

ORDINANCE NO. ORD-2016-19

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP FOR THE
TOWN GROWTH AREAS OF WASHINGTON COUNTY, MARYLAND
(RZ-13-003)**

Recitals

The Board of County Commissioners of Washington County, Maryland (the "Board") directed the Planning Department and the Planning Commission to prepare a comprehensive rezoning of the Town Growth Areas of Washington County (the "County") in accordance with requirements contained in Md. Code, Land Use Article.

The comprehensive zoning process for the Town Growth Areas (the "TGAs") of the County was initiated by the Washington County Planning Commission ("Planning Commission") and affects more than 1,200 parcels and approximately 8,100 acres of land.

The Planning Commission accepted numerous individual requests from property owners seeking to change the zoning classifications on their properties, as well as requests for changes from the Planning Department staff and county residents.

The Board was presented with recommended comprehensive zoning map of the TGA from the Planning Commission.

Pursuant to public notice duly given, the Board conducted a public hearing on the proposed changes on May 24, 2016.

Subsequent to the public hearing, the Board considered all of the recommendations of the Planning Commission, the Planning staff, those comments received as part of the hearing of the Planning Commission and the Board, and also reviewed written communications, if any, which were submitted concerning the comprehensive zoning by the adjoining planning jurisdictions, affected State and local agencies, and interested

persons. The Board conducted this review process in sessions open to the public.

As a result of the testimony and evidence received in this matter, the Board made certain limited changes in the Planning Commission's recommended comprehensive zoning map.

The Board finds that the comprehensive zoning map was prepared in accordance with the Comprehensive Plan for the County and was designed to control congestion in the streets, secure the public safety, promote health and the general welfare, provide adequate light and air, promote the conservation of natural resources, prevent environmental pollution, avoid undue concentration of population, facilitate the adequate provision of transportation, water, sewerage, schools, recreation, parks, and other public requirements.

The Board further finds that the comprehensive zoning map is the product of careful study and consideration.

The Board makes the findings of fact attached hereto and incorporated herein by reference in accordance with Section 27.3 of the Zoning Ordinance of Washington County, Maryland.


NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MARYLAND, that the official Zoning Map of Washington County is hereby amended to incorporate the zoning classifications for the properties in the Town Growth Areas as shown on the attached maps.


Adopted this 11th day of October, 2016.

Effective the 11th day of October, 2016.

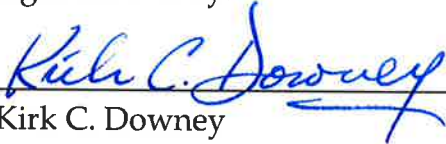
ATTEST:

BOARD OF COUNTY
COMMISSIONERS OF WASHINGTON
COUNTY, MARYLAND


Vicki C. Lumm, Clerk

BY: 
Terry L. Baker, President

Approved as to form and
legal sufficiency:


Kirk C. Downey
Deputy County Attorney

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

FINDINGS OF FACT

**Comprehensive Rezoning of the
Town Growth Areas of Washington County
Map Amendments**

(RZ-13-003)

Pursuant to Section 27.3 of the Zoning Ordinance for Washington County, Maryland, the Board of County Commissioners of Washington County, Maryland, makes the following findings of fact:

(a) **The report and recommendations of the Planning and Zoning Commission.**

After gathering input from Staff, holding several public input and public information meetings on the proposed rezoning in each of the four jurisdictions covered under this proposal, receiving comments concerning the proposals, and making adjustments to the zoning classifications of certain parcels, the Washington County Planning Commission recommended approval of the proposed map amendments to the Board of County Commissioners. The Planning Commission's recommendation occurred after careful consideration of the proposed zoning classifications of the affected parcels.

(b) **Population change in the area of the proposed change.**

The area affected by these amendments covers approximately 1,200 parcels and comprises the entirety of the Town Growth Areas (TGAs) surrounding the Towns of Boonsboro, Clear Spring, Hancock, and Smithsburg as defined by the Comprehensive Plan. This is the first comprehensive rezoning of these areas since the original adoption of zoning in 1973.

While zoning in the TGAs has remained mostly consistent throughout the previous 43 years, the designated growth area boundaries

have changed several times, thereby making an accurate determination of population change impossible. What is known with certainty is the population of the entire County since zoning inception. According to the US Census Bureau, Washington County has increased in population by 42% between 1970 and 2010. This increase represents an additional 43,601 County residents. It is estimated that the population of the TGAs is approximately 11,000 citizens.

