

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

(RZ-13-003)

Comprehensive Rezoning of the Town Growth Area (TGA)

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

The Washington County Planning Commission filed an application requesting that amendments be made to the text of the Ordinance. The proposed amendments relate to the comprehensive rezoning in the Town Growth Areas (TGA) which includes amendments to many of the zones that govern land use in the TGAs as well as amendments to various other sections of the Ordinance. The amendments are recommended by the 2002 Comprehensive Plan for Washington County, Maryland.

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

The Board held a public hearing for the purpose of taking testimony on the proposed amendments on May 24, 2016.

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

For convenience purposes, the amendments are summarized as follows:

(1)	Article 3	Districts Established; Zoning Maps, District Boundaries; Land Use Regulations (Rural Area Uses), Section 3.0	Amended
(2)	Article 4	General Provisions	Amended
(3)	Article 5	"C" Conservation District	Repealed
(4)	Article 6	"A" Agricultural District	Repealed
(5)	Article 7	"RR" Residential, Rural District	Repealed
(6)	Article 110	"BT" Business, Transitional District	Repealed
(7)	Article 16	"MX" Mixed Use District	Amended
(8)	Article 17	"PB" Planned Business District (Shopping Centers)	Amended
(9)	Article 19A	"HI-1" Highway Interchange District	Repealed
(10)	Article 21A	"AP" Airport District	Amended
(11)	Article 21B	"ORI" Office, Research, and Industry District	Amended
(12)	Article 21C	"ERT" Education, Research, and Technology District	Amended
(13)	Article 22	Special Provisions, Division I, Off-Street Parking and Loading Area Requirements	Amended
(14)	Article 22	Special Provisions, Division II, Signs	Amended
(15)	Article 22	Special Provisions, Division V, Mobile Home Parks, Travel Trailer Parks and Mobile Homes not in Mobile Home Parks or Travel Trailer Parks	Amended
(16)	Article 23	Exceptions and Modifications,	Amended
(17)	Article 28A	Definitions	Amended by adding a new definition

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

RZ-13-003

(1) ARTICLE 3 - DISTRICTS ESTABLISHED; ZONING MAPS, DISTRICT BOUNDARIES; LAND USE REGULATIONS (RURAL AREA USES), Section 3.0, Districts Established, is hereby **AMENDED** and shall read as follows:

Section 3.0 Districts Established

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

Rural Districts

- A(R) Agricultural (Rural) District
- EC Environmental Conservation District
- P Preservation District
- RV Rural Village
- RB Rural Business

Residential Districts

- RT Residential, Transition District
- RS Residential, Suburban District
- RU Residential, Urban District
- RM Residential, Multi-Family District

Business Districts

- BL Business, Local District
- BG Business, General District

Industrial Districts

- IR Industrial, Restricted District
- IG Industrial, General District
- IM Industrial, Mineral District

Planned Development Districts

- MX Mixed Use District
- PB Planned Business District
- PI Planned Industrial District

Special Districts

- HI Highway Interchange District

HP	Historic Preservation District
SED	Special Economic Development District
ORT	Office, Research, and Technology District
ORI	Office, Research, and Industry District
ERT	Education, Research, and Technology District
AO	Antietam Overlay District
AP	Airport District

(2) ARTICLE 4 – GENERAL PROVISIONS, is hereby **AMENDED** as follows:

Section 4.3 Nonconforming Uses is amended and shall read as follows:

- (b) All other nonconforming uses shall be subject to review and approval by the Board of Zoning Appeals. In all other zoning districts except the A(R), EC, P and BL districts, the board may approve the alteration or the expansion of a nonconforming use provided the expansion is restricted to an additional area not exceeding thirty-five (35) percent of the existing use. In the HI district, the Board may approve an alteration or expansion greater than thirty-five (35) percent of a nonconforming mobile home park provided the proposed expansion is consistent with the Comprehensive Plan and meets the guidelines of Section 22.5 and 22.6 of this Ordinance.

