

Pertaining to the Amendment of the Calvert County Zoning Ordinance (CCZO)
(CCZO 3-1.05 Business & Personal Service, 12-01 Definitions)

RE: Proposed Changes to Allow for Certain Cemetery Accessory Uses
(Text Amendment Case No.22-03)

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 Ordinances (CCZO) CCZO Section 3-1.05 Business & Personal Service, Section 12-01 Definitions;

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 November 29, 2022, 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 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 amendment 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, the Calvert County Zoning Ordinances (CCZO) CCZO Section 3-1.05 Business & Personal Service, Section 12-01 Definitions, Permitted Land Uses **BE**, and hereby **IS**, amended by adopting the text amendment 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,

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Ordinance No. 47-22

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Amendment to the Calvert County Zoning Ordinance
RE: To Allow for Certain Cemetery Accessory Uses

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 ORDAINED by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein; and

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 29th day of November, 2022, by the Board of County Commissioners of Calvert County, Maryland.

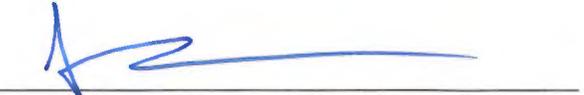
Aye: 3
Nay: 0
Absent/Abstain: 2

ATTEST:

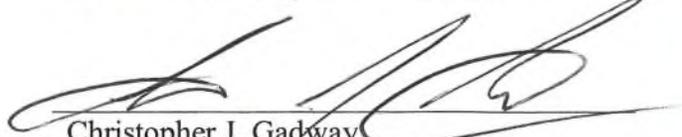
**BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND**


Ashley Staples-Reid, Acting Clerk

Revised
Earl F. Hance, President


Steven R. Weems, Vice-President

Approved for form and legal sufficiency by:


Christopher J. Gadway


John B. Norris, III, County Attorney


Mike Hart

Received for Record..... 11/30, 20 22
at 11:00 o'clock..... A.....M. Same day
recorded in Liber KPS No. 69
Folio..... 469.....COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.

Absent
Kelly D. McConkey



Text Amendment Case #22-03

Amendment to the Calvert County

Zoning Ordinance

Section 3-1.05 Business & Personal Service

Section 12-01 Definitions

Black font – existing ordinance language

Red font – proposed ordinance language

~~**Black Strikethrough**~~ – existing ordinance language to be removed

Exhibit A

USE #	3-1.05 BUSINESS & PERSONAL SERVICE USES & DEFINITIONS (in italics)	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
8	<p>Crematorium</p> <p><i>A building or portion of a building that houses the necessary equipment and facilities for the cremation of human or animal remains.</i></p>	SC						P	C			The crematorium shall be accessory to a funeral home.
13	<p>Funeral Home</p> <p><i>An establishment, licensed by the State, that prepares human remains for burial, coordinates the cremation of remains, and arranges, manages, and/or conducts funeral services and memorial services. A funeral home may also sell burial goods as accessory to the primary use. A funeral home may include a chapel or other facility in which funerals are conducted. This definition does not include crematoriums or cemeteries.</i></p>	SC							P			The funeral home shall be accessory to an existing public cemetery as of the adoption of this ordinance.

ARTICLE 12 Definitions

Section 12-01 Definitions

PUBLIC CEMETARY

A public cemetery is one used by the general community, a neighborhood, or a church, while a private cemetery is one used only by a family or a small portion of the community. However, actual public use rather than ownership determines whether a cemetery is public.

Text Amendment Case #22-03

Amendments to the Calvert County Zoning
Ordinance

Section 3-1.05 Business & Personal Service

Section 12-01 Definitions

Exhibit B

USE #	3-1.05 BUSINESS & PERSONAL SERVICE USES & DEFINITIONS (in italics)	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
8	<p>Crematorium</p> <p><i>A building or portion of a building that houses the necessary equipment and facilities for the cremation of human or animal remains.</i></p>	SC						P	C			<p>1. The crematorium shall be accessory to a funeral home.</p> <p>2. In the FF District: the crematorium shall be accessory to an existing cemetery as of the adoption of this ordinance.</p>
13	<p>Funeral Home</p> <p><i>An establishment, licensed by the State, that prepares human remains for burial, coordinates the cremation of remains, and arranges, manages, and/or conducts funeral services and memorial services. A funeral home may also sell burial goods as accessory to the primary use. A funeral home may include a chapel or other facility in which funerals are conducted. This definition does not include crematoriums or cemeteries.</i></p>	SC							P			<p>The funeral home shall be accessory to an existing cemetery as of the adoption of this ordinance.</p>

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ARTICLE 12 Definitions

Section 12-01 Definitions

PUBLIC CEMETARY

A public cemetery is one used by the general community, a neighborhood, or a church, while a private cemetery is one used only by a family or a small portion of the community. However, actual public use rather than ownership determines whether a cemetery is public.

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