(c) **Availability of public facilities in the area.**

Water and Sewer: The Towns of Boonsboro and Hancock currently provide both water and sewer service to their incorporated municipalities as well as the areas surrounding them. The Town of Smithsburg owns and maintains the wastewater collection system while the Washington County Department of Water Quality owns and maintains the Wastewater Treatment Facility. The Town of Smithsburg also owns the water distribution system in and around its incorporated limits; however, its water is purchased from the City of Hagerstown. The Town of Clear Spring owns and maintains the water treatment and distribution system for the areas inside and outside of its municipal limits. It also owns the wastewater collection system; however, the wastewater treatment facility is owned and maintained by the Washington County Department of Water Quality.

As new areas are developed, public water and sewer service has gradually extended into those areas. Priorities for the extension of service are guided by the County Water and Sewerage Plan. The Comprehensive Plan identifies areas where growth is desirable and the Water and Sewerage Plan and then designates locations for public water and sewer facilities to support development. The changes recommended in this proposal have been analyzed in comparison to the Comprehensive Plan and the Water and Sewerage Plan and found to be consistent with the goals and recommendations of each document.

Fire and Rescue: Numerous volunteer fire and rescue companies provide services throughout Washington County. The parcels affected by

this proposed map amendments will continue to receive adequate fire and rescue services. Service provision and response time will be unaffected by this rezoning.

Police Services: Police services to parcels located in the County are provided by the Washington Sheriff's Office and the local barracks of the Maryland State Police. In addition, the Towns of Boonsboro, Hancock, and Smithsburg maintain their own police services within their incorporated boundaries. The Town of Clear Spring contracts with the Sheriff's Office for provision of service within its incorporated limits. The parcels affected by the proposed map amendments will continue to receive adequate law enforcement services. Service provision and response time will be unaffected by this rezoning.

Schools: All public elementary, middle and high schools are under the jurisdiction of the Washington County Board of Education, while private schools are maintained by independent entities. The parcels affected by the proposed map amendments will continue to receive adequate educational services.

(d) **Present and future transportation patterns in the area.**

The County is served by approximately 860 centerline miles of County roads in addition to those maintained by the State of Maryland. As new development has occurred, new roads have been built and added to the County System. At the same time, existing roads have been widened or otherwise improved to accommodate and serve the levels of traffic generated by the increases in population, commerce, and other related activities.

Public transportation is provided by the County Commuter bus system. There is currently a regularly scheduled route to the Town of Smithsburg; however, the other three municipalities that are the subject of this rezoning do not have public transit service. Service connections are routinely analyzed as part of the Washington County Commuter Transit Development Plan that is updated every three years.

The transportation infrastructure is adequate to support the proposed map amendments. Furthermore, existing land use controls and regulatory documents such as the Adequate Public Facilities Ordinance will protect and enhance the infrastructure as affected parcels are developed.

(e) **Compatibility with existing and proposed development of the area including indication of neighboring site identified by the Washington County Historic Sites Survey and subsequent revisions or updates.**

The analysis of development compatibility begins with the Comprehensive Plan. Its purpose is to provide a long term plan for the orderly growth of a community. The Plan does this by identifying areas where the County wants growth to occur, providing for the use and preservation of natural resources, and establishing policies that that nurture the rural character of those areas of the County where growth is to be limited.

This comprehensive rezoning affects the Town Growth Areas and is the final portion of the proposed implementation of zoning recommended by the Comprehensive Plan. Just as with the UGA and its location around the urban core, TGAs have been established around the smaller incorporated municipalities scattered across the County to promote Smart Growth initiatives and provide for well planned communities. As such, TGAs mimic the function of the UGA, but on a somewhat smaller scale. This zoning scheme creates compatibility by providing for an increasing intensification of uses and density as one moves from the outlying, rural areas of the County towards the growth areas.

Furthermore, the Comprehensive Plan deals specifically with historic sites that have been identified as part of the Washington County Historic Sites Survey. Protection for historic sites and activities in Historic

Preservation zoning districts is supervised by the Historic District Commission. The proposed map amendments will not have an adverse effect on existing historic sites.