- (1) In the A(R), EC, P and BL districts, the Board may approve the alteration or the expansion of a nonconforming use without restriction to area provided the proposed expansion is consistent with the Plan for the County, and provided it meets the guidelines of Section 25.6 of the Ordinance.

Section 4.5 Buildable Lots is amended and shall read as follows:

Any lot which was a buildable lot under the terms or regulations in effect at the time of the adoption of this Ordinance and which was established or recorded at the time shall be deemed a buildable lot.

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

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

Section 4.8 Essential Utility Equipment is amended and shall read as follows:

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

Section 4.9 Distance Requirements is amended and shall read as follows:

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

Section 4.14 Mineral Extraction is amended and shall read as follows:

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

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

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

Section 4.18 Nursery Schools and Child Care Centers is amended and shall read as follows:

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

Section 4.22 Commercial Communication Towers is amended and shall read as follows:

b.

A. Design requirements

2. Subject to a minimum distance requirement of a distance equaling the height of the tower and equipment plus 200 feet from the RT, RS, RU, RM and RV districts or the nearest part of any existing dwelling, school, church, or institution for human care, in any other district.

(3) ARTICLE 5 - "C" CONSERVATION DISTRICT is hereby REPEALED AND DELETED in its entirety.

(4) ARTICLE 6 - "A" AGRICULTURAL DISTRICT is hereby REPEALED AND DELETED in its entirety.

(5) ARTICLE 7 - "RR" RESIDENTIAL, RURAL DISTRICT, is hereby REPEALED AND DELETED in its entirety.

(6) ARTICLE 110 - "BT" BUSINESS, TRANSITIONAL DISTRICT is hereby REPEALED and DELETED in its entirety.

(7) ARTICLE 16 - "MX" MIXED USE DISTRICT is hereby AMENDED as follows:

Section 16.1 Principal Permitted Uses is amended and shall read as follows:

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 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 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 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 HI District	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 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 16.4 General Requirements is amended and shall read as follows:

(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 RT, RS, RU, and RM Districts. The MXC and MXE Districts may also be located in the HI, 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 are able to be improved by the applicant to adequately serve the existing and proposed traffic.

(8) ARTICLE 17 - "PB" PLANNED BUSINESS DISTRICT (SHOPPING CENTERS) is hereby **AMENDED** as follows:

Section 17.7 General Regulations is hereby amended and shall read as follows:

(c) **Yards:** No buildings shall be erected within fifty (50) feet of a public street right-of-way line. No parking lot or accessory uses shall be located within twenty (20) feet of the right-of-way line. No plantings shall be located within ten (10) feet of any public street right-of-way line.

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

(9) ARTICLE 19A - "HI-1" HIGHWAY INTERCHANGE DISTRICT is hereby **REPEALED AND DELETED** in its entirety.

(10) ARTICLE 21A - "ORT" OFFICE, RESEARCH, AND TECHNOLOGY DISTRICT is hereby **AMENDED** as follows:

Section 21A.5 Yard Setback Requirements in amended and shall read as follows:

(c) Exceptions:

3. Where the proposed use or building abuts either a lot in a RT, RS, RU, or RM District, a residence that is not located on the same lot as

the said building, or any lot that is part of a recorded residential subdivision, then the side and rear setbacks shall be fifty (50) feet.

4. Where a lot with a building greater than fifty (50) feet in height abuts a lot in a RT, RS, RU, or RM District, a residence that is not located on the same lot as the said building, or any lot that is part of a recorded residential subdivision, then the side and rear setbacks shall be one hundred (100) feet.

Section 21A.6 Buffer Yards is amended and shall read as follows:

- (b) Where an adjoining lot is located in a RT, RS, RU, or RM District or contains a dwelling, there shall be a twenty-five (25) foot buffer yard between the lot line and any area of the lot proposed for use or development. The buffer shall provide a year-round screen for noise, glare, or other factors that may adversely affect neighboring properties. During site plan review, the Planning Commission shall determine the form of perimeter screening which may include a solid fence, vegetative screening, or both. The vegetative screening shall be a minimum of ten (10) feet overall in height and two (2) inch caliber at the time of planting. Trees shall be of a species having an average mature spread of crown of a minimum ten (10) feet under normal growing conditions. The trees shall be planted and spaced so as to create an opaque screen between the adjoining land uses. A minimum of ten (10) trees per hundred linear feet of perimeter buffer area shall be required.

