

ZONING ORDINANCE FOR
WASHINGTON COUNTY, MARYLAND

TABLE OF CONTENTS

| | |
|--|----|
| ARTICLE 1. PURPOSE | 1 |
| Section 1.0 General | 1 |
| ARTICLE 2. APPLICATION | 2 |
| Section 2.0 Effective date; Application within County and County Towns..... | 2 |
| Section 2.1 Interpretation | 2 |
| Section 2.2 More Restrictive Provisions to Govern..... | 2 |
| ARTICLE 3. DISTRICTS ESTABLISHED; ZONING MAPS, DISTRICT BOUNDARIES; LAND USE REGULATIONS (RURAL AREA USES)..... | 3 |
| Section 3.0 Districts Established..... | 3 |
| Section 3.1 Zoning Maps | 4 |
| Section 3.2 Rules for Interpretation of District Boundaries | 4 |
| Section 3.3 Land Use Regulations..... | 5 |
| ARTICLE 4 GENERAL PROVISIONS | 13 |
| Section 4.1 Ordinance Deemed Minimum Regulations; Uniformity..... | 13 |
| Section 4.2 Compliance with Ordinance | 13 |
| Section 4.3 Nonconforming Uses | 13 |
| Section 4.4 Agricultural Uses Permitted Generally | 15 |
| Section 4.5 Buildable Lots | 15 |
| Section 4.6 Use of Same Yard Space for More Than One Building Prohibited..... | 15 |
| Section 4.7 Major Road Plans..... | 15 |
| Section 4.8 Essential Utility Equipment | 16 |
| Section 4.9 Distance Requirements..... | 16 |
| Section 4.10 Accessory Structures - Rear Yard Requirements | 16 |
| Section 4.11 Site Plan Requirements | 16 |
| Section 4.12 Performance Standards | 19 |
| Section 4.13 Distance Requirements..... | 21 |
| Section 4.14 Mineral Extraction | 21 |
| Section 4.15 Family Day Care | 22 |
| Section 4.16 Landscape Plan Standards..... | 22 |
| Section 4.17 Play Lots | 23 |
| Section 4.18 Nursery Schools and Child Care Centers..... | 24 |
| Section 4.19 Hazardous Waste and/or Controlled Hazardous Substance Incineration | 24 |
| Section 4.20 Collection and Storage of Recyclable Material | 25 |
| Section 4.21 Sensitive Areas | 25 |
| Section 4.22 Commercial Communication Towers..... | 27 |
| Section 4.23 Certified Adult Residential Environment Homes | 30 |
| ARTICLE 5 "C" CONSERVATION DISTRICT | 31 |
| Section 5.0 Purpose | 31 |
| Section 5.1 Principal Permitted Uses..... | 31 |
| Section 5.2 Special Exceptions (Requiring Board Authorization After Public Hearing)..... | 32 |
| Section 5.3 Accessory Uses | 33 |
| Section 5.4 Height Regulations..... | 33 |
| Section 5.5 Lot Area, Lot Width, and Yard Requirements | 33 |
| ARTICLE 5A – "A(R)" AGRICULTURAL (RURAL) DISTRICT | 35 |
| Section 5A.0 Purpose | 35 |
| Section 5A.1 Principal Permitted Uses and Accessory Uses | 35 |
| Section 5A.2 Special Exceptions | 35 |
| Section 5A.3 Criteria | 35 |

| | |
|--|----|
| Section 5A.4 Exemptions | 35 |
| Section 5A.5 Residential Lot Size and Bulk Dimensions | 36 |
| Section 5A.6 Non-Residential Lot Size and Bulk Dimensions (not covered in Rural Business) | 36 |
| Section 5A.7 Special Provisions | 36 |
| ARTICLE 5B – "EC" ENVIRONMENTAL CONSERVATION DISTRICT | 37 |
| Section 5B.0 Purpose | 37 |
| Section 5B.1 Principal Permitted Uses and Accessory Uses | 37 |
| Section 5B.2 Special Exceptions | 37 |
| Section 5B.3 Criteria | 37 |
| Section 5B.4 Exemptions | 37 |
| Section 5B.5 Residential Lot Size and Bulk Dimensions | 38 |
| Section 5B.6 Non-Residential Lots Size and Bulk Dimensions (not covered in Rural Business) | 38 |
| Section 5B.7 Special Provisions | 38 |
| ARTICLE 5C – "P" PRESERVATION DISTRICT | 39 |
| Section 5C.0 Purpose | 39 |
| Section 5C.1 Principal Permitted Uses and Accessory Uses | 39 |
| Section 5C.2 Special Exceptions | 39 |
| Section 5C.3 Criteria | 39 |
| Section 5C.4 Exemptions | 39 |
| Section 5C.5 Residential Lot Size and Bulk Dimensions | 40 |
| Section 5C.6 Non-Residential Lot Size and Bulk Dimensions (not covered in Rural Business) | 40 |
| Section 5C.7 Special Provisions | 40 |
| ARTICLE 5D – "RV" RURAL VILLAGE DISTRICT | 41 |
| Section 5D.0 Purpose | 41 |
| Section 5D.1 Principal Permitted Uses and Accessory Uses | 41 |
| Section 5D.2 Special Exceptions | 41 |
| Section 5D.3 Dimensional Requirements | 41 |
| Section 5D.4 Special Provisions | 43 |
| Section 5D.5 Architectural Review | 43 |
| Section 5D.6 Cluster Provisions and the Rural Village | 44 |
| ARTICLE 5E – "RB-E" RURAL BUSINESS EXISTING DISTRICT | 45 |
| Section 5E.0 Purpose | 45 |
| Section 5E.1 Principal Permitted Uses and Accessory Uses | 45 |
| Section 5E.2 Criteria | 45 |
| Section 5E.3 Lot Size and Bulk Regulations | 45 |
| Section 5E.4 Changes in Land | 46 |
| Section 5E.5 Special Provisions | 48 |
| ARTICLE 5F – "RB-N" RURAL BUSINESS NEW DISTRICT | 49 |
| Section 5F.0 Purpose | 49 |
| Section 5F.1 Principal Permitted Uses and Accessory Uses | 49 |
| Section 5F.2 Special Exceptions | 49 |
| Section 5F.3 Criteria | 49 |
| Section 5F.4 Lot Size and Bulk Regulations: | 50 |
| Section 5F.5 Procedure for Creation of a RB-N District | 50 |
| Section 5F.6 Special Provisions | 52 |
| ARTICLE 6 "A" AGRICULTURAL DISTRICT | 54 |
| Section 6.0 Purpose | 54 |
| Section 6.1 Principal Permitted Uses | 54 |
| Section 6.2 Special Exceptions (Requiring Board Authorization After Public Hearing) | 56 |
| Section 6.3 Accessory Uses | 58 |
| Section 6.4 Height Regulations | 58 |
| Section 6.5 Lot Area, Lot Width, and Yard Requirements | 59 |

| | |
|---|----|
| ARTICLE 7 "RR" RESIDENTIAL, RURAL DISTRICT | 61 |
| Section 7.0 Purpose | 61 |
| Section 7.1 Principal Permitted Uses | 61 |
| Section 7.2 Special Exceptions (Requiring Board Authorization After Public Hearing) | 62 |
| Section 7.3 Accessory Uses | 62 |
| Section 7.4 Height Regulation..... | 62 |
| Section 7.5 Lot Area, Lot Width, and Yard Requirements | 63 |
| ARTICLE 8 "RS" RESIDENTIAL, SUBURBAN DISTRICT | 65 |
| Section 8.0 Purpose | 65 |
| Section 8.1 Principal Permitted Uses | 65 |
| Section 8.2 Special Exception Uses (Requiring Board Authorization After Public Hearing) | 65 |
| Section 8.3 Accessory Uses | 65 |
| Section 8.4 Height Regulations..... | 65 |
| Section 8.5 Lot Area, Lot Width, and Yard Requirements | 66 |
| ARTICLE 9 "RU" RESIDENTIAL, URBAN DISTRICT | 67 |
| Section 9.0 Purpose | 67 |
| Section 9.1 Principal Permitted Uses | 67 |
| Section 9.2 Special Exception Uses (Requiring Board Authorization After Public Hearing) | 67 |
| Section 9.3 Accessory Uses | 67 |
| Section 9.4 Height Regulations..... | 67 |
| Section 9.5 Lot Area, Lot Width, and Yard Requirements | 67 |
| ARTICLE 10 "RM" RESIDENTIAL, MULTI-FAMILY DISTRICT | 69 |
| Section 10.0 Purpose | 69 |
| Section 10.1 Principal Permitted Uses | 69 |
| Section 10.2 Special Exception Uses | 69 |
| Section 10.3 Accessory Uses | 69 |
| Section 10.4 Height Regulations..... | 69 |
| Section 10.5 Lot Area, Lot Width, and Yard Requirements | 69 |
| Section 10.6 Design Standards..... | 70 |
| Section 10.7 Site Plan..... | 70 |
| ARTICLE 110 "BT" BUSINESS, TRANSITIONAL | 72 |
| Section 110.0 Purpose | 72 |
| Section 110.1 Principal Permitted Uses..... | 72 |
| Section 110.2 Special Exceptions..... | 72 |
| Section 110.3 Accessory Uses | 73 |
| Section 110.4 Height Regulations..... | 73 |
| Section 110.5 Lot Area, Lot Width and Yard Requirements | 73 |
| Section 110.6 Design Standards..... | 73 |
| Section 110.7 Site Plan..... | 74 |
| ARTICLE 11 "BL" BUSINESS, LOCAL DISTRICT | 75 |
| Section 11.0 Purpose | 75 |
| Section 11.1 Principal Permitted Uses | 75 |
| Section 11.2 Accessory Uses | 76 |
| Section 11.3 Special Exceptions (Requiring Board Authorization After Public Hearing)..... | 76 |
| Section 11.4 Height Regulations..... | 77 |
| Section 11.5 Lot Area, Lot Width, and Yard Requirements | 77 |
| Section 11.6 Design Standards..... | 77 |
| Section 11.7 Site Plan..... | 77 |
| ARTICLE 12 "BG" BUSINESS, GENERAL DISTRICT | 78 |
| Section 12.0 Purpose | 78 |
| Section 12.1 Principal Permitted Uses | 78 |
| Section 12.2 Special Exception Uses (Requiring Board Authorization After Public Hearing) ... | 79 |
| Section 12.3 Accessory Uses | 80 |
| Section 12.4 Height Regulations..... | 80 |

| | |
|---|-----|
| Section 12.5 Lot Area, Lot Width and Yard Requirements | 80 |
| Section 12.6 Design Standards..... | 81 |
| Section 12.7 Site Plan..... | 82 |
| ARTICLE 120 "IT", INDUSTRIAL, TRANSITIONAL | 83 |
| Section 120.0 Purpose..... | 83 |
| Section 120.1 Principal Permitted Uses..... | 83 |
| Section 120.2 Special Exceptions (Requiring Board of Appeals Authorization After Public Hearing)..... | 83 |
| Section 120.3 Accessory Uses | 84 |
| Section 120.4 Height Requirements | 84 |
| Section 120.5 Lot Area, Lot Width, and Yard Requirements | 84 |
| Section 120.6 Design Standards..... | 84 |
| Section 120.7 Site Plan..... | 85 |
| ARTICLE 13 "IR" INDUSTRIAL, RESTRICTED DISTRICT | 86 |
| Section 13.0 Purpose..... | 86 |
| Section 13.1 Principal Permitted Uses | 86 |
| Section 13.2 Special Exception Uses (Requiring Board Authorization After Public Hearing) ... | 87 |
| Section 13.3 Accessory Uses | 88 |
| Section 13.4 Height Regulations..... | 88 |
| Section 13.5 Yard Requirements | 88 |
| Section 13.6 Site Plan..... | 88 |
| Section 13.7 Prohibited Uses in "IR" Zone | 89 |
| ARTICLE 14 "IG" INDUSTRIAL, GENERAL DISTRICT | 90 |
| Section 14.0 Purpose..... | 90 |
| Section 14.1 Principal Permitted Uses | 90 |
| Section 14.2 Special Exception Uses (Requiring Board Authorization After Public Hearing) ... | 91 |
| Section 14.3 Accessory Uses | 92 |
| Section 14.4 Height Regulations..... | 92 |
| Section 14.5 Yard Requirements | 92 |
| Section 14.6 Site Plan..... | 93 |
| Section 14.7 Prohibited Uses in "IG" Zone | 93 |
| ARTICLE 15 "IM" INDUSTRIAL, MINERAL DISTRICT | 94 |
| Section 15.0 Purpose..... | 94 |
| Section 15.1 Principal Permitted Uses and Accessory Uses..... | 94 |
| Section 15.2 Special Exceptions..... | 94 |
| Section 15.3 Establishing a New IM District | 94 |
| Section 15.4 Initiation or Expansion of Operations in Existing IM Districts | 95 |
| Section 15.5 Performance Standards for Site Plan Review | 96 |
| Section 15.6 Prohibited Uses in "IM" Zone | 97 |
| ARTICLE 16 "PUD" PLANNED UNIT DEVELOPMENT | 98 |
| Section 16.0 Purpose..... | 98 |
| Section 16.1 Principal Permitted Uses..... | 98 |
| Section 16.2 Special Exception Uses | 98 |
| Section 16.3 Accessory Uses | 98 |
| Section 16.4 General Requirements..... | 99 |
| Section 16.5 Review and Approval Process | 99 |
| Section 16.6 Content and Format of Application | 101 |
| Section 16.7 Design Standards..... | 103 |
| ARTICLE 17 "PB" PLANNED BUSINESS DISTRICT (SHOPPING CENTERS)..... | 106 |
| Section 17.0 Purpose..... | 106 |
| Section 17.1 Principal Permitted Uses | 106 |
| Section 17.1.1 Special Exceptions..... | 106 |
| Section 17.2 General Requirements..... | 106 |
| Section 17.3 Data to Accompany Application | 107 |

| | |
|--|-----|
| Section 17.4 Commission Review and Action | 107 |
| Section 17.5 Development Plan..... | 107 |
| Section 17.6 Official Development Plan..... | 108 |
| Section 17.7 General Regulations | 108 |
| Section 17.8 Site Plan..... | 109 |
| ARTICLE 18 "PI" PLANNED INDUSTRIAL DISTRICT (INDUSTRIAL PARK)..... | 110 |
| Section 18.0 Purpose..... | 110 |
| Section 18.1 Principal Permitted Uses// | 110 |
| Section 18.2 Prohibited Uses..... | 111 |
| Section 18.3 Accessory Uses | 111 |
| Section 18.4 General Requirements..... | 111 |
| Section 18.5 Data to Accompany Application | 112 |
| Section 18.6 Commission Review and Action | 112 |
| Section 18.7 Required Conditions | 113 |
| Section 18.8 Design Standards..... | 114 |
| Section 18.81 Vehicular Access..... | 114 |
| Section 18.82 Parking and Loading Facilities | 114 |
| Section 18.83 Outdoor Storage..... | 114 |
| Section 18.84 Building Location and Landscaping | 114 |
| Section 18.85 Utilities..... | 115 |
| Section 18.86 Signs and Lighting | 115 |
| Section 18.87 Height Regulations..... | 115 |
| Section 18.88 Area Requirements..... | 115 |
| Section 18.89 Yard Requirements | 115 |
| Section 18.9 Site Plan | 116 |
| ARTICLE 19 "HI" HIGHWAY INTERCHANGE DISTRICT | 117 |
| Section 19.0 Purpose..... | 117 |
| Section 19.1 Location of Highway Interchange Districts..... | 117 |
| Section 19.2 Interchange Area Plans | 117 |
| Section 19.3 Site Plan Review for Interchange Areas | 117 |
| Section 19.4 Special Provisions..... | 118 |
| Section 19.5 Design Standards..... | 118 |
| Section 19.6 Site Plan..... | 120 |
| Section 19.7 Lot Area, Lot Width, and Yard Requirements | 120 |
| Section 19.8 Special Exception (Requiring Board Authorization after Public Hearing)/ | 120 |
| ARTICLE 19A "HI-1" HIGHWAY INTERCHANGE DISTRICT | 122 |
| Section 19A.1. Purpose | 122 |
| Section 19A.2. Principal Permitted Uses | 122 |
| Section 19A.3. Special Exception Uses (Requiring Board of Appeals Authorization after Public Hearing)..... | 122 |
| Section 19A.4 Accessory Uses | 123 |
| Section 19A.5 Site Plan Review..... | 123 |
| Section 19A.6 Height Requirements..... | 123 |
| Section 19A.7 Lot Area, Lot Width, and Yard Requirements..... | 124 |
| Section 19A.8. Buffer Yards..... | 124 |
| ARTICLE 19B "HI-2" HIGHWAY INTERCHANGE DISTRICT | 127 |
| Section 19B.1 Purpose | 127 |
| Section 19B.2 Principal Permitted Uses | 127 |
| Section 19B.3 Special Exception Uses (Requiring Board of Appeals Authorization after Public Hearing)..... | 127 |
| Section 19B.4 Accessory Uses | 127 |
| Section 19B.5 Site Plan Review..... | 127 |
| Section 19B.6 Building Height..... | 128 |
| Section 19B.7 Lot Area, Lot Width, and Yard Requirements..... | 128 |

| | |
|--|-----|
| Section 19B.8 Buffer Yards..... | 128 |
| ARTICLE 19C - "SPECIAL ECONOMIC DEVELOPMENT DISTRICT" | 130 |
| Section 19C.1. Purpose | 130 |
| Section 19C.2. Principal Permitted Uses | 130 |
| Section 19C.3. Special Exception Uses..... | 131 |
| Section 19C.4. Accessory Uses | 131 |
| Section 19C.5. Height Regulations | 131 |
| Section 19C.6. Lot Area, Lot Width, and Yard Requirements | 131 |
| Section 19C.7. Design Standards..... | 131 |
| ARTICLE 20 "HP" HISTORIC PRESERVATION DISTRICT | 133 |
| Section 20.0 Purpose | 133 |
| Section 20.1 Historic District Commission Created | 133 |
| Section 20.2 Regulations | 134 |
| Section 20.3 Historic District Commission Duties & Powers | 134 |
| Section 20.4 Establishment of "HP" Zones..... | 135 |
| Section 20.5 Criteria for Establishment of an "HP" Overlay Zone | 136 |
| Section 20.6 Activity Within an "HP" Zone..... | 137 |
| Section 20.7 Definitions | 139 |
| Section 20.8 Appeals | 140 |
| ARTICLE 20A – "AO" ANTIETAM OVERLAY DISTRICT..... | 141 |
| Section 20A.0 Purpose | 141 |
| Section 20A.1 Regulations..... | 141 |
| Section 20A.2 AO-1 Battlefield Buffer Regulation..... | 141 |
| Section 20A.3 AO-2 Approach Zone Regulations..... | 142 |
| Section 20A.4 AO-3 Red Hill Area | 142 |
| Section 20A.5 Establishment of "AO" Zone | 144 |
| Section 20A.6 Appeals..... | 144 |
| ARTICLE 21 "AP" AIRPORT DISTRICT | 145 |
| Section 21.0 Purpose..... | 145 |
| Section 21.1 Airport District Zones | 145 |
| Section 21.2 AP/C Airport Clear Zone | 145 |
| Section 21.3 AP - Airport District..... | 146 |
| Section 21.31 Principal Permitted Uses..... | 146 |
| Section 21.32 Special Exceptions (Requiring Board Authorization After Public Hearing)..... | 148 |
| Section 21.33 Prohibited Uses..... | 148 |
| Section 21.34 Accessory Uses | 149 |
| Section 21.35 Height Regulations..... | 149 |
| Section 21.36 Design Standards..... | 149 |
| Section 21.4 Site Plan..... | 149 |
| ARTICLE 21A - "ORT" OFFICE, RESEARCH AND TECHNOLOGY DISTRICT | 150 |
| Section 21A.0 Purpose | 150 |
| Section 21A.1 Principal Permitted Uses | 150 |
| Section 21A.2 Special Exception Uses..... | 151 |
| Section 21A.3 Accessory Uses..... | 152 |
| Section 21A.4 Height Requirements..... | 152 |
| Section 21A.5 Yard Requirements..... | 152 |
| Section 21A.6 Buffer Yards. | 153 |
| Section 21A.7 Design Standards | 153 |
| Section 21A.8 Signs and Exterior Lighting..... | 154 |
| Section 21A.9 Site Plan | 155 |
| ARTICLE 22 SPECIAL PROVISIONS | 156 |
| DIVISION I OFF-STREET PARKING AND LOADING | 156 |
| Section 22.1 Purpose..... | 156 |
| Section 22.11 Application Procedure | 156 |

| | |
|---|-----|
| Section 22.12 Off-Street Parking and Design Requirements | 156 |
| Section 22.13 Off-Street Loading Requirements | 159 |
| Section 22.14 Paving Requirements | 159 |
| DIVISION II - SIGNS | 160 |
| Section 22.2 General Provisions..... | 160 |
| Section 22.21 Signs Permitted Without Zoning Permits | 160 |
| Section 22.22 Signs Requiring Zoning Permit | 161 |
| Section 22.23 "Use on the Premises" Signs, on Buildings | 161 |
| Section 22.24 Outdoor Advertising Signs | 162 |
| Section 22.24A Permanent Residential Identification Signs..... | 165 |
| Section 22.25 Approval of Location and Maintenance of Signs Requiring Zoning Permits | 166 |
| Section 22.26 Special Exception Uses (Requiring Board Authorization After Public Hearing) | 167 |
| DIVISION III (Deleted in its entirety) | 167 |
| DIVISION IV - USE OF FLOOD PLAIN | 167 |
| Section 22.4 General Provisions..... | 167 |
| DIVISION V - MOBILE HOME PARKS, TRAVEL TRAILER PARKS AND MOBILE HOMES NOT IN MOBILE HOME PARKS OR TRAVEL TRAILER PARKS..... | 168 |
| Section 22.5 Mobile Home Parks and Mobile Home Subdivisions | 168 |
| Section 22.51 Design Standards..... | 168 |
| Section 22.52 Travel Trailer Parks..... | 170 |
| Section 22.53 Travel Trailers | 170 |
| Section 22.54 Mobile Homes | 171 |
| DIVISION VI - TOWN HOUSE DEVELOPMENT | 172 |
| Section 22.6 General Provisions for Town House Developments | 172 |
| Section 22.61 Design Standards..... | 172 |
| DIVISION VII - MULTIPLE-FAMILY GROUP DEVELOPMENTS..... | 174 |
| Section 22.71 General Provisions..... | 174 |
| Section 22.72 Design Standards..... | 174 |
| Section 22.73 Site Plan Review of Multi-Family Group Development | 174 |
| DIVISION VIII - CLUSTER SUBDIVISION..... | 175 |
| Section 22.81 General Provisions..... | 175 |
| Section 22.82 Design Standards..... | 175 |
| DIVISION IX - ANIMAL HUSBANDRY FACILITIES | 176 |
| Section 22.91 Purpose..... | 176 |
| Section 22.92 Exemptions | 176 |
| Section 22.93 Applicability and Application Procedure..... | 176 |
| Section 22.94 Design Standards (Below 6,000 Tons Annual Farm Manure Production Outside Growth Areas and 3,000 Tons of Farm Manure Inside Growth Areas) | 178 |
| Section 22.95 Design Standards (6,000 Tons Annual Farm Manure Production or More Outside Growth Areas and 3,000 Tons or More of Farm manure Inside Growth Areas) | 178 |
| ARTICLE 23 EXCEPTIONS AND MODIFICATIONS | 180 |
| Section 23.0 Generally..... | 180 |
| Section 23.1 Lot Area Modification | 180 |
| Section 23.2 Setback Modification | 181 |
| Section 23.3 Projection into Yards | 181 |
| Section 23.4 Height..... | 182 |
| Section 23.5 Yard Modification | 183 |
| Section 23.6 Exception - Minimum Distance from a Single-Story Utility or Storage Shed | 183 |
| Section 23.7 Mobile Home: Temporary Use | 183 |
| ARTICLE 24 - ADMINISTRATION..... | 184 |
| Section 24.1 Administration of the Zoning Ordinance | 184 |
| Section 24.2 Zoning Permits | 184 |
| Section 24.3 Zoning Use Permits and Filing Fees | 185 |
| Section 24.4 Commission Review and Action | 186 |

| | |
|---|-----|
| ARTICLE 25 - BOARD OF APPEALS | 187 |
| Section 25.1 Created; Name; Number, Term of Office, Removal, Etc. of Members | 187 |
| Section 25.2 General Powers | 187 |
| Section 25.3 Organization; Meetings, Authority to Administer Oaths and Compel Attendance of Witnesses; Technical Assistance; Minutes of Proceedings; Records | 187 |
| Section 25.4 Appeals to the Board | 188 |
| Section 25.5 Hearings by the Board | 188 |
| Section 25.51 Hearings | 188 |
| Section 25.52 Hearings - Holding of Hearing; Appearance at Hearing | 189 |
| Section 25.53 Hearings - Postponement | 189 |
| Section 25.54 Hearings - Continuance | 189 |
| Section 25.55 Hearings - Decision by the Board; Appeal From Decision by the Board | 189 |
| Section 25.56 Variances | 189 |
| Section 25.6 Limitations, Guides and Standards | 190 |
| Section 25.7 Disapproval of Application | 191 |
| Section 25.8 | 191 |
| ARTICLE 26 - ENFORCEMENT | 192 |
| Section 26.1 Violations; Penalties, Continuing Offenses | 192 |
| Section 26.2 Injunctive, Etc., Relief | 192 |
| Section 26.2.1 Civil zoning violations | 192 |
| Section 26.3 Authority to Enter | 196 |
| ARTICLE 27 - AMENDMENTS | 197 |
| Section 27.1 Procedure | 197 |
| Section 27.2 Public Hearings | 197 |
| Section 27.3 Findings of Fact | 198 |
| Section 27.4 Additional Conditions | 198 |
| Section 27.5 Duties Generally of the Planning Commission | 199 |
| Section 27.6 Application for Reclassification | 199 |
| Section 27.7 Scale Drawing to Accompany Applications for Map Changes | 199 |
| ARTICLE 28 – DEFINITIONS | 200 |
| (Article 28 – deleted and replaced with Article 28A) | 200 |
| ARTICLE 28A - DEFINITIONS | 201 |
| Section 28A.0 Purpose | 201 |
| ARTICLE 29 - VALIDITY AND REPEAL | 229 |
| Section 29.1 Severability of Provisions | 229 |

ARTICLE 1. PURPOSE

Section 1.0 General

The purpose of this Ordinance is to:

- (a) Protect and promote the health, safety and general welfare of the residents of Washington County in accordance with the adopted Plan for the County, Development Analysis Plan Map and Policies;
- (b) Help guide the future growth and development of Washington County in accordance with a comprehensive plan of land use and population density that provides for beneficial relationships among the residential, commercial, industrial, agricultural, and public areas within the County, and facilitates the adequate provision of transportation facilities, water, sewerage, schools, parks and other public improvements;
- (c) Insure adequate light, air and privacy for future development; secure safety from fire and other dangers, control congestion in the streets; prevent overcrowding of the land and undue concentration of the population;
- (d) Promote an improved appearance of the County with relation to the use and development of land and structures; promote the conservation of natural resources; and prevent environmental pollution;
- (e) Provide for the reservation of sufficient areas for future residential, commercial and industrial development at appropriate locations;
- (f) Preserve lands most suited for agricultural use; and
- (g) Provide a guide for public action in the orderly and efficient provision of public facilities and services, and for private enterprise in building, development, investment and other economic activity.

ARTICLE 2. APPLICATION

Section 2.0 Effective date; Application within County and County Towns

This Ordinance shall take effect on the 2nd day of April, 1973, and shall apply to all lands, buildings, properties, and their uses, including any submerged lands, watered areas or islands, within the territorial limits of Washington County, Maryland, outside the jurisdiction of incorporated municipalities.

If any city, town or village in Washington County, Maryland participates or is participating in the County Area-Wide Planning Program, then the County Commissioners are hereby authorized to conclude arrangements with said municipality for preparation and implementation of zoning within the geographical confines of said city, town or village; and for the enforcement and administration of said Zoning Ordinance by and through the County agencies wheresoever appropriate.

Section 2.1 Interpretation

The regulations set forth herein are designed to be uniform for each class or kind of building for use throughout an entire district. In any case where it is not clear from the provisions of this Ordinance that a proposed use is intended to be prohibited in a district, the provisions of that Section setting forth the uses permitted in that district shall prevail, and if the proposed use is not one in the list of those permitted, it shall be prohibited as though it were included in the prohibitions.

Section 2.2 More Restrictive Provisions to Govern

Wherever the provisions of this Ordinance or any Article or Section hereof requires or imposes a higher standard than required by any other statute or local ordinance or regulation, the provisions of the regulations made under the authority of this Ordinance shall govern.

ARTICLE 3. DISTRICTS ESTABLISHED; ZONING MAPS, DISTRICT BOUNDARIES; LAND USE REGULATIONS (RURAL AREA USES)¹

Section 3.0 Districts Established

For the purpose of this Ordinance, the following zoning districts are established:

Rural Districts

| | |
|------|-------------------------------------|
| A(R) | Agricultural (Rural) District |
| C | Conservation District |
| EC | Environmental Conservation District |
| P | Preservation District |
| RV | Rural Village |
| RB-E | Rural Business Existing |
| RB-N | Rural Business New |
| A | Agricultural District |

Residential Districts

| | |
|----|------------------------------------|
| RR | Residential, Rural District |
| RS | Residential, Suburban District |
| RU | Residential, Urban District |
| RM | Residential, Multi-Family District |

Business Districts

| | |
|----|---------------------------------|
| BT | Business, Transitional District |
| BL | Business, Local District |
| BG | Business, General District |

Industrial Districts

| | |
|----|---------------------------------|
| IR | Industrial, Restricted District |
| IG | Industrial, General District |
| IM | Industrial, Mineral District |
| IT | Industrial, Transitional |

Planned Development Districts

| | |
|-----|-----------------------------|
| PUD | Planned Unit Development |
| PB | Planned Business District |
| PI | Planned Industrial District |

¹ Revision 14, Article 3, Section 3.0 amended 7/26/05 (RZ-03-005)

Special Districts

| | |
|------|--|
| HI | Highway Interchange District |
| HI-1 | Highway Interchange District-1 |
| HI-2 | Highway Interchange District-2 |
| HP | Historic Preservation District |
| SED | Special Economic Development District |
| ORT | Office; Research and Technology District |
| AO | Antietam Overlay District |
| AP | Airport District |

Section 3.1 Zoning Maps

The districts shall be of the number, size and shape as shown on the zoning maps of Washington County, and said maps with the necessary symbols, legends and explanatory matter thereon, are hereby made and declared to be a part of this Ordinance. As evidence of the authenticity of said maps, they shall be signed by the County Commissioners of Washington County upon the adoption of these regulations. If changes are made in zoning district boundaries, such changes shall be authorized by the Board of County Commissioners. The changed zoning district on the map shall be keyed, by appropriate number or symbol, to an entry in a Zoning Record Book.

Regardless of the existence of copies of the zoning maps, which may from time to time be made or published, the official zoning maps that shall be located in the office of the Planning and Zoning Commission shall be the final authority as to the current zoning status of land, buildings and other structures.

Section 3.2 Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the official zoning maps, the following rules shall apply:

- (a) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
- (b) Boundaries indicated as approximately following property lines or platted lot lines, shall be construed as following such lines;
- (c) Boundaries indicated as approximately following city limits shall be construed as following city limits;
- (d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- (e) Boundaries which are drawn parallel to road lines and which do not coincide with property lines or lot lines, and where not designated by dimensions, shall be deemed to be 200 feet back from the nearest road centerline;

- (f) Boundaries that are in unsubdivided property or where district boundary divides a lot, shall be determined by the use of the map scale as shown thereon;
- (g) Where a district boundary line as shown on the zoning map divides a lot which was in single ownership and of record at the time of enactment of this Ordinance, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot under this Ordinance shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within fifty (50) feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.

Section 3.3 Land Use Regulations²

See Table No. 3.3(1) – Table of Land Use Regulations

² Revision 14, Section 3.3 added 7/26/05 (RZ-03-005)

A(R)-Agriculture (Rural)
 EC-Environmental Conservation
 P-Preservation
 RV-Rural Village
 RB-Rural Business
 IM-Industrial Mineral

Table No. 3.3(1)³
TABLE OF LAND USE REGULATIONS
(RURAL AREA USES)

| LAND USES | A(R) | EC | P | RV | RB | IM | Intensity of Use |
|---|------|----|----|----|----|----|------------------|
| A. Accessory | | | | | | | |
| Guest house in an accessory building | SE | SE | SE | SE | SE | N | N/A |
| Private stables as defined in Article 28A shall be subject to the requirements set forth in Article 4 Section 4.13 | A | A | A | A | A | N | N/A |
| Swimming pools, tennis and other similar courts and other recreational facilities, when accessory to a residence | A | A | A | A | A | N | N/A |
| Uses and structures customarily accessory and incidental to any principal permitted use or special exception, including business signs pertaining to "use on the premises" (provided, that such signs are located as regulated in Section 22.2.), and a single-family dwelling unit in the same building with a principal use | A | A | A | A | A | A | N/A |
| B. Accommodation and Food Services | | | | | | | |
| Boarding or rooming houses | N | N | N | P | P | N | MODERATE |
| Bed and Breakfast | SE | SE | SE | P | P | N | MODERATE |
| Hotels and apartment hotels, including motels | N | N | N | N | P | N | MODERATE |
| Restaurants with drive-in, drive thru service | N | N | N | N | P | N | MODERATE |
| Restaurants without drive-in, drive-thru service | N | N | N | N | P | N | MODERATE |
| Resorts | N | N | N | N | P | N | HIGH |
| Taverns | N | N | N | N | P | N | HIGH |
| C. Administrative and Support and Waste Management and Remediation Services | | | | | | | |
| Building and dwelling services as defined in Article 28A | N | N | N | N | P | N | MODERATE |
| Landscaping Contractor | P | P | P | P | P | N | MODERATE |
| Sanitary landfills, provided such use shall be two (2) times the distance specified in Section 4.9. | N | N | N | N | P | N | N/A |

³ Table No. 3.3(1) amended 9/19/06 (RZ-06-007)

P-Permitted
 SE-Special Exception
 A-Accessory
 N-Not Permitted

A(R)-Agriculture (Rural)
 EC-Environmental Conservation
 P-Preservation
 RV-Rural Village
 RB-Rural Business
 IM-Industrial Mineral

| LAND USES | A(R) | EC | P | RV | RB | IM | Intensity of Use |
|---|------|----|----|----|----|----|------------------|
| D. Agriculture, Forestry, Fishing and Hunting | | | | | | | |
| Forests and Wildlife preserves, fish hatcheries and similar conservation areas | P | P | P | P | P | P | LOW |
| Forestation | P | P | P | P | P | P | LOW |
| Produce stands/Farmers Market | SE | SE | SE | SE | P | N | MODERATE |
| Roadside stands | A | A | A | A | A | N | MODERATE |
| Agricultural uses, as defined in Article 28A, including animal husbandry facilities as defined in Article 28A which shall be subject to the requirements set forth in Article 22 Division IX | P | P | P | P | P | P | LOW |
| E. Arts, Entertainment, and Recreation | | | | | | | |
| Amusement parks | N | N | N | N | P | N | HIGH |
| Bowling alleys | N | N | N | N | P | N | HIGH |
| Circus, carnival, dog and horse shows or similar transient enterprise; provided, that such use shall not exceed ten (10) days at any one time, and which does not include any permanent structure | P | P | P | P | A | N | MODERATE |
| Clubs, Country | SE | SE | SE | N | P | N | MODERATE |
| Clubs, fraternities, lodges, or similar organizations, not conducted as a gainful business, provided any buildings or structures are located subject to the distance requirements specified in Section 4.9 | SE | SE | SE | SE | P | N | MODERATE |
| Recreation Centers | SE | SE | SE | SE | P | N | MODERATE |
| Commercial swimming pools | N | N | N | N | P | N | HIGH |
| Fairgrounds and race tracks or courses for the conduct of seasonal or periodic meets of horses, dogs, aircraft, automobiles, motorcycles and the like; provided such use shall be subject to three (3) times the distance requirements specified in Section 4.9 | N | N | N | N | P | N | HIGH |
| Golf courses | N | N | N | N | P | N | MODERATE |
| Golf driving ranges | N | N | N | N | P | N | MODERATE |
| Indoor firing range | SE | SE | SE | SE | P | N | MODERATE |
| Marinas, boat rentals, docks, piers and wharves | SE | SE | SE | SE | P | N | MODERATE |
| Museum, arts center or tourism entertainment facility | N | N | N | N | P | N | MODERATE |
| Riding academies, livery stables, subject to the distance requirements specified in Section 4.9 | P | P | P | P | P | N | MODERATE |
| Taxidermy Service | P | P | P | P | P | N | LOW |
| Theaters | N | N | N | N | P | N | HIGH |

P-Permitted
 SE-Special Exception
 A-Accessory
 N-Not Permitted

A(R)-Agriculture (Rural)
 EC-Environmental Conservation
 P-Preservation
 RV-Rural Village
 RB-Rural Business
 IM-Industrial Mineral

| LAND USES | A(R) | EC | P | RV | RB | IM | Intensity of Use |
|---|------|----|----|----|----|----|------------------|
| Theaters, Outdoor; provided a minimum of five (5) acres is maintained; and provided such use shall be subject to three (3) times the distance requirements of Section 4.9 | N | N | N | N | P | N | HIGH |
| Trap, skeet, rifle, or archery ranges, including gun clubs; provided such use shall be five (5) times the distance requirements specified in Section 4.9 and all safety standards of county, state and federal agencies are observed | SE | SE | SE | N | P | N | HIGH |
| Travel trailer parks/Camp grounds, subject to the provisions of Section 22.5 and provided such use shall be three (3) times the distance requirements specified in Section 4.9 | SE | N | N | SE | P | N | HIGH |
| F. Construction | | | | | | | |
| Surface grading, removal of top soil, shale or similar material in preparing the property for development; but not including open pit quarrying or mineral processing on site; subject to the performance standards in Section 4.12. A grading plan containing the information required in Section 15.3 showing the existing and proposed surface contours and providing for the re-vegetation of the property shall be submitted to the Planning Commission for approval | P | P | P | P | N | N | N/A |
| G. Educational Services | | | | | | | |
| Public or private college, trade and technical institutions | SE | N | N | N | P | N | HIGH |
| Schools – public or private – elementary through high | P | P | P | P | N | N | HIGH |
| H. Finance and Insurance | | | | | | | |
| Banks and financial institutions | N | N | N | N | P | N | MODERATE |
| I. Health Care and Social Assistance | | | | | | | |
| Assisted Living Facilities | N | N | N | N | P | N | MODERATE |
| Clinics with or without a pharmacy | N | N | N | N | P | N | MODERATE |
| Comprehensive Care Facilities | N | N | N | N | P | N | HIGH |
| Day-Care, Adult & Child centers, including Nursery Schools. | N | N | N | N | P | N | MODERATE |
| Day-care, In home Family/Child Care Facilities | P | P | P | P | N | N | N/A |
| Nursing/Convalescent Homes. | N | N | N | N | P | N | MODERATE |
| Transitional or Sheltered Care Facility, not to include Assisted Living Facilities. | N | N | N | N | P | N | MODERATE |

P-Permitted
 SE-Special Exception
 A-Accessory
 N-Not Permitted

A(R)-Agriculture (Rural)
 EC-Environmental Conservation
 P-Preservation
 RV-Rural Village
 RB-Rural Business
 IM-Industrial Mineral

| LAND USES | A(R) | EC | P | RV | RB | IM | Intensity of Use |
|--|------|----|----|----|----|----|------------------|
| J. Housing | | | | | | | |
| Dwelling unit in conjunction with a principal non-residential use | P | P | P | P | P | N | LOW |
| Dwellings, semi-detached | SE | SE | SE | P | N | N | N/A |
| Dwellings, single family | P | P | P | P | N | N | N/A |
| Dwellings, two-family | P | P | P | P | N | N | N/A |
| Home, occupation | A | A | A | A | N | N | N/A |
| Home, resident business | SE | SE | SE | SE | N | N | N/A |
| Mobile Homes | P | P | P | N | N | N | N/A |
| Model Homes | P | P | P | P | P | N | N/A |
| Temporary residential sales office | P | P | P | P | P | N | N/A |
| K. Manufacturing | | | | | | | |
| Abattoirs, slaughterhouses, stockyards | N | N | N | N | P | N | HIGH |
| Carpentry or woodworking shops | SE | SE | SE | SE | P | N | HIGH |
| Concrete and ceramic products manufacture, including ready-mixed concrete plants | N | N | N | N | P | P | HIGH |
| Flour mill, grain milling or drying | N | N | N | N | P | N | HIGH |
| Food processing and packing plants; provided such use shall be located two (2) times the distance requirements specified in Section 4.9 | SE | SE | SE | N | P | N | HIGH |
| Grain elevators, grain bins, and feed mills, primarily for wholesale use. | P | SE | SE | N | P | N | MODERATE |
| Machine Shops | SE | SE | SE | SE | P | N | MODERATE |
| Recycling facilities | N | N | N | N | P | N | HIGH |
| Sawmills & Lumber Drying | SE | SE | SE | N | P | N | MODERATE |
| Sawmills, Temporary | P | P | P | N | N | P | HIGH |
| Wind mill farms | SE | SE | SE | SE | N | N | N/A |
| Wineries involving on-site production and bottling of wine | P | P | P | SE | N | N | N/A |
| Wineries involving off-site production and bottling of wine | SE | SE | SE | SE | P | N | HIGH |
| L. Mining | | | | | | | |
| Mineral extraction, mineral processing, mineral-related uses, and mineral-based manufacturing. | N | N | N | N | N | P | N/A |
| Moderate volume mineral extraction and mineral processing as defined in Article 28A subject to the requirements of Article 15 Section 25.6. Mineral processing shall be for minerals mined on the site | SE | SE | SE | N | N | P | N/A |

P-Permitted
 SE-Special Exception
 A-Accessory
 N-Not Permitted

A(R)-Agriculture (Rural)
 EC-Environmental Conservation
 P-Preservation
 RV-Rural Village
 RB-Rural Business
 IM-Industrial Mineral

| LAND USES | A(R) | EC | P | RV | RB | IM | Intensity of Use |
|---|------|----|----|----|----|----|------------------|
| M. Other Services | | | | | | | |
| Blacksmith and/or farrier service | A | A | A | N | P | N | LOW |
| Beauty and barber shops | P | P | P | P | P | N | LOW |
| Car washes | N | N | N | N | P | N | MODERATE |
| Cemeteries, mausoleums and memorial gardens | SE | SE | SE | SE | N | N | N/A |
| Churches, parish houses and other places of worship | P | P | P | P | N | N | N/A |
| Crematories | SE | SE | SE | SE | P | N | LOW |
| Farms for the principal use of raising animals for experimental or other purposes, such as rats, rabbits, mice, monkeys and the like, and fur farms, provided such use shall be subject to three (3) times the distance requirements specified in Section 4.9 | SE | SE | SE | N | P | N | LOW |
| Kennels with or without runways and/or exercise areas, provided such use shall be subject to two (2) times the distance requirements specified in Section 4.9 | SE | SE | SE | N | N | N | N/A |
| Offices, business and professional | N | N | N | N | P | N | LOW |
| Facilities dealing with the field of agriculture products. | P | P | P | P | N | N | N/A |
| N. Professional and Scientific and Technical Services | | | | | | | |
| Penal and correctional institutions including jails | N | N | N | N | P | N | MODERATE |
| Photography studios | N | N | N | N | P | N | LOW |
| Shoe repair shops/Tailor Shops | N | N | N | N | P | N | LOW |
| Small engine related equipment repair and maintenance to include lawn mowers. | N | N | N | N | P | N | LOW |
| Veterinary clinics with or without runways; provided such use be subject to two (2) times the distance requirements in Section 4.9. | N | N | N | N | P | N | MODERATE |
| O. Public Administration | | | | | | | |
| Public buildings, structures, and properties of public service-type, including fire, ambulance or rescue services | P | P | P | P | P | N | N/A |
| P. Retail and Wholesale Trade | | | | | | | |
| Alcoholic beverage package stores | N | N | N | N | P | N | HIGH |
| Appliance stores | N | N | N | N | P | N | LOW |
| Auction House/Flea Market | SE | SE | SE | SE | P | N | LOW |
| Auto Sales and services | N | N | N | N | P | N | HIGH |

P-Permitted
 SE-Special Exception
 A-Accessory
 N-Not Permitted

A(R)-Agriculture (Rural)
 EC-Environmental Conservation
 P-Preservation
 RV-Rural Village
 RB-Rural Business
 IM-Industrial Mineral

| LAND USES | A(R) | EC | P | RV | RB | IM | Intensity of Use |
|---|------|----|----|----|----|----|------------------|
| Automobile parts and accessories | N | N | N | N | P | N | LOW |
| Bakery shops | P | P | P | P | P | N | LOW |
| Candy stores | P | P | P | P | P | N | LOW |
| Clothing stores | N | N | N | SE | P | N | LOW |
| Convenience stores | N | N | N | N | P | N | MODERATE |
| Dairy product stores | P | P | P | SE | A | N | N/A |
| Florist shops | P | P | P | P | P | N | LOW |
| Furniture and upholstery stores | SE | SE | SE | SE | P | N | LOW |
| Garden shops, nurseries, and greenhouses | P | P | P | P | P | N | LOW |
| Gift or jewelry shops | N | N | N | SE | P | N | MODERATE |
| Grocery stores | N | N | N | SE | P | N | MODERATE |
| Hardware stores | N | N | N | SE | P | N | LOW |
| Home Centers | N | N | N | N | P | N | MODERATE |
| Laundry or dry cleaning | N | N | N | P | P | N | LOW |
| Livestock sales, yards, and buildings subject to a minimum of ten (10) acres being provided; and provided such building or use shall be subject to four (4) times the distance requirements specified in Section 4.9 and a front yard of four hundred (400) feet is provided for any use pertaining thereto | N | N | N | N | P | N | LOW |
| Machinery dealerships and other businesses providing support for agricultural work | SE | SE | N | SE | P | N | LOW |
| Meat markets | A | A | A | N | P | N | LOW |
| Outdoor/Recreational outfitters | SE | SE | SE | SE | P | N | MODERATE |
| Pet shops | N | N | N | SE | P | N | LOW |
| Pharmacies | N | N | N | SE | P | N | LOW |
| Printing, blue printing, photocopying, and similar reproduction services | N | N | N | SE | P | N | LOW |
| Temporary or Seasonal Retail - provided that the area devoted to the use be limited to less than 2,500 sq. ft. and that the use on the premises occurs for at least 30 days and does not exceed 9 months within a calendar year | SE | SE | SE | SE | P | N | LOW |
| Q. Transportation and Warehousing | | | | | | | |
| Airports, private or landing fields, and heliports, subject to the Provisions of Article 21. | SE | SE | SE | N | N | N | N/A |

P-Permitted
 SE-Special Exception
 A-Accessory
 N-Not Permitted

A(R)-Agriculture (Rural)
 EC-Environmental Conservation
 P-Preservation
 RV-Rural Village
 RB-Rural Business
 IM-Industrial Mineral

| LAND USES | A(R) | EC | P | RV | RB | IM | Intensity of Use |
|---|-------------|-----------|----------|-----------|-----------|-----------|-------------------------|
| Commercial parking lot or garage | N | N | N | N | P | N | LOW |
| Contractor's equipment and Storage yards | SE | SE | SE | SE | P | N | MODERATE |
| Explosives Storage | SE | SE | SE | N | N | N | N/A |
| Mini-warehouses excluding outside storage or outside uses | N | N | N | N | P | N | LOW |
| Mixed use buildings including, warehouses, wholesale and retail sale | N | N | N | N | P | N | MODERATE |
| Warehouses | N | N | N | N | P | N | MODERATE |
| R. Utilities | | | | | | | |
| Commercial Communications Towers, subject to the requirements of Section 4.22 | SE | SE | SE | N | N | N | N/A |
| Public utility buildings, structures, or uses including radio, television, and other communication facilities not considered Essential Utility Equipment, as defined in Article 28A | SE | SE | SE | SE | P | N | LOW |

P-Permitted
 SE-Special Exception
 A-Accessory
 N-Not Permitted

ARTICLE 4 GENERAL PROVISIONS

Section 4.1 Ordinance Deemed Minimum Regulations; Uniformity

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided.

Section 4.2 Compliance with Ordinance

Except as hereinafter specified, no land, building, structure, or premises shall hereinafter be used, and no building or part thereof or other structure shall be located, erected, reconstructed, extended, enlarged, converted or altered except in conformity with the regulations herein specified for the district in which it is located.

Nothing in this Ordinance shall be deemed applicable to land or structures falling within the boundaries of Federal Public Law 91-664.

Section 4.3 Nonconforming Uses^{4 5}

Any building, structure or premises lawfully existing at the time of the adoption of this Ordinance, or lawfully existing at the time this Ordinance is subsequently amended, may continue to be used without further imposition of use, dimensional, buffer or other Ordinance requirements even though such building, structure or premises does not conform to use, dimensional, buffer or other Ordinance regulations of the zoning district in which it is located. (Subject, however to the following provisions:) All nonconforming uses shall be subject to the following provisions:

- (a) Existing nonconforming single-family dwellings in any district may expand without limitation in respect to area and shall meet the least restrictive setbacks for that district. Such dwellings shall be treated as principal permitted uses in that district.
- (b) All other nonconforming uses shall be subject to review and approval by the Board of Zoning Appeals. In all other zoning districts except the A, C, A(R), EC, P and BL districts, the board may approve the alteration or the expansion of a nonconforming use provided the expansion is restricted to an additional area not exceeding thirty-five (35) percent of the existing use. In the HI-1 or HI-2 districts, the Board may approve an alteration or expansion greater than thirty-five (35) percent of a nonconforming mobile home park provided the proposed expansion is consistent with the Comprehensive Plan and meets the guidelines of Section 22.5 and 22.6 of this Ordinance.