(f) **The relationship of the proposed change to the Adopted Plan for the County, Development Analysis Plan Map and Policies.**

The text amendments to the Zoning Ordinance and amendments to the Comprehensive Plan map and the zoning map have been specifically tailored to the provisions of Comprehensive Plan. In fact, these revisions are necessary to further conform the zoning scheme to the Comprehensive Plan, as it is the function of zoning to implement the goals of the Plan.

(g) **That there has been a substantial change in the character of the neighborhood where the property is located.**

Whether there has been substantial change in the character of neighborhood where the properties are located is irrelevant in a comprehensive rezoning. However, the Comprehensive Plan recognizes that the current zoning is 43 years old and the TGAs and the County have experienced significant changes during that period.

(h) **There was a mistake in the existing zoning classifications.**

Whether there was a mistake in the existing zoning classifications is irrelevant in a comprehensive rezoning.

(i) **Definition of the neighborhood.**

The neighborhood need not be defined as this is a comprehensive rezoning.

(j) **Whether there has been a convincing demonstration that the proposed rezoning would be appropriate and logical for the subject property.**

As previously stated, this comprehensive rezoning involves the entirety of the TGAs surrounding the Towns of Boonsboro, Clear Spring, Hancock, and Smithsburg, comprising approximately 1,200 parcels and

approximately 8,100 acres of land. This proposal completes the implementation of certain zoning recommendations made by the 2002 Comprehensive Plan. It follows the implementation of the Rural Area rezoning in 2005 and the Urban Growth Area rezoning in 2012.

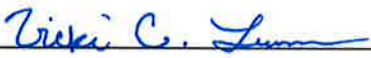
The map amendments proposed in this rezoning are an extension of those made during the UGA rezoning. This proposal includes the elimination of the final remnants of obsolete zoning districts (such as Rural Residential, Agriculture, and Conservation) and replacing them with updated districts approved as part of the UGA rezoning. There are also some minor refinements to the growth area boundaries to correct split parcel designations and to accommodate specific requests from property owners.

CONCLUSION


In conclusion, the 2002 revision of the Comprehensive Plan and its specific recommendations regarding zoning and land use, the 2005 comprehensive rezoning of the Rural Areas, the 2012 comprehensive rezoning of the UGA, the increasing mandates of the State, and the accumulation of demographic changes since the implementation of zoning in 1973 compels this rezoning of the TGAs. The proposals take into account each of these factors in an effort to present a unified zoning vision for the County. The proposals positively reflect the general planning principles of providing for increased diversity, density, and intensity of uses as proximity increases toward the urbanized cores of the County. As such, they promote compatibility amongst varied uses while providing for the range of land uses needed to accommodate the needs of a growing community.

ATTEST:

BOARD OF COUNTY
COMMISSIONERS OF WASHINGTON
COUNTY, MARYLAND



Vicki C. Lumm, Clerk

BY: 

Terry L. Baker, President

Approved as to form and
legal sufficiency:

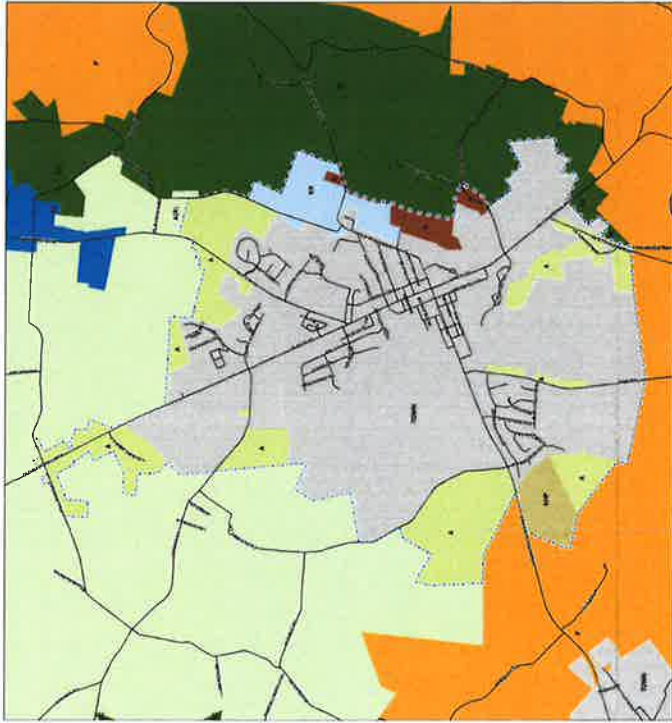


Kirk C. Downey
Deputy County Attorney

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to adopt Comprehensive Zoning Map (TGA).doc



