

ORDINANCE NO. 44-11

PERTAINING TO THE AMENDMENT OF SECTION 3-3.02.G OF THE CALVERT COUNTY ZONING ORDINANCE PURSUANT TO AN APPLICATION BY VERIZON WIRELESS TO ALLOW COMMERCIAL COMMUNICATIONS TOWERS ON PRIVATE PROPERTY AS A SPECIAL EXCEPTION (SC) IN THE RESIDENTIAL DISTRICT (RD) - (TEXT AMENDMENT CASE NO. 11-3H)

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 (May 1, 2006, as amended), hereinafter referred to as 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 of Calvert County, Maryland, text amendments to the Calvert County Zoning Ordinance, Section 3-3.02.G, Wind Energy Systems and Communications Tower and Antenna Regulations, Use B – Communications Tower, Commercial on private property (no height restriction), be allowed as a Special Exception with Conditions (SC) in the Residential District (RD); and

WHEREAS, after due notice was published, the Planning Commission of Calvert County conducted a public hearing on November 1, 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 November 1, 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 Exhibit "A" 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 3-3.02.G of the Calvert County Zoning Ordinance **BE**, and hereby **IS**, amended by adopting amendments to the Calvert County Zoning Ordinance as set forth in Exhibit "A" hereto and hereby incorporated by reference such that the effect of such revisions is as reflected in Exhibit "B" hereto and hereby incorporated by reference; 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 1 day of Nov., 2011, by the Board of County Commissioners for Calvert County, Maryland, sitting in regular session.

Aye: 5
Nay: 0
Absent/Abstain: 0

ATTEST:

BOARD OF COUNTY COMMISSIONERS
CALVERT COUNTY, MARYLAND

Corinne J. Cook
Corinne J. Cook, Clerk

Susan Shaw
Susan Shaw, President

Approved for legal
sufficiency on 11/29/11
by

Pat Nutter
Pat Nutter, Vice President

John-B. Norris III
John-B. Norris III
County Attorney

Gerald W. Clark
Gerald W. Clark

Evan K. Slaughenhoupt Jr.
Evan K. Slaughenhoupt Jr.

Steven R. Weems
Steven R. Weems

Received for Record..... 11..... 2012
at 10:04 o'clock..... A.M. Same day
recorded in Liber KPS No. 38
Folio 274..... COUNTY COMMISSIONERS
RESOLUTIONS AND RESOLUTION.

Gary P. Smith

(10/13/10) **3-3 WIND ENERGY SYSTEMS AND COMMUNICATIONS TOWER AND ANTENNA REGULATIONS**

G. Communications towers, antennas and wind energy systems are permitted in accordance with the following land use chart:

USE		ZONING DISTRICTS										
		FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	TC	EC
COMMUNICATIONS TOWERS:												
A.	Communications Tower, Commercial/Governmental on Government Property	C	C	C				C	C	C	C	C
B.	Communications Tower, Commercial on Private Property (no height restriction)	SC	SC	<u>SC</u>		SC		SC			SC	SC
C.	Communications Tower, Commercial on Private Property, less than 75 feet	SC	SC	SC		SC		C	C	C	C	C
D.	Communications Tower, Private/Not-for-Profit, less than 75 feet	C	C	C		C		C	C	C	C	C
E.	Communications Tower, Private/Not-for-Profit, greater than 75 feet	SC	SC	SC		SC		SC	SC	SC	SC	SC
COMMUNICATIONS ANTENNAS:												
F.	Antenna, Commercial/Governmental on Government Property	C	C	C				C	C	C	C	C
G.	Antenna, Commercial on Private Property	C	C	C		C		C	C	C	C	C
H.	Satellite Dish Antenna; Ground Mounted, greater than three feet in Diameter	C	C	C		C		C	C	C	C	C
I.	Satellite Dish Antenna; Roof Mounted, greater three feet in Diameter	SC	SC	SC		SC		C	SC	SC	SC	SC
J.	Satellite Dish Antenna; Ground or Roof-Mounted, less than three feet in Diameter	P	P	P		P		P	P	P	P	P
K.	Antenna, Private/Not-For-Profit	P	P	P		P		P	P	P	P	P
WIND ENERGY SYSTEMS:												
L.	Wind Energy System, Ground Mounted	C	C	C		C	C	C	C	C	C	C
M.	Wind Energy System, Roof Mounted	C	C	C		C	C	C	C	C	C	C
KEY: C = Must comply with conditions of Section 3-3.03; SC = Requires special exception from Board of Appeals and must also comply with conditions of Section 3-3.03; P = Permitted; Blank = Not Permitted.												

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		FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	TC	EC
COMMUNICATIONS TOWERS:												
A.	Communications Tower, Commercial/Governmental on Government Property	C	C	C				C	C	C	C	C
B.	Communications Tower, Commercial on Private Property (no height restriction)	SC	SC	SC		SC		SC			SC	SC
C.	Communications Tower, Commercial on Private Property, less than 75 feet	SC	SC	SC		SC		C	C	C	C	C
D.	Communications Tower, Private/Not-for-Profit, less than 75 feet	C	C	C		C		C	C	C	C	C
E.	Communications Tower, Private/Not-for-Profit, greater than 75 feet	SC	SC	SC		SC		SC	SC	SC	SC	SC
COMMUNICATIONS ANTENNAS:												
F.	Antenna, Commercial/Governmental on Government Property	C	C	C				C	C	C	C	C
G.	Antenna, Commercial on Private Property	C	C	C		C		C	C	C	C	C
H.	Satellite Dish Antenna; Ground Mounted, greater than three feet in Diameter	C	C	C		C		C	C	C	C	C
I.	Satellite Dish Antenna; Roof Mounted, greater three feet in Diameter	SC	SC	SC		SC		C	SC	SC	SC	SC
J.	Satellite Dish Antenna; Ground or Roof-Mounted, less than three feet in Diameter	P	P	P		P		P	P	P	P	P
K.	Antenna, Private/Not-For-Profit	P	P	P		P		P	P	P	P	P
WIND ENERGY SYSTEMS:												
L.	Wind Energy System, Ground Mounted	C	C	C		C	C	C	C	C	C	C
M.	Wind Energy System, Roof Mounted	C	C	C		C	C	C	C	C	C	C
KEY: C = Must comply with conditions of Section 3-3.03; SC = Requires special exception from Board of Appeals and must also comply with conditions of Section 3-3.03; P = Permitted; Blank = Not Permitted.												