

ORDINANCE NO. 36-11
Pertaining to the Amendment of the Calvert County Zoning Ordinance
(Section 3-1.10, Use #2a, 2b, & 3)
RE: DAY CARE CENTERS AND ELEMENTARY AND SECONDARY SCHOOLS
(Text Amendment Case No. 11-3f)

WHEREAS, *Article 66B* 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; and

WHEREAS, after study and evaluation, the Department of Planning and Zoning of Calvert County recommended to the Planning Commission and the Board of County Commissioners text amendments to the Calvert County Zoning Ordinance, Section 3-1.10, Use #2a, and 2b, to create a new category for "Day Care Center, 8 Clients or Less" and to Section 3-1.10, Use #3, to add a condition that private Elementary and Secondary Schools shall meet the same requirements as Day Care Centers; and

WHEREAS, after due notice was published, the Planning Commission of Calvert County conducted a public hearing on September 21, 2011, 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 the Planning Commission voted to recommend approval of the amendments as proposed; and

WHEREAS, after due notice was published, the Board of County Commissioners of Calvert County, Maryland conducted a public hearing on September 27, 2011, 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, to adopt the amendments proposed 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 and B, attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, by the Board of County Commissioners of Calvert County, Maryland, that Section 3-1.10, Use #2a, 2b, and 3 of the Calvert County Zoning Ordinance **BE**, and hereby **ARE**, amended as shown in attached Exhibit A (Exhibit B depicts the amendments as they will actually appear in the Zoning Ordinance); and

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 27th day of SEPTEMBER, 2011 by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

Aye: Shaw, Nutter, Clark & Weems
Nay: None
Absent/Abstain: Slaughterhaupt

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF CALVERT COUNTY, MARYLAND

Corinne J. Cook
for Corinne J. Cook, Clerk

Susan Shaw
Susan Shaw, President

Approved for legal sufficiency on October 10, 2011

Pat Nutter
Pat Nutter, Vice-President

by:

Gerald W. Clark
Gerald W. Clark

John B. Norris, III
John B. Norris, III, County Attorney

Evan K. Slaughterhaupt Jr.
Evan K. Slaughterhaupt Jr.

Received for Record 10-20 2011
at 9:40 o'clock A.M. Same day
recorded in Liber KPS No. 37
Folio 411 COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.

Steven R. Weems
Steven R. Weems

Gary P. Smith

| USE # | 3-1.10 INSTITUTIONAL USES & DEFINITIONS <i>(in italics)</i> | FFD | RCD | RD | WL | APD | HD | I-1 | RC | MC | EC | CONDITIONS |
|----------------|---|-----|-----|----|----|-----|----|-----|----|----|----|--|
| | Day Care Center | | | | | | | | | | | |
| <u>2a.</u> | <i>An establishment enrolling four or more clients and where tuition, fees, or other forms of compensation for the care of the clients may be charged, and which is licensed.</i> Day Care Center, 8 Clients or Less | C | C | C | | | | | | | | <ol style="list-style-type: none"> 1. On-premise signs shall be limited to 16 square feet in size. No off-premise signs shall be permitted; and 2. if road access to the day care center is gained through another person's property via an easement type road right-of-way, written approval of that property owner(s) shall be obtained. |
| <u>2a. 2b.</u> | Day Care Center, 9 to 19 Clients or Less (9/22/09) | C | C | SC | | | | | | | | <ol style="list-style-type: none"> 1. On-premise signs shall be limited to 16 square feet in size. No off-premise signs shall be permitted; and 2. in the I-1 and EC Districts, the Day Care Center shall serve the on-site businesses; and 3. if road access to the day care center is gained through another person's property via an easement type road right-of-way, written approval of that property owner(s) shall be obtained. |
| <u>2b. 2c.</u> | Day Care Center, 20 to 40 Clients (9/22/09) | SC | SC | SC | | | | C | C | C | C | <ol style="list-style-type: none"> 1. The Day Care Center shall receive site plan approval in accordance with Article 4 and 6; and 2. On-premise signs shall be limited to 16 square feet in size. No off-premise signs shall be permitted; and 3. in the I-1 and EC Districts, the Day Care Center shall serve the on-site businesses. |
| <u>2c. 2d.</u> | Day Care Center, 41 or More Clients (9/22/09) | SC | SC | SC | | | | | SC | | SC | <ol style="list-style-type: none"> 1. In all Districts, the Day Care Center shall receive site plan approval in accordance with Article 4 and 6; and 2. In all Districts, on-premise signs shall be limited to 16 square feet in size. No off-premise signs shall be permitted; and 3. In the Farm and Forest District, the following additional conditions apply: <ol style="list-style-type: none"> a. the property on which the Day Care Center is located must share a common boundary with and lie directly adjacent to an elementary or middle school; and b. a pedestrian walkway to that school shall be provided; and c. the number of clients shall be limited to no more than 80. 4. In the Rural Community District and Residential District, the number of clients shall be limited to no more than 120. 5. In the Rural Commercial District, the maximum number of clients shall be set by the Board of Appeals. 6. In the EC District, the maximum number of clients shall be set by the Board of Appeals and the Day Care Center shall serve the on-site businesses. |
| 3 | Elementary or Secondary School (9/22/09) <i>An educational facility that typically includes pre-kindergarten through twelfth grades.</i> | | PC | PC | | | | | | | PC | <i>If the school is private, it shall meet the conditions imposed on Day Care Centers, based on the maximum number of students allowed as per the State accreditation requirements.</i> |

