

Pertaining to the Amendments of the Calvert County Zoning Ordinance (CCZO)
(Calvert County Zoning Ordinance, Article 2 Zoning Districts & Maps; Section 2-10
Agricultural Preservation Advisory Board E.9.c.)

Pertaining to the Amendments of the Calvert County Agricultural Preservation Rules
and Regulations (APRR)

(Calvert County Agricultural Preservation Rules and Regulations, Section VII. Criteria
for Acceptance of Application - Agricultural Preservation District (APD), Section A.
General Requirements)

RE: Agricultural Preservation District (APD) Withdraw Notice Period
(Text Amendment Case No.16-07)

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 (the “CCZO”);

WHEREAS, the Calvert County Zoning Ordinance adopted May 1, 2006, specifies in Section 2-10.01 (E) (9), the Agricultural Preservation Advisory Board “promulgate regulations for adoption by the Board of County Commissioners,

WHEREAS, after study and evaluation, the Agricultural Preservation Advisory Board recommended to the Board of County Commissioners, text amendments to the Calvert County Zoning Ordinance, Article 2 Zoning Districts & Maps; Section 2-10-01 (E)(9) and the Calvert County Agricultural Preservation Rules and Regulations (the “APRR”), Section VII. Criteria for Acceptance of Application – Agricultural Preservation District (APD), Section A. General Requirements;

WHEREAS, after due notice was published, the Board of County Commissioners of Calvert County, Maryland conducted a public hearing on January 10, 2017, at which time the proposed amendments were discussed, staff's recommendations were considered, and public comment was solicited; 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 and the Calvert County Agricultural Preservation Rules and Regulations 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 2 Zoning Districts & Maps; Section 2-10.01 (E)(9) of the CCZO and Section VII. Criteria for Acceptance of Application – Agricultural Preservation District (APD), Section A. General Requirements; of the APRR **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 CCZO and APRR).

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 and without publication of a fair summary, but not before January 18, 2017.

DONE, this 10th day of January 2017 by the Board of County Commissioners of Calvert County, Maryland.

Aye: 5

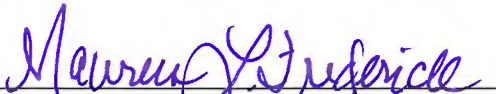
Nay: 0


Absent/Abstain: 0

SIGNATURES ON FOLLOWING PAGE

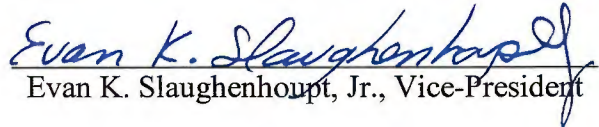
ATTEST:

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

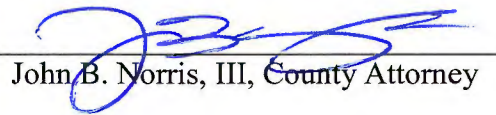

Maureen L. Frederick, Clerk



Tom Hejl, President

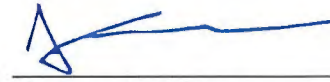
Approved for form and legal
sufficiency by:


Evan K. Slaughenhoupt, Jr., Vice-President

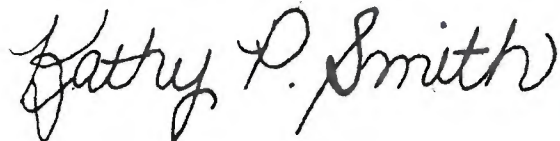

Mike Hart


John B. Norris, III, County Attorney


Pat Nutter


Steven R. Weems

Received for Record... January 20, 2017
... 10:50 o'clock... A.M. Same day
Recorded in Liber KPS No. 51
... 13... COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.



Calvert County Zoning Ordinance

2-10 OVERLAY DISTRICTS: PURPOSE, INTENT AND SPECIAL CONDITIONS FOR EACH OVERLAY DISTRICT**2-10.01 Agricultural Preservation Districts****E. Agricultural Preservation Advisory Board**

9. The Board shall accept, approve, or reject all applications; promulgate regulations for adoption by the Board of County Commissioners, and develop procedures for the formation of Agricultural Preservation Districts **and the withdrawal from an Agricultural Preservation District**, subject to the provisions of this Subsection. The procedure shall include the following:

- a. The acreage requirements to establish or join an Agricultural Preservation District.
- b. Agricultural Preservation District boundaries should follow as closely as possible, existing physical separations, such as streams, valleys, roads, etc.
- c. An Agricultural Preservation District shall remain in effect **until terminated as provided in the Calvert County Agricultural Preservation Rules and Regulations, as amended from time to time.** ~~for a minimum of five years. Subject to Section 2-10.01H, an owner of a parcel of land enrolled in an Agricultural Preservation District may withdraw the land after five years in the program, by giving the Board a one-year notice of the intent to withdraw.~~
- d. **Except as expressly provided in Section VII of the Calvert County Agricultural Preservation Rules and Regulations pertaining to the withdrawal of a property or properties from the Program, a** ~~An~~ Agricultural Preservation District shall be governed by the Laws and Regulations in effect at the time of its creation.