⁴ **Revision 1, Section 4.3 amended 4-26-88 (RZ-379)**
Revision 7, Section 4.3 (a) and (b) amended 8-31-93 (RZ-93-7)

⁵ **Revision 15, Section 4.3 (b) and (b)(1) amended 9/19/07 (RZ-06-007)**

- (1) In the A, C, A(R), EC, P and BL districts, the Board may approve the alteration or the expansion of a nonconforming use without restriction to area provided the proposed expansion is consistent with the Plan for the County, and provided it meets the guidelines of Section 25.6 of the Ordinance.
 - (2) No extension may be permitted for (junk yards in accordance with this section) nonconforming junk yards.
- (c) Whenever a nonconforming use has been changed to a more appropriate use, in the opinion of the Board, such use shall not thereafter be changed to a less appropriate use or classification.
- (d) No land, building, structure, or premises where a nonconforming use has ceased for six (6) months or more shall thereafter be used except in conformance with this Zoning Ordinance.
- (e) The owner or operator of any existing nonconforming use involving used car lots, service garages, or junk yards shall, not later than six (6) months, certify in writing, on a prescribed form, to the office of the Zoning Administrator, that such nonconforming use did exist on the adoption date of this Ordinance. In order that the exact nature and extent of such nonconforming use may be determined, a survey plat prepared by a professional engineer or registered surveyor shall accompany any prescribed form. The survey shall include the following:
- (1) North arrow.
 - (2) Scale - One inch equal to one hundred feet.
 - (3) Election District
 - (4) Outline of parcel or parcels upon which the nonconforming use is located.
 - (5) Bearings, distances, and acreage of that portion of the parcel or parcels expressly used for the nonconforming use on the effective date of this Ordinance.
 - (6) Use, dimensions, and location of all existing buildings.
 - (7) Certification and seal of professional engineer or registered surveyor.
- (f) Nothing in these regulations shall prevent the restoration of a nonconforming building or structure destroyed by fire, windstorm, and explosion, act of public enemy, accident, or prevent the continuance of the use thereof as it existed at the time of such destruction provided that a zoning certificate is obtained and restoration begun within one (1) year of said destruction.

Section 4.4 Agricultural Uses Permitted Generally^{6 7}

Except for compliance with distance requirements set forth in Section 4.9, 4.13, 28A, and requirements for animal husbandry facilities set forth in Article 22, Division IX, nothing in this Ordinance shall prohibit the use of land for agricultural purposes or the construction or use of the buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located.

Section 4.5 Buildable Lots^{8 9}

Any lot which was a buildable lot under the terms or regulations in effect at the time of the adoption of this Ordinance and which was established or recorded at the time shall be deemed a buildable lot. Nothing shall prohibit the erection of a single family dwelling on a lot of record in an HI district prior to its designation as an HI-1 district.

Any lot with a structure which was destroyed between June 1, 1972 and April 2, 1973 and within the boundaries of Federal Public Law 91-664, shall be deemed a buildable lot within the provisions of this Ordinance.

Except as otherwise provided for in this ordinance, all lots, parcels or tracts either created prior to or after the adoption of this ordinance which are located in A, C, A(R), EC, P, RV, RR, RS, RU districts shall be limited to one principal permitted residential use on a lot, parcel, or tract.

Section 4.6 Use of Same Yard Space for More Than One Building Prohibited

No part of a minimum required yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as part of a minimum required yard or other open space required under this Ordinance for another building or structure.

Section 4.7 Major Road Plans

No building or part of a building shall be permitted to be erected within the lines or right-of-way lines of a proposed highway, street, proposed relocation or widening of an existing highway or street as shown on the Master Highway Plan for Washington County as adopted and with future revisions that may be applicable at the time of applying for a zoning certificate for building purposes thereon.

The Board of County Commissioners shall have forty-five (45) days in which to establish the center line of the proposed road and then, shall have sixty (60) days within

⁶ **Revision 7, Section 4.4 amended 2-8-94. (RZ-93-13)**

⁷ **Revision 15, Section 4.4 amended 9/19/06 (RZ-06-007)**

⁸ **Revision 7, Section 4.5 amended 8-31-93 (RZ-93-7)**
Revision 7, Section 4.5 amended 12-21-93 (RZ-93-11)

⁹ **Revision 15, Section 4.5 amended 9/19/06 (RZ-06-007)**

which to negotiate with the property owner, as to whether he would offer the property to the County without compensation, because of benefits he may derive from such a road, or, arrive at a mutually agreeable figure for the property within the street width, or upon failure of agreement, by the filing of a condemnation suit in Circuit Court before the end of the period.

Section 4.8 Essential Utility Equipment¹⁰

Essential utility services, as defined in Article 28A, shall be permitted in any district, as authorized and regulated by law and ordinances of Washington County, it being the intention hereof to exempt such essential services from the application of this Ordinance; except that, without in any way altering or otherwise affecting such exemption, the plans of any overhead electric transmission line of 69.0 K.V. or more, on metal or wooden poles or towers or pole structures, or of any cross country telephone trunk line including microwave, transmission pipe line, natural gas line, trunk sewer line or sub-station, proposed to be erected or installed in any C, A, A(R), EC, P, RV, RR, RS, RU or RM District shall be submitted before the beginning of construction to the Planning and Zoning Commission for its review.

Section 4.9 Distance Requirements¹¹

(a) Any uses or buildings subject to compliance with this section shall be located at least two hundred (200) feet from any lot line in a RR, RS, RU, RM or RV District or any lot occupied by a dwelling, school, church, or institution for human care not located on the same lot as the said use or buildings, or any lot which is part of a duly recorded subdivision.

Section 4.10 Accessory Structures - Rear Yard Requirements

In all districts wherein single-family and two-family dwellings are permitted, except the Conservation District, accessory structures shall not be located closer to an alley line or rear lot line than the side yard requirements for a single-family or two-family dwelling in that district. In the Conservation District, an accessory structure shall not be located closer than twenty-five (25) feet to an alley line or rear lot line.

Section 4.11 Site Plan Requirements^{12 13}

A site plan shall be submitted for review by the Planning Commission for new development and for all major additions to existing uses in all zoning districts. Construction of single-family, two-family or semi-detached housing units and farm buildings shall not be considered major additions for the purposes of this section, and shall not require a site plan.

¹⁰ **Revision 15, Section 4.8 amended 9/19/06 (RZ-06-007)**

¹¹ **Revision 15, Section 4.9 amended 9/19/06 (RZ-06-007)**

¹² **Revision 6, Section 4.11 amended 2-9-93 (RZ-02-16) and 6-22-93 (RZ-93-4)**

Revision 6, Section 4.11(b)2 and 3 amended 2-9-93(RZ-92-16)

Revision 6, Section 4.11(a)6 added 6-22-93 (RZ-93-4)

Revision 7, Section 4.11 amended 11-16-93 (RZ-93-10)

Revision 11, Section 4.11 amended 5-18-99 (RZ-99-01 & RZ-99-04)

Revision 12, Section 4.11 amended 10-22-02 (RZ-02-004)

¹³ **Revision 15, Section 4.11 amended 9/19/06 (RZ-06-007)**

A site plan in simplified form as explained in Section 4.11(a)(6) may be submitted for temporary and seasonal uses and may be approved by the Zoning Administrator.

A site plan shall also be required for all new schools and colleges, and commercial communications towers in any zoning district where permitted. Site plans for commercial communications towers shall be in compliance with the criteria provided in Section 4.22.

A major addition shall constitute only those additions to the use of the site and physical expansions of on-site structures that will directly affect the function of the site or potentially affect the surroundings. Any substantial change of use classification, alteration of on-site parking requirements, potential adverse impacts of off-site storm water drainage, increased demand for public water and sewerage or additions which will cause the rerouting of traffic circulation shall be construed as "major additions."

Before site plan submission, a Forest Stand Delineation of the parcel subject to development shall be submitted for approval by the Planning Commission.

Site plans in each zoning district shall meet all applicable requirements of the Washington County Forest Conservation Ordinance and Manual.

(a) Submission Procedure

1. Site plans shall be prepared by a registered professional engineer, registered architect, registered landscape architect, or registered land surveyor licensed to practice in the State of Maryland.
2. The consultant, agent and/or property owner may arrange for a preliminary consultation with the Planning and Zoning Commission to discuss the general concept, use and design of the proposal. If consultation is desired, a generalized sketch or plat of the proposed site plan shall be submitted with five copies at least one (1) week prior to the scheduled consultation and shall consist of location map, boundary, a Forest Stand Delineation including topography, and general proposed land uses drawn to scale.
3. In those cases where no subdivision of land is required, a minimum of six (6) copies of the site plan shall be submitted to the Washington County Department of Permits and Inspection. The Planning Commission shall forward a recommendation of approval or disapproval to the Department of Permits and Inspection within sixty (60) days from the date of submission.
4. Where subdivision is required, a site plan which includes all information required for a preliminary subdivision plat may be considered by the Planning Commission as meeting the requirements of both the site plan and preliminary subdivision plats.
5. Site plan submission is not required for single-family or two-family dwelling units unless planned as part of a mixed-use development plan in the RM or PR districts.

6. A site plan in simplified form shall be submitted for temporary or seasonal uses limited to an area less than 2,500 sq. ft. Such plans shall not require professional preparation. The plan shall be an accurate scale drawing that contains sufficient information to establish building setbacks, proposed ingress and egress, area designated for parking, location and size of the building, functional description, hours of operation, sign location and information regarding the handling of stormwater run off.

(b) Site Plan Format

The site plan format and informational requirements shall be the same as that of a preliminary subdivision plat (Subdivision Ordinance, Article III, Sections 306 and 307) except that the following additional information is required for site plan approval.

In those cases where the eventual site use is not known, the Planning Commission may waive the requirements for those data that are a function of specific uses and may approve the site plan in preliminary form in order that construction may proceed. The applicant is encouraged to submit as much data as is available in order that the Planning Commission may render a thorough review of the site plan in preliminary form. The preliminary review should contain enough information to establish the building setbacks, the proposed ingress and egress, the general areas devoted to parking, the proposed floor area, and any information available that may be used for computation of storm water runoff or other data pertaining to impervious surface. That information which is not known at the time of preliminary site plan review may be deferred by the Commission until final review and approval as a second phase of site plan review.

Approval of the preliminary version of the site plan is good for six months only after which time the final site plan must be submitted for review and approval by the Commission. The final review must provide for signage, outdoor lighting, specific parking arrangements, and all other features required for site plan review not included on the preliminary form. Final review and approval of the site plan containing all the required information must be granted by the Commission prior to the issuance of a use and occupancy permit by the Department of Permits and Inspections.

1. Sites consisting of 3 acres or less shall be drawn at a scale of 1"=20 feet.
2. Site plan information (where applicable, refer to section of zoning district in which use is proposed and Article 22 and 23):
 - * - Landscaping plan and reserved buffer areas. See Sec. 4.16
 - * - Fencing
 - * - Exterior lighting (location and height)
 - * - Off-street parking
 - * - Pedestrian walkways and sidewalks
 - Provisions for solid waste collection
 - Open space and recreational facilities
 - Communication antennas (TV, radio, etc.)
 - * - Transit/school bus waiting areas
 - * - Signs (location, height, size and design)

- * - Proposed land uses, showing building locations
 - Location of material storage
 - Location of special facilities for refuse collection, mail delivery, etc.
 - An approved forest stand delineation

3. The following supporting and computational information shall accompany the site plan, where applicable (refer to section of zoning district in which use is proposed and Articles 22 and 23):

Residential

- * - Gross dwelling unit density (U/A)
- * - Parking space ratio (space/D.U.) (space per dwelling unit)
- * - Open space ratio (sq. ft./D.U.)
 - Projected daily sewerage effluent (G.P.D.)
 - Projected marketing method (unit lot sales, unit lot rentals, condominium sales, apartment rentals)
 - Tentative projected building schedule (D.U./year)
 - Development responsibilities, landscaping, recreational facilities (developer- H.O.A., etc.)
 - Homeowners association - articles of incorporation, by-laws and Covenants.
- * - Site coverage (impervious area/gross site area)
 - A forest conservation plan

Commercial, Industrial, Institutional

- Functional description (manufacturing process, goods in trade, institutional functions, etc.)
- Freight and delivery requirements
- Projected daily, day and night, use of site (i.e. number of employees, students, patients, customer demand, etc.)
- * - Projected emission levels (industries only) (glare, heat, odor, air pollutants, noise, vibration) Section 4.12
 - Method of solid waste storage and disposal
 - Site user transportation (auto, public transit, school bus, etc.)
- * - Site coverage (impervious area/gross site area)
 - Maintenance responsibility (access roads)
- * - These items are subject to the specified requirements of the Ordinance in the applicable sections.
 - A forest conservation plan.

Section 4.12 Performance Standards

The following performance standards shall be considered in all districts where Business, Industrial, and Institutional uses are permitted.

- (a) Control of smoke, dust and dirt, fumes, vapors, gases and odors.

The Maryland Air Pollution Control Standards shall be used to control the emission of smoke, dust, dirt, fly ash, fumes, vapors, gases or odors.

- (b) Control of heat and glare

No use shall carry on an operation that will produce heat or constant glare that will adversely affect the uses of an adjacent property.

- (c) Vibration Control

Machines or operations which cause vibration shall be permitted but in no case shall any such vibration adversely affect the uses of an adjacent property.

- (d) Radiation of Electrical Emissions, Radioactivity or Electrical Disturbance Activities which may emit dangerous radioactivity beyond closed areas shall comply with State and Federal Codes. No electrical disturbances (except from domestic household appliances) shall be permitted to affect adversely, at any point, any equipment other than that of the creator of such disturbance.

- (e) Electric, Diesel, Gas or Other Power

Every use requiring power shall be so operated that any service lines, substation, etc., shall conform to the highest applicable safety requirements. They shall be constructed, installed, etc., so that they will be an integral part of the architectural features of the building or, if visible from abutting residential properties, shall be concealed by evergreen planting.

- (f) Sewage and Waste Treatment

All methods of sewage and industrial waste treatment and disposal shall be approved by the district receiving the effluent and shall be in accordance with all applicable regulations.

- (g) Storage of Materials

1. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such a stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.
2. All materials or wastes which may cause fumes or dust or which may be edible or otherwise attractive to rodents or insects shall be stored only if enclosed in containers which are adequate to eliminate such hazards.

- (h) The Board of County Commissioners may require a performance bond from the applicant for any proposed use where the resulting vehicular traffic from the business may result in damage to County roads. The determination for this requirement shall be made in accordance with a review of the following:
1. The proposed routes for the vehicular traffic entering and leaving the site on public roads to the first intersection with a highway classification of major collector or above in the Washington County Highway Plan. Proposed routes, once approved as a part of the site plan, may not be changed without approval of the Planning Commission subject to the same standards applied to the original review.
 2. An estimate of the average daily vehicular traffic from the site plus the average gross weight of each vehicle.
 3. The physical condition of the public road at the time of application including pavement thickness, roadway width, and vertical and horizontal alignment. This determination shall be made in accordance with accepted engineering practices and standards.

Section 4.13 Distance Requirements¹⁴

Any use or buildings subject to compliance with this section shall be located no closer than one hundred (100) feet from any dwelling, school, church, or institution for human care not located on the same lot as the said use or buildings.

- (a) A zoning permit shall be applied for with the Department of Permits and Inspections and shall include the following:
1. A copy of the Soil Conservation Services Waste Management Plan as defined in Article 28A or letter of exemption.
 2. A copy of the University of Maryland Cooperative Extension Services Nutrient Management Plan as defined in Article 28A.

Section 4.14 Mineral Extraction¹⁵

Low volume mineral extraction, as defined in Article 28A, shall be permitted in all districts except the RR, RS, RU, RM, and RV districts. Zoning approval for low volume operations shall not require the submission of a site plan but shall require the submission of grading plans and erosion and sediment control plans.

Moderate volume mineral extraction, as defined in Article 28A is provided for in the C, A, A(R), EC, P and IG Districts as a special exception.

¹⁴ **Revision 11, Section 4.13 amended 7-20-99 (RZ-99-03).**

¹⁵ **Revision 15, Section 4.14 amended 9/19/06 (RZ-06-007)**

High volume mineral extraction, as defined in Article 28A, may be permitted only in the "IM" District. The expansion of an existing high volume mineral extraction operation in an A, C, or IG District shall be subject to the requirements of Sections 15.4 and 15.5.

Section 4.15 Family Day Care¹⁶

Nothing in this Ordinance shall prohibit the use of any residence to be used as a registered Family Day Care Home. Family Day Care Homes shall be registered with and meet all of the requirements of the Maryland Office of Child Care Licensing and Regulation. Family Day Care is care given for compensation in lieu of parental care in a residence other than the child's residence for part of a twenty-four (24) hour day for:

- (a) Not more than eight (8) children under the age of thirteen (13) or to a developmentally disabled person younger than twenty-one (21) years; and
- (b) The provider's own child or children under the age of six (6) shall be included in the total number of eight (8) children allowed; and
- (c) At no time pay the provider care for more than two (2) children under the age two (2) years.

Section 4.16 Landscape Plan Standards

Landscaping is the treatment of the ground surface with live plant materials so as to provide aesthetic and visual enhancement to sites and buildings as well as buffering and screening against noise and air pollution for the various classes of development.

The landscape plan shall include, at minimum, the following information drawn to scale on the development plans.

- 1. Identification of proposed treatment of all ground surface portions of the development not covered by buildings, streets, and other impervious surfaces.
- 2. The extent and location of all plant materials and other landscape features drawn at appropriate scale.
- 3. Species and size of existing plant material to be retained.
- 4. Location and water outlets.
- 5. A plant material schedule.

All new plant materials shown on the landscape plan shall be identified in a planting schedule that shall include both the common names and biological names, symbols, size of trees and shrubs, quantities, and installation date.

¹⁶ **Revision 3, Section 4.15 amended 12-11-90 (RZ-452)**

Section 4.17 Play Lots

Play lots are considered a necessary adjunct to multi-family development and are to be designed to serve its residents. The category of play lots includes those serving the pre-schoolers, or tots, and the older children ranging from five to twelve, the pre-teens. Below are guidelines and performance standards for play lots. There is no pre-determined mix of tot lots and pre-teen lots for all developments since this will be a function of the particular multi-family complex. It is incumbent on the developer to propose a design for play lots with the understanding that the final arrangement and mix shall be subject to approval by the Planning Commission.

(a) Guidelines for Tot Lots

Tot lots are appropriate and necessary in multi-family residential and planned unit development districts and should be designed to meet the needs of both pre-schoolers - tots from about six months to five years - and supervising adults. Since most of the users will travel to the tot lot on foot, the lot should be located conveniently, centrally, and safely in the development.

In the design, consideration should also be given to parents and supervising adults who enjoy socializing while keeping an eye on the children. Play equipment suitable for the pre-school age group should include a small spinner or saucer, spring animals, swings, sliding boards, and a small climber. A paved area for wheeled toys is appropriate.

For the adults, landscaping for shade, benches oriented for socializing and a view of the play area, and a litter basket should be provided.

(b) Guidelines for Pre-Teens

Pre-teen lots are an appropriate complement to tot lots in both multi-family residential and planned unit development districts and should be designed to meet the needs of the pre-teen group between 5 and 12 years of age. As with tot lots, they should be located conveniently, centrally, and safely in the development. Equipment, furnishings, and landscaping for the play lot should be attractive, safe, and functional, and should be selected based on the activity characteristics of the users. Play lots designed for pre-teen children should provide a series of activities that become progressively difficult. An example is the linking of equipment so that swinging, climbing, sliding, and observing are integrated. Equipment could include a spin-around, a swing set, sliding board, a concrete pipe, and a climbing structure.

(c) Performance Standards for Play Lots (Tot and Pre-Teen Lots)

Play lots shall be a minimum of 225 square feet in area for developments with up to 18 units. For developments with more than 18 units, the lots shall be provided at the rate of 12 additional square feet per unit up to a maximum of 780 square feet for each play lot. The lots shall be located on ground with no more than 5 percent slope. Each lot shall be centrally and conveniently located

to serve users in the development or phase. The lots shall include equipment, furnishings, and landscaping appropriate to the needs of the users subject to the approval of the Planning Commission.

Play lot structures shall meet the following minimum siting design requirements:

1. Fifteen foot setback from any building on site and twenty-five feet from any property line.
2. Fifty foot setback from any street or parking lot.
3. Tot lot structures are to be at least twenty feet from pre-teen lot structures.
4. Equipment shall not be sited in, on, or under any of these conditions:
 - a. Seasonally wet soils
 - b. Utility lines
 - c. On or in drainage courses
 - d. Stormwater detention areas

Section 4.18 Nursery Schools and Child Care Centers¹⁷

Registered nursery schools or child care centers shall be considered an incidental accessory use for any business located in the BT, BL, BG, IT, IR, IG, AP, PB, PI, "PUD" and HI districts. Nursery schools and child care centers permitted as accessory uses under this section shall be for the use of employees and their families of the business. When it is necessary to construct additional buildings to house accessory day care facilities, the Zoning Administrator shall determine, based on the impact on the entire site, whether a site plan meeting the requirements of Section 4.11 of the Washington County Zoning Ordinance shall be submitted.

Section 4.19 Hazardous Waste and/or Controlled Hazardous Substance Incineration¹⁸

In any "IR", "IG", or "IM" district, kilns used or modified for the purpose of incinerating hazardous waste or recycling hazardous waste for fuel are prohibited. Facilities or structures for the purpose of receiving, storing, or processing hazardous waste or controlled hazardous substances for the purpose of incineration in kilns used or modified in "IR", "IG", or "IM" districts are prohibited.

¹⁷ **Revision 3, Section 4.18 added 12-11-90 (RZ-453)**

¹⁸ **Revision 5, Section 4.19 added 6-9-92 (RZ-92-8)**

Section 4.20 Collection and Storage of Recyclable Material¹⁹

When a use is subject to the requirements for a site plan as specified in Section 4.11, the applicant shall provide a specified location, on the subject site for the collection and storage of recyclable materials unless the Planning Commission determines there is no need for such space. The Commission's decision on the need for such space and the appropriate size shall be based on the following:

- (a) An evaluation of the proposed use of the site.
- (b) The potential of the proposed use to generate recyclable materials.
- (c) Consultation with the recycling coordinator or his designate.
- (d) Recycling efforts currently employed by the proposed site occupant.
- (e) Any other information the Commission determines is applicable.

Areas designated for the collection and storage of recyclable materials shall be appropriately screened and of sufficient size to accommodate the collection and storage of recyclable materials.

Section 4.21 Sensitive Areas²⁰

- (a) Application

The following zoning permits or permits for construction as required by Article 24 of this ordinance shall also comply with the additional identification and design requirements of 4.21(c) and 4.21(d) below.

- 1. Principal permitted uses.
- 2. Approved special exceptions.
- 3. Approved expansions of non-conforming uses.
- 4. All uses subject to site plan approval.

- (b) Exemptions

The following zoning permits or permits for construction as may be required by Article 24 of this ordinance shall be exempt from the additional identification and design requirements of 4.21(c) and 4.21(d) below.

¹⁹ **Revision 5, Section 4.20 added 1-19-93 (RZ-92-6)**

²⁰ **Revision 10, Section 4.21 added 11-5-96 (RZ-96-09).**

1. Applications for accessory uses less than 300 square feet.
2. Demolition permits.
3. Expansions or additions to existing residential uses that do not exceed 50% of the existing building footprint.
4. All activities governed by Article 22, Division IX of this ordinance.

(c) Identification of Sensitive Areas

All applications subject to this section shall include the following information on a scale drawing. The relationship between the following features and the proposed use or construction shall be clearly shown:

1. Location of streams as defined in Article 28A.
2. The boundaries of any flood plain as defined in the Washington County Flood plain Management Ordinance.
3. Areas of steep slope as defined in Article 28A.
4. The limits of any area determined by the U.S. Fish and Wildlife Service to be the habitat of a plant or animal species determined to be threatened or endangered according to 50 CFR 17.
5. Where applicable, the location of the subject property within the watershed boundaries of the Edgemont or Smithsburg Reservoirs or the Upper Beaver Creek Drainage Basin.
6. Where applicable, the location of the Appalachian Trail if within 500 feet of the boundary of the subject site.

(d) Design Requirements

If any of the features listed in 4.21(c) (1-6) above exist on the subject property, the following additional requirements shall apply.

1. Stream buffers shall be provided in the same manner as described in Section 409 of the Subdivision Ordinance.
2. Use of the flood plain shall be governed according to Section 22.4 of this ordinance and the Washington County Flood plain Management Ordinance.
3. Septic systems and septic reserve areas shall not be located on areas of steep slope. Best management practices to be used during other construction on steeply sloped areas of the subject property may be recommended by the Soil Conservation District.

4. Where it has been documented by the U.S. Fish and Wildlife Service that habitat of a threatened or endangered species exists on the site, the applicant shall provide evidence of that determination and demonstrate that the permitted activity will not disturb the habitat area. The applicant must also demonstrate compliance with any other applicable restrictions imposed by the U.S. Fish and Wildlife Service.
5. Any use that includes the installation of a new on-site well or sewage disposal system, is proposed to be located in the Upper Beaver Creek Drainage Basin and is subject to site plan approval shall be subject to the same hydrogeologic testing requirements as described in Section 411.1 of the Subdivision Ordinance.

Section 4.22 Commercial Communication Towers²¹

The purpose of this section is to regulate the placement, construction, and modification of commercial communications towers as defined in Article 28A (hereinafter "towers") and commercial communications equipment as defined in Article 28A (hereinafter "equipment"). It is the intent of these regulations to minimize the visual impact of towers and equipment, to minimize the number of towers through shared use and co-location, to encourage utilization of technological designs that will either eliminate or reduce the need for new towers to support equipment and to ensure that all towers and equipment are compatible with surrounding land uses while assuring wireless communications service to the citizens of Washington County.

Equipment proposed to be located on an existing tower or antenna support structure as defined in Article 28A shall be allowed in any district provided that the height from grade of the equipment shall not exceed the height from grade of the antenna support structure by more than twenty (20) feet.

No permit to construct a tower may be issued unless the applicant demonstrates to the Planning Commission, or where applicable, to the Board of Zoning Appeals, need for the tower and that the applicant has exhausted all alternatives to constructing a tower. Applicants are required to prove need by:

- a. demonstrating via statement or other evidence that, in terms of location and construction, there are no existing towers, buildings, elevated tanks or other structures able to provide the antenna platform required.
- b. providing evidence, including coverage diagrams and technical reports, demonstrating that co-location on existing sites is not technically possible in order to serve the desired need.

²¹ Revision 11, Section 4.22 added 5-18-99 (RZ-99-01).

A. Design requirements²²

In addition to the applicable requirements for a site plan as specified in Section 4.11, the applicant shall provide the following information as part of the site plan submittal. These provisions shall apply to towers in all districts where permitted as a principal permitted or special exception use:

1. Subject to a minimum setback of a distance equaling the total height of the tower and equipment. The setback shall be measured from the base of the tower to the boundary line of the property owned, leased, or controlled by easement by the applicant.
2. Subject to a minimum distance requirement of a distance equaling the height of the tower and equipment plus 200 feet from the RR, RS, RU, RM and RV districts or the nearest part of any existing dwelling, school, church, or institution for human care, in any other district.
3. Subject to a minimum setback from all overhead transmission lines of a distance equaling two times the height of the tower and equipment.
4. Subject to a height not to exceed 200 feet. Measurement of tower height shall include the tower structure itself, the base pad, and any other equipment attached thereto which extends more than twenty (20) feet over the top of the tower structure itself. The tower height shall be measured from grade.
5. Proposed towers shall meet the following minimum separation requirements from existing towers or towers which have been issued a permit but are not yet constructed.
 - (a) Monopole towers shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed, by a minimum of seven hundred and fifty (750) feet.
 - (b) Self-supporting lattice or guyed towers shall be separated from all other self-supporting or guyed towers by a minimum of fifteen hundred (1,500) feet.
 - (c) Self-supporting lattice or guyed towers shall be separated from all monopole towers by a minimum of seven hundred and fifty (750) feet.
6. All towers shall be designed for co-location, which shall mean the ability of the structure to allow for the placement of comparable equipment for other carriers. An application for a tower shall be accompanied by an affidavit from the applicant stating that space on the proposed tower will be made available to future users, when possible.

²² Revision 15, Section 4.22A.2. amended 9/19/06 (RZ-06-007)

7. Fencing shall be provided around the base of the tower and any associated equipment buildings.
8. All sites shall be identified by means of a sign no larger than two square feet affixed to the fence identifying the entity using the site and shall provide the telephone number of a contact person in the event of an emergency.
9. Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, as approved by the Planning Commission or Board of Zoning Appeals. Towers shall not be lighted unless specifically required by the FAA.
10. In order to protect the natural skyline, towers should be sited within areas of mature vegetation and should be located down slope from ridge lines, and toward the interior of the parcel whenever possible. Placement should only be considered elsewhere on the property when valid technical data supplied by the applicant indicates that there is no other suitable location.
11. Towers proposed to be located within the Appalachian Trail corridor special planning area as identified in the adopted Comprehensive Plan for the County, any "AO" Antietam Overlay zoning district or "HP" Historic Preservation zoning district shall utilize stealth technology as defined in Article 28A to minimize visual impact.

B. Additional Provisions for Towers Permitted by Special Exception

In addition to the limitations, guides and standards enumerated in Section 25.6, the Board of Zoning Appeals shall consider the following provisions when considering a request for a special exception for a commercial communications tower.

1. In those cases where a proposed tower is part of a grid or network, the applicant shall provide a map indicating the location of any existing or proposed towers in the grid or network within Washington County and within one (1) mile of the County boundary.
2. The tower shall be compatible with and shall not adversely impact the character and integrity of surrounding properties. Consideration shall be given to the view shed associated with scenic and historic areas and to the use of stealth technology to minimize the visibility of the proposed tower.
3. The applicant shall submit a visual analysis which may include, photo simulation, field mock-up, elevations or other visual or graphic illustrations to determine visual impact. Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable towers in the area, and shall identify and include all feasible mitigation measures.

4. The Board may include conditions on the site where the tower is to be located if such conditions are necessary to preserve the character and integrity of the area affected by the proposed tower and mitigate any adverse impacts which arise in connection with approval of the special exception.

Section 4.23 Certified Adult Residential Environment Homes²³

Nothing in this Ordinance shall prohibit the use of a private home, which is the residence of the care provider, as a Certified Adult Residential Environment home, (“C.A.R.E. Home”). C.A.R.E. Homes shall be registered with and meet the requirements of the Community Services Administration as set forth in Md. Code, Article 88A, §§138 to 143, inclusive, and COMAR Chapter 07.06.15, as amended.

- (a) A C.A.R.E. Home is a home that:
 1. Provides a supportive housing arrangement, help in reaching community resources, and protective oversight to a resident;
 2. Provides room and board to not more than four (4) adults; and
 3. Accepts as compensation for its services a rate or amount set by the Washington County Department of Social Services.
- (b) A C.A.R.E.. Home does not provide:
 1. Nursing care;
 2. Psychiatric treatment; or
 3. Specialized professional intervention.

²³ Revision 12, Section 4.23 added 9/11/01 (RZ-01-03).

ARTICLE 5 "C" CONSERVATION DISTRICT

Section 5.0 Purpose

The purpose of this District is to prescribe a zoning category for those areas where, because of natural geographic factors and existing land uses, it is considered feasible and desirable to conserve open spaces, water supply sources, woodland areas, wildlife and other natural resources. This District may include extensive steeply sloped areas, stream valleys, water supply sources, and wooded areas adjacent thereto.

The following regulations and the applicable regulations contained in other articles shall apply to the "C" Conservation District:

Section 5.1 Principal Permitted Uses²⁴

- (a) Agriculture, as defined in Article 28A, including animal husbandry facilities as defined in Article 28A, which shall be subject to the requirements set forth in Article 22, Division IX.
- (b) Forest, forestation and wildlife preserves.
- (c) Campgrounds, riding academies, golf courses, riding trails, summer or winter resort areas, hunting, fishing or country clubs, game preserves and similar uses for the purpose of preserving and enjoying the natural resources of the property, but not including marinas, boat rentals, docks, piers, or wharves.
- (d) Water supply works, flood control or watershed protection works, and fish and game hatcheries.
- (e) Permanent nonfarm single-family dwellings; provided that the minimum lot size shall be maintained at three (3) acres.
- (f) Mobile homes; provided that the same are utilized as a single-family dwelling, and provided that the minimum lot size is three (3) acres, and further provided that said mobile home provides housing and is in compliance with the requirements of Section 22.54.
- (g) Sawmills for cutting timber, provided that such use shall be located three (3) times the distance requirements specified in Section 4.9.
- (h) Churches, parish houses, and other places of worship.

²⁴ **Revision 2, Section 5.1(k) amended 10-17-89 (RZ-425)**
Revision 3, Section 5.1(l) added 12-12-89 (RZ-437)
Revision 7, Section 5.1(a) amended 2-8-94 (RZ-93-13).
Revision 7, Section 5.1(l) repealed 2-8-94 (RZ-93-13).
Revision 11, Section 5.1(a) amended 7-20-99 (RZ-99-03)

- (i) Travel trailer parks, subject to the provisions of Section 22.52; and provided such use shall be three (3) times the distance requirements specified in Section 4.9.
- (j) Public buildings, structures, and properties of the recreational, cultural, administrative, or public service-type, including fire, ambulance, or rescue services.
- (k) Dairy products stores, grocery stores, produce stands, service stations, beauty parlors, and barber shops. A site plan shall be required for these uses pursuant to the standards of Section 4.11 except for all uses where the area devoted to the use is less than twenty-five hundred (2,500) square feet. Beauty parlors and barber shops in residence shall not require a site plan or any additional lot area, lot width, or setbacks over that which is required for the subject dwelling as specified in Section 5.5 or as modified in Article 23.
- (l) *(Repealed 2-8-94; RZ-93-13)*

Section 5.2 Special Exceptions (Requiring Board Authorization After Public Hearing)²⁵

- (a) Moderate volume mineral extraction and mineral processing as defined in Article 28A, subject to the requirements of Sections 15.4, 15.5 and 25.6. Mineral processing shall be for minerals mined on the site.
- (b) Public utility buildings and structures other than essential utility equipment, as defined in Article 28A.
- (c) Trap, skeet, rifle, or archery range, including gun clubs; provided such use shall be five (5) times the distance requirements specified in Section 4.9.
- (d) Veterinary clinics, animal hospitals, or kennels without outside runways or exercise areas.
- (e) Marinas, boat rentals, docks, piers and wharves.
- (f) Any other use that the Board finds is functionally similar to any principally permitted use or special exception listed in this Article. The Board shall not grant any special exception which is inconsistent with the purpose set forth for this District, nor which will materially or adversely affect the use of any adjacent or neighboring properties.
- (g) Cemeteries, mausoleums, and memorial gardens.

²⁵ **Revision 7, Section 5.2(h) added 2/1/94 (RZ-93-12)**
Revision 11, Section 5.2(i) added 5/18/99 (RZ-99-01)

Revision 12, Section 5.2(d) amended and 5.2(j) added 8/20/02 (RZ-02-002)

- (h) Senior Assisted Group Home, which home(s) shall provide daily living for elderly residents and meet all necessary approvals.
- (i) Commercial Communications Towers, subject to the requirements of Section 4.22.
- (j) Veterinary clinics, animal hospitals, or kennels with outside runways or exercise areas shall comply with Section 5.5. In addition, the outside runway or exercise area shall be no less than 175 feet from any dwelling, church, school or institution for human care not located on the same lot.

Section 5.3 Accessory Uses²⁶

- (a) Accessory buildings and uses customarily incidental to any principal permitted use or authorized special exception use.
- (b) Private stables as defined in Article 28A shall be subject to the requirements set forth in Article 4, Section 4.13.

Section 5.4 Height Regulations

Except on farms and except as provided in Section 23.4, no buildings or structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet.

Section 5.5 Lot Area, Lot Width, and Yard Requirements^{27 28}

The following minimum requirements shall apply except as hereinafter modified in Article 23.

²⁶ **Revision 11, Section 5.3(b) amended 7/20/99 (RZ-99-03)**

²⁷ **Revision 11, Section 5.5 amended 7/20/99 (RZ-99-03)**

²⁸ **Revision 12, Section 5.5 amended 8/20/02 (RZ-02-002)**

| | <u>Lot Area</u> | <u>Lot Width</u> | <u>Front Yard</u> | <u>Side Yard</u> | <u>Rear Yard</u> |
|--------------------|-----------------|------------------|-------------------|------------------|------------------|
| Dwellings | 3 acres | 300 ft. | 50 ft. | 50 ft. | 50 ft. |
| Mobile Homes | 3 acres | 300 ft. | 50 ft. | 50 ft. | 50 ft. |
| Other Uses 3 acres | 300 ft. | 50 ft. | 50 ft. | 50 ft. | |

Veterinary clinics, animal hospitals, or kennels without outside runways or exercise areas, including the dwelling.

| | <u>Lot Area</u> | <u>Lot Width</u> | <u>Front Yard</u> | <u>Side Yard</u> | <u>Rear Yard</u> |
|--|-----------------|------------------|-------------------|------------------|------------------|
| | 3 acres | 300 ft. | 50 ft. | 50 ft. | 50 ft. |

Veterinary clinics, animal hospitals, or kennels with outside runways or exercise areas, including the dwelling. (See also section 5.2(j)).

| | <u>Lot Area</u> | <u>Lot Width</u> | <u>Front Yard</u> | <u>Side Yard</u> | <u>Rear Yard</u> |
|--|-----------------|------------------|-------------------|------------------|------------------|
| | 4 acres | 300 ft. | 50 ft. | 50 ft. | 50 ft. |

[Except Section 5.2(e), (i)]

ARTICLE 5A – "A(R)" AGRICULTURAL (RURAL) DISTRICT²⁹

Section 5A.0 Purpose

The purpose of this district is to provide for continued farming activity and the many uses that do not require public water and sewerage facilities and which may be more suitably located outside of the urban-type growth of the larger communities of the County. The Agricultural zoning district has been purposely drawn to enclose large blocks of the best soils for intensive agricultural production as well as gently rolling topography for farming. Most of the operating farms as well as the largest block of farmland preserved through the Agricultural Preservation Program is located in this area.

Section 5A.1 Principal Permitted Uses and Accessory Uses

See the Table of Land Uses [Section 3.3, Table No. 3.3(1)]

Section 5A.2 Special Exceptions

See the Table of Land Uses [Table No. 3.3(1)] and any other use the Board of Appeals finds is functionally similar to any permitted use or special exception listed in the table for this district. The Board of Appeals shall not grant any special exception that is inconsistent with the purpose set forth for this district.

Section 5A.3 Criteria

The maximum density in the Agricultural zoning district shall be one (1) dwelling unit per five (5) acres of land owned minus the lot area taken off under Section 5A.4.

Section 5A.4 Exemptions

- (a) Each parcel of land of sufficient size as of October 29, 2002 shall be permitted to subdivide up to three (3) lots, which may be increased to a maximum of five (5) lots based on a sliding scale of one additional lot for each fifty (50) acres of land. The minimum lot size shall be the minimum lot size for the zoning of the property prior to the effective date of this amendment. Additional lots permitted under the zone will then be calculated on the remaining acreage based on one lot for every five acres.
- (b) Additional exemptions are available for the preservation of historic properties listed on the County Inventory of Historic Sites, the National Register of Historic Places or the Maryland Historical Trust's Inventory of Historic Sites. A lot may be created around the existing historic site/structure along with two additional lots on the original parcel upon the owner requesting and the Board of County Commissioners approving the placement of an "HP" Historic Preservation District Overlay designation on the lot with the historical site or structure.

²⁹ Revision 14, Article 5A added 7/26/05 (RZ-03-005)

Section 5A.5 Residential Lot Size and Bulk Dimensions

| | Lot Area | Lot Width | Lot Area/Family | *Front Yard | Side *** | Rear Yard | Height |
|---------------------------|----------------|-----------|-----------------|-------------|----------|-----------|--------|
| Dwelling, Single Family | 40,000 sq. ft. | 100 ft. | 40,000 sq. ft. | 40 ft in. | 15 ft. | 50 ft. | 40 ft. |
| Dwelling, Two-Family | 40,000 sq. ft. | 100 ft. | 20,000 sq. ft. | 40 ft. | 15 ft. | 50 ft. | 40 ft. |
| Dwelling, Semi-Detached** | 20,000 sq. ft. | 50 ft. | 20,000 sq. ft. | 40 ft. | 15 ft. | 50 ft. | 40 ft. |

* Front yard setbacks are measured from the edge of prescribed, existing or dedicated future rights of way.

** Semi-detached dwellings are special exception uses in this district and require Board of Zoning Appeals approval.

*** Side yard setbacks shall be a minimum of 50 ft. for lots five (5) acres or larger in size.

Side yards that are contiguous to parcels with permanent easements or parcels in areas designated as priority agricultural preservation areas or transferable development rights sending areas shall have minimum setbacks of 50 feet.

The Planning Commission may increase minimum setbacks up to 50 feet for properties adjacent to parcels that are being actively farmed or parcels with an Agricultural district designation.

Section 5A.6 Non-Residential Lot Size and Bulk Dimensions (not covered in Rural Business)³⁰

This section covers uses listed in the Table of Land Uses [Table No. 3.3(1)] that are principally permitted and that are not governed by the Rural Business floating zone.

| | Lot Area | Lot Width | Front Yard | Side Yard | Rear Yard |
|---|----------|-----------|------------|-----------|-----------|
| Schools, Elementary | 15 Acres | 400 ft. | 150 ft. | 100 ft. | 50 ft. |
| Schools, Middle | 30 Acres | 500 ft. | 150 ft. | 100 ft. | 50 ft. |
| Schools, High | 60 Acres | 500 ft. | 150 ft. | 100 ft. | 50 ft. |
| Churches | 2 Acres | 200 ft. | 100 ft. | 50 ft. | 50 ft. |
| Other Principal Permitted or Conditional Uses | 3 Acres | 300 ft. | 50 ft. | 50 ft. | 50 ft. |

Section 5A.7 Special Provisions

1. New development adjacent to existing Industrial Mineral (IM) zoning districts shall have a setback of 200 feet from all shared property lines.
2. Developments opting to use the clustering provision outlined in Article 22, Division VIII of this Ordinance may reduce side yard setbacks to a minimum of 15 feet from adjacent property lines created by the new development.
3. Development that occurs within the Airport Overlay Area as designated in the Comprehensive Plan shall have a density requirement of one (1) dwelling unit per fifty (50) acres of land owned. No lots under Section 5A.4 shall be permitted in the Airport Overlay Area.

³⁰

ARTICLE 5B – "EC" ENVIRONMENTAL CONSERVATION DISTRICT³¹

Section 5B.0 Purpose

The purpose of this district is to prescribe a zoning category for those areas where, because of natural geographic factors and existing land uses, it is considered feasible and desirable to conserve open spaces, water supply sources, woodland areas, wildlife and other natural resources. This district may include extensive steeply sloped areas, stream valleys, water supply sources, and wooded areas adjacent thereto.

Section 5B.1 Principal Permitted Uses and Accessory Uses

See the Table of Land Uses [Section 3.3, Table No. 3.3(1)]

Section 5B.2 Special Exceptions

See the Table of Land Uses [Table No. 3.3(1)] and any use the Board of Appeals finds is functionally similar to any permitted use or special exception listed in the table for this district. The Board of Appeals shall not grant any special exception that is inconsistent with the purpose set forth for this district.

Section 5B.3 Criteria

The maximum density in the Environmental Conservation zoning district shall be one (1) dwelling unit per twenty (20) acres of land owned minus the lot area taken off under Section 5B.4.

Section 5B.4 Exemptions

- (a) Each parcel of land of sufficient size as of October 29, 2002 shall be permitted to subdivide up to three (3) lots, which may be increased to a maximum of five (5) lots based on a sliding scale of one additional lot for each fifty (50) acres of land. The minimum lot size shall be the minimum lot size for the zoning of the property prior to the effective date of this amendment. Additional lots permitted under the zone will then be calculated on the remaining acreage based on one lot for every twenty acres.
- (b) Additional exemptions are available for the preservation of historic properties listed on the County Inventory of Historic Sites, the National Register of Historic Places or the Maryland Historical Trust's Inventory of Historic Sites. A lot may be created around the existing historic site/structure along with two additional lots on the original parcel upon the owner requesting and the Board of County Commissioners approving the placement of an "HP" Historic Preservation District Overlay designation on the lot with the historical site or structure.

³¹ Revision 14, Article 5B added 7/26/05 (RZ-03-005)

Section 5B.5 Residential Lot Size and Bulk Dimensions

| | Lot Area | Lot Width | Lot Area/Family | *Front Yard | Side *** | Rear Yard | Height |
|---------------------------|----------------|-----------|-----------------|-------------|----------|-----------|--------|
| Dwelling, Single Family | 40,000 sq. ft. | 100 ft. | 40,000 sq. ft. | 40 ft. | 15 ft. | 50 ft. | 40 ft. |
| Dwelling, Two-Family | 40,000 sq. ft. | 100 ft. | 20,000 sq. ft. | 40 ft. | 15 ft. | 50 ft. | 40 ft. |
| Dwelling, Semi-Detached** | 20,000 sq. ft. | 50 ft. | 20,000 sq. ft. | 40 ft. | 15 ft. | 50 ft. | 40 ft. |

* Front yard setbacks are measured from the edge of prescribed, existing or dedicated future rights of way.
 ** Semi-detached dwellings are special exception uses in this district and require Board of Zoning Appeals approval.
 *** Side yard setbacks shall be a minimum of 50 ft for lots twenty (20) acres or larger in size.

Side yards that are contiguous to parcels with permanent easements or parcels in areas designated as priority agricultural preservation areas or transferable development rights sending areas shall have minimum setbacks of 50 feet.

The Planning Commission may increase minimum setbacks up to 50 feet for properties adjacent to parcels that are being actively farmed or parcels with an Agricultural district designation.

Section 5B.6 Non-Residential Lots Size and Bulk Dimensions (not covered in Rural Business)³²

This section covers uses listed in the Table of Land Uses [Table No. 3.3(1)] that are principally permitted and that are not governed by the Rural Business floating zone.

| | Lot Area | Lot Width | Front Yard | Side Yard | Rear Yard |
|---|----------|-----------|------------|-----------|-----------|
| Schools, Elementary | 15 Acres | 400 ft. | 150 ft. | 100 ft. | 50 ft. |
| Schools, Middle | 30 Acres | 500 ft. | 150 ft. | 100 ft. | 50 ft. |
| Schools, High | 60 Acres | 500 ft. | 150 ft. | 100 ft. | 50 ft. |
| Churches | 2 Acres | 200 ft. | 100 ft. | 50 ft. | 50 ft. |
| Other Principal Permitted or Conditional Uses | 3 Acres | 300 ft. | 50 ft. | 50 ft. | 50 ft. |

Section 5B.7 Special Provisions

1. New development adjacent to existing Industrial Mineral (IM) zoning districts shall have a setback of 200 feet from all shared property lines.
2. Developments opting to use the clustering provision outlined in Article 22, Division VIII of this Ordinance may reduce side yard setbacks to a minimum of 15 feet from adjacent property lines created by the new development.

³² Revision 15, Section 5B.6 amended 9/19/06 (RZ-06-007)

ARTICLE 5C – "P" PRESERVATION DISTRICT³³

Section 5C.0 Purpose

The purpose of this district is to prescribe a zoning category for those areas where, because of natural geographic factors and existing land uses, it is considered feasible and desirable to conserve open spaces, water supply sources, woodland areas, wildlife and other natural resources. This district includes the County's designated Rural Legacy Area, federal lands, state parks, state wildlife management areas, county parks, Edgemont Watershed, and most of the mountaintops and the Potomac River.

Section 5C.1 Principal Permitted Uses and Accessory Uses

See the Table of Land Uses [Section 3.3, Table No. 3.3(1)]

Section 5C.2 Special Exceptions

See the Table of Land Uses [Table No. 3.3(1)] and any other use the Board of Appeals finds is functionally similar to any permitted use or special exception listed in the table for this district. The Board of Appeals shall not grant any special exception that is inconsistent with the purpose set forth for this district.

Section 5C.3 Criteria

The maximum density in the Preservation zoning district shall be one (1) dwelling unit per thirty (30) acres of land owned minus the lot area taken off under section 5C.4.

Section 5C.4 Exemptions

- (a) Each parcel of land of sufficient size as of October 29, 2002, shall be permitted to subdivide up to three (3) lots, which may be increased to five (5) lots based on a sliding scale of one additional lot for each fifty (50) acres of land. The minimum lot size shall be the minimum lot size for the zoning of the property prior to the effective date of this amendment. Additional lots permitted under the zone will then be calculated on the remaining acreage based on one lot for every thirty (30) acres.
- (b) Additional exemptions are available for the preservation of historic properties listed on the County Inventory of Historic Sites, the National Register of Historic Places or the Maryland Historical Trust's Inventory of Historic Sites. A lot may be created around the existing historic site/structure along with two additional lots on the original parcel upon the owner requesting and the Board of County Commissioners approving the placement of an "HP" Historic Preservation District Overlay designation on the lot with the historical site or structure.

³³ Revision 14, Article 5C added 7/26/05 (RZ-03-005)

Section 5C.5 Residential Lot Size and Bulk Dimensions

| | Lot Area | Lot Width | Lot Area/Family | *Front Yard | Side *** | Rear Yard | Height |
|---------------------------|----------------|-----------|-----------------|-------------|----------|-----------|--------|
| Dwelling, Single Family | 40,000 sq. ft. | 100 ft. | 40,000 sq. ft. | 40 ft. | 15 ft. | 50 ft. | 40 ft. |
| Dwelling, Two-Family | 40,000 sq. ft. | 100 ft. | 20,000 sq. ft. | 40 ft. | 15 ft. | 50 ft. | 40 ft. |
| Dwelling, Semi-Detached** | 20,000 sq. ft. | 50 ft. | 20,000 sq. ft. | 40 ft. | 15 ft. | 50 ft. | 40 ft. |

* Front yard setbacks are measured from the edge of prescribed, existing or dedicated future rights of way.

