



DEPARTMENT OF PLANNING & ZONING
COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

AGENDA

WASHINGTON COUNTY PLANNING COMMISSION REGULAR MEETING

January 5, 2015, 7:00 PM

WASHINGTON COUNTY ADMINISTRATION BUILDING
100 WEST WASHINGTON STREET
2ND FLOOR, ROOM 255

CALL TO ORDER AND ROLL CALL

MINUTES

1. December 1, 2014 regular Planning Commission meeting minutes *

NEW BUSINESS

DEVELOPMENT PLANS

1. Emerald Pointe PUD Development Plan (DP-14-001) – Revised preliminary/final development plan showing reconfiguration of commercial area located along the east side of Marsh Pike in the Emerald Pointe PUD; Zoning: RT(PUD) – Residential Transitional Planned Unit Development; Planner: Lisa Kelly *

SITE PLANS

1. Doubs Mill Cellular Communication Silo (SP-14-040) – Site plan for a proposed cell tower along the northwest side of Black Rock Road North; Zoning: EC – Environmental Conservation; Planner: Lisa Kelly *

OTHER BUSINESS

1. Rural Business Rezoning (RZ-14-002) – Planner: Jill Baker *
2. Comprehensive Plan Update – Planner: Jill Baker *

ADJOURNMENT

UPCOMING MEETINGS

1. Monday, February 2, 2015, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administration Building, 100 West Washington Street, Room 255, Hagerstown, Maryland

** attachments*

The Planning Commission reserves the right to vary the order in which the cases are called.

Individuals requiring special accommodations are requested to contact the Washington County Planning Department at 240-313-2435 Voice/TDD, to make arrangements no later than ten (10) days prior to the meeting. Notice is given that the Planning Commission agenda may be amended at any time up to and including the Planning Commission meeting.

120 West Washington Street, 2nd Floor | Hagerstown, MD 21740 | P: 240.313.2430 | F: 240.313.2431 | TDD: 7-1-1

WWW.WASHCO-MD.NET

WASHINGTON COUNTY PLANNING COMMISSION
December 1, 2014

The Washington County Planning Commission held its regular meeting on Monday, December 1, 2014 at 7:00 p.m. at the Washington County Administration Building, 100 West Washington Street, Room 255, 2nd Floor, Hagerstown, Maryland.

Commission members present were: Chairman Terry Reiber, Clint Wiley, Dennis Reeder, Drew Bowen and David Kline. Staff members present were: Washington County Department of Planning & Zoning – Steve Goodrich, Director; Jill Baker, Chief Planner; Justin Lindley, Comprehensive Planner; and Debra Eckard, Administrative Assistant; and Washington County Department of Plan Review & Permitting – Terry Irwin, Deputy Director; Tim Lung, Chief Planner; and Cody Shaw, Senior Planner.

CALL TO ORDER

The Chairman called the meeting to order at 7:00 p.m.

Ex-Officio William McKinley was not present at the meeting; however the Chairman expressed the Commission's appreciation for Commissioner McKinley's dedication and service for the past 4 years.

MINUTES

Motion and Vote: Mr. Wiley made a motion to approve the minutes of the October 6, 2014 meeting minutes as presented. The motion was seconded by Mr. Reeder and unanimously approved.

Motion and Vote: Mr. Bowen made a motion to approve the minutes of the November 3, 2014 meeting minutes as presented. The motion was seconded by Mr. Reeder and unanimously approved.

NEW BUSINESS

-SITE PLANS

Rubble Site 1 (SP-14-047)

Mr. Shaw presented for review and approval a site plan for Rubble Site 1 located along the west side of Kemps Mill Road. The leased area of the site is approximately 11 acres in size and the property is currently zoned EC – Environmental Conservation. Solar panels will be placed on the former rubble landfill site to be used for solar generation for the County. There will be no employees on-site; therefore, no water or sewer services will be provided and there will be no parking requirements for the site. Storm water management will be addressed via an existing storm water management pond. Forest Conservation Ordinance requirements will be addressed via an easement being placed on a 1.65 acre tract of forest that currently exists on the site.

Discussion and Comments: Mr. Reiber asked if the proposed site is located near any recreational or park service areas or environmental areas that would be affected. Mr. Rob Babcock stated that the site will not be visible from the existing ball fields on Kemps Mill Road. He also stated there will be no change to surface water flow due to the installation of the solar panels. There will be no hazardous materials being introduced into the environment. Mr. Bowen asked how much power would be generated from this site. Mr. Babcock stated that approximately 3 million kilowatt hours will be produced in the first year of operation.