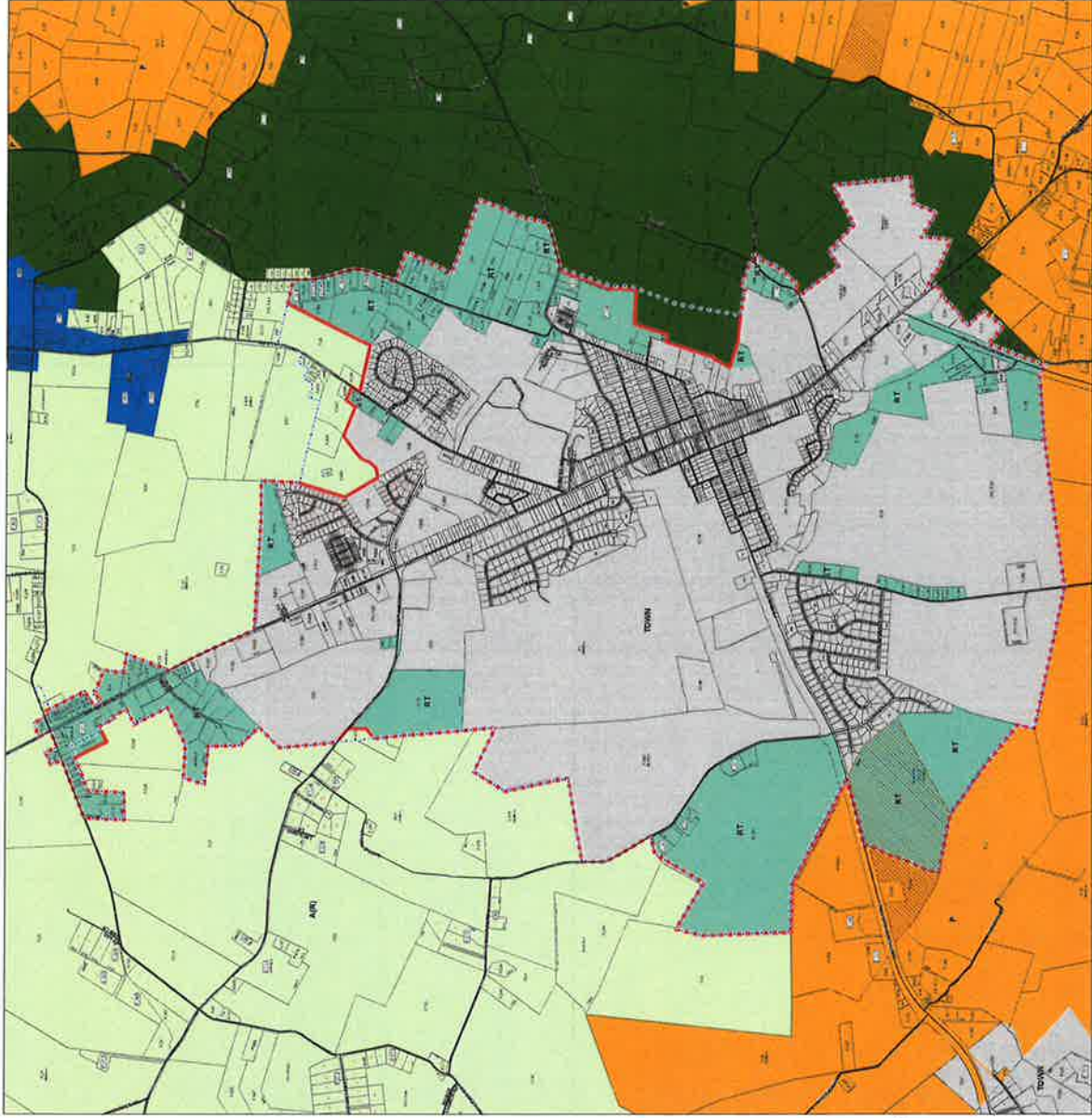
Boonsboro



Existing Zoning

- Legend**
- Existing Growth Areas
 - Growth Areas (Proposed)
 - A
 - A(R)
 - AHP
 - AP
 - BG
 - BL
 - BT
 - C
 - EC
 - HI
 - HI-1
 - IG
 - IR
 - IT
 - ERT
 - ORT
 - ORI
 - P
 - PB
 - PI
 - RB-E
 - RB-N
 - RM
 - RR
 - RS
 - RS-PUD
 - RT
 - RT-E
 - RT-PUD
 - RU
 - RV
 - SED
 - TOWN
 - Historic Preservation Overlay