** Semi-detached dwellings are special exception uses in this district and require Board of Zoning Appeals approval

*** Side yard setback shall be a minimum of 50 ft. for lots thirty (30) acres or larger in size.

Side yards that are contiguous to parcels with permanent easements or parcels in areas designated as priority agricultural preservation areas or transferable development rights sending areas shall have minimum setbacks of 50 feet.

The Planning Commission may increase minimum setbacks up to 50 feet for properties adjacent to parcels that are being actively farmed or parcels with an Agricultural district designation.

Section 5C.6 Non-Residential Lot Size and Bulk Dimensions (not covered in Rural Business)³⁴

This section covers uses listed in the Table of Land Uses [Table No. 3.3(1)] that are principally permitted and that are not governed by the Rural Business floating zone.

| | Lot Area | Lot Width | Front Yard | Side Yard | Rear Yard |
|---|----------|-----------|------------|-----------|-----------|
| Schools, Elementary | 15 Acres | 400 ft. | 150 ft. | 100 ft. | 50 ft. |
| Schools, Middle | 30 Acres | 500 ft. | 150 ft. | 100 ft. | 50 ft. |
| Schools, High | 60 Acres | 500 ft. | 150 ft. | 100 ft. | 50 ft. |
| Churches | 2 Acres | 200 ft. | 100 ft. | 50 ft. | 50 ft. |
| Other Principal Permitted or Conditional Uses | 3 Acres | 300 ft. | 50 ft. | 50 ft. | 50 ft. |

Section 5C.7 Special Provisions

1. New development adjacent to existing Industrial Mineral (IM) zoning district shall have a setback of 200 feet from all shared property lines.
2. Developments opting to use the clustering provision outlined in Article 22 Division VIII of this Ordinance may reduce side yard setbacks to a minimum of 15 feet from adjacent property lines created by the new development.

³⁴ Revision 15, Section 5C.6 amended 9/19/06 (RZ-06-007)

ARTICLE 5D – "RV" RURAL VILLAGE DISTRICT³⁵

Section 5D.0 Purpose

The Rural Village designation is provided to preserve the unique historic or rural character of existing villages by encouraging compatible development within a defined village boundary. It also identifies clusters of existing development in the rural areas that may be candidates for public facilities in the future. The zone intends for permitted development to be generally of a similar density, scale and use type and mixture as that which exists in the village. The zone is also designed to prevent large amounts or inappropriately scaled development or uses that would detract from the existing rural or historic character of the village. It is expected that development will be residential and a limited amount of mixed rural services. More than one use may be permitted on one parcel in accordance with specific guidelines. Public water and sewer may be available for the purpose of resolving or preventing health issues. Use of public utilities to permit greater density than the density specified in this section is not permitted.

Section 5D.1 Principal Permitted Uses and Accessory Uses

See the Table of Land Uses [Section 3.3, Table No. 3.3(1)]. More than one use may be permitted in the same structure.

Section 5D.2 Special Exceptions

See the Table of Land Uses [Table No. 3.3(1)] and any other use the Board of Appeals finds is functionally similar to any permitted use or special exception listed in the Article. The Board of Appeals shall not grant any special exception that is inconsistent with the purpose set forth for this district.

Section 5D.3 Dimensional Requirements

(a) RESIDENTIAL USES

1. LOT SIZE: Minimum 40,000 square feet without public water and sewer
Minimum 30,000 square feet when public water or sewer are used
Minimum 20,000 square feet when public water and sewer are used
2. FRONT SETBACKS: 25 feet from the edge of the existing or future public right of way. When there is existing residential development on one side, the front setback may be equal to the existing setback. When there is existing residential development on both sides, the front setback may be equal to the average of the two existing setbacks. In no case may the front setback be less than 10 feet from the edge of the existing or future right of way.

³⁵ Revision 14, Article 5D added 7/26/05 (RZ-03-005)

3. SIDE YARD SETBACKS: Side yard setbacks shall not be less than 5 feet
4. REAR YARD SETBACKS: Rear yard setbacks shall not be less than 25 feet.
5. HEIGHT: No residential structure shall exceed 35 feet in height
6. PARKING - Each dwelling unit shall be provided a minimum of two off street vehicle parking spaces, each 9 feet by 20 feet in size. Parking shall not be located on any existing or future public right of way.

(b) NON RESIDENTIAL USES (that are not subject to the Rural Business district)

1. LOT SIZE: There is no minimum lot size requirement for non-residential uses. There shall be sufficient lot area to accommodate all other design requirements such as on-site water and sewer requirements, building setbacks, buffers, landscaping, parking, signage, refuse disposal, material storage and any other zoning requirements.
2. FRONT SETBACK: Front setback requirements are the same as for residential development. Required parking may be permitted in the front setback; however, parking may not consume more than 60% of the front yard. Parking shall not be closer than 5 feet to the front property line or any existing or future right of way.
3. SIDE YARD SETBACKS: Side yard setbacks shall be the same as for residential development. Where residential development is located on the adjacent parcel the setback shall be no less than 10 feet. A screening buffer shall be provided to screen the non-residential use.

The screening buffer shall consist of trees that are a minimum of 8 feet in height and 2 inch caliber at the time of planting. Trees shall be planted at a maximum of 10 feet apart along the length of the area to be screened but shall not be planted to obstruct sight distance at vehicular access points. Shrubs may be required to supplement trees to create an opaque screen. Shrubs may be used in place of trees if they can be shown to provide the required screening effect. Screening may also be provided by a solid fence or a combination of planting and fences.

4. REAR YARD SETBACKS: Rear yard setbacks shall not be less than 25 feet. Where adjacent parcels contain residential uses, a solid screening buffer shall be provided according to the guidelines noted in Paragraph 3 above.

(c) MIXED USES

1. More than one principal permitted use may be permitted on a parcel or in a structure in accordance with the following guidelines.

- a. When more than one principal use occupies the same structure and there are minimum lot areas specified for each use in this section, the minimum lot area shall be the greater of the two minimums permitted plus 10%.
 - b. Where residential and non residential uses occupy the same structure all other zoning requirements for the non residential use such as parking, setbacks, screening, etc., must be accommodated on the site. In addition to the lot area determined necessary for the non-residential use, one-half of the minimum lot area specified for the residential use shall also be provided.
 - c. Parking shall be provided at the rate specified in Article 21, Division I for the non-residential use plus a minimum of two spaces for each residential unit.
 - d. Signage shall be limited to one free standing sign structure, which may contain separate signs for each of the multiple uses on the site. One building mounted sign for each use, limited to 10 square feet is also permitted
 - e. Outside material storage areas including refuse or recycling containers shall be screened.
 - f. All building mounted and parking lot lighting shall be constructed so that light and glare are diffused toward the ground.
2. SETBACKS – Where more than one use occupies a parcel or structure the greater of the two required front, rear and side yard setbacks shall be provided. Where adjacent parcels contain residential uses, a solid screening buffer shall be provided according to the guidelines contained at Section 5D.3(b)3 above.

Section 5D.4 Special Provisions

When 50% or more of the existing parcels within the boundary of the Rural Village contain special amenities such as, but not necessarily limited to, sidewalks, fences, street lighting, etc., and the amenity exists on any one adjacent parcels, new development shall provide continuation of the amenity of a size, style and number consistent with the existing amenities.

Section 5D.5 Architectural Review

It is the intention of the Rural Village designation to promote new development that is consistent in type, scale and appearance with existing development in the village.

- (a) In Rural Villages that are identified in Washington County's Historic Sites Inventory, individual parcels identified in the same inventory when the village is not identified, properties listed in Maryland's Inventory of Historic Places

or properties listed in the National Register of Historic Places, the exterior appearance of new construction that requires a building permit, except buildings of 100 square feet or less, shall be subject to review and approval or disapproval by the Washington County Historic District Commission. The Historic District Commission shall use the adopted review guidelines as provided in Article 20 of the Zoning Ordinance.

1. In addition to the adopted guidelines the Historic District Commission shall give consideration to the following in its determination of appropriate exterior appearance of new construction in the Rural Village district.
 - a. the exterior appearance of existing structures in the Rural Village including materials, style, arrangement of doors and windows, mass, height and number of stories, roof style and pitch, proportion.
 - b. Building size and orientation
 - c. landscaping
 - d. signage
 - e. lighting
 - f. setbacks
 - g. accessory structures
- (b) All applications for new construction, except buildings of 100 square feet or less, shall provide accurately scaled and detailed elevation drawings of all sides of the structure for review as part of the building permit or site plan review, whichever is first applicable.
- (c) As other Rural Villages or individual properties within the Rural Village district are evaluated to determine their historic significance according to Maryland Historical Trust guidelines and are added to the Maryland Inventory of Historic Properties, Washington County's Inventory of Historic Properties or the National Register of Historic Places, the exterior appearance of those structures shall also become subject to the review and approval or disapproval of the Historic District Commission.

The requirement for Historic District Commission review of exterior appearance in Rural Villages added after original adoption of this Ordinance shall apply only after a public hearing during which the affected property owners have had the opportunity to provide input.

Section 5D.6 Cluster Provisions and the Rural Village

New development utilizing cluster design guidelines outside of the Rural Village district but within 1,000 feet of the district boundary shall be subject to Planning Commission review. The Planning Commission may require placement of clustered lots adjacent to the boundary of the Rural Village district.

ARTICLE 5E – "RB-E" RURAL BUSINESS EXISTING DISTRICT³⁶

Section 5E.0 Purpose

The "RB-E" Rural Business Existing District is established to permit the continuation of businesses that support the agricultural industry and farming community, serve the needs of the rural residential population, provide for recreation and tourism opportunities, as well as establishing locations for businesses and facilities not otherwise permitted under the other rural zoning classifications. The Rural Business Existing District is established as a "Euclidean Zone". RB-E Districts are located only on identified existing rural business sites. Performance-based criteria will be utilized to evaluate changes in land use or expansions to assess impact and may require reestablishment of a proposed rural business land use or expansion through the RB-N (Rural Business New) floating zone rezoning process.

Section 5E.1 Principal Permitted Uses and Accessory Uses

See the Table of Land Uses [Section 3.3, Table No. 3.3(1)] for identification of principal and accessory uses permitted in the RB-E District. Those uses listed under the RB (Rural Business) designation shall be applicable to the RB-E District.

Section 5E.2 Criteria

Businesses in the rural area existing at the time of adoption of these regulations and which are listed on the Table of Land Uses [Table No. 3.3(1)] shall be designated on the Washington County Zoning Map, as RB-E or Rural Business Existing Districts. Businesses with this designation need not take any action to continue operation. Such existing uses are viewed as compatible with the character of the rural area and their continued operation is deemed consistent with the policies of the Comprehensive Plan.

Requests for changes in land use or business expansions for parcels or sites zoned RB-E may generate a requirement to reconstitute the RB-E District under the provisions for the RB-N District. The evaluation process to make this determination is identified under Section 5, "Changes in Land Use" under this Article.

Existing business not listed on the Table of Land Uses [Table No. 3.3(1)] may continue as "Non-Conforming Uses" in accordance with the Non-Conforming Use Regulations under the Zoning Ordinance, or as a "Resident Business" or "Home Occupation" under Agricultural, Environmental Conservation, Preservation or Rural Village Zoning District designations.

Section 5E.3 Lot Size and Bulk Regulations³⁷

- (a) Lot Size:
Minimum 40,000 Sq. Ft. without Public Water and Sewer Service.

³⁶ Revision 14, Article 5E added 7/26/05 (RZ-03-005)

³⁷ Revision 15, Section 5E.3(c) amended 9/19/06 (RZ-06-007)

- (b) Front Yard Building Setback:
40 Feet from a Minor Collector or Local Public Road ROW.
50 feet from a Major Collector or Arterial Public Road ROW
- (c) Side or Rear Yard Building Setbacks:
100 Feet from a property zoned for or occupied by a Residential Land Use;
25 Feet from a property zoned for or occupied by a Non-Residential Land Use.
- (d) Structure Height: 35 Feet
- (e) Lot Coverage: Maximum 65 %

Parking and access aisles are permitted in the front yard setback area. Parking and access aisles are permitted in the side and rear yard setback areas only when abutting a property with a non-residential land use.

Section 5E.4 Changes in Land

Because of the sensitive nature of much of the land in the rural area of the County, as well as limited infrastructure to support different intensities of development; changes in land use permitted under the Rural Business Existing District designation may generate impacts or compatibility issues when a new or expanded use is proposed for a parcel designated as RB-E as part of the comprehensive rezoning process.

In order to better identify potential conflicts and establish procedures that can address environmental sensitivity, infrastructure availability and/or land use compatibility issues, the following performance criteria shall be applied for each proposed land use change or expansion of an existing land use associated with an RB-E District designation.

Where a proposed change in use or expansion exceeds the threshold value for three (3) or more of the following criteria, the proposed change in use or expansion shall be required to be approved through the floating zone rezoning process for creation of a new rural business district under the RB-N (Rural Business New District) regulations.

Where the proposed change in land use or expansion exceeds fewer than three (3) threshold values then approval of a site plan in accordance with standard development review practices shall be the only requirement.

Evaluation Criteria:

- (a) Land Use Intensity: Where the proposed land use intensity relationship between the existing land use and the proposed land use shows an increase on the following chart then it shall be considered exceeding the threshold value.

| Land Use | Existing Land Use Intensity LOW | Existing Land Use Intensity MODERATE | Existing Land Use Intensity HIGH |
|--------------------------------------|---------------------------------|--------------------------------------|----------------------------------|
| Proposed Land Use Intensity Low | 3 | 2 | 1 |
| Proposed Land Use Intensity Moderate | 4 | 3 | 2 |
| Proposed Land Use Intensity HIGH | 5 | 4 | 3 |

- (b) Site Area: Where the proposed expansion or change in use increases the site area proposed for development or use by 50% or more it shall be considered as exceeding the threshold value. A site where the total amount of area specified for development is less than 2 acres shall be exempt from evaluation under these criteria.
- (c) Building Area: Where the proposed expansion or change in use increases the building area occupied by the business by 50% or more it shall be considered as exceeding the threshold value. A site where the total amount of area specified for a building or buildings is less than 5,000 square feet shall be exempt from evaluation under these criteria.
- (d) Parking: Where the proposed expansion or change in use increases the number of required parking spaces by 50% or more it shall be considered as exceeding the threshold value. A site where the total number of parking spaces specified is 10 or fewer shall be exempt from evaluation under this criterion.

Hours of operation: Where the proposed expansion or change in use generates operational hours is in excess of the following it shall be considered exceeding the threshold value.

Non-Retail 7:00 a.m. to 7:00 p.m. – weekdays only.

Retail 7:00 a.m. to 9:00 p.m. – any day of the week

Traffic Volume: Where the proposed expansion or change in use increases the traffic volume by 50% or more based on peak hour trips it shall be considered exceeding the threshold value. Businesses generating fewer than 25 peak hour trips shall be exempt from evaluation under these criteria.

Section 5E. 5 Special Provisions

- (a) There are no special exception uses for the RB-E District.
- (b) Variances from any bulk area requirement would be addressed through the Board of Appeals. As an incentive, variance requests relating to requirements for bulk regulations, parking requirements, landscaping, and screening should be given preference when related to reuse or rehabilitation of existing buildings.
- (c) Any proposed building should be of a scale and architectural design compatible with adjacent buildings and land uses. Compatibility shall be defined as consistency with a majority of the site and major architectural elements (including signage) of the portions of structures or land uses visible to the public within a 1,000-foot radius of the building or site location. Specific criteria to be used for determination of compatibility shall include: building design and orientation, exterior construction materials, signage, landscaping, and parking.
- (d) Additional buffering, screening or landscaping may be required when the RB-E District abuts a Historic Preservation Overlay Area or is located along a designated scenic highway.
- (e) Signage shall be limited to one freestanding sign and one building mounted sign for each approved use identified on an application. No off premise business signs shall be approved for location on an RB-E site.
- (f) All building mounted or parking lot lighting shall be constructed so that light and glare are defused toward the ground.
- (g) Trash, refuse or recycling receptacles shall be screened from public view through the use of fencing or landscaping.
- (h) Outside storage of materials is limited to those areas on a site plan designated for such storage. Additional screening may be required when outside storage is proposed.
- (i) Screening between a residential land use and a proposed RB-E district shall consist of tree species that shall be a minimum of eight (8) feet overall in height and two (2) inch caliber at the time of planting. Trees shall be placed at a maximum of 10-foot intervals along the perimeter of the boundary to be screened except for areas that would restrict sight distance from the access points to the site. Shrubs may be required to supplement tree plantings to create an opaque screen. Shrubs may be used in place of trees if they can be shown to create the same overall screening effect. Perimeter screening in the form of a solid fence or a combination of a solid fence and vegetation may be used to meet the screening requirement.

ARTICLE 5F – "RB-N" RURAL BUSINESS NEW DISTRICT³⁸

Section 5F.0 Purpose

The "RB-N" Rural Business New District is established to permit the development of businesses that support the agricultural industry and farming community, serve the needs of the rural residential population, provide for recreation and tourism opportunities, as well as establishing locations for businesses and facilities not otherwise permitted in the rural areas of the County. The Rural Business New District is established as a "floating zone" which may be located on any parcel in an Agricultural, Environmental Conservation, Preservation or Rural Village Zoning District.

Section 5F.1 Principal Permitted Uses and Accessory Uses

See the Table of Land Uses [Section 3.3, Table No. 3.3(1) for identification of principal and accessory uses permitted in the RB-N District. Those uses listed under the RB (Rural Business) designation shall be applicable to the RB-N District.

Section 5F.2 Special Exceptions

See the Table of Land Uses [Table No. 3.3(1) and any other use the Board of Appeals finds is functionally similar to any permitted use or special exception listed in the Article. The Board of Appeals shall not grant any special exception that is inconsistent with the purpose set for the district.

Section 5F.3 Criteria

The RB-N District may be established at a particular location if the following criteria are met:

- (a) The proposed RB-N District is not within any designated growth area identified in the Washington County Comprehensive Plan.
- (b) The proposed RB-N District has safe and usable road access on a road that meets the standards under the "Policy for Determining Adequacy of Existing Roads." In addition, a traffic study may be required where the proposed business, activity or facility generates 25 or more peak hour trips or where 40% of the estimated vehicle trips are anticipated to be commercial truck traffic.
- (c) On site issues relating to sewage disposal, water supply, stormwater management, flood plains, etc. can be adequately addressed.
- (d) The location of an RB-N District would not be incompatible with existing land uses, cultural or historic resources, or agricultural preservation efforts in the vicinity of the site.

³⁸ Revision 14, Article 5F added 7/26/05 (RZ-03-005)

Section 5F.4 Lot Size and Bulk Regulations:³⁹

- (a) Lot Size:
Minimum 40,000 Sq. Ft. without Public Water and Sewer Service.
- (b) Front Yard Building Setback:
40 Feet from a Minor Collector or Local Public Road ROW.
50 feet from a Major Collector or Arterial Public Road ROW
- (c) Side or Rear Yard Building Setbacks:
100 Feet from a property zoned for or occupied by a Residential Land Use;
25 Feet from a property zoned for or occupied by a Non-Residential Land Use.
- (d) Structure Height: 35 Feet
- (e) Lot Coverage: Maximum 65 %

Parking and access aisles are permitted in the front yard setback area. Parking and access aisles are permitted in the side and rear yard setback areas only when abutting a property with a non-residential land use.

Section 5F.5 Procedure for Creation of a RB-N District

- (a) The owner of an interest in a tract of land in Washington County may apply to the Board of County Commissioners to designate the property with a “RB-N” Rural Business New floating zone designation. The application shall include:
 - 1. A Rezoning Application Form with a location map.
 - 2. A location map and boundary identification of the property covered by the application.
 - 3. A Preliminary Site Plan Showing:
 - a. Information identifying: the owners of the property and contract purchaser if appropriate, current zoning designation, proposed use(s) for the site, the estimated number of employees, hours of operation, anticipated trip generation to/from the site, and land uses within 1,000 feet of the site.
 - b. Identification of: existing topography, 100 year floodplain areas, forested areas, wetlands, endangered species areas, and historical or culturally significant features on or abutting the site.

³⁹ Revision 15, Section 5F.4(c) amended 9/19/06 (RZ-06-007)

- c. The general location of proposed points of ingress and egress to the site.
 - d. The location of any existing or proposed buildings on the site and the location of building setback lines.
 - e. The general location of any existing or proposed well and septic system areas or public water and/or sewer lines if available.
 - f. The general areas to be dedicated for parking including the number of spaces to be provided.
 - g. The general location of landscaped areas including proposed screen plantings and any proposed on site forest mitigation areas.
 - h. The general location of storm water management facilities and an estimate of the amount of impervious area for the site.
 - i. The general location of proposed signage and lighting.
 - j. A sketch or rendering of any proposed new structures with information on scale, exterior finished and signage.
- (b) The application shall be reviewed at rezoning public hearing(s) of the Planning Commission and the Board of Commissioners. The Planning Staff will provide a staff report on the proposed rezoning request and the applicant will have an opportunity to present his case. Public testimony will be taken at the public hearing.
- (c) After the public hearing, the Planning Commission shall make a recommendation to the Board of County Commissioners based on the following:
- (i) The proposed district will accomplish the purpose of the RB-N District;
 - (ii) The proposed site development meets criteria identified in Section 5F.3 of this Article;
 - (iii) The roads providing access to the site are appropriate for serving the business related traffic generated by the proposed RB land use;
 - (iv) Adequate sight distance along roads can be provided at proposed points of access to the site;
 - (v) The proposed landscaped areas can provide adequate buffering of the proposed RB land use from existing land uses in the vicinity.

- (vi) The proposed land use is not of a scale, intensity or character that would be incompatible with adjacent land uses or structures.
- (d) Based on the recommendation of the Planning Commission, staff reports and testimony provided at the public hearing, the Board of County Commissioners will either approve or deny the application request. The Board of County Commissioners may approve the application with stipulation of conditions to be addressed at the time of final site plan approval. Approval of the RB-N District shall only be for the use(s) identified on the application and preliminary site plan. Approval of the application to create an RB-N District shall cover only that portion of a parcel or lot identified in the application.
- (e) After approval by the Board of County Commissioners, a final site plan prepared in accordance with Article 4, Section 4.11 shall be submitted for approval by the Planning Commission or Planning Staff if so designated. Minor modifications to approved use(s) or an accessory use(s) or to the preliminary approved site plan may be approved by the Planning Commission.
- (f) Approval of a site plan by the Planning Commission shall entitle the applicant to apply for a building permit in accordance with the rules and regulations for issuance of a building permit.

Section 5F.6 Special Provisions

- (a) Once an initial site plan has been approved for an RB-N District, changes in land use or development expansions shall be handled through the procedures for an RB-E District (Rural Business Existing District).
- (b) As an incentive, preference in creation of a new rural business districts (RB-N) shall be given to those applicants who incorporate the reuse or rehabilitation of existing buildings in the rural area.
- (c) Any proposed building should be of a scale and architectural design compatible with adjacent buildings and land uses. Compatibility shall be defined as consistency with a majority of the site and major architectural elements (including signage) of the portions of structures or land uses visible to the public within a 1,000-foot radius of the proposed RB-N district. Specific criteria to be used for determination of compatibility shall include: building design and orientation, exterior construction materials, signage, landscaping, and parking.
- (d) Additional buffering, screening or landscaping or other like elements may be required when the proposed RB-N District abuts a Historic Preservation Overlay Area or is located along a designated scenic highway.

- (e) Signage shall be limited to one freestanding sign and one building mounted sign for each approved use identified on an application. No off premise signs shall be approved through this rezoning process.
- (f) All building mounted or parking lot lighting shall be constructed so that light and glare are defused toward the ground.
- (g) Trash, refuse or recycling receptacles shall be screened from public view through the use of fencing or landscaping.
- (h) Outside storage of materials is limited to those areas on a site plan designated for such storage. Additional screening may be required when outside storage is proposed.
- (i) Screening between a residential land use and a proposed RB-N district shall consist of tree species that shall be a minimum of eight (8) feet overall in height and two (2) inch caliber at the time of planting. Trees shall be placed at a maximum of 10-foot intervals along the perimeter of the boundary to be screened except for areas that would restrict sight distance from the access points to the site. Shrubs may be required to supplement tree plants to create an opaque screen. Shrubs may be used in place of trees if they can be shown to create the same overall screening effect. Perimeter screening in the form of a solid fence or a combination of a solid fence and vegetation may be used to meet the screening requirement.

ARTICLE 6 "A" AGRICULTURAL DISTRICT

Section 6.0 Purpose

The purpose of this District is to provide for continued farming activity and the many uses which do not require public water and sewerage facilities and which may be more suitably located outside of the urban-type growth of the larger communities of the County. While several smaller communities may appear in this District, it comprises, generally, for the most part, the rural portions of the County.

The following regulations and the applicable regulations contained in other articles shall apply in the "A" Agricultural District.

Section 6.1 Principal Permitted Uses⁴⁰

- (a) Agriculture, as defined in Article 28A, including commercial nurseries, greenhouses; and animal husbandry facilities as defined in Article 28A which shall be subject to the requirements set forth in Article 22, Division IX.
- (aa) *(Repealed, 2-8-94; RZ-93-13)*
- (b) Churches, parish houses, and other places of worship.
- (c) Circus, carnival or similar transient enterprise; provided, that such use shall not exceed ten (10) days at any one time, and which does not include any permanent structure.
- (d) Dwellings, single-family, two-family and semi-detached.
- (e) Mobile homes; provided that the same are utilized as a single-family dwelling, and provided that the minimum lot size is forty thousand (40,000) square feet, and further provided that said mobile home provides housing and is in compliance with the requirements of Section 22.54.
- ~~(f) Hospitals (Class A), sanitariums or charitable institutions for human care and the treatment of non-contagious diseases.~~

⁴⁰ **Revision 2, Sections 6.1(w) and 6.1(x) amended 10/17/99 (RZ-426)**
Revision 3, Section 6.1(u) deleted 8/8/89 (RZ-412 - Remand)
Revision 3, Section 6.1(aa) added 12/12/89 (RZ-437)
Revision 7, Section 6.1(a) amended and Section 6.1(aa) repealed 2/8/94 (RZ-93-13)
Revision 11, Section 6.1(aa) added 5/19/98 (RZ-98-07)
Revision 12, Section 6.1(p) amended 8/20/02 (RZ-02-002)
Revision 15, Section 6.1(f) deleted 7/11/06 (RZ-06-010)

- (g) Recreation areas and centers, including country clubs, swimming pools, golf courses, summer camps.
- (h) Forests and wildlife preserves, fish hatcheries and similar conservation areas.
- (i) Retirement and nursing homes.
- (j) Riding academies, livery stables, subject to the distance requirements specified in Section 4.9.
- (k) Research laboratories dealing specifically in the field of agriculture.
- (l) Sawmills for cutting timber; provided, that such use shall be located three (3) times the distance requirement specified in Section 4.9.
- (m) Schools and colleges, including nursery schools or day care centers. (See Section 23.1(g))
- (n) Public buildings, structures, and properties of the recreational, cultural, or public service-type, including fire, ambulance or rescue services.
- (o) Temporary buildings may be used incidental to construction work upon compliance with the requirements of the Health Department, but shall be removed upon completion or abandonment of the construction work.
- (p) Veterinary clinics, animal hospitals, or kennels without outside runways or exercise areas.
- (q) Wineries involving the production and bottling of wine.
- (r) Conversion and alteration of buildings existing at the time of enactment of this Ordinance to accommodate two or more families.
- (s) Blacksmith and/or machine shops primarily engaged in agriculture related work, and leather tack and shoe repair shops.
- (t) Grain elevators, grain bins, farm machinery dealerships, and other businesses primarily engaged in agricultural work.
- (u) ~~Mobile home parks and/or mobile home subdivisions subject to the provisions of Section 22.5; and provided such use shall be subject to the distance requirements specified in Section 22.51(h).~~
- (v) Travel trailer parks, subject to the provisions of Section 22.52; and provided, such use shall be three (3) times the distance requirements specified in Section 4.9.
- (w) Commercial uses limited to the following: Dairy product stores and food and grocery stores that include the sale of gasoline, fruit and vegetable stores, meat

markets, produce stands, beauty parlors and barber shops. A site plan shall be required for these uses pursuant to the standards of Section 4.11 except for all uses where the area devoted to the use is less than twenty-five hundred (2,500) square feet. Beauty parlors and barber shops in residence shall not require a site plan or any additional lot area, lot width, or setbacks over that which is required for the subject dwelling as specified in Section 6.5 or as modified in Article 23.

- (x) Buildings and properties of a cultural, civic, fraternal, educational, social or community service type, libraries, ponds, playgrounds and community centers.
- (y) Firearms repair shops, including retail sales.
- (z) PUDs subject to the provisions of Article 16.
- (aa) Surface grading, removal of top soil, shale or similar material in preparing the property for development; but not including open pit quarrying or mineral processing on site; subject to the performance standards in Section 4.12. A grading plan containing the information required in Section 15.3(a)-(h) showing the existing and proposed surface contours and providing for the revegetation of the property shall be submitted to the Planning Commission for approval.

Section 6.2 Special Exceptions (Requiring Board Authorization After Public Hearing)⁴¹

- (a) Antique shops
- (b) Airports or landing fields, public or private, subject to the provisions of Article 21.
- (c) Cemeteries, mausoleums, or memorial gardens.
- (d) Contractors equipment storage and/or yards; provided such use shall be subject to two (2) times the distance requirements specified in Section 4.9 and a minimum of three (3) acres is provided.
- (e) Moderate volume mineral extraction other than as permitted under Section 6.1(aa), and mineral processing as defined in Article 28A, subject to the

⁴¹ **Revision 1, Section 6.2(p) amended 7/19/88 (RZ-395)**
Revision 3, Section 6.2(u) added 8/8/89 (RZ-412 - Remand)
Revision 11, Section 6.2(e) amended 5/19/98 (RZ-98-07)
Revision 11, Section 6.2(v) added 5/18/99 (RZ-99-01)
Revision 12, Section 6.2(k) amended 8/20/02 (RZ-02-002)
Revision 15, Section 6.2(j) amended 7/11/06 (RZ-06-010)

requirements of Sections 15.4, 15.5 and 25.6. Mineral processing shall be for minerals mined on the site.

- (f) Fairgrounds and race tracks or courses for the conduct of seasonal or periodic meets of horses, dogs, aircraft, automobiles, motorcycles and the like; provided such use shall be subject to three (3) times the distance requirements specified in Section 4.9.
- (g) Farms for the principal use of raising animals for experimental or other purposes, such as rats, rabbits, mice, monkeys and the like, fur farms and garbage feeding of hogs, provided such use shall be subject to three (3) times the distance requirements specified in Section 4.9.
- (h) Food processing and packing plants; provided such use shall be located two (2) times the distance requirements specified in Section 4.9.
- (i) Funeral establishments.
- (j) Hospitals, sanitariums or institutions for the treatment of contagious diseases, the insane, liquor or drug addicts; provided such use shall be subject to three (3) times the distance requirements specified in Section 4.9.
- (k) Veterinary clinics, animal hospitals, or kennels with outside runways or exercise areas, including the dwelling, shall comply with section 6.5. In addition, the outside runway or exercise area shall be no less than 175 feet from any dwelling, church, school or institution for human care not located on the same lot.
- (l) Livestock sales, yards, and buildings subject to a minimum of ten (10) acres being provided; and provided such building or use shall be subject to four (4) times the distance requirements specified in Section 4.9 and a front yard of four hundred (400) feet is provided for any use pertaining thereto.
- (m) Outdoor theaters; provided a minimum of five (5) acres is maintained; and provided such use shall be subject to three (3) times the distance requirements of Section 4.9.
- (n) Penal and correctional institutions including jails.
- (o) Public utility buildings, structures, or uses including radio, television, and other communication facilities not considered Essential Utility Equipment, as defined in Article 28A.
- (p) Sanitary landfills, provided such use shall be two (2) times the distance specified in Section 4.9.
- (q) Research laboratories or research type industries in which the activities are completely enclosed in a building or buildings. The lot area for such use shall

not be less than twenty-five (25) acres and a site development plan shall be approved by the Commission.

- (r) Trap, skeet, rifle, or archery ranges, including gun clubs; provided such use shall be five (5) times the distance requirements specified in Section 4.9 and all safety standards of county, state and federal agencies are observed.
- (s) Marinas, boat rentals, docks, piers, and wharves.
- (t) Any other use that the Board finds is functionally similar to any principally permitted use or special exception listed in this Article. The Board shall not grant any special exception which is inconsistent with the purpose set forth for this district, nor which will materially or adversely affect the use of any adjacent or neighboring properties.
- (u) Mobile home parks and/or mobile home subdivisions subject to lot area, lot width, and yard requirements of Section 6.5 mobile homes.
- (v) Commercial Communications Towers subject to the requirements of Section 4.22.

Section 6.3 Accessory Uses⁴²

- (a) Accessory buildings and uses customarily incidental to any principal use or authorized special exception use.
- (b) Incidental home and farm occupations.
- (c) Roadside stands offering for sale only agricultural products grown primarily on the premises.
- (d) Keeping of roomers or tourists by a resident family.
- (e) Living quarters for persons employed on the premises.
- (f) Business signs, subject to the provisions of Section 22.2.
- (g) Private stables as defined in Article 28A shall be subject to the requirements set forth in Article 4, Section 4.13.

Section 6.4 Height Regulations

Except on farms and except as provided in Section 23.4, no building or structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet.

⁴² **Revision 11, Section 6.3(g) amended 7/20/99 (RZ-99-03)**

Section 6.5 Lot Area, Lot Width, and Yard Requirements⁴³

The following minimum requirements shall apply, except as hereinafter modified in Article 23:

| | Lot Area | Lot Width | Lot Area Per Family | Front Yard Depth | Side Yard (Width Each Side Yard) | Rear Yard Depth |
|-----------------------------------|----------------|-----------|---------------------|------------------|----------------------------------|-----------------|
| Dwelling Single-Family* | 40,000 sq. ft. | 100 ft. | 40,000 sq. ft. | 40 ft. | 15 ft. | 50 ft. |
| Dwelling, Two-Family* | 40,000 sq. ft. | 100 ft. | 20,000 sq. ft. | 40 ft. | 15 ft. | 50 ft. |
| Dwelling, Semi-Detached* | 20,000 sq. ft. | 50 ft. | 20,000 sq. ft. | 40 ft. | 15 ft. (exterior side only) | 50 ft. |
| Conversion Apts. | 1 acre | 150 ft. | 10,000 sq. ft. | 40 ft. | 30 ft. | 50 ft. |
| Schools, Elementary | 12 acres | 400 ft. | | 150 ft. | 100 ft. | 50 ft. |
| Schools, Middle | 25 acres | 500 ft. | | 150 ft. | 100 ft. | 50 ft. |
| Schools, High | 35 acres | 500 ft. | | 150 ft. | 100 ft. | 50 ft. |
| Colleges | 15 acres | 500 ft. | | 150 ft. | 100 ft. | 50 ft. |
| Hospitals | 10 acres | 500 ft. | | 200 ft. | 100 ft. | 50 ft. |
| Retirement & Nursing Homes | 1 acre | 150 ft. | | 40 ft. | 30 ft. | 50 ft. |
| Churches | 2 acres | 200 ft. | | 100 ft. | 50 ft. | 50 ft. |
| Nursery Schools, Day Care Centers | 3 acres | 300 ft. | | 50 ft. | 50 ft. | 50 ft. |

⁴³ **Revision 6, * in Section 6.5 amended 6/22/93 (RZ-93-3)**
Revision 11, Section 6.5 amended 5/18/99 (RZ-99-01)
Revision 12, Section 6.5 amended 8/20/02 (RZ-02-002)
Revision 15, Section 6.5 amended 7/11/06 (RZ-06-010)

| | Lot Area | Lot Width | Lot Area Per Family | Front Yard Depth | Side Yard (Width Each Side Yard) | Rear Yard Depth |
|--|----------------|-----------|---------------------|------------------|----------------------------------|-----------------|
| Mobile Homes | 40,000 sq. ft. | 100 ft. | | 40 ft. | 15 ft. | 40 ft. |
| Antique or Beauty Shops or Barber Shops | 1 acre | 150 ft. | | 40 ft. | 30 ft. | 50 ft. |
| Firearms Repair Shop, Including Retail Sales | 1 acre | 150 ft. | | 40 ft. | 30 ft. | 50 ft. |
| Other Principal Permitted or Conditional Uses | 3 acres | 300 ft. | | 50 ft. | 50 ft. | 50 ft. |
| Veterinary clinics, animal hospitals, or kennels without runways or exercise areas, including the dwelling | 3 acres | 300 ft. | | 50 ft. | 50 ft. | 50 ft. |
| Veterinary clinics, animal hospitals, or kennels with outside runways or exercise areas** | 4 acres | 300 ft. | | 50 ft. | 50 ft. | 50 ft. |

** (See also section 6.2(k))
[Except Section 6.2(u),(v)]

* A corner lot shall maintain the specified front yard setback along both street frontages. Setbacks from the remaining property lines shall be measured as if they were side yard setbacks.

ARTICLE 7 "RR" RESIDENTIAL, RURAL DISTRICT

Section 7.0 Purpose

The purpose of this District is to provide a location for single-family residential development, the individual lots of which contain a minimum of twenty-thousand (20,000) square feet, in any of the following areas:

- (a) Areas served by existing public water and/or sewerage service.
- (b) Areas to be served by public water and/or sewerage service within the next ten (10) years, as adopted and amended in the Water and Waste Water Plan.
- (c) Areas to be served by community or private sewerage facilities capable of providing secondary treatment or better, and meeting Health Department standards.
- (d) Growth areas immediately surrounding incorporated municipalities. Where public water is available, secondary treatment for community or private sewerage facilities may not be required.

The following regulations and the applicable regulations contained in other articles shall apply in the "RR" Residential, Rural District.

Section 7.1 Principal Permitted Uses ⁴⁴

- (a) Agriculture, as defined in Article 28A, including animal husbandry facilities as defined in Article 28A shall be subject to the requirements set forth in Article 22, Division IX.
- (b) Churches, schools, and colleges. (See Section 23.1(g))
- (c) Dwellings, single-family, two-family, and semi-detached.
- (d) Buildings and properties of a cultural, civic, educational, social or community service-type, libraries, ponds, playgrounds, and community centers.
- (e) Conversion and alteration of a building existing at the time of the enactment of this Ordinance to accommodate not more than two (2) families; provided that the requirements of Section 23.1 as well as the requirements of the Health Department are complied with.
- (f) PUDs subject to the provisions of Article 16.

⁴⁴ Revision 11, Section 7.1(a) amended 7/20/99 (RZ-99-03)

Section 7.2 Special Exceptions (Requiring Board Authorization After Public Hearing)⁴⁵

- (a) Antique Shops.
- (b) Professional offices, beauty parlors or barbershops (in residence).
- (c) Convalescent homes, nursing homes, hospitals, medical or dental clinics.
- (d) Funeral establishments.
- (e) Golf courses, country clubs, private clubs, and similar recreational uses.
- (f) Nursery schools or child care centers.
- (g) Public utility buildings, structures or uses not considered Essential Utility Equipment, as defined in Article 28A.
- (h) Research and development facilities, as defined in Article 28A.

Section 7.3 Accessory Uses⁴⁶

- (a) Accessory buildings and uses customarily incidental to any principal permitted use or authorized special exception use.
- (b) Incidental home or farm occupations.
- (c) Guest house in an accessory building.
- (d) Swimming pools, tennis and other similar courts when accessory to a residence.
- (e) The keeping of not more than four (4) roomers or boarders by a resident family.
- (f) Private stables as defined in Article 28A shall be subject to the requirements set forth in Article 4, Section 4.13.

Section 7.4 Height Regulation

No principal permitted structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories or twenty (20) feet in height, except as provided in Section 23.4.

⁴⁵ **Revision 15, Section 7.2(c) amended 7/11/06 (RZ-06-010)**

⁴⁶ **Revision 11, Section 7.3(f) amended 7/20/99 (RZ-99-03)**

Section 7.5 Lot Area, Lot Width, and Yard Requirements⁴⁷

The following minimum requirements shall be observed, subject to the modified requirements in Article 23:

| | Lot Area | Lot Width | Lot Area Per Family | Front Yard Depth | Side Yard (Width Each Side Yard) | Rear Yard Depth |
|---|----------------|-----------|---------------------|------------------|----------------------------------|-----------------|
| Dwelling Single-Family* | 20,000 sq. ft. | 100 ft. | 20,000 sq. ft. | 40 ft. | 12 ft. | 50 ft. |
| Dwelling, Two-Family* | 20,000 sq. ft. | 100 ft. | 10,000 sq. ft. | 40 ft. | 12 ft. | 50 ft. |
| Dwelling, Semi-Detached* | 10,000 sq. ft. | 50 ft. | 10,000 sq. ft. | 40 ft. | 12 ft. (exterior side only) | 50 ft. |
| Churches | 2 acres | 200 ft. | | 100 ft. | 50 ft. | 50 ft. |
| Schools, Elementary | 12 acres | 400 ft. | | 150 ft. | 100 ft. | 50 ft. |
| Schools, Middle | 25 acres | 500 ft. | | 150 ft. | 100 ft. | 50 ft. |
| Schools, High | 35 acres | 500 ft. | | 150 ft. | 100 ft. | 50 ft. |
| Colleges | 15 acres | 500 ft. | | 150 ft. | 100 ft. | 50 ft. |
| Hospitals | 5 acres | 400 ft. | | 150 ft. | 100 ft. | 50 ft. |
| Retirement & Nursing Homes | 1 acre | 150 ft. | | 40 ft. | 30 ft. | 50 ft. |
| Funeral Establishments | 2 acres | 150 ft. | | 100 ft. | 30 ft. | 50 ft. |
| Other Principal Permitted or Conditional Uses | 20,000 sq. ft. | 100 ft. | | 40 ft. | 25 ft. | 50 ft. |

*A corner lot shall maintain the specified front yard setback along both street frontages. Setbacks from the remaining property lines shall be measured as if they were side yard setbacks.

The following minimum requirements shall apply where public water and public sewer are available on lots in the adopted urban and town growth areas.

⁴⁷ **Revision 6, * in Section 7.5 amended 6/22/93 (RZ-93-3)**
Revision 15, Section 7.5 amended 7/11/06 (RZ-06-010)

| | Lot Area | Lot Width | Lot Area Per Family | Front Yard Depth | Side Yard (Width Each Side Yard) | Rear Yard Depth |
|--------------------------|----------------|------------|---------------------|------------------|----------------------------------|-----------------|
| Dwelling Single-Family* | 15,000 sq. ft. | 85 ft. | 15,000 sq. ft. | 30 ft. | 10 ft. | 40 ft. |
| Dwelling, Two-Family* | 15,000 sq. ft. | 85 ft. | 7,500 sq. ft. | 30 ft. | 10 ft. | 40 ft. |
| Dwelling, Semi-Detached* | 7,500 sq. ft. | 42 1/2 ft. | 7,500 sq. ft. | 30 ft. | 10 ft. (exterior side only) | 40 ft. |

*A corner lot shall maintain the specified front yard setback along both street frontages. Setbacks from the remaining property lines shall be measured as if they were side yard setbacks.

ARTICLE 8 "RS" RESIDENTIAL, SUBURBAN DISTRICT

Section 8.0 Purpose

The purpose of this district is to provide for smaller lot sizes (10,000 square foot minimum) for single and two-family dwellings, based on the use of public water and sewerage facilities.

The following regulations and applicable regulations contained in other articles shall apply in the "RS" Residential, Suburban District:

Section 8.1 Principal Permitted Uses

- (a) Any use or structure permitted and as regulated as a principal permitted use in the "RR" District, except agriculture and as hereinafter modified.
- (b) Conversion or alteration of a building existing at the time of the enactment of this Ordinance to accommodate two (2) or more families; provided the requirements of Section 23.1 and the requirements of the Health Department are complied with.
- (c) Dwellings, single-family, two-family, and semi-detached.

Section 8.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)

- (a) Any special exception permitted and as regulated in the "RR" District, except as hereinafter modified.
- (b) Boarding or rooming houses or tourist homes.
- (c) Clubs, fraternities, lodges, or similar organizations, not conducted as a gainful business, provided any buildings or structures are located subject to the distance requirements specified in Section 4.9.
- (d) Community centers and swimming pools associated therewith.

Section 8.3 Accessory Uses

- (a) Accessory buildings or uses customarily incidental to any principal permitted use or authorized conditional use.
- (b) Keeping of roomers or tourists by a resident family.

Section 8.4 Height Regulations

Same as specified in the "RR" District.

Section 8.5 Lot Area, Lot Width, and Yard Requirements⁴⁸

The following minimum requirements shall be observed subject to the modified requirements in Article 23:

| | Lot Area | Lot Width | Lot Area Per Family | Front Yard Depth | Side Yard (Width Each Side Yard) | Rear Yard Depth |
|---|------------------------------------|------------|---------------------|------------------|----------------------------------|-----------------|
| Dwelling Single-Family* | 10,000 sq. ft. | 70 ft. | 10,000 sq. ft. | 25 ft. | 8 ft. | 40 ft. |
| Dwelling, Two-Family* | 12,500 sq. ft. | 75 ft. | 6,250 sq. ft. | 25 ft. | 12 ft. | 40 ft. |
| Dwelling, Semi-Detached* | 6,250 sq. ft. | 37 1/1 ft. | 6,250 sq. ft. | 25 ft. | 12 ft. (exterior side only) | 40 ft. |
| Clubs, Fraternities | 20,000 sq. ft. | 100 ft. | | 35 ft. | 20 ft. | 40 ft. |
| Other Principal Permitted or Conditional Uses | Same as specified in "RR" District | | | | | |
| Boarding or Tourist Homes | 20,000 sq. ft. | 100 ft. | | 35 ft. | 20 ft. | 40 ft. |

*A corner lot shall maintain the specified front yard setback along both street frontages. Setbacks from the remaining property lines shall be measured as if they were side yard setbacks.

⁴⁸ Revision 6, * in Section 8.5 amended 6/22/93 (RZ-93-3)

ARTICLE 9 "RU" RESIDENTIAL, URBAN DISTRICT

Section 9.0 Purpose

The purpose of this District is to enable in the urban areas of the County, where both public water and sewerage are available, a greater number of dwellings per acre. The minimum lot size for single-family dwellings is seventy-five hundred (7,500) square feet.

The following regulations and the applicable regulations contained in other articles shall apply in the "RU" Residential, Urban District.

Section 9.1 Principal Permitted Uses

- (a) Dwellings, single-family, two-family, and semi-detached.
- (b) Any use or structure permitted and as regulated as a principal permitted use in the "RS" District, except as hereinafter modified.
- (c) PUDs subject to the provisions of Article 16.

Section 9.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)

- (a) Any special exception use permitted and as regulated in the "RS" District.
- (b) Retirement homes and nursing homes.

Section 9.3 Accessory Uses

Accessory buildings and uses customarily incidental to any principal permitted use or authorized special exception use.

Section 9.4 Height Regulations

No principal permitted structure shall exceed three (3) stories or forty (40) feet in height and no accessory structure shall exceed one and one-half (1 1/2) stories or twenty-five (25) feet, except as provided in Section 23.4.

Section 9.5 Lot Area, Lot Width, and Yard Requirements⁴⁹

The following minimum requirements shall be observed, subject to the modified requirements in Article 23.

⁴⁹ Revision 6, * in Section 9.5 amended 6/22/93 (RZ-93-3)

| | Lot Area | Lot Width | Lot Area Per Family | Front Yard Depth | Side Yard (Width Each Side Yard) | Rear Yard Depth |
|---|----------------|-----------|---------------------|------------------|----------------------------------|-----------------|
| Dwelling, Single-Family 1 & 1½ Stories* | 7,500 sq. ft. | 60 ft. | 7,500 sq. ft. | 25 ft. | 8 ft. | 35 ft. |
| Dwelling, Single-Family 2 & 2½ Stories* | 7,500 sq. ft. | 60 ft. | 7,500 sq. ft. | 25 ft. | 10 ft. | 40 ft. |
| Dwelling, Two-Family 1 & 1½ Stories* | 10,000 sq. ft. | 70 ft. | 5,000 sq. ft. | 25 ft. | 10 ft. | 40 ft. |
| Dwelling, Two-Family 2 & 2½ Stories* | 10,000 sq. ft. | 70 ft. | 5,000 sq. ft. | 25 ft. | 12 ft. | 40 ft. |
| Dwelling, Semi-Detached 1 & 1½ Stories* | 5,000 sq. ft. | 35 ft. | 5,000 sq. ft. | 25 ft. | 10 ft. (exterior side only) | 40 ft. |
| Dwelling, Semi-Detached 2 & 2½ Stories* | 5,000 sq. ft. | 35 ft. | 5,000 sq. ft. | 25 ft. | 12 ft. (exterior side only) | 40 ft. |
| Clubs, Fraternities, etc. | 1 acre | 150 ft. | | 25 ft. | 25 ft. | 40 ft. |
| Retirement & Nursing Homes | 1 acre | 150 ft. | | 25 ft. | 25 ft. | 40 ft. |
| Other Permitted or Special Exception Uses | 20,000 sq. ft. | 100 ft. | | 25 ft. | 20 ft. | 40 ft. |

*A corner lot shall maintain the specified front yard setback along both street frontages. Setbacks from the remaining property lines shall be measured as if they were side yard setbacks.

ARTICLE 10 "RM" RESIDENTIAL, MULTI-FAMILY DISTRICT

Section 10.0 Purpose

The purpose of this district is to provide for apartment and town house developments in the urban areas of the County at a maximum density of sixteen (16) units per acre. The Residential, Multi-Family District shall be mapped only where water and sewerage service is available and where adjacent streets are adequate to serve traffic generated by this development.