Motion and Vote: Mr. Bowen made a motion to approve the site plan as presented. The motion was seconded by Mr. Wiley and unanimously approved.

OTHER BUSINESS

Rural Business Rezoning (RZ-14-002)

Ms. Baker reported that the Board of County Commissioners remanded this text amendment back to the Planning Commission following its public hearing based on testimony received. Specifically, comments were received during that hearing from Mr. Jason Divelbiss which challenged specific portions of the proposed text amendment. She summarized Mr. Divelbiss's comments and discussed the three primary issues he addressed.

- **Contention:** Zoning is a legislative process and should not focus on the contemplated use of the property. Therefore, a site plan should not be required as part of the rezoning process because a site plan is an administrative process.

- **Response:** It is staff's opinion that Mr. Divelbiss's comment is erroneous and moot. Staff believes that the proposed process for Rural Business rezoning requests would comply with Maryland state law requirements.

Ms. Baker explained that Euclidean zoning is a legislative process whereby the elected officials determine and assign zoning. It is the responsibility of the County Commissioners to set regulatory measures for zoning districts. However, the proposed Rural Business zone would be a floating zone, not a Euclidean zone. Euclidean zones are rigid and static, have a defined purpose, and have set land uses available to properties. Floating zones do not have a pre-defined boundary and they are legislatively established by the County Commissioners when they approve the overall Zoning Ordinance. By approving the floating zone district in the Ordinance, the County Commissioners have pre-determined that the uses that are allowed within the floating zone are deemed compatible within the areas where they may be applied, provided they can meet the specified criteria through a preliminary site plan. Floating zones are viewed comparatively to the special exception process. When the floating zone is applied, it is applied administratively. While not part of Mr. Divelbiss's comments, Ms. Baker stated that his contention of the type of action being taken sparked another idea that might be beneficial to the case. Because the application of a floating zone is an administrative process, it is possible that the Board of County Commissioners could delegate that authority to the Planning Commission. Ms. Baker outlined some potential benefits and consequences of such a delegation of authority.

Discussion: There was a brief discussion among members regarding the administrative process, which could shorten the length of time for approval of the rezoning. Some concerns were expressed with regard to eliminating a portion of the public participation process. Ms. Baker stated that the process would be similar to the Board of Appeals process for a special exception. There would still be advertising and a public meeting at which time the public could make comment.

Ms. Baker asked that members give consideration to the administrative process as something they want to be responsible for and if they do want this responsibility, would they be willing to request this authority from the County Commissioners. This will be discussed further at the January meeting. Mr. Reiber asked that staff include, in the next agenda packet, a copy of the current text of the Rural Business zoning district as well as prepare a draft of the proposed text giving the Planning Commission administrative authority to approve the rezoning requests for Rural Business.

- **Contention:** The requirement for a Traffic Impact Study (TIS) as part of the criteria to be evaluated during the rezoning process is a speculative risk that many property owners are not willing to undertake.

- **Response:** While developing the Rural Business district, staff determined what type of information would be appropriate to have to make an informed decision. Ms. Baker stated that a TIS is not required for every application. The Zoning Ordinance states, "The Planning Commission, as part of their evaluation process, shall review the application for safe, usable road access. As part of that evaluation, the Planning Commission may require a Traffic Impact Study to be completed when the proposed business, activity or facility generates 25 or more peak hour trips or where 40 percent of the estimated vehicle trips are anticipated to be commercial truck traffic." Mr. Goodrich noted that the Commission could also request only specific pieces of information instead of a full Traffic Impact Study.

Ms. Baker noted that she will send the members the current criteria and asked them to review it prior to the January meeting.

- **Contention:** The Rural Business floating zone should be applied to entire parcels of land and not just a portion of them because a survey would be required in order to depict exactly where the zoning boundary lies.
- **Response:** Ms. Baker noted that in the case of the Rural Business floating zone, it is not always appropriate for the entire parcel to be rezoned. Members expressed their opinions that it may not be appropriate to rezone a large parcel of land if only a small portion will be used for the business. Members believe that there could be unintended consequences by doing so.