Town Growth Area Rezoning



Proposed Zoning

0 0.5 1 Miles



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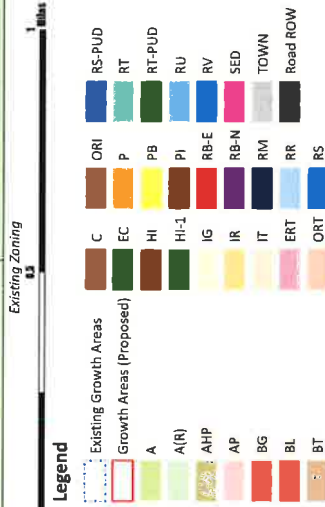
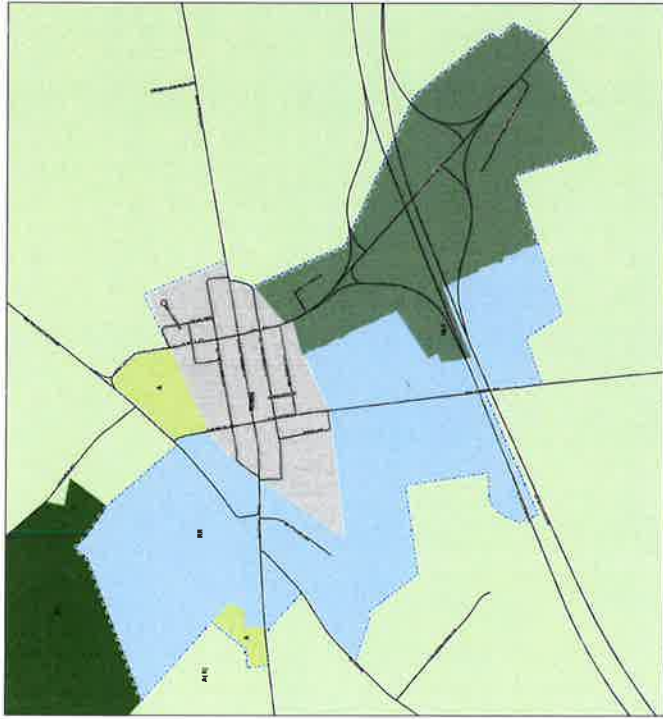
Washington County Planning Department
2014-2015 Comprehensive Zoning Ordinance