Section 21A.8 Signs and Exterior Lighting is amended and shall read as follows:

Signs and exterior lighting shall comply with the requirements of Article 22, Divisions II and X, respectively, except when the provisions below are more restrictive.

- (i) Where the lot adjoins an RT, RS, RU, or RM District, no freestanding sign or building mounted sign shall be located where it faces an adjoining RT, RS, RU, or RM lot or lots.

(11) ARTICLE 21B - "ORI" OFFICE, RESEARCH, AND INDUSTRY DISTRICT is hereby **AMENDED** as follows:

Section 21B.7 Yard Setback Requirements is amended and shall read as follows:

(c) Exceptions:

3. Where the proposed use or building abuts either a lot in a RT, RS, RU, or RM District, a residence that is not located on the same lot as the said building, or any lot that is part of a recorded residential subdivision, then the side and rear setbacks shall be fifty (50) feet.
4. Where a lot with a building proposed to be greater than fifty (50) feet in height is proposed to abut a lot in a RT, RS, RU, or RM District, a residence that is not located on the same lot as the said building, or any lot that is part of a recorded residential subdivision, then the side and rear setbacks shall be one hundred (100) feet.

Section 21B.8 Buffer Yards, is amended and shall read as follows:

- (b) Where an adjoining lot is located in a RT, RS, RU, or RM District or contains a dwelling, there shall be a twenty-five (25) foot buffer yard between the lot line and any area of the lot proposed for use or development. The buffer shall provide a year-round screen for noise, glare, or other factors that may adversely affect neighboring properties, during site plan review, the Planning Commission shall determine if the form of perimeter screening which may include a solid fence, vegetative screening, or both is adequate. The vegetative screening shall be a minimum of ten (10) feet overall in height and two (2) inch caliber at the time of planting. Trees shall be of a species having an average mature spread of crown of a minimum ten (10) feet under normal growing conditions. The trees shall be planted and spaced so as to create an opaque screen between the adjoining land uses. A minimum of ten (10) trees per hundred linear feet of perimeter buffer area shall be required.

Section 21B.10 Signs and Exterior Lighting, Subsection (i), is amended and shall read as follows:

Except as modified below, all signs in the "ORI" District shall comply with the sign requirements contained in Article 22, Division II, of this Ordinance.

- (i) Where the lot adjoins an RT, RS, RU, or RM District, no freestanding sign or building mounted sign shall be located where it faces and adjoining RT, RS, RU, or RM lot or lots.

<p>(12) ARTICLE 21C - "ERT" EDUCATION, RESEARCH, AND TECHNOLOGY DISTRICT is hereby AMENDED as follows:</p>

Section 21C.6 Buffer Yards is amended and shall read as follows:

- (b) Where an adjoining lot is located in a RT, RS, RU, or RM District or contains a dwelling, or is part of a residential area in a MXR, MXC, or MXE District, there shall be a twenty-five (25) foot buffer yard between the lot line and any area of the lot proposed for use or development.
 - 1. The buffer shall provide a year-round screen from noise, glare, or other factors that may adversely affect the neighboring properties. During site plan review, the Planning Commission shall determine the adequacy of the proposed perimeter screening.
 - 2. The form of perimeter screening in the buffer may be required to include a solid fence, vegetative screening, or both. The vegetative screening shall be a minimum of ten (10) feet in height and two (2) inch caliber at the time of planting. Trees shall be of a species having an average mature spread of crown of a minimum ten (10) feet under normal growing conditions.
 - 3. The trees shall be planted and spaced so as to create an opaque screen between the adjoining land uses. A minimum of ten (10) trees per hundred linear feet of perimeter buffer area shall be required.