The following regulations and applicable regulations contained in other articles shall apply in the "RM" Residential, Multi-Family District:

Section 10.1 Principal Permitted Uses

- (a) Any use or structure permitted and as regulated as a principal permitted use in the "RU" District, except as hereinafter modified.
- (b) Dwellings, multi-family, in accordance with the provisions of Section 22.71.
- (c) Dwellings, town house, in planned town house developments, in accordance with the provisions of Section 22.6.
- (d) PUDs subject to the provisions of Article 16.

Section 10.2 Special Exception Uses

- (a) Any special exception use permitted as regulated in the "RU" District requiring Board Authorization After Public Hearings.

Section 10.3 Accessory Uses

Accessory buildings and uses customarily incidental to any principal use or authorized special exception use.

Section 10.4 Height Regulations

Same as specified in the "RU" District.

Section 10.5 Lot Area, Lot Width, and Yard Requirements

Requirements for one and two-family dwellings shall be the same as in the "RU" District. The following minimum requirements for multi-family dwellings and town houses shall be observed, subject to the provisions of Section 22.6 and 22.71, and the modified requirements in Article 23.

| | Lot Area | Lot Width | Lot Area Per Family | Front Yard Depth | Side Yard (Width Each Side Yard) | Rear Yard Depth |
|------------------------|----------------|-----------|---------------------|------------------|----------------------------------|-----------------|
| Multi-Family Dwellings | 20,500 sq. ft. | 100 ft. | 2,000 sq. ft. | 25 ft. | 10 ft. | 20 ft. |
| Town Houses* | | | | | | |

Section 10.6 Design Standards

- (a) Common open space shall be located, as much as possible, with an orientation to the interior of the development and consist of land conducive to leisure and active recreational use.
- (b) Impermeable surface coverage for interior streets, parking areas, and residential structures shall not exceed forty-five (45) percent of the gross land area.
- (c) Sidewalks shall be provided as specified in Article 22, Division I, also serving any transit and school bus waiting area. Walkways (Four (4) foot asphalt or concrete surface) shall be provided to serve major recreational facilities on-site.
- (d) When a proposed development is located adjacent to an existing public transit route or where students require school bus transportation, a bus waiting area consisting of asphalt or concrete surface 10' x 10' shall be provided adjacent to the right-of-way of the primary road or street on which the development fronts.
- (e) Landscaping or common open spaces, in the absence of existing tree cover, shall consist of trees, shrubs, and ground cover and a minimum of one (1) three (6' minimum height) shall be provided for every 4,000 square feet of open space area. On-site utilities (i.e. pumping station, etc.) shall be effectively screened with landscaping.
- (f) Maintain adequate provision for adequate emergency vehicle access.

Section 10.7 Site Plan⁵⁰

- (a) Site plan with an approved Forest Stand Delineation and Forest Conservation Plan in required for all principally permitted and approved special exception uses.

⁵⁰ **Revision 6, Section 10.7(a) amended 2/9/93 (RZ-92-16)**

(b) Play lots or tot lots may be required pursuant to Section 4.17.

*Town Houses are permitted only in Planned Town House Developments of at least five (5) acres. See Section 22.6 for Town House design standards.

ARTICLE 110 "BT" BUSINESS, TRANSITIONAL

Section 110.0 Purpose⁵¹

The purpose of the BT zone is to provide for low intensity commercial uses. The BT District is intended to be served with adequate water and/or sewerage service meeting Health Department standards. Uses that generate high traffic or that may create adverse conditions for neighborhood residential properties are not intended for this District.

The following regulations and applicable regulations contained in other articles shall apply in the "BT", Business, Transitional District:

Section 110.1 Principal Permitted Uses⁵²

- (a) Banks and financial institutions.
- (b) Beauty and barber shops.
- (c) Child day-care facilities.
- (d) Clinics with or without a pharmacy.
- (e) Florist shops.
- (f) Offices, business and professional.
- (g) Shoe repair shops.
- (h) Stationery stores.
- (i) Tailor shops.
- (j) Temporary or Seasonal Retail - provided that the area devoted to the use be limited to less than 2,500 sq. ft. and that the use on the premises occurs for at least 30 days and does not exceed 9 months within a calendar year.

Section 110.2 Special Exceptions⁵³

- (a) Ambulance or rescue squads.
- (b) Antique shops.
- (c) Fire stations.
- (d) Laundry or dry cleaning businesses.
- (e) Libraries.
- (f) Public utility buildings and structures.
- (g) Religious institutions.
- (h) Specialty shops.
- (i) Any other use that the Board finds is functionally similar to any principally permitted use or special exception listed in this Article. The Board shall not grant any special exception which is inconsistent with the purpose set forth for

⁵¹ **Revision 4, Section 110.0 amended 12/10/91 (RZ-91-18)**

⁵² **Revision 6, Section 110.1(j) added 6/22/93 (RZ-93-4)**

⁵³ **Revision 11, Section 110.2(j) added 5/18/99 (RZ-99-01)**

this District, nor which will materially or adversely affect the use of any adjacent or neighboring properties.

- (j) Commercial Communication Towers, subject to the requirements of Section 4.22.

Section 110.3 Accessory Uses⁵⁴

- (a) Uses and structures customarily accessory and incidental to any permitted principal use or authorized conditional use including a single-family dwelling unit in the same building with a principal use.

Section 110.4 Height Regulations

No structure shall exceed fifty (50) feet, except as provided in Section 23.4.

Section 110.5 Lot Area, Lot Width and Yard Requirements^{55 56}

The following minimum requirements shall be observed, subject to the modification requirements in Article 23.

| | <u>Front Yard Depth</u> | <u>Side Yard(Width Each Side Yard)</u> | <u>Rear Yard Depth</u> |
|--|-----------------------------|--|----------------------------|
| Principal Permitted, Accessory, and Special Exception Uses | 40 ft. | 10ft.* | None* |

*Where adjoining any RR, RS, RU or RM District, not less than twenty-five (25) feet.

[Except 110.2(j)]

Section 110.6 Design Standards

- (a) Site Coverage: Impermeable site coverage (building area, parking and other paved surfaces) shall not exceed 80% of the gross site area.
- (b) Adequate provision shall be made for storage and collection of refuse.
- (c) Permeable areas of the site shall be landscaped.

⁵⁴ Revision 1, Section 110.3 amended 4/26/88 (RZ-382)

⁵⁵ Revision 11, Section 110.5 amended 5/18/99 (RZ-99-01)

⁵⁶ Revision 15, Section 110.5 amended 9/19/06 (RZ-06-007)

Section 110.7 Site Plan⁵⁷

- (a) A site plan with an approved Forest Stand Delineation and Forest Conservation Plan is required for all principally permitted and special exception uses.

⁵⁷ **Revision 6, Section 110.7 amended 2/9/93 (RZ-92-16)**

ARTICLE 11 "BL" BUSINESS, LOCAL DISTRICT

Section 11.0 Purpose⁵⁸

The purpose of this District is to provide for logical locations where the retail services needed by a neighborhood population can be made available and can be served with adequate water and/or sewerage service meeting Health Department standards.

The following regulations and applicable regulations contained in other articles shall apply in the "BL" Business, Local District.

Section 11.1 Principal Permitted Uses^{59 60}

- (a) Local retail or service shops, including:
 - Alcoholic beverage package stores.
 - Antique shops.
 - Appliance stores.
 - Automobile accessory.
 - Bakery shops.
 - Banks, savings and loans institutions.
 - Beauty and barber shops.
 - Candy stores.
 - Clothing stores.
 - Dairy products stores.
 - Dress or millinery shops.
 - Drug stores.
 - Dry goods or variety stores.
 - Florist or garden shops.
 - Food and grocery stores.
 - Fruit or vegetable stores.
 - Furniture and upholstery stores.
 - Gift or jewelry shops.
 - Hardware stores.
 - Laundromats.
 - Laundry or dry cleaning establishments and pick-up stations.
 - Meat Markets.
 - Pet shops.
 - Photographic studios.
 - Printing, blue printing, photocopying, and similar reproduction services limited to a maximum 15,000 square feet of floor space.
 - Produce stands.
 - Radio and television studios or repair shops.

⁵⁸ **Revision 4, Section 11.0 amended 12/10/91 (RZ-91-18)**

⁵⁹ **Revision 6, Section 11.1 amended 6/22/93 (RZ-93-4)**

⁶⁰ **Revision 14, Section 11.1(j) added 11/16/04 (RZ-04-007)**

Restaurants and lunch rooms.
Service stations.
Shoe repair shops.
Specialty shops.
Sporting goods or hobby shops.
Stationery stores.
Tailor establishments.
Taverns.
Taxi stands.
Temporary or Seasonal Retail - provided that the area devoted to the use be limited to less than 2,500 sq. ft. and that the use on the premises occurs for at least 30 days and does not exceed 9 months within a calendar year.
Theaters.

- (b) Commercial parking lots.
- (c) Funeral establishments.
- (d) Offices and clinics, professional and business.
- (e) Retirement, nursing, and boarding homes.
- (f) Schools, art, trade, business or nursery.
- (g) Social clubs, fraternal organizations, community meeting halls.
- (h) Drive-in restaurants.
- (i) Mini-warehouses excluding outside storage or outside uses.
- (j) Signs, Outdoor Advertising, subject to the provisions of Sections 22.24 and 22.25.

Section 11.2 Accessory Uses.⁶¹

- (a) Uses and structures customarily accessory and incidental to any permitted principal use or authorized conditional use, including a single-family dwelling unit in the same building with a principal use.

Section 11.3 Special Exceptions (Requiring Board Authorization After Public Hearing)⁶²

- (a) Public Utility Buildings, Structures or uses not considered essential utility equipment, as defined in Article 28A.

⁶¹ **Revision 1, Section 11.2(a) amended 4/26/88 (RZ-380)**

⁶² **Revision 9, Section 11.3(a) added 8/29/95 (RZ-94-08)**
Revision 11, Section 11.3(c) added 5/18/99 (RZ-99-01)

- (b) Any other use that the Board finds is functionally similar to any principally permitted use or special exception listed in this Article. The Board shall not grant any special exception which is inconsistent with the purpose set forth for this District, nor which will materially or adversely affect the use of any adjacent or neighboring properties.
- c) Commercial Communications Towers, subject to the requirements of Section 4.22.

Section 11.4 Height Regulations

No structure shall exceed fifty (50) feet, except as provided in Section 23.4.

Section 11.5 Lot Area, Lot Width, and Yard Requirements^{63 64}

The following minimum requirements shall be observed, subject to the modified requirements in Article 23.

| | <u>Front Yard Depth</u> | <u>Side Yard(Width Each Side Yard)</u> | <u>Rear Yard Depth</u> |
|---------------------------------------|-----------------------------|--|----------------------------|
| Principal Permitted or Accessory Uses | 40 ft. | 10 ft.* | None* |

*Where adjoining any RR, RS, RU, or RM District, not less than twenty-five (25) feet.

[Except 11.3(c)]

Section 11.6 Design Standards

- (a) Site Coverage: Impermeable site coverage (Parking areas, building area and other paved surfaces) shall not be greater than 80% of the gross area of the site.
- (b) Adequate provision shall be made for storage and collection of refuse.
- (c) Permeable areas of the site shall be planted with ground cover, shrubs and trees.

Section 11.7 Site Plan⁶⁵

- (a) Site plan with an approved Forest Stand Delineation and Forest Conservation Plan is required (Section 4.11) for all principally permitted and approved special exception uses.

⁶³ **Revision 11, Section 11.5 amended 5/18/99 (RZ-99-01)**

⁶⁴ **Revision 15, Section 11.5 amended 9/19/06 (RZ-06-007)**

⁶⁵ **Revision 6, Section 11.7(a) amended 2/9/93 (RZ-92-16)**

ARTICLE 12 "BG" BUSINESS, GENERAL DISTRICT

Section 12.0 Purpose⁶⁶

The purpose of this District is to provide logical locations of all businesses of a more general nature than might be expected to be found in a neighborhood and can be served with adequate water and sewerage service meeting Health Department standards.

The following regulations and applicable regulations contained in other articles shall apply in the "BG" Business, General District:

Section 12.1 Principal Permitted Uses^{67 68}

(a) Retail trades, businesses and services, including the following and any use permitted in the BL District, subject to the use regulations specified in that district.

Amusement parks.

Animal hospitals, veterinary clinics, or kennels without outside runways or exercise areas.

Bottling of soft drink or milk, or distribution stations therefor.

Bowling alleys.

Carpentry or woodworking shops.

Department stores.

Drive-in restaurants.

Golf driving ranges.

Hotels and apartment hotels, including motels.

Newspaper publishing establishments.

Printing shops.

Retail building material sales conducted in an enclosed structure.

⁶⁶ **Revision 4, Section 12.0 amended 12/10/91 (RZ-91-18)**

⁶⁷ **Revision 1, Section 12.1(a) amended 7/19/88 (RZ-390)**
Revision 5, Section 12.1(a) amended 3/10/92 (RZ-91-21)
Revision 6, Section 12.1(a) amended 6/22/93 (RZ-93-4)
Revision 12, Section 12.1(a) amended 10/20/01 (RZ-01-006)
Revision 12, Section 12.1(a) amended 8/20/02 (RZ-02-002)

⁶⁸ **Revision 14, Section 12.1 amended 11/16/04 (RZ-04-007)**

Sales and service establishments for automobiles, trucks, recreational travel vehicles, farm implements and motorcycles, subject to the setback requirements of Section 12.6(d).

Schools, business, dancing, music and trade.

Sheet metal shops.

Sign painting shops.

Signs, outdoor advertising, subject to the provisions of Section 22.24 and 22.25.

Skating rinks.

Swimming pools.

Telephone central office or service center.

Temporary or Season Retail - provided that the area devoted to the use be limited to less than 2,500 sq. ft. and that the use on the premises occurs for at least 30 days and does not exceed 9 months within a calendar year.

Tourist homes.

Truck terminals.

Wholesale business, warehousing or service establishments, except as first allowed in an "IR" or "IG" District.

Section 12.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)⁶⁹

- (a) Wholesale and retail outside building material storage yards; utility storage yards, such as water, electric, gas, communication and sewer; and outside storage yards which are directly related to any principal permitted or special exception use in a BG zone.
- (b) Feed and grain sales, milling and/or storage.
- (c) Outdoor drive-in theaters.
- (d) Animal hospitals, veterinary clinics, or kennels with outside runways or exercise areas shall be 100 feet from any dwelling, church, school or institution for human care not located on the same lot.

⁶⁹ **Revision 5, Section 12.2(a) amended 3/10/92 (RZ-91-21)**
Revision 9, Section 12.2(i) added 8/29/95 (RZ-94-08)
Revision 11, Section 12.2(j) added 5/18/99 (RZ-99-01)
Revision 12, Section 12.2(d) amended 8/20/02 (RZ-02-002)

- (e) Research and development facilities as defined in Article 28A.
- (f) Recycling facilities as defined in Article 28A.
- (g) Adult bookstores provided that no such establishment is located within 1,000 feet of any residential district, within 1,000 feet of a church or school, within 1,000 feet of any restaurant, eating establishment, hotel or motel, within 1,000 feet of any theater, club or lodge, or within 1,000 feet of any other adult book store or adult mini-motion picture theater.
- (h) Adult mini-motion picture theaters, provided that no such establishment is located within 1,000 feet of any residential district, within 1,000 feet of any church or school, within 1,000 feet of any restaurant, eating establishment, hotel or motel, within 1,000 feet of any theater, club, or lodge, or within 1,000 feet of any other adult mini-motion theater or adult book store.
- (i) Public utility buildings, structures or uses not considered essential utility equipment, as defined in Article 28A.
- (j) Commercial Communications Towers, subject to the requirements of Section 4.22.

Section 12.3 Accessory Uses⁷⁰

(a) Uses and structures customarily accessory and incidental to any principal permitted use or authorized conditional use, including business signs pertaining to "use on the premises" (provided, that such signs are located as regulated in Section 22.23), and a single-family dwelling unit in the same building with a principal use.

Section 12.4 Height Regulations

No structure shall exceed seventy-five (75) feet in height, except as provided in Section 23.4.

Section 12.5 Lot Area, Lot Width and Yard Requirements^{71 72}

The following minimum requirements shall be observed subject to the modified requirements in Article 23.

⁷⁰ **Revision 1, Section 12.3(a) amended 4/26/88 (RZ-381)**

⁷¹ **Revision 12, Section 12.5 amended 8/20/02 (RZ-02-002)**

⁷² **Revision 15, Section 12.5 amended 9/19/07 (RZ-06-007)**

| | <u>Lot Area</u> | <u>Lot Width</u> | <u>Front Yard Depth</u> | <u>No. of Stories</u> | <u>Side Yard(Width Each Side Yard)</u> |
|---|-------------------------|------------------|-------------------------|-----------------------|--|
| Non-Residential Buildings | None | None | 40 ft. | * | 10 ft.** |
| Hotels | 20,000 sq. ft. | 100 ft. | 40 ft. | | 20 ft. |
| Motels | 1 acre | 100 ft. | 40 ft. | 1 - 2 1/2 | 15 ft. |
| Residential Parts of Non-Residential Building | (Same as "RU" District) | | | | |

***Animal hospitals, veterinary clinics, or kennels with outside runways or exercise areas:

| <u>Lot Area</u> | <u>Lot Width</u> | <u>Front Yard</u> | <u>Side Yard</u> | <u>Rear Yard</u> |
|-----------------|------------------|-------------------|------------------|------------------|
| 1 acre | 200 ft. | 50 ft. | 50 ft. | 50 ft. |

*** (See also section 12.2(d)).

* Subject to requirements of Section 12.4.

** Except adjoining any RR, RS, RU, or RM District, in which case not less than thirty-five (35) feet.

Section 12.6 Design Standards⁷³

- (a) Site Coverage: Impermeable site coverage (Parking areas, building area, and other paved surfaces) shall not be greater than 90% of the gross area of the site.
- (b) Adequate provision shall be made for storage and collection of refuse.
- (c) Permeable areas of the site shall be planted with ground cover, shrubs, and trees and if adjacent to any lot occupied by a dwelling, school, church, or institution for human care not located on the same lot as said use or buildings, or any lot which is part of a duly recorded subdivision, shall be effectively screened.
- (d) All vehicles displayed on sales lots, including farm implements, shall be parked at least five (5) feet from the street or road right-of-way, or from the curb, or from the street or road edge, whichever provides the greatest setback.

⁷³ Revision 5, Section 12.6(e) added 3/10/92 (RZ-91-21)

- (e) All wholesale and retail outside building storage yards and outdoor storage yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials, or both, to the full length of the outdoor storage area to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall be in accordance with the following requirements:
 - 1. Plant materials used in the screen planting shall be of such species and size as will produce a complete visual screen of at least six feet in height.
 - 2. A fence, when erected as a screen, shall be not less than six feet in height, and shall be placed no closer than three feet from any street or property line.
 - 3. The screen planting shall be placed so that at maturity it will be no closer than ten feet from any street or property line.
 - 4. No structure, fence, planting or other obstruction shall be permitted which would interfere with traffic visibility across the corner of a lot and at access driveways within a required clear sight triangle. Such clear sight triangle shall be maintained in the area between a plane two feet above curb level and a plane seven feet above curb level.
 - 5. The screen planting or fence shall be broken only at points of vehicular or pedestrian access.

Section 12.7 Site Plan⁷⁴

- (a) Site Plan with an approved Forest Stand Delineation and Forest Conservation Plan is required (Section 4.11) for all principally permitted and approved special exception use.

⁷⁴ Revision 6, Section 12.7(a) amended 2/9/93 (RZ-92-16)

ARTICLE 120 "IT", INDUSTRIAL, TRANSITIONAL⁷⁵

Section 120.0 Purpose

The purpose of the IT zone is to provide for a mix of light industrial and business uses of low intensity as a transition between IR District uses or IG District uses and adjacent businesses or residential properties. The IT District is intended to be served by public water and public sewer facilities. Uses that generate high volumes of traffic, produce noise, odors, glare, or other effects that would adversely affect adjacent residential or business properties are not intended for this District.

Section 120.1 Principal Permitted Uses

- (a) Those uses provided in the BT District.
- (b) Indoor recreational facilities.

Manufacture and assembly of electrical appliances, electronics and communication equipment, professional, scientific and controlling instruments, and photographic or optical products.

Mini-warehousing.

Office buildings.

Printing, blue printing, photocopying, and similar reproduction services limited to a maximum of 15,000 square feet of floor space.

Radio and television studios and repair shops.

Research and development facilities.

Schools for business, dancing and music.

Telephone central office or service center.

Section 120.2 Special Exceptions (Requiring Board of Appeals Authorization After Public Hearing)⁷⁶

- (a) Trade schools.
- (b) Laboratories: chemical, physical and biological.

⁷⁵ **Revision 1, Article 120 added 4/26/88 (RZ-384)**

⁷⁶ **Revision 9, Section 120.2(d) added 8/29/95 (RZ-94-08)**
Revision 11, Section 120.2(e) added 5/18/99 (RZ-99-01)

- (c) Any other use that the Board finds is functionally similar to any principally permitted use or special exception listed in this Article. The Board shall not grant any special exception which is inconsistent with the purpose set forth for this District, nor which will materially or adversely affect the use of any adjacent or neighboring properties.
- (d) Public utility buildings, structures or uses not considered essential utility equipment, as defined in Article 28A.
- (e) Commercial Communications Towers, subject to the requirements of Section 4.22.

Section 120.3 Accessory Uses

Uses and structures customarily accessory and incidental to any principal permitted or special exception use.

Section 120.4 Height Requirements

No structure may exceed fifty (50) feet in height.

Section 120.5 Lot Area, Lot Width, and Yard Requirements⁷⁷

- (a) There is no minimum lot area in the IT District; it shall be a function of the required buffers, setbacks, and off-street parking requirements.
- (b) There is no minimum lot width.

| | | | |
|---|--------|---------|---------|
| (c) Yard requirements: | FRONT | SIDE | REAR |
| Principal Permitted Special Exception, and Accessory Uses | 40 ft. | 10 ft.* | 10 ft.* |

*Where the adjoining lot is either zoned for or contains dwellings, hospitals, nursing homes, schools, or other institutions for human care, the setback for side and rear yard shall be fifty (50) feet.

[Except 120.2(e)]

Section 120.6 Design Standards

- (a) Impermeable site coverage may not exceed eighty (80) percent of the gross site area.

⁷⁷ Revision 11, Section 120.5 amended 5/18/99 (RZ-99-01)

- (b) Permeable areas of the site shall be planted with ground cover and shall be landscaped in accordance with Section 4.16.
- (c) Adequate provisions shall be made for the storage and collection of refuse. Refuse storage areas shall be screened with fencing or plantings.

Section 120.7 Site Plan⁷⁸

A site plan with an approved Forest Stand Delineation and Forest Conservation Plan is required for all uses in the IT District.

⁷⁸ **Revision 6, Section 120.7 amended 2/9/93 (RZ-92-16)**

ARTICLE 13 "IR" INDUSTRIAL, RESTRICTED DISTRICT

Section 13.0 Purpose

The purpose of this District is to provide locations for some of the lighter manufacturing processes which may not be as extensive as those provided in the "IG" District and can be served with adequate public or community water and sewerage service meeting Health Department standards. For the most part, the manufacturing is composed of processing or assembly of previously processed materials.

The following regulations and applicable regulations contained in other articles shall apply in the "IR" Industrial, Restricted District:

Section 13.1 Principal Permitted Uses^{79 80 81}

- (a) Uses of a light industrial nature including, but not limited to the following:

Office buildings.

Manufacture and assembly of electrical appliances, electronics and communication equipment, professional, scientific and controlling instruments, and photographic or optical products.

Manufacturing, compounding, assembly or treatment of articles or merchandise from previously prepared materials such as bone, cloth, fur, cork, fiber, canvas, leather, cellophane, paper, glass, plastics, horn, stone, shells, tobacco, wax, textiles, yarns, wood and metals, including light steel or other light metals, light metal mesh, pipe, rods, shapes, strips, wire or similar component parts.

Manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals and food products, except fish and meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils.

Manufacture of musical instruments, novelties, and molded rubber products, including the manufacture, recapping and treading.

Manufacture of pottery or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.

Laboratories, chemical, physical and biological.

⁷⁹ **Revision 1, Section 13.1(a) amended 7/19/88 (RZ-391)**
Revision 8, Section 13.1(a) amended 6/25/95 (RZ-95-03)
Revision 11, Section 13.1(c) and (d) added 5/18/99 (RZ-99-01)
Revision 11, Section 13.1(b) amended 7/20/99 (RZ-99-03)

⁸⁰ **Revision 12, Section 13.1(a) amended 10/23/01 (RZ-01-006)**

⁸¹ **Revision 14, Section 13.1(e) added 11/16/04 (RZ-04-007)**

Clothing and shoe manufacture.

Truck terminals.

Warehouses as defined in Article 28A.

Research and development facilities as defined in Article 28A.

Carpet and rug cleaning plants.

Petroleum products storage underground.

Blacksmith, welding, machine and similar shops.

Heliports.

Above ground petroleum products storage tanks provided that they are directly associated with a manufacturing process that is a principal permitted use, and provided all state and federal laws, as well as National Fire Underwriters Codes are complied with.

- (b) Agriculture, as defined in Article 28A, for interim use, including animal husbandry facilities as defined in Article 28A shall be subject to the requirements set forth in Article 22, Division IX.
- (c) Public utility buildings, structures or uses not considered essential utility equipment, as defined in Article 28A.
- (d) Commercial Communications Towers, subject to the requirements of Section 4.22.
- (e) Signs, Outdoor Advertising, subject to the provisions of Sections 22.24 and 22.25.

Section 13.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)⁸²

- (a) The following uses when the location of such use shall have been authorized by the Board, provided such use shall be subject to three (3) times the distance requirements of Section 4.9.

Concrete and ceramic products manufacture, including ready-mixed concrete plants.

Contractor's equipment and storage yards.

⁸² Revision 8, Section 13.2(a) amended 6/20/95 (RZ-95-03)
Revision 9, Section 13.2(b) added 8/29/95 (RZ-94-08)
Revision 11, Section 13.2(b) deleted 5/18/99 (RZ-99-01)

Above ground petroleum products storage tanks for bulk storage for distribution or refining, provided that all state and federal laws, as well as National Fire Underwriters Codes are complied with.

Sawmills.

Section 13.3 Accessory Uses

Uses customarily accessory and incidental to any principal permitted use or authorized conditional use, including a mobile home or dwelling associated with an industrial use.

Section 13.4 Height Regulations

No structure shall exceed seventy-five (75) feet in height, except as provided in Section 23.4.

Section 13.5 Yard Requirements^{83 84}

Except 13.1(d), the following requirements shall be observed, subject to the provisions of Article 23:

- (a) Front Yard: For industrial buildings or structures, fifty (50) feet from the nearest right-of-way line of any street.
- (b) Side and Rear Yard: No building or structure shall be located closer to any side or rear property line than twenty-five (25) feet.

Except: Where lot and proposed uses abut a railroad or railroad siding, the side or rear yard setback abutting the railroad or railroad siding shall not be required.

- (c) Where the proposed uses or buildings abut a lot in a RR, RS, RU, or RM District or any lot occupied by a dwelling, school, church or institution for human care not located on the same lot as the said use of building, or any lot which is part of a duly recorded residential subdivision, the side and rear setbacks shall be one hundred (100) feet.

Section 13.6 Site Plan⁸⁵

A site plan with an approved Forest Stand Delineation and Forest Conservation Plan is required for any principally permitted or approved special exception use.

⁸³ Revision 7, Section 13.5(b) & (c) amended (RZ-94-03)

⁸⁴ Revision 15, Section 13.5(c) amended 9/19/06 (RZ-06-007)

⁸⁵ Revision 6, Section 13.6 amended 2/9/93 (RZ-92-16)

Section 13.7 Prohibited Uses in "IR" Zone⁸⁶

Kilns used or modified for the purpose of incinerating hazardous waste or controlled hazardous substances or recycling hazardous waste for fuel are prohibited. Facilities or structures for the purpose of receiving, storing, or processing hazardous waste or controlled hazardous substances for the purpose of incineration in kilns on site are prohibited.

⁸⁶ Revision 5, Section 13.7 added 6/9/92 (RZ-92-8)

ARTICLE 14 "IG" INDUSTRIAL, GENERAL DISTRICT

Section 14.0 Purpose

The purpose of this District is to provide for manufacturing or processing which may require extensive transportation, water and/or sewerage facilities, as well as open space, because of the number of employees, the type of manufacturing operation, or any by-products which might result from the heavier or larger manufacturing plants proposed.

The following regulations and applicable regulations contained in other articles shall apply in the "IG" Industrial, General District.

Section 14.1 Principal Permitted Uses^{87 88}

(a) Uses of a general industrial nature, but not limited to the following:

Penal and correctional institutions, including jails.

Manufacture and assembly of aircraft, automobiles, house trailers, or other vehicles.

Manufacture and bottling of alcoholic beverage.

Manufacture of brick, or clay products.

Machine shops, structural steel fabricating.

Coal yards.

Cooperage works.

Manufacture or processing of chemicals, except sulfuric, nitric or hydrolic or other corrosive or offensive acids.

Manufacture of dye or dyestuff and printing ink.

Electric generating or steam power plants.

Flour mill, grain milling or drying.

Manufacture of felt, shoddy, hair products, feathers, emery cloth, sandpaper or sand blasting and/or products therefrom.

Enameling, japanning, lacquering, galvanizing, and plating.

⁸⁷ Revision 9, Section 14.1 amended 8/29/95 (RZ-94-08)

⁸⁸ Revision 14, Section 14.1(d) added 11/16/04 (RZ-04-007)

Manufacture or processing of meat or food products, except slaughterhouses.

Manufacture of paper, pulp or cloth.

Manufacture of pickle, sauerkraut, vinegar, yeast, soda or soda compounds.

Manufacture of rayon or similar products.

Manufacture of rubber or rubber products.

Manufacture of starch, glucose, dextrin or spice.

Manufacture of soap, oil, paints, turpentine.

Manufacture of wire or wire products.

Public utility buildings, structures or uses not considered essential utility equipment, as defined in Article 28A.

- (b) Agriculture for interim use; provided that any buildings or feeding pens in which farm animals are kept shall comply with the distance requirements of Section 4.9.
- (c) Any use permitted or as regulated as a principal permitted or conditional use in the "IR" District, except as hereinafter modified.
- (d) Signs, Outdoor Advertising, subject to the provisions of Sections 22.24 and 22.25.

Section 14.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)⁸⁹

- (a) The following uses, when the location of such use shall have been authorized by the Board, provided such use shall not be less than one thousand (1,000) feet from any Residential District.

Abattoirs, slaughterhouses, stockyards.

Acid or heavy chemical manufacture, processing or storage.

Blast furnace or boiler works.

Bituminous concrete mixing plants.

Cement, lime, gypsum or plaster of Paris manufacturing.

⁸⁹ Revision 8, Section 14.2(a) amended 6/20/95 (RZ-95-03)

Distillation of bones, fat rendering, grease, lard, or tallow manufacturing or processing.

Explosive manufacture or storage.

Fertilizer, potash, insecticide, glue, size, or gelatin manufacture.

Foundries and/or casting facilities.

Garbage, offal, or dead animal reduction.

Gas manufacture or storage for heat or illumination.

Junk yards as defined in Article 28A.

Above ground petroleum products storage tanks for bulk storage for distribution or refining, provided that all state and federal laws, as well as National Fire Underwriters Codes are complied with.

- (b) Moderate volume mineral extraction, mineral processing, mineral related uses, and mineral-based manufacturing, as defined in Article 28A, subject to the requirements of Sections 15.4, 15.5, and 25.6. Mineral processing shall be for minerals mined on the site.

Section 14.3 Accessory Uses

Uses customarily accessory and incidental to any principal permitted use or authorized special exception use, including a mobile home or dwelling associated with an industrial use.

Section 14.4 Height Regulations

No structure shall exceed seventy-five (75) feet in height, except as provided in Section 23.4.

Section 14.5 Yard Requirements^{90 91}

- (a) Front Yard: 50 feet.
- (b) Side and rear yards: 25 feet except where lot and proposed uses abut and require access to a railroad or railroad siding.

Except: Where lot and proposed uses abut a railroad or railroad siding, the side or rear yard setback abutting the railroad or railroad siding shall not be required.

- (c) Where the proposed uses or buildings abut a lot in a RR, RS, RU, or RM District or any lot occupied by a dwelling, school, church or institution for human

⁹⁰ Revision 7, Section 14.5(b) and (c) amended (RZ-94-03)

⁹¹ Revision 15, Section 14.5(c) amended 9/19/06 (RZ-06-007)

care not located on the same lot as the said use of building, or any lot which is part of a duly recorded residential subdivision, the side and rear setbacks shall be one hundred (100) feet.

Section 14.6 Site Plan⁹²

Site plan with an approved Forest Stand Delineation and Forest Conservation Plan required for any principally permitted or approved special exception use.

Section 14.7 Prohibited Uses in "IG" Zone⁹³

Kilns used or modified for the purpose of incinerating hazardous waste or controlled hazardous substances or recycling hazardous waste for fuel are prohibited. Facilities or structures for the purpose of receiving, storing, or processing hazardous waste or controlled hazardous substances for the purpose of incineration in kilns on site are prohibited.

⁹² **Revision 6, Section 14.6 amended 2/9/93 (RZ-92-16)**

⁹³ **Revision 5, Section 14.7 added 6/9/92 (RZ-92-8)**

ARTICLE 15 "IM" INDUSTRIAL, MINERAL DISTRICT⁹⁴

Section 15.0 Purpose

The purpose of the Industrial, Mineral District is to provide for high volume mineral extraction in the Rural Policy Area of the County. It is the intent of this Ordinance that Industrial, Mineral Districts be protected from encroachment by incompatible land uses and that new or expanded "IM" Districts be compatible with existing adjacent land uses.

Section 15.1 Principal Permitted Uses and Accessory Uses

See Table of Land Uses [Section 3.3, Table No. 3.3(1)]

Section 15.2 Special Exceptions

Any other use the Board of Appeals finds is functionally similar to any permitted use or special exception listed in the Article. The Board of Appeals shall not grant any special exception that is inconsistent with the purpose set for the district.

Section 15.3 Establishing a New IM District

The Industrial Mineral District is a floating zone established for the rural areas of the County. A new "IM" District may not be established within the adopted urban growth area, town growth areas, or rural villages.

The approval process for establishing a new "IM" District shall be in accordance with Article 27, except that neither a change in the character of the neighborhood nor a mistake in the original zoning classification shall be a prerequisite to "IM" District approval.

In its deliberation on an application for an "IM" District, the Planning Commission shall consider the purpose of the "IM" District, the applicable policies of the Comprehensive Plan, the compatibility of the proposed district with the adjacent lands, and the effect of the mineral extractive operations on public roadways. The evaluation of these criteria shall result in findings of fact as part of a recommendation on the application to the Board of County Commissioners.

At the time of application for rezoning, the applicant shall submit a concept plan that includes:

- (a) A vicinity map at 1"=2000' showing the location of the proposed "IM" District in relation to its surroundings.
- (b) The boundary, acreage and current zoning of the tract.
- (c) Minimum topographic information sufficient to determine surface drainage patterns and principal drainage areas.

⁹⁴ Revision 14, Article 15 replaced in its entirety, 7/26/05 (RZ-03-005)

- (d) Adjacent land uses and zoning and the location of adjacent structures on adjacent lots within 1,000 feet of the property line.
- (e) The location of adjacent geologic formations and other environmentally significant features.
- (f) The proposed routes to be used for hauling mineral products from the site on public roads to their first intersection with a highway which is classified as major collector or above in the Washington County Highway Plan.
- (g) An estimate of average daily truck traffic from the site on roads identified in paragraph (f) and the average gross weight of each truck.
- (h) County roads identified in accordance with paragraph (f) shall be adequate in pavement thickness, roadway width, and alignment to accommodate the truck traffic from the extraction operation. The proposed routes, once identified and approved by the Commission, may not be changed without approval of the Commission subject to the same standards as the original review. As part of the site plan approval process, the County may require a performance bond from the applicant where the resulting vehicular traffic may result in damage to County roads.
- (i) The applicant, unless otherwise determined by an existing study, shall provide evidence as to what effect the proposed use will have on the groundwater supply and quality of all adjoining properties including determination of a zone of dewatering influence.
- (j) The applicant shall provide a contingency plan for well replacement whenever a public water supply surface intake, public water supply well or spring, or private water supply well or spring is within the zone of dewatering influence as designated by the State.
- (k) The applicant shall provide a plan for reclamation of the site once mining has ceased. Reclamation plans should be designed to provide for suitable and appropriate re-use related uses, which exist or are planned for the surrounding area. The reclamation plan shall consider providing for use of any water filled pits as a public water supply. Other proposed land uses for the reclaimed site shall be detailed.

The Board of County Commissioners may, upon receiving a recommendation from the Planning Commission, restore the land to its previous classification upon written request from the landowner and upon successful completion of the required reclamation without another public hearing.

Section 15.4 Initiation or Expansion of Operations in Existing IM Districts

Application for the initiation or expansion of operations within an existing IM District shall be accompanied by a complete copy of the application, including all supporting documentation, submitted to the State Water Resources Administration except for those

elements identified as proprietary and confidential by State regulations. The application shall include plans for reclamation showing the projected timing and sequence of excavation, the proposed method of site reclamation, the resultant landform, and the vegetative cover. The site plan submitted with the application shall indicate methods of compliance with the standards of Sections 4.11 and 15.5. The application shall also conform to the requirements of Section 15.3(f) (g) and (h).

Section 15.5 Performance Standards for Site Plan Review⁹⁵

- (a) A person engaging in mineral extraction activities shall locate and conduct those activities on the site in a way that minimizes visual, auditory and other sensory effects on surrounding property owners.
- (b) Extractive operations shall be restricted to the hours of 6:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 7:00 p.m. Saturday.

Processing operations and non-extractive related activities (i.e., administrative, maintenance, repair), may be carried out on the premises beyond the allowed hours of operation, providing the sound level does not exceed the maximum acceptable limit allowed by the State of Maryland.

On Sundays and during atypical business hours, extractive operations will be allowed if expressly permitted by the Zoning Administrator because of an operating emergency or because of local or state need.

- (c) Any building or structure housing power-driven or power-producing machinery or equipment shall be located at least four hundred (400) feet from any lot in a RR, RS, RU, RM or RV District or any lot occupied by a dwelling, school, church, or institution for human care not located on the same lot as the said use.
- (d) No excavation shall take place, nor shall the slope of the natural land surface be altered as a result of such excavation, nor shall the storage of materials take place nearer than thirty feet to any property line or road right of way line. Security fencing and screen planting may be located within this area. This setback requirement shall not apply where the adjoining property is zoned IM.
- (e) Extraction operations shall be confined to areas of a minimum of one hundred (100) feet from all adjoining property lines in any "A", "EC", "P", "RB", or "B" District or any public road right-of-way, or a minimum of two hundred (200) feet from all adjoining property lines in any RR, RS, RU, RM or RV district and two hundred (200) feet from any then existing principal building on an adjoining property.
- (f) Screen planting shall be required where mineral extraction and related activities are visible from adjacent residential, commercial or industrial

⁹⁵ Revision 15, Section 15.5(c) (e) amended 9/19/06 (RZ-06-007)

structures or any public road. Plant materials used in the screen planting shall be of such species, size, and number as to minimize objectionable views, dust, and noise. Whenever topography, existing vegetation, or other existing natural barrier makes screen planting either unnecessary or impractical, the Planning Commission may waive this requirement. Any permanent berms shall be designed in such a way as to have a vegetative cover.

- (g) Entrance or haul roads providing access to the site for transportation of mineral products or heavy equipment shall be maintained in such a manner as to minimize dust.
- (h) Mineral extraction areas shall be surrounded by a fence no less than eight feet in height designed to restrict unauthorized entry into the site.
- (i) Vibration Control

Machines or blasting operations that cause vibration shall be permitted, but in no case may vibrations produce a peak particle velocity of more than two (2) inches per second measured at the nearest existing principal building on an adjacent lot. The mine operator may be required to maintain a record of each of the three components of ground movement (vertical, horizontal, and longitudinal) for each shot or blast event. These records shall be made available to the local governing body upon request.

- (j) Storage of Materials

Material storage shall comply with Section 4.12(g).

Section 15.6 Prohibited Uses in "IM" Zone

Kilns used or modified for the purpose of incinerating hazardous waste or controlled hazardous substances or recycling hazardous waste for fuel are prohibited. Facilities or structures for the purpose of receiving, storing, or processing hazardous waste or controlled hazardous substances for the purpose of incineration in kilns on site are prohibited.

ARTICLE 16 "PUD" PLANNED UNIT DEVELOPMENT

Section 16.0 Purpose

The intent of these PUD regulations is to permit a greater degree of flexibility and more creativity in the design and development of residential areas than is possible under conventional zoning standards. The purpose is also to promote a more economical and efficient use of the land while providing for a harmonious variety of housing choices, a more varied level of community amenities, and the promotion of adequate open space and scenic attractiveness.

The PUD is a floating zone that may be established in any of the Districts specified in Section 16.4. The change or mistake rule does not apply to the PUD process, but the Planning Commission and the Board of County Commissioners, in the deliberation of a PUD application, shall establish findings of fact that consider, at a minimum, the purpose of the PUD District, the applicable policies of the adopted Comprehensive Plan for the County, the compatibility of the proposed PUD with neighboring properties, and the effect of the PUD on community infrastructure.

Section 16.1 Principal Permitted Uses

The following uses are permitted in a PUD District subject to the limitations specified in this Ordinance.

- (a) All residential uses permitted in the RR, RS, RU and RM Districts.
- (b) Commercial uses permitted in the BL District.
- (c) Civic, cultural and educational uses.
- (d) Churches.
- (e) Public utilities.

Section 16.2 Special Exception Uses

There are no special exception uses in the PUD District that may be granted by the Board of Zoning Appeals. The PUD itself is analogous to a special exception and is granted through the review process described in this Article.

Section 16.3 Accessory Uses

Uses and structures customarily accessory and incidental to any principal permitted use.

Section 16.4 General Requirements

- (a) **Ownership:** The tract of land to be approved for development as a PUD must be in single ownership with proof of that ownership submitted to the Planning Commission by no later than review and approval of the Final Development Plan. Application for a PUD may be filed either by the owner or by a person having a substantial contractual interest in the land.
- (b) **Location:** PUDs shall be located within the Urban Growth Area or the Town Growth Areas in the A, RR, RS, RU, RM and HI-2 Districts. The specific site shall be located adjacent to adequate roadway facilities capable of serving existing traffic and the future traffic generated by the uses in the PUD.⁹⁶
- (c) **Utilities:** All PUDs shall be served with public water and public sewer.
- (d) **Concept plans previously approved by the Planning Commission for planned residential development under the PR Article of this Ordinance shall be considered valid and shall not be constrained by time periods as specified in subsequent paragraphs. A public hearing is not required unless a major change is made by the developer to the Concept Plan; minor changes may be approved by the Planning Commission. Where there is a question about the degree of change being major or minor, the Planning Commission shall make that determination. All other provisions of Sections 16.5(a)3, 4 and 5 shall apply.**

Section 16.5 Review and Approval Process⁹⁷

Flexibility in site design is inherent in the PUD process. The Planning Commission may modify specific requirements and may establish other requirements deemed necessary to satisfy the purpose of this Article.

The review and approval of PUDs is a multi-step process. Those steps are: Concept Plan Review, Zoning Approval, Preliminary Development Plan Review and Approval, and Final Development Plan Review and Approval. Following zoning approval, the review and approval of the development plans may be combined when appropriate for smaller developments.

The Concept Plan, the Preliminary Development Plan, and the Final Development Plan shall be prepared by a licensed architect, a professional engineer, or a licensed surveyor. All plans shall meet the applicable requirements of the Forest Conservation Ordinance.

- (a) **Design and Development Schedule:** It is the intent of this Ordinance that the PUD not be a speculative device. The Concept Plan as submitted by the applicant shall reflect the actual development to be designed and constructed

⁹⁶ **Revision 12, Section 16.4(b) amended 2/3/04 (RZ-03-003)**

⁹⁷ **Revision 6, Section 16.5 amended 2/9/93 (RZ-92-16)**

within a reasonable time frame. Each phase of the design and development review process must occur within specified periods. If the applicant fails to submit his plans, or if construction does not commence, as specified by this Ordinance, the zoning of the site shall automatically revert to its previous classification.

If the applicant abandons the plans for the PUD at any time prior to the start of construction before the automatic reversion date and desires to proceed with development permitted under the previous zoning, he may do so by submitting notification to the Planning Commission. Such notification shall constitute official withdrawal of the applicant's plans for the PUD and shall permit reversion of the previous zoning classification without the necessity of the rezoning process.

1. **Concept Plan Review:** The purpose of the Concept Plan Review is to provide an exchange of information between the developer and the Planning Commission. The intent is that the developer provide the Commission with general information for the layout, density, specific uses and the like. The Commission, in turn, will provide the developer with corresponding response.
2. **Zoning Approval:** Following the Concept Plan Review, a joint public hearing with the Board of County Commissioners and the Planning Commission will be scheduled. Within 120 days after the public hearing, the Board of County Commissioners, after receiving a recommendation from the Planning Commission, shall render a decision on the PUD application. Zoning approval constitutes tentative approval of density and design features as shown on the Concept Plan. Minor changes in concept design may subsequently be approved by the Planning Commission without an additional public hearing.⁹⁸
3. **Preliminary Development Plan Review and Approval:** The applicant shall submit the Preliminary Development Plan within 6 months of the rezoning. Requests for extension may be granted by the Commission for good cause. The Planning Commission shall approve or disapprove the Plan within 60 days except that extensions as requested by the applicant may be granted by the Commission for good cause.
4. **Final Development Plan Review and Approval:** Following approval of the Preliminary Development Plan, the applicant shall submit the Final Development Plan within 6 months for Commission review. Requests for extension may be granted by the Commission for good cause. The Final Development Plan shall be approved or disapproved by the Commission within 30 days except that extensions as requested by the applicant may be granted by the Commission.
5. **Site Plan Review and Approval:** Following approval of the Final Development Plan, the applicant shall submit a Site Plan within 6 months for the entire PUD or for any phase for Commission review and construction shall begin within 1

⁹⁸ Revision 12, Section 16.5(a)2. amended 2/3/04 (RZ-03-003)

year of Site Plan Approval. Requests for extension may be granted by the Commission for good cause.

Section 16.6 Content and Format of Application⁹⁹

(a) Concept Plan: The Concept Plan shall include:

1. A vicinity map at 1"=2,000 ft. showing the location of the proposed PUD in relation to its surroundings and to the applicable growth area of the County Comprehensive Plan.
 - 1.1 An approved Forest Stand Delineation and a preliminary Forest Conservation Plan.
2. The boundary, acreage and current zoning of the tract.
3. Minimum topographic information sufficient to determine surface drainage patterns and principal drainage areas.
4. Adjacent land uses and zoning and the location of adjacent dwellings within 100 ft. of the common property line.
5. Buffer yards required by Section 16.7(e) and the general location of fencing or screen planting as required by Section 16.7(e)4.
6. The location of areas within the tract proposed for single-family, two-family, and multi-family residential uses; commercial and other non-residential uses, tabulation for each area of the number of dwelling units, the maximum building heights, the gross acreage, the gross residential density, and the gross area devoted to commercial uses; and a summary of the total dwelling units and the gross residential density for the tract.
7. General alignment of principal streets and highways within the development, including major points of access; their relationship to proposed streets within adjacent approved subdivisions and to proposed highways in the Washington County Highway Plan; and the estimated average daily traffic volumes and the traffic circulation patterns from the development onto existing and proposed public streets and highways.
8. The estimated average daily water consumption and sewage flow.
9. The applicant shall submit 12 copies of the Concept Plan and accompanying data to the Planning Commission unless an alternative number of copies is specified by the Commission.

⁹⁹ Revision 6, Section 16.6(a), (b) and (d) amended 2/9/93 (RZ-92-16)

- (b) Preliminary Development Plan: The Preliminary Development Plan shall include the same minimum information as the Concept Plan, plus:
1. Existing topography at contour intervals of not more than 5 feet where the slope is 10 percent or greater and not more than 2 feet where the slope is less than 10 percent, and the source of contour information.
 - 1.1 A Forest Conservation Plan.
 2. The surface conditions of the tract, including water courses, marshes, rock outcrops, woodlands, limits of the 100-Year Flood plain and other significant features. Existing vegetation and landscape features to be preserved shall be identified as well as new landscaping in accordance with Section 4.16.
 3. The location of all individual lots and structures and the maximum heights of the structures.
 4. The location, boundary and area of common open space to serve multi-family residential units; the designated area of useable open space in accordance with the standards of Section 16.7(c); the means of access to useable open space from the dwelling units; and the arrangement of play lots.
 5. The location of all off-street parking, loading zones, and private access roads.
 6. The location of pedestrian walkways and bus waiting areas.
 7. The location of major water and sewerage facilities such as pumping stations, storage tanks, water transmission mains, and sewage interceptors.
 8. Drainage patterns and stormwater management areas.
 9. Easements and rights-of-way, existing and proposed.
 10. The phasing schedule. The time schedule for each phase shall be shown on the Preliminary Development Plan.
 11. Where the intent of the developer is to subdivide, the Preliminary Development Plan shall include the requirements for a Preliminary Plat.
- (c) The applicant shall submit 12 copies of the Preliminary Development Plan and accompanying data to the Planning Commission unless an alternative number of copies is specified by the Commission.
- (d) Final Development Plan: The Final Development Plan shall serve as the master plan for all subsequent site plans and subdivision plats and is the official record

of agreement between the developer and Planning Commission for development of the tract.

The Final Development Plan shall include:

1. Information required for the Preliminary Development Plan.
 - 1.1 An approved Forest Conservation Plan.
 2. Specific terms and conditions agreed to by the developer and the Planning Commission, or references to such terms and conditions when more appropriately submitted as part of accompanying documentation. Such terms and conditions may include:
 - i. Provisions for the ownership and perpetual maintenance of common open space, recreation facilities, private roadways and parking areas.
 - ii. Agreements for responsibilities between County and developer for providing on-site and off-site improvements.
 3. Certificate of approval signed by the Planning Commission Chairman.
 4. Certificate of willingness to abide by terms and conditions of the Final Development Plan signed by the developer.
- (e) The applicant shall submit 6 copies of the signed Final Development Plan and accompanying data to the Planning Commission, unless an alternative number of copies is specified by the Commission.