Comprehensive Plan Update

Ms. Baker reported that Staff has begun working on the Comprehensive Plan Update, which is one of the primary responsibilities of the Planning Commission. The Plan develops strategies for dealing with long-term growth in the County over the next 20 years by evaluating factors that have an impact on land use, such as housing, transportation, education, etc. Maryland law requires the Comp Plan to be updated every 10 years; the current Plan was adopted in 2002. Staff has been working on background information of the Plan for several months which are vital to the overall concept of the Plan including Priority Funding Areas (PFAs), land use land cover, and population projections. Mr. Goodrich noted that until recently, the County's Priority Funding Areas were challenged by the State of Maryland; however, the State has finally accepted the County's PFAs. There was a brief discussion regarding the importance of the Plan, how to get the public involved, and how to make individuals realize that the Plan cannot focus on the specific needs of one person but must focus on the needs of the community as a whole.

Mr. Lindley gave a brief presentation on new ideas to engage public participation. He discussed plans to meet with stakeholders to gather information and data, do research, and to assist with public engagement. Mr. Lindley discussed kick-off meetings, activities that could be used to gather information and feedback, task force groups, open houses, on-going public involvement, and on-line surveys. There was a brief discussion regarding the use of social media services such as Mind Mixer, Metro Quest, Facebook, and Twitter. Members and staff also discussed the involvement of the Towns during this process and an approximate time line for completion.

OTHER BUSINESS

Forest Banking Update (FCO-14-001)

Mr. Goodrich reported that on November 18th the County Commissioners adopted the proposed amendments for forest banking. He distributed copies of the Forest Conservation Ordinance which includes the amendments and briefly reviewed the changes made by the County Commissioners.

ADJOURNMENT

Mr. Bowen made a motion to adjourn the meeting at 8:45 p.m. The motion was seconded by Mr. Reeder and so ordered by the Chairman.

UPCOMING MEETINGS

1. Monday, January 5, 2015, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administration Building, 100 West Washington Street, Room 255, Hagerstown, Maryland

Respectfully submitted,

Terry Reiber, Chairman



**WASHINGTON COUNTY
DEPARTMENT OF PLAN REVIEW AND PERMITTING**

Washington County Administrative Annex
80 West Baltimore Street
Hagerstown, Maryland 21740-6003
Telephone/TDD 240-313-2460
Fax: 240-313-2461

Hearing Impaired CALL 7-1-1 for Maryland Relay

D E V E L O P M E N T P L A N S T A F F R E P O R T

BASE INFORMATION

SITE NAME...: EMERALD POINTE P.U.D. ??
NUMBER.....: DP-14-001

OWNER.....: EMERALD POINTE, INC.
LOCATION....: EAST SIDE OF MARSH PIKE
DESCRIPTION..: REVISED PRELIMINARY FINAL DEVELOPMENT PLAN

ZONING.....: RTPD RESIDENTIAL TRANSITION - PUD
COMP PLAN...: LD Low Density Residential
PARCEL.....: 02519011800000
SECTOR.....: 1
DISTRICT....: 27

TYPE.....:
GROSS ACRES.: 7.15
DWEL UNITS..: 259
TOTAL LOTS..: 259
DENSITY.....: 67 UNITS PER ACRE

PLANNER.....: LISA KELLY
SURVEYOR....: FOX & ASSOCIATES INC
RECEIVED....: 04/02/2014

FOREST REVIEW FEE.....:\$0.00
DEVELOPMENT REVIEW FEE...:\$1,471.50

SITE ENGINEERING

	WATER	SEWER
METHOD.....	??	??
SERVICE AREA.....	HN	HN
PRIORITY.....	1	1
NEW HYDRANTS.....	??	
GALLONS PER DAY SEWAGE...	??	
SEWER PLANT.....	Hagerstown	
STORM WATER MANAGMT TYPE.: ??		
DRAIN DIRECTION.....		
FLOOD ZONE.....: A		
WETLANDS.....		
TOPOGRAPHY.....		
BEDROCK.....		
VEGETATION.....		

COMMUNITY FACILITIES

	ELEM	MID	HI
SCHOOL NUMBER CODE	0	0	0
PUPIL YIELD	0	0	0
CURRENT ENROLLMENT	0	0	0
MAXIMUM CAPACITY	0	0	0

PROPOSED NEW ROAD NAMES

- 1 SAPPHIRE DRIVE
- 2 EMERALD POINTE D
- 3 MARQUISE DR
- 4 MOONSTONE DR
- 5 TURQUOISE DR
- 6 CORAL POINTE DR
- 7 PERIDOT DR
- 8 PEARL DRIVE
- 9 JADE POINT DR
- 10 DIAMOND POINTE D