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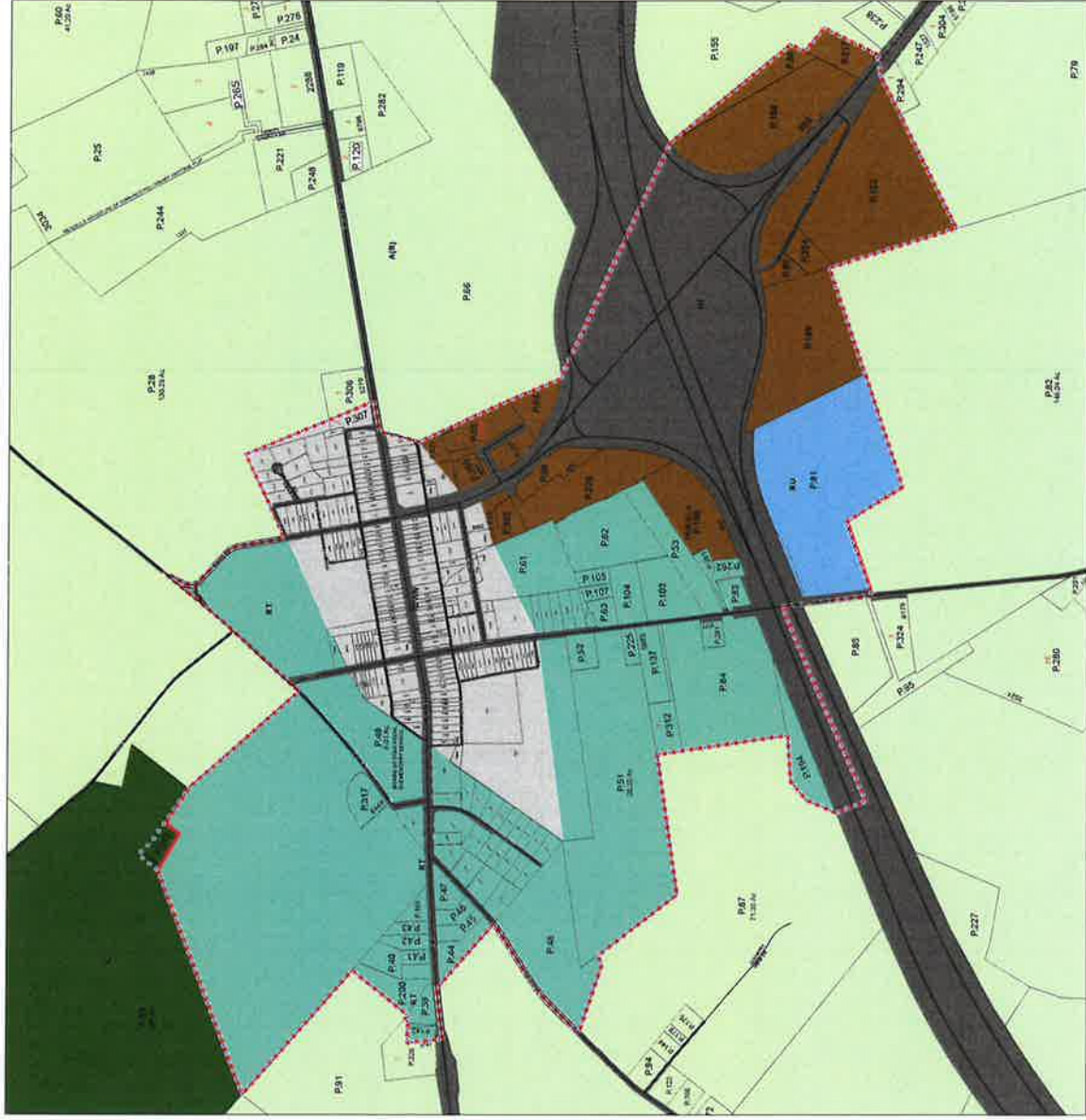
Clear Spring



Existing Zoning



Town Growth Area Rezoning



Proposed Zoning

MapScale: 1 inch = 0.4 miles
 Prepared by: Washington County Planning Department

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0.4 Miles

0.2

0



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Date: 11/15/2018





Hancock



Existing Zoning
0 1 2 miles

Legend

Existing Growth Areas	RS-PUD
Growth Areas (Proposed)	RT
A	ORI
A(R)	P
AHP	PB
AP	PI
BG	PI-1
BL	RU
BT	RV
	RE-E
	RE-N
	SED
	TOWN
	RM
	RR
	RS
	ERT
	ORT
	C
	EC
	HI
	IG
	IR
	IT

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Town Growth Area Rezoning



Proposed Zoning

0 0.5 1 Miles

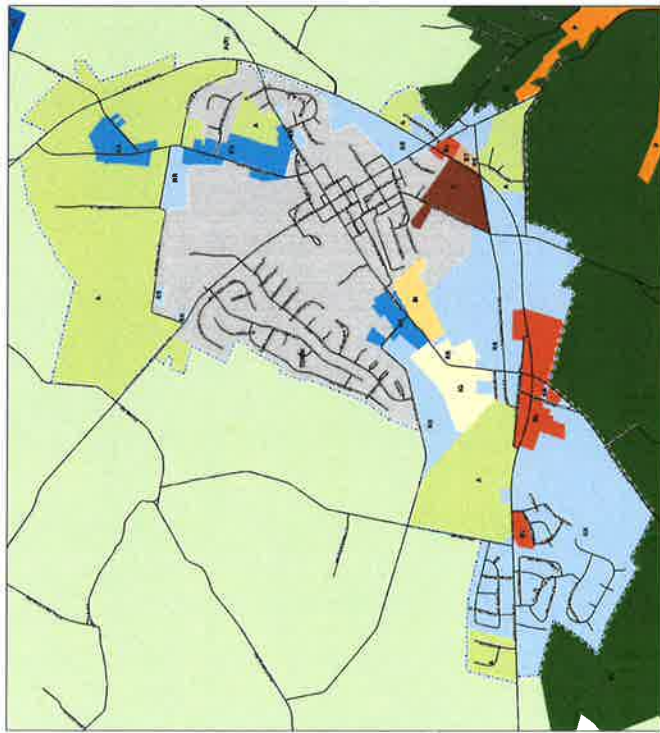
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Washington County Planning and Zoning Commission
2024





