

**PERTAINING TO THE AMENDMENT OF THE CALVERT COUNTY ZONING ORDINANCE
(ARTICLE 12); SUBDIVISION DEFINITIONS, MAJOR AND MINOR
(Text Amendment Case No. 12-11)**

WHEREAS, Title 5 of the *Land Use Article* of the Maryland Annotated Code, empowers the Board of County Commissioners of Calvert County, Maryland to enact subdivision regulations 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 incorporating within there subdivision regulation for Calvert County; and

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 text amendments to the Calvert County Zoning Ordinance, Article 12 to amend the definition of “Subdivision, Major” and “Subdivision, Minor”; and

WHEREAS, after due notice was published, the Planning Commission and the Board of County Commissioners of Calvert County conducted a joint public hearing on December 4, 2012, at which time the proposed amendments were discussed, staff's recommendations were considered, and public comment was solicited; and

WHEREAS, at the conclusion of said public hearing and, after considering the evidence which had been presented at the public hearing regarding the proposed text amendments, the Planning Commission voted to recommend approval of “Option 3” presented by the Calvert County Department of Community Planning and Building; and

WHEREAS, the Planning Commission conveyed its recommendation to the Board of County Commissioners by Resolution dated December 4, 2012; and

WHEREAS, on December 4, 2012, 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 recommended by the Planning Commission; and

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, by the Board of County Commissioners of Calvert County, Maryland, that Article 12 of the Calvert County Zoning Ordinance **BE**, and hereby **ARE** amended as follows:

1. The definition of Major Subdivision set forth at Article 12 of the Calvert County Zoning Ordinance is stricken in its entirety and, in its place, the following is inserted:

(1) When the total number of new residential lots or other divisions of land subject to Article 7 are derived from a parcel of record as of October 1, 2012 is eight or more. (2) Any division of non-residential land for development purposes and/or the creation of any new public rights-of-way; except that residential minor subdivisions creating a public right of way will be considered a minor subdivision with Planning Commission approval.

2. The definition of Minor Subdivision set forth at Article 12 of the Calvert County Zoning Ordinance is stricken in its entirety and, in its place, the following is inserted:

(1) When the total number of residential lots or other divisions of land subject to Article 7 are derived from a parcel of record as of October 1, 2012 is less than seven. (2) Any division of land for development purposes that does not require the creation of any new right-of-way, other than a private lane; except that residential minor subdivisions creating a public right of way will be considered a minor subdivision with Planning Commission approval.

BE IT FURTHER RESOLVED AND 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 RESOLVED AND 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 RESOLVED AND ORDAINED, by the Board of County Commissioners of Calvert County, Maryland that this amendatory Ordinance shall be effective upon recordation.

DONE, this 4th day of December, 2012 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. Fredrick
Clerk

Gerald W. Clark
Gerald W. Clark, President

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

Approved for form and legal sufficiency on December 18, 2012 by:

Pat Nutter
Pat Nutter

John B. Norris, III
County Attorney

Susan Shaw
Susan Shaw

Evan K. Slaughenhaupt, Jr.
Evan K. Slaughenhaupt, Jr.

Received for Record 12/19 2012
at 2:50 o'clock PM Same day
recorded in Liber KPS 113 411
Filed 30.7 COUNTY COMMISSIONERS
ORDINANCE & RESOLUTION.

Gary P. Smith