NUMBER OF ACCESS POINTS:0

COUNTY HISTORIC INVENTORY SITE #: I242

ON NATIONAL HISTORIC REGISTER :

FIRE DISTRICT: ?? MILES TO STATION: .5
AMBULANCE DIST: 75 MILES TO STATION: 4

COMMENTS:

REVISED PRELIMINARY FINAL DEVELOPMENT PLAN SHOWING THE
RECONFIGURATION OF THE COMMERCIAL AREA FROM THE MIDDLE OF
THE DEVELOPMENT TO THE SOUTHEAST CORNER REV 1



DIVELBISS & WILKINSON
ATTORNEYS AT LAW

December 5, 2014

Washington County Planning Commission
C/O Terry Irwin, Deputy Director
Wash. Co. Division of Plan Review & Permitting
80 W. Baltimore Street
Hagerstown, MD 21740

Re: Emerald Pointe PUD – Preliminary/Final Development Plan

**REQUEST FOR CONDITIONAL APPROVAL at January 5, 2015 Planning
Commission Meeting**

Dear Terry:

On behalf of Emerald Pointe, Inc. I'd like to request that the Emerald Pointe PUD – Preliminary/Final Development Plan be placed on the January 5, 2015 Planning Commission Agenda for the purpose of obtaining **conditional, final approval**.

To date, all agency approvals of the Preliminary/Final Development plan have been secured with the exception of Planning, Engineering & SHA.

However, as demonstrated on innumerable occasions, including the November PC meeting at which we received "Initial Advice" regarding the Emerald Pointe project and other projects on the Agenda received conditional approval, outstanding agency approvals need not impede final approval by the Planning Commission.

With regard to the outstanding agency approvals, we are in the process of submitting the Fourth (4th) revised Traffic Impact Study to the County and SHA, and fully expect that the outstanding items can and will be dealt with in short order with no material changes required to the Preliminary/Final Development Plan.

Heeding the "Initial Advice" received from the Planning Commission in November, I provide the following additional information for the Planning Commission's consideration at the January meeting:

Traffic Signal at Marsh Pike Access:

13424 Pennsylvania Ave
Suite 302
Hagerstown, MD 21742

PHONE (301) 791-9222
FAX (301) 791-9266
WEB www.divebisslaw.com

- The Traffic Impact Study indicates that a traffic signal at the project's Marsh Pike access (opposite Gentry Drive) is not currently warranted;
- Moreover, depending upon the mixture of uses that will occupy the commercial project, the traffic signal may not be warranted until final build out, if at all;
- Notwithstanding the foregoing, the Developer is willing to construct the signal, at his sole cost and expense, at any point in time during the development or construction of the project and up to one (1) year beyond final build out of the project as directed by Washington County.

Road Connection Between Residential & Commercial Portions of Emerald Pointe:

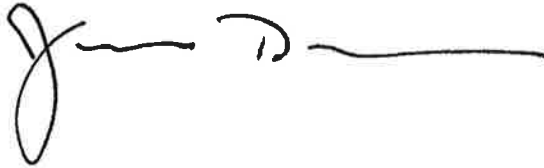
- The design standards prescribed by the PUD zoning text state that any commercial areas are to "be integral to the overall development and shall relate well to residential areas in terms of pedestrian and vehicular circulation" and are to "be designed and intended as a service to the residents of the PUD; however, ... strict limitation ... may not be practical. For that reason, the [Planning] Commission shall consider the policies of the Comp. Plan relating to the establishment of commercial development in reviewing a proposal for the commercial portion of the PUD." (emphasis added)
- It is the developer's belief and contention that a full, public roadway connecting the residential and commercial portions of the Emerald Pointe PUD is not necessary to have said areas "relate well...in terms of pedestrian and vehicular circulation."
 - o With regard to vehicular circulation, maximum efficiency and safety in each area are achieved by having independent road networks.
 - o With regard to pedestrian circulation, there will be public sidewalks along Marsh Pike and within the interior of Emerald Pointe connecting the residential and commercial areas.
 - o There will also be a road/pathway within the interior of Emerald Pointe that will accommodate golf-carts, bicycles and other such low-speed vehicles.
- As far as the "policies of the Comprehensive Plan relating to the establishment of commercial development", they confirm the developer's

position regarding the omission of a full, public roadway connecting the residential and commercial portions of Emerald Pointe:

- "Access to interstate should be over arterial highway routes that do not require movement of heavy traffic through residential neighborhoods." (Article II, Chapter 4 "Economic Development", p. 61) (emphasis added);

As always, thank you for your assistance in this matter and do not hesitate to let me know if you have any questions or concerns.