Section 16.7 Design Standards¹⁰⁰

These standards are intended to ensure that the PUD is compatible with neighboring properties and that it provides a quality living environment for its residents. The standards established for any PUD are considered prima facie to be acceptable to the developer and may not be the subject of appeal for a variance to the Board of Zoning Appeals.

- (a) Density: The maximum gross density for a PUD is 12 DU/A. In determining the specific density for a particular PUD or for any particular phase of a PUD, the Planning Commission shall give consideration to and shall make findings of fact concerning, at a minimum, the impact of the proposed development on adjacent properties, the availability of public facilities, the impact of the proposed development on public roadways, the impact on public schools, fire and police protection, and the availability of adequate open space.

¹⁰⁰ Revision 6, Section 16.7(c) amended 2/9/93 (RZ-92-16)

- (b) Tract Size: There shall be no minimum tract size for a PUD. However, the tract size and shape shall be appropriate for the development proposed as determined by the Planning Commission.
- (c) Open Space: Common open space shall comprise not less than 25 percent of the gross area. The 15% minimum forest cover required by the Forest Conservation Ordinance shall be a part of the minimum 25% open space.
- (d) Landscaping: All Development Plans shall contain a detailed schedule for landscaping. Trees, shrubs and other ground cover is expected to be so designed as to provide maximum enhancement of the overall layout. Landscaping shall be considered a necessary integral part of the PUD rather than an optional amenity.
- (e) Buffer Requirements: Buffer requirements are intended to protect existing or future development adjacent to a proposed PUD from potentially adverse effects.
 - 1. Non-residential uses in the PUD shall have a 50-foot buffer yard along the common boundary with any adjacent lot either within or without the PUD that is zoned for or is occupied by a residence.
 - 2. Any multi-family residential use shall be provided by a 50-foot buffer yard along its common boundary with any lot zoned for or occupied by a single-family dwelling.
 - 3. No structure, materials storage, or vehicular parking may be permitted in the buffer yard.
 - 4. Buffer yards shall include adequate screening as deemed necessary by the Commission.
- (f) Walkways
 - 1. Walkways shall connect residential uses with off-street parking areas, transit and school bus waiting areas, and recreational facilities and commercial facilities on the site. Walkways shall also connect the development with any contiguous school or park.
 - 2. When a proposed multi-family residential development is located adjacent to an existing public transit route or where students require school bus transportation, a bus waiting area consisting of an impervious surface shall be provided at such location as determined by the Planning Commission and the applicable transportation or education agencies.
- (g) Building Spacing and Height Requirements: Building spacing and height requirements shall be the same as those for the different types of development provided for in the districts where PUDs are permitted.

In review of a Planned Unit Development, the Planning Commission may waive or modify the area, yard, height and other design requirements for the different types of development only if such modification will increase the amenities of the development.

(h) Non-Residential Development

1. In general, non-residential development proposed as part of a PUD shall be integral to the overall development and shall relate well to residential areas in terms of pedestrian and vehicular circulation. Buffer requirements between non-residential and residential uses within a PUD shall be as provided in this Article.
2. Commercial uses listed in the Business, Local District are permitted. The gross area for commercial uses shall not exceed 10 percent of the gross tract area. Commercial use shall not be built or established prior to the residential development except that they may be built in phases consistent with phasing of the residential construction within the 10 percent limitation.
3. Commercial uses shall primarily be designed and intended as a service to the residents of the PUD; however, it is recognized by this Ordinance that strict limitation of the commercial development to the PUD may not be practical. For that reason, the Commission shall consider the policies of the Comprehensive Plan relating to the establishment of commercial development in reviewing a proposal for the commercial portion of the PUD.
4. The Planning Commission may approve innovative and well-designed proposals for the sharing of buildings or parking areas by compatible residential and non-residential uses whenever it can be demonstrated to the satisfaction of the Planning Commission that such sharing is a logical and efficient use of buildings and land, and that the peak operating hours for the respective uses will not be in conflict.

(i) Traffic Circulation and Parking

1. Existing and planned streets and highways shall be of sufficient capacity to serve existing traffic and all new traffic when fully developed.
2. The capacity of existing streets and highways serving a PUD shall be considered by the Commission in determining density. Density resulting in traffic capacity being exceeded on streets and highways shall not be permitted.

(j) Phasing: In order to ensure that the PUD develops uniformly, each phase shall independently conform to the density established by the Commission for the PUD tract.

ARTICLE 17 "PB" PLANNED BUSINESS DISTRICT (SHOPPING CENTERS)

Section 17.0 Purpose

The Planned Business District is established where it can be served with adequate public or community water and sewerage service meeting Health Department standards to provide for the development of unified shopping centers, developed at one time or in stages, in accordance with an overall plan. With unified development of buildings, parking areas, and screening, it is often possible to permit zoning for a planned shopping center where a BL or BG District would be undesirable.

Section 17.1 Principal Permitted Uses^{101 102}

Only uses appropriate to a BL or BG shopping center zone shall be permitted. However, no animal hospitals, veterinary clinics, or kennels shall be permitted. No residential use, heavy commercial or industrial uses, Outdoor Advertising Signs, or any use other than is necessary or desirable to supply goods and services to the surrounding area shall be permitted.

Section 17.1.1 Special Exceptions¹⁰³

- (a) Public utility buildings, structures or uses not considered essential utility equipment, as defined in Article 28A.
- (b) Commercial Communications Towers, subject to the requirements of Section 4.22.

Section 17.2 General Requirements¹⁰⁴

An application for Planned Business District zoning shall meet all applicable requirements of the Washington County Forest Conservation Ordinance and Forest Conservation Manual along with the general requirements for a planned development outlined in Section 16.4.

A Forest Stand Delineation including all information required by the Forest Conservation Ordinance and Manual shall be submitted for approval before application for Planned Business District Zoning.

¹⁰¹ **Revision 12, Section 17.1 amended 8/20/02 (RZ-02-002)**

¹⁰² **Revision 14, Section 17.1 amended 11/16/04 (RZ-04-007)**

¹⁰³ **Revision 11, Section 17.1.1 added 5/18/99 (RZ-99-01)**

¹⁰⁴ **Revision 6, Section 17.2 amended 2/9/93 (RZ-92-16)**

Section 17.3 Data to Accompany Application¹⁰⁵

Applications for a Planned Business District shall be accompanied by an approved Forest Stand Delineation, Preliminary Forest Conservation Plan and development plan prepared by a licensed architect, engineer, landscape architect, or professional planner. The development plan shall be drawn to scale and shall show such items as the size of the project, the location and approximate shapes of buildings, road ingress and egress patterns, parking areas, storm drainage and water and sewerage facilities, and such other information as is necessary for the Commission to give the necessary consideration.

Section 17.4 Commission Review and Action

Upon receipt of an application for a zoning map amendment, accompanied by the required plans and information, the Planning and Zoning Commission shall review the proposed development, considering its relationship to the surrounding area and to the development pattern outlined in the adopted Plan for the County, Development Analysis Plan Maps and Policies.

It shall be the duty of the Commission to ascertain whether the location, size and other characteristics of the site, and the proposed plan, comply with the following conditions:

- (a) A need is evident for such shopping facilities at the proposed location, such need being demonstrated by the developer by means of market studies and such other information as the Commission may require.
- (b) That the proposed planned business center is adequate to serve the needs of the population which reasonably may be expected to be served by such shopping facilities.
- (c) That the proposed planned business center will not cause points of traffic congestion on existing or planned future roads in the area of such proposed location.
- (d) That the plans provide for a planned business center consisting of one or more groups of establishments in buildings of integrated and harmonious design, together with adequate and properly arranged traffic and parking facilities and landscaping, so as to result in an attractive and efficient shopping center.

Section 17.5 Development Plan

The Commission shall approve the development plan as submitted or, before approval, may require that the applicant modify or amend the plan. Upon approval of a tentative plan, the Commission shall advertise for a zoning map amendment hearing, in accordance with provisions of Article 66B.

¹⁰⁵ **Revision 6, Section 17.3 amended 2/9/93 (RZ-92-16)**

Section 17.6 Official Development Plan¹⁰⁶

An application for a Planned Business District shall meet the general requirements for an official development plan outlined in Section 16.6(b), (c),(d) and (e) including a Forest Conservation Plan.

Section 17.7 General Regulations^{107 108}

The following regulations shall apply to a Planned Business Center:

- (a) Size: The site shall be adequate for the type of shopping center proposed. The minimum size for a planned neighborhood shopping center (BL District type uses) shall be two (2) acres and the minimum size of a planned community shopping center (BG District type uses) shall be ten (10) acres. The site shall be of a shape suitable for shopping center development, and not split by any existing or proposed street.
- (b) The height limit for a neighborhood shopping center (BL District type uses) shall be thirty-five (35) feet and, for a community shopping center (BG District type uses) shall be fifty (50) feet, except as modified by Article 23.4.
- (c) Yards: No buildings shall be erected within fifty (50) feet of a public street right-of-way line. No parking lot or accessory uses shall be located within twenty (20) feet of the right-of-way line. No plantings shall be located within ten (10) feet of any public street right-of-way line.

No building shall be located within fifty (50) feet of any other boundary line and any such line which adjoins an RR, RS, RU, or RM District, if deemed necessary by the Commission, shall be screened by a solid wall or compact evergreen hedge at least six (6) feet in height, or by such other device as may be deemed appropriate and adequate.

- (d) Public streets: Right-of-way lines for public streets shall be located a minimum of fifty (50) feet from any existing residential buildings or attached structures.
- (e) Signs: In addition to building mounted signs as permitted and regulated in Article 22.23(c), one additional sign shall be permitted provided the sign does not exceed three hundred (300) square feet in area and thirty-five (35) feet in height. The signs shall include the names of the shopping center and/or the establishments located therein. Any shopping center fronting on more than one street may be permitted an additional sign which is located in such a manner that no part of the supporting structure is less than twenty-five (25) feet from the

¹⁰⁶ Revision 1, Section 17.6 amended 2/9/93 (RZ-92-16)

¹⁰⁷ Revision 2, Section 17.7(c) and (e) amended (RZ-423 & RZ-424)

¹⁰⁸ Revision 15, Section 17.7(c) amended 9/19/06 (RZ-06-007)

street right-of-way and that no part of the sign shall be closer than five (5) feet to the right-of-way line.

Section 17.8 Site Plan

Site plan is required (Section 4.11) for all principally permitted and approved special exception uses.

ARTICLE 18 "PI" PLANNED INDUSTRIAL DISTRICT (INDUSTRIAL PARK)

Section 18.0 Purpose

The Planned Industrial District is established where it can be served with adequate public or community water and sewerage service meeting Health Department standards to encourage planned industrial developments or "industrial parks." Planned Industrial Districts are intended to accommodate a wide range of manufacturing, processing, research and development, office and other uses which can be built and operated within a minimum of noise, smoke, smell, and other nuisances, and can be designed to high aesthetic standards. Because of the lack of nuisances and the higher design standards, a Planned Industrial District can be mapped in locations where other industrial districts may be undesirable.

Section 18.1 Principal Permitted Uses^{109/110/111 112}

The following principal permitted uses shall be allowed in an industrial park:

- (a) Principal permitted uses allowed in an "IR" and "IG" District, except those prohibited in Section 18.2 herein.
- (b) Office buildings for services oriented to the needs of industries and businesses located in the park or for the local community, such as offices for doctors, medical clinics or laboratories, engineers, banks, data processing centers, post offices, and local retail services, provided that such office buildings shall not be the first use erected in the industrial park.
- (c) Wholesale, warehousing establishments where no retail sales are permitted.
- (d) Truck terminals or warehouses.
- (e) Heliport, subject to the standards recommended by the Federal Aviation Agency.
- (f) Public utility buildings, structures or uses not considered essential utility equipment, as defined in Article 28A.
- (g) Child day care centers and nursery schools.
- (h) Hotels, motels, and conference centers.

¹⁰⁹ **Revision 9, Section 18.1(f) added 8/29/95 (RZ-94-08)**

¹¹⁰ **Revision 12, Section 18.1(b) amended, Section 18.1(g), (h), and (i) added 5/16/00 (RZ-00-003)**

¹¹¹ **Revision 12, Section 18.1(d) amended 10/23/01 (RZ-01-006).**

¹¹² **Revision 14, Section 18.1(j) added 11/16/04 (RZ-04-007)**

- (i) Restaurants providing both on-premises and carry-out food service, including those serving alcoholic beverages on the premises only.
- (j) Signs, Outdoor Advertising, subject to the provisions of Section 22.24 and 22.25.

Section 18.2 Prohibited Uses¹¹³

The following uses are prohibited in an industrial park:

- (a) Any new dwelling, mobile homes, mobile home parks or institutions for human care, and uses first allowed in a business district, except as permitted in Section 18.1(b).
- (b) Brick yards, manufacture of pottery, tile, terra cotta, clay products.
- (c) Electric or steam generating plants.
- (d) Flour mill, grain or feed drying processing.
- (e) Planned business (Regional Shopping Center).
- (f) Sawmills.
- (g) Signs. except as authorized herein.
- (h) Special exception uses in "IR" and "IG" Districts.

Section 18.3 Accessory Uses¹¹⁴

Uses shall be allowed which are customarily incidental to or are demonstrably related to permitted uses in an industrial park including indoor and outdoor recreational facilities, cafeterias, clinics, libraries, schools, meeting rooms, display rooms related to or primarily restricted to the industries and businesses located in the industrial park.

Section 18.4 General Requirements¹¹⁵

An application for Planned Industrial District zoning shall meet all applicable requirements of the Washington County Forest Conservation Ordinance and Forest Conservation Manual and the general requirements for a planned development outlined in Section 16.4.

¹¹³ **Revision 14, Section 18.2(g) amended 11/16/04 (RZ-04-007)**

¹¹⁴ **Revision 12, Section 18.3 amended 5-16-00 (RZ-00-003)**

¹¹⁵ **Revision 6, Section 18.4 amended 2/9/93 (RZ-92-16)**

A Forest Stand Delineation including all information required by the Forest Conservation Ordinance and Manual shall be submitted for approval before application for Planned Industrial Zoning.

Section 18.5 Data to Accompany Application¹¹⁶

Applications for a Planned Industrial District shall be accompanied by an approved Forest Stand Delineation, preliminary Forest Conservation Plan and development plan prepared by a licensed architect, engineer, landscape architect, or professional planner. The development plan shall be drawn to scale and shall show the overall area of the project, the general pattern of industrial lots (when known), the internal street pattern and relationship to surrounding streets, storm drainage and water and sewerage facilities, other facilities, and such other information as is necessary for the Commission to give the necessary consideration to the proposed development.

Section 18.6 Commission Review and Action

Upon receipt of an application for a zoning map amendment for a planned industrial development, accompanied by the required plans and information, the Planning and Zoning Commission shall review the proposed development, considering its relationship to the surrounding area and to the development pattern outlined in the adopted Plan for the County, Development Analysis Plan Map and Policies.

The Commission shall approve the development plan as submitted or, before approval, may require that the applicant modify or amend the plan. Upon approval of a tentative plan, the Board of County Commissioners shall advertise for a zoning map amendment hearing, in accordance with the provisions of Article 66B, 1970 Edition.

If the proposed amendment is approved by the Board of County Commissioners and the land placed in a planned development district, the owner or owners, before beginning development, shall submit a final plan to the Planning and Zoning Commission. The final plan, after adoption by the Commission, shall be deemed an Official Development Plan. The Official Development Plan shall be signed by the Commission's Chairman and by the property owner, who by formal agreement shall certify to the Board of County Commissioners his willingness to abide by the conditions and terms of the adopted plan. The Planning and Zoning Commission shall file with the Board of County Commissioners a certified copy of the Official Development Plan for each area zoned as a Planned Industrial District. The Official Development Plan may be amended, the procedure being the same as in the case of the original plan. Minor amendments of site plan features may be approved by the Planning and Zoning Commission without an additional hearing.

The initial development plan may be approved even though it does not show exact lot sizes or locations of future buildings. It is recognized that full development of planned industrial areas may require a number of years, and some flexibility is needed to accommodate the needs of future industries. However, no zoning permit shall be issued on

¹¹⁶ Revision 6, Section 18.5 amended 2/9/93 (RZ-92-16)

any lot unless the Commission shall have approved a development plan for the entire industrial park and a site plan for each lot therein as it is proposed for development.

Commission review of individual site plans after an overall development plan has been approved shall not require separate public hearings.

In considering the overall development plan the Commission shall pass upon, among other things:

- (a) The layout of the park with respect to internal roads and the access of such to public highways.
- (b) Preservation of natural topographic features, such as trees and watercourses.
- (c) Grading plans, drainage structures, water and sewerage facilities, and other utilities.
- (d) Orientation with relation to other adjacent properties.
- (e) Landscape proposals.

In considering the site plan for a lot the Commission shall pass upon, among other things:

- (a) Layout of the site with respect to the arrangement and width of its driveways and parking areas and their relationship to off-site roadways within the industrial park and to external public highways.
- (b) Preservation of natural topographic features, such as trees and watercourses.
- (c) Grading plan and plans for all utilities, including water and sewerage facilities, storm drainage, parking lots, loading docks, lighting and screening.
- (d) Lot layout, including front, side and rear yard lines.
- (e) Location, height and orientation of proposed buildings.
- (f) Identity of occupant and nature of operations.
- (g) Employee information, as to number and shifts.
- (h) Location, size and lighting of signs.
- (i) Outdoor storage areas, including location, screening and safety features.

Section 18.7 Required Conditions

All manufacturing uses shall be conducted in an enclosed building except parking, loading and storage.

Section 18.8 Design Standards

Section 18.81 Vehicular Access

- (a) Vehicular access to industrial parks shall be permitted only from a county or state-maintained highway, or a private way connecting such highways, and not directly with any residential street.
- (b) Road access to an industrial park may be at points prescribed by the appropriate agency of jurisdiction, but in no case less than the following:
 - (1) For state roads not less than seven hundred fifty (750) feet between points of access.
 - (2) For county roads not less than two hundred (200) feet between points of access.
- (c) All streets within an industrial park if they are to be considered for County maintenance must be built to County standards or better.

Section 18.82 Parking and Loading Facilities

- (a) There shall be provided for in each plan sufficient space for off-street parking and storage of vehicles for personnel. There shall also be provided sufficient space for off-street parking and storage of vehicles for loading and unloading purposes, and vehicles utilized in the particular operation.

Section 18.83 Outdoor Storage

- (a) No outdoor storage shall be permitted in the front yard of any operation permitted by this Article. Front yards shall be defined as the area facing the major highway or artery in the immediate vicinity, whether adjacent or nearby. If it is indeterminable from this factor, then what would ordinarily be considered the front of the major structure, would be considered the front portion of the yard and/or operation.
- (b) Outdoor storage areas on any area adjacent to a residential district that is not within the intent of this Article must be screened therefrom by a planting of evergreens or by an ornamental wall not less than six (6) feet in height, or by some other architecturally acceptable means.

Section 18.84 Building Location and Landscaping

- (a) Architectural treatment of building walls visible from highways shall be harmonious with the front elevation of structure in design, quality and materials.
- (b) A preliminary plan of landscaping proposed shall be submitted to the Commission as part of the preliminary development plan.

- (c) Any part of a lot not used for buildings, parking, loading, driveways, outside storage, or walkways shall be planted with grass or other ground cover, trees, shrubs, and/or flowers, and shall be properly maintained at all times.

Section 18.85 Utilities

- (a) Any overhead wires determined necessary shall be run along the rear property lines where practical, and any control instrument station or substations shall be screened.

Section 18.86 Signs and Lighting¹¹⁷

- (a) The design, lettering, lighting and location of all signs shall be included so far as possible as part of the site plan submitted for approval of the Commission.
- (b) Signs, business, for identifying the use or the occupant shall be a part of the architectural design and be attached to the building. Any signs detached from buildings shall be landscaped.
- (c) All major buildings and parking areas may be lighted with exterior flood or spotlights, provided lights are not directed toward adjacent residential districts or roads or streets.

Section 18.87 Height Regulations

- (a) No building shall exceed fifty (50) feet in height, except as provided in Section 23.4 of this Ordinance.

Section 18.88 Area Requirements

- (a) No industrial park considered herein shall comprise less than ten (10) acres if it is a completely separate tract. No area limitation shall be placed on an industrial park if it (1) is an addition to another industrial park or (2) has a common boundary with an existing "IR" or "IG" District.
- (b) The minimum ground area for any lot for a principal building shall be two (2) acres and the minimum lot frontage, two hundred (200) feet.
- (c) The maximum ground area coverage of any lot by a principal building or buildings shall not exceed fifty (50) percent of the total lot area.

Section 18.89 Yard Requirements

- (a) A front yard adjacent to an expressway or primary highway as shown on the Major Highway Plan of the County shall be one hundred fifty (150) feet. Front yards on other County or municipal streets or interior roads within an industrial park shall be fifty (50) feet.

¹¹⁷ Revision 14, Section 18.86 amended 11/16/04 (RZ-04-007)

- (b) Side or rear yards shall be as follows:

Adjoining a residential district, one hundred fifty (150) feet or seventy-five (75) feet where proper screening along the property line is provided.

Adjoining a business or industrial district seventy-five (75) feet.

- (c) A landscaped strip no less than ten (10) feet wide shall be provided along each side yard for the length of any principal building, except for that portion of the yard needed for loading or parking areas.
- (d) Any portion of a developed lot in an industrial park not used for driveways, walkways, parking, loading, or storage areas shall be planted in grass or other suitable ground cover.

Section 18.9 Site Plan

Site plan required (Section 4.11) for any principally permitted or approved special exception use.

ARTICLE 19 "HI" HIGHWAY INTERCHANGE DISTRICT

Section 19.0 Purpose

The Highway District is established to provide special development controls needed in existing and future interchange areas as designated by local, State or Federal agencies.

Section 19.1 Location of Highway Interchange Districts

Highway Interchange Districts shall be established around all existing and future interchanges on Interstate Highway 81 and 70 and around any other future interchanges where the Planning and Zoning Commission recommends to the Board of County Commissioners that special interchange controls are necessary. Highway Interchange Districts shall generally extend one-half mile from the center of the interchange.

Section 19.2 Interchange Area Plans

The Washington County Planning and Zoning Commission has outlined general policies for future development of interchange areas in the Plan For The County, Development Analysis Plan Map and Policies. To provide a more detailed guide for review of development proposals within Interchange Districts, the Planning and Zoning Commission will undertake more detailed site studies of each interchange area.

Section 19.3 Site Plan Review for Interchange Areas

Site review criteria for Interchange areas: All development, except single-family residential development on lots of record, within Interchange Districts requires site plan review and approval by the Planning and Zoning Commission. The Commission shall consider the following purposes in Interchange Districts:

- (a) Interchange access: First priority shall be given to insuring safe and uncongested access to the limited access highway from connecting roads. Future as well as present traffic volumes shall be considered. The most effective way to avoid congestion on and near the highway approach ramps is to restrict access from adjoining land for some distance from the ends of the ramps. In the site plan review process, the Planning and Zoning Commission shall consider the location and spacing of driveways and shall not permit driveway entrances where they will interfere with traffic movements onto and off the limited access highway. Frontage roads may be required where necessary.
- (b) Architectural and landscape design: The Planning and Zoning Commission shall give special attention to the visual appearance of the interchange area, as seen by motorists on the interstate highway and on the approach roads. Site plan review shall consider the design and arrangement of buildings and accessory structures, the signs, and the landscaping of the interchange area. The Planning and Zoning Commission may establish special building line setbacks and other requirements in Interchange Districts.

Section 19.4 Special Provisions¹¹⁸

Uses permitted in the Interchange Districts are the same as are permitted in residential, business and industrial restricted zones. Site plan review shall be required for all development within the Interchange Districts.

- (a) Design of residential areas: Any new residential development within a Highway Interchange District shall not front directly on an interchange access road, but shall be connected to the access road only by service roads.
- (b) Increased area, frontage and setback requirements: Regardless of other design provisions of this Ordinance, no business or industrial development fronting on an interchange access road within a Highway Interchange District shall have a frontage of less than 125 feet, an area of less than one (1) acre, or a setback of less than 50 feet.

Section 19.5 Design Standards¹¹⁹

- (a) Assurance of Environmental Protection

The design of improvements and structures, landscaping plans and plans for the construction program shall comply with the County's Erosion and Sediment Ordinance; maximize the retention of soils and vegetation; minimize paved and covered areas; prevent the flow of silt and other pollutants into streams; restore a maximum area of vegetative and porous ground cover and shade trees; control the disposition of the builder's rubble, sanitary landfills and other potentially noxious substances; prevent the development of excessive storm water flows and promote the infiltration of such water into the ground water table; prevent excessive drainage of ground water and protect water purity. All methods of sewer and water treatment shall comply with the Washington County Water and Sewage Plan. All designs shall comply with the Washington County Forest Conservation Ordinance and Manual.

The retention of open land uses on flood plains and in areas with severe topographic and soil limitations shall be considered when reviewing proposed land uses.

- (b) Assurance of Functional and Design Compatibility

The Commission shall determine whether the proposed development will create glare and visual obstructions providing unsafe driving conditions or will impair the character of the Interchange area.

¹¹⁸ Revision 3, Section 19.4 amended 5/28/91 (RZ-91-09)

¹¹⁹ Revision 6, Section 19.5(a) amended 2/9/93 (RZ-92-16)

The Commission shall consider these and other visual and design safety aspects of the area in making its judgment. All signs shall comply with the requirements outlined in Section 22.2. Excessive signs and commercialism; and oversized structures; barren or monotonous areas; unnecessary removal of tree masses; and excessive cuts and land fills shall also be considered. In addition, when reviewing applications for proposed developments adjacent to documented historic sites and structures, special measures shall be taken to assure environmental protection and design compatibility.

(c) Buffer Yards

In the "HI" District, any use which is subject to site plan review must be provided a buffer yard along its common boundary with any lot located in an "R" District, or any lot occupied by a dwelling, school, church, or institution for human care not located on the same lot as the said use, or any lot which is part of a duly recorded residential subdivision. Buffer yards shall comply with the following standards:

1. Where a property line serves as the common boundary, the buffer yard shall be measured seventy-five (75) feet from the property line. Where a road serves as the common boundary, the buffer yard shall measure fifty (50) feet from the nearest right-of-way line.
2. The buffer yard may be conterminous with required side, or rear yards, and in case of conflict, the larger yard requirements shall apply.
3. In all buffer yards, the exterior width beyond the fence or planting screen shall be planted with grass seed, sod or ground cover.
4. No structure, manufacturing or processing activity, materials or vehicular parking shall be permitted in the buffer yard.
5. All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials, or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall be in accordance with the following requirements:
 - (a) Plant materials used in the screen planting shall be of such species and size as will produce a complete visual screen of at least six feet in height.
 - (b) A fence, when erected as a screen, shall be not less than six feet in height, and shall be placed no closer than three feet from any street or property line.
 - (c) The screen planting shall be placed so that at maturity it will be no closer than ten feet from any street or property line.

- (d) No structure, fence, planting or other obstruction shall be permitted which would interfere with traffic visibility across the corner of a lot and at access driveways within a required clear sight triangle. Such clear sight triangle shall be maintained in the area between a plane two feet above curb level and a plane seven feet above curb level.
- (e) The screen planting or fence shall be broken only at points of vehicular or pedestrian access.

Section 19.6 Site Plan¹²⁰

Site plan required (Section 4.11) for any principally permitted or approved special exception use. All site plans shall meet the requirements of the Washington County Forest Conservation Ordinance and Manual.

Section 19.7 Lot Area, Lot Width, and Yard Requirements¹²¹

Residential: If both public water and public sewer are available, refer to either "RU", "RM" or "PUD" as applicable.

If either public water or public sewer is available, refer to "RR".

If neither public water nor public sewer is available, refer to "A".

Business: Refer to "BL", "BG" or "PB" as applicable, except 19.8(f)

Section 19.8 Special Exception (Requiring Board Authorization after Public Hearing)^{122/123}

- (a) Adult bookstores, provided that no such establishment is located within 1,000 feet of any residential district, within 1,000 feet of any church or school, within 1,000 feet of any restaurant, eating establishment, hotel or motel, within 1,000 feet of any theater, club, or lodge, or within 1,000 feet of any other adult book store or adult mini-motion picture theater.
- (b) Adult mini-motion picture theaters, provided that no such establishment is located within 1,000 feet of any residential district, within 1,000 feet of any church or school, within 1,000 feet of any restaurant, eating establishment,

¹²⁰ Revision 6, Section 19.6 amended 2/9/93 (RZ-92-16)

¹²¹ Revision 11, Section 19.7 amended 5/18/99 (RZ-99-01)

¹²² Revision 1, Section 19.8(d) added 9/20/88 (RZ-388)
Revision 9, Section 19.8(e) added 8/29/95 (RZ-94-08)
Revision 11, Section 19.8(f) added 5/18/99 (RZ-99-01)

¹²³ Revision 12, Section 19.8(d) amended 10/23/01 (RZ-01-006)

hotel or motel, within 1,000 feet of any theater, club, or lodge, or within 1,000 feet of any other adult mini-motion picture theater or adult book store.

- (c) Cemeteries, mausoleums, and memorial gardens.
- (d) Truck stops.
- (e) Public utility buildings, structures or uses not considered essential utility equipment, as defined in Article 28A.
- (f) Commercial Communications Towers, subject to the requirements of Section 4.22.

ARTICLE 19A "HI-1" HIGHWAY INTERCHANGE DISTRICT¹²⁴

Section 19A.1. Purpose

The HI-1 District is established to provide for those uses allowed in the BL, BG, PB, and IR Districts. The HI-1 District is intended to include those lands closest to the seventeen interchanges of the interstate highway system traversing Washington County. All business and light industrial uses permitted in this Ordinance should be encouraged to utilize those lands immediately surrounding the interchanges where there is ready access to the interstate highway system.

Section 19A.2. Principal Permitted Uses¹²⁵

(a) All Principal Permitted Uses allowed in the BL, BG, PB Districts and all Principal Permitted Uses in the IR District except heliports and Commercial Communications Towers.

Section 19A.3. Special Exception Uses (Requiring Board of Appeals Authorization after Public Hearing)¹²⁶

- (a) Building material sales and storage yards.
- (b) Feed and grain sales.
- (c) Animal hospitals, veterinary clinics, or kennels with outside runways or exercise areas shall comply with section 19.7 and the outside runways or exercise areas shall be no less than 150 ft. from any dwelling, church, school or institution for human care not located on the same lot.
- (d) Cemeteries, mausoleums, or memorial gardens.
- (e) Petroleum products storage tanks above ground.
- (f) Any other use that the Board finds is functionally similar to any Principal Permitted Use or Special Exception listed in the BL or BG Articles. The Board shall not grant any special exception which is inconsistent with the purpose set

¹²⁴ **Revision 6, Article 19A added 4/26/88 (RZ-383)**

¹²⁵ **Revision 11, Section 19A.2(a) amended 5/18/99 (RZ-99-01)**

¹²⁶ **Revision 9, Section 19A.3(h) added 8/29/95 (RZ-94-08)**
Revision 11, Section 19A.3(i) added 5/18/99 (RZ-99-01)
Revision 12, Section 19A.3(f) and (g) amended 10/21/01 (RZ-01-006)
Revision 12, Section 19A.3(c) amended 8/20/02 (RZ-02-002)

forth for this district, nor which will materially or adversely affect the use of any adjacent or neighboring properties.

- (g) Truck stops.
- (h) Public utility buildings, structures or uses not considered essential utility equipment, as defined in Article 28A.
- (i) Commercial Communications Towers, subject to the requirements of Section 4.22.

Section 19A.4 Accessory Uses

Uses and structures customarily accessory and incidental to any Principal Permitted or Special Exception Use.

Section 19A.5 Site Plan Review¹²⁷

All development in the HI-1 District requires site plan review and approval and an approved Forest Stand Delineation and Forest Conservation Plan in accordance with Section 4.11. The Commission shall apply the following general standards in the HI-1 District:

- (a) Interchange access: First priority shall be given to insuring safe and uncongested access to the interstate highways from all connecting roads. Future as well as present traffic volumes shall be considered by the Commission. In the site plan review, the Planning Commission shall consider the location and spacing of ingress and egress and shall not permit them where they were interfere with traffic movement onto the approach ramps. Frontage roads may be required when deemed appropriate by the Commission.
- (b) Architectural and landscape design: The Planning Commission shall give special attention to the visual appearance of the interchange area as seen by motorists on the interstate highway and on the approach roads. Site plan review shall consider the design and arrangement of buildings and accessory structures, the signs, and the landscaping of the interchange area.

Section 19A.6 Height Requirements

No structure may exceed seventy-five (75) feet in height except as provided in Article 23.

¹²⁷ Revision 7, Section 19A.5 amended 11/16/93 (RZ-93-10)

Section 19A.7 Lot Area, Lot Width, and Yard Requirements¹²⁸

- (a) There is no minimum lot area in the HI-1 District, except in Section 19A.3(c); it shall be a function of the required buffers, setbacks, and off-street parking requirements.
- (b) There is no minimum lot width in the HI-1 District, except in Section 19A.3(c); it shall also be determined as a function of the required buffers, setbacks, and off-street parking requirements.
- (c) Minimum yard requirements:

| | FRONT | SIDE | REAR |
|---|-------|------|------|
| All Principal, Special Exception, and Accessory BL, BG, and IR Uses | 40 | 10* | 10* |

***Animal hospitals, veterinary clinics, or kennels with outside runways or exercise areas:

| <u>Lot Area</u> | <u>Lot Width</u> | <u>Front Yard</u> | <u>Side Yard</u> | <u>Rear Yard</u> |
|-----------------|------------------|-------------------|------------------|------------------|
| 2 acres | 200 ft. | 50 ft. | 50 ft. | 50 ft. |

***See also Section 19A.3(c).

* Except as required in Section 19A.8.

* Except as required in Section 19A.3(c) and 19A.3(i).

Section 19A.8. Buffer Yards¹²⁹

The area designated as a buffer yard may include any required side, rear, or front yards.

- (a) Where the adjoining lot is either zoned for or contains dwellings, hospitals, nursing homes, schools, or other institutions for human care, there shall be a 75 foot buffer yard between the lot line and any area of the lot proposed for use or development if the allowed principal permitted use or special exception use

¹²⁸ Revision 11, Section 19A.7 amended 5/18/99 (RZ-99-01)
Revision 12, Section 19A.7 amended 8/20/02 (RZ-02-002)

¹²⁹ Revision 7, Section 19A.8 amended 12/21/93 (RZ-93-07)
Revision 11, Section 19A.8(a) amended 7/29/97 (RZ-96-012)

would be considered permitted because of its association with an IR District. Perimeter screening in the form of a solid fence, vegetative screening or both as determined by the Planning Commission during the site plan review shall be required for all IR uses. The vegetative screening shall consist of tree species that shall be a minimum of ten (10) feet overall in height and two (2) inch caliber at the time of planting. Trees shall be of a species having an average mature spread of crown of a minimum of fifteen (15) feet under normal growing conditions. The trees shall be planted and spaced so as to create an opaque screen between the adjoining land uses. Shrubs may be required to supplement the tree plantings to create the opaque screen. A minimum of seven (7) trees per hundred linear feet of perimeter buffer area shall be required. Where any of the IR uses are across a public road, the buffer yard shall be 50 feet between the use and the road right-of-way and the Planning Commission may waive the perimeter screening requirement.

Where the adjoining lot is either zoned for or contains dwellings, hospitals, nursing homes, schools, or other institutions for human care, there shall be a 25 foot buffer yard between the lot line and any area of the lot proposed for use or development if the allowed principal permitted use or special exception use would be considered permitted because of its association with a BL, BG, or PB District. Perimeter screening in the form of a solid fence, vegetative screening or both as determined by the Planning Commission during the site plan review shall be required for all BL, BG, and PB uses. The vegetative screening shall be a minimum of ten (10) feet overall in height and two (2) inch caliber at the time of planting. Trees shall be of a species having an average mature spread of crown of a minimum ten (10) feet under normal growing conditions. The trees shall be planted and spaced so as to create an opaque screen between the adjoining land uses. A minimum of ten (10) trees per hundred linear feet of perimeter buffer area shall be required. Where any of the BL, BG or PB uses are across a public road the buffer yard and perimeter screening requirement may be waived by the Planning Commission.

- (b) Any outside storage of equipment, materials, or goods, whether as a principal use, a special exception, or an accessory use, shall also be provided a buffer yard of 75 feet where dwellings, hospitals, nursing homes, schools, or other institutions for human care are on an adjoining lot.
- (c) Where the use on the adjoining lot is in the BT, BL, BG, IT or IR category, the setback for equipment, materials, or goods need be only 10 feet, but the yard shall be either fenced or planted with evergreens or other suitable vegetation that will provide a year-round screen for noise, light glare, or other factors that may adversely affect neighboring properties.
- (d) All buffer yards in the HI-1 District shall be planted along the length of the yard with evergreens or other suitable vegetation that will adequately provide a year-round screen for noise, light glare, or other factors that may adversely affect abutting properties. Fencing may be substituted for vegetative screening. The Planning Commission, in its review of the site plan, shall determine the required type, spacing, height, and planting schedule for the screening based on the

abutting uses, the type of stored material, its storage height, its noise-generating characteristics, its light-generating characteristics, and the hours of activity in the storage yard.

ARTICLE 19B "HI-2" HIGHWAY INTERCHANGE DISTRICT¹³⁰

Section 19B.1 Purpose

The HI-2 District is intended to serve as a transitional zone between HI-1 and nearby residential areas by providing for those uses of a restricted business or light industrial nature, less intense than those allowed in the HI-1 District. It is intended to be compatible with both the HI-1 District and other nearby zoning districts. The uses permitted shall be the same as those in the BT, RM, PUD, IT, RR, RS, or RU Districts.

Section 19B.2 Principal Permitted Uses

- (a) All Principal Permitted uses in the BT, RM, PUD, IT, RR, RS, and RU districts.
- (b) Cemeteries, mausoleums, and memorial gardens.

Section 19B.3 Special Exception Uses (Requiring Board of Appeals Authorization after Public Hearing)

- (a) All Special Exception uses allowed in the BT, RM, IT, and RU districts.

Section 19B.4 Accessory Uses

Uses and structures customarily accessory and incidental, to any principal permitted or special exception use.

Section 19B.5 Site Plan Review¹³¹

All development in the HI-2 District requires site plan review and approval and an approved Forest Stand Delineation and Forest Conservation Plan in accordance with Section 4.11. The Commission shall apply the following general standards in the HI-2 District:

- (a) Interchange access: First priority shall be given to insuring safe and uncongested access to the interstate highways from all connecting roads. Future as well as present traffic volumes shall be considered by the Commission. In the site plan review, the Planning Commission shall consider the location and spacing of ingress and egress and shall not permit them where they would interfere with traffic movement onto the approach ramps. Frontage roads may be required when deemed appropriate by the Commission.
- (b) Architectural and landscape design: The Planning Commission shall give special attention to the visual appearance of the interchange area as seen by

¹³⁰ Revision 6, Section 19B added 4/26/88 (RZ-383)

¹³¹ Revision 7, Section 19B.5 amended 11/16/93 (RZ-93-10)

motorists on the interstate highway and on the approach roads. Site plan review shall consider the design and arrangement of buildings and accessory structures, the signs, and the landscaping of the interchange area.

Section 19B.6 Building Height¹³²

No structure may exceed 35 feet in height, except as provided in Article 23.4.

Section 19B.7 Lot Area, Lot Width, and Yard Requirements

| | Lot Area | Lot Width | Front | Side | Rear |
|--------------------------|---|-----------|-------|------|------|
| All BT Uses | No Min. | No Min. | 40' | 10** | 10** |
| All RM Uses | The same as required in the RM District. | | | | |
| All IT Uses | The same as required in the IT District. Front, side, and rear setbacks shall comply with 19.B.8 as applicable. | | | | |
| All RR, RS, or RU Uses - | If both public water and public sewer are available, refer to the RU District. If either public water or public sewer is available, refer to the RR District. If neither public water nor public sewer is available, refer to the "A" District. | | | | |

*Except as required in Section 19B.8.

Section 19B.8 Buffer Yards

- (a) Where the adjoining lot is either zoned for or contains dwellings, hospitals, nursing homes, schools, or other institutions for human care, there shall be a 25 foot buffer yard between the buildings and the lot line.
- (b) Any outside storage of equipment, materials, or goods, whether as a principal use, a special exception, or an accessory use, shall also be provided a buffer yard of 75 feet where dwellings, hospitals, nursing homes, schools, or other institutions for human care are on an adjoining lot.
- (c) Where the use on the adjoining lot is in the BT, BL, BG, IT or IR category, the setback for equipment, materials, or goods need be only 10 feet, but the yard shall be either fenced or planted with evergreens or other suitable vegetation that will provide a year-round screen for noise, light glare, or other factors that may adversely affect neighboring properties.
- (d) All buffer yards in the HI-2 District shall be planted along the length of the yard with evergreens or other suitable vegetation that will adequately provide a year-round screen for noise, light glare, or other factors that may adversely affect

¹³² Revision 11, Section 19B.6 amended 5/18/99 (RZ-99-01)

abutting properties. Fencing may be substituted for vegetative screening. The Planning Commission, in its review of the site plan, shall determine the required type, spacing, height, and planting schedule for the screening based on the abutting uses, the type of stored material, its storage height, its noise-generating characteristics, its light-generating characteristics, and the hours of activity in the storage yard.

ARTICLE 19C - "SPECIAL ECONOMIC DEVELOPMENT DISTRICT"¹³³

Section 19C.1. Purpose

The principal function of the Special Economic Development District is to provide a mixed use zoning classification which will address land use compatibility associated with the redevelopment and reuse of the Fort Ritchie Military Base. Because of the nature of the facility and past developmental patterns, a mixed-use designation is encouraged to optimize land use potential. In addition, the classification needs to be extremely flexible with regard to bulk and area development requirements since existing development patterns and reuse potential will reflect more of a town or campus character than a rural or suburban perspective.

Section 19C.2. Principal Permitted Uses

- Single Family Residential Units
- Two Family Dwelling or Duplex
- Multi-Family Residential Units including Apartments, Townhouses & Condominiums
- Alcohol Beverage Sales
- Assisted Living Facility
- Child or Adult Day Care Facilities
- Conference Centers
- Data Processing Facilities
- Emergency Service Structures and Facilities
- Financial Institutions
- Golf Course, Country Clubs, Private Clubs and similar Recreation Uses
- Health and Beauty Shops
- Hospitals
- Hotels, Boarding Houses, Nursing or Retirement Homes
- Indoor Firing Range
- Laundry or Dry Cleaning Store
- Medical Clinics and/or Pharmacies
- Mixed Use Building
- Museum, Arts Center or Tourism Entertainment Facility
- Offices, Business and Professional
- Parks and Recreational Facilities, Public or Private
- Printing or Publishing Establishments
- Public or Civic Buildings, Structures or Facilities
- Radio, Television, and Film Studios or Recording Facilities
- Religious Institutions
- Research and Development Facilities
- Restaurants & Taverns
- Schools, Public or Private including College, Trade and Technical Institutions
- Specialty Retail Shops
- Theaters

¹³³ Revision 14, Article 19C replaced in its entirety 7/26/05 (RZ-03-005)

Veterinary Hospital
Warehouses

Section 19C.3. Special Exception Uses

Factory for Manufacture and/or Assembly of Electronics, Communications, Scientific, Photographic or Optical Products and/or Equipment.
Machine Shop
Military Communication, Training or Operations Support Facilities
Commercial Communications Towers, subject to the requirements of Section 4.22

Any other use that the Board of Appeals finds is functionally similar to any principally permitted use or special exception listed in this Article. The Board of Appeals shall not grant any special exception that is inconsistent with the purpose set forth for this District.

Section 19C.4. Accessory Uses

Uses and structures customarily incidental and subordinate to any Principal Permitted or Special Exception Use.

Section 19C.5. Height Regulations

No structure shall exceed fifty (50) feet, except as provided in Section 23.4.

Section 19C.6. Lot Area, Lot Width, and Yard Requirements

| | Lot Area per unit | Lot Width | *Front Yard | Side Yard | Rear Yard |
|-------------------------|-------------------|-----------|-------------|-----------|-----------|
| Dwelling, Single-Family | 10,000 sq. ft. | 70 ft. | 25 ft. | 8 ft. | 40 ft. |
| Dwelling, Two-Family | 6,250 sq. ft. | 75 ft. | 25 ft. | 8 ft. | 40 ft. |
| Dwelling, Semi-Detached | 6,250 sq. ft. | 75 ft. | 25 ft. | 8 ft. | 40 ft. |
| Dwelling, Multi-Family | 3,600 sq. ft. | 100 ft. | 5 ft. | 10 ft. | 20 ft. |
| Mixed Use | 2,500 sq. ft. | 25 ft. | 5 ft. | 0 ft.* | 20 ft. |
| Non-Residential | None | None | None | None | |

*If attached to an adjacent building or 5 ft. if not attached to an adjacent building.

Section 19C.7. Design Standards

- A. Maximum Building Coverage 70%
- B. Minimum Non-Impervious Area 10%

- C. Minimum Interior Yards 15 feet (Open space between buildings same lot)
- D. Permeable areas of the site shall be landscaped.
- E. A buffer yard of 75 feet including vegetative screening shall be maintained between property containing dwellings, hospitals, nursing homes, schools, or other institutions for human care that are located in a zoning district, other than a special economic development district, or which abut a non-residential principal permitted or special exception use in a special economic district.
- F. Vegetative screening shall be a minimum of ten (10) feet overall in height and two (2) inch caliber at the time of planting. Trees shall be of a species having an average mature spread of crown of a minimum ten (10) feet under normal growing conditions. The trees shall be planted and spaced so as to create an opaque screen between the adjoining land uses. A minimum of ten (10) trees per hundred linear feet of perimeter buffer area shall be required. Where any of the non-residential uses are across a public road, the buffer yard and perimeter screening requirement may be waived by the Planning Commission.
- G. Any outside storage of equipment, materials, or goods, where as a principal use, special exception, or as an accessory use, shall also provide a buffer yard of 75 feet and vegetative screening where dwellings, hospitals, nursing homes, schools, or other institutions for human care are on an adjoining lot, whether inside or outside of a special economic development district.
- H. A site plan with, if applicable, an approved Forest Stand Delineation and Forest Conservation Plan is required for all multi-family residential, nonresidential principal uses, and special exception uses.
- I. Play lots or tot lots may be required pursuant to Section 4.17 for residential developments.
- J. Multi-family and non-residential developments shall balance the functional requirements of parking with the provision of pedestrian facilities. Construction of new or extension of existing pedestrian facilities may be required by the Planning Commission in order to enhance the mixed use characteristics of the district.
- K. Provisions shall be made for storage and collection of refuse including recycling of materials.
- L. For purposes of this zoning classification "mixed use" shall refer to a combination of residential or institutional and non-residential uses.

ARTICLE 20 "HP" HISTORIC PRESERVATION DISTRICT¹³⁴

Section 20.0 Purpose

The purpose of the Historic Preservation District is to provide a mechanism for the protection, enhancement and perpetuation of those significant historic structures, sites and districts as defined in Section 20.7 in Washington County, which have historical, architectural, archeological and cultural merit. The "HP" district is an overlay zone meant to enhance, not substitute, for the existing zoning designation, that regulates land use.

Districts established to reflect elements of cultural, social, economic, political or architectural history are intended to:

- (a) Safeguard the heritage of Washington County as embodied and reflected in such structures, sites and districts;
- (b) Stabilize and improve property values of such structures, sites and districts and in Washington County generally;
- (c) Foster civic pride in the beauty and noble accomplishments of the past;
- (d) Strengthen the economy of the County; and
- (e) Promote the preservation and appreciation of historic structures, sites and districts for the education, and welfare of the residents of Washington County.

Section 20.1 Historic District Commission Created

Pursuant to the authority granted to Washington County in Article 66B, Section 801 et. seq. of the Annotated Code of Maryland, there is hereby created the "Historic District Commission of Washington County, Maryland." For the purposes of this article only, it shall be referred to as "the Commission."

- (a) **Number of Members:** The Commission shall consist of seven (7) members appointed by the Board of County Commissioners. Each member must be a resident of Washington County.
- (b) **Professional Members:** The Commission shall have at least two (2) members who possess professional or academic training in architecture, history, architectural history or archeology in accordance with 36CFR61. A good-faith effort to locate and appoint such professionals, to the extent that they are available in the community, will be made, and documentation as to how this effort was accomplished shall be kept among the Commission's records.

¹³⁴ Revision 14, Article 20 replaced in its entirety 7/26/05 (RZ-03-005)

- (c) Qualifications of members: All commission members must possess a demonstrated special interest, specific knowledge or professional or academic training in such fields as architecture, history, architectural history, planning, cultural anthropology, prehistoric and historic archeology, folklore, curation, conservation, landscape architecture, historic preservation, urban design or related disciplines.
- (d) Diversity: All Commission members shall be selected to represent the geographical, social, economic and cultural concerns of the residents of Washington County.
- (e) Term: Members of the Commission shall serve for three-year terms, which terms shall be staggered. Members shall be eligible for reappointment for a second full term.
- (f) Vacancy: Any vacancy in the membership of the Commission shall be filled within sixty days in the same manner as provided in (b) and (c) above.
- (g) Removal: A member may be removed by the Board of County Commissioners in the best interest of the citizens of Washington County for inefficiency, neglect of duty or malfeasance in office.

Section 20.2 Regulations

The Commission shall adopt such rules, regulations and by-laws as necessary for the proper transaction of the business of the Commission.

