



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

WASHINGTON COUNTY PLANNING COMMISSION
REGULAR MEETING
June 1, 2015, 7:00 PM
WASHINGTON COUNTY ADMINISTRATION BUILDING
100 WEST WASHINGTON STREET
2ND FLOOR, ROOM 255

CALL TO ORDER AND ROLL CALL

MINUTES

1. April 18, 2015 Planning Commission rezoning information meeting minutes *
2. May 4, 2015 regular Planning Commission meeting minutes *

REZONING PUBLIC INFORMATION MEETING

1. RZ-15-003 – Application request by the Washington County Department of Planning & Zoning for a proposed text amendment to add new Article 16A PUD and amend Article 16 MX – Mixed Use District of the Washington County Zoning Ordinance; Planners: Steve Goodrich and Jill Baker *

NEW BUSINESS

PRELIMINARY CONSULTATIONS

1. Heritage Huyett, LLC (PC-15-001) – Concept plan for proposed Industrial Commercial business lots located along the west side of Greencastle Pike; Zoning: RT (Residential Transition); Planner: Lisa Kelly *

OTHER BUSINESS

1. Rosewood Planned Unit Development (Capitol Lane townhouses) located along the north side of Varsity Lane – Playlot setbacks and parking ratio modification; Planner: Tim Lung *
2. Comprehensive Plan Update – Planner: Jill Baker
3. Rural Business Rezoning – Planner: Jill Baker *
4. Election of Officers

ADJOURNMENT

UPCOMING MEETINGS

1. Monday, July 6, 2015, 7:00 p.m., Washington County Planning Commission regular meeting, Washington County Administration Building, 100 West Washington Street, Room 255, Hagerstown, Maryland

****a t t a c h m e n t s***

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.*

WASHINGTON COUNTY PLANNING COMMISSION
April 20, 2015

The Washington County Planning Commission held a public rezoning meeting on Monday, April 20, 2015 at 7:00 p.m. at the Washington County Court House, Court Room #1, 24 Summit Avenue, Hagerstown, Maryland.

Commission members present were: Chairman Terry Reiber, Clint Wiley, Dennis Reeder, Andrew Bowen, and David Kline. Staff members present were: Washington County Department of Planning & Zoning Stephen Goodrich, Director; Jill Baker, Chief Planner; Justin Lindley, Associate Planner; and Debra Eckard, Administrative Assistant.

CALL TO ORDER

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

Staff Presentation

Mr. Lindley presented a map amendment request for MB Realty Group, Inc. for property located at the corner of Jefferson Boulevard and Warrenfeltz Lane, just west of the intersection of Robinwood Drive. The current zoning of the site is RT (Residential Transition). The applicant is planning to rezone a 1.8 acre section of the 6.5 acre parcel to BL (Business Local); the remaining 4.5 acres would remain zoned RT. A subdivision approval and site plan approval would be required if the site is rezoned to BL. The site has gentle slopes and is wooded with a small clearing along Jefferson Boulevard; the entire parcel is unimproved. The original rezoning application was sent to several County and State reviewing agencies and comments relative to the original submittal have been received. Mr. Lindley briefly reviewed the six criteria that should be considered in evaluating a rezoning request. He discussed the change in population, availability of public services, emergency services, and traffic counts. He noted that Jefferson Boulevard is classified as an "other principle arterial" on the road classification map included in the Comprehensive Plan. The primary purpose of the highway is to provide unhindered mobility for regional through traffic. Mr. Lindley briefly reviewed comments received from the Washington County Department of Plan Review and Permitting, which included: "A traffic study would be required for any commercial development that generates 50 or more trips during peak hours. Since Jefferson Boulevard is a State road, the County defers to SHA regarding specific access requirements." The County Commuter provides service to this area via the Smithsburg route. Mr. Lindley discussed compatibility with existing and proposed development in the area. It was noted that the Zoning Ordinance requires an increase in side and rear yard buffers to mitigate the impact from Business Local zoning on residential parcels. The development of the site with a business use may affect traffic patterns in the area. A traffic study and the State Highway Administration entrance requirements would determine if accel and decel lanes would be required. Residential uses surround the property with a few commercial uses within a ½ mile radius.

Mr. Lindley discussed the subject property as it relates to the Comprehensive Plan. The parcel is on the northern edge of the Urban Growth Area boundary which runs along the CSX Railroad tracks on the north end of the parcel. According to the 2002 Comp Plan, the parcel is located in a low-density residential policy area. Low-density residential areas are typically located on the fringe of the UGA and are the transition to agricultural areas. According to the Comp Plan, commercial uses should be located in areas identified as commercial on the Land Use Plan, which are primarily located along major road networks within the UGA. The Comp Plan also recommends the revision of the BL classification within the Zoning Ordinance to be more restrictive in uses and would support neighborhood commercial needs as well as acting in the capacity of a transitional zoning district.

When not part of a comprehensive rezoning, the applicant [in accordance with Maryland law] must provide evidence of a mistake in the original zoning of the property or a change in the character of the neighborhood. For this rezoning request, the applicant has indicated that a mistake in the last comprehensive rezoning in 2012 was made. Mr. Lindley briefly discussed the applicant's justification statement that was submitted with the rezoning application.

Discussion and Comments: Mr. Wiley asked how long it took to adopt the latest Comprehensive Plan and what efforts were made to inform the public of this on-going process. Ms. Baker stated that several community outreach meetings were held, advertisements were published in the local newspaper, and there was coordination with various Town Planning Commissions. She noted that during the comprehensive rezoning in 2012, every affected property owner was notified by mail and back page advertisements were published in the local newspaper.

Applicant's Presentation

Mr. Edward Kuczynski, 55 North Jonathan Street, Hagerstown, Maryland, the attorney representing MB Realty, was present during the meeting. He introduced the applicant, Mr. Matthew Beckham, 1422 Burtonwood Drive, Suite 200, Gastonia, North Carolina.

Mr. Kuczynski noted that additional information was distributed to Commission members just prior to the meeting. He gave a brief presentation relative to the background of this request. After hearing the comments regarding the comprehensive rezoning in 2012, Mr. Kuczynski noted that the property owners, Kevin and Leanne Smith, did not participate in the process to voice their opinions or concerns on this property. The rezoning application has been precipitated by MB Realty's contract to purchase the property for the construction of a Dollar General store.

Mr. Kuczynski noted that the applicant will be providing information that will support their claim that a mistake was made in zoning this parcel Residential Transition during the comprehensive rezoning of 2012. He began with the change in the population of 122%, which he believes supports the need for more business local uses in the area. Mr. Kuczynski explained that he contacted staff in order to determine if this specific parcel was discussed during the comprehensive rezoning. He believes that it was not specifically discussed and was zoned RT because all of the surrounding properties were zoned RT. He expressed his opinion that the site does not lend itself to residential development due to the topography, slope and geological aspects of the site and the railroad tracks along the northern edge of the property. At the corner of Jefferson Boulevard and Robinwood Drive is a parcel of land which is zoned BL and contains a Liberty gas station and an office building. Mr. Kuczynski expressed his opinion that "creeping" change has occurred from the intersection of Mt. Aetna Road, including the Meritus Medical Center, down Robinwood Drive to the Hagerstown Community College. He believes that these changes accentuate the fact that more consideration should have been given to zoning this property BL.

Mr. Kuczynski stated that the BL zoning does not allow high intensity uses such as Walmart or big box stores. The intended use of this parcel is to construct a Dollar General on only 1.6 acres of the entire parcel. The proposed use would require approximately 31 parking spaces, which suggests a lower intensity use of the property.

Discussion and Comments: Mr. Bowen expressed his opinion that a mistake was not made in the zoning of this site and that the commercial uses, specifically the Meritus Medical Center, along Robinwood Drive, the topography of the site, and the property's proximity to the railroad tracks should not be considered relevant to this request.

Mr. Reiber expressed his opinion that the proximity of the commercial sites referenced in the applicant's report are not within the immediate area of the site on Jefferson Boulevard. Mr. Reiber stated that Parcel 143 located slightly to the east of the site is zoned BL; however, Parcel 153 is zoned RT and is directly across the road from the subject site.

Citizen Comments

Mr. Reiber entered into the record, pictures taken by Mr. Nevin Smith, of the rezoning public meeting signs that were posted by the applicant on the property that fell down shortly after being posted.

- Lori Monnett, 20470 Jefferson Boulevard, Hagerstown, MD 21742 – Ms. Monnett stated that there is a lot of traffic on Jefferson Boulevard as well as many traffic accidents that have resulted in damage to her property. The expansion of Meritus has increased the traffic at the

intersection of Jefferson Boulevard and Robinwood Drive. She expressed her opinion that the Dollar General should consider re-use of one of the many abandoned buildings in the downtown area or in the County. Ms. Monnett submitted written comments for the record.

- James Wilson, 12010 Warrenfeltz Lane, Hagerstown, MD 21742 – Mr. Wilson expressed his opinion that a mistake was not made during the comprehensive rezoning of the area and residents were notified of all public hearings that were held on the subject. He stated that there is a large volume of traffic going eastbound during the late afternoon hours and believes it would be difficult and unsafe for anyone trying to make a left onto Jefferson Boulevard from the site. Mr. Wilson stated that Warrenfeltz Lane is a private lane and maintained by the residents who live there. He noted there are two large sink holes at the end of Warrenfeltz Lane. He believes that any grading on the subject site could potentially force water runoff onto his property and if a septic field is placed on the subject site, the effluent that soaks into the ground would run into the sinkholes and into the groundwater.
- Seth Wilson, 12010 Warrenfeltz Lane, Hagerstown, MD 21742 – Mr. Wilson submitted written comments for the record and as well as verbal comments. He cited two Board of Zoning Appeals cases that he believes set a precedent for the residential zoning of this property. He noted that numerous improvements have been made to the properties identified as Parcels 1396, 576, 1754 and 682 since the time of these opinions. Mr. Wilson stated that Warrenfeltz Lane is a private road. He noted that there are five existing Dollar General stores within five miles of the subject site, including one located at 22945 Jefferson Boulevard. Mr. Wilson believes that the railroad tracks were present before zoning was established and that development north of the railroad tracks has been hampered by the lack of convenient rights of way. He expressed his opinion that the slopes on the property are steep slopes, not gentle slopes as noted in the Staff Report and Analysis. Mr. Wilson asked if there would be a buffer zone on the commercial site.
- Jessie Marie Jones, 20460 Jefferson Boulevard, Hagerstown, MD 21742 – Ms. Jones stated that she lives in the family home next to the subject site, which was constructed by her grandfather and is the site of numerous family gatherings during the year. She is opposed to the rezoning of the subject property due to safety concerns. She expressed her opinion that constructing a Dollar General store on this property would be “redundant, unnecessary, and unwanted” due to the number of Dollar General stores already located within close proximity to the proposed site.
- Christopher Amos, 20445 Jefferson Boulevard, Hagerstown, MD 21742 – Mr. Amos gave a brief history with regard to his property which would be directly across the street from the proposed Dollar General store. He expressed his opinion that this is a quiet, safe neighborhood. He stated there is a large volume of traffic on eastbound Jefferson Boulevard during the evenings, which makes it difficult for residents to get on Jefferson Boulevard. Mr. Amos believes that Jefferson Boulevard would need to be widened in this area to accommodate the traffic going in and out of the proposed site.
- Michelle Carbaugh, 12045 Warrenfeltz Lane, Hagerstown, MD 21742 – Ms. Carbaugh stated that Warrenfeltz Lane is a private lane and it is not maintained by the County. She noted that it is very difficult to access or leave Warrenfeltz Lane during peak traffic hours. Ms. Carbaugh stated that when she moved into her home approximately 15 years ago, she tried to get public water to her property and was told that she could not. She expressed her opinion that the Robinwood corridor with all of its commercial uses and the new Meritus medical facility has brought significant traffic to the area.

Applicant's Closing Comments

Mr. Kuczynski reiterated his earlier comment that this specific parcel was not specifically considered during the comprehensive rezoning of the UGA. This is important because this is a Residential Transition area with Business Local zoning in close proximity to the subject parcel. Mr. Kuczynski noted that MB Realty attempted to purchase/lease a site at the corner of Jefferson Boulevard and Robinwood Drive; however, attempted negotiations on that site failed.

In rebuttal to comments made with regard to increased traffic and vehicles entering and leaving the proposed site, Mr. Kuczynski noted that residential development on the site would be faced with the same difficulties. He believes that traffic from a commercial use would be more strictly controlled because the State Highway Administration will be involved during the site plan process. If the property is rezoned to Business Local, any of the principle permitted uses listed in the Zoning Ordinance would be allowed on this site. Mr. Kuczynski stated that the intent of the BL zone is "to provide retail goods and services for neighborhoods".

Mr. Kuczynski believes that traffic has increased in this area due to the construction and expansion of the Meritus health facilities and the growth of the Hagerstown Community College. All of this development has impacted the residential area. He expressed his opinion that this growth can also be used as part of the basis to justify a mistake in the zoning of the property. He stated that zoning should "create the highest and best use of the property in question, not to render it unsaleable or unusable". He believes that the site would be less than ideal for residential development due to its location near the railroad tracks.

Mr. Kuczynski believes that rezoning this parcel to BL makes good planning sense. He noted that BL zoning is intended to blend low density residential properties with neighborhood commercial uses. He stated that issues such as traffic patterns, buffering and utilities would be addressed during the site plan process.

Mr. Reiber stated that the public can submit their written comments to the staff via e-mail or regular mail. The Planning Commission will deliberate and make its recommendation at its next regular meeting. The recommendation will then be forwarded to the Board of County Commissioners. The Board of County Commissioners will hold a public hearing before making its final decision on this request.

Mr. Reiber asked staff to research the legal definition of "spot zoning" prior to the Commission's next regular meeting.

ADJOURNMENT

The Chairman adjourned the meeting at 8:18 p.m.

UPCOMING MEETINGS

1. Monday, May 4, 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 PLANNING COMMISSION
May 4, 2015

The Washington County Planning Commission held its regular meeting on Monday, May 4, 2015 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, Drew Bowen, Dennis Reeder, David Kline, and Ex-officio Leroy E. Myers, Jr. Staff members present were: Washington County Department of Planning & Zoning - Stephen Goodrich, Director; Jill Baker, Chief Planner; Justin Lindley, Comprehensive Planner; and Debra Eckard, Administrative Assistant; Washington County Department of Plan Review & Permitting – Terry Irwin, Deputy Director; Tim Lung, Chief Planner; Lisa Kelly and Cody Shaw, Senior Planners.

CALL TO ORDER

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

Mr. Goodrich announced that the agenda item for James Shifler has been removed from this evening's agenda per the applicant's request.

MINUTES

Motion and Vote: Mr. Reeder made a motion to approve the minutes of the March 2, 2015 meeting minutes as presented. The motion was seconded by Mr. Bowen and unanimously approved.

OLD BUSINESS

MB Realty Group, Inc. (RZ-15-001)

Mr. Lindley presented for review and recommendation a map amendment request for MB Realty Group, Inc. for property located at the corner of Jefferson Boulevard and Warrenfeltz Lane. The applicant is proposing to rezone a 1.8 acre section of a 6.5 acre parcel from RT (Residential Transition) to BL (Business Local). A public rezoning meeting for this request was held by the Planning Commission on Monday, April 20, 2015 at the Washington County Court House. Mr. Lindley noted that public comment was received during the public meeting as well as letters and e-mails received by the Planning Department since the public meeting. All correspondence has been forwarded to the Planning Commission for its review. During the public meeting, Mr. Reiber requested that staff research the legal definition of "spot zoning". Mr. Lindley noted that a memorandum was included in the Commission members' agenda packets addressing this issue.

Discussion and Comments: Mr. Bowen expressed his opinion that the proposed change should have been requested during the 2012 Comprehensive rezoning.

Mr. Wiley expressed his opinion that the applicant's argument that the Commission performed only a "broad brush" analysis of this area during the comprehensive rezoning was unfounded. He noted that during the comprehensive rezoning the Commission spent a lot of time and used sophisticated GIS (geographic information systems) tools to review and evaluate properties. Mr. Wiley does not believe that the applicant's case was strong enough to prove a mistake in the zoning of the property; therefore, he is opposed to rezoning the property at this time.

Mr. Reiber expressed his opinion that rezoning this property to "BL" would constitute "spot zoning", to which he is opposed. He does not agree with the applicant's contention that a mistake was made in the zoning of this property; and, that the property owner should have been pro-active during the comprehensive rezoning process.

Motion and Vote: Mr. Bowen made a motion to recommend denial of the rezoning request to the Board of County Commissioners. The motion was seconded by Mr. Wiley and unanimously approved with Commissioner Myers abstaining from the vote.

NEW BUSINESS

MODIFICATIONS

Overdale Estates (SV-15-004)

Mr. Shaw presented for review and approval a modification request for Lots 1-6 of Overdale Estates located along the south side of Jefferson Boulevard (Tax Map 51/Grid 3/Parcel 30) on 20.2 acres of land currently zoned A(R) – (Agricultural Rural). The applicant is requesting a modification from Sections 402 and 405.11.G.5 of the Washington County Subdivision Ordinance. The modification would allow proposed driveways with 510', 445' and 261' separations on Jefferson Boulevard. Section 402 requires a minimum driveway separation on a principal arterial road of 750 feet. The modification would also allow a panhandle length of 432' for Lot 1 in the proposed subdivision. Section 405.11.G.5 allows a maximum panhandle length of 400 feet. Each proposed lot would share a driveway with another lot in order to reduce the total number of access points from six to three. The stopping sight distance for each entrance meets the requirements of the State Highway Administration. This request was forwarded to the Washington County Department of Engineering and Construction Management, the Maryland State Highway Administration, Emergency Services and the Smithsburg Volunteer Fire Company. There were no objections from the reviewing agencies and staff has no objections to these modifications.

Discussion and Comments: Commissioner Myers expressed concern with regard to sight distance from the proposed driveways.

Mr. Reiber expressed his concern with regard to the maintenance of the shared driveways in the future. Mr. Shaw stated that this issue will be covered in the property owners' deeds. Mr. Reiber also expressed concern with regard to the proposed panhandle length for Lot 1.

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

PRELIMINARY CONSULTATIONS

Roy E. Petre Animal Waste Staging Facility (PC-15-002)

Mr. Lung presented for review and comment a preliminary consultation for the Roy E. Petre Animal Waste Staging Facility to be located along the north side of Rench Road, west of Col H.K. Douglas Drive inside the Hagerstown Urban Growth Area. The property is currently zoned RU – Residential Urban. The farm consists of 139 acres devoted primarily to a dairy operation, which produces 3,787 tons of animal waste annually. There is an existing earthen manure storage facility and water tank on the site that will be decommissioned and a 12' x 100' concrete circular tank will be installed with a capacity of 598,117 gallons. The new facility will be capable of providing manure storage for five months. When the waste is removed from the tank it will be applied to the Petre farm and surrounding farms in accordance with the approved Nutrient Management Plan. The proposed facility is 750' to the closest property line and 2300' from the closest residence not on the same property. The Zoning Ordinance requires a minimum setback of 300' from a property line, 250' from a public road, and 500' from a dwelling, school, church, or institution for human care. The Zoning Ordinance permits the Planning Commission to double these requirements if deemed appropriate. The Department of Plan Review & Permitting [Engineering] indicated that no storm water management facility will be required because this is an agricultural facility and no grading plan and/or permit will be required. The plan has been reviewed and approved by the Washington County Soil Conservation District and meets all USDA, Natural Resources Conservation Service standards and specifications. The Washington County Health Department has no comments or objections to the application. The Department of Plan Review & Permitting [Land Use] verified all setbacks and discussed odor reducing technology with the owner.

Discussion and Comments: Commissioner Myers asked about requirements to till the ground once the manure is applied. Mr. Elmer Weibley with the Washington County Soil Conservation District explained that State and Nutrient Management regulations require that the ground be tilled within 48 hours after applying the manure with the exception of highly erodible land. He also noted that his office as well as State offices insure that regulations as well as the approved Waste Management Plan are being followed.

There was a brief discussion regarding the doubling of the setback requirements. Mr. Lung noted that if land were to be sold in the future, the setbacks required by the Ordinance would prevail. The setbacks, as proposed on the plan, are more than double the setbacks currently required by the Zoning Ordinance. Mr. Reiber and Mr. Wiley do not believe there is a need to double the setback requirements because anyone purchasing a lot in the future would be aware of the location of the waste staging facility.