Very truly yours,
Divelbiss & Wilkinson

A handwritten signature in black ink, appearing to be 'J. Divelbiss', with a long horizontal line extending to the right.

Jason M. Divelbiss
Attorney at Law

Email: jdivelbiss@divelbisslaw.com

cc. Paul Crampton
Gordon Poffenberger
Mike Nalepa
Steve Goodrich
Lisa Kelly



**WASHINGTON COUNTY
DEPARTMENT OF PLAN REVIEW AND PERMITTING**

Washington County Administrative Annex
80 West Baltimore Street
Hagerstown, Maryland 21740-6003
Telephone/TDD 240-313-2460
Fax: 240-313-2461

Hearing Impaired CALL 7-1-1 for Maryland Relay

S I T E P L A N S T A F F R E P O R T

BASE INFORMATION

SITE NAME...: DOUBS MILL CELLULAR COMMUNICATION SILO
NUMBER.....: SP-14-040

OWNER.....: PAPA ROSE E. & THE TRUSTEES OF THE ALFRED C. PAPA TEST. TRUST
LOCATION....: NORTHWEST SIDE OF BLACK ROCK ROAD NORTH
DESCRIPTION.: PROPOSED CELL TOWER REV 1

ZONING.....: EC ENVIRONMENTAL CONSERVATION
COMP PLAN...: EC Environmental Conservation
PARCEL.....: 064020036000000
SECTOR.....: 2
DISTRICT....: 16

TYPE.....: CM
GROSS ACRES.: 0.11
DWEL UNITS..: 0
TOTAL LOTS..: 0
DENSITY.....: 0 UNITS PER ACRE

PLANNER.....: LISA KELLY
SURVEYOR....: LAVELLE & ASSOCIATES, INC.
RECEIVED....: 09/02/2014

FOREST REVIEW FEE.....:\$0.00
DEVELOPMENT REVIEW FEE...:\$800.00

SITE ENGINEERING

	WATER	SEWER
METHOD.....:	NONE	NONE
SERVICE AREA.....:		
PRIORITY.....:	0	0
NEW HYDRANTS.....:	0	
GALLONS PER DAY SEWAGE...:	0	
SEWER PLANT.....:		

STORM WATER MANAGMT TYPE.:
DRAIN DIRECTION.....:
FLOOD ZONE.....: C
WETLANDS.....: N
TOPOGRAPHY.....:
BEDROCK.....:
VEGETATION.....:

SITE DESIGN

IMPERVIOUS SURFACE PLANNED...: 0% BUFFER DESIGN MEETS REQUIREMENTS..: Y
 IMPERVIOUS MAXIMUM ALLOWED...: 0% LANDSCAPING MEETS REQUIREMENTS...: Y
 LIGHTING PLAN MEETS REQUIREMENTS.: Y
 OPEN SPACE AREA PLANNED-AC...: 0 PEDESTRIAN ACCESS IS ADEQUATE....:
 OPEN SPACE MINIMUM ALLOWED...: 0 BUS ROUTE WITHIN WALKING DIST....: N
 TOTAL PARKING SPACES PLANNED.: 0 LOADING AREAS MEET REQUIREMENTS...:
 PARKING SPACES-MINIMUM REQD.: 0
 PARKING SPACES/DWELLING UNIT.: 0
 RECREATIONAL VEHICLE PARKING.:

RESIDENTIAL AMENITY PLANS.....:

SOLID WASTE DISPOSAL PLANS....:

MATERIALS STORED ON SITE.....:

COMMUNITY FACILITIES

	ELEM	MID	HI
SCHOOL NUMBER CODE	0	0	0
PUPIL YIELD	0	0	0
CURRENT ENROLLMENT	0	0	0
MAXIMUM CAPACITY	0	0	0

PROPOSED NEW ROAD NAMES

1 n/a

2

3

4

5

6

7

8

9

10

NUMBER OF ACCESS POINTS:0

COUNTY HISTORIC INVENTORY SITE #: II193

ON NATIONAL HISTORIC REGISTER :

FIRE DISTRICT: 16 MILES TO STATION: 0

AMBULANCE DIST: 75 MILES TO STATION: 0

COMMENTS:

PROPOSED CELL TOWER REV 1

Revisions made to text amendment RZ-14-002 after the BoCC Public Hearing

1. Instead of repealing Article 5E – Rural Business Existing and amending Article 5F – Rural Business New, Staff is proposing to repeal both Articles in their entirety and replace Article 5E – Rural Business Existing with simply Rural Business.
2. A new section 5E.2 was added to clarify that RB is a Floating Zone and has no special exception uses.
3. Mention of Non-Conforming Uses was given its own section number to clarify and make prominent to the general public that we are not forcing them to close a business that may not conform to the proposed district.
4. On pages 3 thru 7 Staff has modified the text as it would look should the Planning Commission decide they wish to petition the Board of County Commissioners to delegate the administrative authority to apply the Rural Business floating district.
5. Incentive clause on page 3 was removed due to bias in the process [Section 5E.6(a)].
6. Section 5E.7 was added to address changes in land uses. Currently the amendment states that the Planning Commission approval of an RB floating district is limited to the use specified in the rezoning application. There is currently no discussion of what happens when a property owner wishes to change the use.

RZ-14-002
PROPOSED TEXT AMENDMENTS FOR PUBLIC HEARING

(1) ARTICLE 5E – "RB-E" RURAL BUSINESS EXISTING DISTRICT is repealed in its entirety and replaced with the following:

1

ARTICLE 5E – "RB" RURAL BUSINESS DISTRICT

Section 5E.0 Purpose

The "RB" Rural Business District is established to permit the continuation and 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, and to establish locations for businesses and facilities not otherwise permitted in the rural areas of the County. The Rural Business 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 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 District.

Section 5E.2 Special Exception Uses

2

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

Section 5E.3 Non-Conforming Uses

3

Existing businesses 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 provisions of this Ordinance.

Section 5E.4 Criteria

- (a) 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 a Rural Business (RB) Floating Zone. 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.

Deleted: 2

Deleted: Criteria

Deleted: b

(b) The RB floating zone district may be newly established at a particular location if the following criteria are met:

Deleted: c

1. The proposed RB District is not within any designated growth area identified in the Washington County Comprehensive Plan;
2. The proposed RB 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;
3. Onsite issues relating to sewage disposal, water supply, stormwater management, flood plains, etc. can be adequately addressed; and
4. The location of an RB District would not be incompatible with existing land uses, cultural or historic resources, or agricultural preservation efforts in the vicinity of the proposed district.

Section 5E.5 Lot Regulations:

Deleted: 3

- (a) Lot Size:
Minimum 40,000 Sq. Ft.
- (b) Front Yard Building Setback:
40 Feet from a Minor Collector or Local Public Road Right Of Way
50 feet from a Major Collector or Arterial Public Road Right Of Way
- (c) Side and Rear Yard Building Setbacks:
50 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 %
- (f) Parking.
 1. Off-street parking facilities shall be provided in accordance with Article 22, Division I of this Ordinance.
 2. 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 the lot abuts a property with a non-residential land use.
- (g) Signage.

Signage shall conform to the requirements set forth in Section 22.23 of this Ordinance; however, in no case shall the total cumulative area of signage for freestanding and building mounted signage in this district exceed two hundred (200) square feet. No off premises signs shall be approved through this rezoning process.

(h) Lighting.

Lighting shall be provided for all nighttime uses. All building mounted or freestanding lighting shall be constructed so that light and glare are directed toward the ground.

(i) 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.

(j) Screening.

1. Trash, refuse, or recycling receptacles shall be screened from public view through the use of fencing or landscaping.
2. Additional buffering, screening, or landscaping or other like elements may be required when the proposed RB District abuts a Historic Preservation Overlay Area or is located along a designated scenic highway.
3. Screening between a residential land use and a proposed RB district shall consist of three 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 maximum 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.

Section 5E.6 Procedure for Creation of a RB Floating Zone District

- (a) The owner of an interest in a tract of land in Washington County may apply to the Planning Commission to designate the property with a "RB" Rural Business 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. If only a portion of the property is requested to be rezoned, a

Deleted: 4

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Deleted: As an incentive, preference in creation of a new Rural Business district (RB) shall be given to those applicants who incorporate the reuse or rehabilitation of existing buildings in the rural area.

detailed map including a metes and bounds description shall be submitted with the application so as to determine the limits of the portion of property to be rezoned.

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.
- 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 finish and signage.

- (b) The application shall be reviewed at a rezoning public hearing of the Planning Commission. 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 comment will be taken at the public hearing.

