

**AN ORDINANCE TO AMEND CERTAIN PROVISIONS TO THE
ZONING ORDINANCE FOR WASHINGTON COUNTY, MARYLAND
AND TO REENACT SAID ORDINANCE WITH CHANGES RELATING
TO ITS TEXT**

(RZ-07-006)

RECITALS

The Board of County Commissioners of Washington County, Maryland (the "Board") adopted the Zoning Ordinance for Washington County, Maryland (the "Ordinance") on January 23, 1973, and it became effective on April 2, 1973.

The Board of County Commissioners of Washington County, Maryland filed an application requesting that amendments be made to the text of the Ordinance. The amendments propose a significant change to the information that is required to be submitted with an amendment application through changes to Section 27.1, Procedure, and amendments are also proposed for Sections 27.2, 27.3, 27.6 and 27.7.

The Board believes it to be in the best interests of the citizens of Washington County for the amendments to be enacted.

The Board and the Planning Commission held a joint public hearing for the purpose of taking testimony on the proposed amendments on September 17, 2007, pursuant to public notice duly given.

Following the hearing, the Board considered the recommendations of the Planning Commission and the Planning Department staff, materials received as part of the public hearing. The Board conducted this review in public sessions.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that certain provisions of the Zoning Ordinance, as amended, be further amended as follows:

RZ-07-006

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(1) **ARTICLE 27 – AMENDMENTS is amended as follows:**

Section 27.1 Procedure is amended and shall read as follows:

Section 27.1 Procedure

These regulations, restrictions, and provisions, and the boundaries of the districts provided for herein, may be amended, supplanted, changed, modified or repealed by the Board of County Commissioners. Any person, individual, firm, officer, department, board, commission, or bureau of the County may petition the Board of County Commissioners for a change in this ordinance. The Board of County Commissioners of Washington County may likewise initiate a change.

The Board of County Commissioners shall refer such proposed change, alteration, or amendment to these regulations or proposed changes in the zoning district to the Planning and Zoning Commission for analysis, study, and recommendation.

All requests for proposed change, alteration, or amendment to these regulations or proposed changes in the zoning district shall be made by way of filing an application with the Planning Department in the form required by the Planning Department.

Applications for a map amendment shall include the following:

- (1) A completed application form and the appropriate filing fee;
- (2) Proof of an ownership interest in the subject property including a copy of the current deed to the property or, if application is made by a contract purchaser, a copy of the fully-executed Contract of Sale;
- (3) A boundary description, including metes and bounds, prepared and sealed by a land surveyor registered in the State of Maryland;
- (4) A list of the names and addresses, obtained from the latest property tax assessments records, of owners of adjoining or confronting properties, improved or unimproved, including properties separated by streets, railroads, or other rights-of-way;
- (5) A vicinity map showing the zoning classification of all property within 1,000 feet of the property that is the subject of the application;
- (6) A scale drawing, showing the existing and proposed boundaries and such other information as may be needed to properly locate and plat the amendments of the official zoning maps;
- (7) A written explanation of the reasons why the map amendment is sought, setting forth in sufficient detail to properly advise County officials as to the justifications for the amendment. Applications for floating zones shall include such information as required by the respective Articles of this Ordinance. Other applications must address the following information: (i) A statement as to whether or not there is evidence of mistake in the current zoning, and, if so, the nature of the mistake and all facts to support the allegation; (ii) a statement as to whether or not there is evidence of a substantial change in the character of the neighborhood subsequent to the most recent comprehensive rezoning, including the nature of the change, all facts to support the allegation, and a description of the neighborhood;
- (8) A written analysis considering each of the factors set forth in Section 27.3 (a. The report and recommendations of the Planning and Zoning Commission.; b. Population change in the area of the proposed change; c. Availability of public facilities in the area; d. Present and future transportation patterns in the area; e. Compatibility with existing and proposed development of the area including indication of neighboring sites identified by the Washington County Historic Sites Survey and subsequent revisions or updates; f. The relationship of the proposed change to the Adopted Plan for the County, Development Analysis Plan Map and Policies; g. Whether there was a substantial change in the character of the neighborhood where the property is located; h. Whether there was a mistake in the existing zoning classification; i. Whether there has been a convincing demonstration that the proposed rezoning would be appropriate and logical for the subject property); and
- (9) Any other material facts that support the amendment.

