

Pertaining to the Amendments of the Calvert County Zoning Ordinance
(Calvert County Zoning Ordinance, Article 3 Land Use Charts; Section 3-1.03, Residential
Uses & Definitions; Use #1a. Apartment, Accessory to a Residence)
RE: To Delete the Parking Condition from the Land Use Charts for
Accessory Apartments
(Text Amendment Case No.17-05)

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, after study and evaluation, the Calvert County Department of Planning & Zoning recommended to the Planning Commission and the Board of County Commissioners text amendments to the Calvert County Zoning Ordinance (“CCZO”), Article 3 Land Use Charts; Section 3-1.03, Residential Uses & Definitions; Use #1a Apartment, Accessory to a Residence;

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 May 15, 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 3 Land Use Charts; Section 3-1.03, Residential Uses & Definitions; Use #1a Apartment, Accessory to a Residence, 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).

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 sooner than ten (10) days following adoption.

DONE, this 15th day of May 2018 by the Board of County Commissioners of Calvert County, Maryland.

Aye: 5
Nay: 0
Absent/Abstain: 0

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF CALVERT COUNTY, MARYLAND

Maureen L. Frederick, Clerk

Evan K. Slaughenhoupt, President

Approved for form and legal sufficiency by:

Tom Hejl Jr, Vice-President

Mike Hart

John B. Norris, III, County Attorney

Pat Nutter

Received for Record June 6, 2018 at 9:23 o'clock A.M. Same day recorded in Liber KPS No. 54 Folio 327 COUNTY COMMISSIONERS ORDINANCES AND RESOLUTION.

Steven R. Weems

Garry P. Smith

Calvert County Zoning Ordinance – Article 3: Land Use Charts

USE #	3-1.03 RESIDENTIAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
1a.	<p>Apartment, Accessory to a Residence (9/22/09) (9/21/10)</p> <p><i>A second dwelling unit either within or added to a single-family detached dwelling, or in a separate accessory structure on the same lot as the principal dwelling, that functions as a complete, independent living facility with provisions for cooking, eating, sanitation, and sleeping. (08/28/07)</i></p>	C	C	C		C	C	C			C	<ol style="list-style-type: none"> 1. In the I-1 and EC Districts, accessory apartments shall only be permitted on properties on which a house existed as of the effective date of this condition (05/01/06) unless the house and apartment are constructed on an approved family conveyance lot; and 2. In all Districts, only one accessory apartment shall be created on each single-family lot. See Section 8-1.05.D.3 for provisions regarding accessory apartments in the Critical Area; and 3. the accessory apartment shall be clearly subordinate to the single-family dwelling. <ol style="list-style-type: none"> a. If the apartment is not a part of the dwelling, it shall be within 100 feet of the dwelling. In no case shall it contain more than 900 square feet gross floor area of enclosed space, including enclosed porches. b. If the apartment is contained within the dwelling (i.e., it shares a common interior element such as a wall, floor, or ceiling with the principal single-family dwelling), then it shall contain no more than 40 percent of the total square footage of the building. c. If the apartment is located in the basement of the dwelling, then it can consist of the entire basement; and 4. An owner of the lot shall occupy at least one of the dwelling units on the premises, except for bona fide temporary absences as determined by the Zoning Officer; and 5. at least two off-street parking spaces shall be available for each unit; and 5.6. the owner shall obtain Health Department approval; and 6.7. the accessory apartment shall be located within the building restriction lines required for the principal dwelling; and 7.8. only one kitchen shall be permitted within the accessory apartment.

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EXHIBIT B

Calvert County Zoning Ordinance – Article 3: Land Use Charts

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