Deleted: meeting

- (c) Based on the staff report(s), testimony provided at the public hearing, and the following criteria, the Planning Commission will either approve or deny the application request.

Deleted: meeting

1. The proposed district will accomplish the stated purpose of the RB District;

2. The proposed site development meets criteria identified in Section 5E.4 of this Article;

3. The roads providing access to the site are appropriate for serving the business related traffic generated by the proposed RB land use;

4. Adequate sight distance along roads can be provided at proposed points of access to the site;

5. The proposed landscaped areas can provide adequate buffering of the proposed RB land use from existing land uses in the vicinity.

6. The proposed land use is not of a scale, intensity or character that would be incompatible with adjacent land uses or structures.

(d) The Planning Commission may approve the application with stipulation of conditions to be addressed at the time of final site plan approval. Approval of the RB District shall only be for the use(s) identified on the application and preliminary site plan. Approval of the application to create an RB District shall cover only that portion of a parcel or lot identified in the application.

(e) After approval by the Planning Commission, 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 5E.7 Changes in Land Use

6

Changes of land use in approved RB floating districts shall be reviewed by the Planning Commission. Applicants may present information to the Planning Commission delineating how the change of land use may or may not be consistent with the approved site plan for the property. Only land uses permitted in the RB District as described in Section 3.3 Land Use Chart of this Ordinance will be considered by the Planning Commission. It will be the determination of the Planning Commission as to whether or not there is a significant change in the use and intensity of the property that could result in the need for a Public Hearing to approve the new use.

Deleted: After the public meeting, the Planning Commission shall make a recommendation to the Board of County Commissioners based on the following:

Deleted: 1. The proposed district will accomplish the purpose of the RB District;¶
2. The proposed site development meets criteria identified in Section 5F.3 of this Article;¶
3. The roads providing access to the site are appropriate for serving the business related traffic generated by the proposed RB land use;¶
4. Adequate sight distance along roads can be provided at proposed points of access to the site; ¶
5. The proposed landscaped areas can provide adequate buffering of the proposed RB land use from existing land uses in the vicinity.¶
6. The proposed land use is not of a scale, intensity or character that would be incompatible with adjacent land uses or structures.

Deleted: (d) Upon receipt of the Planning Commission's recommendation, the Board of County Commissioners shall schedule a public hearing.¶

(e) 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 District shall only be for the use(s) identified on the application and preliminary site plan. Approval of the application to create an RB District shall cover only that portion of a parcel or lot identified in the application.

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Section 5E.8 Removal of the Floating Zone

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- (a) Full Termination. An individual property owner may submit a written request to the Planning Commission to remove the entire RB floating zone district from their property at any time. The Planning Commission shall review such a request during one of their regular meetings and make a recommendation to the Board of County Commissioners as to whether or not to grant the request. The Board of County Commissioners may then approve or deny the request without a public hearing. Should the Board of County Commissioners approve the property owner's request to remove the RB floating zone district, the land will be restored to its underlying zoning district.
- (b) Partial Termination. An individual property owner may submit a written request to the Planning Commission to remove a portion of the RB floating zone district from their property at any time. The written request must be accompanied by a detailed drawing showing surveyed metes and bounds of the requested change so as to determine the limits of the RB floating zone district. The Planning Commission shall review such a request at one of their regular meetings and make a recommendation to the Board of County Commissioners. The Board of County Commissioners may then approve or deny the request without a public hearing. Should the Board of County Commissioners approve the property owner's request to remove the RB floating zone district, the land will be restored to its underlying zoning district.

- (2) ARTICLE 5F – "RB-N" RURAL BUSINESS NEW DISTRICT is repealed in its entirety.

Deleted: amended as follows

- (3) Article 22, Division II – SIGNS is amended as follows:

Section 22.21 Signs Permitted Without Zoning Permits

- (a) A sign indicating the name and/or premises or accessory use of a home for a home occupation or professional purpose, not exceeding ten (10) square feet in area.

- (4) Article 28 – DEFINITIONS is amended as follows:

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 2,500 square feet 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. Signage for the business is limited to one (1) sign not more than ten (10) square feet in total sign area.
 - E. 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.

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 5,000 square feet 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.

