

ORDINANCE NO. 43-11

Pertaining to the Amendment of the Calvert County Zoning Ordinance  
(Section 3-1.01, Use #4, Section 3-1.05, Use #4, and Section 3-1.05, Use #14a)

**RE: COMMERCIAL KITCHENS**  
(Text Amendment Case No. 11-3a)

**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 the following text amendments to the Calvert County Zoning Ordinance regarding Commercial Kitchens: (1) Section 3-1.01, Use #4 to add a condition to "Commercial Kitchen, Farm" to require Health Department approval; (2) Section 3-1.05, Use #4, to add a condition to "Commercial Kitchen" to require Health Department approval; and (3) Section 3-1.01, Use #4 to allow "Commercial Kitchen, Farm" as a Conditional Use in the Historic District (HD); and

**WHEREAS**, after due notice was published, the Planning Commission of Calvert County, Maryland 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**, the Planning Commission conveyed its recommendation to the Board of County Commissioners by letter dated September 21, 2011; 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 3-1.01, Use #4 and Section 3-1.05, Use #4, 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: 4  
Nay: 0  
Absent/Abstain: SLAUGHENHOUP

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF CALVERT COUNTY, MARYLAND

*Corinne J. Cook*  
Corinne J. Cook, Clerk

*Susan Shaw*  
Susan Shaw, President

Approved for legal sufficiency on 9/27/11

*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. Slaughenhoupt*  
Evan K. Slaughenhoupt Jr.

*Steven R. Weems*  
Steven R. Weems

Received for Record 1/11 2012  
at 10:04 o'clock A.M. Same day  
recorded in Liber KPS No. 38  
Page 269 COUNTY COMMISSIONERS  
RESOLUTIONS AND RESOLUTION.

*John B. Norris, III*

USE #	3-1.01 AGRITOURISM, ECOTOURISM, & HERITAGE TOURISM USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
4.	Commercial Kitchen, Farm <i>A food preparation facility not associated with an eating establishment used for the preparation of foods for sale for human consumption. May be attached to a farm stand.</i>	C	C	C		C	C					<ol style="list-style-type: none"> <li>The kitchen shall not exceed 2,000 square feet; and</li> <li>goods produced shall incorporate farm commodities produced on the farm where the kitchen is located; and</li> <li><u>Health Department approval shall be obtained.</u></li> </ol>

USE #	3-1.05 BUSINESS & PERSONAL SERVICE USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
4.	Commercial Kitchen (not associated with an Eating Establishment) <i>A food preparation facility not associated with an eating establishment used for the preparation of foods for sale for human consumption off-site.</i>							C	C		C	<ol style="list-style-type: none"> <li>No retail sales shall be permitted; and</li> <li>no on-site consumption of the food prepared in the Commercial Kitchen shall be permitted; <u>and</u></li> <li><u>Health Department approval shall be obtained.</u></li> </ol>

BK00038FG272

Exhibit A

Doc. No. 43-1

USE #	3-1.01 AGRITOURISM, ECOTOURISM, & HERITAGE TOURISM USES & DEFINITIONS (in italics)	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
4.	Commercial Kitchen, Farm <i>A food preparation facility not associated with an eating establishment used for the preparation of foods for sale for human consumption. May be attached to a farm stand.</i>	C	C	C		C	C					<ol style="list-style-type: none"> <li>The kitchen shall not exceed 2,000 square feet; and</li> <li>goods produced shall incorporate farm commodities produced on the farm where the kitchen is located; and</li> <li>Health Department approval shall be obtained.</li> </ol>

USE #	3-1.05 BUSINESS & PERSONAL SERVICE USES & DEFINITIONS (in italics)	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
4.	Commercial Kitchen (not associated with an Eating Establishment) <i>A food preparation facility not associated with an eating establishment used for the preparation of foods for sale for human consumption off-site.</i>							C	C		C	<ol style="list-style-type: none"> <li>No retail sales shall be permitted; and</li> <li>no on-site consumption of the food prepared in the Commercial Kitchen shall be permitted; and</li> <li>Health Department approval shall be obtained.</li> </ol>

BK 0003876273