SITE PLANS

Grumbacker Lane Warehouse (SP-14-002)

Ms. Kelly presented for review and approval a site plan for Grumbacker Lane Warehouse located along the south side of Partnership Court, east of Governor Lane Boulevard. The property is currently zoned PI – Planned Industrial. The developer is proposing to construct a 140,000 square foot building, 30 feet in height on 18.54 acres. The parcel will have 80 feet of frontage on Grumbacker Lane, which is a County roadway. The site will be served by water from the City of Hagerstown and sewer from Washington County. The hours of operation will be Monday thru Saturday 24 hours per day for warehouse workers and Monday thru Friday, 8:00 a.m. to 5:00 p.m. for office workers. A total of 100 car parking spaces are required and 100 spaces will be provided along the front and side of the Warehouse. There will be 82 truck parking spaces and 3 docks constructed to the rear of the building. Lighting will be building mounted as well as pole mounted throughout the parking lot. Signage will be building mounted. Storm water management ponds will be located along the south side of the parcel. Landscaping will be located along the entire front property line which is to the north and throughout the parking lot. Forest Conservation Ordinance requirements are being met by retaining 7.6 acres of existing forest off-site on lands owned by Bowman 2000 West, which is located west of Hancock. All reviewing agency approvals have been received.

Motion and Vote: Mr. Reeder made a motion to approve the site plan as presented. The motion was seconded by Mr. Wiley and unanimously approved with Commissioner Myers abstaining from the vote.

Resh Road South Landfill Solar Project (SP-15-017)

Mr. Shaw presented for review and approval a site plan for the proposed Resh Road South Landfill solar generation project. The site is located along the southeast side of Resh Road (Tax Map 23, Grid 21, Parcel 160) and is currently zoned EC – Environmental Conservation. The site will have no employees and is exempt from Forest Conservation Ordinance requirements because there is less than 20,000 square feet of disturbance. Landscaping will be addressed using existing trees located on the site. All agency comments have been addressed and staff has no objection to the approval of this project.

Discussion and Comments: Commissioner Myers noted that an individual application for a solar farm in Clear Spring was recently withdrawn due to its location. Mr. Goodrich noted that solar farms are not permitted in Priority Preservation Areas in the County. Commissioner Myers expressed his opinion that rich, fertile farmland should not be used for solar farms. Ms. Baker stated that the Zoning Ordinance defines a solar generating energy system as “serving the grid” with a minimum 20 acre lot size. She noted that solar farms are not permitted in some agricultural areas because farmland is a valuable resource that needs to be protected.

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

OTHER BUSINESS

Rosewood Planned Unit Development (PUD)

Mr. Lung began with a brief history of the Rosewood PUD located along the west side of Robinwood Drive, south of Hagerstown Community College and north of Meritus Medical Center. The PUD was approved in 1995 and has been developed over the past 15 years in phases. Since its original approval, the final development plan has been revised several times. The original PUD proposed townhouses in the northeast corner of the property at Capital Lane; and subsequently a subdivision plat and site plan was approved. In 2011, a request was submitted to replace the proposed townhouses with 8 commercial office buildings. This proposed change was the subject of

a public hearing and was approved; however, subdivision plats and site plans were never submitted for the commercial buildings. In April 2014, the developer asked the Planning Commission to review a proposal to convert this area back to townhouses and to make a determination if a public hearing would be required. The Planning Commission determined that a public hearing was not required. The developer has now submitted a revised final development plan as well as a preliminary/final plat and site plan for the proposed townhouses and is requesting that the Planning Commission grant staff the authority to approve these plans after all agency approvals have been received. Staff has no objection to the request. Mr. Lung stated that the plan is proposing 50 townhouse lots and a .35 acre commercial lot along Capital Lane. There will be 8 blocks of townhouses with 3 to 8 townhouse units per block. The .35 acre commercial parcel at the corner of Capital Lane and Professional Boulevard will be an expanded parking lot for the existing Varsity Lane Professional Center. All infrastructure is in place. The proposed final development plan has been reviewed and approved by the Department of Plan Review & Permitting [Engineering] and the Washington County Soil Conservation District. The City of Hagerstown Water & Sewer Department stated that they have no objection to reverting to the original residential concept. However, there will be the need to completely document the as-built location details and consider the minor changes to the existing services as well as bringing the plans up-to-date with our current standards. Approvals are pending on the revised final development plan from the Department of Plan Review & Permitting [Land Use], Washington County Health Department and Addressing. The revised preliminary/final plat and site plan has been reviewed and comments have been issued by the Department of Plan Review & Permitting [Engineering]; the Washington County Soil Conservation District has approved the plan. Approvals are pending on the preliminary/final plat and site plan from the Department of Plan Review & Permitting [Land Use], the Washington County Health Department and the City of Hagerstown Water & Sewer Department.

Motion and Vote: Mr. Bowen made a motion to grant staff the authority to approve the revised final development plan and the preliminary/final plat and site plan contingent upon all agency approvals. The motion was seconded by Mr. Reeder and unanimously approved.

Commissioner Myers left the meeting at 8:07 p.m.

Comprehensive Plan Update

Ms. Baker announced that an article about the Comprehensive Plan Update was recently published in the "What's NXT" magazine. She noted that staff has been working with the County's Information Technologies department on the website and we anticipate it to be completed and functional by the end of the month. Staff will be making school presentations to Boonsboro Middle School on May 12th and Boonsboro High School on May 28th. Specific dates have not been scheduled for presentations at the Williamsport and Clear Spring High schools. We are hoping to make additional presentations to more schools in the Fall. Staff has also begun scheduling Stakeholder meetings. We have been meeting with staff members from other County departments such as the Office of Business Development, Engineering Capital Projects and the Hagerstown Regional Airport. Ms. Baker stated that we intend to begin holding town hall style meetings with the Planning Commission in July and August. Staff is also working on background studies for each of the Comp Plan elements. Ms. Baker reported that, to date, we have received 107 responses to surveys we have posted on-line.

Discussion and Comments: Mr. Reiber expressed his opinion that the municipalities need to get involved. Mr. Bowen suggested that we contact the Maryland Municipal League to make a presentation.

Rural Business Rezoning

Ms. Baker reminded Commission members that proposed changes to the text of the Rural Business zoning district were discussed earlier this year. The Planning Commission was prepared to make its recommendation to the Board of County Commissioners after the Commissioners remanded this issue back to the Planning Commission. There have been several meetings with the County Attorney's Office regarding proposed changes. Ms. Baker briefly explained the proposed changes to be made and she will present these changes to the Planning Commission at the next regular meeting.

Capital Improvements Plan

Mr. Goodrich announced that the Board of County Commissioners will be holding a public hearing on the proposed FY 2016 budget which includes the Capital Improvements Plan (CIP) on Tuesday, May 5, 2015 at the Kepler Theater at Hagerstown Community College. The CIP funds improvements to infrastructure throughout the County that will encourage and support development as recommended in the Comprehensive Plan.

Motion and Vote: Mr. Bowen made a motion to recommend approval of the CIP because it is consistent with recommendations in the Comprehensive Plan. The motion was seconded by Mr. Wiley and unanimously approved.

Mr. Goodrich announced that Mr. Bowen's appointment will expire on June 30, 2015. Mr. Bowen stated he would like to remain on the Commission with the other members' approval. Mr. Goodrich will notify the County Clerk of this decision and it will be presented to the Board of County Commissioners in the near future.

In accordance with the Ethics Ordinance, Financial Disclosure Statements must be returned to the County Attorney's office. Mr. Goodrich asked Commission members to fill out these forms and return them as soon as possible.

ADJOURNMENT

Mr. Bowen made a motion to adjourn the meeting at 8:30 p.m. The motion was seconded by Mr. Wiley and so ordered by the Chairman.

UPCOMING MEETINGS

1. Monday, June 1, 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



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

RZ-15-003

May 10, 2015

STAFF REPORT AND ANALYSIS
APPLICATION FOR TEXT AMENDMENT
WASHINGTON COUNTY ZONING ORDINANCE
NEW ARTICLE 16A PUD, PLANNED UNIT DEVELOPMENTS
REVISIONS TO EXISTING ARTICLE 16 "MX" MIXED USE DISTRICT

Recent events have highlighted defects and misinterpretations of the PUD zoning district. This staff report will explain the issue and the solution proposed through amendments to the Zoning Ordinance.

The PUD zoning designation remains on certain properties shown on the Washington County zoning maps but the text of the district in the Washington County Zoning Ordinance was deleted in 2012 upon adoption of a comprehensive rezoning in the Urban Growth Area. The new MX-Mixed Use Zoning District, which was put into the Ordinance in that same 2012 zoning action, was designed as a replacement for the PUD district and it contained a short paragraph titled **Section 16.4 (e) Former PUD Zone** that was intended to address the continuing validity of the PUD zoning designation on the map. Also included in that paragraph was direction to the former text for plan review guidelines, delegation of responsibility to the Planning Commission to mediate dispute over the applicability of the former text and the Commissions ability to approve minor changes to approved PUD Development Plans.

Deletion of the PUD text and leaving future administration to that short paragraph and former text has recently been shown to be confusing and less than effective. Recent Development Plan amendments utilizing a procedure that was not specified in the PUD text but developed specifically to address the PUD intent, including public input on the development concept, have been challenged. The purpose of the currently proposed amendments is to resolve the lack of a specified process in the text for allowing, evaluating and approving changes to development concepts in existing PUDs. The proposed amendment will also include this same process in the MX district, which is an upgraded version of the former PUD zone.

More specifically, this proposed amendment will return a PUD zoning district to the Washington County Zoning Ordinance as Article 16A – PUD Planned Unit Development, to be used only for administration of the PUDs that currently exist on the Zoning maps (Woodbridge, Youngstown, Emerald Pointe, Rosewood, South Pointe, St. James Village North and Fountainview). The text and the PUD zoning designation will not be available for new applications. The returned text contains the exact same design guidelines from the previous version for density, tract size, open space, landscaping, buffer requirements, walkways, building spacing and height requirements, non-residential development, traffic circulation, parking and phasing. All of the procedural guidelines for obtaining the PUD district have been removed because the PUD district will not be available to apply to new properties. The MX district is the PUD replacement and property owners who are interested in creation of a PUD-like development must use the MX district.

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It has improved design guidelines, increased information requirements prior to approval and much more flexibility in the mixture of uses.

Completely new text is proposed to be included in Article 16A that describes in detail a procedure for making changes to an approved Development Plan. These procedures were only briefly described in the former text. This text gives the Planning Commission the responsibility to make a determination that a change to an approved Development Plan requested by the developer is either minor or major. If the Commission determines that the change is minor, a decision that would be made during a regular Commission public meeting, the development plan is amended and reapproved by the Commission. If the Planning Commission determines that the requested change to an approved Development Plan is major, there is a defined process that requires consideration of the Concept Plan that was the basis for the original PUD zoning approval. A public information meeting, a public hearing and a formal finding of fact that must consider five specific guidelines related to the stated purpose of the Planned Unit Development district are also included in the defined process. It is very important to stress for all interested and concerned parties that there are no new requirements in this reinstated text. Former text is being returned to the ordinance and an existing administrative policy that was developed to address a gap in the procedures, i.e., the process for considering and approving a major Development Plan change, will also be included (Section 16A.5 Changes to an approved PUD).

A second part of this proposed amendment involves additions to existing Article 16, the MX or Mixed Use district and deletion of the insufficient paragraph at 16.4(e). This zoning designation was added to the County's Zoning Ordinance with approval of the Urban Growth Area Comprehensive Rezoning. Significant changes to all of the districts in the urban area were implemented by this action which was approved on April 17, 2012 and became effective on July 1, 2012. The MX district was a replacement of the PUD. It was only new text and no MX districts were placed on the zoning map because they are dependent upon an application from a property owner. The application requires specific information about the proposed development and a significant public review process. Since the new MX was intended as a replacement of the PUD, the same gap in the process to change an approved Development Plan from the PUD was carried over to the new MX. With this amendment the same cure for the gap in the PUD change process is proposed to be included in the MX district.

Again it should be stressed that the inclusion of a more defined Development Plan change procedure is not new. An administrative procedure has been in place for many years in Washington County, developed because changes to approved Development Plans were requested and a defined process was lacking in the text. The administrative process was based on the concept that since public input and development specific information was required before approval of the original PUD plan, the same process should be followed for major change. This existing administrative process has been implemented successfully many times. Although the PUD and MX text clearly say that these designations are not meant to be speculative, they are also not intended to be so inflexible that they cannot respond to changing community needs, economic or market conditions or shifts in development patterns surrounding the site. The entire spectrum of land development controls includes acknowledgement that change should be expected because change procedures are included in their

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enabling documents. If change cannot be expected or accommodated we might still be following a pattern of sprawling suburban development requiring massive infrastructure investments and consuming valuable farmland and open space when that is no longer a desirable development model.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Stephen T. Goodrich".

Stephen T. Goodrich, Director

Washington County Department of Planning
and Zoning

Attachments

STG/me

RZ-15-003

NEW ARTICLE 16A "PUD" PLANNED UNIT DEVELOPMENT

ALL TEXT IS NEW AND SHOWN IN RED TYPE

ARTICLE 16A "PUD" PLANNED UNIT DEVELOPMENT

Section 16A.0 Purpose

The intent of this Article is to manage the implementation of regulations for existing approved PUD Developments within the framework of the Urban Growth Area Rezoning of 2012. All PUD Floating Zones approved by the Board of County Commissioners prior to July 1, 2012 shall maintain their validity in accordance with this Article. This Zoning District is not available for new application on any property within the jurisdiction of Washington County.

Section 16A.1 Principal Permitted Uses

The following uses are permitted in a PUD District subject to the limitations approved by the Board of County Commissioners as part of the rezoning application process or approved revisions subsequent to the initial rezoning application approval.

- (a) All residential uses permitted in the RT, RS, RU, and RM Districts;
- (b) Commercial uses permitted in the BL District;
- (c) Civic, cultural, and educational uses;
- (d) Places of Worship;
- (e) Public Utilities;
- (f) Underground bulk storage of propane that is distributed through a system of underground infrastructure for use by individual residential properties in the PUD.

Section 16A.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 was formerly applied to properties through an established review process by the Board of County Commissioners.

Section 16A.3 Accessory Uses

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

Section 16A.4 Design Standards

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.

- (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 Planning 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 Planning 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 Planning 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 Planning Commission for the PUD tract.

Section 16A.5 Changes to an Approved PUD

PUD Floating Zones approved by the Board of County Commissioners prior to July 1, 2012 and shown on the official zoning map shall maintain their validity in accordance with this Article. Subsequent plan reviews and approvals, re-approvals or changes to concept plans, development plans, subdivision plats, and site plans shall comply with the requirements of this Article.

It is the intent of this Article that the original establishment of the PUD not be a speculative device. However, it is also the intent that an approved PUD may need to change in response to changing community needs and conditions, and that change must follow an appropriate public review process similar to that which occurred prior to the PUD approval and as set forth herein.

Recognizing that flexibility in the site design is inherent in the PUD process and that the long term development of such a project may prompt the need for changes in the approved Development Plan for the property, the following procedures are established to accommodate a requested change.

(a) Upon a request from a developer for a change to the approved PUD Development Plan the Planning Commission shall determine if the requested change is a major or minor change to the Concept Plan reviewed by the Board of County Commissioners as part of the establishment of the PUD District or as part of subsequent changes to the PUD Concept Plan. The establishment and subsequent approved changes to the PUD District by the Board of County Commissioners is considered a tentative approval of density and design features as shown on the Concept Plan. The Planning Commission shall make the determination that a change is major or minor through evaluation of whether or not the change is in accordance with the latest Concept Plan on file as reviewed by the Board of County Commissioners.

1. Minor changes to the approved PUD Development Plan (Preliminary or Final) may be approved by the Planning Commission without the need for an additional public hearing. As a result of the requested change the Planning Commission may establish other requirements deemed necessary to satisfy the purpose of this

Article. Cumulative “minor” change requests may result in the determination by the Planning Commission that there has been a major change to the Concept Plan on file and require the developer to follow the process established for major changes in a PUD Development Plan.

2. Major changes to the approved PUD Development Plan (Preliminary or Final) as determined by the Planning Commission shall also require a change to the Concept Plan and therefore require a new public hearing.

Such major changes shall be reviewed by the Planning Commission for compatibility with this Article. The Planning Commission shall conduct a public information meeting to receive comments from interested parties to assist in the evaluation of the proposed major change. Following the public information meeting the Planning Commission shall forward a recommendation to the Board of County Commissioners. The Commissioners shall hold a public hearing on the matter to determine whether or not the change meets the intent and requirements of this Article and establish findings of fact that consider:

- i. The purpose of the PUD District;
- ii. The applicable policies of the adopted Comprehensive Plan;
- iii. The compatibility of the proposed changes of the PUD District with neighboring properties; and
- iv. The effect of the proposed changes to the PUD District on community infrastructure.
- v. Consistency with the intent and purpose for the establishment of the PUD which is to permit flexibility and creativity in the design of residential areas, promote economical and efficient use of the land, provide for a harmonious variety of housing choices, a varied level of community amenities and the promotion of adequate recreation, open space and scenic attractiveness.

In no event shall a major change result in the removal of a PUD zone. A denial of the requested major change shall require adherence to the previously approved Development Plan.

- (b) The Planning Commission may grant modifications to minimum building setbacks for projections into established yards as part of an approved PUD for the following:

1. Bay windows, chimneys, entrances, vestibules, balconies, eaves, and leaders extending into any required yard not more than four (4) feet provided that such projections (excepting eaves) are not over ten (10) feet in length.
2. Minor building infringements as a result of surveying or stake out errors into any required yard not more than two (2) feet.

3. The setback modifications granted in 1 and 2 above shall be processed as minor changes and shall apply to all units in the PUD or a section of the PUD. They may not be requested or approved for a singular property owner .
4. The Planning Commission may delegate this setback modification authority to an appropriate designee for expedient plan review purposes.

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AMENDED ARTICLE 16 "MX" MIXED USE DEVELOPMENT

PROPOSED NEW TEXT IS SHOWN IN COLOR AND UNDERLINED (RED, BLUE AND GREEN)

TEXT PROPOSED TO BE DELETED IS SHOWN ~~LINED-OUT~~ (RED, BLUE AND GREEN)

ARTICLE 16 "MX" MIXED USE DISTRICT

MXR – MIXED USE RESIDENTIAL DISTRICT

MXC – MIXED USE RESIDENTIAL AND COMMERCIAL DISTRICT

MXE – MIXED USE RESIDENTIAL, COMMERCIAL, AND EMPLOYMENT DISTRICT

Section 16.0 Purpose

Washington County offers a variety of Mixed Use Districts to permit a greater degree of flexibility and creativity in the design and development of residential, commercial, and employment-focused areas than is possible under conventional zoning standards. The purpose is to provide a compatible and complementary mixture of uses that will create a desirable living and working environment, promote an efficient use of the land, provide for a harmonious variety of housing choices, a more varied level of community services and amenities, and the promotion of adequate open space and scenic attractiveness.

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

Mixed Use Districts should be served by public water and sewer facilities that have been approved by the Washington County Health Department.

- (a) The MXR or Mixed Use Residential District is designed to permit a mixture of residential uses only, according to a pre-approved master plan. It allows a mixture of residential uses not normally permitted in the underlying Euclidean zone.
- (b) The MXC or Mixed Use Commercial District is designed to permit a mixture of residential uses and limited commercial development to provide goods and services necessary to the neighborhood, all according to a pre-approved master plan.
- (c) The MXE or Mixed Use Employment District is designed to permit a mixture of residential uses; commercial development to provide goods and services necessary to the neighborhood, and land uses that can provide employment opportunities nearby and remain compatible in proximity to residences, all according to a pre-approved master plan.

Section 16.1 Principal Permitted Uses

Uses are permitted in the Mixed Use Districts as specified below:

- (a) In the MXR District, the following uses are permitted subject to the limitations contained in Section 16.1(d).
 - 1. All residential uses permitted in the RR, RT, RS, RU, and RM Districts.

2. Civic, cultural, and educational uses.
3. Places of worship, schools, and colleges.
4. Public utilities.
5. Underground bulk storage of propane for use by individual residential properties in the subdivision and distributed through a system of underground infrastructure.

(b) In the MXC District, the following uses are permitted subject to the limitations contained in Section 16.1(d).

1. All principal permitted uses allowed in the RR, RT, RS, RU, and RM Districts, except any animal husbandry structure or facility.
2. All principal permitted uses allowed in the BL District, except any animal husbandry structure or facility.

(c) In the MXE District the following uses are permitted subject to the limitations contained in Section 16.1(d).