Applications for a text amendment shall include the following:

- (1) A completed application form and the appropriate filing fee;

- (2) A written explanation of the reasons why the amendment is sought, setting forth in sufficient detail to properly advise County officials as to the justifications for the amendment; and
- (3) Any other material facts that support the amendment.

The Zoning Administrator or the Planning Director shall review applications for amendments and shall either accept or reject the application. An application may be rejected if: (a) the application fails to include the information required by this Section or is not accompanied by the appropriate filing fee; (b) The property that is the subject of the application is included in a draft comprehensive rezoning or designation as an Urban Growth Area in the Comprehensive Plan for the County and has not been granted a waiver of this section from the Board of County Commissioners; or (c) the application is barred by Section 27.6. The applicant shall be notified of a rejected application in writing and the filing fee shall be returned. If an application is rejected pursuant to clause (a) of the preceding sentence, then the applicant may resubmit the application with the required information, without any additional filing fee, within 10 calendar days of the date of rejection.

Section 27.2 is amended and shall read as follows:

Section 27.2 Public Hearings

The Board of County Commissioners shall hold at least one public hearing in accordance with Section 4.04 of Article 66B of the Annotated Code of Maryland or its subsequent amendments. Notice of the time and place of the public hearing, together with a summary of the proposed regulation, restriction, or boundary, shall be published in at least one (2) newspaper of general circulation in the jurisdiction once each week for two (2) successive weeks, with the first such publication of notice appearing at least 14 days prior to the hearing. Neither a text amendment nor map amendment may be come effective until 10 days after the hearing. The public hearing shall be conducted pursuant to rules and procedures as promulgated by the Board of County Commissioners.

Section 27.3 is amended and shall read as follows:

Section 27.3 Factors to be considered in a request for a map amendment.

In order for an amendment, modification, repeal, or reclassification of such district as herein provided, the local legislative body shall make findings of fact in each specific case including, but not limited to, the following matters:

- (a) The report and recommendations of the Planning and Zoning Commission.
- (b) Population change in the area of the proposed change.
- (c) Availability of public facilities in the area.
- (d) Present and future transportation patterns in the area.
- (e) Compatibility with existing and proposed development of the area including indication of neighboring sites identified by the Washington County Historic Sites Survey and subsequent revisions or updates.

- (f) The relationship of the proposed change to the Adopted Plan for the County, Development Analysis Plan Map and Policies.
- (g) Whether there was a substantial change in the character of the neighborhood where the property is located.
- (h) Whether there was a mistake in the existing zoning classification.
- (i) Whether there has been a convincing demonstration that the proposed rezoning would be appropriate and logical for the subject property.

Section 27.4 is amended and shall read as follows:

Section 27.4 Additional Conditions

The Board of County Commissioners may impose such additional restrictions, conditions, or limitations as may be deemed appropriate to preserve, improve, or protect the general character and design of the lands and improvements being zoned and rezoned, or of the surrounding or adjacent lands and improvements, and may, upon the zoning or rezoning of any land or lands, retain or reserve the power and authority to approve or disapprove the design of buildings, construction, landscaping, or other improvements, alterations, and changes made or to be made on the subject land or lands to assure conformity with the intent and purpose of the Ordinance.

The Planning and Zoning Commission shall be responsible for administering and enforcing any such conditions imposed by the Board of County Commissioners. Any violation of conditions imposed by the Board of County Commissioners shall be deemed a violation of this Ordinance.

Section 27.5 is amended and shall read as follows:

Section 27.5 Duties Generally of the Planning Commission

The Commission shall study zoning, its development, application and relation to public and private development and its relation to other phases of the Plan for the development of Washington County and may, from time to time, submit amendments to these regulations or changes in the district boundaries to the Board of County Commissioners of Washington County. However, no such amendments or change shall become effective until approved by the County Commissioners as required by this Article.

Section 27.6 is amended and shall read as follows:


Section 27.6 Application for Reclassification

An application for a reclassification shall not be accepted for filing by the Board of County Commissioners if the application is for the reclassification of the whole or any part of land that has been the subject of a prior accepted application for reclassification within the preceding twelve (12) months and subsequently withdrawn by the applicant or denied by the Board of County Commissioners.

Section 27.7 is deleted in its entirety.

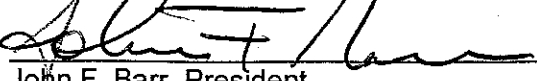
Adopted and effective this 8th day of January, 2008.

ATTEST:



Joni L. Bittner, Clerk

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND



John F. Barr, President

Approved as to legal
sufficiency:



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