published, the Board of County Commissioners and the Planning Commission conducted a joint public hearing on November 27, 2018, 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 conveyed its recommendation to the Board of County Commissioners by resolution; 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 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 8 Environmental Requirements; Section 8-1.08.D.3.m.ii, Critical Area District, Fee in Lieu of Buffer Mitigation, 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 Ordinance);

Amendments to the Calvert County Zoning Ordinance

RE: Critical Area Buffer Mitigation Fees-in-Lieu

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; and

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 27th day of November 2018 by the Board of County Commissioners of Calvert County, Maryland.

Aye: 4
Nay: _____
Absent/Abstain: 1 - Hejl

ATTEST:

**BOARD OF COUNTY
COMMISSIONERS OF CALVERT
COUNTY, MARYLAND**

Maureen L. Frederick
Maureen L. Frederick, Clerk

Evan K. Slaughenhoupt
Evan K. Slaughenhoupt, Jr, President

Approved for form and legal
sufficiency by:

Tom Hejl Jr., Vice-President

Mike Hart
Mike Hart

Pat Nutter
Pat Nutter

Steven R. Weems
Steven R. Weems

Received for Record by John P. Morris, III, County Attorney
at 11:50 o'clock 11 A.M. Same day
recorded in Liber KPS No. 57
Folio 62 COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION. 11/29/18

Garry P. Smith

Calvert County Zoning Ordinance:**8-1 CRITICAL AREA DISTRICT**

8-1.08 Habitat Protection Areas (HPA)

D. Critical Area Buffer

3. Buffer Regulations

m. Fee in Lieu of Buffer Mitigation

- i. The County shall collect a fee in lieu of Buffer mitigation when planting requirements cannot be met onsite.
- ii. The fees in lieu of Buffer planting shall be ~~\$0.50~~ consistent with the fee set by the Critical Area Commission per square foot of mitigation not accommodated onsite and shall be placed in the Critical Area Fees in Lieu Fund.

Calvert County Zoning Ordinance:**8-1 CRITICAL AREA DISTRICT**

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