1. All principal permitted uses allowed in the RR, RT, RS, RU, and RM Districts, except any animal husbandry structure or facility.
2. All principal permitted uses allowed in the BL District, except any animal husbandry structure or facility.
3. All principal permitted uses allowed in the IR, PI, and ORT Districts, except truck terminals, carpet and rug cleaning plants, petroleum products storage tanks, any animal husbandry structure or facility, and heliports.
4. Helipads.

(d) Minimum or maximum limitations for permitted uses and densities in the three (3) Mixed Use Districts are specified in the table below. The Planning Commission may modify these limitations by ten percent (10%) without additional public hearings:

District	Minimum Area	Residential Uses	Commercial Uses	Employment Uses	Open Space	Max Dwelling Unit Per Acre (DU/A)
MXR	No minimum area	Minimum of 2 types of residential units*** Minimum 15% of DU must be multi-family or 25 units, whichever is less	Not Permitted	Not Permitted	Minimum 5% not including forest conserv. area	12 DU/A (24 DU/A permitted in high rise buildings-more than 3 floors and no more than 6 floors)
MXC	No minimum area	Same as MXR or Maximum of 70% when applied to RT, RS, RU, or RM Districts	Maximum 10% ** or Maximum of 70% when applied to HC-HI	Not Permitted	Same as MXR	12 DU/A (24 DU/A permitted in high rise buildings-more than 3 floors and no more than 6 floors)
MXE	No minimum area	Minimum 15% land use must be residential Minimum 15% of DU must be multi-family or 25 units, whichever is less	Maximum 30% or Maximum of 70% when applied to HC-HI District	Maximum 60% or Maximum of 70% when applied to IR, PI, or ORT Districts	Minimum 20%	12 DU/A (24 DU/A permitted in high rise buildings-more than 3 floors and no more than 6 floors)

** If it is determined by the Planning Commission that the size of the tract severely limits the feasibility of commercial development, the Planning Commission may allow an increase in the percentage of commercial development in the MXC District.

*** Select from single-family, two-family, semi-detached, multi-family, town houses.

Section 16.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)

There are no special exception uses in the Mixed Use Districts that may be granted by the Board of Appeals. The Mixed Use Districts are analogous to a special exception and are 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: Applications for concept plan review and zoning approval may include one (1) or several parcels of land. These applications must include the signatures of all parcel owners, affidavits delegating application authority to others, or evidence of substantial contractual interest in all parcels by the applicant. Multiple parcels must be contiguous. Multiple parcels separated by public or private rights of way may be considered contiguous if appropriate linkages to meet the intent of a cohesive neighborhood can be provided.

In the case of multiple parcels, if one (1) or more parcel owners should withdraw from the application prior to zoning approval and the area withdrawn constitutes more than five percent (5%) of the gross land area covered by the application, a new application shall be submitted. The tract of land to be approved for development with the Mixed Use District must be in single ownership with proof of that ownership submitted to the Planning Commission prior to approval of the Final Development Plan.

- (b) Location: All Mixed Use Districts shall be located within the Urban Growth Area or the Town Growth Areas. All three Mixed Use Districts are permitted to be located in the RR, RT, RS, RU, and RM Districts. The MXC and MXE Districts may also be located in the HC, IR, PI, and ORT 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 Mixed Use District or is able to be improved by the applicant to adequately serve the existing and proposed traffic.
- (c) Utilities: All Mixed Use Districts shall be served with public water and public sewer facilities approved by the Washington County Health Department.
- (d) All development in Mixed Use Districts shall comply with the requirements of the Washington County Adequate Public Facilities Ordinance before the site plan or final subdivision approval, whichever is first applicable.

~~(e) Former PUD Zone: PUD Floating Zones approved by the Board of County Commissioners under the former PUD Article of this Ordinance shall maintain their validity after adoption of the Mixed Use District. Subsequent plan reviews and approvals of development plans, subdivisions, and site plans shall comply with the requirements of Article 16 as they were at the time of the PUD zoning approval. The Planning Commission shall mediate any dispute regarding the applicability of former PUD and current Mixed Use District design requirements in the ongoing plan review of PUD's approved prior to adoption of the Mixed Use District. A Planning Commission decision is appealable to the Board of Appeals in the same manner as any other Planning Commission decision. Minor changes to the approved PUD Development Plan 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.~~

Section 16.5 Review and Approval Process

Flexibility in site design is inherent in the process to obtain a Mixed Use District. 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 Mixed Use District 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.

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 also meet the applicable requirements of the Forest Conservation Ordinance.

- (a) Design and Development Schedule: It is the intent of this Ordinance that the Mixed Use Districts not be a speculative device. The Concept Plan as submitted by the applicant shall reflect the actual development to be designed and constructed within a reasonable time frame.
- (b) Each phase of the design and development review process must occur within specified periods. If the applicant fails to submit his/her plans, or if construction does not commence, as specified by this Ordinance, the zoning of the site shall automatically revert to its previous classification. The automatic reversion date shall be specified in the Notice of Approval to the applicant of the mixed use zoning and in each subsequent review phase approval and shall appear on the approved Final Development Plan.

If the applicant abandons the plans for the Mixed Use District 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 Mixed Use District and the property shall revert to the previous zoning classification without the necessity of the rezoning process.

The Planning Commission shall provide a formal acknowledgement of withdrawal of a proposed Mixed Use District application and a formal notice of the expiration of a deadline with notice of the return to the previous zoning classification, to which future development must adhere.

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 prior to a formal application for a Mixed Use District. The intent is that the developer provides the Commission with general information for the layout, density, specific uses, and the like. The Commission, in turn, will provide the developer with a corresponding response.

The applicant may not proceed to the next step in the review process, which is submittal of an application for and approval of the mixed use zoning, until the Planning Commission has completed at least one review of the Concept Plan and heard a summary of staff and review agency comments during a regularly scheduled Planning Commission meeting.

2. Zoning Approval: If the applicant decides to proceed, a formal application for a Mixed Use District shall be filed following the Concept Plan review. The application shall be accompanied by the Concept Plan, revised to address any Planning Commission and other review agency comments and concerns. The application shall include a clear

indication of the residential density requested in the Mixed Use District and any needed modifications to lot area, setbacks, or buffers.

The Board of County Commissioners and the Planning Commission shall hold public hearings, jointly or separately. Within sixty (60) days after the public hearing before the Board of County Commissioners and receipt of the Planning Commission's recommendation, the Board of County Commissioners shall render a decision on the mixed use zoning application. Zoning approval constitutes tentative approval of density and design features as shown on the Concept Plan. ~~The Planning Commission may approve minor design changes of up to a ten percent (10%) change in the minimum or maximum numerical limitations on the mixture of uses as specified in the table in Section 16.1(d) without an additional public hearing. The Planning Commission and the Board of County Commissioners shall use the criteria at Section 16.7 in the analysis and determination of the final mix of uses.~~

3. Preliminary Development Plan Review and Approval: The applicant shall submit the Preliminary Development Plan within sixty (60) days of the zoning approval. Requests for extension may be granted by the Planning Commission for good cause. The Planning Commission shall approve or disapprove the Plan within six (6) months of a complete submission, except that extensions as requested by the applicant may be granted by the Commission for good cause. The Preliminary Development Plan submittal, review and approval may be combined with the Final Development Plan.
4. Final Development Plan Review and Approval: Following approval of the Preliminary Development Plan, the applicant shall submit the Final Development Plan within sixty (60) days for Planning Commission review and approval. Requests for extension may be granted by the Planning Commission for good cause. The Final Development Plan shall be approved or disapproved by the Commission within six (6) months of a complete submission except that extensions as requested by the applicant may be granted by the Commission.

When Preliminary and Final Development Plans are combined, the Planning Commission shall approve or disapprove the Plan within six (6) months of a complete submission, except that extensions requested by the applicant may be granted by the Planning Commission. When Preliminary and Final Development Plans are combined, the Planning Commission may give preliminary and final approvals separately. Subsequent site plans or subdivision applications may not be submitted prior to Final Development Plan approval.

Final Development Plan approval shall be indicated by the Planning Commission Chairman's signature on the Final Development Plan.

5. Site Plan Review and Approval: Following approval of the Final Development Plan, the applicant shall submit a Site Plan within sixty (60) days for the entire mixed use development or for any phase for Planning Commission review and approval. Construction shall begin within one (1) year of Site Plan approval. Requests for extension may be granted by the Planning Commission for good cause.

Section 16.6 Content and Format of Applications

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

1. A vicinity map drawn at a scale of 1"=2,000 ft. showing the location of the proposed Mixed Use District in relation to its surroundings and to the applicable growth area of the 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, zoning, and the location of adjacent dwellings within 100 ft. of the common property line.
5. Buffer yards required by Section 16.7(f) and the general location of fencing or screen planting as required by Section 16.7(f)5.
6. The location of areas within the tract proposed for the various uses that may be permitted such as single-family, two-family, and multi-family residential uses; commercial uses, industrial or employment uses, open space, and recreation areas. Also, a 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 and maximum building square footage devoted to commercial and employment uses; and a summary of the total dwelling units and the gross residential density for the entire tract, all in accordance with the guidelines contained in Sections 16.1(d) and 16.7.
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.

In addition to a graphic display of the proposed street and highway network for the new development and the connections to the existing surrounding road network, the Concept Plan shall be accompanied by data that includes current traffic counts for existing roads within a one (1) mile radius of the site, a preliminary projection of the additional traffic (amount and type) to be generated by the proposed development, peak hour projections, and the distribution and direction of travel of the projected vehicles. The data shall also include a preliminary analysis of the effects of the projected traffic on the road network within a one (1) mile radius of the site, identification of roads that may be negatively affected by the additional traffic, and a preliminary proposal for road improvements to mitigate the expected negative effects with an acknowledgement that the developer may be financially responsible for the improvements.

8. The estimated average daily water consumption and sewage flow.
9. The location of any historic resources identified in the Washington County or Maryland Historic Sites Inventory.
10. Any pre-existing easements or rights-of-way of any kind.
11. Indicate the method proposed to insure maintenance of common areas such as a homeowners' association.
12. Proposed school site dedication according to the requirements of Section 16.7(k) below.
13. The applicant shall submit copies of the Concept Plan and accompanying data to the Planning Commission according to policy in effect at the time of submittal.

(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 five (5) feet where the slope is ten percent (10%) or greater and not more than two (2) feet where the slope is less than ten percent (10%), and the source of contour information.
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(d); 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 in compliance with the applicable guidelines contained in Section 16.7(g).
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. Adjustments to the preliminary traffic data submitted with the Concept Plan to reflect changes in design, changes in conditions, the greater detail shown on the Preliminary Development Plan and the on- and off-site road network improvements that are proposed to resolve inadequacy.
 12. A preliminary or draft version of Homeowners' Association documents.
 13. Where the intent of the developer is to subdivide, the Preliminary Development Plan shall include the requirements for a Preliminary Plat.
 14. The applicant shall submit twelve (12) copies of the Preliminary Development Plan and accompanying data to the Planning Commission unless an alternative number of copies are specified by the Commission.
- (c) 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.
2. The final design of the mixed use development including road alignments and lot layouts, the arrangement of uses on the site, and the final use mixture percentages. Also to be included are all numerical standards agreed upon between the developer and the Planning Commission during the various design and approval phases such as setbacks, densities, buffers, and building heights. The Plan shall include all off-site improvements that are to be constructed by the developer as a condition of the Final Development Plan approval.
3. An approved Forest Conservation Plan.
4. A complete traffic study according to the criteria and conditions specified by the Department of Public Works and based on the final mixed use development design and future traffic projections.
5. 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. The complete and final documents that include the provisions for the ownership and perpetual maintenance of common open space, recreation facilities, private roadways, and parking areas, such as a homeowners' association.

- ii. Agreements for responsibilities between the County and developer for providing on-site and off-site improvements.
- 6. Certificate of approval signed by the Planning Commission Chairman.
- 7. Certificate of willingness to abide by terms and conditions of the Final Development Plan signed by the developer.
- 8. The applicant shall submit six (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 Standards

These standards are intended to ensure that the Mixed Use Districts are compatible with neighboring properties and that they provide quality living environments for its residents. The standards established for any Mixed Use District are considered prima facie to be acceptable to the developer and may not be the subject of an appeal for a variance to the Board of Appeals.

- (a) Density: The maximum gross residential density for any Mixed Use District is twelve (12) dwelling units per acre (DU/A). Gross density shall be calculated by dividing the total number of proposed dwelling units by the gross acreage of the site. In determining the specific density for a particular Mixed Use District or for any particular phase, 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, the availability of adequate open space, and the use mix guidelines contained at Section 16.7(c).
- (b) Tract Size: There shall be no minimum tract size for a Mixed Use District. However, the tract size and shape shall be appropriate for the development proposed as determined by the Planning Commission.
- (c) Use Mix Determination

When analyzing the proposal for a Mixed Use District, the Planning Commission and the Board of County Commissioners shall, at a minimum, consider the following criteria:

- i. The relationship of the site to goals and objectives of the Comprehensive Plan and the Land Use Plan Map.
- ii. The area of land under consideration.
- iii. The availability and capacities of existing and planned public utilities and the input from controlling jurisdictions.
- iv. The proximity, current condition, planned improvements, and access proposals to the transportation system.

- v. Physical characteristics and environmental constraints of the site.
 - vi. Currently available open space and recreation areas and the open space proposed in the development and on adjacent lands and development.
 - vii. Compatibility of proposed uses with adjacent surrounding uses.
 - viii. Unique needs of the proposed development for public services or facilities due to targeted populations.
- (d) Open Space: Common open space shall be provided in the amount specified in the chart at Section 16.1(d) according to the type of Mixed Use District proposed. The fifteen percent (15%) minimum forest cover required by the Forest Conservation Ordinance may be a part of the minimum twenty-five percent (25%) open space requirement except when noted otherwise.
- (e) Landscaping: All Development Plans shall contain a detailed landscaping plan according to the guidelines contained in Article 22, Division XI. Trees, shrubs, and other ground cover are expected to be so designed as to provide maximum enhancement of the overall layout. Landscaping shall be considered a necessary, integral part of the mixed use development rather than an optional amenity.
- (f) Buffer Requirements: Uses within a Mixed Use District should be arranged and designed for compatibility and coexistence and integrated into surrounding development so that buffering is minimally necessary.

After efforts to attain compatibility through design and arrangement are made, buffering may still be necessary. At the developer's discretion, or as required by the Planning Commission, buffers shall be provided according to the following guidelines.

1. Mixed use developments located adjacent to interstate highways or other heavily traveled or excessively noisy roads shall make every effort to avoid locating the residential areas of the development adjacent to the highway.

Developers should employ all means necessary to reduce negative effects from highway noise and visibility on residential development, such as building placement, arrangement and design, landscaping and forest conservation retention or planting, or berms and building construction methods that reduce noise. Sound attenuation walls are not a preferred method of noise abatement.
2. Non-residential uses in the mixed use development shall provide a fifty (50) foot buffer yard along the common boundary with any adjacent lot either within or outside of the mixed use development that is zoned for or is occupied by a residence. The Planning Commission may reduce or waive this buffer requirement for residential parcels within the mixed use development.
3. Any multi-family residential use shall provide a fifty (50) foot buffer yard along its common boundary with any lot zoned for or occupied by a single-family dwelling.

4. No structure, materials storage, or vehicular parking may be permitted in the buffer yard.
5. Buffer yards shall include adequate screening as deemed necessary by the Planning Commission. Buffers shall be designed according to the guidelines in Article 22, Division XI.

(g) Walkways

The mixed use development shall contain a comprehensive and cohesive pathway system for pedestrian and other non-motorized forms of transportation that provides access to and from all use areas of the development and to discourage vehicle use when possible. It shall be the goal of the system to provide access to all locations within the development and to off-site facilities such as transit, local businesses and services, and cultural institutions such as schools and places of worship. The system should provide convenience and safety.

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 Mixed Use District contains residential development and 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 at least 10' x 10' in size shall be provided in a location that has been determined with advice from the Board of Education or public transit provider. If, after consultation with the transportation provider, it is determined that both services cannot or will not be provided within the boundaries of or adjacent to the new development, then the waiting area is not required.

- (h) 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 Mixed Use Districts are permitted. The Planning Commission may allow reductions or require increases in building spacing or heights where it will be consistent with the purpose of the Mixed Use District or to promote creativity, allow flexibility, provide for efficient use of the land, and create a compatible mixture and arrangement of land uses.

In review of a mixed use 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.

(i) Non-Residential Development

1. In general, non-residential development proposed as part of a mixed use development 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 mixed use development shall be as provided in this Article.

2. Commercial uses are permitted as specified in the chart located at Section 16.1(d). Commercial uses 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 limitations established in Section 16.1(d). The limits on the percentage of commercial uses established for the entire mixed use development shall not be exceeded in any individual phase.
3. Commercial uses shall primarily be designed and intended as a service to the residents of the mixed use development; however, it is recognized by this Ordinance that strict limitation of the commercial development to the mixed use development may not be practical. For that reason, the Planning 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 mixed use development.
4. Unoccupied commercial buildings shall be subject to the maintenance guidelines contained in Article 17, the Planned Business District.

5. Mixed Use Buildings

Mixed uses within a single building are permitted and encouraged where it will promote and achieve the purpose of a mixed use development. Where it is planned, the mixed use building shall be provided with sufficient and appropriate amenities to accommodate the mixed use. As an example, a building that includes residential units and commercial spaces shall provide sufficient parking at all times to accommodate residents as well as business patrons; recreation areas should be provided in secure, accessible and functional locations. Residents should be shielded as much as possible from strictly commercial functions such as delivery of goods in trade, and resident's security should be a priority. The use mixture within a single building shall not exceed the guidelines contained in Section 16.1(d).

6. 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. All parking provided in this manner shall be consistent with the parking guidelines contained in Article 22, Division I.

There shall be documentation that cross easements and joint use agreements will be recorded to support this sharing in perpetuity unless both parties agree to abandon the arrangement. The Planning Commission must approve the abandonment of the joint use arrangement and shall not approve the abandonment until plans for providing alternate site design to accommodate the loss of a shared facility are approved.

(j) 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 the site is fully developed. Any Final Development Plan

shall include design drawings of the improvements necessary to provide the needed capacity in the existing road network if it is not currently available.

2. The capacity of existing streets and highways serving a mixed use development shall be considered by the Planning Commission in determining density. Density resulting in traffic capacity being exceeded on streets and highways shall not be permitted without a developer's agreement to improve the affected streets to provide adequate capacity.

(k) Phasing: In order to ensure that the mixed use development develops uniformly, each phase shall independently conform to the density established by the Planning Commission for the entire land area covered by the mixed use designation.

(l) Dedication of School Sites

1. In mixed use developments that have five hundred (500) or more dwelling units of any type, the applicant shall identify within the boundary of the proposed mixed use development a minimum of ten (10) contiguous acres suitable for future dedication and construction of a public elementary school. The area of the potential school site shall be increased in size by one (1) acre for each additional one hundred (100) units over five hundred (500), or part thereof, to a maximum of twenty (20) acres.
2. At each review stage and prior to the Final Development Plan approval, the Board of County Commissioners, in consultation with the Board of Education, shall make a formal determination of the need and desire to accept or reject dedication of the proposed school site for construction of a public school.
3. Upon acceptance, both entities shall include the site in its respective capital improvements program at the next available opportunity. At any time subsequent to acceptance of the site and before the issuance of any permits for construction of any utilities or infrastructure on the development site, the Board of County Commissioners or the Board of Education may determine that the dedicated site is no longer needed for the construction of a public school and formally rescind its acceptance of the school site.
4. Following a determination that the reserved site is no longer needed or desirable as a public school site, and at its option alone, the Board of County Commissioners may determine that the school site would be appropriate for an alternate public facility.
5. Transfer of ownership of the site shall occur at a time mutually agreed upon for the convenience of both parties.
6. Upon formal determination that the dedicated site is no longer needed for the construction of a public school or any other public facility, the developer may seek approval of development plans for the area, which must be compatible with the surrounding portions of the mixed use development and in compliance with all applicable standards contained in this Article.

7. When evaluating the mixed use development for compliance with the Adequate Public Facilities Ordinance, and if it is determined that the public schools serving the mixed use development do not have sufficient capacity to accommodate all of the students expected to be generated from the development, the Board of County Commissioners shall give due consideration to the availability and value of the dedicated school site in its determination of the adequacy of any mitigation proposal.

Section 16.8 Changes to an Approved MX District

It is the intent of this Article that the original establishment of the MX District not be a speculative device. However, it is also the intent that an approved MX development may need to change in response to changing community needs and conditions, and that change must follow an appropriate public review process similar to that which occurred prior to MD district approval and as set forth herein.

