

Pertaining to the Amendment of the Calvert County Zoning Ordinance
(Section 3-1.02, Agricultural Uses #3a and #12a, and Article 12 Definitions)

RE: COMMERCIAL GREENHOUSE, RETAIL and NURSERY, RETAIL

(Text Amendment Case No. 12-6b)

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, pursuant to that authority, 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 and Building recommended to the Planning Commission and the Board of County Commissioners the following text amendments to the Calvert County Zoning Ordinance regarding Commercial Greenhouse, Retail and Nursery, Retail Section 3-1.02, Uses #3a and #12a;

WHEREAS, after due notice was published, the Planning Commission of Calvert County, Maryland (hereinafter, the "Planning Commission") conducted a public hearing on October 17, 2012, 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 leave the record open for 30 days;

WHEREAS, at their December 12, 2012 meeting the Planning Commission recommended approval of the amendments with modification and conveyed its recommendation to the Board of County Commissioners by resolution dated December 12, 2012;

WHEREAS, after due notice was published, the Board of County Commissioners of Calvert County, Maryland conducted a public hearing on April 9, 2013, at which time the proposed amendments were discussed, staff's recommendations were considered, and public comment was solicited; 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 Exhibits 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 3-1.02, Use #3a and 12a and Article 12 Definitions, of the Calvert County Zoning Ordinance **BE**, and hereby **ARE**, amended by adopting the text amendments as set forth in Exhibits 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 Zoning Ordinance, is 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 on April 19, 2013.

DONE, this 9th day of April 2013 by the Board of County Commissioners of Calvert

County, Maryland, sitting in regular session.


Aye: 5

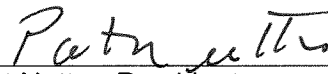
Nay: 0

Absent/Abstain: 0


ATTEST:


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



Maureen L. Frederick, Clerk

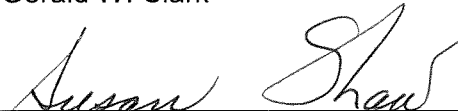

Pat Nutter, President


Approved for form and legal sufficiency on April 9, 2013 by:


Steven R. Weems, Vice-President


Gerald W. Clark


John B. Morris, III, County Attorney


Susan Shaw


Evan K. Slaughenhoupt Jr.

Received for Record April 11 2013
at 940 of Book A M. Same day
recorded in Liber K-3 No. 42
Page 74 COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.



Use #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	I-1	RC	MC	EC	OVERLAY DISTRICT		CONDITIONS
										APD	HD	
3a.	Commercial Greenhouse, Retail (9/22/09) (10/13/10) <i>(3/30/12)</i> <i>A structure or building made with translucent or light transparent walls conducive to plant growth, in which plants, vegetables, and flowers are grown for retail sale, and where non-plant items may be sold on a limited basis.</i>	C	<u>SC</u>	SC			P			C	C	<ol style="list-style-type: none"> 1. Outdoor lighting of the sales area is permitted subject to Article 6; and 2. the Retail Nursery shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and 3. the sales inventory shall include consist primarily of plant materials and their containers only; and retail sales of accessory items such as pots, mulch, topsoil, and soil amendments, gardening tools and gloves. The area devoted to such accessory sales shall be restricted to no more than 1% of the Parcel/Lot area (one acre max.); and 4. <u>Fifty (50) foot minimum setback from all property lines</u> 5. <u>The Administrative Variance Officer or his/her designee may reduce or waive the setback requirements, in accordance with Article 11 of this Ordinance.</u> 6. 4. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or 7. 5. If the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way. 8. 6. A Special Exception is required if the use does not meet Condition 4 <u>6 or 7</u> above, and the Board of Appeals shall consider adding the following condition: <ol style="list-style-type: none"> a. The Department of Public Works shall review and approve the access and impose appropriate construction standards. <p><u>Overlay Districts:</u></p> <ol style="list-style-type: none"> 9. approval of the Use, and plot plan/site plan (if applicable) from the Historic District Commission is required for properties located in the HD Overlay, and the requirements of Section 2-10.04 shall apply to these properties in HD Overlay.

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										APD	HD	
12a.	Nursery, Retail (9/22/09) (10/13/10) (3/30/12) <i>An area or establishment where trees, shrubs or plants are grown for transplanting, for use as stock for budding and grafting or for sale directly to the general public, and where non-plant items may be sold on a limited basis.</i>	C	C	<u>SC</u>			P			C	C	<ol style="list-style-type: none"> 1. Outdoor lighting of the sales area is permitted subject to Article 6; and the Retail Nursery shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and 3. the sales inventory shall include consist primarily of plant materials and their containers only; and retail sales of accessory items such as pots, mulch, topsoil, and soil amendments, gardening tools and gloves. The area devoted to such accessory sales shall be restricted to no more than 1% of the Parcel/Lot area (one acre max.); and 4. Fifty (50) foot minimum setback from all property lines 5. The Administrative Variance Officer or his/her designee may reduce or waive the setback requirements, in accordance with Article 11 of this Ordinance. 6. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or 7. 5. If the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way. 8. 6. A Special Exception is required if the use does not meet Condition 4 6 or 5 7 above, and the Board of Appeals shall consider adding the following condition: <ol style="list-style-type: none"> a. The Department of Public Works shall review and approve the access and impose appropriate construction standards. <p><u>Overlay Districts:</u></p> <p>9. approval of the Use, and plot plan/site plan (if applicable) from the Historic District Commission is required for properties located in the HD Overlay, and the requirements of Section 2-10.04 shall apply to these properties in HD Overlay.</p>

Article 12: Definitions

<u>Term</u>	<u>Definition</u>
(Date of Amendment) Commercial Greenhouse, Retail	A structure or building made with translucent or light transparent walls conducive to plant growth, in which plants, vegetables, and flowers are grown for retail sale. <u>and where non-plant items may be sold on a limited basis.</u>
Nursery, Retail	An area or establishment where trees, shrubs or plants are grown for transplanting, for use as stock for budding and grafting or for sale directly to the general public, <u>and where non-plant items may be sold on a limited basis.</u>

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EX000428081

Article 12: Definitions

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