(13) ARTICLE 22, DIVISION I, OFF STREET PARKING AND LOADING AREA REQUIREMENTS is AMENDED and shall read as follows:

Section 22.12 Off-Street Parking Requirements is amended and shall read as follows:

(f) **Design Standards.**

10. **Surfacing.**

- i. For the purpose of this Article, surfacing and references to paving or pavement shall be defined as a durable and dustless surface that shall be properly drained and maintained. The Department of Land Development Engineering shall determine acceptable surfacing materials.
- ii. All employee and visitor parking, access lanes/aisles, and loading and unloading areas shall be paved in the following zoning districts: RT, RS, RU, RM, MX, BG, BL, HI, ORT, PB, and SED.
- iii. All employee and visitor parking shall be paved in the IR, IG, PI, AP, and IR uses allowed in HI.
- iv. In the A(R), EC, P, RV, and RB districts, parking and access lanes/aisles with a total area greater than 3,400 sq. ft. shall be paved.
- v. All handicapped accessible parking and loading areas shall be paved in all districts.

(14) ARTICLE 22, SPECIAL PROVISIONS, DIVISION II - SIGNS, is AMENDED and as follows:

Section 22.23 "Use on the Premises" Signs, on Buildings, is amended and shall read as follows:

- (c) Any exterior sign or signs pertaining to the use conducted on the premises, and which is either integral with or attached to the principal building, shall have a sum total area of no more than two square feet for each foot in length of the frontage of the building. Where the lot adjoins an RT, RS, RU, RM or RV District, no sign shall be attached to the side of the building that faces the adjoining RT, RS, RU, RM or RV lot or lots.

- (e) Individual business or industrial establishments may erect a free-standing business sign, provided the lot frontage is at least forty (40) feet. The free-standing sign shall be located in such a manner that no part of the supporting structure is less than twenty-five (25) feet from the street right-of-way, and that no part of the sign is closer than five (5) feet to the right-of-way. The total area for any sign or signs on one supporting structure shall not exceed 300 square feet and the total height of the sign structure shall not exceed thirty-five (35) feet. Businesses or industries having a frontage on more than one street may have an additional free-standing sign for each street frontage, provided that the total area for all free-standing signs does not exceed 600 square feet. Where the lot adjoins any lot or lots in a RT, RS, RU, RM, or RV District, and a freestanding sign is on the side of the business lot adjoining the residential lot, the sign shall not face the adjoining RT, RS, RU, RM or RV lot.

Section 22.24 Outdoor Advertising Signs, is amended and shall read as follows:

- (c) A new Outdoor Advertising Sign may be erected, subject to the following regulations:

- 2. An Outdoor Advertising Sign may not be erected in the following locations:

- iii. In residential zoned areas including RT, RS, RU, RM, and MX.

- 10. Outdoor Advertising Signs shall be permitted in the BL, BG, HI, PI, IR and IG zoning districts provided all other criteria stated in this section are met.

(22) ARTICLE 22, SPECIAL PROVISIONS, DIVISION V – MOBILE HOME PARKS, TRAVEL TRAILER PARKS AND MOBILE HOMES NOT IN MOBILE HOME PARKS OR TRAVEL TRAILER PARKS, is hereby **AMENDED** and as follows:

Section 22.52 Travel Trailer Parks is amended and shall read as follows:

Temporary and/or permanent travel trailer parks are principal permitted uses in a RB District. Travel trailer parks are intended to provide not more than thirty (30) day accommodations for the type of travel vehicles which are becoming increasingly popular for travel and vacation use, including the travel trailer, the pick-up coach, the motor-home and the camping trailer. Travel trailer parks shall meet the following design requirements:

- (d) Review Procedure: When submitting the application for a zoning permit, the applicant shall include a plan, drawn at a scale of 1"=100 feet showing the arrangement of travel trailer sites and connecting driveways. The site plan shall be approved by the Planning and Zoning Commission as part of a zoning permit. The applicant shall also present a written statement, with accompanying plans, describing how water and sewerage disposal service are to be provided. These arrangements shall be approved by the Washington County Health Department before a zoning permit is approved.