Calvert County Agricultural Preservation Program Rules and Regulations

VII. CRITERIA FOR ACCEPTANCE OF APPLICATION - AGRICULTURAL PRESERVATION DISTRICT (APD)

A. General Requirements

1. The process of creating or joining an Agricultural Preservation District is entirely voluntary. The determination of eligibility and designation of an APD by the Board shall be based on a written application signed by the owner(s) of the property involved. (11/4/91)
2. An Agricultural Preservation District shall remain in effect for a minimum of five years, unless terminated as provided in these Rules and Regulations. (Date of Adoption)
3. Owners of parcels of land enrolled in districts from which no development options have been used or conveyed, may withdraw their land within five years from the date of enrollment in the program by giving the Board a written notice of such intent at least one (1) year prior to withdrawal. (Date of Adoption)
4. Owners of parcels of land enrolled in districts from which no development options have been used or conveyed may withdraw their land after five or more years in the program by giving the Board a written ~~one-year~~ notice of such intent at least thirty (30) days prior to withdrawal. (Date of Adoption)
5. In the event of individual parcels being withdrawn from an APD, any remaining parcels may retain designation as a District, provided they continue to meet all criteria as specified in these Rules and Regulations. If the criteria cannot be met by the remaining parcels, then the entire District shall be terminated upon the withdrawal creating noncompliance. (11/4/91)
(9/1/92)
(Date of Adoption)
6. After meeting the applicable notice period, the release of an APD shall be executed and recorded in Calvert County Land Records to complete the withdraw process. (Date of Adoption)
73. The owner(s) of property designated an Agricultural Preservation District shall voluntarily agree to limit subdivision of their property as indicated in Section- ~~IXVII~~. of these Rules and Regulations. (11/4/91)
(Date of Adoption)
84. In determining eligibility of a proposed APD, the Board shall consider the present land use, the amount of contiguous farmland, and the uses of adjoining properties as may affect or be affected by the designation. (11/4/91)
95. A current Soil Conservation Plan, and/or a current Forest Resource Management Plan shall be in effect on all parcels designated as

Agricultural Preservation Districts. Compliance with these plans shall be maintained as long as the Agricultural Preservation District remains in effect. (6/1/92)

106. Once a development right is removed from the District, all parcels within that District are bound by the covenants set forth in the Agreement in perpetuity. (7/1/96)

Calvert County Zoning Ordinance**2-10 OVERLAY DISTRICTS: PURPOSE, INTENT AND SPECIAL CONDITIONS FOR EACH OVERLAY DISTRICT****2-10.01 Agricultural Preservation Districts****E. Agricultural Preservation Advisory Board**

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 - c. An Agricultural Preservation District shall remain in effect until terminated as provided in the Calvert County Agricultural Preservation Rules and Regulations, as amended from time to time.
 - d. Except as expressly provided in Section VII of the Calvert County Agricultural Preservation Rules and Regulations pertaining to the withdrawal of a property or properties from the Program, an Agricultural Preservation District shall be governed by the Laws and Regulations in effect at the time of its creation.

Calvert County Agricultural Preservation Program Rules and Regulations**VII. CRITERIA FOR ACCEPTANCE OF APPLICATION -
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2. An Agricultural Preservation District shall remain in effect for a minimum of five years, unless terminated as provided in these Rules and Regulations. (1/20/17)
3. Owners of parcels of land enrolled in districts from which no development options have been used or conveyed, may withdraw their land within five years from the date of enrollment in the program by giving the Board a written notice of such intent at least one (1) year prior to withdrawal. (1/20/17)
4. Owners of parcels of land enrolled in districts from which no development options have been used or conveyed may withdraw their land after five or more years in the program by giving the Board a written notice of such intent at least thirty (30) days prior to withdrawal. (1/20/17)
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7. The owner(s) of property designated an Agricultural Preservation District shall voluntarily agree to limit subdivision of their property as indicated in Section IX. of these Rules and Regulations. (11/4/91)
(1/20/17)
8. In determining eligibility of a proposed APD, the Board shall consider the present land use, the amount of contiguous farmland, and the uses of adjoining properties as may affect or be affected by the designation. (11/4/91)
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