Recognizing that flexibility in the site design is inherent in the MX process and that the long term development of such a project may prompt the need for changes in the approved plans for the property, the following procedures are established have been developed to accommodate a requested change.

- (a) Upon a request from a developer for a change to the approved MX Development Plan the Planning Commission shall determine if the requested change is a major or minor change to the Concept Plan reviewed by the Board of County Commissioners as part of the establishment of the MX District or as part of subsequent changes to the MX Concept Plan. The establishment and subsequent approved changes of to the MX District by the Board of County Commissioners is considered a tentative approval of density and design features as shown on the Concept Plan. The Planning Commission shall make their determination that a change is of major vs. or minor change through evaluation of whether or not the change is in accordance with the Concept Plan on file as reviewed by the Board of County Commissioners.

1. Minor changes to the approved MX Development Plan (Preliminary or Final) may be approved by the Planning Commission without the need for an additional public hearing. The Planning Commission may approve minor design changes of up to a ten percent (10%) change in the minimum or maximum numerical limitations on the mixture of uses as specified in the table in Section 16.1(d) without an additional public hearing. The Planning Commission and the Board of County Commissioners shall use the criteria at Section 16.7 in the analysis and determination of the final mix of uses.

As a result of the requested change the Planning Commission may establish other requirements deemed necessary to satisfy the purpose of this Article. Cumulative "minor" change requests may result in the determination by the Planning Commission that there has been a major change to the Concept Plan on file and require the developer to follow the process established for major changes in the MX Development Plan.

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2. Major changes to the approved MX Development Plan (Preliminary or Final) as determined by the Planning Commission shall also require a change to the Concept Plan and therefore require a new public hearing.

Such major changes shall be reviewed by the Planning Commission for compatibility with this Article. The Planning Commission shall conduct a public information meeting to receive comments from interested parties to assist in the evaluation of the proposed major change. Following the public information meeting the Planning Commission shall ~~will~~ forward a recommendation to the Board of County Commissioners. The Commissioners shall hold a public hearing on the matter to determine whether or not the change meets the intent and requirements of this Article and establish findings of fact that consider:

- i. The purpose of the MX District;
- ii. The applicable policies of the adopted Comprehensive Plan;
- iii. The compatibility of the proposed changes of the MX District with neighboring properties; and
- iv. The effect of the proposed changes to the MX District on community infrastructure.
- v. Consistency with the intent and purpose for the establishment of the MX district which is to permit flexibility and creativity in design, provide a compatible and complementary mixture of uses, promote efficient use of the land, provide a harmonious variety of housing choices, community services and amenities and the promotion of adequate recreation, open space and scenic attractiveness.

In no event shall a major change result in the removal of a the MX District. A denial of the requested major change shall then require ~~relegate the developer to~~ adherence to the previously approved Development Plan.

(b) The Planning Commission may ~~designee shall have the authority to grant~~ administratively the following modifications to individual properties for minimum building setbacks for projections into established yards as part of an approved MX for the following:

1. Bay windows, chimneys, entrances, vestibules, balconies, eaves, and leaders extending into any required yard not more than four (4) feet provided that such projections (excepting eaves) are not over ten (10) feet in length.
2. Minor building infringements as a result of surveying or stake out errors into any required yard not more than two (2) feet.
3. The setback modifications granted in 1 and 2 above shall be processed as minor changes and shall apply to all units in the MX or a specified section of the MX. They may not be requested or approved for a singular property owner.
4. The Planning Commission may delegate this setback modification authority to an appropriate designee for expedient plan review purposes.

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~~Residential setback modifications shall be processed as a minor change to the MX and evaluated on a development wide basis unless the development has been phased. In situations where the development has been phased, residential setback modifications shall be reviewed at the phase level. Setback modifications from individual property owners shall not be accepted.~~

PRELIMINARY CONSULTATION DISTRIBUTION

TO: Washington County Health Dept.
Washington County PR&P Engineering
Washington County DEM-Engineering Services
Washington County Soil Conservation District
City of Hagerstown Utilities
Maryland State Highway Administration
Washington County Emergency Services
Washington County Forest Conservation
Potomac Edison
Verizon
Washington County Grid Technician
Washington County Sheriff's Dept.
Williamsport Fire Department

FROM: Lisa Kelly

DATE: April 2, 2015

RE: Preliminary Consultation
PC-15-001 – Heritage Huyett, LLC – Greencastle Pike

Please find attached the preliminary consultation for the above referenced project.

LAK/msb

Attachment

Cc: Terry Irwin, Deputy Director, Plan Review & Permitting
Frederick, Seibert & Associates, Inc.
James La Fleur, Owner/Developer

PRELIMINARY CONSULTATION
PC-15-001 – HERITAGE HUYETT, LLC – GREENCASTLE PIKE

A preliminary consultation was held on Thursday, April 2, 2015 at 1:30 p.m. in the offices of the Washington County Plan Review and Permitting Department, 80 West Baltimore Street, Hagerstown, Maryland. A concept plan was presented for proposed Industrial Commercial business lots located along the west side of Greencastle Pike. The site is currently zoned RT (Residential Transitional). A public hearing will be required for the property to be rezoned to the proposed PI (Planned Industrial) & BL (Business Local) zoning.

Present and participating in the consultation were: Tim Lung, Chief of Plan Review, Lisa Kelly, Senior Planner, Mark Stransky, Plan Reviewer & Flood Plain Manager, Gail Abbott, Plan Reviewer, Mist Brandenburg, Office Associate, Washington County Plan Review and Permitting Department; Dee Price, Washington County Soil Conservation District; Mark Bradshaw, Deputy Director of Engineering Services, Washington County Division of Environmental Management; Kim Ridenour & Ed Norman City of Hagerstown Utilities; Mark McKenzie, Maryland State Highway Administration; Fred Frederick & Ed Schreiber, Frederick, Seibert & Associates, Inc., Consultant; Brian Kurtyka, Attorney; James La Fleur, Owner/ Developer.

WASHINGTON COUNTY SOIL CONSERVATION DISTRICT

Ms. Dee Price was present and provided the following comments. Ms. Price stated that her comments refer to the Powers Estate design and specifically to environmental issues such as stream buffers. "Please note, the site does have environmental concerns, i.e. stream buffers, wetlands, etc. that will need to be considered in future design. The previous development plan, i.e. Powers Estates, was also designed by Frederick, Seibert & Associates, Inc. and had a stream buffer, planting mitigation, etc. This development plan will need to follow suit." Ms. Price pointed out that these concerns have already been addressed and incorporated into the current concept plan. Written comments were also provided, a copy of which is attached to this summary.

WASHINGTON CO. DIV. OF ENVIRONMENTAL MANGEMENT – DEPT. OF ENGINEERING SERVICES

Mr. Mark Bradshaw was present and provided the following comments. Mr. Bradshaw stated that the developer would be required to extend public sewer to this site at his expense. The expense would include design, easement acquisition, construction, permit and inspection fees. Sewer from this site flows into the Cedar Spring Pump Station; therefore, the Cedar Spring infrastructural fee applies to this project. The fee is \$1,000/acre or EDU (Equivalent Dwelling Units), whichever is greater. This fee is assessed at the time of building permit application and is required to be paid in addition to the tap fee. Mr. Frederick inquired about revisions to previously approved sewer designs. Mr. Bradshaw responded that onsite revisions would be required based on the layout and minor revisions and approvals would be required for offsite work based on the new county details. Written comments were also provided, a copy of which is attached to this summary.

MARYLAND STATE HIGWAY ADMINISTRATION

Mr. Mark McKenzie was present and provided the following comments. Mr. McKenzie stated that the State Highway Administration would not comment regarding access until a traffic study has been submitted and reviewed by the Washington County Plan Review & Permitting Dept. and in conjunction with Washington County's APFO requirements.

CITY OF HAGERSTOWN UTILITIES

Mr. Ed Norman and Ms. Kim Ridenour were present and provided the following comments. Mr. Norman stated that according to the current city data the 'out' lot is not included in the approved water service area for Powers Estates. Therefore, documentation would be required to confirm the current status. Ms. Ridenour stated that the lots must be recorded lots for the purpose of installing master meters.

WASHINGTON CO. PLAN REVIEW & PERMITTING DEPT. – ENGINEERING REVIEW

Mr. Mark Stransky was present and provided the following comments. Written comments were also provided, a copy of which is attached to this summary. Mr. Stransky stated that:

1. A traffic impact study will be required for this development. The letter submitted by Street Traffic Studies dated March 5, 2015 estimates 1002 peak hour trips will be generated at full build-out for this development. The county will coordinate with MSHA (Maryland State Highway Administration) in determining the scope of the TIS (Traffic Impact Study).
2. All proposed public roads must meet, or exceed, the county's geometric design criteria for the commercial/industrial street classification. For example, minimum pavement width is 44 feet (curb to curb) and minimum intersection radius is 50 feet.
3. There should be redundant access provided for the lots currently shown to be accessed by a single road leading to a cul-de-sac. Some version of a loop road or horseshoe design might work.
4. Add an 80-foot wide R/W (right of way) reservation from the proposed public road in the PI zoned area to the Groh parcel property line.
5. The public road and its right-of-way terminating at Lot 1 should be reconfigured to allow for future extension of the public road to properties beyond Lot 1.
6. Lot 1 traffic flow would benefit by having a right-in only entrance on the public road that divides Lot 1 and Lot 2. The proposed "U" turn entrance should be redesigned and relocated in coordination with comment #3 to promote better traffic flow (including delivery trucks).
7. A separate ESD (Environmental Site Design) stormwater concept plan will be required at the appropriate construction phases for this project.
8. The plan shows purposed SWM (Stormwater Management) facilities on undeveloped lots. What is the purpose of these SWM facilities and who will be responsible for their maintenance? Typically, the county requires private SWM facilities to be located on developed parcels.

WASHINGTON CO. PLAN REVIEW & PERMITTING DEPT. - LAND USE

Ms. Lisa Kelly was present and provided the following comment. Ms. Kelly stated that under proposed PI zoning the ordinance requires a concept plan to be presented at a Preliminary Consultation prior to a public hearing. It was recommended that significant changes as a result of this consultation be made prior to the public hearing. Ms. Kelly stated that the following items required by the ordinance were not found on the concept plan: 1) List of providers of public water and sewer. 2) Zoning of all adjacent parcels and current land uses. 3) Lot lines reflecting accurate subdivision of lots and access to currently land locked parcels. Mr. Frederick responded that they would amend the lot lines for subdivision and the excess land would be utilized as environmentally sensitive easements.

Ms. Kelly explained that under ordinance requirements for PI zoning, once a property is rezoned to PI a final concept plan is required to be submitted and approved. Changes made to the plan deemed significant by the Planning Commission, would require another public hearing. There was discussion regarding past zoning of the property and the potential for flexibility regarding rezoning. The ordinance was not definitive on the issue. Mr. Frederick stated that they are satisfied with the uses allowed under the PI zoning, but desire not to be required to 'lock in' the design of the lots on the final concept plan. The goal is to serve both big box and small businesses on the property. It was agreed that the Washington County Planning and Zoning Dept. needed to be consulted prior to the Planning Commission meeting.

Following the approval of the final concept plan, site plans and subdivisions for each lot would be required. Ms. Kelly pointed out that, in the PI district, architectural drawings showing the façade of the building, and buffers are required as part of the site plan submittal.

Mr. Frederick stated that a revised concept plan would be submitted to the Plan Review and Permitting Dept. prior to the Planning Commission meeting. The minutes will be prepared for the June Planning Commission agenda.

CLOSING COMMENTS

There being no further discussion, the consultation concluded. All agencies will receive a written summary of the meeting. If there are any discrepancies in the report, the Plan Review Staff should be contacted. The written summary will be submitted to the Planning Commission and their comments shall also be incorporated within and be made a part of the record of comments and issues, which need to be addressed by the developer as he proceeds through the approval process.

Respectfully submitted,



Lisa Kelly
Senior Planner

LAK/msb
Attachments

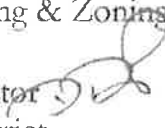


WASHINGTON COUNTY SOIL CONSERVATION DISTRICT

1260 Maryland Avenue, Suite 101, Hagerstown, MD 21740
301-797-6821, Ext. 3 • Fax: 301-733-5894

www.conservationplace.com

TO: Jill Baker, Chief Planner
Washington County Department of Planning & Zoning

FROM: Dee Price, CESSWI, Urban Program Director 
Washington County Soil Conservation District

DATE: February 06, 2015

SUBJECT: Heritage Huyett LLC
(RZ-15-002)

The above plan has been reviewed and we have no objections concerning the rezoning.

However, please note, the site does have environmental concerns, i.e. Stream Buffers, Wetlands, etc. that will need to be considered in future design.

The previous development plan, i.e. Powers Estates, was also designed by Frederick, Seibert & Associates, Inc. and had a Stream Buffer, planting mitigation, etc. This development plan will need to follow suit.

Please contact me with any questions you may have.

/ddp

cc: Frederick, Seibert & Associates, Inc.
Brian Kurtyka (Attorney)

District Board of Supervisors

Betty J. Meyers
Chair

Harry E. Strite
Vice Chair

J. Scott Shank, III
Treasurer

J.D. Rinehart
Supervisor

Jere F. DeBaugh
Supervisor

Janet Stiles Fulton
Associate

Boyd Michael
Associate

James Weddle
Associate

Carl P. Weaver
Associate

Leonard Lowry
Honorary Member

Joseph Scott
Honorary Member

Department of Engineering Services

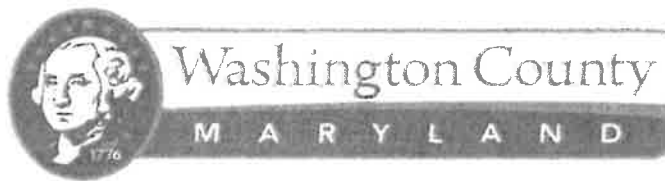
Date: 3/31/2015

Project Name: Heritage Huyett LLC

Project # PC-15-001

Reviewed By: Mark Bradshaw

- 1. Developer would need to extend sewer to this site at his expense. This includes design fees, easement acquisition, construction, permits, and inspection fees.**
- 2. Sewage from this site flows into the Cedar Spring Pump Station, so the Cedar Spring Infrastructural fee applies to this project.**



DIVISION OF
ENGINEERING & CONSTRUCTION MANAGEMENT
PLAN REVIEW & PERMITTING DEPARTMENT

MEMORANDUM

TO: Fred Frederick, PE, Prof.LS, FSA

FROM: Mark Stransky, PE, CFM, Plan Reviewer (240.313.2406) *4/25*

DATE: April 2, 2015

RE: Heritage Huyett Property PC-15-001

County staff has reviewed the above-referenced project and is providing the following comments:

1. A traffic impact study will be required for this development. The letter submitted by Street Traffic Studies dated March 5, 2015 estimates 1002 peak hour trips will be generated at full build-out for this development. The County will coordinate with MSHA in determining the scope of the TIS.
2. All proposed public roads must meet, or exceed, the County's geometric design criteria for the commercial/industrial street classification. For example, minimum pavement width is 44 feet (curb to curb) and minimum intersection radius is 50 feet.
3. There should be redundant access provided for the lots currently shown to be accessed by a single road leading to a cul-de-sac. Some version of a loop road or horseshoe design might work.
4. Add an 80-foot wide R/W reservation from the proposed public road in the PI zoned area to the Groh parcel property line.
5. The public road and its right-of-way terminating at the Lot 1 should be reconfigured to allow for future extension of the public road to properties beyond Lot 1.
6. Lot 1 traffic flow would benefit by having a right-in only entrance on the public road that divides Lot 1 and Lot 2. The proposed "U" turn entrance should be redesigned and relocated in coordination with Comment #3 to promote better traffic flow (including delivery trucks).
7. A separate ESD stormwater concept plan will be required at the appropriate construction phases for this project.
8. The plan shows proposed SWM facilities on undeveloped lots. What is the purpose of these SWM facilities and who will be responsible for their maintenance? Typically, the County requires private SWM facilities to be located on developed parcels.

Attachments

Copy(ies) to: Lisa Kelly, Senior Planner
Rob Slocum, PE, Director

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Melinda Peters, Administrator

April 21, 2015

Ms. Lisa Kelly, Planner
Washington County
Department of Plan Review and Permitting
Washington County Administrative Annex
80 West Baltimore Street
Hagerstown, MD 21740

RE: Washington County
Heritage Huyett, LLC
MD 63
Mile Point 11.90
SHA Tracking No. 15APWA009XX

Dear Ms. Kelly:

The State Highway Administration (SHA) would like to thank you for the opportunity to review the preliminary concept plan for the Heritage Huyett, LLC commercial development in Washington County. We have completed our review and offer the following comments.

Should the County require a Traffic Impact Study (TIS), SHA requests inclusion in all scoping and review efforts. While development roadway improvements appear to have been constructed previously, frontage and access must be brought up to current standard via an access permit. Once the TIS determination has been made and the study approved, SHA will require 6 sets of roadway plans, along with 1 cd containing roadway plans, be submitted directly to this office for review.

If you have any questions, or require additional information, please contact Mr. Scott Newill at 410-545-5606, toll free at 1-800-876-4742 x5606, or by email at snewill@sha.state.md.us.

Sincerely,

Steven D. Foster, Chief/Development Manager
Access Management Division

SDF/DSN

cc: Frederick, Seibert & Associates, Inc. \\
128 South Potomac Street, Hagerstown, MD 21740
Heritage Huyett, LLC, c/o Terry Randall \\
13101 Fountainhead Road, Hagerstown, MD 21742

RECEIVED

APR 27 2015

**DIVISION OF PLAN
REVIEW & PERMITTING**

My telephone number/toll-free number is 410-545-5600 or 1-800-876-4742

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov



DIVISION OF
ENGINEERING & CONSTRUCTION MANAGEMENT
PLAN REVIEW & PERMITTING DEPARTMENT

MEMO

TO: Washington County Planning Commission
FROM: Tim Lung, Chief of Plan Review
DATE: May 20, 2015
SUBJECT: Rosewood PUD Sec II-B Capitol Lane Townhouses modification request

At its regular meeting on May 4, 2015 the Planning Commission reviewed and granted Staff the authority to approve a revised Final Development plan and Prelim/Final subdivision plat-Site Plan for Rosewood PUD section II-B Capitol Lane Townhouses. During its review, staff discovered that the plans submitted by the applicant did not meet the current Zoning Ordinance standards for town house parking and setbacks for the required play lot.

Due to the fact that this development is a PUD, design standards may not be subject of an appeal for a variance to the Board of Appeals (sec. 16.7). Section 16.7 (h) provides that , "In review of a mixed use 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***" (emphasis added).

The applicant's consultant is requesting modification of two of the design requirements applicable to the site plan for the proposed townhouse units in phase II-B. The applicant's letter of request is attached as well as a copy of the site plan.

MODIFICATION 1

Section 22.12 of the Zoning Ordinance establishes minimum off street parking requirements for various land use types. The requirement for residential multi-family is 2 spaces per dwelling unit excluding garage space; plus overflow/visitor parking. Section 22.12(b).4 requires that residential multi-family units provide overflow parking in addition to other parking requirements. For townhouses, the requirement is 0.5 additional spaces per dwelling unit. The proposed site plan for the Capitol Lane townhouses proposes 50 dwelling units. Based on the requirement of 2 spaces per unit, a total of 100 spaces are required. Based on the overflow parking requirement an additional 25 spaces are required for a total of 125 spaces. The site plan as submitted provides 2 spaces per dwelling unit in each individual driveway. There is no over flow parking provided. It should be noted that this site plan also calls for a 26 space, "future parking lot" to be located on a commercial lot at the corner of Capitol Lane

and Professional Blvd. According to the developer, the intent of this lot is to provide possible overflow parking for the adjacent existing Varsity Lane Professional Center. The applicant has indicated that the proposed town house units will be designed with 2 car garages and is requesting that one of these garage spaces be allowed to be counted towards the overall parking requirement, including the overflow/visitor parking. Utilizing one garage space plus the 2 driveway spaces would yield a total of 150 spaces.

Staff Comment:

Staff acknowledges that townhouses with 2 car garages are uncommon and that townhouses generally have only a single car garage at most. The logic behind not counting garage space towards the minimum required off street parking is that there is no way to control how a garage is actually used. Providing a 2 car garage reduces the possibility that all of the garage will be used for something other than parking a car; however, it still presents the issue of enforcement. The applicant has not addressed how this modification will "increase the amenities of the development". Staff is of the opinion that there is a prime opportunity here to address the requirement for overflow parking, without undue hardship, by utilizing the proposed commercial lot parking area near the entrance to this section. Staff would support the use of the shared parking provision of the Zoning Ordinance so that this lot could serve a dual purpose of providing the required over flow parking for the townhouses as well as overflow parking for the adjacent commercial use.