- (a) Meetings: The Commission shall hold such regular meetings, which, in its discretion, are necessary to discharge its duties. The meetings shall be open to the public. Any interested person or representative is entitled to appear and be heard by the Commission before it reaches a decision on any matter. The Commission shall maintain an open record of its resolutions, proceedings, and actions, which shall be kept available for public inspection during reasonable business hours.
- (b) Staff: There may be appointed and assigned to the Commission such employees, and the Board of County Commissioners shall make available to the Commission, such services and facilities of the County, as are necessary or appropriate for the proper performances of its duties.

Section 20.3 Historic District Commission Duties & Powers

- (a) The Commission shall act upon all applications as required by Section 20.6, Historic Preservation district, Section 5D.4, Rural Village District and Article 20A, Antietam Overlay District of this Ordinance.
- (b) The Commission shall review any legislation, applications for zoning text or map amendment, special exception, variance, site plan or subdivision applications and other proposals affecting historic preservation, including

preparation and amendment of master plans, and may make recommendations thereon to the appropriate authorities;

- (c) The Commission shall recommend programs and legislation to the Board of County Commissioners and the Planning Commission to encourage historic preservation.
- (d) The Commission shall serve as a clearinghouse for information on historic preservation for county government, individuals, citizens' associations, historical societies, and local advisory committees; provide information and educational materials for the public; and undertake activities to advance the goals of historic preservation in Washington County.
- (e) The Commission shall advise and participate in the development of additional duties or standards to be added to this Ordinance in pursuit of the stated purpose of Section 20.0. Specifically, additional criteria may be developed by the Historic District Commission to be used in its review of building permits applications as specified in Section 20.6.
- (f) The Commission shall prepare, adopt, publish and amend as necessary additional guidelines to specify the information it requires in the form of scale drawings, renderings or photographs, materials, specifications, etc. in order to adequately review and rule on applications for establishment of "HP" zones and building permits. These guidelines shall be made available to the public at all times.
- (g) The Commission shall oversee the maintenance and updating of the inventory of the Washington County Historic Sites Survey.

Section 20.4 Establishment of "HP" Zones

The "HP" District is an overlay zone that indicates the presence of an historic site, structure or district, which has been or will be judged to be of significance to the heritage of Washington County. The overlay zone is also a mechanism to monitor and regulate building activities in the "HP" District. As an overlay zone, the "HP" District imposes additional guidelines during the construction or modification of new or existing structures on the subject property. These criteria are in addition to the conventional underlying land use zone. The "HP" overlay zone shall be in no way construed to limit or modify the permitted uses of the underlying zone.

- (a) Any property owner may petition the Board of County Commissioners to amend the zoning maps and establish an "HP" overlay zone on his or her property. The Board of County Commissioners may also initiate establishment of an "HP" overlay zone with the consent of all property owners involved. The HP overlay zone shall not be placed on any lands encumbered by agricultural preservation districts or easements as described and regulated in C.O.M.A.R. 15.01.01.06. (The regulations of the Maryland Agricultural Land Preservation Program).

(b) Applications for map amendments to establish "HP" overlay zones shall be subject to the procedures noted in Article 27 - "Amendments", with the following exceptions:

1. Since the "HP" designation is an overlay zone and the existing underlying zone will continue to control the land use, it is not necessary to prove, during the amendment proceedings, that a change in the character of the neighborhood or a mistake in the original zoning has occurred.
2. The request for map amendment must be accompanied by the following in addition to the data required in Article 27.
 - a. A scale drawing, as defined in Section 20.7(b), of the subject property boundaries indicating the location of all improvements including significant topographic features and landscaping.
 - b. Documentation of the historical data, that makes the property an appropriate candidate for the "HP" overlay. The data shall address the criteria stated in Section 20.5 as well as the purpose noted in Section 20.0.

The documentation shall include specific dates, names, materials, and descriptions of methods and the sources consulted to verify the information provided.

3. The extent of the HP zones shall be limited to the significant structure and the immediate surrounding area, generally on the same parcel of land. HP zones shall not be approved on large areas of unoccupied lands.

Section 20.5 Criteria for Establishment of an "HP" Overlay Zone

The Planning Commission and the Board of County Commissioners shall consider the following criteria as applicable in their review of an application for an "HP" overlay zone.

- (a) If the historic resource meets any of the criteria noted below or if it is listed in either the Maryland Historical Trust's Inventory of Historic Sites or the National Register of Historic Places, it may be classified as an historic structure, site or district.
- (b) Historical and Cultural Significance
 1. The historic resource should have significant character, interest, or value as part of the development, heritage, or cultural characteristics of the county, state, or nation;
 2. The historic resource could be the site of a significant historic event;

3. The historic resource should be identified with a person or a group of persons who influenced society; or
4. The historic resource exemplifies the cultural, economic, social, political, or historic heritage of the County and its communities.

(c) Architectural and Design Significance

1. The historic resource embodies the distinctive characteristics of a type, period, or method of construction or architecture;
2. The historic resource represents the work of a master artisan, architect or builder;
3. The historic resource possesses high artistic value;
4. The historic resource represents a significant and distinguishable entity whose components may lack individual distinction;
5. The historic resource represents an established and familiar visual feature of the neighborhood, community, or County, due to its singular physical characteristics, landscape or historical event.
6. The historic resource is the only example ever existing or remaining of a particular period, style, and material or construction technique.

Section 20.6 Activity Within an "HP" Zone

In the "HP" District, any activity which requires the issuance of a building permit according to the currently adopted Washington County Building Code and subsequent amendments as adopted for use in Washington County and the procedures of the Department of Permits and Inspections shall be subject to review, approval or disapproval by the Historic District Commission of Washington County. Such activity can include but is not limited to construction, reconstruction, relocation, restoration, rehabilitation, modification, enlargement, conversion or demolition of all or any portion of the exterior features of the subject site, structure or district.

The purpose and intent of this Section is to provide an additional mechanism for the review of the appropriateness of proposed activity, not to change the building permit application procedure.

Nothing in this Section shall be construed to exempt any activity from the requirement of a building permit or require a permit where one would not normally be needed, if the structure were not in an "HP" zone. The Commission shall develop and make available to all interested parties guidelines for activities constituting ordinary maintenance, and shall provide these guidelines to each applicant for an "HP" overlay zone.

The Commission shall consider only exterior features of a structure which would affect the historic, archeological, or architectural significance of the site or structure, any portion of which is visible or intended to be visible from a public way, and shall not consider any interior arrangements, although interior changes may still be subject to building permit procedures.

All permits as required above shall be transmitted to the Commission by the Department of Permits and Inspections.

The Commission shall render a decision on a completed application within 45 days of receipt of the completed application. Failure to act within the specified time period shall be considered an approval of the application by the Commission. The 45-day review period may be extended upon agreement by the Commission and the applicant.

- (a) The permit application shall be approved by the Commission if it is consistent with the following criteria:
 - 1. The proposal does not substantially alter the exterior features of the structure.
 - 2. The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the site, structure or district and would not be detrimental to achievement of the purposes of this Article.
 - 3. The proposal would enhance or aid in the protection, preservation and public or private utilization of the site or structure, in a manner compatible with its historical, archeological, architectural or cultural value.
 - 4. The proposal is necessary in order that unsafe conditions or health hazards be remedied.
 - 5. The "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" and subsequent revisions are to be used as guidance only and are not to be considered mandatory.

- (b) In reviewing the plans for any such construction or change, the Commission shall give consideration to and not disapprove an application except with respect to the factors specified below.
 - 1. The historic or architectural value and significance of the site or structure and its relationship to the historic or architectural value and significance of the surrounding area.
 - 2. The relationship of the exterior architectural features of the structure to the remainder of the structure and to the surrounding area.

3. The general compatibility of exterior design, scale, proportion, arrangement, texture, and materials proposed to be used.
 4. Any other factors including aesthetic factors, which the Commission deems to be pertinent.
- (c) The Commission shall be strict in its judgment of plans for those structures, sites or districts deemed to be valuable according to studies performed for districts of historic or architectural value. The Commission shall be lenient in its judgment of plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding structures or the surrounding area.
- (d) The Commission shall deny a permit if it finds, based on evidence and information presented to or before the Commission, that the alteration for which the permit is sought would be inappropriate or inconsistent with, (a), (b) or (c) above, or detrimental to the preservation, enhancement, or ultimate protection of the historic structure site or district or the purpose of this Article as stated in Section 20.0. The use of the Secretary of the Interior's "Standards" noted in §20.6(a)(5) above is advisory only and not mandatory.
1. If the Commission determines that the permit should be denied, it shall provide a written statement of the basis for denial with specific references to the goals of this Article. The Commission may also, at its discretion, provide the applicant with suggestions or recommendations for revisions to the proposal.
 2. A building permit shall not be issued if the Commission has disapproved the application.
 3. Nothing shall prevent the applicant from modifying the permit application to address suggestions made by the Commission to meet the purpose of this Article.
- (e) It is not the intent of this Section, nor is the Commission required, to limit new construction, alteration or repairs to any one period of architectural style.

Section 20.7 Definitions

- (a) For the purpose of this article, the term "structure" shall mean a combination of materials to form a construction that is stable, the use of which requires fixed location on the ground including among other things, buildings, tanks and towers, trestles, piers, bridges, paving, bulkheads loading docks, smokestacks, cranes, booms, sheds, coal bins, shelters, fences, walls and display signs; the term "structure" shall be construed as if followed by the words "or part thereof."
- (b) For the purpose of this article, the term "scale drawing" shall mean a scale drawing is a graphic representation of the location of all the significant features included within the boundaries of the historic site or district.

The drawing should be "to scale", i.e. the features on the ground are reduced from their actual size according to a specific and constant ratio between the real distances shown on paper. (For example, 100 feet of distance on the ground is equal to 1 inch on the paper, or 1"=100'.) The drawing should include accurate property boundaries plotted either from a deed or field survey. All existing buildings should be shown in their correct relationship to each other and the property lines. Driveways, septic areas, wells, large trees, and any other significant feature of the landscape should also be shown.

Drawings of the site shall be drawn using an engineer's scale of at least 1"=40'. Drawings of the building or other structural improvements shall be drawn using an architect's scale of at least 1/8"=1'.

- (c) For the purpose of this article, the term "site" shall mean all that space of grounds and structures thereon which surrounds an historic resource and to which it relates physically and/or visually. Site shall include, but not be limited to walkways, and driveways (whether paved or not), vegetation (including trees, garden, lawns), rocks pasture, cropland and waterways. This includes historical open spaces, e.g., setbacks, parks and public squares.

Section 20.8 Appeals

Any person aggrieved by a decision of the Commission may appeal to the Board of Appeals by filing a notice of appeal with the Permits and Inspections Department within 30 days from the date of the Commission's decision, which appeal shall be based upon the record of the proceedings before the Commission.

ARTICLE 20A – "AO" ANTIETAM OVERLAY DISTRICT¹³⁵

Section 20A.0 Purpose

The purpose of the Antietam Overlay District is to provide mechanisms for the protection of significant historic structures and land areas by requiring development and land subdivision to occur in a manner that 1) preserves the existing quality of the viewshed of the Antietam Battlefield, and 2) ensures that development of certain lands adjacent to the major roads which provide public access to the Antietam Battlefield (i.e., Maryland Routes 34 and 65) is compatible with the agricultural and historic character of the area. The "AO" District is an overlay zone meant to enhance, not substitute for the existing underlying zoning designation, which regulates land use.

Section 20A.1 Regulations

(a) Subdistricts Established and Areas Delineated

1. The Antietam Overlay District is comprised of these subdistricts: The Battlefield Buffer (AO-1), the Approach Zones (AO-2), and the Red Hill Area (AO-3).
2. Lands zoned AO-1 (Battlefield Buffer) and AO-3 (Red Hill Area) are situated within the Battlefield Foreground and Red Hill Middleground, respectively, of the Antietam Viewshed, as determined by the National Park Service and documented in its April 1988 technical study entitled Analysis of the Visible Landscape: Antietam. The boundaries of the AO-1 and AO-3 zones conform to property boundaries except where manmade or natural features provide suitable boundaries.
3. Lands zoned AO-2 (Approach Zones) are situated within 1000 feet of the centerline of certain road segments, and do not necessarily conform to property boundaries. The length of the AO-2 (Approach Zones) are as shown on the zoning maps.

Section 20A.2 AO-1 Battlefield Buffer Regulation

- (a) The regulations and criteria in this subsection are in addition to the conventional underlying zoning which regulates land use.
- (b) The following additional regulation shall apply:

The exterior appearance of all uses, unless otherwise exempted by County Ordinance, shall automatically be subject to the provisions of Article 20, Historic Preservation District, and Section 20.6.

¹³⁵ Revision 14, Article 20A replaced in its entirety 7/26/05 (RZ-03-005)

Section 20A.3 AO-2 Approach Zone Regulations

- (a) The regulations and criteria in this subsection are in addition to the conventional underlying zoning which regulates land use.
- (b) The exterior appearance of all commercial and nonresidential uses excluding all farm structures shall be subject to the provisions of Article 20, Historic Preservation District, and Section 20.6.

Section 20A.4 AO-3 Red Hill Area

- (a) The regulations and criteria in this subsection are in addition to the conventional underlying zoning which regulates land use.
- (b) Prior to any tree cutting activity in the AO-3 Zone which is not associated with development of or construction on the property, a Forestry Management Plan, as prepared by Maryland Department of Natural Resources - Forest, Park and Wildlife Service, or a Registered Professional Forester and approved by the Forest, Park and Wildlife Service, must be submitted to the Planning Department. (The cutting of firewood and dead trees for personal use shall be permitted). Subsequent cutting of trees on the property shall be in accordance with the Forestry Management Plan. The plan will be kept on file with the Planning Department.

A declaration of intent shall be filed with the Planning Department for tree harvesting activities in accordance with the Washington County Forest Conservation Ordinance.

Unless exempt, all tree cutting relating to development of a property within the Antietam Overlay District shall be in accordance with an approved Forest Conservation Plan.

1. Tree removal, which is inconsistent with the Forestry Management Plan, is subject to the enforcement provisions included in Article 26 of the Ordinance with the exception that the offense shall not continue beyond the original cutting of each tree.
 2. The property owner will be required to replace any trees cut inconsistently with the Forestry Management Plan with a similar or compatible variety.
- (c) The Zoning Administrator shall review applications for building permits, site plans and zoning certifications with respect to the cutting of trees, and may impose limitations on the number, location, and distribution of trees proposed for removal in order to minimize negative impact on viewshed quality. The Zoning Administrator shall use the guidelines in Section 20A.4(f) in deciding the disposition of the requested building permit, site plan or zoning certification.

- (d) The Board of Appeals shall review applications for variances, expansion of non-conforming uses, and special exceptions with respect to the cutting of trees, and may impose limitations on the number, location, and distribution of trees proposed for removal in order to minimize negative impact on viewshed quality. The Board of Appeals shall use the guidelines in Section 20A.4(f) in deciding the disposition of the requested variance, expansion of nonconforming use or special exception.
- (e) The Planning Commission shall review site plan and subdivision applications with respect to the cutting of trees, and may impose limitations on the number, location, and distribution of trees proposed for removal in order to minimize negative impact on viewshed quality. The Planning Commission shall use the guidelines in Section 20A.4(f) in deciding the disposition of the site plan or subdivision request.
- (f) All tree cutting activity which is done for the purpose of, or is related to, development of a property in the AO-3 Overlay District shall be subject to the following guidelines:
 - 1. During site development, minimum tree cutting is permitted to allow construction of an access and driveway, related parking areas, a dwelling, related accessory structures and required septic disposal system.
 - 2. Additional tree cutting on the site during development is permitted within 35' of the dwelling and related accessory structures.
 - 3. Where possible and practical, property owners are encouraged to maintain as much of the existing tree cover as possible within the 35 foot area to preserve the existing quality of the Antietam Battlefield Viewshed.
 - 4. Tree cutting on the remainder of the site, not covered in 1-3 above, is subject to the following requirements:
 - a. Prior to the cutting of trees on the remainder of the site, the property owner must have prepared by the Maryland Department of Natural Resources Forest, Park and Wildlife Service or a Registered Professional Forester and approved by the Forest, Park and Wildlife Service a Forest Management Plan, the goal of which is to preserve the quality of the Antietam Battlefield Viewshed. (The cutting of firewood and dead trees for personal use shall be permitted)
 - b. Cutting of trees outside the area measuring 35' from the dwelling as described in (2) above is permitted only according to the selection and timing contained in the Forestry Management Plan with the exception of (c) below.
 - c. Any tree of a height, which has the potential to cause damage to the dwelling if it were to fall due to natural causes (disease or insect infestation, wind, lightning, erosion, etc.), may be removed.

- (g) Applications submitted for subdivisions, site plans, special exceptions, expansion of non-conforming use building permits, zoning certifications or variances on land zoned AO-3 shall be accompanied by scale drawings which indicate the locations of structures and the areas where trees are proposed for removal. Any other material, which would assist in determining the existing and proposed conditions of the subject site, may be submitted.
- (h) Tree removal, which is inconsistent with the standards specified above including the Forestry Management Plan, is subject to the enforcement provisions included in Article 26 of this Ordinance with the exception that the offense shall not continue beyond the original cutting of each tree.
- (i) The property owner will be required to replace any trees cut inconsistently with the Forestry Management Plan with a similar or compatible variety.

Section 20A.5 Establishment of "AO" Zone

An area may be zoned "AO" by request of the property owner or by comprehensive zoning, and only upon findings of fact by the County Commissioners that:

- (a) The area falls within the viewshed of Antietam Battlefield and that the exterior appearance of development in the area has significant potential to diminish the existing quality of the viewshed; or
- (b) The area falls within 1000 feet of the centerline of the segment of a major road which provides public access to Antietam Battlefield, and that the exterior appearance of development in the area has significant potential to detrimentally affect the public's use, enjoyment, and appreciation of the Antietam Battlefield, or may otherwise impair the integrity of the Battlefield.

Section 20A.6 Appeals

Decisions rendered under Article 20A may be appealed according to the guidelines of Article 25 - Board of Appeals.

ARTICLE 21 "AP" AIRPORT DISTRICT

Section 21.0 Purpose

The Airport District is established to prevent creation of uses or structures near or adjacent to any commercial airport which would result in a hazard to aircraft operations. The Airport District is also designed to permit land uses which would benefit or have a need to be located in proximity to a source of air transportation or a related business.

Section 21.1 Airport District Zones

The Airport District has two distinct categories:

- (a) AP/C Airport Clear Zone - An overlay district that does not regulate land uses but places height restrictions on uses permitted by the underlying district. The purpose of the AP/C District is to prevent the creation of obstructions to air traffic.
- (b) AP - Airport District - A traditional zoning classification which regulates land use.

Section 21.2 AP/C Airport Clear Zone

- (a) The Airport Clear Zone is established to prevent the creation of obstructions or hazards to air navigation at the Washington County Regional Airport.
- (b) The zone is a series of three dimensional imaginary surfaces based on the Established Airport elevation and FAA part 77.25 (Civil Airport Imaginary Surfaces).
- (c) The limits of the AP/C zone are shown on the official Zoning maps of Washington County as referenced in Section 3.1 by a combination of lines indicating horizontal limits and elevations and slope ratios indicating vertical limits.
- (d) No object, natural or man-made, shall be permitted to encroach upon the Clear Zone as referenced in (c) above.
- (e) All applications for permits for construction on lands underlying the Clear Zone shall state the finished elevation of the proposed structure based on existing ground elevation above sea level computed from a source compatible with the established Airport Elevation.
 - (1) No permit shall be issued for the construction of any new structure within an area 750 feet on either side of the extended centerline of runways 09/27 (east/west) for a distance of 3,000 feet from the end of the existing runways.

- (2) No permit shall be issued for the construction of any new structure within an area 250 feet on either side of the extended centerline of runways 02/20 (north/south) for a distance of 1,000 feet from the end of the existing runways.
 - (3) Paragraph (1) above shall not apply to applications for the alteration, modification, or expansion of existing structures in accordance with the guidelines of the underlying district. Expansions of existing structures shall be limited to 35 percent of the existing floor space.
 - (4) No sign shall be placed on land underlying the AP/C Zone which contains flashing or rotating lights or lights of changing intensity or color or any other device that could be confused with airport navigational aids.
 - (5) Any existing lot of record which is determined to be unusable due to the restrictions of paragraph (1) above shall be permitted one principal structure and accessory buildings in accordance with the requirements of the underlying zoning district.
- (f) From time to time the Imaginary Surfaces referenced above may be changed to accommodate a change or expansion of flight patterns at the Airport. The limits of the Clear Zone may be changed on the Official Zoning Maps administratively without the need for additional rezoning hearings.

Section 21.3 AP - Airport District

The Airport District is a traditional land use zoning classification. It will specify permitted as well as prohibited uses and guidelines to be followed in the development of properties in the AP zone.

Section 21.31 Principal Permitted Uses¹³⁶

- (a) Aircraft Manufacturing.
- (b) Uses required for airport operations, support services or uses that depend on proximity to air transportation facilities, including but not limited to:

Airports, including but not limited to, runways, taxiways, terminals, storage and repair garages and hangars, tie-downs, fuel storage and fueling facilities, control towers, navigational aids, weather data collection devices, and other uses and structures necessary for the day-to-day operation of a commercial airport.

Establishments providing aircraft related services such as engine repair, bodywork, aircraft design, and sales of aircraft, and aircraft related equipment and services.

¹³⁶ Revision 12, Section 21.31(c) amended 10/23/01 (RZ-01-006)

Establishments providing air transportation related services such as travel agencies, auto rentals, and taxi stands.

Schools for the training of pilots, navigators, air traffic controllers, flight attendants, travel agents, mechanics, and other air transportation related professions (other non-related school type establishments are specifically prohibited).

Air freight handlers, including customer receiving areas, distribution centers, and warehousing.

- (c) Uses of a light industrial nature including, but not limited to the following:

Office Buildings.

Manufacture and assembly of electrical appliances, electronics and communication equipment, professional, scientific and controlling instruments, and photographic and optical products.

Manufacturing, compounding, assembly or treatment of articles or merchandise from previously prepared materials such as bone, cloth, fur, cork, fiber, canvas, leather, cellophane, paper, glass, plastics, horn, stone, shells, tobacco, wax, textiles, yarns, wood and metals, including light steel or other light metals, light metal mesh, pipe, rods, shapes, strips, wire or similar component parts.

Manufacture of musical instruments, novelties, and molded rubber products, including the manufacture, recapping and treading. Manufacture of pottery or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.

Laboratories, chemical, physical, and biological.

Clothing and shoe manufacture.

Research and development facilities as defined in Article 28A.

Office buildings for services oriented to the needs of other industries located in the airport vicinity or for the local community, such as offices for doctors, medical clinics or laboratories, engineers, banks, data processing centers, and post offices.

Wholesale, warehousing establishments where no retail sales are permitted.

Truck terminals or warehouses.

Heliports, subject to the standards recommended by the Federal Aviation Agency.

Section 21.32 Special Exceptions (Requiring Board Authorization After Public Hearing)¹³⁷

- (a) Any other use that the Board finds is functionally similar to any principal permitted use listed in this Article. The Board shall not grant any special exception which is inconsistent with the purpose set forth for this District, nor which will materially or adversely affect the use of any adjacent or neighboring properties.
- (b) In its consideration of special exception uses in the AP District, the Board shall receive written input from the Airport Manager, his appointed representative, or other Airport Managing Authority with regard to the appropriateness of locating the requested use adjacent to the airport.
- (c) Under no circumstances shall the Board grant a variance from the height restrictions of the AP/C Zone described in Section 21.2.
- (d) Public utility buildings, structures or uses not considered essential utility equipment, as defined in Article 28A.
- (e) Commercial Communications Towers, subject to the standards recommended by the Federal Aviation Administration and the requirements of Section 4.22.

Section 21.33 Prohibited Uses¹³⁸

The following uses are prohibited in the AP District:

- (a) Uses first allowed in the IG, Industrial, General District, except for aircraft manufacturing.
- (b) Any use which creates dust, smoke, steam, or other airborne fumes or vapors which could present an obstruction to visibility.
- (c) Any use which presents the possibility of bird strike hazards such as food processing, grain storage, refuse handling, landfilling or other uses handling materials attractive to birds.
- (d) Any use which would create atmospheric disturbance of radio communications between aircraft and control tower.
- (e) Signs, Outdoor Advertising.

¹³⁷ **Revision 9, Section 21.32(d) added 8/29/95 (RZ-94-08)**
Revision 11, Section 21.32(e) added 5/18/99 (RZ-99-01)

¹³⁸ **Revision 14, Section 21.33(e) added 11/16/04 (RZ-04-007)**

Section 21.34 Accessory Uses

Uses and structures customarily accessory and incidental to a principal permitted use or authorized special exception use.

Section 21.35 Height Regulations

- (a) No building in the Airport District may exceed 50 feet in height except as provided in Section 23.4 of this Ordinance, and in no case may any structure exceed the height limitations imposed by the AP/C Zone established in Section 21.2 of this Ordinance.

Section 21.36 Design Standards

Design standards for development in the Airport District shall be the same as those specified for a Planned Industrial District in Section 18.8 of this Ordinance.

All airports shall be designed, constructed, maintained, and utilized so that they shall comply with all federal and state regulations pertaining to such operations; and it shall be utilized in accordance therewith.

Section 21.4 Site Plan

A site plan is required for any principally permitted use or approved special exception use pursuant to Section 4.11. All site plans shall include the proposed heights of completed structures as specified in Section 21.2(e).

ARTICLE 21A - "ORT" OFFICE, RESEARCH AND TECHNOLOGY DISTRICT¹³⁹

Section 21A.0 Purpose

The purpose of the Office, Research and Technology District (the "ORT" District") is to support the County's economic development effort by providing an environment that will attract medical, corporate offices, technology, and research and development based businesses and institutions.

The "ORT" District shall be located in the Urban Growth Area and shall be served with adequate public or community water and sewerage service meeting Washington County Health Department Standards.

The "ORT" District will promote and maintain desirable development activities in a setting that is in harmony with the surrounding areas, preserve open space by creating a "campus-like" setting and promote architecturally attractive buildings and structures.

The "ORT" District will provide, among other things, a working environment conducive for research and development companies, corporate offices, technology based development activities, medical facilities and educational institutions.

Section 21A.1 Principal Permitted Uses¹⁴⁰

- (a) Educational institutions including but not limited to business and trade schools and colleges.
- (b) Computer and data processing services.
- (c) Hospitals, including other health-related facilities.
- (d) Research institutions.
- (e) Laboratories, chemical, physical and biological.
- (f) Offices, professional and business.
- (g) Parking structures and parking lots.
- (h) Government structures and facilities.
- (i) Radio and television broadcasting facilities and studios.
- (j) A principal permitted use or any special exception use that satisfies the requirements of Section 21A.2(h), below, may engage in light manufacturing,

¹³⁹

Revision 12, Article 21A added 10-22-02 (RZ-02-004)

¹⁴⁰

Revision 15, Section 21A. 1(c) amended 7/11/06 (RZ-06-010)

assembly, service and/or repair on a lot, provided such activity does not occupy more than 40% of the floor area of the building or buildings constructed on the lot.

- (k) Warehouses in combination with and physically attached to any principal use, providing the warehouse does not exceed more than 20% of the total gross floor area. In no case shall a freestanding warehouse be permitted.
- (l) Public buildings and recreational, cultural, administrative, or public service-type structures, including fire, ambulance or rescue services.
- (m) Child and adult day care facilities, primarily to serve the businesses and other uses within the "ORT" District.
- (n) Structures and equipment that are required to support international and domestic telecommunications and technology, including communications satellite systems and other devices that are required to support other principal permitted uses in the "ORT" District.
- (o) Satellite terminal stations and communications satellite systems as defined in 47 U.S.C. §702, as amended from time to time.

Section 21A.2 Special Exception Uses

- (a) Museums.
- (b) Health, tennis and racquet clubs and other fitness-related establishments.
- (c) Commercial communications towers subject to the requirements of Section 4.22 of this Ordinance.
- (d) Heliports.
- (e) Restaurants, including those serving alcoholic beverages on premises only, without drive up service.
- (f) Public utility buildings, structures or uses not considered Essential Utility Equipment as defined in Article 28A of this Ordinance.
- (g) Hotels, motels, and conference centers.
- (h) Any other use that the Board finds functionally similar to any principal permitted or special exception use listed in this Article. The Board shall not grant any special exception use that is inconsistent with the purpose set forth in the "ORT" District or which will materially or adversely affect the use of adjacent or neighboring properties.

Section 21A.3 Accessory Uses

- (a) Uses and structures that are normally and customarily incidental to any of the principal and special exception uses.
- (b) The following uses are permitted, provided that no more than 5% of the total gross floor area of the building is occupied by such uses, and further provided that no single commercial use occupies more than 3,000 square feet of adjusted gross floor area:
 - (i) Drug store and pharmacy.
 - (ii) Newsstands.
 - (iii) Eating or drinking establishments without drive-up window service.
 - (iv) Personal service establishments such as beauty shops and barbershops, shoe cleaning or repair shops, garment cleaning services or similar enterprises.
 - (v) Stationery, office supply shops and reprographic services.
 - (vi) Banks and automatic banking devices.
- (c) Security facilities and guard houses.

Section 21A.4 Height Requirements.

No structure shall exceed 100 feet in height, subject to the provisions of Article 23 of this Ordinance.

Section 21A.5 Yard Requirements¹⁴¹

- (a) Front yard - 50 feet.
- (b) Side and Rear Yard - 25 feet.
- (c) Exceptions:
 - (i) When either a side and/or rear lot line abuts a railroad or railroad siding, the side or rear yard abutting the railroad or railroad siding shall be zero.
 - (ii) The side or rear yard may be reduced to zero for the purposes of integrating, adjoining or connecting structures on contiguous lots with the express approval of the owner of the contiguous lot.

¹⁴¹ Revision 15, Section 21A.5(c)(iii)&(iv) amended 9/19/06 (RZ-06-007)

- (iii) Where the proposed use or building abuts either a lot in a RR, RS, RU, or RM District, a residence that is not located on the same lot as the said building, or any lot that is part of a recorded residential subdivision, then the side and rear setbacks shall be 50 feet.
- (iv) Where a lot with a building greater than 50 feet in height abuts a lot in a RR, RS, RU, or RM District, a residence that is not located on the same lot as the said building, or any lot that is part of a recorded residential subdivision, then the side and rear setbacks shall be 100 feet.

Section 21A.6 Buffer Yards. ¹⁴² ¹⁴³

- (a) The area designated as a buffer yard may include any required side, rear or front yards.
- (b) Where an adjoining lot is located in a RR, RS, RU, or RM District or contains a dwelling, there shall be a 25 foot buffer yard between the lot line and any area of the lot proposed for use or development. The buffer shall provide a year-round screen for noise, glare, or other factors that may adversely affect neighboring properties. During site plan review, the Planning Commission shall determine the form of perimeter screening which may include a solid fence, vegetative screening, or both. The vegetative screening shall be a minimum of ten (10) feet overall in height and two (2) inch caliber at the time of planting. Trees shall be of a species having an average mature spread of crown of a minimum ten (10) feet under normal growing conditions. The trees shall be planted and spaced so as to create an opaque screen between the adjoining land uses. A minimum of ten (10) trees per hundred linear feet of perimeter buffer area shall be required.

Section 21A.7 Design Standards

- (a) Site Coverage: Impermeable site coverage (building area, parking and other paved surfaces) shall not exceed 70% of the gross site area.
- (b) Any part of a lot not utilized for buildings, parking, driveways, loading areas, sidewalks, and other impermeable areas shall be planted with grass or other ground cover and landscaped with trees, shrubs and/or flowers in accordance with Section 4.16 of this Ordinance.
- (c) Adequate provisions shall be made for the storage and collection of refuse. Refuse storage areas shall be screened.
- (d) Architectural treatment of building walls visible from highways shall be harmonious with the front elevation of the structure in design, quality and

¹⁴² Revision 15, Section 21A.5(c) amended 9/19/06 (RZ-06-007)

¹⁴³ Revision 15, Section 21A.6(b) amended 9/19/06 (RZ-06-007)

materials. Construction grade concrete block shall not be used on any visible portion of any structure's foundation or walls.

- (e) There shall be no loading docks or loading doors located on the front of a building. Loading docks or loading doors located on any part of a building that is visible from any highway shall be adequately screened.
- (f) There shall be no outside storage of materials or goods permitted.

Section 21A.8 Signs and Exterior Lighting¹⁴⁴

- (a) The design, lettering, lighting and location of all signs shall be included as part of the site plan submitted for approval of the Planning Commission.
- (b) No more than two (2) monumental signs for the purpose of identifying the businesses and uses in the "ORT" District may be placed at the primary roadway entrance(s) to the "ORT" District. No more than one (1) sign may be placed at secondary entrances.
- (c) A monumental sign is not intended to be the primary business identification sign for any use or business in the "ORT" District nor is it considered an outdoor advertising sign.
- (d) The size of the monumental sign shall not exceed three hundred (300) square feet in area (to include script and monument) and shall not exceed fifteen (15) feet in height.
- (e) All monumental signs shall be landscaped. Plant materials shall comply with the landscaping plan standards specified in Section 4.16 (1), (2), (3) and (5) of this Ordinance.
- (f) Maintenance of the monumental sign shall be the sole responsibility of the sign's owner and/or assigns.
- (g) On Premises Signs shall not exceed one hundred fifty (150) square feet in area and fifteen (15) feet in height, and shall be set back twenty five (25) feet from the road right of way.
- (h) Any exterior sign or signs pertaining to the use conducted on a building lot and which is either integral with or attached to the principal building shall have a total area of no more than two square feet for each foot in length of the frontage of the building.
- (i) Where the lot adjoins an RR, RS, RU, or RM District, no freestanding sign or building mounted sign shall be located where it faces an adjoining RR, RS, RU, or RM lot or lots.

¹⁴⁴ Revision 15, Section 21A.8(i) amended 9/19/06 (RZ-06-007)

- (j) Signs must be designed so as not to obstruct full sight distance.
- (k) Signs shall be a minimum of twenty-five (25) feet from the road right of way.
- (l) The following signs are prohibited: outdoor advertising; portable signs; flashing, rotating lights, or signs with changing light intensity or changing colors; hanging or projecting rather than flush signs; signs above the roof or parapet; or signs painted or pasted directly on any wall.
- (m) Major buildings may be lighted for architectural effect and aesthetics. However, excessive vertical lighting should be avoided. Wall mounted security lighting should be down-directed and shielded to prevent outward glare.
- (n) Parking areas that are used at night shall be illuminated. Light fixtures shall be of a shielded, down-directed variety and shall not create glare or spill onto highways or adjoining residential properties.

Section 21A.9 Site Plan

A site plan with an approved Forest Stand Delineation and Forest Conservation Plan is required under Section 4.11 of this Ordinance for any principal permitted or special exception use in the "ORT" District.

ARTICLE 22 SPECIAL PROVISIONS

DIVISION I OFF-STREET PARKING AND LOADING

Section 22.1 Purpose

In order to decrease congestion in the streets, permanent off-street automobile parking space and truck loading space shall be provided for all new structures or uses, and for existing structures or uses, increased in size by twenty percent or more after the adoption of these regulations. Structures and uses in existence or under construction on the date this Zoning Ordinance becomes effective shall not be subject to parking and loading requirements. However, any parking or loading facilities now existing to serve such structures or uses shall not, in the future, be reduced except where they exceed such requirements, in which case they shall not be reduced below such requirements.

Section 22.11 Application Procedure

No application for a zoning permit shall be approved unless there is included with the plan for such buildings, improvement or use, a plan showing the adequate space to comply with acceptable design standards and criteria indicating and designating off-street parking and/or loading. The plan shall clearly show the size and location of parking and loading spaces, the width and arrangement of access driveways, and arrangement of walls, fences, and screen planting as they apply to parking areas and adjacent streets, alleys and highways.

Section 22.12 Off-Street Parking and Design Requirements¹⁴⁵

All off-street parking spaces shall be a minimum of nine (9) feet by twenty (20) feet except those required for parallel parking, which shall be twenty-two (22) feet. All parking areas shall be served by access lanes with a minimum width corresponding to the parking angle as follows: Eleven (11) feet for thirty (30) degree parking; fourteen (14) feet for forty-five (45) degree parking; nineteen (19) feet for sixty (60) degree parking; twenty-five (25) feet for ninety (90) degree parking. The access lane width for any combination of parking angles shall be that required for the greater of the two angles.

No off-street parking area shall be designed to permit direct parking space ingress and egress to a public road, street, or highway, or to a road or street (public or private) which provides primary vehicular access to 25 or more dwelling units.

All off-street parking areas must be physically separated from a public or private street (as specified above) by a buffer area of at least five (5) feet from the right-of-way or street line. The parking area shall be accessible only by access lane(s).

- (a) Off-street parking spaces for single-family and two-family dwelling units are not required in any district.

¹⁴⁵ Revision 15, Section 22.12(c)3. amended 9/19/06 (RZ-06-007)

(b) Spaces Required

In all districts, space for parking and storage of vehicles shall be provided in accordance with the following schedule:

| | |
|--|---|
| Airport (Commercial) | 50 spaces minimum |
| Ambulance Facility | 2 spaces per ambulance |
| Auto Sales and Service | Parking area 50% of floor space |
| Auto Service Station | 2 spaces per service bay plus 1 space per employee |
| Banks, Financial Institutions | Parking area 50% of floor space |
| Bowling Lanes | 5 spaces per bowling lane |
| Churches | 1 space of each 5 persons for which seating is provided in sanctuary except where mass transit is provided by church |
| Commercial Retail Sale (Free Standing or less than 2,000 sq. ft. floor area) | 1 space per 500 sq. ft. retail floor space |
| Community Center, Library, Museum | 1 space per 400 sq. ft. floor space |
| Private Club, Lodge | 1 space for each 2 persons for which seating or lodging is provided |
| Educational (Schools) | 1 space per employee; ample student and visitor parking |
| Fire Stations | 10 spaces minimum |
| Hospitals | 1 space per 1,000 sq. ft. plus visitor parking |
| Hotel, Resort, (See Restaurant, if applicable, additional space is required) | 1 space per guest room plus 1 space per 5 employees |
| Manufacturing Plant | 1 space per employee on maximum working shift |
| Medical or Dental Offices/Clinics | 4 spaces per practitioner |
| Mortuary or Funeral Parlor | 20 spaces minimum |
| Motels, Tourist Homes (See Restaurant, if applicable, additional space is required) | 1 space per guest room or suite |
| Multi-Family Dwellings | 2.0 spaces per unit |
| Nursing Homes | 1 space per 400 sq. ft. floor space |
| Office Building | 1 space per 300 sq. ft. floor space |
| Professional Building (Other than Medical) | 2 spaces per 300 sq. ft. floor space |
| Recreational Establishment (Other than Theaters, Swimming Pools and Bowling Lanes) | 1 space per 80 sq. ft. floor space and/or as determined by extent of outdoor use |

| | |
|---|---|
| Restaurants, Taverns, Lounges, Nightclubs | 1 space per 50 sq. ft. customer floor space |
| Shopping Center (Retail greater than 2,000 sq. ft. floor space) | 5.5 spaces per 1,000 sq. ft. of gross leasable retail floor space |
| Swimming Pool | 1 space for every 7 persons lawfully permitted at any one time |
| Theaters, Auditoriums, Stadiums | 1 space per every 2 seats |
| Townhouses or single-family attached dwellings | 1.8 spaces per unit |
| Transportation terminals (Trucking, etc.) | 1 space per main shift employee |
| Warehouses or Wholesale Establishments | 1 space per main shift employee plus 2 spaces per wholesale establishment |

Provisions for the handicapped shall be provided in accordance with Code of Maryland Regulations 05.01.017, Maryland Building Code for the Handicapped.

Uses not specifically included in this schedule shall be subject to requirements of similar enumerated uses.

- (c) Design Standards - Every off-street parking area shall be developed and maintained in accord with the following requirements:
1. All off-street parking areas excepting those in the IR and IG Districts which are paved with an impermeable surface and which have an area of 10,000 sq. ft. and greater shall have landscaped areas which constitute a minimum of 5% of the total impervious area of the parking lot. The landscaped areas shall be unpaved, permeable, linear strips or variable shaped islands in the interior of the parking area which shall be planted with ground cover of shrubs, trees, or grasses. Where determined by the County Engineer to be adequate for a given project, a crushed stone, gravel, or aggregate surface may be used in lieu of impermeable surface paving.
 2. Lighting shall be provided for all parking areas which will receive night use. Such lighting shall be directed to the parking area and be shielded to prevent adverse glare on adjacent public streets. Where proposed lighted parking areas are located adjacent to a residential district or residential use, lighting shall be of minimum intensity to assure safety and security and shall be well shielded from the adjacent property.
 3. The periphery of off-street parking areas shall be adequately buffered from any lot in a RR, RS, RU, RM or RV District or any lot occupied by a dwelling, school, church, or institution for human care not located on the same lot as the

said uses or buildings, or any lot which is part of a duly recorded subdivision, by either a fence constructed of natural materials (i.e. wood, stone, brick) or landscaping. Such buffer shall consist of a fence constructed of natural materials, of a height between four (4) and six (6) feet and six (6) foot trees and shrubs or species and spacing which will result in a solid buffer when plants mature. (Only required when parking area is within 100 feet of lot line.)

4. All off-street parking areas shall be so arranged and marked as to provide for orderly safe loading, unloading, and parking of vehicles with individual parking spaces clearly defined, and directional arrows and traffic signs provided as necessary for traffic control.
5. Pedestrian walkways and sidewalks shall be provided to and from all paved parking areas in the RM and PUD Districts and shall be designed to serve on-site principally permitted uses and accessory (i.e. recreational) uses for which there is pedestrian demand and such walkways and sidewalks shall be protected from vehicular overhang and movement by curbs or other method approved by the County Engineer.
6. In the RM and PUD Districts, additional "Recreational Vehicle" parking spaces shall be provided at a ratio of 1 space minimum and 1 space per 50 passenger vehicle parking spaces. Such spaces shall be a minimum of twenty (20) feet by twelve (12) feet and shall be subject to buffer requirements in 22.12(c)3.

Section 22.13 Off-Street Loading Requirements

For all uses which produce, sell, maintain, or store goods in trade or require the delivery of goods, off-street loading space not less than 10 feet by 45 feet shall be provided. Such space may occupy any yard except front yard.

Section 22.14 Paving Requirements ¹⁴⁶ ¹⁴⁷

All employee and visitor parking, access lanes, and loading/unloading areas shall be paved in the following zoning districts: RR, RS, RU, RM, PUD, BT, BG, BL, IT, HI-2 and HI-1. In the "IR" and "IG" Districts, paving shall be required for employee and visitor parking only. Industrial Restricted uses that are permitted in the "HI-1" District shall comply with "IR" District paving requirements. In the A, C, A(R), EC, P, RV, RB-E and RB-N Districts parking and access lanes with a total area greater than 3,400 square feet shall be paved. Handicapped parking located in all zoning districts shall be paved.

When existing developments require site plan approval due to expansion or change in use and increase the existing parking/travel lane area by 10% or more, the requirements in this section shall be met. Both the existing and additional impervious parking area figures shall be listed on the site plan.

¹⁴⁶ **Revision 12, Section 22.14 added 6/5/01 (RZ-01-02)**

¹⁴⁷ **Revision 15, Section 22.14 amended 9/19/06 (RZ-06-007)**

DIVISION II - SIGNS

Section 22.2 General Provisions

No sign shall be erected, hung, placed or painted in any district, except as provided in this Ordinance. No sign erected before the enactment of this Ordinance shall be structurally altered or moved except in accordance with this Ordinance. No zoning permit shall be required for the repainting or repapering of a sign.

Section 22.21 Signs Permitted Without Zoning Permits¹⁴⁸

The following signs are permitted without zoning permit in any district provided the following conditions are adhered thereto.

- (a) A sign indicating the name and/or premises or accessory use of a home for a home occupation or professional purpose, not exceeding one square foot in area.
- (b) A sign not exceeding thirty square feet on a farm advertising farm products primarily grown on the premises; provided, they are located off the highway right-of-way, and do not interfere with traffic visibility.
- (c) Permanent "On Site" informational signs or temporary (3 days or less) "Off Site" directional signs of a public or quasi public nature that advertise or provide direction to an event of public interest. Any off site directional signs shall be located off the highway right-of-way, shall not be located in any drainage easement, and shall not interfere with traffic visibility. In addition, all temporary off site directional signs must be removed within three (3) days of completion of the event.
- (d) A maximum of two (2) permanent "Off Site" directional signs for churches, certified non-profit organizations or civic associations may be erected provided they are located off the highway right-of-way, are not located in any drainage easement, and do not interfere with traffic visibility. These signs shall be located within a one mile radius or, where the one mile radius does not include an intersection with a collector or higher classified road, at the closest intersection with a collector or higher classified road, of the church, certified non-profit organization or civic association meeting place. The signs shall not exceed six (6) square feet in area or six (6) feet in height. The erection of more than two (2) signs or the placement of signs outside the one mile radius or beyond the next collector intersection if that provision is applicable, shall require approval by the Board of Zoning Appeals. However, the Zoning Administrator may approve small variations (10% or less) to the one mile radius

¹⁴⁸ **Revision 7, Section 22.21(h) added 6/28/94 (RZ-94-05)**
Revision 8, Section 22.21(c) amended and Section 22.21(d) added 11/15/94 (RZ-94-04)

or next collector intersection provision for safety or environmental compatibility reasons.

- (e) A temporary real estate sign designating the zoning classification of the parcel, not exceeding twenty square feet, and being located on and advertising subject property for sale, rent and/or lease.
- (f) Building contractor's and professional persons' temporary signs on buildings under construction, limited to a total area for all such signs of one hundred fifty square feet.
- (g) Election signs, provided the signs are not erected more than 45 days prior to a primary or special election. Unsuccessful candidates shall remove signs within 15 days after a primary or special election. All signs shall be removed within 15 days after the general election. Signs shall not interfere with traffic visibility.
- (h) Temporary directional real estate signs consisting of four (4) square feet and not to exceed three (3) feet in height, may be placed on private property, provided they are located off the highway right-of-way, drainage easement, and do not interfere with traffic visibility. The placement of these signs shall conform to all State and Federal regulations.

Section 22.22 Signs Requiring Zoning Permit¹⁴⁹

The following signs are permitted in accordance with zoning district regulations and require a zoning permit:

- (a) Signs, business; portable
- (b) Signs, freestanding
- (c) Signs, outdoor advertising
- (d) Permanent residential identification signs for subdivision, townhouses, and apartments.

Section 22.23 "Use on the Premises" Signs, on Buildings¹⁵⁰

Business signs pertaining to "use on premises", as enumerated in Section 22.22(a), are permitted as an accessory use in all districts, provided the following provisions are adhered to:

- (a) No such sign shall project over or into the street right-of-way or more than four (4) feet above the parapet wall or roof line.

¹⁴⁹ Revision 3, Section 22.22(d) added 1/23/90 (RZ-440)

¹⁵⁰ Revision 15, Section 22.23(c) & (e) amended 9/19/06 (RZ-06-007)

- (b) Any sign which is attached to the ground shall be located in such a manner that traffic visibility is not impaired.
- (c) Any exterior sign or signs pertaining to the use conducted on the premises, and which is either integral with or attached to the principal building, shall have a sum total area of no more than two square feet for each foot in length of the frontage of the building. Where the lot adjoins an RR, RS, RU, RM or RV District, no sign shall be attached to the side of the building that faces the adjoining RR, RS, RU, RM or RV lot or lots.
- (d) Upon approval of the Planning and Zoning Commission embellishments and/or cut outs are permitted. The top of said embellishment shall not exceed thirty-five (35) feet from the road level.
- (e) Individual business or industrial establishments may erect a free-standing business sign, provided the lot frontage is at least forty (40) feet. The free-standing sign shall be located in such a manner that no part of the supporting structure is less than twenty-five (25) feet from the street right-of-way, and that no part of the sign is closer than five (5) feet to the right-of-way. The total area for any sign or signs on one supporting structure shall not exceed 300 square feet and the total height of the sign structure shall not exceed thirty-five (35) feet. Businesses or industries having a frontage on more than one street may have an additional free-standing sign for each street frontage, provided that the total area for all free-standing signs does not exceed 600 square feet. Where the lot adjoins any lot or lots in a RR, RS, RU, RM, or RV District, and a freestanding sign is on the side of the business lot adjoining the residential lot, the sign shall not face the adjoining RR, RS, RU, RM or RV lot.
- (f) Individual business or industrial establishments may erect a portable sign. The total area shall not exceed thirty-five (35) square feet.

Section 22.24 Outdoor Advertising Signs¹⁵¹

The design and location of outdoor advertising shall conform to all federal, state, and county laws and regulations and specifically the following:

- (a) Outdoor Advertising Signs not in existence or for which applications for permits or site plans were not accepted prior to November 16, 2004 are prohibited, except as provided in Section 22.24(c).
- (b) Outdoor Advertising Signs in existence or for which applications for permits or site plans were accepted prior to November 16, 2004 shall be considered nonconforming uses. Any rehabilitation, alteration (excluding change of advertisements) or replacement (excluding relocation) of nonconforming signs shall be subject to the following regulations:

¹⁵¹ Revision 14, Section 22.24 amended 11/16/04 (RZ-04-007)

1. No increase in the size or height of an existing Outdoor Advertising Sign shall be permitted. An existing Outdoor Advertising Sign may be abandoned and relocated in favor of a new sign pursuant to Section 22.24(c).
 2. All Outdoor Advertising Signs must be static. Any movement including but not limited to flashing, scrolling, rotating, changing in light intensity or color, or image projection is prohibited. Tri-vision and other mechanical signs are also prohibited.
 3. A site plan must be submitted for all Outdoor Advertising Signs in accordance with the procedures and requirements set forth in Section 4.11. In addition to the information required in Section 4.11, the following shall be submitted:
 - i. Location of all existing signage within 1,000 feet of the proposed location of the Outdoor Advertising Sign.
 - ii. Plan and profile views of the sign indicating height, size, number of panels, dimensions of panels, and type of mounting (flag mount, center mount, etc.)
 - iii. Color photographs of existing conditions with the location of the sign superimposed to illustrate the change in the visual landscape.
- (c) A new Outdoor Advertising Sign may be erected, subject to the following regulations:
1. A new Outdoor Advertising Sign shall not be erected until after the removal of one that was lawfully erected.
 2. An Outdoor Advertising Sign may not be erected in the following locations:
 - i. Outside of the urban or town growth area boundaries as established in the Comprehensive Plan for Washington County as amended from time to time.
 - ii. Within 1,000 feet, measured from the centerline of the road, of the following corridors:
 - a. U.S. Route 40 and MD 144 (National Pike) from the incorporated limits of the City of Hagerstown, west to the Allegany County border, excluding the portions of the roads within the incorporated limits of the Towns of Clear Spring and Hancock.
 - b. U.S. Alternate Route 40 (Old National Pike) from the incorporated limits of the Town of Funkstown south to the Frederick County border, excluding the portion of the road within the incorporated limits of the Town of Boonsboro.