Section 22.54 Mobile Homes is amended and shall read as follows:

- (b) Mobile homes shall be permitted in the A(R), EC, and P districts and shall be prohibited in all other districts except as specifically allowed under the provisions of this Ordinance.
- (c) Replacement:
- (1) A mobile home may replace another mobile home in any district provided such replacement is done no later than thirty (30) days from the removal date of the replaced mobile home, the provisions of Section 4.3(d) notwithstanding.
- (2) Except in the A(R), EC, and P Districts, the replacing mobile home must be set on the same site as the replaced mobile home with the latter being removed from the property no later than thirty (30) days from the zoning permit issuance date.
- (d) In no district shall a mobile home be parked, stored, or utilized as an accessory use; however, in the A(R), EC, and P Districts, one mobile home may be parked or stored on the same lot with a principal permitted use for a period not to exceed thirty (30) days, provided that no living quarters shall be maintained in the mobile home nor any business conducted therewith, and

further provided that a zoning permit shall be required for the parking or storage.

(16) ARTICLE 23 - EXCEPTIONS AND MODIFICATIONS, is hereby AMENDED as follows:

Section 23.1 Lot Area Modification is amended and shall read as follows:

- (b) In any district wherein a single-family dwelling is permitted, such dwelling may be permitted on any lot or parcel which is of record by deed properly recorded in the land records of Washington County or a subdivision duly recorded in the Plat Records of Washington County as of the effective date of this Ordinance.
- (c) Except in a Rural Village District, if a public water supply is accessible and individual lot sewerage facilities are approved, the minimum lot size for a dwelling shall be twenty thousand (20,000) square feet, with one hundred (100) feet width at the building lines, subject, however, to the requirements of the Maryland State Health Department. Minimum building setback lines shall be the same as for the Rural Village District.
- (d) Single-family retirement homes in nursing home or retirement home complexes may be located on lots smaller than otherwise required by the applicable section of this Ordinance. The total number of lots and dwelling units shall be consistent with the provisions of Section 22.81 for clustering except that the lots need not be subdivided.
- (e) Minimum lot area, lot width and building setbacks in any district shall not apply to a lot reduced in area below the minimum for that zoning district by reason of a dedication for public purposes or by reason of a condemnation proceeding initiated by a federal, state or county governmental agency, and any lot so reduced shall be considered non-conforming by reason of that action.
- (f) In the A(R), EC, P, RV, RT, RS and RU Districts, wherein a public or private elementary, middle or high school is a principal permitted use, the minimum lot area, lot width, front, side, and rear yard setbacks, may be modified as follows based on enrollment.

Elementary

Middle

High

Under 100 students - 1/3 of district requirement

100-200 students - 1/2 of district requirement

In the case of a shared campus, (combined enrollment), the minimum lot area, lot width, front, side, and rear yard setbacks may be reduced to that

percentage specified for the most stringent of such requirements for the type of schools sharing the same campus as modified above.

Section 23.3 Projection into Yards is amended and shall read as follows:

- (d) If attached to the dwelling, a one story open deck without a roof may extend into the required rear yard not more than the percentage for each zoning district listed below.

ZONING DISTRICT	REQUIRED SETBACK PERCENTAGE	
RM	20 ft.	40%
RU	35 ft.	35%
RU	40 ft.	30%
RS	40 ft.	30%
RT	40 ft.	30%
A(R)	50 ft.	25%
EC	50 ft.	25%
P	50 ft.	25%
RV	25 ft.	25%

(24) ARTICLE 28A - DEFINITIONS, is amended by **ADDING** the following **NEW** definitions:

Bed & Breakfast:

An owner-occupied residential structure providing rooms for temporary, overnight lodging, with or without meals, for paying guests. A Bed & Breakfast may be an accessory use when located within the principle structure in the A(R), EC, P, and RV Districts.

Adopted this 11th day of October, 2016.

Effective the 11th day of October, 2016.


ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Vicki C. Lumm
Vicki C. Lumm, Clerk

BY: Terry L. Baker
Terry L. Baker, President

Approved as to legal sufficiency:


Kirk C. Downey
Deputy County Attorney

After Recording Return To:
Office of the County Attorney
100 W. Washington Street, Rm. 202
Hagerstown, MD 21740