MODIFICATION 2

Section 4.17 of the Zoning Ordinance requires that play lots be provided within multi-family developments. The size and number of play lots is based on the number of residential units. In this case a minimum of 609 sq ft of play lot area is required. For the Capitol Lane townhouse section of Rosewood, the developer is proposing a 609 sq ft play area located at the end of Capital lane cal-de-sac. The Zoning Ordinance also establishes a minimum setback of 50 feet from the play lot to a street or parking lot. The proposed play lot, at its closest point, is located 15 feet from the edge of the Capitol Lane right of way and 22 feet from the face of the curb. The applicant is proposing the "installation of a fence and gate on the street side of the tot lot" to mitigate for the reduced setback.

Staff Comment:

The applicant has not supplied any details of the design of the play lot or the proposed fence, including the height of the fence, nor has the applicant addressed how this modification will "increase the amenities of the development". Due to the linear design of this section of townhouses, staff does not take exception to the location of the play lot. Sidewalks are provided along the public street to provide safe pedestrian access to the play lot. Staff is of the opinion that the request for the reduction of the setback is reasonable; however, would recommend that the play area be completely fenced and that the height and the design of the fence be provided for additional review as part of the site plan review.

FOX & ASSOCIATES, INC.
ENGINEERS•SURVEYORS•PLANNERS

981 MT. AETNA ROAD
HAGERSTOWN, MARYLAND 21740
PHONE: (301) 733-8503 • FAX: (301) 733-1853
E-MAIL: foxassoc@foxassociatesinc.com

May 15, 2015

Washington County Plan Review & Permitting
80 West Baltimore Street
Hagerstown, MD 21740

Attention: Tim Lung, Deputy Director

Re: Rosewood PUD Capital Lane Townhome Modification Request

Dear Tim,

As discussed yesterday at the DAC meeting, I am writing to request modifications from the Planning Commission for the Capital Lane Townhomes. Since this is a PUD, the Planning Commission has the authority to grant these zoning waivers. Specifically:

1. Based on current parking standards, 2.5 spaces per townhome unit are required. When this project was originally designed by the previous engineering consultant, the parking requirement was met at that time with the 2 car driveways as shown on the current plan. This revised plan depicts 24' townhome lots with every lot having a two car garage. The zoning ordinance states that the garage space may not be used toward the required parking count. That said, most townhome units only have a one car garage. We are requesting that since these units will have two car garages, we ask that we be allowed to count one of these spaces. This will result in 3 spaces per unit; two in the driveway and one space in the two-car garage.
2. In order to keep the required tot lot away from Professional Boulevard which will eventually connect to Yale Drive and carry a higher volume of traffic, the client and builder felt the best place to install the tot lot was at the end of the cul-de-sac in a quieter, more remote area. Due to easements in this area, the tot lot will not meet the required 50' setback from the street. The tot lot will need to be 609 square feet to meet zoning requirements. This will place the tot lot 15 feet from the right-of-way line and 22 feet from the face of curb. The developer has suggested the installation of a fence and gate on the street side of the tot lot. This will prevent children from running toward the street and balls from rolling into the street. Again, this location is in the best location in regard to traffic count and travel speeds. See attached site plan showing the tot lot location.

RECEIVED

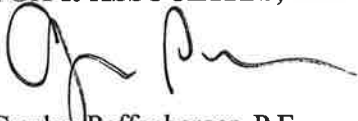
MAY 18 2015

**DIVISION OF PLAN
REVIEW & PERMITTING**

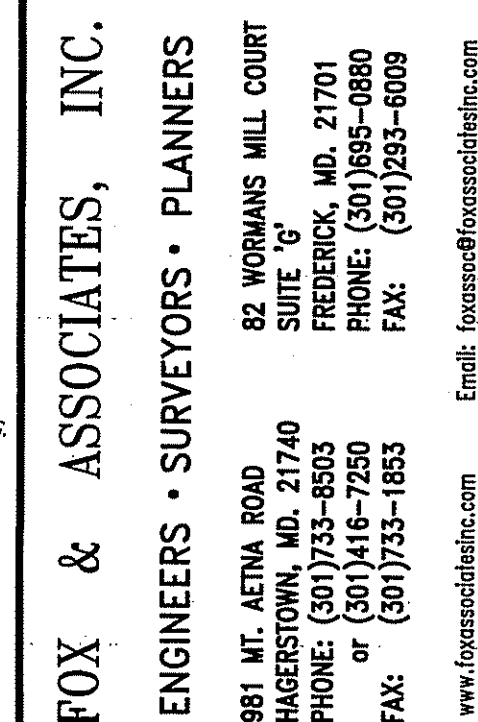
We would like to discuss this request at the June Planning Commission meeting. Please feel free to call me with any questions or if you would like additional information.

Sincerely,

FOX & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Gordon Poffenberger', with a stylized flourish at the end.

Gordon Poffenberger, P.E.
Director of Engineering



RECEIVED
MAY 18 2015
DIVISION OF PLAN
REVIEW & PERMITTING

PRELIMINARY PLAT / SITE PLAN
ROSEWOOD P.U.D.
PHASE IIB
SITUATE ALONG THE NORTHEAST SIDE OF
PROFESSIONAL BOULEVARD
WASHINGTON COUNTY, MARYLAND

SCALE: 1"=30'

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

LICENSE No.: _____ EXP. DATE: _____

PROJECT NO. 15-31101
DRAWING NO. D-5608
DATE: APRIL 2015
DRAWN BY: R.L.B.
CHECKED BY: G.S.P.

SHEET 2 OF 5

AREA TABULATION

TOTAL AREA OF LOTS.....	144,466 S.F. or 3.31 Ac.
TOTAL AREA OF OPEN SPACE.....	7,538 S.F. or 0.18 Ac.
COMMERCIAL LOT.....	15,246 S.F. or 0.35 Ac.
AREA OF RIGHT-OF-WAY.....	51,283 S.F. or 1.18 Ac.
<hr/>	
TOTAL AREA THIS SECTION.....	218,533 S.F. or 5.02 Ac.
TOTAL No. OF LOTS = 50	

REMAINING LANDS
ROSEWOOD VILLAGE PHASE II B, L.L.C.
TM 50 P 1650
L. 3175 F. 483
USE: COMMERCIAL
ZONED: RS WITH P.U.D. OVERLAY

APPROXIMATE 100 YEAR FLOODPLAIN
PER F.E.M.A. PANEL 240070 0095B
DATED FEBRUARY 1, 1985

EXIST. PHASE I FOREST EASEMENT
(FA-3) 0.67 Ac.±

SITE DATA

TAX MAP/PARCEL50/1650
ELECTION DISTRICT18
ZONINGRS W/ PUD OVERLAY
EXCISE TAX CLASSIFICATIONRESIDENTIAL
LAND USERESIDENTIAL (50 SEMI-DETACHED TOWNHOMES)
BUILDING HEIGHT??
BUILDING SETBACKS
FRONT25 FL
SIDE7 FL (EXTERIOR SIDE ONLY)
REAR10 FL
BUILDING HEIGHT50 FL

PROPOSED IMPERVIOUS AREA

BUILDING AREA	60,000 Sq. Ft.
ASPHALT PARKING/DRIVE AREA	29,879 Sq. Ft.
CONC. SIDEWALK/DUMPSTER AREA	2,742 Sq. Ft.

TOTAL BUILDING SQUARE FOOTAGE _____ 92,621 Sq. Ft. = 2.15 Acres = 42.4
 60,000 S.F.
 EXCISE TAX CALCULATION _____ \$1.00/SF (RESIDENTIAL) = \$ 60,000
 WATER CLASSIFICATION _____ W-1
 SEWER CLASSIFICATION _____ S-1
 CONTOURS _____ PHOTOGRAMMETRY & FIELD RUN
 WATER SERVICE _____ CITY OF HAGERSTOWN
 SEWER SERVICE _____ CITY OF HAGERSTOWN
 TRASH & RECYCLABLES _____ CURBSIDE PICKUP
 GROSS DWELLING UNIT DENSITY _____ 10.0 UNITS / ACRE
 PARKING REQUIRED _____ 1.8 SPACES / UNIT
 PARKING PROVIDED _____ 2 SPACES IN DRIVEWAY
 PARKING RATIO _____ 2 SPACES / UNIT
 PROJECTED DAILY SEWAGE EFFLUENT _____ 10,000 G.P.D.
 EXISTING WATER ALLOCATION _____ ? G.P.D.
 PROPOSED WATER ALLOCATION _____ ? G.P.D.
 PROJECTED MARKETING METHOD _____ UNITS LOT SALES
 TENTATIVE PROJECTED BUILDING SCHEDULE _____ 2 - 3 YEARS
 DEVELOPMENT RESPONSIBILITIES LANDSCAPING &
 RECREATION FACILITIES _____ DEVELOPER

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT; THAT IT IS PART OF THE LANDS CONVEYED BY MANSOOR & JANET SHAOOL, TO ROSEWOOD VILLAGE PHASE II B L.L.C. BY DEED DATED DEC. 8, 2006 AND RECORDED AT LIBER 3175, FOLIO 483. AMONG THE LAND RECORDS OF WASHINGTON COUNTY, MARYLAND.

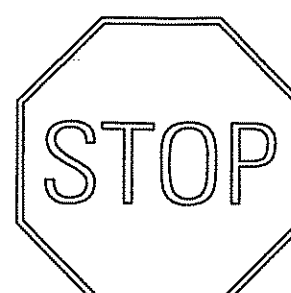
DATE _____ MARYLAND REG. No. 10812

**CITY OF HAGERSTOWN UTILITIES DEPARTMENT –
WATER & WASTEWATER DIVISIONS**

THIS APPROVAL IS FOR THE DESIGN AND LAYOUT OF THE PROPOSED WATER AND WASTEWATER SYSTEM IMPROVEMENTS. ALL WATER AND WASTEWATER SYSTEM IMPROVEMENTS SHALL BE CONSTRUCTED TO THE STANDARDS IN EFFECT AT THE TIME OF CONSTRUCTION. THIS APPROVAL DOES NOT GUARANTEE AVAILABILITY OF WATER OR WASTEWATER SERVICE. WATER AND WASTEWATER SERVICE IS AVAILABLE SUBJECT TO CONFORMANCE WITH ALL CITY ORDINANCES, SUBJECT TO THE CITY OF CHICAGO'S WATER AND WASTEWATER DEPARTMENT'S REVIEW AND APPROVAL OF THE WATER AND WASTEWATER SERVICE APPLICATION. THE CITY OF CHICAGO'S WATER AND WASTEWATER DEPARTMENT DOES NOT GUARANTEE A SPECIFIC WATER PRESSURE OR FLOW RATE, ANY METER OR FIRE HYDRANT. THIS APPROVAL IS VALID FOR A PERIOD OF ONE YEAR.

(SIGNATURE) _____ (DATE) _____

TRAFFIC SIGN LEGEND



(A)
R1-1
0" x 30"
1 REQ'D

PSP-15-

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:

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

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

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.

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

- (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 Board of County Commissioners 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

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 meeting 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 meeting.
- (c) After the public meeting, 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 District;

- ii. The proposed site development meets criteria identified in Section 5E.4 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) 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 meeting, 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.
 - (f) 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.
 - (g) 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

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 new Public Hearing to approve the new use.

Section 5E.8 Removal of the Floating Zone

- (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.

(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 two thousand five hundred (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.

~~ARTICLE 5E – "RB-E" RURAL BUSINESS EXISTING DISTRICT~~

~~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 Regulations~~

~~(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 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-5E~~ – "RB-~~N~~" RURAL BUSINESS ~~NEW~~ DISTRICT

Section ~~5F5E~~.0 Purpose

The "RB-~~N~~" Rural Business ~~New~~ 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, ~~as well as~~ and to 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 ~~5F5E~~.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 ~~5F5E~~.2 Special Exceptions

~~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. 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 Non-Conforming Uses

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 ~~5F.3~~5E.4 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.~~

~~(e)(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.~~

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

- ~~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 ~~5F.45E.5~~ Lot Size and Bulk Regulations:

(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 ~~Right-Of-Way.~~

50 feet from a Major Collector or Arterial Public Road ~~Right-Of-Way~~

(c) Side or Rear Yard Building Setbacks:

~~100~~ 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.

~~(e)~~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 abutting 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 ~~5F.55E.6~~ 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. If only a portion of the property is requested to be rezoned, a 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 finished and signage.

(b) The application shall be reviewed at a rezoning public hearing(s) meeting 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 comment~~ will be taken at the public hearing meeting.

(c) After the public hearing meeting, 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.35E.4~~ 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) Upon receipt of the Planning Commission's recommendation, the Board of County Commissioners shall schedule a public hearing.

~~(d)~~(e) Based on the recommendation of the Planning Commission, staff reports and testimony provided at the public hearing meeting, 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)~~(f) 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)~~(g) 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.65~~E.7 ~~Special Provisions~~Changes in Land Use

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 new Public Hearing to approve the new use.

~~(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.~~

Section 5E.8 Removal of the Floating Zone

- (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.

ARTICLE 28 – DEFINITIONS

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 percent (15%)~~two thousand five hundred (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;
- ~~C.D.~~ Signage for the business is limited to one (1) sign not more than ten (10) square feet in total sign area.
- ~~D.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:

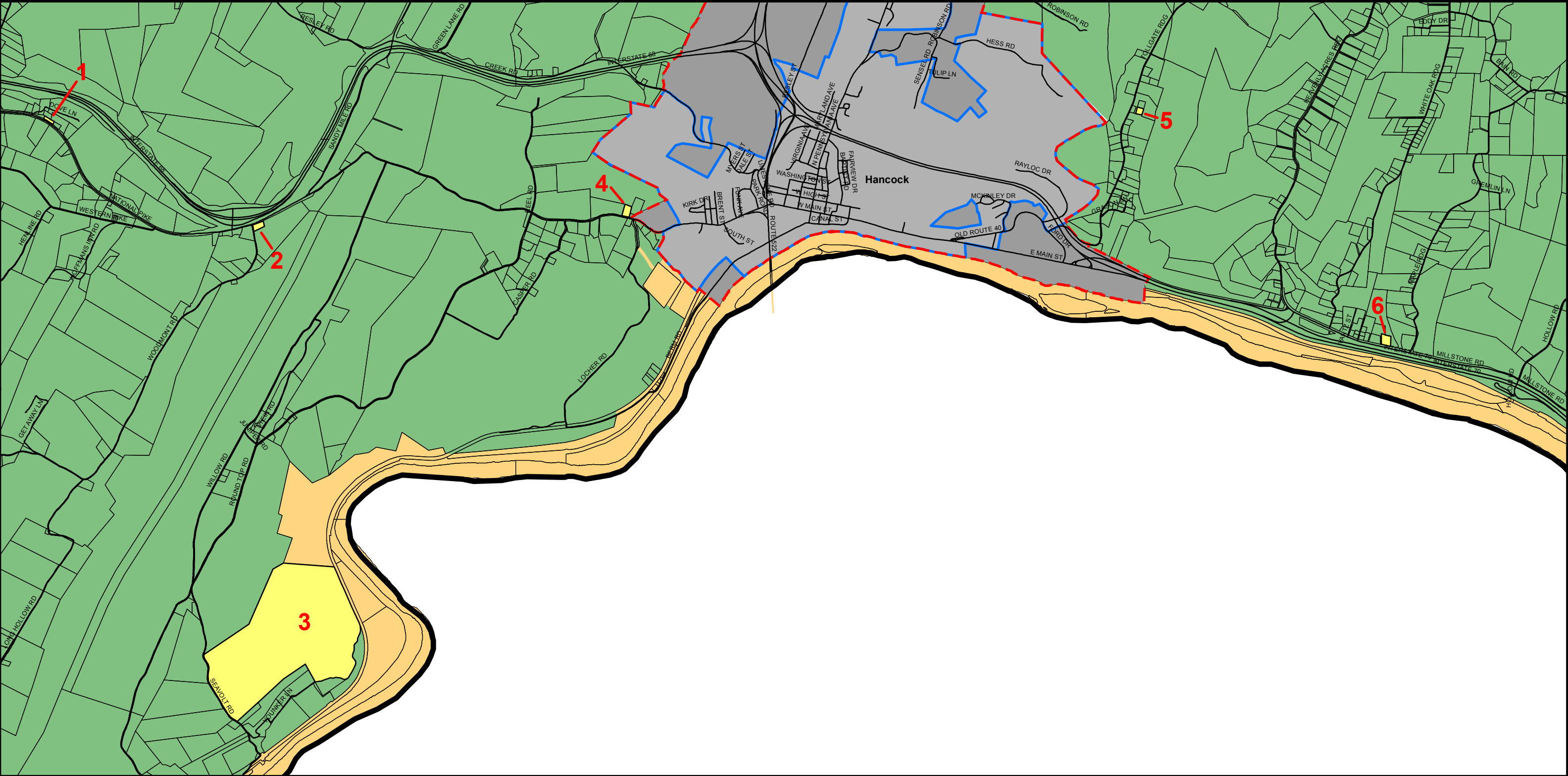
- A. The use does not exceed more than ~~five thousand (5,000) square feet~~twenty-five percent (25%) of the floor space of the dwelling or an accessory structure;
- B. The use will not generate vehicular parking that would exceed spaces for the employee and equipment;
- C. Freight and delivery traffic 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.