- c. Maryland Route 65 (Sharpsburg Pike) from Interstate 70 south to Maryland Route 34, excluding the portion of the road within the incorporated limits of the Town of Sharpsburg.
 - d. Maryland Route 34 (Shepherdstown Pike) from Monroe Road west to the West Virginia state border, excluding the portions of the road within the incorporated limits of the Towns of Boonsboro, Keedysville and Sharpsburg.
 - e. Maryland Route 63 (Greencastle Pike) from the Pennsylvania state border south to the incorporate limits of the Town of Williamsport, excluding the portion of road from U.S. 40, traveling south to Interstate 70.
 - f. U.S. Route 340 from the West Virginia state border to the Frederick County border.
 - g. Maryland Route 60 (Leitersburg Pike) from Marsh Pike to the Pennsylvania state border.
 - h. Maryland Route 67 (Rohrersville Road) from U.S. Alternate Route 40 to U.S. Route 340.
 - i. Maryland Route 68 (Lappans Road) from I-81 southeast to U.S. Alternate Route 40.
- iii. In residential zoned areas including RR, RS, RU, RM, HI-2 and PUD.
3. Priority areas for removal of existing Outdoor Advertising Signs shall coincide with the corridors outlined in Section 22.24(c)2.
 4. No Outdoor Advertising Sign face shall exceed 300 square feet. Cumulative sign area shall not exceed 600 square feet.
 5. No Outdoor Advertising Sign shall have more than two (2) faces. All Outdoor Advertising signs with two (2) faces shall have the two (2) faces placed back to back in a parallel arrangement with one another. A modification of the arrangement may be approved by the Planning Commission up to forty-five (45) degrees.
 6. No Outdoor Advertising Sign shall be greater than thirty (30) feet in height. Height shall be the greatest measured distance from lowest road grade at centerline of the closest road at right angles to the base of the sign, then perpendicular to the top of the overall structure. If the base of the sign is located at an intersection where it is equidistant from either road, the lowest of the two road grades shall be used.

7. No Outdoor Advertising Sign shall be located within 500 feet of an adjacent property that is zoned for or contains dwellings, hospitals, nursing homes, schools, or other residential institutions for human care. If illuminated, the sign shall not be located within 1,000 feet of an adjacent property that is zoned for, or contains, dwellings, hospitals, nursing homes, schools, or other residential institutions for human care.
 8. No Outdoor Advertising Sign shall be visible to the degree of being readable or intended to be read at any time from or on a property containing a structure deemed historic as recognized by the National Register of Historic Places, the Maryland Historical Trust, or properties that have a Historic Preservation Overlay zoning designation.
 9. No Outdoor Advertising Sign shall be located within 500 feet of another Outdoor Advertising Sign. In the case of existing dual lane highways, each side of such dual lane highway shall be considered separately in determining such spacing requirement. In the case of non-dual lane highways, spacing shall be determined and measured between signs regardless of the side of the highway on which they are located or proposed.
 10. Outdoor Advertising Signs shall be permitted in the BL, BG, HI-1, PI, IR and IG zoning districts provided all other criteria stated in this section are met.
 11. Placement of an Outdoor Advertising Sign on an object other than a structure as defined in this Ordinance is prohibited (e.g., placement on trailers, utility poles, fences, etc.)
 12. All new Outdoor Advertising Signs shall also conform to the regulations outlined in Section 22.24(b).
 13. New Outdoor Advertising Signs shall not be located so as to limit or prohibit the ability to view another on-premise or Outdoor Advertising Sign.
- (d) Mobile Outdoor Advertising Signs are prohibited.

Section 22.24A Permanent Residential Identification Signs¹⁵²

- (a) No more than two (2) permanent identification signs may be placed at the primary residential roadway entrance. No more than one (1) sign may be placed at secondary entrances.
- (b) The sign must be designed so as not to obstruct full sight distance.
- (c) Signs shall be a minimum of ten (10) feet from the road right-of-way.

¹⁵² Revision 3, Section 22.24A added 1/23/90 (RZ-440)

- (d) The size of the identification signs shall not exceed thirty-five (35) square feet in area (to include script and monument) or seven (7) feet in height.
- (e) All permanent residential signs must be landscaped. Plant materials shall comply with the landscape plan standard specified in Section 4.16, 1, 2, 3 and 5. All plans should be submitted to the department of permits and inspections upon application of a permit.
- (f) Sign maintenance is the sole responsibility of the developer and/or assigns.

Section 22.25 Approval of Location and Maintenance of Signs Requiring Zoning Permits¹⁵³

The following regulations shall, without exception, be observed with respect to the approval of location and maintenance of signs enumerated in Section 22.22.

- (a) No sign shall be permitted that imitates or resembles an official traffic control device, railroad sign or signal, or hides from view or interferes with the effectiveness of an official traffic control device, railroad sign or signal, or traffic sight lines. Illuminated signs shall be so constructed as to avoid glare or reflection on any portion of an adjacent highway or residential buildings.
- (b) No sign which implies the need or requirement of stopping or the existence of danger shall be displayed.
- (c) No Outdoor Advertising Sign shall be placed closer than three hundred (300) feet to an intersection on a dual or proposed dual highway or within one hundred (100) feet of any other intersection; provided, however, that such signs may be affixed to or located adjacent to a building at such intersections in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. No business sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.
- (d) All Outdoor Advertising Signs shall comply with setback provisions in the districts in which they are permitted.
- (e) No sign shall be located on the right-of-way of any road or on any slope or drainage easement for such road.
- (f) No sign shall be permitted which contains statements, words, or pictures of an obscene, indecent or immoral character, or such as will offend public morals or decency.
- (g) No sign shall be placed on rocks, trees or on poles maintained by public utilities.

¹⁵³ Revision 14, Section 22.25 amended 11/16/04 (RZ-04-007)

- (h) No sign shall be permitted which becomes unsafe or endangers the safety of a building, premises or persons and unless maintained in a good general condition and in a reasonable state of repair.
- (i) Where a sign structure does not include advertising information or is in a deteriorated condition for a period of one hundred twenty (120) days, such sign structure shall be repaired and repainted or repapered to include advertising information. If this requirement is not fulfilled, the sign structure shall be removed no later than sixty (60) days from the notice of violation.

Section 22.26 Special Exception Uses (Requiring Board Authorization After Public Hearing)

Outdoor advertising signs may be approved by the Board and such approval shall not be unreasonably withheld, and shall be considered acceptable to the Board if it conforms to existing State law.

DIVISION III¹⁵⁴ (Deleted in its entirety)

DIVISION IV - USE OF FLOOD PLAIN

Section 22.4 General Provisions¹⁵⁵

Administration of use within the flood plain is to be in accordance with the adopted Washington County Flood plain Ordinance.

¹⁵⁴ Division III deleted 9-6-83 (RZ-258)

¹⁵⁵ Revision 1, Section 22.4 amended 11/15/88 (RZ-402)

DIVISION V - MOBILE HOME PARKS, TRAVEL TRAILER PARKS AND MOBILE HOMES NOT IN MOBILE HOME PARKS OR TRAVEL TRAILER PARKS

Section 22.5 Mobile Home Parks and Mobile Home Subdivisions¹⁵⁶

A mobile home park is a residential development with identifiable spaces specifically designed to be rented for the accommodation of mobile homes. A mobile home subdivision is a residential development where separate tracts of land, specifically designed to accommodate mobile homes, are intended to be sold to mobile home owners.

It is the intention of the County that mobile home parks and mobile home subdivisions, when permitted, shall be developed to a high standard, providing a healthy and pleasant living environment. Applications for a zoning permit for a mobile home park or mobile home subdivision shall be subject to approval by the Planning and Zoning Commission. Site plans submitted for approval shall meet the design criteria outlined in this section. An enlargement of an existing mobile home park shall require a zoning permit as if it were a new establishment. All development under this Article shall meet the requirements of the Washington County Forest Conservation Ordinance and Manual.

Section 22.51 Design Standards

- (a) **Size of Mobile Home Park:** A tract proposed for development as a mobile home park shall have a minimum area of three acres and a minimum width of 200 feet. In a case where the mobile home park is removed from the public highway, an access road with a minimum right-of-way of 40 feet shall be provided.
- (b) **Design of Mobile Home Park Spaces:** In a mobile home park, a separate space shall be provided for each mobile home and shall include a patio area and connections for public or community water supply and sewerage disposal and electric service. Mobile home spaces in different sections of the mobile home park may vary in size, but no space shall be less than 4,400 square feet in area and there shall not be more than 8 mobile home spaces per net acre. Mobile homes may be placed in their mobile home park spaces at the discretion of the developer, provided, no part of a mobile home, including expansion units, shall be closer than 8 feet to the front edge of the space provided nor closer than 5 feet from the other perimeters of its space. In no case may mobile homes be located closer than 20 feet apart. Each space shall be permanently marked by a number.
- (c) **Design of Mobile Home Subdivision Lots:** In a mobile home subdivision as defined in Article 28A, a separate lot shall be provided for each mobile home. Provisions shall be made for electricity and for public or community water and sewerage disposal systems. Mobile home lots may vary in size; but no lot shall be less than 4,400 square feet in area and there shall not be more than 8

¹⁵⁶ **Revision 6, Section 22.5 amended 2/9/93 (RZ-92-16)**

mobile home lots per net acre. No part of a mobile home, including expansion units, shall be closer than 8 feet to the front edge of the lot boundary, 5 feet from its other lot perimeters, nor closer than 20 feet to an adjacent mobile home. Each lot shall be permanently marked by a number.

A mobile home subdivision shall meet the design and procedural requirements outlined in the Washington County Subdivision Ordinance and the regulations of the Maryland Department of Health and Mental Hygiene.

- (d) **Driveways and Parking:** Private streets shall provide access to each mobile home space. One parking space shall be provided as part of each mobile home space and one additional space shall be provided for each four spaces to provide for two-car families and guests, except where the right-of-way will have curbs and sidewalks and is a minimum width of 40 feet. The Commission may waive the requirement of location of mobile home spaces abutting on a driveway if a paved parking lot is provided for such mobile home park and adequate walkways are provided to mobile homes.
- (e) **Open Space and Recreation Areas:** The land remaining after allocation of area for mobile home spaces and access streets shall be developed as landscaped open spaces and recreation areas.
- (f) **Accessory Uses:** As part of a zoning permit, the Commission may allow convenience commercial establishments, including convenience food stores, laundry and dry cleaning establishments, beauty and barber shops, and similar trades and services. These establishments and their related parking spaces shall not occupy more than 10 percent of the mobile home park or subdivision area, and this area shall not be included in calculations of residential density. They shall be subordinate to the residential use and character of the park, and shall present no visible evidence of their commercial character from any area outside the park.
- (g) **Travel Trailers:** If travel trailers are allowed in the mobile home park, they shall be located in a separate section which is designed for and has the facilities for travel trailers, as outlined in Section 22.52. The Commission in allowing a mobile home park, may prohibit travel trailers.
- (h) **Screening and Setbacks:** No mobile home in a mobile home park shall be located closer than 50 feet to the property line of the park.

Section 22.52 Travel Trailer Parks¹⁵⁷

Temporary and/or permanent travel trailer parks are principal permitted uses in a C,, A, RB-E and RB-N Districts. Travel trailer parks are intended to provide not more than thirty (30) day accommodations for the type of travel vehicles which are becoming increasingly popular for travel and vacation use, including the travel trailer, the pick-up coach, the motor-home and the camping trailer. Travel trailer parks shall meet the following design requirements:

- (a) **Density and Design:** A travel trailer park must be at least two acres in size. Each space shall be at least 1,000 square feet in area. Trailers shall be separated from each other and from other structures by at least fifteen feet. Accessory structures such as awnings and carports shall, for purposes of this separation requirement, be considered to be a part of the trailer. No more than 25 spaces per acre shall be allowed. The remaining area shall be reserved for recreation and open space use. No building or trailer shall be located closer than 25 feet to the tract boundary.
- (b) **Service Facilities:** A central service building containing the necessary toilet and washing facilities shall be provided in each travel trailer park. The number and arrangement of these facilities shall be approved by the Washington County Health Department. Accessory stores and services may be permitted as in a mobile home park, provided these services are intended and arranged only for use of the travel park residents.
- (c) **Parking and Access:** Off-street parking, consisting of one space per trailer space, shall be provided except where the right-of-way will have curbs and sidewalks and is a minimum width of 40 feet. Additional spaces for visitors shall also be provided. All trailer spaces shall have access to a public road by way of an interior service drive.
- (d) **Review Procedure:** When submitting the application for a zoning permit, the applicant shall include a plan, drawn at a scale of 1"=100 feet showing the arrangement of travel trailer sites and connecting driveways. The site plan shall be approved by the Planning and Zoning Commission as part of a zoning permit in the Conservation and Agricultural District. The applicant shall also present a written statement, with accompanying plans, describing how water and sewerage disposal service are to be provided. These arrangements shall be approved by the Washington County Health Department before a zoning permit is approved.

Section 22.53 Travel Trailers

Camping or recreational travel trailers and recreational travel vehicles as defined in Article 28A are allowed as an accessory use in any district, provided they are parked or stored in a garage or accessory building or in the rear yard, side yard, or driveway of the lot occupied by the owner, in which case it shall be no closer than four (4) feet to the rear and

¹⁵⁷ Revision 15, Section 22.52 amended 9/19/06 (RZ-06-007)

side lot lines and no closer than ten (10) feet to the front lot line or to the road edge, street, street curb, or sidewalk, whichever is closest to the parked or stored vehicle. No recreational travel vehicle shall be used for living purposes except in bona fide recreational camping areas. Mobile homes as defined in Article 28A are specifically excluded from the provision of this section.

Section 22.54 Mobile Homes^{158 159}

- (a) All mobile homes shall have a minimum of five hundred (500) square feet of floor space.
- (b) Mobile homes shall be permitted in the A, C, A(R), EC, and P districts and shall be prohibited in all other districts except as specifically allowed under the provisions of this Ordinance.
- (c) Replacement:
 - (1) A mobile home may replace another mobile home in any district provided such replacement is done no later than thirty (30) days from the removal date of the replaced mobile home, the provisions of Section 4.3(d) notwithstanding.
 - (2) Except in the A, C, A(R), EC, and P Districts, the replacing mobile home must be set on the same site as the replaced mobile home with the latter being removed from the property no later than thirty (30) days from the zoning permit issuance date.
- (d) In no district shall a mobile home be parked, stored, or utilized as an accessory use; however, in the A, C, A(R), EC, and P Districts, one mobile home may be parked or stored on the same lot with a principal permitted use for a period not to exceed thirty (30) days, provided that no living quarters shall be maintained in the mobile home nor any business conducted therewith, and further provided that a zoning permit shall be required for the parking or storage.
- (e) All mobile homes shall be placed on a solid masonry support and shall have skirting sufficient to hide the undercarriage from view. Such skirting shall be completely installed no later than ninety (90) days from the date the zoning permit is issued.
- (f) All provisions of this Section shall be subject to the requirements of Sections 4.1, 4.2 and 22.4.

158 **Revision 2, Section 22.54(b) amended 10/17/89 (RZ-422)**

159 **Revision 15, Section 22.54 (b)(c)&(d) amended 9/19/06 (RZ-06-007)**

DIVISION VI - TOWN HOUSE DEVELOPMENT

Section 22.6 General Provisions for Town House Developments

Town houses are to be allowed only in town house developments.

Section 22.61 Design Standards

- (a) Net Land Lot Area: No town house development is to have an area less than five acres. There shall be at least 3,500 square feet of net land area per town house, and no more than 10 town houses per acre. Each town house lot shall have a minimum of 1,600 square feet. The difference in lot size and net land area per town house shall be allocated to open space common area.
- (b) Tract Frontage: Each interior parcel or tract used for a group of town houses shall have a width of at least 100 feet and each corner parcel or tract shall have a width of at least 120 feet.
- (c) Town House Lot Width: The minimum width of a town house lot shall be 16 feet. Each lot on the end of a row of town houses shall have an additional width necessary for the required side yard.
- (d) Length of Town House Row: There shall be not more than ten or less than three town houses in a row.
- (e) Yard, Front: Each town house shall have a front yard of 25 feet. The Planning and Zoning Commission may allow enclosing of front yard space when the town house development is designed for this feature. Town houses may be arranged to face onto a common open space. Such a space shall not be less than 50 feet in width and shall be arranged to permit access for emergency vehicles. With such an arrangement, the front yard requirement may be reduced to 10 feet.
- (f) Yard, Side: A side yard at least ten (10) feet in width shall be provided at each end of every row of town houses. When the yard adjoining the corner lot along the rear lot line fronts on the side street of the corner lot, the width of the corner lot shall be increased to provide a side yard equal to the adjoining front yards.
- (g) Yard, Rear: Each town house shall have a rear yard at least 20 feet in depth. An accessory building shall be located only in a rear yard and shall occupy not over 25 percent of the rear yard area and shall be located not less than five (5) feet from any alley or rear service street line.
- (h) New town house development concepts and techniques not complying with the design standards of this Section, may, after review, be approved by the Planning and Zoning Commission if the Commission finds, in its opinion, as a matter of fact, that such development will not substantially affect adversely the uses of adjacent and neighboring properties.

- (i) Access Drives and Off-Street Parking: Off-street parking space shall be provided at the rate of 1.8 spaces per town house. In a subdivision of town house lots, it will not be necessary that off-street parking be provided on a specific lot so long as the required number of parking spaces are provided in the subdivision for the number of lot to be served. No parking area shall be more than 200 feet from the town house lot it serves.

DIVISION VII - MULTIPLE-FAMILY GROUP DEVELOPMENTS

Section 22.71 General Provisions

Multiple-family group developments (apartment project) are permitted in the RM District, and require site plans.

Section 22.72 Design Standards

- (a) Net Lot Area: A parcel of land used for a Multiple-Family Group Development shall be under one ownership and shall have an area of at least 20,000 square feet and a lot frontage of at least 100 feet. When so used, such a parcel of land shall be considered to be one lot for the purpose of these regulations. Multiple-Family Group Developments shall be governed by the lot, yard and bulk requirements in Article X. The yard requirements shall apply to distance from private interior streets within the project as well as distance from surrounding public streets.
- (b) Width and Depth of Courts: In the case of a building not over 40 feet in height, the minimum width of an outer court, bounded by walls on three sides, shall be 40 feet. When the building height exceeds 40 feet, the minimum court width shall be increased by one foot for each additional foot of building height. The depth of an outer court, bounded by walls on three sides, shall not be over one-and-one-half times the width and shall not exceed 100 feet. When an outer court is partially enclosed by projections, the sum of the projections shall not exceed 25 percent of the greatest required court width.
- (c) Distance Between Multi Group Dwellings: In the case of multiple group buildings not over 40 feet high, the distance between opposing buildings shall be a minimum of 40 feet. When building height exceeds 40 feet, the minimum distance shall be increased by a distance equal to one-half the sum of the additional heights. In the case of opposing buildings on the same lot with opposing partially overlapping walls, the portions of which do not exceed 15 feet in length, the distance between buildings may be reduced to two-thirds of the required distance. In other cases, except as provided above, the minimum distance between buildings shall be 20 feet.
- (d) New Multiple-Family Development concepts and techniques not complying with the Design Standards of this Section, may, after review, be approved by the Planning and Zoning Commission if the Commission finds, in its opinion, as a matter of fact, that such development will not substantially affect adversely the uses of the adjacent and neighboring properties.

Section 22.73 Site Plan Review of Multi-Family Group Development

In reviewing the site plan of a proposed Multiple-Family Group Development, the Planning and Zoning Commission shall consider the overall arrangement of buildings, parking areas and open space on the site and the relation of the project with surrounding development.

DIVISION VIII - CLUSTER SUBDIVISION

Section 22.81 General Provisions

In any rural or residential district, the Planning and Zoning Commission may authorize the subdivision of tracts or parcels of land of not less than ten (10) acres into lots for residential uses, and such lots may be smaller than otherwise required in the districts in this Ordinance.

Section 22.82 Design Standards¹⁶⁰

A residential cluster subdivision shall meet the following standards:

- (a) The total number of lots and dwelling units shall not exceed the number that would be permitted if the area were developed in conformance with the normal minimum lot size requirements in the zoning district where they are located.
- (b) The unlotted land derived from reduction of lot sizes shall be provided and maintained as "open space" or "recreational areas" for joint use by the residents of the cluster subdivision. The open space areas may be conveyed to the County if the County is willing to accept such land, or shall be conveyed to a non-profit Home Association, as defined in Article 28A, or to another entity approved by the Planning Commission. The Planning Commission shall not approve left-over parcels or marginal land for open space but will accept for averaging only land suitable for park conservation and recreation purposes.

¹⁶⁰

Revision 11, Section 22.82(b) amended 5/19/98 (RZ-98-09)

DIVISION IX - ANIMAL HUSBANDRY FACILITIES¹⁶¹

Section 22.91 Purpose

The purpose of these requirements is to assure that animal husbandry facilities as defined in Article 28A and expansions as defined in Article 28A are designed and operated in a manner as to comply with all applicable state and federal guidelines and regulations, to protect the environment (air, water and soil resources), and to afford the operator of these facilities the economic benefits of best management practices.

Any construction of a new animal husbandry facility, expansion of any existing animal husbandry facility, or installation or expansion of an animal waste storage and management system for an animal husbandry facility shall meet the requirements set forth by this Division.

The requirements established in this Division shall be based upon the total amount of manure produced on a farm in one year from any and all animal sources. This shall be called the total annual farm manure production and shall be calculated using excreted values by weight determined from the most current edition of the Agricultural Waste Management Field Handbook, U.S. Department of Agriculture, and Soil Conservation Service.

Section 22.92 Exemptions¹⁶²

- (a) Any facility falling under the requirements of this Division of the Washington County Zoning Ordinance shall be exempt from all fees.
- (b) Setback requirements established in this Division shall not apply to any new structure constructed for the purpose of storage and management of animal waste generated by an existing facility. Expansions of existing structures housing animals shall also be exempt from setback requirements. This exemption shall not apply to expansions of existing waste handling or storage facilities. These exemptions shall only be applicable to farms that produce less than a total of 6,000 tons of manure per year (including any expansion) and are located outside of any designated Growth Area (Urban or Town) and less than 3,000 tons of manure for farms that are located inside a Growth Area.

Section 22.93 Applicability and Application Procedure

- (a) The following procedure shall apply to new animal husbandry facilities including new animal waste storage and management systems or expansions on farms that produce annually less than a total of 6,000 tons of manure including the

¹⁶¹ **Revision 7, Division IX repealed and reenacted 2/8/94 (RZ-93-13)
Revision 11, Division IX title amended 7/20/99 (RZ-99-02)**

¹⁶² **Revision 11, Section 22.92(b) amended 7/20/99 (RZ-99-02)**

production from the new or expanded facility and are located outside of any designated Growth Area (Urban or Town) and less than 3,000 tons of manure for farms that are located inside a Growth Area.

1. A Waste Management Plan as defined in Article 28A shall be prepared and submitted to the Soil Conservation District. The Soil Conservation District may determine that a Waste Management Plan is not required. In such cases, the Soil Conservation District shall issue to the applicant a letter of exemption.
 2. A Nutrient Management Plan as defined in Article 28A shall be prepared and submitted to the University of Maryland Cooperative Extension Office.
 3. The proposed facility shall comply with the design standards stated in Section 22.94.
 4. A Zoning Permit shall be applied for with the Department of Permits and Inspections and if applicable, shall include a copy of the Soil Conservation District's letter of exemption.
 5. The Department of Permits and Inspections review of the application shall be limited to determining compliance with the design standards established in Section 22.94 of this Division and verification that a Waste Management Plan/Nutrient Management Plan is on file with the Soil Conservation District (or that a letter of exemption has been issued) prior to issuance of a Zoning Permit.
 6. Failure of the Washington County Department of Permits and Inspections to approve or disapprove the application within thirty (30) days of the initial filing shall automatically be considered approval of said application.
- (b) The following procedure shall apply to new animal husbandry facilities including new animal waste storage and management systems or expansions on farms which produce annually a total of 6,000 tons of manure or more, including the production from the new or expanded facility and are located outside of any designated Growth Area (Urban or Town) and 3,000 tons of manure or more for farms that are located inside any Growth Area.
1. A Waste Management Plan as defined in Article 28A shall be prepared and submitted to the Soil Conservation District.
 2. A concept plan shall be prepared based on the design standards set forth in Section 22.95. The Soil Conservation District may assist potential applicants in preparing the concept plan.
 3. A Nutrient Management Plan as defined in Article 28A shall be prepared and submitted to the University of Maryland, Cooperative Extension Office.

4. A zoning permit from the Department of Permits and Inspections shall be applied for along with submittal of six (6) copies of the concept plan for the facility.
5. The Department of Permits and Inspections shall forward the concept plan to the Planning Department. The Planning Department shall schedule a Preliminary Consultation. The following agencies shall review the concept plan and participate in the Preliminary Consultation: Health Department, Department of Permits and Inspections, Planning Department, Washington County Soil Conservation District, Engineering Department and Cooperative Extension Service.
6. After the Preliminary Consultation, the Plan shall be taken to the Planning Commission for its approval and possible establishment of additional requirements based on the recommendations of the Washington County Soil Conservation District and other reviewing agencies. Upon approval or favorable comment by the reviewing agencies and the Planning Commission, the Department of Permits and Inspections shall be notified by the Planning Department that a permit can be issued. If revisions are required by the Planning Commission, a maximum of six (6) copies of the revised concept plan shall be submitted to the Planning Department for redistribution. Upon receipt of any outstanding agency approvals, or favorable comments, the Department of Permits and Inspections shall be notified by the Planning Department that a zoning permit can be issued.

Section 22.94 Design Standards (Below 6,000 Tons Annual Farm Manure Production Outside Growth Areas and 3,000 Tons of Farm Manure Inside Growth Areas)

- (a) Animal waste storage and management systems associated with an animal husbandry facility and/or any structure housing animals shall have a minimum building setback of 100 feet from the property line or public road right-of-way unless exempted under Section 22.92(b).

Section 22.95 Design Standards (6,000 Tons Annual Farm Manure Production or More Outside Growth Areas and 3,000 Tons or More of Farm manure Inside Growth Areas)

- (a) Animal waste storage and management systems associated with an animal husbandry facility and/or any structure housing animals shall have a minimum building setback of 300 feet from the property line and 250 feet from any public road right-of-way. The minimum building setback shall be 500 feet from any dwelling, school, church, or institution for human care not located on the same lot, except for dwellings on lots created for the purpose of tenant houses or immediate family members.
- (b) The Planning Commission, may establish additional building setbacks not to exceed two times the minimum stated in Section 22.95(a) and/or other requirements based on recommendations from the specified agencies.

- (c) The concept plan shall be drawn at a scale sufficient to determine setbacks and proximity to adjacent dwellings and shall include the following items:
 - (1) North arrow
 - (2) Election District
 - (3) Outline of parcel or parcels upon which the operation is to be located
 - (4) Location of adjacent dwellings or recorded subdivisions
 - (5) Location, size and use of existing or proposed structures
 - (6) Location and description of existing or proposed animal waste storage structure
 - (7) Location of existing or proposed well
 - (8) Access Location
 - (9) Information to include soil types, direction of slope, rock outcrops, streams, ponds, flood plain, etc.

- (d) The Washington County Soil Conservation District shall inspect all construction of a new manure storage structure or expansion to an existing manure storage structure prior to certifying the structure for use. Such construction shall comply with the applicable standards and specifications of the Agricultural Waste Management Field Manual, U.S. Department of Agriculture, Soil Conservation Service.

ARTICLE 23 EXCEPTIONS AND MODIFICATIONS

Section 23.0 Generally

The regulations specified in this Ordinance shall be subject to the following exceptions, modifications and interpretations:

Section 23.1 Lot Area Modification¹⁶³

- (a) Minimum lot area, lot width regulations and the distance requirements of Section 4.9 in any district shall not apply to repeater, booster transformer, switching stations, and public utility facilities.
- (b) In any district wherein a single-family dwelling is permitted, such dwelling may be permitted on any lot or parcel which is of record by deed properly recorded in the land records of Washington County or a subdivision duly recorded in the Plat Records of Washington County as of the effective date of this Ordinance. (Note: Mobile homes are permitted in the Conservation and Agricultural Districts in conformance with this Ordinance.)
- (c) In any district where dwellings are permitted, if neither a public water supply or sewerage system is accessible or if an acceptable community water supply or sewerage system is not to be provided, the minimum lot size shall be three (3) acres and three hundred feet in width for a Conservation District and forty thousand (40,000) square feet and one hundred (100) feet in width for an Agricultural District subject, however, to the requirements of the Maryland State Health Department. (Note: Mobile homes are permitted in the Conservation and Agricultural Districts in conformance with this Ordinance.)
- (d) Except in a Rural Residential or Rural Village District, if a public water supply is accessible and individual lot sewerage facilities are approved, the minimum lot size for a dwelling shall be twenty thousand (20,000) square feet, with one hundred (100) feet width at the building lines, subject, however, to the requirements of the Maryland State Health Department. Minimum building setback lines shall be the same as for the Agricultural District.
- (e) Single-family retirement homes in nursing home or retirement home complexes may be located on lots smaller than otherwise required by the applicable section of this Ordinance. The total number of lots and dwelling units shall be consistent with the provisions of Section 22.81 for clustering except that the lots need not be subdivided.
- (f) Minimum lot area, lot width and building setbacks in any district shall not apply to a lot reduced in area below the minimum for that zoning district by reason of a dedication for public purposes or by reason of a condemnation proceeding

¹⁶³

Revision 15, Section 23.1(d)&(g) amended 9/19/06 (RZ-06-007)

initiated by a federal, state or county governmental agency, and any lot so reduced shall be considered non-conforming by reason of that action.

- (g) In the A, A(R), EC, P, RV, RR, RS and RU Districts, wherein a public or private elementary, middle or high school is a principal permitted use, the minimum lot area, lot width, front, side, and rear yard setbacks, may be modified as follows based on enrollment.

Elementary

Middle

High

Under 100 students - 1/3 of district requirement

100-200 students - 1/2 of district requirement

In the case of a shared campus, (combined enrollment), the minimum lot area, lot width, front, side, and rear yard setbacks may be reduced to that percentage specified for the most stringent of such requirements for the type of schools sharing the same campus as modified above.

Section 23.2 Setback Modification

Where the existing setback line of at least two (2) existing buildings on lots which are on the same side of the street or road and within two hundred (200) feet of the lot in question, is less than the minimum setback prescribed in this Ordinance, the minimum setback line shall be the average setback line of all buildings within two hundred (200) feet of the proposed building. However, in no case shall the setback line be less than thirty-five (35) feet from the centerline of any abutting road or street.

Section 23.3 Projection into Yards^{164 165}

- (a) If attached to the main building, a one-story open porch with or without a roof may extend into a front yard not more than thirty percent of the existing front yard depth.
- (b) Projections such as bay windows, chimneys, entrances, vestibules, balconies, eaves, and leaders may extend into any required yard not more than four (4) feet; provided, that such projections (excepting eaves) are not over ten (10) feet in length.
- (c) Fences and walls shall be exempt from building lines and yard requirements unless obstructions to vision which adversely affects the safety of vehicular or pedestrian traffic.

¹⁶⁴ **Revision 4, Section 23.3(d) added 12/10/91 (RZ-91-20)**

¹⁶⁵ **Revision 15, Section 23.3(d) amended 9/19/06 (RZ-06-007)**

- (d) If attached to the dwelling, a one story open deck without a roof may extend into the required rear yard not more than the percentage for each zoning district listed below.

| ZONING DISTRICT | REQUIRED SETBACK | PERCENTAGE |
|------------------------|------------------|------------|
| RM | 20 ft. | 40% |
| RU (1-1 ½ stories) | 35 ft. | 35% |
| RU (2-2 ½ stories) | 40 ft. | 30% |
| RS | 40 ft. | 30% |
| RR (Urban Growth Area) | 40 ft. | 30% |
| RR | 50 ft. | 25% |
| A | 50 ft. | 25% |
| C | 50 ft. | 25% |
| A(R) | 50 ft. | 25% |
| EC | 50 ft. | 25% |
| P | 50 ft. | 25% |
| RV | 25 ft. | 25% |

Section 23.4 Height

- (a) Building height limitations shall not apply to high density warehousing, water tanks, barns, windmills, silos, or other accessory farm structures; or to belfries, steeples, spires, electric or communication poles or towers, electric generating plants, electric transforming or switching equipment, chimneys or smoke stacks, flagpoles, fire towers, cupolas, domes, monuments, penthouses or roof structures for housing stairways; or to tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain the building or to the manufacture, modification, servicing and housing of aircraft. No penthouse or roof structure shall have a total area greater than twenty-five (25) percent of the roof area, nor shall such structure be used for any purpose than a use incidental to the main use of the building.
- (b) In any Agricultural, Residential, or Business District, the height of a building may be extended to three stories, but not over forty-five (45) feet, if each side yard is increased in width one-half foot for each additional one foot of height above the normal maximum limit.
- (c) On any lot where the average finished slope adjoining the building exceeds seven (7) percent grade, one story in addition to the number permitted in the District in which the lot is situated shall be permitted on the downhill side of any building erected, but the building height limit shall not otherwise be increased above that specified for the District.
- (d) In any zone where public or quasi-public buildings are permitted such buildings may be erected to a height of one hundred twenty (120) feet but the minimum front, rear and side yards shall be increased one foot for each foot of height above the limit established for the zone in which the building is erected.

Section 23.5 Yard Modification

- (a) For any lot of record in any District wherein a single-family or two-family dwelling or mobile home is principally permitted and/or if such use is existing, if the lot does not meet the minimum lot area and/or minimum lot width for the district in which it is located, the following modifications shall apply:
 - (1) The sum of the side yard widths of such lots shall be a minimum of thirty percent of the lot width, and in no case shall any one side yard be less than ten percent of the width of the lot.
 - (2) The depth of the rear lot from the principal permitted use to the property line shall be a minimum of twenty-five (25) percent of the depth of the lot.
- (b) In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two.

Section 23.6 Exception - Minimum Distance from a Single-Story Utility or Storage Shed

The requirements of Section 23.5 notwithstanding, the minimum distance to a lot line in any District from a single-story utility or storage shed not exceeding 100 square feet shall be five (5) feet.

Section 23.7 Mobile Home: Temporary Use

In any District where mobile homes are prohibited, a mobile home may be authorized by the Planning and Zoning Commission as a temporary residence in those cases where the permanent dwelling has been destroyed by fire, windstorm, explosion, act of public enemy, or accident, and provided that restoration of the permanent dwelling is begun within one year of the date of destruction. In no case shall the mobile home remain on the lot for more than two years, and in all cases it shall be removed within thirty (30) days of the completion of the permanent dwelling. The placement of the mobile home shall be subject to the requirements of Section 22.54 and to the minimum lot area, lot width, and yard requirements of the District in which it is located.

ARTICLE 24 - ADMINISTRATION

Section 24.1 Administration of the Zoning Ordinance

- (a) The provisions of this Ordinance shall be administered by the Washington County Planning Commission and the Zoning Administrator. The Commission and the Zoning Administrator may delegate routine administrative functions. In particular, the Zoning Administrator may designate County employees as zoning officials authorized to issue citations charging civil zoning violations pursuant to Md. Code, Article 66B, §7.02. An appeal from a decision of the Planning Commission or the Zoning Administrator shall be made to the Board of Appeals as provided in Section 25.4.¹⁶⁶
- (b) All departments, officials and public employees of Washington County which are vested with the duty or authority to issue permits or licenses shall issue no permit or license for any use, building or purpose if the same would be in conflict with the provisions of this Ordinance.

Section 24.2 Zoning Permits^{167 168 169}

- (a) It shall be unlawful for an owner to use or to permit the use of any building, structure or land or part thereof hereafter created, erected, changed, converted or enlarged, wholly or partly, except buildings used specifically for private farming use in accordance with Article 28A – Agricultural Structure, until a zoning permit shall have been issued by the Zoning Administrator and shall comply with Section 4.9 and/or Article 22, Division IX of this Ordinance. A zoning permit shall be revocable, subject to continued compliance with all requirements and conditions.
- (b) All applications for zoning permits shall be accompanied by plans drawn to scale, showing the dimensions and shape of the lot to be built upon; the size and location of existing buildings, if any; and the location and dimensions of the proposed building or alteration. Where no buildings are involved, the location of the present use and/or proposed use to be made of the lot shall be shown. The application and/or plans shall include such other information as may be required by the Zoning Administrator to determine conformance with and provide for the enforcement of this Ordinance. The plans shall be retained in the office of the Zoning Administrator.

¹⁶⁶ **Revision 13, Section 24.1(a) amended 8/10/04 (RZ-04-005)**

¹⁶⁷ **Revision 3, Section 24.2(a) amended 12/12/89 (RZ-437)**

¹⁶⁸ **Revision 13, Section 24.2 amended 8/10/04 (RZ-04-005)**

¹⁶⁹ **Revision 15, Section 24.2(a) amended 9/19/06 (RZ-06-007)**

- (c) The Zoning Administrator shall approve the issuance of a zoning permit only if the application complies with the requirements of this Ordinance, and provided that such zoning permit shall be conditioned where necessary on the approval of the County Health Officer, State and/or County Highways Agency, or any other agency concerned, and provided the application is accompanied by the required fee. The Zoning Administrator shall maintain a record of all zoning permits and copies shall be furnished upon request to any person upon payment of the cost therefor. If a zoning permit is issued, such approval and issuance thereof does not sanction variances from the terms of this Ordinance.
- (d) If the Zoning Administrator shall find any of the provisions of this Ordinance being violated, the Zoning Administrator shall notify in writing by certified mail, the owner or the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; and shall, unless compliance is met within a reasonable time, take any other action authorized by this Ordinance to ensure compliance with or prevent violation of its provisions.
- (e) The Zoning Administrator shall approve or disapprove the issuance of a zoning permit within sixty (60) days of the initial filing date. Failure of the Zoning Administrator to act within sixty (60) days of said period shall automatically be considered an approval of said zoning permit application. A zoning permit shall become void one (1) year after the date of issuance if the construction or use for which the permit was issued has not been started.
- (f) Reapplication for a zoning permit shall not be accepted for filing by the Zoning Administrator until conditions of disapproval have been met.

Section 24.3 Zoning Use Permits and Filing Fees^{170 171 172}

- (a) Permits for a main or principal use shall also cover any accessory use established at the time on the same lot or tract of land.
- (b) The Board of County Commissioners shall establish, by resolution, fees for certain services rendered in connection with this Ordinance.
- (c) A refund will be made to an applicant charging an administrative error that is upheld by the Board. There shall be no other refunds of any other fee paid.
- (d) Notwithstanding any other provisions of this Ordinance, the following uses are exempt from fees:

¹⁷⁰ **Revision 3, Section 24.3(b) and (c) amended and 24.3(g) added 7/31/90 (RZ-446)**

¹⁷¹ **Revision 13, Section 24.3 amended 8/10/04 (RZ-04-005)**

¹⁷² **Revision 15, Section 24.3(b) repealed and replaced 4/25/06,eff. 7/1/06 (RZ-06-001)**

- (1) Government bodies, government owned and/or operated utilities and agriculture.
- (e) The zoning permits issued based on applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such applications.
- (f) The construction, erection, alteration, remodeling, extension or movement of any use or structure without a zoning permit shall be deemed a violation of this Ordinance. This shall not be construed to mean a rearrangement of equipment within an existing facility.
- (g) Rezoning applications submitted by property owners requesting the "Historic Preservation - HP" overlay zone shall be exempt from paying the rezoning application fee.

Section 24.4 Commission Review and Action

- (a) The Commission shall approve or disapprove the proposed site and/or development plan within sixty (60) days of the initial filing for PB, PI, PUD and HI Districts. Failure of the Commission to act within sixty (60) days of said period shall automatically be considered approval of said plans.
- (b) An application for site and/or development plan approval for PB, PI, PUD and HI Districts shall not be accepted for filing by the Commission if the application is for approval of the whole or part of any land, the approval of which has been denied by the Commission, within twelve (12) months from the date of the Commission's decision.
- (c) An application for site and/or development plan approval for PB, PI, PUD and HI Districts shall include the applicable requirements of the Subdivision Ordinance, as adopted or hereafter amended.

ARTICLE 25 - BOARD OF APPEALS

Section 25.1 Created; Name; Number, Term of Office, Removal, Etc. of Members

The Board of Appeals of Washington County consisting of five members is hereby created. Their terms of office, succession, removal, filling of vacancies, alternate membership, and their powers and duties shall be as provided in Article 66B, Annotated Code of Maryland.¹⁷³

Section 25.2 General Powers¹⁷⁴

The Board shall have the following powers:

- (a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in regard to the enforcement of this Ordinance, the Washington County Forest Conservation Ordinance, or of any ordinance adopted thereto.
- (b) To hear and decide special exceptions to the Ordinance upon which the Board is required to pass.
- (c) To authorize a variance from height, lot area, yard regulations, parking space requirements, sign regulations, distance requirements specified in Section 4.9, buffer requirements and other distance or dimensional requirements of the Ordinance.
- (d) In exercising the above-mentioned powers, the Board may, in conformity with the provisions of law and this Ordinance and amendments thereto, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and make such order, requirement, decision or determination as ought to be made.
- (e) The Board is also empowered to adopt and promulgate such rules and regulations as it shall deem necessary in the conduct of its hearings and the issuance of its decisions or testimony pertaining to its hearings.

Section 25.3 Organization; Meetings, Authority to Administer Oaths and Compel Attendance of Witnesses; Technical Assistance; Minutes of Proceedings; Records

¹⁷³ See Annotated Code of Maryland, 1970, Article 66B, 4.07

¹⁷⁴ Revision 1, Section 25.2(c) amended 1/10/89 (RZ-413)
Revision 6, Section 25.2(a) amended 2/9/93 (RZ-92-16)

The Board shall be organized and its rules shall be amended, if necessary, in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at such time as the Board may determine.

The chair, or in his absence, the acting chair, may administer oaths and compel the attendance of witnesses. For assistance in reaching decisions relative to appeals, conditional uses, or variances, the Board may request testimony at its hearings for purposes of securing technical aid or factual evidence from the Commission or any County agency. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, and shall keep records of all its official actions, all of which shall be filed in the office of the Board and shall be a public record.

Section 25.4 Appeals to the Board

An appeal to the Board may be taken by any person aggrieved or by any officer, department, board, commission or bureau of the County affected by any decision of the Planning and Zoning Commission or the Historic District Commission. Such appeal shall be taken within thirty (30) days after the decision by filing with the appropriate Commission and with the Board, a Notice of Appeal, specifying the grounds thereof. The appropriate Commission shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

Section 25.5 Hearings by the Board

Section 25.51 Hearings

Action required after filing of application. Upon the filing of an application before the Board, the following action shall be taken preparatory to holding a hearing thereon:

- (a) The Board shall hold a hearing no later than thirty (30) days from the date the appeal is taken. Applicants and other parties may petition the Board for continuance or change of said dates for good cause shown.
- (b) Notice of the hearing shall be advertised in two consecutive issues of a newspaper having general circulation in the County. The first insertion shall appear in such newspaper at least fifteen (15) days prior to such hearing.
- (c) Property upon which the application or appeal is concerned shall be posted conspicuously by a zoning notice no less in size than twenty-two (22) inches by twenty-eight (28) inches at least fourteen (14) days before the date of the hearing.
- (d) The Board, in its discretion, upon request, or upon its own motion, may visit the specific property in question prior to or after the hearing in order to make proper determination of all applicable facts.

Section 25.52 Hearings - Holding of Hearing; Appearance at Hearing

The Board, following such action above, shall hold such hearing. At the hearing, any party may appear and be heard in person or by agent or attorney.

Section 25.53 Hearings - Postponement

- (a) Requests for postponement of a scheduled hearing shall be filed in writing with the Board not less than ten (10) days prior to the date of hearing, and shall be accompanied by a sum of money sufficient to pay the cost of advertising the postponement and the rescheduled hearing. The granting of such requests shall be at the discretion of the Board.
- (b) Requests for postponement filed later than ten (10) days prior to the date of a scheduled hearing, shall, in addition to the other requirements set forth in subsection (a) above, be supported by an affidavit of the party making the request or of some other creditable person. The granting of such request shall be at the discretion of the Board in cases of extreme hardship or upon good cause shown.
- (c) In any case, no more than three (3) postponements over a period of ninety (90) days are allowed.

Section 25.54 Hearings - Continuance

The Board may continue a hearing at another time and/or date once such hearing has been started; however, the Board shall announce the date and hour of continuance of such hearing while in session.

Section 25.55 Hearings - Decision by the Board; Appeal From Decision by the Board

The Board shall render a decision within thirty (30) days after completion of the hearings. If the decision is not rendered in writing within said period of time, the appeal shall be considered to have been decided in favor of the applicant. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board, bureau of the jurisdiction, may appeal the same to the Circuit Court of Washington County in a manner set forth in Section 4.08 of Article 66B of the Annotated Code of Maryland, 1970 Edition. The Court may affirm, reverse, vacate or modify the decision complained of in the appeal.

Section 25.56 Variances¹⁷⁵

A variance may be granted by the Board upon a showing of criteria of practical difficulty or undue hardship described below respectively:

¹⁷⁵ **Revision 1, Section 25.56 added 1/10/89 (RZ-413)**

A. Practical Difficulty

1. Strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. Denying the variances would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief; and
3. Granting the variance would observe the spirit of the Ordinance and secure public safety and welfare.

B. Undue Hardship

1. Strict compliance with the Ordinance would prevent the applicant from securing a reasonable return from or to make reasonable use of the property; and
2. The difficulties or hardships are peculiar to the property and contrast with those of other property owners in the same district; and
3. The hardship is not the result of the applicant's own actions.

Section 25.6 Limitations, Guides and Standards¹⁷⁶

Where in these regulations certain powers are conferred upon the Board or the approval of the Board is required before a permit may be issued, or the Board is called upon to decide certain issues, the Board shall study the specific property involved, as well as the neighborhood, and consider all testimony and data submitted, and shall hear any person desiring to speak for or against the issuance of the permit. However, the application for a permit shall not be approved where the Board finds the proposed building, addition, extension of building or use, sign, use or change of use would adversely affect the public health, safety, security, morals or general welfare, or would result in dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the Board shall consider any other information germane to the case and shall give consideration to the following, as applicable:

- (a) The number of people residing or working in the immediate area concerned.
- (b) The orderly growth of a community.
- (c) Traffic conditions and facilities.
- (d) The effect of such use upon the peaceful enjoyment of people in their homes.
- (e) The conservation of property values.

¹⁷⁶

Revision 1, Section 25.6 amended 1/10/89 (RZ-413)

- (f) The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values.
- (g) The most appropriate use of land and structure.
- (h) Decision of the courts.
- (i) The purpose of these regulations as set forth herein.
- (j) Type and kind of structures in the vicinity where public gatherings may be held, such as schools, churches and the like.

Section 25.7 Disapproval of Application

If the application is disapproved, thereafter the Board shall take no further action on another application for substantially the same proposal, on the same premises, until after twelve (12) months from the date of such disapproval.

Section 25.8¹⁷⁷

¹⁷⁷

Revision 5, Section 25.8 deleted 5/19/92 (RZ-92-5)

ARTICLE 26 - ENFORCEMENT¹⁷⁸

Section 26.1 Violations; Penalties, Continuing Offenses¹⁷⁹

As provided in Section 7.01 of Article 66B of the Annotated Code of Maryland, a violation of this Ordinance is declared to be a misdemeanor, and any person, firm or corporation convicted of violating any provisions of this Ordinance shall be fined not more than one thousand (\$1,000.00) dollars. Each day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues shall be deemed a separate offense.

Section 26.2 Injunctive, Etc., Relief¹⁸⁰

In addition to other remedies, the County Commissioners, the Planning Commission, or any adjacent or neighboring property owner may institute injunction, mandamus, abatement, or other appropriate action or proceedings to compel compliance with the provisions of this Ordinance.