| USE # | 3-1.10 INSTITUTIONAL USES & DEFINITIONS <i>(in italics)</i> | FFD | RCD | RD | WL | APD | HD | I-1 | RC | MC | EC | CONDITIONS |
|-------|---|-----|-----|----|----|-----|----|-----|----|----|----|---|
| | Day Care Center | | | | | | | | | | | |
| 2a. | <i>An establishment enrolling four or more clients and where tuition, fees, or other forms of compensation for the care of the clients may be charged, and which is licensed.</i> Day Care Center, 8 Clients or Less | C | C | C | | C | C | C | C | C | C | 1. On-premise signs shall be limited to 16 square feet in size. No off-premise signs shall be permitted; and 2. if road access to the day care center is gained through another person's property via an easement type road right-of-way, written approval of that property owner(s) shall be obtained. |
| 2b. | Day Care Center, 9 to 19 Clients (9/22/09) | C | C | SC | | C | C | C | C | C | C | 1. On-premise signs shall be limited to 16 square feet in size. No off-premise signs shall be permitted; and 2. in the I-1 and EC Districts, the Day Care Center shall serve the on-site businesses; and 3. if road access to the day care center is gained through another person's property via an easement type road right-of-way, written approval of that property owner(s) shall be obtained. |
| 2c. | Day Care Center, 20 to 40 Clients (9/22/09) | SC | SC | SC | | | | C | C | C | C | 1. The Day Care Center shall receive site plan approval in accordance with Article 4 and 6; and 2. On-premise signs shall be limited to 16 square feet in size. No off-premise signs shall be permitted; and 3. in the I-1 and EC Districts, the Day Care Center shall serve the on-site businesses. |
| 2d. | Day Care Center, 41 or More Clients (9/22/09) | SC | SC | SC | | | | | SC | | SC | 1. In all Districts, the Day Care Center shall receive site plan approval in accordance with Article 4 and 6; and 2. In all Districts, on-premise signs shall be limited to 16 square feet in size. No off-premise signs shall be permitted; and 3. In the Farm and Forest District, the following additional conditions apply: a. the property on which the Day Care Center is located must share a common boundary with and lie directly adjacent to an elementary or middle school; and b. a pedestrian walkway to that school shall be provided; and c. the number of clients shall be limited to no more than 80. |
| 3. | Elementary or Secondary School (9/22/09) <i>An educational facility that typically includes pre-kindergarten through twelfth grades.</i> | | C | C | | | | | | | C | 4. In the Rural Community District and Residential District, the number of clients shall be limited to no more than 120. 5. In the Rural Commercial District, the maximum number of clients shall be set by the Board of Appeals. 6. In the EC District, the maximum number of clients shall be set by the Board of Appeals and the Day Care Center shall serve the on-site businesses. If the school is private, it shall meet the conditions imposed on Day Care Centers, based on the maximum number of students allowed as per the State accreditation requirements. |

EXHIBIT B-36-11

RES 16.36-11