Proposed Rural Business Floating Zone

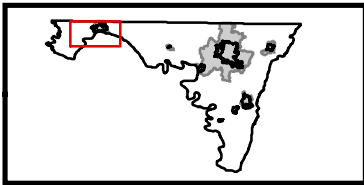
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Map 1

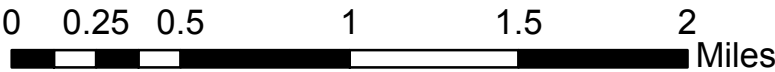


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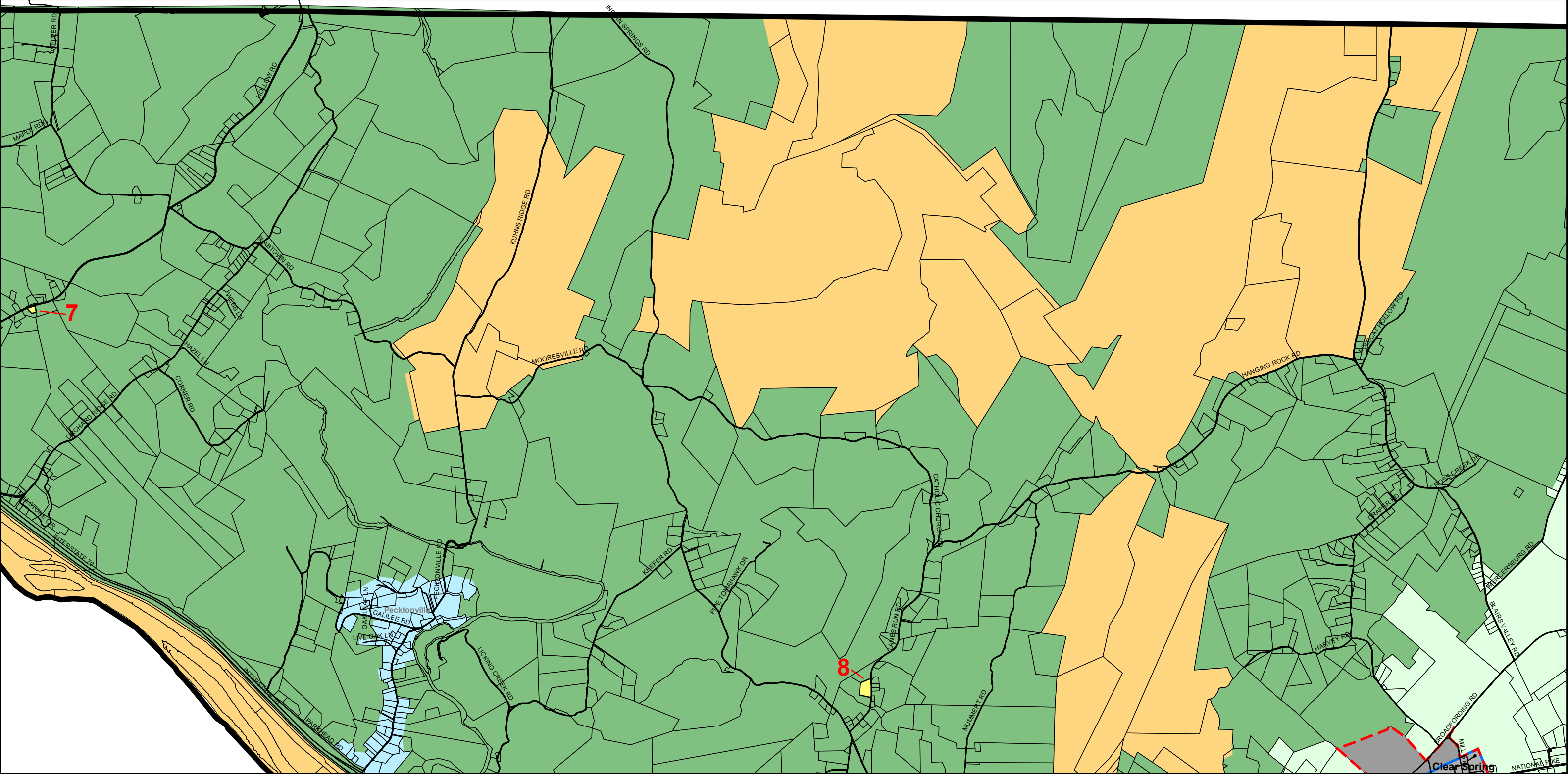
1 inch = 3,000 feet

Legend			
	A(R)		RB-N
	EC		RV
	P		SED
	RB-E		GrowthArea
			Municipal Boundaries
			Tax Parcels
			CountyBoundary



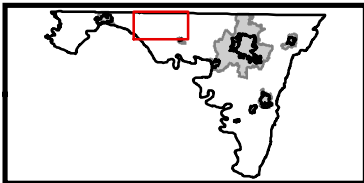
Proposed Rural Business Floating Zone

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Map 2

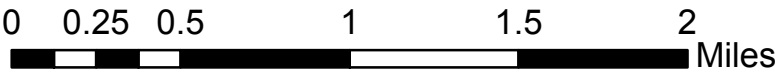


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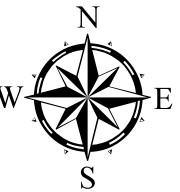
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1 inch = 3,000 feet

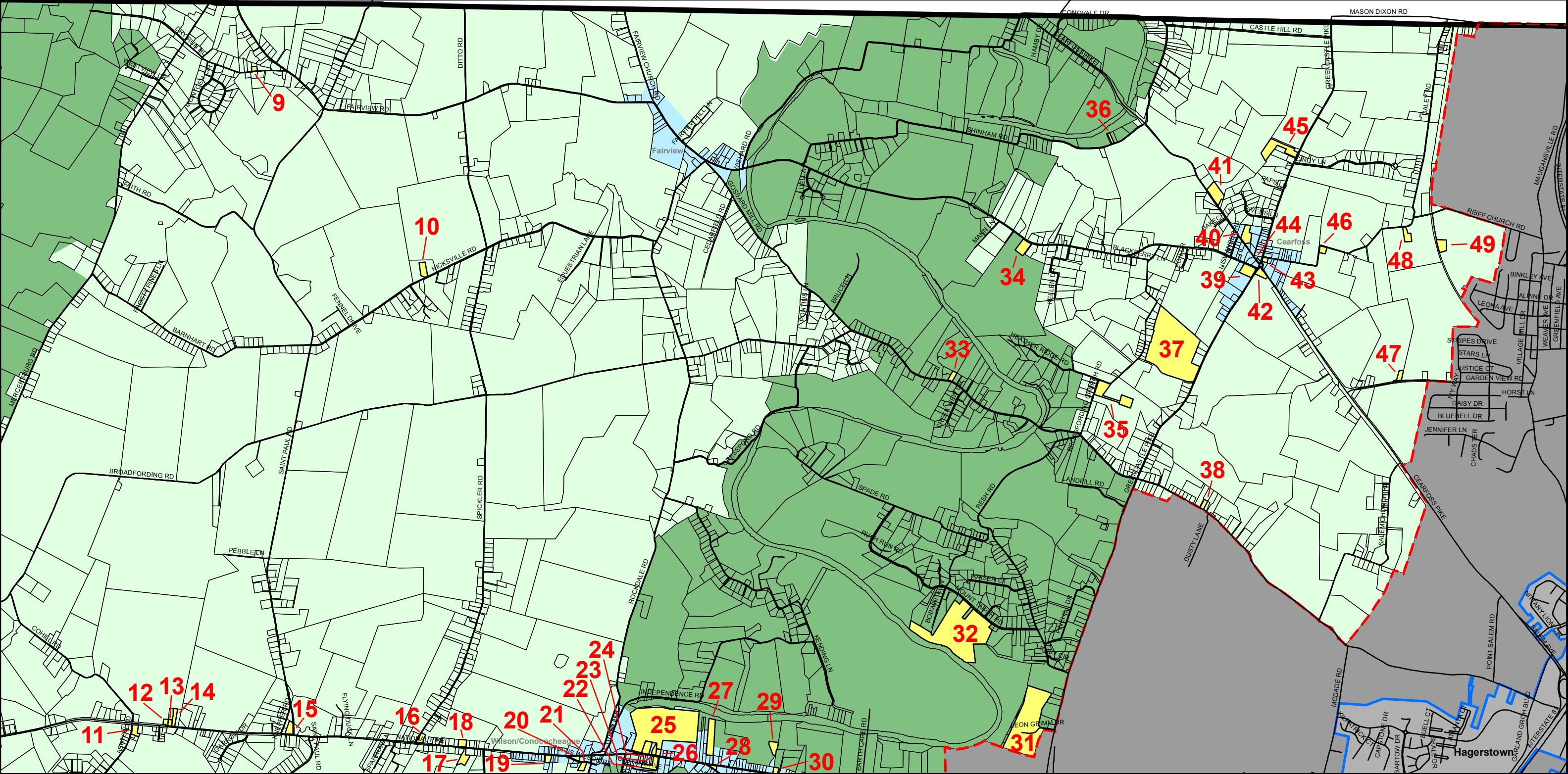
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| A(R) | RB-N | GrowthArea |
| EC | RV | Municipal Boundaries |
| P | SED | Tax Parcels |
| RB-E | CountyBoundary | |



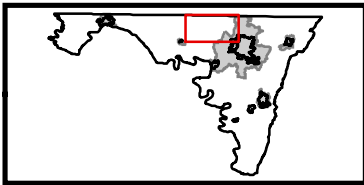
Proposed Rural Business Floating Zone

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Map 3



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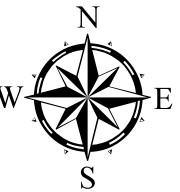
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0 0.25 0.5 1 1.5 2 Miles

1 inch = 3,000 feet

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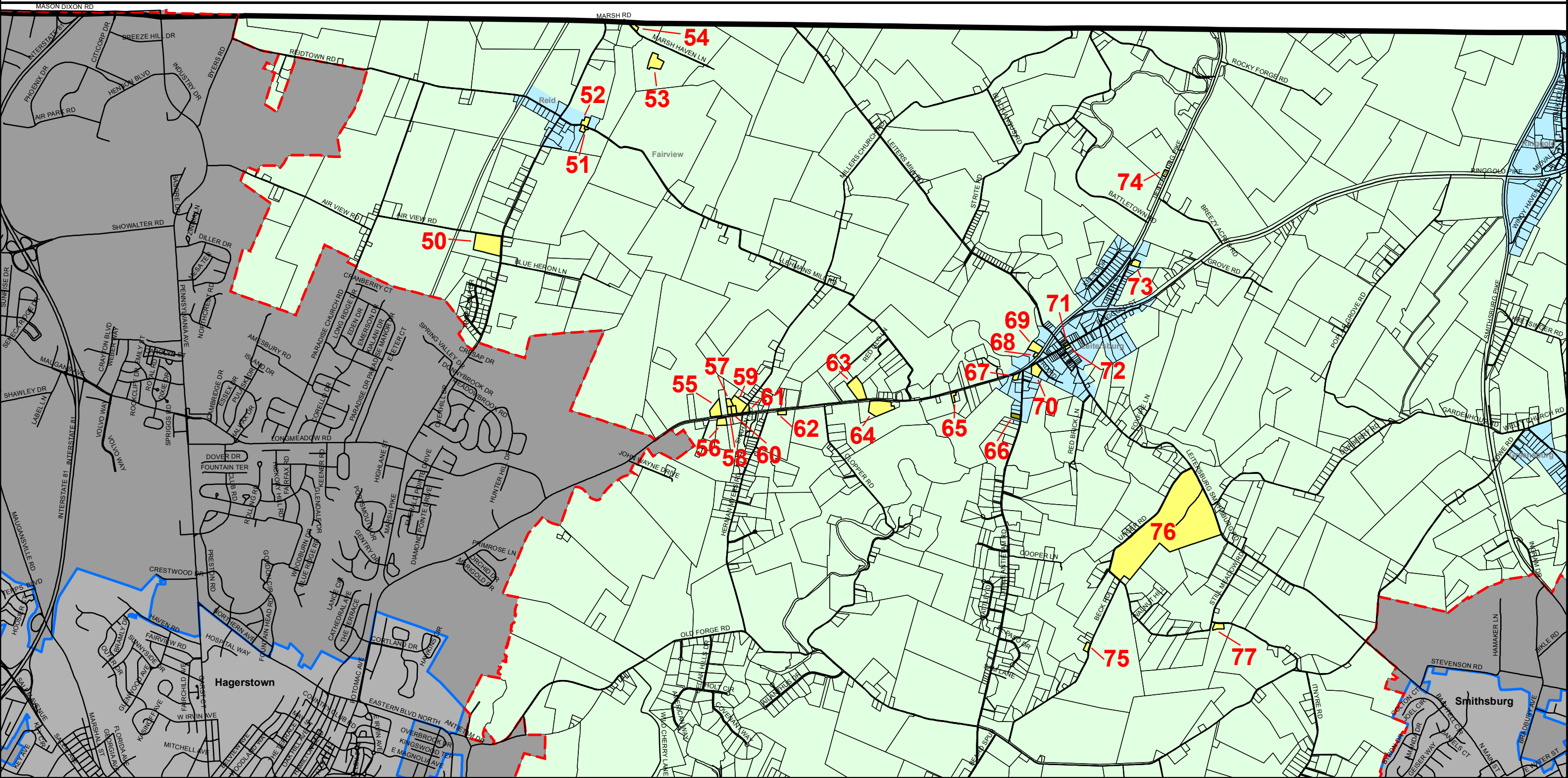
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| A(R) | RB-N | GrowthArea |
| EC | RV | Municipal Boundaries |
| P | SED | Tax Parcels |
| RB-E | CountyBoundary | |



Proposed Rural Business Floating Zone

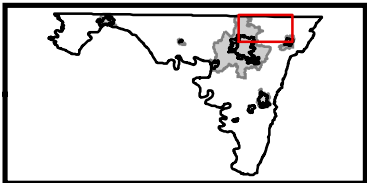
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Map 4

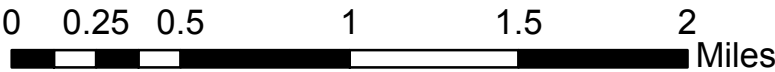


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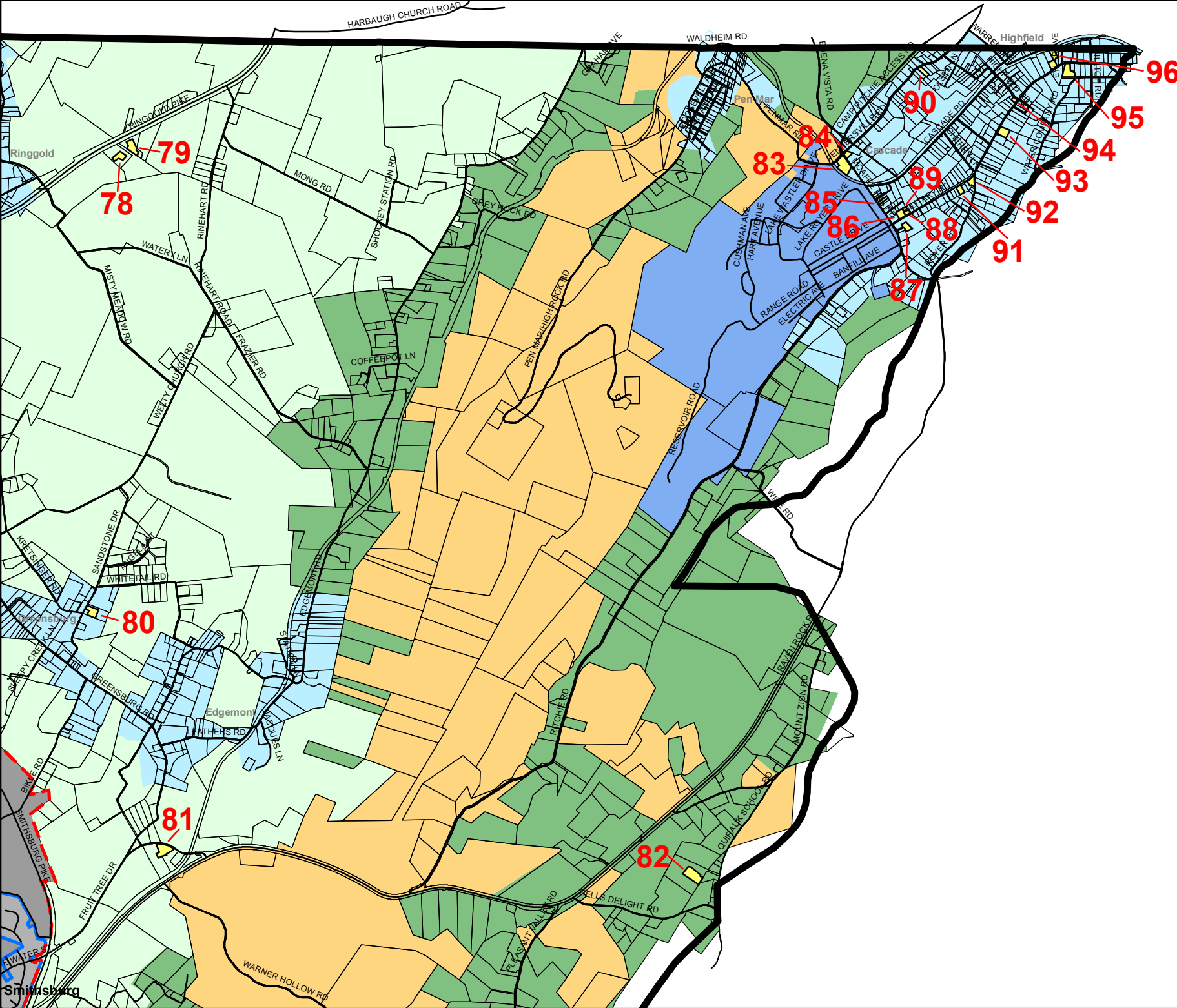
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| A(R) | RB-N | GrowthArea |
| EC | RV | Municipal Boundaries |
| P | SED | Tax Parcels |
| RB-E | CountyBoundary | |



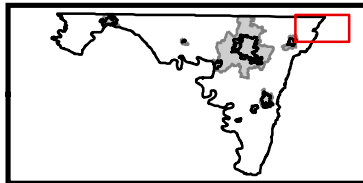
Proposed Rural Business Floating Zone

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Map 5

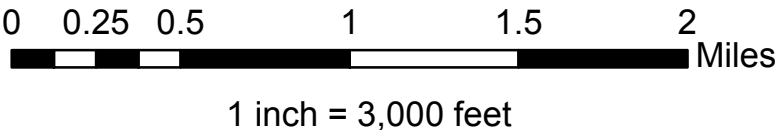


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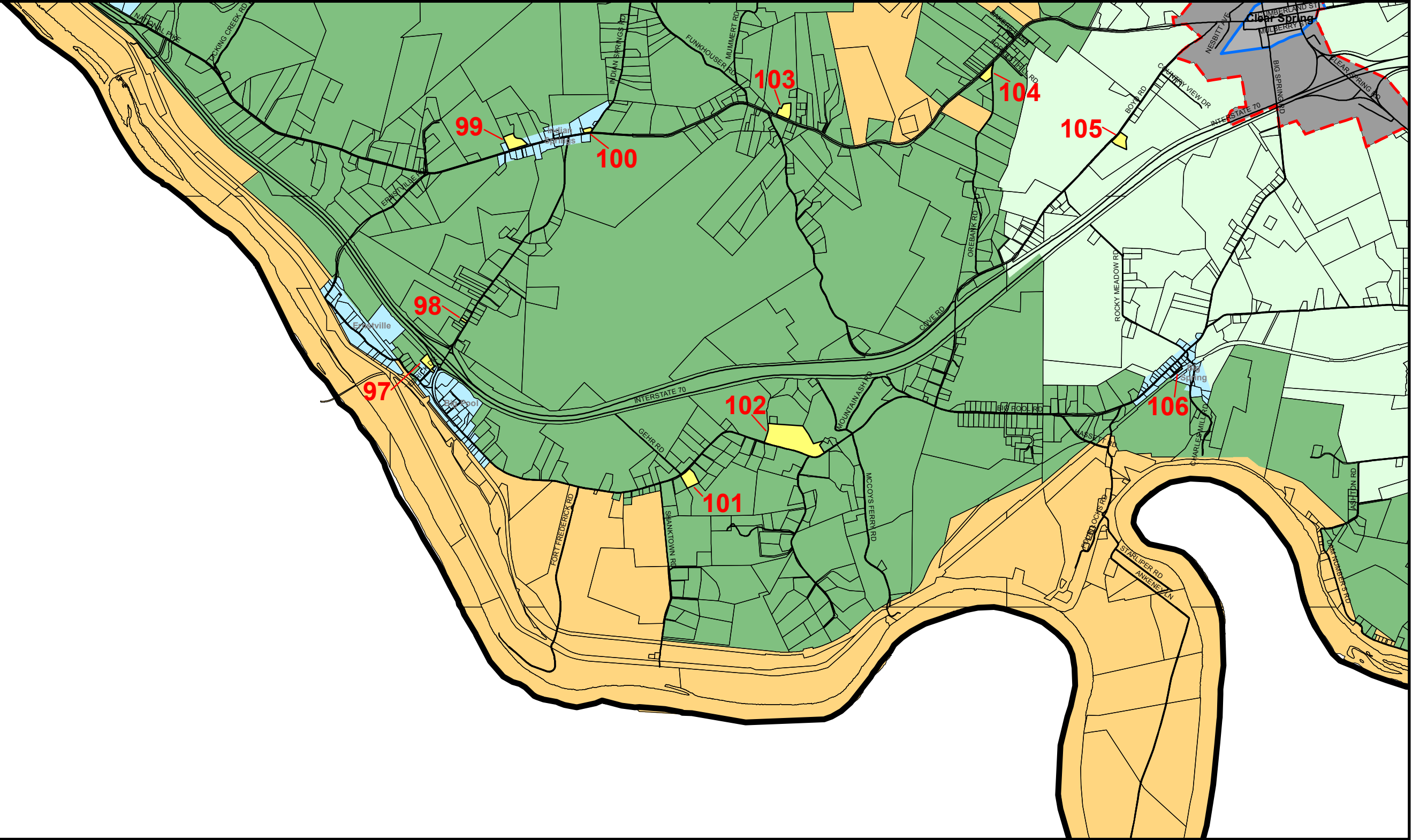


Legend			
	A(R)		RB-N
	EC		RV
	P		SED
	RB-E		CountyBoundary
	GrowthArea		Municipal Boundaries
	Tax Parcels		