Section 26.2.1 Civil zoning violations¹⁸¹

- (a) *Civil penalty established.* In addition to and not in substitution for any other penalty imposed for a violation hereof, or for any other right or remedy available hereunder, there is hereby established a civil penalty for a violation of this chapter.
- (b) *Definitions.*
 - (1) "Zoning official" means a county employee assigned to the Permits and Inspections Department with the duty of enforcing the Zoning Ordinance.
 - (2) "County" means Washington County, Maryland.
- (c) *Service of citation.*
 - (1) A zoning official may deliver a citation to a person believed to be committing a civil zoning violation.
 - (2) The zoning official shall keep a copy of the citation.
 - (3) The citation shall bear a certification attesting to the truth of the matters set forth in the citation.
- (d) *Contents of citation.*
 - (1) The name and address of the person charged;

¹⁷⁸ Revision 4, Section 26.1 amended 12/10/91 (RZ-91-19)

¹⁷⁹ Revision 13, Section 26.1 amended 8/10/04 (RZ-04-005)

¹⁸⁰ Revision 13, Section 26.2 amended 8/10/04 (RZ-04-005)

¹⁸¹ Revision 13, Section 26.2.1 added 8/10/04 (RZ-04-005)

- (2) The nature of the violation;
 - (3) The location and time of the violation;
 - (4) The amount of the fine;
 - (5) The manner, location, and time in which the fine may be paid; and
 - (6) The cited person's right to elect to stand trial for the violation.
- (e) *Civil penalties (fines).*
- (1) The County Commissioners may provide by resolution for a schedule of fines not exceeding \$500 that may be imposed for each violation, to be amended from time to time.
 - (2) The County Commissioners also may:
 - a. Establish a schedule of additional fines for each violation; and
 - b. Adopt procedures for the collection of the fines.
 - (3) A fine may be imposed for each day a violation exists, as each day the violation exists is a separate offense.
 - (4) Failure to correct a violation after expiration of the time for correction stated in a citation is a separate offense.
 - (5) Any person who receives a citation for a zoning violation which imposes a fine shall pay the fine as set forth on the citation, within 15 days after receipt of the citation, to the Washington County Treasurer, 35 West Washington St., Hagerstown, MD 21740.
 - (6) Any person who fails to pay a fine imposed under this section within 15 days after the date notice was sent to such person shall be liable for twice the fine which that person had failed to pay.
- (f) *Election to stand trial on citation.*
- (1) A person who receives a citation may elect to stand trial for the offense by filing with the zoning official a notice of intention to stand trial.
 - (2) The person electing to stand trial shall give notice at least 5 days before the date set forth in the citation for the payment of fines.
 - (3) After receiving a notice of intention to stand trial, the zoning official shall forward the notice to the District Court having venue, with a copy of the citation.
 - (4) After receiving the citation and notice, the District Court shall schedule the case for trial and notify the defendant of the trial date.
 - (5) All fines, penalties, or forfeitures collected by the District Court for zoning violations shall be remitted to the county in which the zoning violation occurred.

- (g) *Failure to pay citation or file notice of intention to stand trial.*
- (1) If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the violation shall be sent to the owner's last known address.
 - (2) If the citation is not satisfied within 15 days after the date the formal notice of violation is mailed, the person shall be subject to an additional fine not exceeding twice the amount of the original fine.
 - (3) If the person who receives the citation does not pay the citation by the 36th day after the formal notice of violation is mailed, the zoning official may request the District Court to adjudicate the violation.
 - (4) After the zoning official requests adjudication, the District Court shall schedule the case for trial and summon the defendant to appear.
- (h) *Proceedings before the District Court.*
- (1) If any person shall be found by the District Court to have committed a zoning violation:
 - a. The District Court shall order the person to pay the fine, including any doubling of the fine, to an amount not to exceed \$1,000;
 - b. The fines imposed shall constitute a judgment in favor of the county; and
 - c. If the fine remains unpaid for 30 days following the date of its entry, the judgment shall be enforceable in the same manner and to the same extent as other civil judgments for money unless the Court has suspended or deferred the payment of the fine as provided under subparagraph (ii) of this paragraph;
 - d. The District Court may suspend or defer the payment of any fine under conditions that the Court sets;
 - e. The person shall be liable for the costs of the proceedings in the District Court; and
 - f. The Court may order the person to abate the violation or enter an order permitting the county to abate any such violation at the person's expense.
 - (2) If the county abates a violation pursuant to an order of the District Court, the county shall present the defendant with a bill for the cost of abatement by:
 - a. Regular mail to the defendant's last known address; or
 - b. Any other means that are reasonably calculated to bring the bill to the defendant's attention.

- c. A citation may be delivered either by personal delivery to the person named on the citation or by mail to the person named on the citation at the address of the zoning violation or the address to which tax bills for the property are sent, or both.
 - d. For purposes of this section, notice is effective if given by mail, and delivery of a citation is effective if accomplished by mail at the end of the fifth day after deposit in the mail, postage prepaid, of the notice or citation, respectively.
- (3) If the defendant does not pay the bill within 30 days after presentment, upon a motion of the county, the District Court shall enter a judgment against the defendant for the cost of the abatement.
 - (i) *Remission of fines to county.* All fines, penalties, or forfeitures collected by the District Court for a civil zoning violation shall be remitted to the county.
 - (j) *Contempt.* If a defendant fails to pay any fine or cost imposed by the District Court without good cause, the District Court may punish the failure as contempt of court.
 - (k) *Civil nature of adjudication.* Adjudication of a civil zoning violation, as defined in this section, is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.
 - (l) *Procedural matters at trial.* In any proceeding for a civil zoning violation:
 - a. It shall be the burden of the county to prove that the defendant has committed the violation by clear and convincing evidence, and in any such proceeding, the District Court shall apply the evidentiary standards as prescribed by law or rule for the trial of civil causes;
 - b. The District Court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;
 - c. Defendant shall be entitled to cross-examine all witnesses who appear against the defendant, to produce evidence or witnesses in the defendant's own behalf, or to testify in the defendant's own behalf, if the defendant elects to do so;
 - d. Defendant shall be entitled to be represented by counsel of the defendant's own selection and at the defendant's own expense; and
 - e. Defendant may enter a plea of guilty or not guilty of the civil zoning violation as charged, and the verdict of the District Court shall be guilty of a civil zoning violation or not guilty of a civil zoning violation, or the District Court may, before rendering judgment, place the defendant on probation.
 - (m) *Court costs.* The court costs in a civil zoning violation proceeding in which costs are imposed are \$5. A defendant may not be liable for payment to the Criminal Injuries Compensation Fund.

- (n) *Prosecution of civil zoning violations.*
 - (1) *State's Attorney.* The State's Attorney of any county is authorized to prosecute a civil zoning violation and is authorized to enter a nolle prosequi in such cases or to place such cases on the stet docket.
 - (2) *Other attorneys.* Notwithstanding the provisions of paragraph (1) of this subsection, the county may designate an attorney to prosecute any civil zoning violation in the same manner as the State's Attorney of any county. Any attorney so assigned shall have full authority to settle such violations, including the power to enter into agreements on behalf of the county to resolve the violation, and the authority to dismiss the citation.

Section 26.3 Authority to Enter

In the discharge of duties delegated by the Planning Commission pursuant to the provisions of Section 24.1 of this Ordinance, the person or persons with the authority for performing routine administrative functions shall have the authority to enter onto any tract or parcel of land at a reasonable hour in the jurisdiction to enforce the provisions of this Ordinance. However, those persons who are delegated with the administrative function shall not enter any dwelling or structure without the consent of the property owner.

ARTICLE 27 - AMENDMENTS

Section 27.1 Procedure¹⁸²

These regulations, restrictions, and provisions, and the boundaries of the districts provided for herein may from time to time 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, report and recommendation.

A text amendment to the Zoning Ordinance shall be made utilizing the procedure in Section 27.2. The findings of fact contained in Section 27.3 are not necessary for a text amendment. It shall not be necessary for the Board of County Commissioners to receive the recommendation from the Planning and Zoning Commission before holding the public hearing in accordance with Section 4.04 of Article 66B of the Annotated Code of Maryland as required by Section 27.2.

A map amendment shall be made by utilizing the procedure contained in Section 27.2, Public Hearings, and after making the findings of fact contained in Section 27.3, facts to be considered by the County Commissioners in making a map amendment.

Section 27.2 Public Hearings¹⁸³

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 (1) 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 become effective until 10 days after the hearing.

¹⁸² **Revision 2, Section 27.1 amended 8/1/89 (RZ-427)**

¹⁸³ **Revision 2, Section 27.2 amended 8/1/89 (RZ-427)**

Section 27.3 Findings of Fact¹⁸⁴

Facts to be considered by the County Commissioners in making 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) That there was a substantial change in the character of the neighborhood where the property is located.
- (h) That 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 Additional Conditions

The Board of County Commissioners upon the zoning or rezoning of any land or lands pursuant to the provisions of this Article, 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.

¹⁸⁴

Revision 2, Section 27.3 amended 8/1/89 (RZ-427)

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 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 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 the reclassification of which has been opposed or denied by the Board of County Commissioners on the merits as herein above provided within twelve (12) months from the date of the Board's decision.

Section 27.7 Scale Drawing to Accompany Applications for Map Changes

Every application for a change in zoning of district boundaries shall be accompanied by 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.

ARTICLE 28 – DEFINITIONS¹⁸⁵

(Article 28 – deleted and replaced with Article 28A)

¹⁸⁵ Revision 14 – Article 28 deleted and replaced with Article 28A, July 26, 2005 (RZ-03-005)

ARTICLE 28A - DEFINITIONS¹⁸⁶

Section 28A.0 Purpose

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The present tense includes the singular. The word "shall" is mandatory; the word "may" is permissive. The words "used for" shall include "arranged for", "designed for", "intended for", "maintained for", "constructed for", or "occupied for." The word "lot" includes the words "plot" or "parcel." Words or terms not specifically defined below shall have the definition provided in a standard dictionary.

Abrasive Cleaning:

The mechanical or manual process, and the equipment used in the process to clean, smooth, grind, cut, decorate or in any other way alter or remove the exterior surface of a structure or individual materials such as, but not limited to, sand, shells or other grit-like material under more than normal atmospheric pressure with or without a secondary transporting medium such as water or some other liquid, e.g. sandblasting.

Accessory Use or Structure:

A Use or Structure on the same premises with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Adopted Plan:

Comprehensive Plan for the County, Land Use Plan Map and associated policies.

Adult Entertainment:

An establishment consisting of, including, or having the same characteristics of any or all of the following:

Adult Bookstore: An establishment which has books, magazines, or other periodicals as a substantial or significant portion of its stock in trade with such establishment customarily not being open to the public in general but only to one or more classes of the public, excluding any minor by reason of age.

Adult Mini-Motion Picture Theater: An enclosed building with a capacity for less than 50 persons used for presenting motion pictures or slides with such establishment customarily not being open to the public generally but only to one or more classes of the public, excluding any minor by reason of age.

¹⁸⁶ Revision 14, Article 28 replaced in its entirety 7/26/05 (RZ-03-005)

Adult or Child Day Care Center:

An establishment, including nursery schools, not part of a residence that provides for the care, supervision, and protection of persons on a less than 24 hr/ day basis.

Agriculture:

The raising of farm products for use or sale, including animal or poultry husbandry, animal husbandry facilities, aquaculture, and the growing of crops such as grain, vegetables, fruit, grass for pasture or sod, trees, shrubs, flowers and similar products of the soil.

Agricultural Operation:

Any parcel of land that has an agricultural assessment as determined by the Maryland State Department of Assessments and Taxation.

Agricultural Structure:¹⁸⁷

A structure associated with an agricultural operation, which is not associated with human occupancy or have access by the general public. Agricultural structures may be constructed without need to obtain a building permit; however, setbacks shall be met in accordance with the district that it is located, and an agricultural structure certificate is required. Structures associated with animal husbandry facilities shall be in accordance with Article 22 Division IX of this Ordinance.

Agricultural Structure Certificate:

A use certificate issued for an agricultural structure upon submittal and review of a scaled drawing.

Alteration:

Shall mean any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction or removal of any structure.

Animal Husbandry Facility:

The structures used for housing, breeding and managing the waste of dairy or beef cattle, sheep, goats, swine, horses, poultry, fowl and any other species managed for use or sale. Structures for milk or livestock production are also included.

Animal Husbandry Facility, Expansion:

Increasing an existing facility's outside dimensions for the purpose of housing additional animals and/or management or storage of additional animal waste.

¹⁸⁷

Antenna Support Structure:

Any existing building or structure, other than a Commercial Communications Tower, with any accompanying device which attaches the commercial communications equipment to the existing building or structure which may be located either inside or outside the attachment structure.

Area, Land:

Land area refers to new land area, exclusive of streets and other public space.

Area, Building (Building Coverage):

The horizontal projected area of a building or its accessory buildings, excluding roof overhangs and uncovered steps and porches. All horizontal measurements shall be made between exterior fences or walls.

Area, Floor:

The sum of the gross area of the several floors of a building, measured from the exterior faces or walls. Floor area does not include cellar space used for storage, heating, and other miscellaneous equipment, or attic space with less than eight feet headroom.

Assisted Living Facility:

A building or section of a building, or a residence that provides a residential environment assisted by congregate meals, housekeeping, personal services, and limited nursing for persons who have temporary or periodic difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility, and for persons who have physical or developmental disabilities.

Automobile Service Station:

A building, lot, or both, where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where automobile servicing and minor repairs are provided. Uses at a service station do not include major mechanical and body work, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in such stations. A service station is not a repair and service garage or a body shop.

Automobile Parking Lot or Garage, Commercial:

A lot or building or portion thereof, other than an automobile sales lot used for the storage or parking of six or more motor vehicles for a consideration, where service or repair facilities are not permitted. Such parking lot or garage shall not be considered an accessory use, nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

Automobile Sales Lot:

A lot arranged, designed, or used for the storage and display for sale of any motor vehicle, eligible for an inspection sticker, or any type of trailer provided the trailer is unoccupied and where no repair work is done except minor incidental repair of automobiles or trailers displayed and sold on the premises. An automobile sales lot shall not be used for the storage of dismantled or wrecked motor vehicles.

Bed & Breakfast:

An owner-occupied residential structure providing rooms for temporary, overnight lodging, with or without meals, for paying guests. A Bed & Breakfast may be an accessory use when located within the principle structure in the A, EC, P and RV Districts.

Board:

The Board of Appeals.

Boarding House:

A dwelling unit or part thereof in which, for compensation, lodging and meals are provided.

Buildable Area:

The portion of a lot remaining after required yards have been provided.

Building:

Any structure, which is permanently affixed to the land; and has one or more floors and a roof; and is bounded by either open area or the lot lines of a zoning lot. For regulatory purposes, the term "building" shall not include mobile homes, tents, or other "portable" housing which may be attached to a foundation, but this exception shall not exclude factory constructed buildings which are transported to a site and erected on a permanent foundation.

Building/Dwelling Cleaning Services:

Businesses primarily engaged in providing exterior maintenance services, in the form of cleaning rather than repair, to buildings and dwellings for the purposes of seasonal routine maintenance not to include: pest control, landscaping care and maintenance, janitorial service, or building repair.

Building, Height of:

The vertical distance measured from the level of approved street grade opposite the middle of the front of the building to the highest point of roof surface of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip, or gambrel roof; except that, if a building is located on a terrace, the height above

the street grade may be increased by the heights of the terrace. In the case of a building set back from the street line thirty-five (35) feet or more, the building height is measured from the average elevation of finished ground surface along the front of the building.

Building Line:

The line established by law beyond which a building shall not extend as determined by front, side and rear yards therein.

Carpentry or Woodworking Shop:

A facility engaged in the production of products from wood. Such operations may include, but are not limited to, the making of furniture. Hobby activities conducted by the resident of the property are excluded from this definition.

Certified Adult Residential Environment (C.A.R.E.) Homes:

See Section 4.23.

Child Day Care Center:

See Adult/Child Day Care Center.

Clinic:

An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more licensed physicians, dentists, other medical personnel, psychologists, or social workers and where patients are not lodged overnight.

Colleges, Public or Private:

A college or university authorized by the state to offer degrees and no larger than sixty (60) acres in land area where permitted by special exception.

Commercial Communications Tower:

A self-supporting lattice, guyed, or monopole structure constructed to support commercial communications equipment.

Commercial Communications Equipment:

Any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon a commercial communications tower or antenna support structure.

Commission:

The Washington County Planning Commission.

Comprehensive Care Facility:

A building or group of buildings that contain independent dwelling units, facilities for assisted living, and facilities for nursing or convalescent care on the same site.

Concrete Operations:

Concrete and ceramic products manufacture, including ready-mix concrete plants shall not exceed five (5) acres in size where permitted by special exception without a specific finding of compatibility of the use by the Board of Appeals.

Construction Started:

For the purposes of this Ordinance, construction will be deemed to have begun when all the necessary excavation and piers and/or footings of one or more buildings or structures covered by the permit have been completed.

Contractor's Storage Yard:

The temporary or permanent storage of contractor's equipment and/or supplies relating to any of the building trades that are located outside of permanent structures on a parcel of land and that may or may not include office space and a maintenance area.

- A. Low intensity storage: shall be defined as a storage yard of 2,500 square feet or less that allows for storage of up to 5 individual pieces of equipment, including company vehicles, and employs 3 people or less.
- B. High intensity storage: shall be defined as a storage yard of more than 2,500 square feet that allows for the storage of more than 5 individual pieces of equipment, including company vehicles, and employs 4 people or more.

Convenience Store:

Any retail establishment offering for sale: prepackaged or pre-processed food products, household items, and other goods commonly associated with the same and having a gross floor area of 5,000 square feet or less. Such establishments may also sell gasoline at retail prices. The area utilized for the sale of gasoline shall be considered as part of the gross floor area.

Court:

An open, uncovered outdoor space enclosed on two or more sides by exterior walls or buildings on the same lot.

Crematories:

Facilities designed for the cremation of human and animal bodies. Such facilities are considered as an accessory use when operated in conjunction with a funeral home or cemetery.

Dairy Products Store:

A retail establishment offering for sale dairy products produced on-site and that is accessory to a principal agricultural use of a property.

Declaration of Intent:

A signed and notarized statement by the landowner of the owner's agent certifying that the activity on the landowner's property:

- A. Is for certain activities exempted under the Washington County Forest Conservation Ordinance, and
- B. Does not circumvent the requirements of the Forest Conservation Ordinance.

Dwelling:

A building containing one or more dwelling units. The term "dwelling" or any combination thereof shall not be deemed to include hotel, rooming house, motel, clubhouse, hospital, or other accommodations used for more or less transient occupancy.

- A. Dwelling, Detached: A dwelling that is not attached to any other dwelling by any means.
- B. Dwelling, Group ("Condominium"): A building, or group of buildings consisting only of dwelling units that occupy a single parcel of land in one ownership and have any yard or service area in common.
- C. Dwelling, Multiple-Family ("Apartment"): A building containing three or more dwelling units.
- D. Dwelling, Semi-Detached: One of two buildings arranged or designed as dwelling units, located on abutting lots, separated from each other by a party wall, without openings, extending from the cellar floor to the highest point of the roof along the dividing lot line, and separated from any other building or structures by space on all sides.
- E. Dwelling, One-Family: A building containing not more than one dwelling unit and not occupied by more than one family and is not attached to any other dwellings by any other means.

- F. Dwelling, Town House: A one family dwelling in a series of three or more attached dwelling units, each with its own access points, located side by side, and separated from one another by continuous vertical party walls without openings from basement floor to roof.
- G. Dwelling, Two-Family ("Duplex"): A building located on one zoning lot containing not more than two dwelling units, arranged one above the other or side by side, and not occupied by more than two families.

Dwelling Unit:

One or more rooms in a residential building or in a mixed building, which are arranged, designed, used or intended for use by one or more persons living together and maintaining a common household, and which include lawful cooking space and lawful sanitary facilities reserved for the occupants therefor.

Essential Utility Equipment:

This term comprises underground or overhead electrical, gas, communications, water or sewerage systems, including electrical poles, towers or pole structures, wires, lines, mains, drains, sewers, conduits, cables, fire alarm boxes, public telephone stations, police call boxes, traffic signals, hydrants, regulating and measuring devices, and the structures in which they are housed, and other similar equipment and accessories in connection therewith. It does not include Commercial Communications Towers, nor does it include buildings, yards, stations used for storage, repair or processing of equipment or material, and does not include buildings, yards, stations, or substations for transforming, boosting, switching or pumping purposes, where such facilities are constructed on the ground.

Explosives:

For the purpose of this Ordinance, an explosive shall be defined as any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion.

Exterior Features:

Shall mean the architectural style, design and general arrangement of the exterior of an historic resource, including the nature and texture of building materials, and the type and style of all windows, doors, light fixtures, signs or other items found on or related to the exterior of an historic resource.

Family:

A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Farm:

See Agriculture or Agricultural Operation.

Farm Animal:

Any animal maintained or used for the production of food or fiber or for other agricultural purposes.

Flood Plain, One-Hundred (100) Year:

That area which would be inundated by stormwater runoff equivalent to that which would occur with a rainfall of one hundred (100) year frequency after total development of the watershed.

Flood Plain Management Ordinance:

The Washington County Floodplain Management Ordinance adopted by the Board of County Commissioners for Washington County on July 1, 1992, and any subsequent revisions, for the unincorporated areas of Washington County, Maryland.

Forest Conservation Ordinance:

The Washington County Forest Conservation Ordinance adopted by the Board of County Commissioners for Washington County on February 2, 1993, and any subsequent revisions, incorporating by reference the Washington County Forest Conservation Technical Manual.

Forest Conservation Plan:

The detailed plan and supporting documents prepared for a site proposed for development and/or improvement which shows how forest conservation reforestation or afforestation will be completed, in accordance with the Forest Conservation Ordinance and the Washington County Forest Conservation Technical Manual.

Forest Stand Delineation:

The detailed methodology and document for evaluating existing trees and vegetation on a site proposed for development, and/or improvement in accordance with the Forest Conservation Ordinance and the Washington County Forest Conservation Technical Manual.

Frontage:

The length of the front lot line of a zoning lot abutting a public street, road, or highway, or rural right-of-way.

Garden shop, Nursery, Greenhouse:

An establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, and tools and other garden supplies to the general public.

Garage:

Garage, Residential: An accessory building, portion of a main building, or building attached thereto, used for the storage of private motor vehicles, fifty (50%) percent of which may be for the storage of a commercial vehicle.

Garage, Service: A garage, other than a residential garage, where motor vehicles, trailers, or other types of equipment are stored, equipped for operation, repaired, or kept for remuneration, hire or sale.

Hazardous Waste or Controlled Hazardous Substance:

Any substance that is a controlled hazardous substance or hazardous waste as those terms are defined in the Environment Article, Annotated Code of Maryland, as amended, or as defined by the United States Code, as amended.

Health Department:

The Maryland State Department of Health and Mental Hygiene or the Washington County Health Department.

Historic Resource:

Shall mean a district, landmark, site, building, structure, space or object, including its appurtenances and environmental setting, which can be linked historically through location, design, setting, materials, workmanship, and/or association, and which is significant in national, state or local history, architecture, archaeology or culture.

Home Association:

An incorporated, nonprofit organization operating under recorded land agreements through which:

- A. Each lot and/or home owner in a planned unit or other described land area is automatically a member; and
- B. Each lot is automatically subject to a charge for a proportionate share of the expenses for the Home Association's activities, such as common property maintenance.

Home Occupation:

Any use of a dwelling or accessory building conducted solely by a member or members of the family residing therein, which is incidental or subordinate to the main use of the building for dwelling purposes and meets all of the following criteria:

- A. The use does not exceed more than fifteen (15) percent of the floor space of the dwelling or accessory structure;
- B. The use does not generate vehicular parking, freight and delivery traffic or other nonresidential traffic to a greater extent than would normally result from residential occupancy;
- C. The use does not generate outside storage of equipment or supplies;
- D. And has no other evidence being visible, audible or abnormally odoriferous from the outside of the dwelling to indicate it is being used for anything other than residential purposes

Hospital:

An institution that is licensed as a hospital by the state and which receives inpatients and provides medical, surgical, psychiatric or obstetrical care. This term includes any health-related facilities, which are established in connection with a hospital and are located on the same site as the hospital. Such health-related facilities shall include, but not be limited to, diagnostic facilities, rehabilitation centers, laboratories, training facilities, outpatient care facilities, facilities for chronic or convalescent care and elderly housing.

Hotel:

A facility providing sleeping and lodging accommodations as well as amenity services such as restaurants, meeting rooms, entertainment, and recreational facilities, and with the majority of the rooms serviced by one main lobby entrance.

In Home Family and Child Day Care Facility:

An establishment located in a residence providing for care, supervision and protection of children on a less than 24 hr/day basis as provided for by Section 4.15.

Industrial Park:

The division of a tract of land which is eminently suitable for industrial use into small tracts or parcels according to a comprehensive plan for occupancy by a group of industries and has streets and utilities and conforming to the requirements of Article 18.

Junk:

Old or discarded scrap, copper, brass, iron, steel or other metals, or materials including but not limited to tires, household appliances, furniture, rope, rags, batteries, glass, rubber debris, waste, trash, construction debris, plumbing fixtures, or any discarded,

dismantled, wrecked, scrapped, junk or nuisance motor vehicles or parts thereof. Building materials stored on site for an active or pending construction project are not considered “junk” under this definition.

Junk Vehicle:

A vehicle that does not display a current license plate lawfully upon a vehicle; is partially dismantled, wrecked or extensively damaged or deteriorated; and is not capable of lawful operation on public roads.

Junk Yard:

Any area where waste, junk, trash, discarded or salvaged materials are bought, sold, exchanged, baled, parked, stored, disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building and not including permitted and approved pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, salvaged machinery and the processing of used, discarded, or salvaged material as part of manufacturing operations.

Kennel:

Any building or structure and/or land used, designed, or arranged for housing, boarding, breeding, or care of more than five (5) adult dogs, over the age of four (4) months, kept or bred for hunting, sale, exhibition, or training, for profit, but not including farm animals.

Landscape Contractor:

A business involved with the treatment of the ground surface with live vegetative materials or decorative surfacing, including, but not limited to mulch, stone or other materials. This can include both installations of materials as well as maintenance of such materials.

Lot:

A piece or parcel of land occupied or intended to be occupied by a principal building and its accessory buildings and uses, including all open spaces required by this Ordinance, and having a frontage on a street as defined herein.

- A. Lot, Corner: A lot abutting on two or more streets at their intersection where the interior angle of the intersection does not exceed one hundred thirty-five (135) degrees.
- B. Lot, Front of: The side or sides of an interior or through lot, which abut a street.

C. Lot Measurements:

1. Depth is the average horizontal distance between the front lot line and the rear lot line.
2. Width shall mean the horizontal distance between the side lot lines measured at the mid-point of the side lot lines.

D. Lot of Record: A lot which is part of a subdivision recorded in the office of the Clerk of Circuit Court of Washington County or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Machine Shop:

A business engaged in the machining of metal on a job basis. Services include: machining, drilling, machining, surface grinding, laser polishing, milling, boring and turning.

Map Amendment:

Any modification, change, addition, or amendment to the zoning maps contained in the Zoning Ordinance of Washington County, Maryland, including the creation, modification, change, addition or amendment to an overlay zone on a particular parcel of land located in Washington County, Maryland subject to the Zoning Ordinance of Washington County.

Meat Market:

A business engaged in the sale of edible meat, poultry and fish. A meat market may be considered an accessory use on a farm where the product are from animals raised on the property.

Mineral Extractive Operations:

Mineral extractive operations do not include or permit the incineration of hazardous waste or controlled hazardous substances as fuel for any purpose.

- A. Mineral Extraction: The removal of soil, sand, gravel, sandstone, limestone, shale, oil, gas, or other mineral from the ground.
- B. Mineral Processing: The sorting, breaking, beneficiation, storage or compounding of mineral resources.
- C. Mineral-Related Uses: All uses customarily related to mineral extraction and processing, including storage and maintenance of equipment, office space, and dwellings or mobile homes for company employees.
- D. Mineral-Based Manufacturing: The manufacture of products with a mineral base, including cement, lime, brick, tile, glass, and similar products.

Mineral extractive operations including any or all of the above operations are defined according to impact in the following categories:

1. Low Volume Operations: Operations in which the land area disturbed by mineral extraction is one (1) acre or less and no temporary or permanent structures are involved.
2. Moderate Volume Operations: Operations in which the land area devoted to mineral extraction and mineral processing is five (5) acres or less and greater than one (1) acre.
3. High Volume Operations: Operations in which the land area devoted to mineral extractive operations is greater than five (5) acres.

Mini-warehouses:

A single story structure containing separate cubicles, which are rented to the public for storage, purposes.

Minor Site Plan:

A simplified version of a site plan that may be submitted in accordance with Article 4.11 for uses that have been approved by the Board of Appeals and/or where the revisions or modifications to an existing site plan, building, or lot will not significantly change the developed areas of the site or building footprint, substantially increase traffic volumes, warrant substantial traffic flow improvements, require substantial public infrastructure improvements, is not in any sensitive area as defined in the Comprehensive Plan, and where the site has not been identified on County historical inventory records.

Mixed Use Building:

A structure or building that is occupied by two or more uses as defined in the Table of Land Uses. Each portion of the building shall be individually classified as to use and must meet the site requirements for each defined use.

Mobile Home:

A detached structure with the following characteristics:

It is designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems, and;

It is designed for transportation after fabrication on streets or highways on its own wheels, or on flatbeds or other trailers, or detachable wheels, and;

It arrives at the site where it is to be occupied complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like.

A travel trailer is not a mobile home. See "Travel Trailer."

Mobile Home Park:

A lot or tract of land used or intended to accommodate mobile homes for residential purposes with adequate public or community water and sewerage service meeting Health Department standards. A mobile home park does not include mobile home sales lots, on which unoccupied mobile homes are parked for inspection and sale.

Mobile Home Subdivision:

A residential development where separate tracts of land, specifically designed to accommodate mobile homes, are intended to be sold to mobile home owners with adequate public or community water and sewerage service meeting Health Department standards.

Model Home:

A dwelling constructed within a subdivision for the purpose of displaying various attributes and amenities of home construction and on a temporary basis. These dwellings may contain temporary sales areas for the purposes of marketing dwellings within the development that will be removed upon completion of the development.

Modular Unit:¹⁸⁸

A factory-fabricated transportable building unit established on a permanent foundation so as not to be deemed transportable after installation and designed to be used by itself or to be incorporated with similar units at a building site into a modular structure for residential, commercial, educational, or industrial uses.

Motel:

A facility providing sleeping accommodations with majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Motor Vehicle Garage:

A building or premises intended or operated for the major repair of motor vehicles including body-work, painting, spraying, welding or the temporary storage of vehicles not in operating condition.

Motor Vehicle or Vehicle:

All vehicles designed or intended to travel over land by self-propulsion or drawn by power other than muscular power, including trailers. Functional vehicles and equipment used for agricultural operations are excluded from this definition.

¹⁸⁸

Nonconforming Use:

A use of a building or of land lawfully existing at the time this Ordinance becomes effective and which does not conform with the use regulations of the district in which it is located.

Nuisance Vehicle:

A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle determined and declared to be:

- (a) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;
- (b) A point of heavy growth of weeds or other noxious vegetation over 12 inches in height;
- (c) A point of collection of pools or ponds of water;
- (d) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;
- (e) One which has areas of confinement which cannot be operated from the inside, such as trunks, engine compartments or glass, windows, or any exterior or interior fixtures, that present physical dangers to the safety and well-being of children or others;
- (f) One so situated or located so as to be in danger of falling or turning over;
- (g) One which is a point of collection of garbage, food waste, animal waste or any other rotten matter of any kind; or
- (h) One that has sharp parts that are jagged or contains sharp edges of metal or glass.

Nursing/Convalescent Home:

A facility which provides board, shelter and skilled nursing care to chronic or convalescent patients.

Nutrient Management Plan:

The farm specific field by field set of crop nutrient recommendations prepared by a nutrient management planner certified by the Maryland Department of Agriculture balancing nutrient sources including animal wastes, crop residues, commercial fertilizers and other materials containing nutrients.

Open Space:

Land provided and deemed necessary and desirable for present and future residents and citizens of the area including such land in stream valleys, natural woods, areas of unusual natural scenic beauty, local play lots, recreational subdivisions.

Pet Shop:

A separate commercial establishment that offers to sell live animals with the intent that they be kept as pets without outside areas or runways or exercise areas and a kennel license is not required.

Planned Business Center (Shopping Center) - Neighborhood, Community and Regional:

An integral development of three or more retail stores and/or service establishments for which an overall plan has been approved by the Planning and Zoning Commission and which contains the following minimum requirements:

- A. Neighborhood Shopping Center: A sales area of 16,000 square feet and/or a total of two acres.
- B. Community Shopping Center: A sales area of 100,000 square feet and/or a total of ten acres.
- C. Regional Shopping Center: A sales area of 200,000 square foot and/or a total of thirty acres.

Preservation:

Shall mean the maintenance of an historic resource in its present condition or as originally constructed. Preservation aims at halting further deterioration and providing structural safety, but does not contemplate significant rebuilding. Preservation includes techniques of arresting or slowing deterioration; improvement of structural conditions to make a structure safe, habitable, or otherwise useful; normal maintenance and minor repairs that do not change or adversely affect the fabric or appearance of a structure.

Private Recreational Facilities:

A facility such as a swimming pool, tennis court, beach, boat dock or basketball court which is an accessory use located on a single-family or two-family residential zoning lot, the use of which is restricted to the occupants of the principal use and guests for whom no admission or membership fees are charged.

Public-Owned Land:

Existing lots, tracts, or parcels of land owned by local, state and/or federal agencies.

Reconstruction:

Shall mean the process of reproducing by new construction the exact form and detail of a vanished structure, or part thereof, as it appeared at a specific period of time. "Reconstruction" should be undertaken only when the property to be reconstructed is essential for understanding and interpreting the value of an entire area and sufficient documentation exists to ensure an exact reproduction of the original.

Recreation Center:

Commercial establishment engaged in the providing of indoor and/or outdoor amusement. The activities may include, but are not limited to sports clubs, amusement centers, batting cages, miniature golf, go-kart tracks, physical fitness centers, skateboard centers and racquetball facilities.

Recreational Travel Vehicle:

As used in this Zoning Ordinance, a recreational travel vehicle is a transportation structure, self-propelled or capable of being towed by a passenger car, station wagon, or small pick-up truck, of such size and weight as not to require any special highway movement permits, and primarily designed or constructed to provide temporary, movable living quarters for recreational, or camping, or travel use, or to carry such equipment but not for profit nor commercial use. Included as recreational vehicles, but not to the exclusion of any other types not mentioned in this Section, are: trailers, trailer coaches, camping trailers, motor homes, pick-up (slide-in) campers, chassis mounts, converted vans, chopped vans, mini-motor homes, 5th wheel trailers of recreational vehicle construction, design and intent (as opposed to commercial 5th wheel trailers); boat trailers, with and without boats mounted thereon; snowmobile trailers, with and without snowmobile mounted thereon, and truck caps.

- A. Trailers, trailer coaches and 5th wheel trailers are defined as recreational vehicles constructed with integral wheels to make them mobile and intended to be towed by passenger cars, station wagons and/or light pick-up or panel trucks and similar motor vehicles but not including truck tractors of any type.
- B. A camping trailer is a type of trailer or trailer coach, the walls of which are so constructed as to be collapsible and made out of either canvas or similar cloth, or some form of rigid material such as fiberglass or plastic or metal. The walls are the collapsed while the recreational vehicle is being towed, and are raised or unfolded when vehicle becomes temporary living quarters and is not being moved.
- C. Pick-up (slide-in) campers and truck caps are recreational structures designed to be mounted temporarily or permanently in the beds of light trucks with the trucks having either single or double rear wheels and with or without an assisting, extra tag axle and wheels mounted either on the camper chassis or the truck chassis behind the truck's rear wheels. These campers can be readily demounted from the truck beds.
 - 1. When removed from their respective truck beds, pick-up (slide-in) campers and truck caps are called unmounted campers.
- D. Chassis mounts, motor homes and mini-motor homes are recreational structures constructed integrally with a truck or motor-

van chassis and incapable of being separated therefrom. The truck or motor-van chassis may have single or double rear wheels.

- E. Converted and chopped vans are recreational structures which are created by altering or changing an existing auto van to make it into a recreational vehicle meeting the requirements of Section 1 hereof.
- F. A boat or snowmobile trailer is a vehicle on which a boat or snowmobile may be transported and which is towable by a passenger car, station wagon, pick-up truck or mobile, recreational vehicle as above defined.
 - 1. When removed from a trailer, a boat or snowmobile, for purpose of this Ordinance is termed an unmounted boat or snowmobile.

Recycling Facility:

A facility through which significant portions of solid waste are recovered for reuse including but not limited to fuel for energy recovery, materials, such as glass, metal, (or items of similar nature) for new product manufacturing and organic materials for addition to the soil.

Research and Development Facility:

A building or buildings, for which an overall plan has been approved by the Planning Commission, designed with open space and compatible with the adjacent community, to be used for the inquiry and investigation of sources and limited to the basic and applied research phase of the inquiry; not including however, any manufacturing, industrial operations or pilot plant involving machines or operations normally associated with production or assembly lines or the production of goods in quantity above that needed for product testing and evaluation.

Research Institution:

Shall mean an activity occurring in a building or group of buildings used primarily for basic and applied research.

Resident Business:

A special exception use of a dwelling or accessory structure, as approved by the Board of Appeals, conducted solely by a member or members of the family residing therein and not more than two (2) non-resident employees, which is incidental or subordinate to the main use of the building for dwelling purposes and meets the following criteria:

- A. The use does not exceed more than twenty-five (25) percent of the floor space of the dwelling or an accessory structure;
- B. The use will not generate vehicular parking that would exceed spaces for the employee and equipment;

- C. Freight and delivery traffic shall not be to a greater extent than would normally result from residential occupancy unless otherwise approved by the Board;
- D. Other non-residential vehicular traffic resulting from patronage will not exceed five (5) peak hour trips.
- E. Outside storage of materials will not exceed ten (10) percent of the lot area, but not to exceed 5,000 square feet in any instance;
- F. Signage for the business is limited to one (1) sign not more than ten (10) square feet in size;
- G. Hours of operation for the business is approved as part of the special exception by the Board;
- H. The use has no other evidence being visible, audible or abnormally odoriferous from the outside of the dwelling to indicate it is being used for anything other than residential purposes.
- I. Upon approval of the special exception a minor site plan shall be submitted and approved by the Planning Commission.

Restaurant, Drive-In:

Any place or premises used for the sale, dispensing, or serving of food or beverages to patrons in automobiles, including those establishments where the patrons, in addition to being accommodated in their automobiles, may also be accommodated within the premises.

Restoration:

The process of accurately recovering the form and details of a property as it appeared during a particular period of time by means of removal of later work and the replacement of missing original work.

Riding Academy/Stable:

An establishment or lot where horses, ponies, or other such animals used for transportation/recreation are boarded and cared for or commercially hired out whether with or without instruction in riding.

Roadside Stand:

A use that may incorporate a structure, that offers agricultural product for sale, at least 75% of which were produced as a part of the agricultural operation.

Rooming House:

See Boarding House.

Salvage:

Old or scrap copper, brass, rope, rages, batteries, paper, rubber, trash, waste, junked, dismantled or wrecked machinery, machines or motor vehicles, or any parts of junked, dismantled or wrecked machinery, machines or motor vehicles, iron, steel and other ferrous or nonferrous materials.

Salvage Yard:

Any place that is maintained, operated or used for the storing, keeping, buying, selling or processing of salvage, or for the operation and maintenance of a motor vehicle graveyard. Any collection of three or more automobile hulks, or combination of ferrous or nonferrous materials together with one or more automobile hulks, or a collection of any salvage contained in an area more than one-quarter acre in size, shall be considered a salvage yard.

Sanitary Landfill:

A premises used primarily for the disposal of garbage, or any refuse, by dumping, reduction, incineration or burial.

Sealant Applications:

Sealant applications (e.g. silicon) the mechanical or manual process and the equipment used in the process that seeks to apply a covering or sealing coating over a surface or surfaces structures, particularly where the sealant is applied to brick, stone and/or other masonry components and where the coating prevents the natural transpiration or "breathing" of a structure thus preventing the movement of moisture through the structure.

Service Station:

Any area of land, including buildings and other structures thereon that are used to dispense motor vehicle fuels, oil, and accessories at retail, where minor repair service is incidental, and no storage or parking space is offered for rent.

Setback:

The required minimum horizontal distance between the building line, as defined herein and the related front, side or rear property line.

Signs:

A name, identification, description, display, illustration or device which is affixed or represented directly or indirectly upon a building, structure or land and which directs

attention to a product, place, activity, person, institution, or business.

- A. Sign, Business: A sign that directs attention to a business or profession or to a commodity, service, or entertainment sold or offered upon the premises upon which the sign is located.
- B. Sign, Freestanding: A sign supported by a permanent structure, other than a building, that is affixed to the earth and placed on the same parcel of land on which the business or service advertised by the sign is located. Outdoor Advertising Signs shall not be considered freestanding signs.
- C. Sign, Mobile Outdoor Advertising: A sign positioned on a vehicle or other mode of transportation where advertising of off-premises businesses, commodities, services, entertainment or goods is the sole purpose of said vehicle.
- D. Sign, Outdoor Advertising: A sign, billboard, or structure that includes at least one message that advertises or directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located.
- E. Permanent Residential Identification Signs: Signs of a permanent nature setting forth the name of a residential subdivision or development. All signs must be located on the premises of the development so identified.
- F. Sign Area: The cumulative area of all faces of a sign, including the advertising surface and any framing, trim, or molding; but not including the supporting structure.
- G. Sign Face: The area or display surface of any sign upon, against, or through which the message is displayed or illustrated on said sign.

Special Exception:

A grant of a specific use that would not be appropriate generally or without restriction; and shall be based upon a finding that the use conforms to the plan and is compatible with the existing neighborhood.

Stable, Private:

An accessory structure designed for the shelter, feeding, and care of no more than two domestic animals, maintained on the property as pets or for domestic use as distinguished from agricultural or livery stables. Such use shall be subject to compliance with Section 4.13 of this Ordinance.

Stealth.

Any commercial Communications Towers or Commercial Communications Equipment which is designed to enhance compatibility with adjacent lands, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and Commercial Communications Towers designed to look other than like a tower such as light poles, power poles, and trees. The term stealth does not necessarily exclude the use of uncamouflaged lattice, guyed, or monopole Commercial Communications Towers designs.

Steep Slope:

Slopes of 25% or more or slopes greater than 15% where the soil erodability coefficient or K factor as determined by the most current soil survey for Washington County, Maryland is 0.35 or greater.

Stream:

A perennial or intermittent stream identified in the most current soil survey for Washington County, Maryland and field verified when necessary.

Stream Buffer:

An area on one or both sides of a stream that is designated for the purposes of protecting, preserving or improving water quality by providing for filtration and/or dissipation of the energy of flowing water or the maintenance or stabilization of the stream bank to prevent erosion.

Street; Highway; Road:

Any street existing or which may be approved by the Commission. The word "street" shall also mean "road", "highway", "boulevard", "avenue", "lane", or "court".

Street Line:

A line defining the edge of a street right-of-way and separating the street from abutting property or lots (same as lot line). If, on the comprehensive plan of streets and highways duly adopted by the County, a street is scheduled for future widening, the proposed right-of-way line shown on the comprehensive plan shall be the street line.

Structure:

Anything constructed, the use of which requires fixed location on the ground or is attached to something having such location, but not including fences, power, gas, water, sewage or communication lines or poles, sidewalks, driveways or curbs.

Subdivision of Land and Subdivide:

Subdivision means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future of sale or of development. It includes resubdivision and, when appropriate to the context, relates to the process of resubdividing or to the land or territory subdivided, as defined in Article 66B of the Annotated Code of Maryland, as amended.

Subdivision, Cluster:

A subdivision in which the minimum lot size required by this Ordinance is reduced, subject to site plan review by the Commission. The gross density of the entire development remains approximately the same as for a conventional subdivision in the same zoning district. The additional land gained by reduction of individual lots is consolidated into common open space areas.

Temporary or Seasonal Use:

A use which is principally permitted or found to be functionally similar by the Board of Appeals to the zoning district therein that does not exceed 2,500 square feet in size, and occurs on the property for at least thirty (30) days but no longer than six (6) consecutive months per calendar year.

Temporary Residential Sales Office:

A temporary, portable office structure that is for the sole purpose of on-site sales of building lots and/or home construction and may be placed on a site for a period not to exceed one (1) year. The structure must be certified per the State Industrialized Code and handicap accessible per the Maryland Accessibility Code.

Text Amendment:

Any modification, change, addition, or amendment to the wording of the Zoning Ordinance of Washington County, Maryland.

Tourism Entertainment Facility:

A facility for the traveling public designed to their amusement. This would include such things as: amusement parks and water parks. Interpretive centers involved with education and teaching would not fall into this category.

Trade and Technical Institutions:

An educational facility established for the training of students in specific job skills. For example: electronic repair, the operation of machinery and cosmetology. Such facility may not exceed thirty (30) acres where permitted by special exception.

Transitional or Sheltered Care Facility:

A facility, including half-way houses, providing 24 hr/day care of persons with special needs, which provides food and shelter, and may also provide some combination of personal care, transportation, physical, social, or psychological therapy and counseling to assist persons in overcoming physical or emotional problems.

Travel Trailer:

A portable or vehicular unit that: (1) has a width not exceeding 8.5 feet and a length not exceeding 40 feet; (2) is built on a chassis or designed to be transported on a truck or other vehicle; and (3) designed for temporary use as a dwelling for travel, recreation, vacation, or similar short-term use.

Travel Trailer Park:

A plot of ground designed for and having the required facilities for servicing travel trailers and similar vehicles and campers.

Truck Stop:

A structure or land used or intended to be used primarily for the sale of fuel for trucks and, usually long term truck parking, incidental service or repair of trucks, overnight accommodations, or restaurant facilities open to serve the general public; or a group of facilities consisting of such a use and attendant eating, repair, sleeping or truck parking facilities. As used in this definition, the term "trucks" does not include any vehicle whose maximum gross weight is 10,000 pounds or less, as rated by the State Motor Vehicle Administration.

Truck Terminal:

A structure or land used or intended to be used primarily: (a) to accommodate the transfer of goods or chattels from trucks or truck-trailers to other trucks or truck-trailers or to vehicles or storage containers of other types, such as land-sea containers, in order to facilitate the transportation of such goods or chattels; or (b) for parking or storage of trucks, truck trailers, trailers, or in-transit mobile storage containers, such as land-sea containers.

A truck terminal may include loading and unloading platforms, warehouse facilities for temporary storage of goods in transit, reservoir parking for trucks and truck-trailers waiting to be loaded or unloaded and related business offices.

Other uses such as truck fueling and repair facilities may be permitted as accessory uses provided that said services are utilized only by those companies with certification to operate from the truck terminal. As used in this definition, the terms "trucks" and "truck trailers" do not include any vehicle whose maximum gross weight is 10,000 pounds or less, as rated by the State Motor Vehicle Administration.

Use:

Any purpose for which a building or structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Resort:

A building or buildings containing guest rooms where, for compensation, lodging and meals are provided, located on a lot at least seventy-five percent of the land area of which shall be used to provide recreational facilities for the use of its guests. Such recreational facilities may include a golf course, swimming pool, tennis courts, and may include bridle paths, hiking trails, and other similar or related facilities, but no outdoor amusement devices other than normal playground equipment.

Variance:

A variance is a relaxation of the terms of the Zoning Ordinance for distance or dimensional requirements.

Veterinary or Animal Hospital or Clinic:

Any building or portion of a building which is regularly used for the treatment of animals by a veterinary practitioner. See MD Code, Agricultural Article §2-304.1.

Warehouse:

A structure or part of a structure, for storing goods, wares, and merchandise, whether for the owner or for others, and whether it is public or private.

Waste Management Plan:

The plan specific to an animal husbandry facility which shall define the means by which waste produced shall be stored, managed, handled, and applied to the soil, pursuant to the guidelines found in the most current edition of the Agricultural Waste Management Field Handbook, U.S. Department of Agriculture, Soil Conservation Service.

Wildlife Preserve:

A parcel of land or portion thereof, in which game, fish, and other types of wildlife and their habitat, are preserved and protected in a natural state, from harm, damage, or danger from human predation.

Yard:

A required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided;

however, that fences and walls may be permitted in any yard subject to height limitations as indicated herein. This definition does not exclude built-in swimming pools from the requirements of Section 24.2(a).

Yard Measurements:¹⁸⁹

- A. Front yard: Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost points of the side lot lines, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. With a panhandle lot, the front of the lot may be designated at the option of the owner.
- B. Rear Yard: A yard extending across the rear of the lot between inner side yard lines. In the case of through lot and reversed frontage corner lots, there will be no rear yard. In the case of corner lots there is no rear yard. After establishing the front yard on both street frontages, the remaining yards are measured as side yards.
- C. Side Yard: Width of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established.
- D. A corner lot shall maintain the specified front yard setback along both street frontages. Setbacks from the remaining property lines shall be measured as if they were side yard setbacks.

Yard Types:

- A. Front yard: A yard extending across the front of the lot between inner side yard lines. Under certain circumstances as set forth elsewhere in this Ordinance, the owner may designate which is the front yard.
- B. Rear yard: A yard extending across the rear of the lot between inner side yard lines. In the case of through lot and reversed frontage corner lots, there will be no rear yard. In the case of corner lots there is no rear yard. After establishing the front yard on both street frontages, the remaining yards are measured as side yards.
- C. Side yard: A yard extending from the rear line of the required front yard to the rear lot line.
- D. Buffer yard: A yard between any use and the property line required for open space. A buffer yard is planted with grass and other vegetation as required pursuant to site plan review and is maintained

¹⁸⁹

free of structures, storage of materials, and parking of vehicles. Any proposed access lane in the buffer yard shall be subject to Planning Commission review and approval.

Zoning Permit:

A written statement issued by the Zoning Administrator authorizing buildings, structures, or uses in accordance with the provisions of this Ordinance.

ARTICLE 29 - VALIDITY AND REPEAL

Section 29.1 Severability of Provisions

In case it be judicially determined that any word, phrase, clause, item, sentence, paragraph or section of this Ordinance or the application thereof is declared invalid for any reason whatsoever, such invalidity shall not affect the validity of the remaining provisions of this Ordinance or of any section thereof. The Board of County Commissioners of Washington County, Maryland, a body corporate and politic, hereby declares that it would have adopted and passed the remaining parts of this Ordinance or any Section thereof without the word, phrase, clause, items, sentence, paragraph, or section, or the application thereof, so held invalid.

Approved and adopted this 23rd day of January, 1973, and

The effective date of this Zoning Ordinance shall be the 2nd day of April, 1973, at 12:01 A.M.

I:\zzz_Old\ZONING\ZNINGORD\ZoningOrd(Rev15)(CurrentOfficial).DOC