Comp Plan Stakeholders

Economic Development

- Department of Business Development
- Economic Development Commission
- City of Hagerstown Department of Community and Economic Development
- Chamber of Commerce
- Greater Hagerstown Committee
- Pen Mar Development Corporation

Transportation

- Division of Engineering and Construction
- Division of Public Works
 - Airport
 - County Commuter
 - Highways
- City of Hagerstown Engineering
- HEPMPO

Housing

- Hagerstown Housing Authority
- Housing Authority of Washington County
- Home Builders Association
- Habitat for Humanity

Education

- Board of Education
- Hagerstown Community College
- Kaplan College
- University of Maryland – Hagerstown
- Private Schools and Colleges

Health and Human Services

- Washington County Health Department
- Washington County Health System (Meritus)
- Mental Health Authority

- Washington County Commission on Aging
- Disabilities Advisory Committee
- Community Action Council
- Local Management Board

Civic Groups

- Elks
- Rotary
- Kiwanis
- Hagerstown Jaycees
- Leadership Washington County
- Boys and Girls Club
- United Way

Emergency Services and Public

Safety

- Washington County Division of Emergency Services
- Washington County Volunteer Fire and Rescue Association
- City of Hagerstown Fire Department
- Washington County Sheriff's Department
- City of Hagerstown Police
- Maryland State Police

Agricultural Resources

- Washington County Agriculture Advisory Committee
- Soil Conservation District
- Farm Bureau
- Agriculture Extension Office
- Right to Farm Board
- Ag Marketing Specialist

Environmental

- Washington County Division of Environmental Management
 - Water Quality
 - Solid Waste
 - Recycling
- City of Hagerstown Water Department of Water and Wastewater

- Maryland Department of Environment

Historic Resources

- Washington County Historical Society
- Historic District Commission
- Historical Advisory Board
- Maryland Historical Trust

Municipal/Governmental

- City of Hagerstown
- Town of Boonsboro
- Town of Clear Spring
- Town of Funkstown
- Town of Hancock
- Town of Keedysville
- Town of Sharpsburg
- Town of Smithsburg
- Town of Williamsport
- Wash Co Free Library

Recreation, Parks, and Tourism

- Washington County Recreation Department
- Parks and Recreation Advisory Board
- Convention and Visitors Bureau
- MD Department of Natural Resources
- National Park Service
- Appalachian Trail Conservancy

Out of County

- Frederick County
- Allegany County
- Fulton County, PA
- Franklin County, PA
- Morgan County, WV
- Berkeley County, WV
- Jefferson County, WV
- Loudon County, VA

Projected Timeline for Comprehensive Plan Update																		
	2014	2015												2016				
	December	January	February	March	April	May	June	July	August	September	October	November	December	January	February	March	April	May
1. Planning Commission Kickoff																		
2. SWOT Analysis																		
2. Community Involvement																		
a. PR Media Blast - Newspaper/Radio																		
b. Social Media Release/Kick-off																		
c. Posters in local community centers																		
d. Educate and received feedback from local stakeholders and partner agencies																		
e. Piggyback on Stakeholder newsletters																		
f. Direct Mailings - Postcards																		
g. "Town Hall" style meetings																		
3. Citizens Advisory Committee																		
a. Initial meeting - Introductions and Goal Setting																		
b. Review SWOT Analysis																		
c. CAC will be invited to attend public input meetings at their discretion																		
d. Review public information meeting comments and make recommendations to Staff and Planning Commission regarding applicable issues																		
4. Draft Comp Plan																		
a. Review public feedback and Citizen Advisory Committee recommendations with Planning Commission																		
b. Staff will use public input, CAC and PC recommendations to Draft various elements of the Plan																		
c. Planning Commission will review document																		
d. Revisions will be made as needed prior to public release																		
5. Public Information Meetings																		
a. Give presentations to local stakeholders (public and private)																		
b. PR Media Blast - Newspaper/Radio																		
c. Direct Mailings - Postcards																		
d. Posters in local community centers																		
e. Piggyback on Stakeholder newsletters																		
f. "Town Hall" style meetings																		
6. Planning Commission Review and Recommendation																		
a. Review comments made during Public Information Meetings and make changes where applicable.																		
b. PC Public Input Meeting																		
c. Review public comments and make appropriate changes																		
d. Planning Commission recommendation to BoCC																		
7. Board of County Commissioners																		
a. Formal presentation of PC recommended draft plan to BoCC																		
b. BoCC Public Hearing																		
c. Review of Public Comments																		
d. BoCC adoption																		

Final Draft January 5, 2015

- Staff Action Item
- Planning Commission and Staff Action Item
- Planning Commission Action Item
- Citizen Advisory Committee Action Item
- Board of County Commissioners Action Item