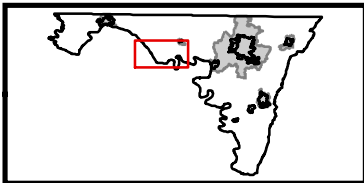


Proposed Rural Business Floating Zone

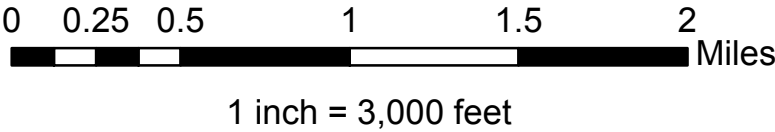
RZ - 14 - 002
Map 6



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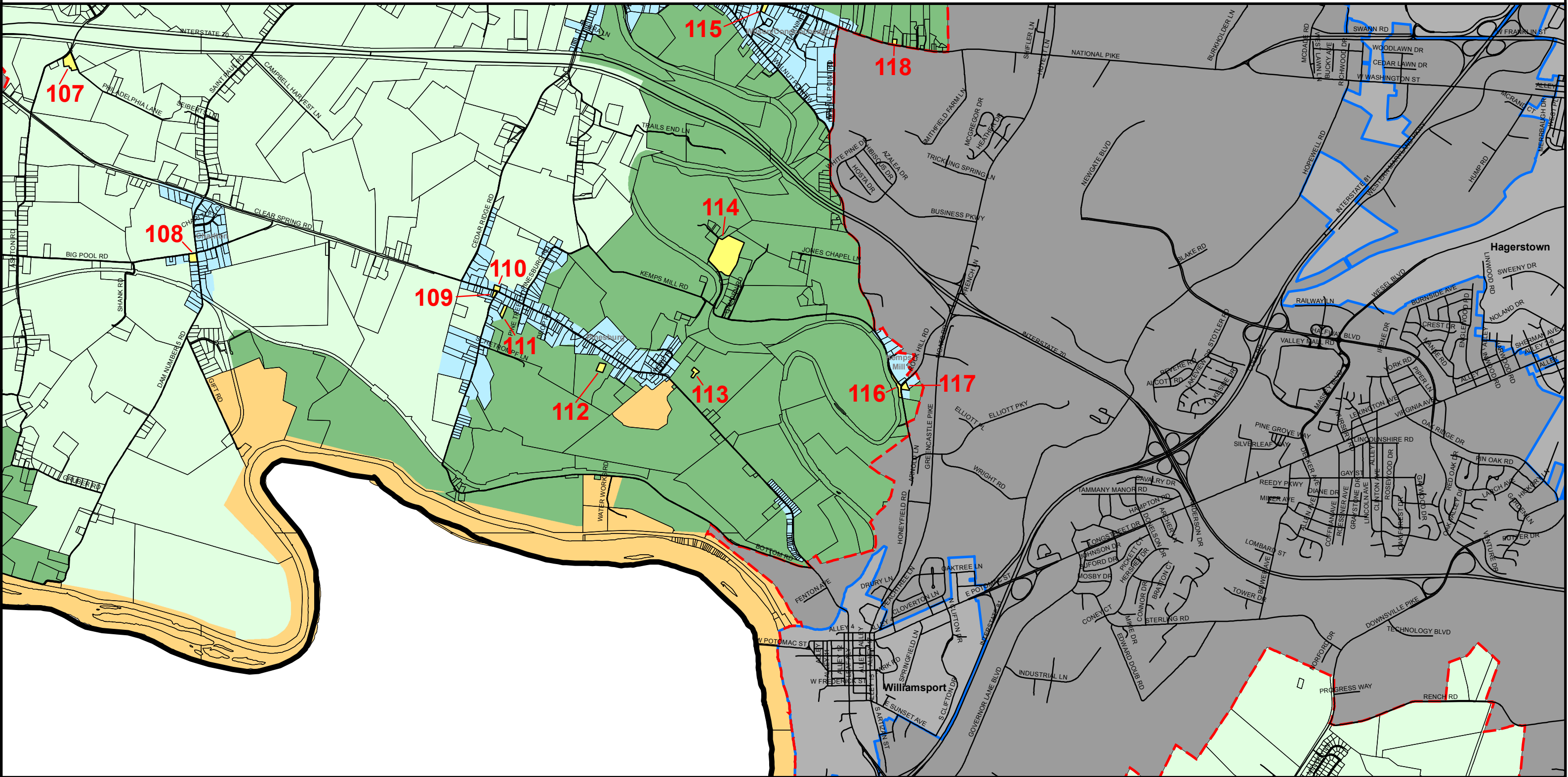
Legend			
A(R)	RB-N	GrowthArea	
EC	RV	Municipal Boundaries	
P	SED	Tax Parcels	
RB-E	CountyBoundary		



Proposed Rural Business Floating Zone

RZ - 14 - 002

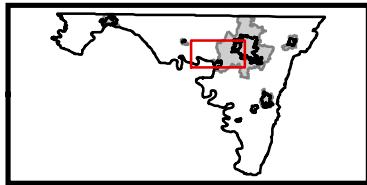
Map 7



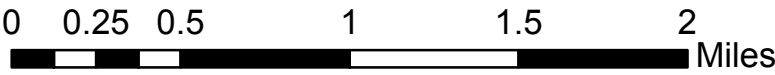
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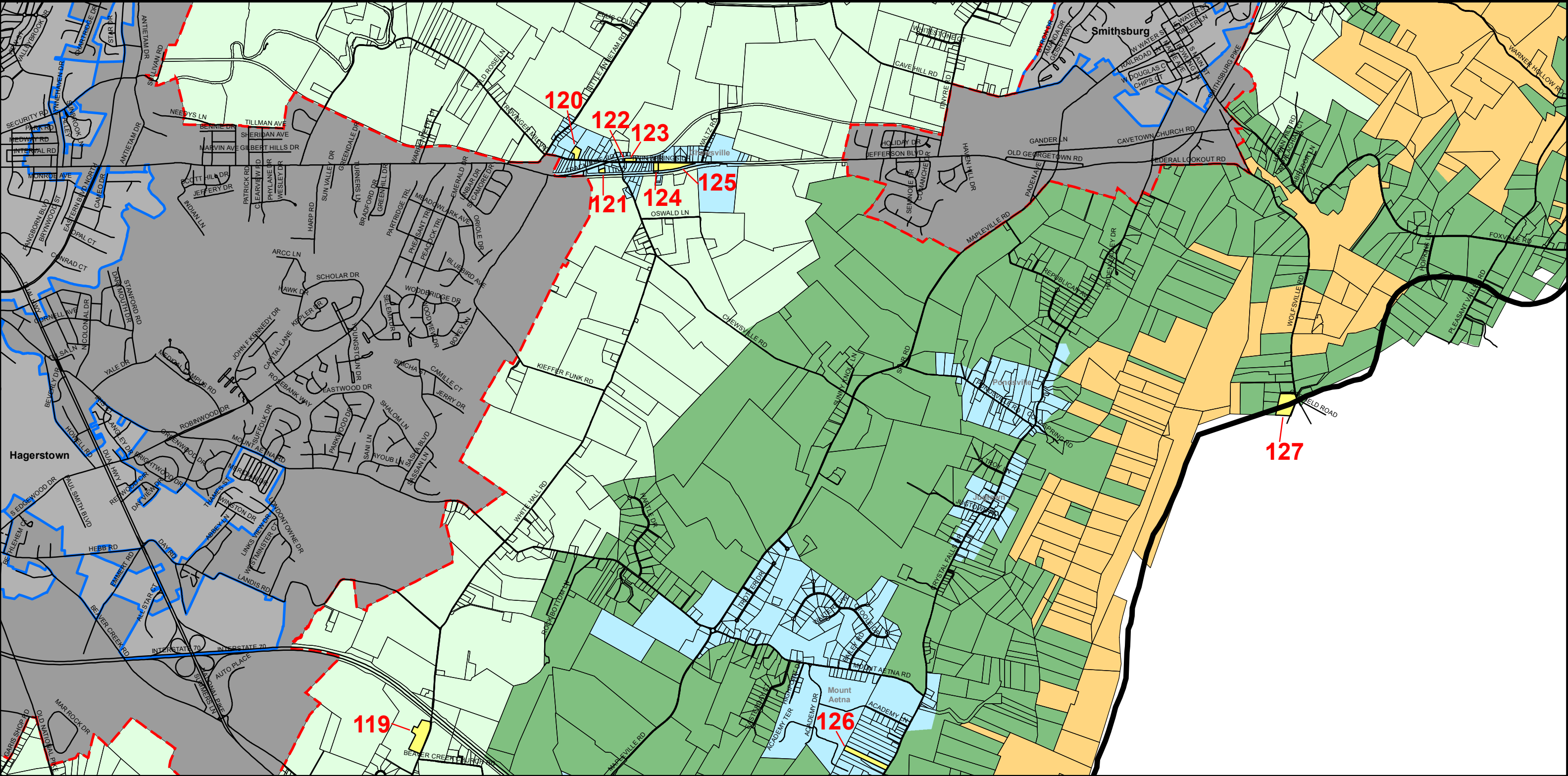
Legend

A(R)	RB-N	GrowthArea
EC	RV	Municipal Boundaries
P	SED	Tax Parcels
RB-E	CountyBoundary	



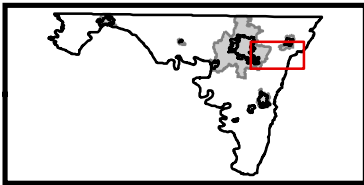
Proposed Rural Business Floating Zone

RZ - 14 - 002
Map 8

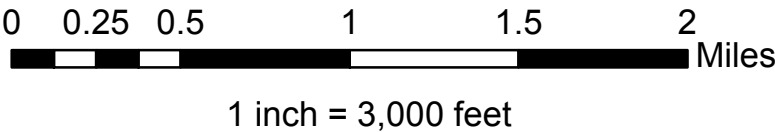


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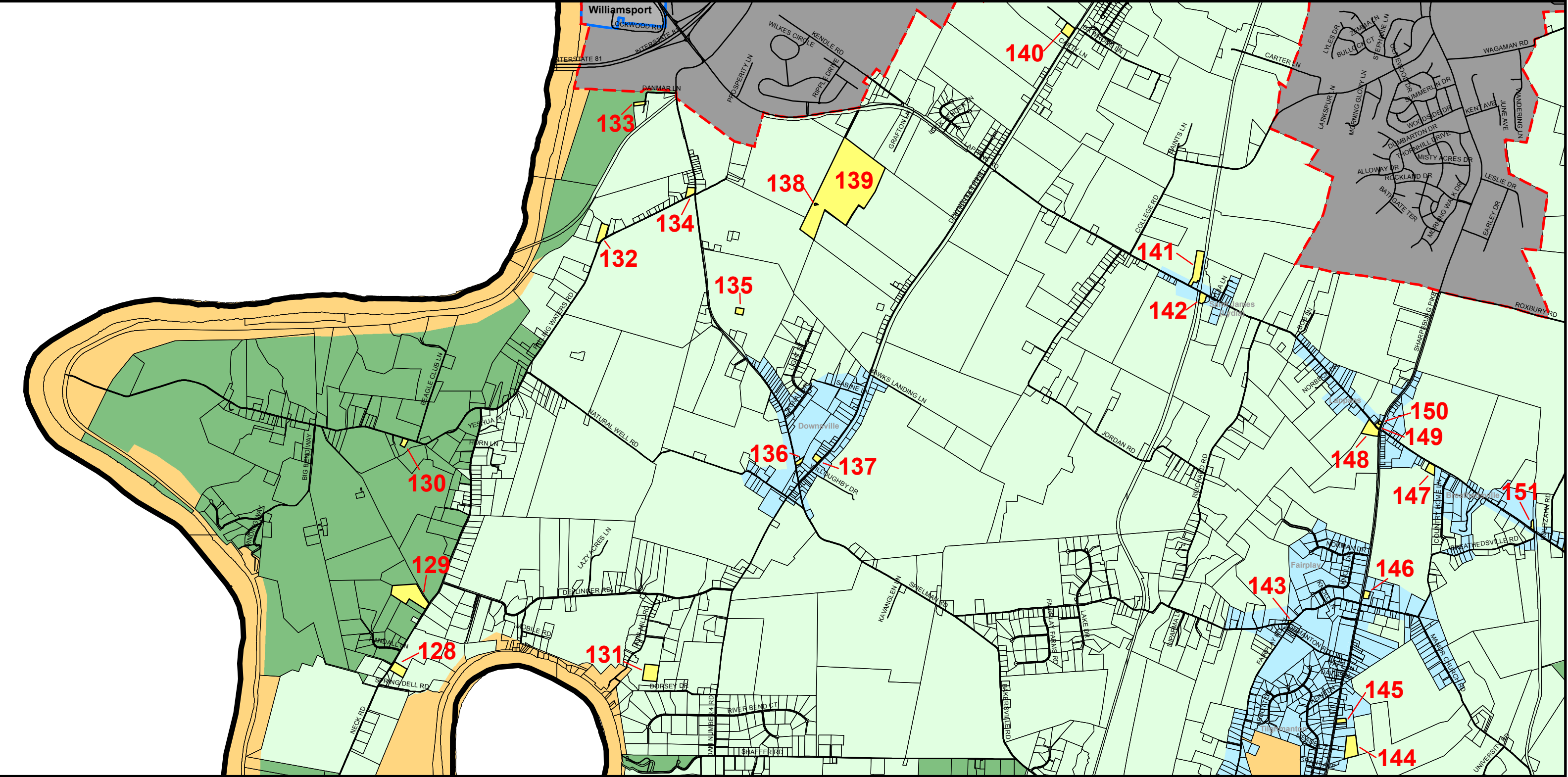


Legend			
	A(R)		RB-N
	EC		RV
	P		SED
	RB-E		CountyBoundary
	GrowthArea		Municipal Boundaries
	Tax Parcels		

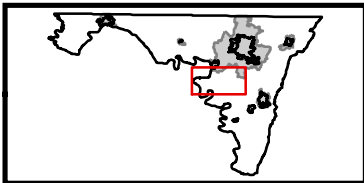


Proposed Rural Business Floating Zone

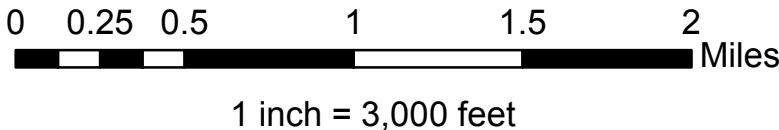
RZ - 14 - 002
Map 9



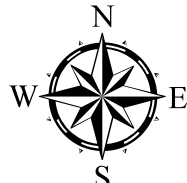
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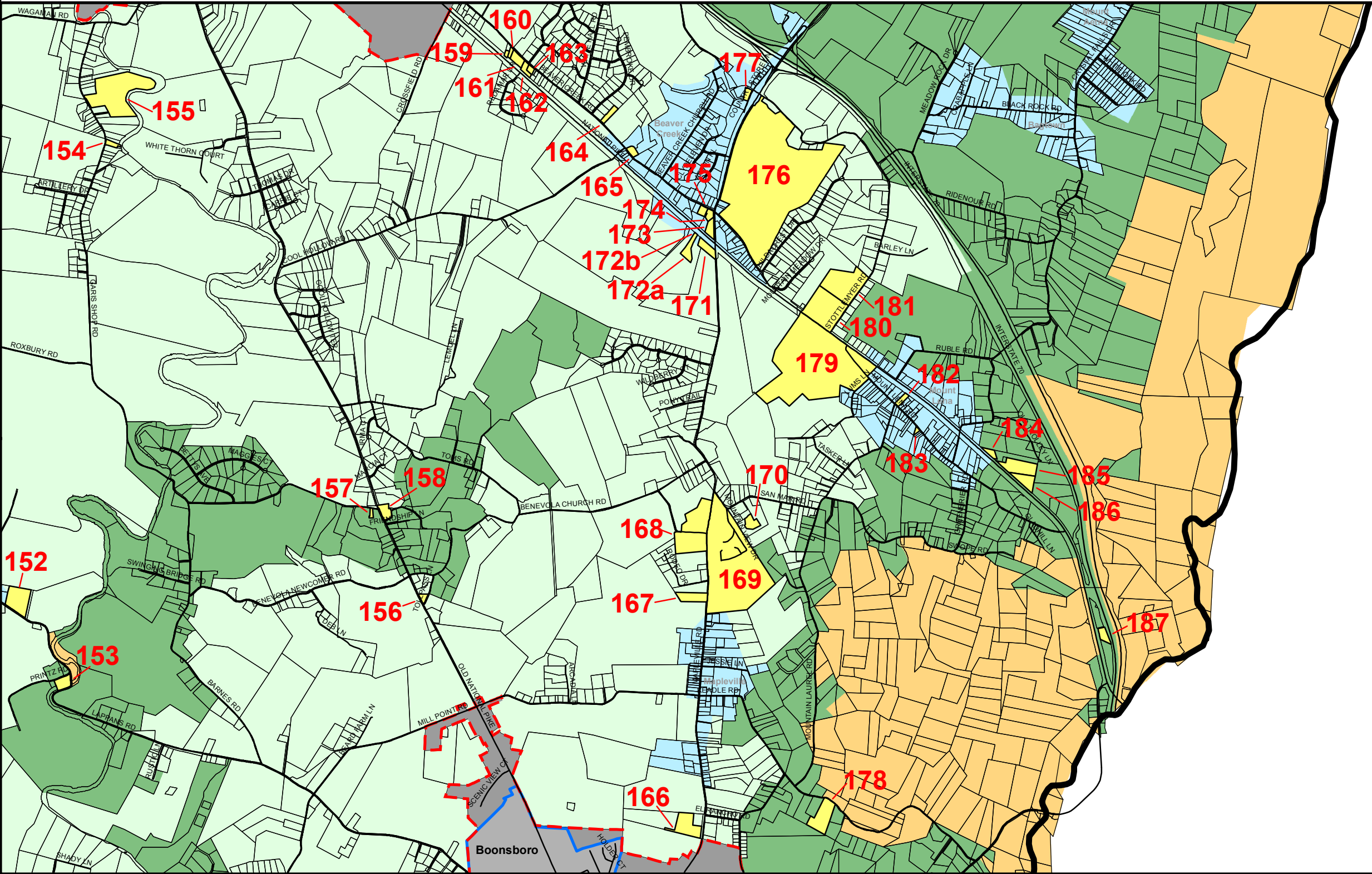


Legend			
A(R)	RB-N	GrowthArea	Municipal Boundaries
EC	RV		Tax Parcels
P	SED		CountyBoundary
RB-E			

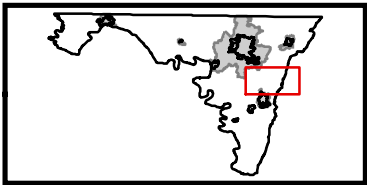


Proposed Rural Business Floating Zone

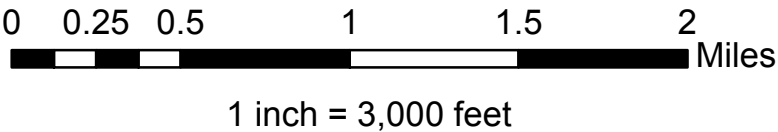
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Map 10



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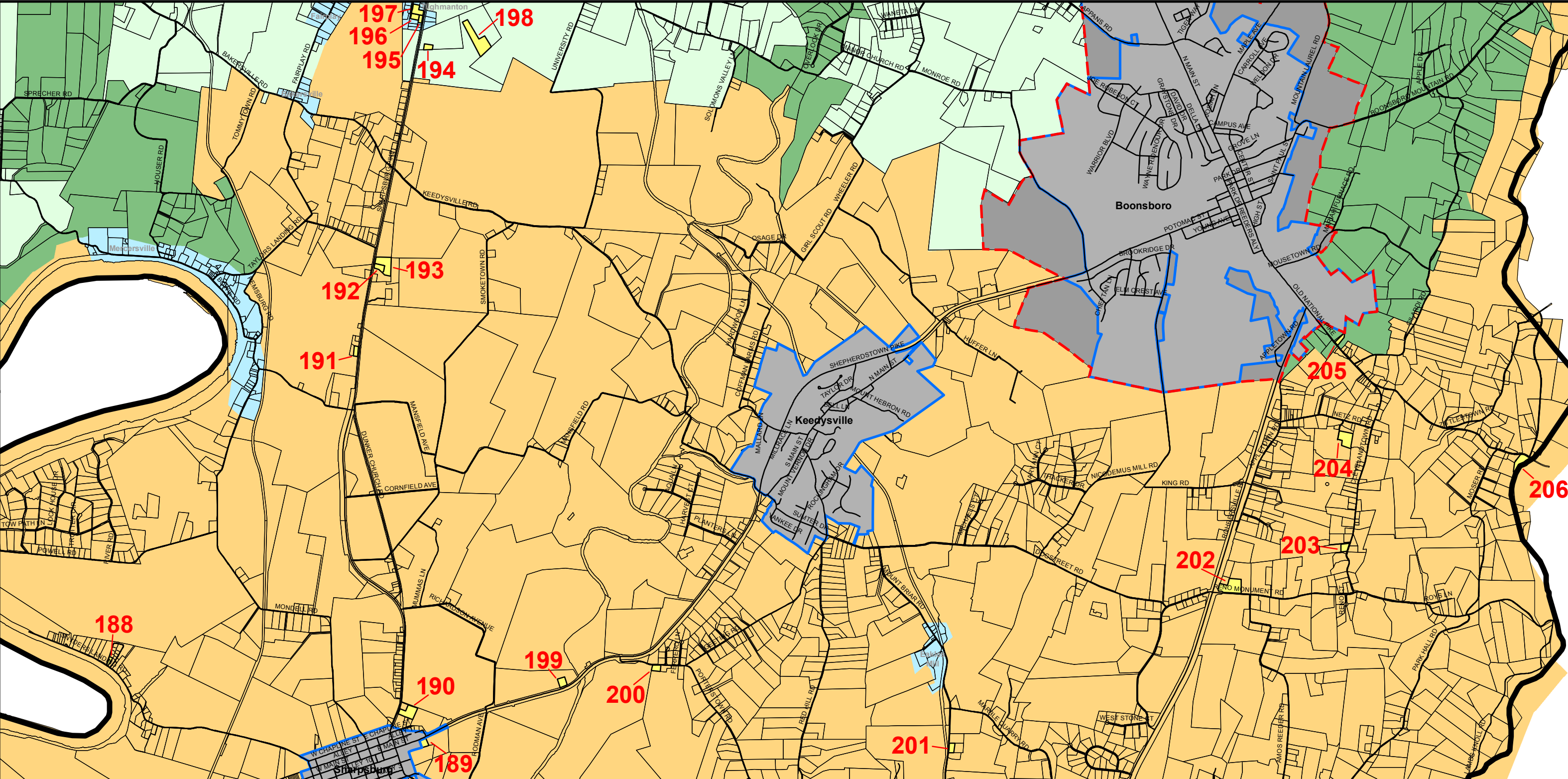
Legend			
	A(R)		RB-N
	EC		RV
	P		SED
	RB-E		GrowthArea
			Municipal Boundaries
			Tax Parcels
			CountyBoundary



Proposed Rural Business Floating Zone

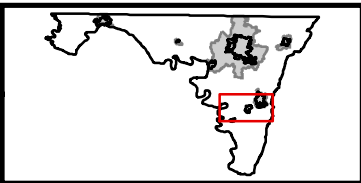
RZ - 14 - 002

Map 11

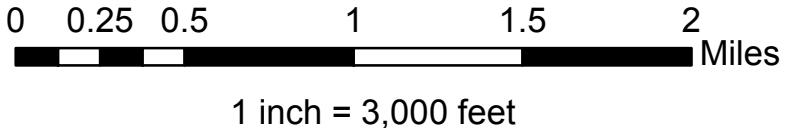


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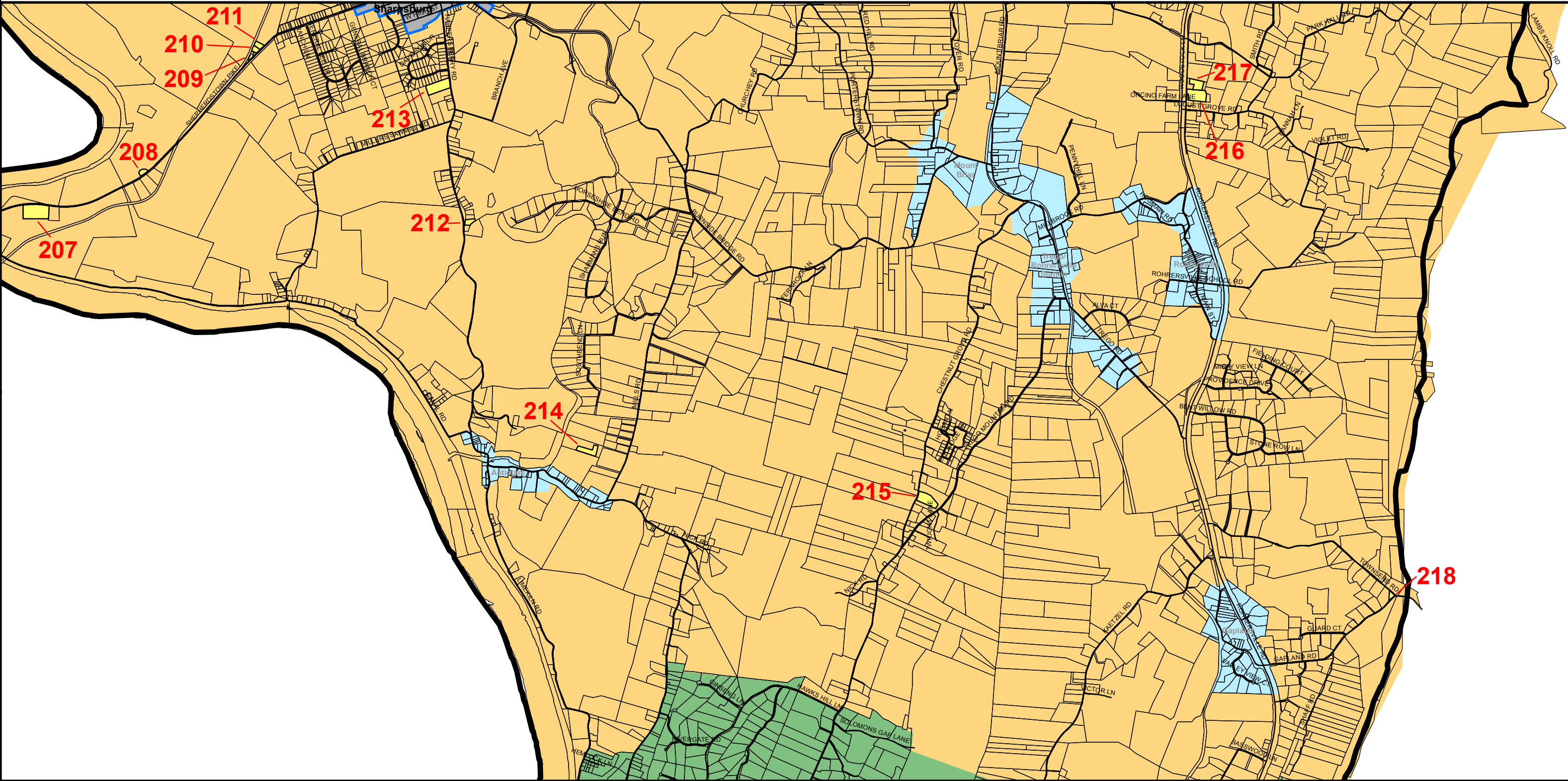


Legend			
A(R)	RB-N	GrowthArea	
EC	RV	Municipal Boundaries	
P	SED	Tax Parcels	
RB-E	CountyBoundary		



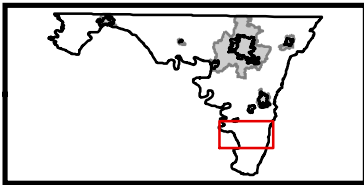
Proposed Rural Business Floating Zone

RZ - 14 - 002
Map 12



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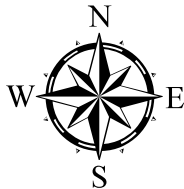


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0 0.25 0.5 1 1.5 2 Miles

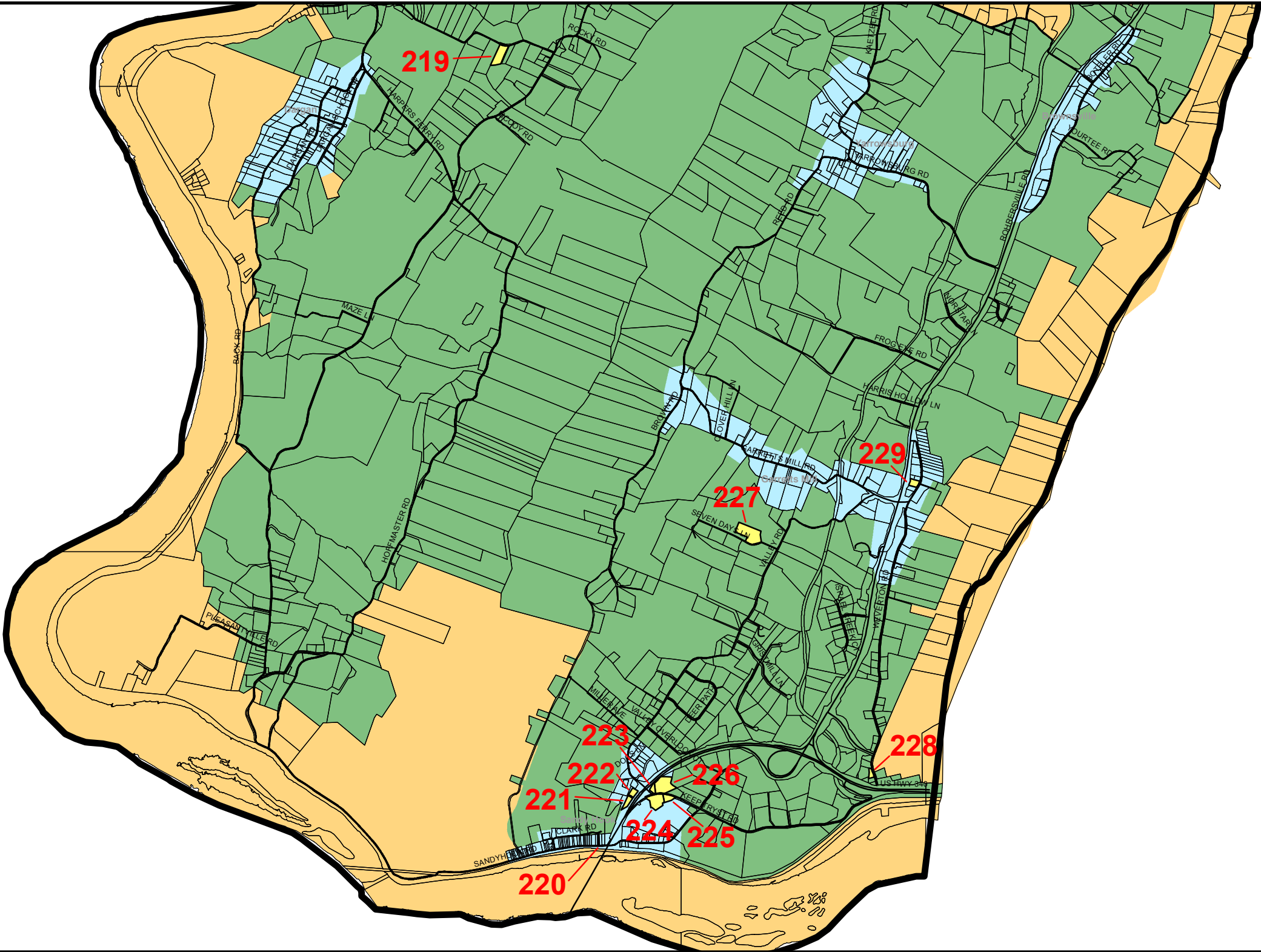
1 inch = 3,000 feet

Legend			
A(R)	RB-N	GrowthArea	
EC	RV	Municipal Boundaries	
P	SED	Tax Parcels	
RB-E	CountyBoundary		

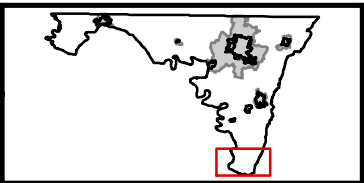


Proposed Rural Business Floating Zone

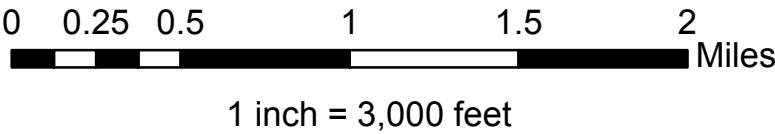
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Map 13



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Legend			
A(R)	RB-N	GrowthArea	
EC	RV	Municipal Boundaries	
P	SED	Tax Parcels	
RB-E	CountyBoundary		



Number	Business Name or Type	New Zoning
1	Apple Tree Inn	EC
2	Woodmont Quick Stop	EC
3	Happy Hills Campground	EC
4	Warehouse	EC
5	Blue Flame, Inc.	EC
6	Log Cabin Inn	EC
7	Country Crossroads Store	EC
8	Potomac Whole Foods	EC
9	K M Faith Excavating	A-R
10	Hicksville Planing Mill	A-R
11	Funeral Home	A-R
12	Store Retail	A-R
13	Shady Bower Sunoco	A-R
14	Valley Market	A-R
15	Sunrise Handi-Mart	A-R
16	Miller's Farmstead	A-R
17	Myer's Building Systems	A-R
18	Dealership Building	A-R
19	Conococheague Grocery	RV
20	Ice Cream Shop	RV
21	Wilson's Store	A-R
22	Red Barron Surplus Sales	RV
23	Store Retail	RV
24	Gateway Seafood House	RV
25	Hagerstown Speedway	RV
26	Fred's Plumbing and Heating	RV
27	Auto Dealership Used	RV
28	Shamrock Inn	RV
29	Antietam Veterinary Clinic	EC
30	Pizza Barn	RV
31	Grimm's Trucking	EC
32	Mount Hope Farms	EC
33	Machine Shop	EC
34	Eby's Lawn and Garden, Inc.	A-R
35	Starr Community Inc.	A-R
36	M & N Durboraw and Sons Excavating	EC
37	Life Care Facility	A-R
38	Kershner's Water Pump Service	A-R
39	Your Country Store	RV
40	Breezy Knoll Storage Sheds	RV
41	Warehouse	A-R
42	Warehouse	RV
43	Gibney Florist	RV
44	Warehouse	RV
45	Gibney's Greenhouse	A-R
46	Eby's Shoe Repair Shop	A-R
47	H & M Greenhouse	A-R
48	D.S. Enterprises	A-R
49	Greenhouse	A-R
50	Avalon Manor Nursing Home	A-R

Number	Business Name or Type	New Zoning
51	Lehman's Mill	RV
52	Lehman's Mill	RV
53	Priest's Refrigeration	A-R
54	Harold's Auto Sales	A-R
55	Warehouse	A-R
56	Auto Repair	A-R
57	Pen Mar Trailer Sales, Inc.	A-R
58	Amerigas Propane	A-R
59	Industry Manufacturing	A-R
60	Pen Mar Trailer Sales, Inc.	A-R
61	Auto Service Station	A-R
62	Myer's Motors	A-R
63	T & C Greenhouse	A-R
64	AFT Limited Partnership	A-R
65	Stop and Shop Liquors	A-R
66	Ritchey's Tot Lot	RV
67	Powell Construction	RV
68	Leitersburg Liberty	RV
69	New Directions Utilities	RV
70	Milmar Plastics	RV
71	Leitersburg Hotel	RV
72	Store Retail	RV
73	Ginn's Water Pump, Inc.	RV
74	Store Retail	A-R
75	Good's Gardens and Greenhouses	A-R
76	Brook Lane Health Services	A-R
77	Little Cove Furniture	A-R
78	Western Maryland Stone and Marble Company	A-R
79	Mace Energy Supply, Inc.	A-R
80	Miller's Repair Service	RV
81	Roy C. Kline Contractors	A-R
82	Kingdom Landscaping	EC
83	Store Building	RV
84	Chocolate Park Tavern	RV
85	Rocky's Pizza	RV
86	Post Office	RV
87	Delauter Excavating	RV
88	Auto Service Station	RV
89	Used Car Sales Lot	RV
90	Coyles "66" Service	RV
91	GT's Handi Mart	RV
92	Bank Branch	RV
93	Sanders Market	RV
94	Country Spirits	RV
95	Store Laundromat	RV
96	BlueBird on the Mountain	RV
97	Big Pool AC&T	RV
98	S & M Welding	EC
99	Rental Storage	RV
100	Store Front	RV

Number	Business Name or Type	New Zoning
101	Sierra Moreno Merchantile Co.	EC
102	Green Spring Water Co.	EC
103	Restaurant/Tavern	EC
104	Country Deli, Inc.	EC
105	Boyd Road Supply, Inc.	A-R
106	Store Retail	RV
107	Greenhouse	A-R
108	Ernst Market	RV
109	Donnie Palmer Auto Bpdy	RV
110	Snip-z Hair Salon	RV
111	R & B Motors	RV
112	S & M Welding	EC
113	S. L. Rhoton, Inc.	EC
114	Hagerstown KOA	EC
115	Primitive Thyme	RV
116	Kemps Mill Inn	RV
117	Auto Service	RV
118	Forty West Lounge	EC
119	Tri-State Farm Auto	A-R
120	Video Equipment	RV
121	Bair Pools and Supplies	RV
122	Post Office	RV
123	Tri-State Upholstrey	RV
124	AirCare Mechanical	RV
125	Otts Horticulture Center	RV
126	Davidson Auto Repair	RV
127	Maryland Horseshoeing School	EC
128	Contractor Storage Yard	A-R
129	J. Rowland Trucking	EC
130	Interstate Communication Service	EC
131	Restaurant	A-R
132	Tri-State/R&R	A-R
133	Small Engine Repair Shop	A-R
134	Septic Tank Service	A-R
135	Antietam Electrical Contractor	A-R
136	Auto Repair	RV
137	Downsville General Store	RV
138	Yogi Bears Jellystone Park	A-R
139	Yogi Bears Jellystone Park	A-R
140	Nursing Home	A-R
141	Utility Supply Co., Inc.	RV
142	St. James Hardware	RV
143	Terry Electric Co.	RV
144	Custom Performance Boats	RV
145	Restaurant	RV
146	Post Office	RV
147	Lappans Family Nursery	A-R
148	Nibble Quik	RV
149	McNamees Tavern	RV
150	May's Service Center	RV

Number	Business Name or Type	New Zoning
151	Feed Bin	RV
152	Contractor Storage Yard	A-R
153	Antietam Canoe	EC
154	Maple Leaf Tack and Western Wear	A-R
155	Antietam Recreation	A-R
156	Meadows Insurance	A-R
157	Tower Hill Fire Service	EC
158	Tower Hill Fire Service	EC
159	Store Retail	A-R
160	The Pickett Fence	A-R
161	Antique Crossroads	A-R
162	Beaver Creek Antique Market	A-R
163	Beaver Creek Antique Market	A-R
164	Day, Donald E	A-R
165	The Cooper's Shed	RV
166	Cochran Auctioneers	A-R
167	Blue Ridge Riding Club	A-R
168	San Mar Children's Home, Inc.	A-R
169	Fahrney Keedy Home	A-R
170	Central Precision, Inc.	A-R
171	Sheetz	RV
172 a	National Pike Flea Market and Auction	A-R
172 b	National Pike Flea Market and Auction	RV
173	Funk Electrical Services	RV
174	Worthington Foreign Car Service	RV
175	David M. Merchant	RV
176	Beaver Creek Country Club	A-R
177	Unique Petique	RV
178	Lawson Brass Instruments	EC
179	Drag Strip	A-R
180	Family Recreation, Inc.	A-R
181	Recreational Property	A-R
182	Utility Trailer Sales	RV
183	Restaurant Building	RV
184	Closet Treasures	EC
185	Store Retail	EC
186	Deer Park Lodge	EC
187	Greenbriar Inn	EC
188	Barron's C & O Canal Trail Store	P
189	The Inn at Antietam	P
190	Battleview Market-Mech Garage	P
191	Clara Bee Gifts	P
192	Stoney Hollow Craft and Antique	P
193	K & D Excavating	P
194	Greenhouse	A-R
195	Hoover Forklift Sales	RV
196	Auto Service	RV
197	Auto Service	RV
198	Route 65 Flea Market	A-R
199	Gift Shop	P

Number	Business Name or Type	New Zoning
200	Canfield Auto Repair	P
201	Deer View Home	P
202	Contractor Storage Yard	P
203	South Mountain Flower Farm	P
204	Auto Service	P
205	Auto Service	EC
206	Old South Mountain Inn	P
207	Mountain Ent. Engineering	P
208	Canfield Body Shop/Sporting Goods	P
209	Model Railroad Museum	P
210	Sharpsburg Pharmacy	P
211	Antietam Gallery, Inc.	P
212	Towing	P
213	Store Front	P
214	Thistle Rock Nursery	P
215	Roelkey Construction	P
216	Contractor Storage Yard	P
217	Meehan's Miniatures	P
218	Van Gilder Property	P
219	Bed and Breakfast	EC
220	Sandy Hook Grocery	RV
221	River and Trail Outfitters	RV
222	River and Trail Outfitters	RV
223	Hillside Station	RV
224	Hillside Motel	RV
225	Hillside Liquors	RV
226	Cindy Dee Restaurant	RV
227	Magnolia Plantation B & B	EC
228	Optimum Fire Protection Service Company	EC
229	Himes Store	RV