Smithsburg



Existing Zoning
0 1 2 Miles

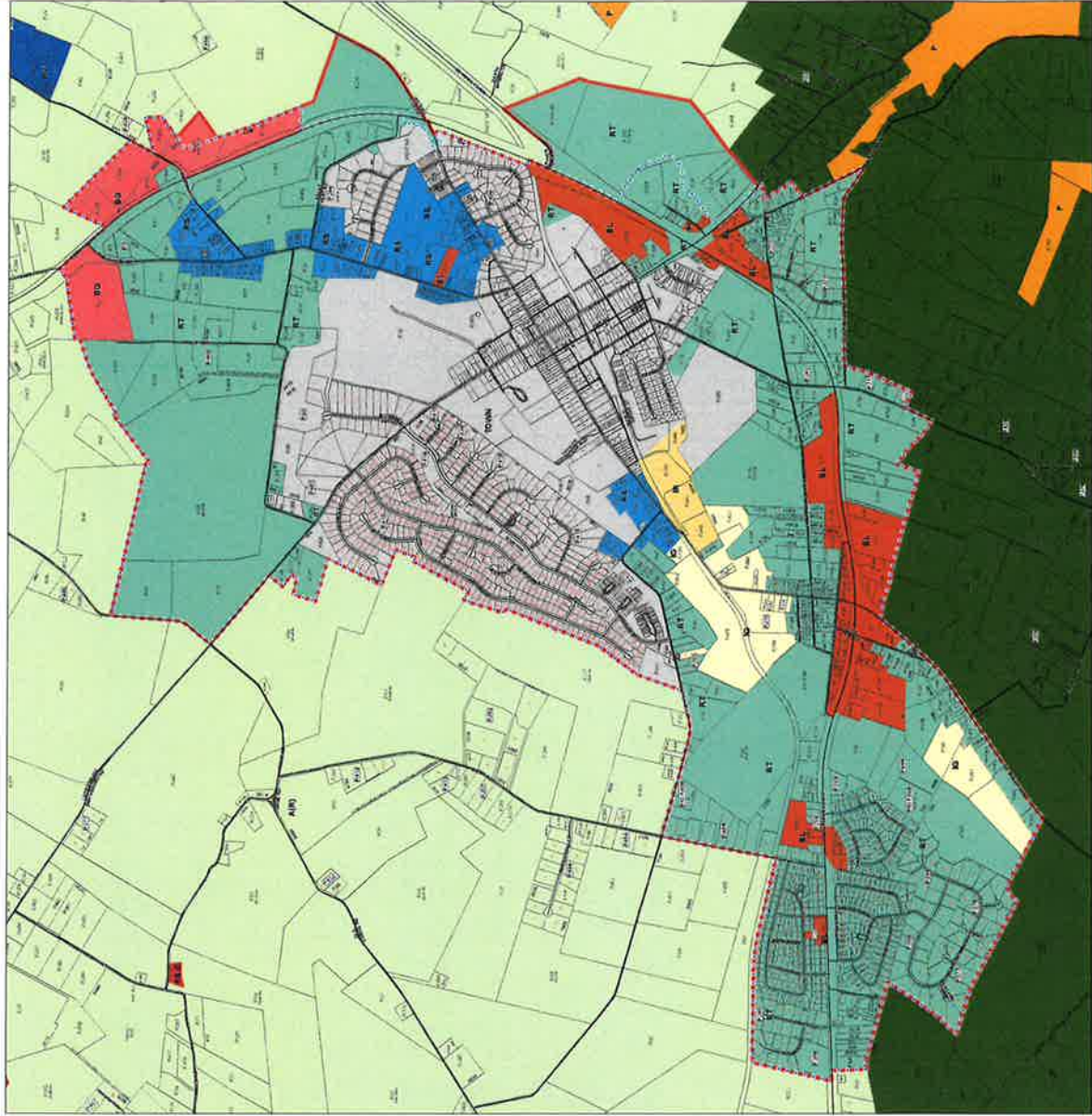
Legend

- Existing Growth Areas
- Growth Areas (Proposed)

HI-1	RM
IG	RR
IR	RS
IT	RS-PUD
ERT	RT
ORT	RT-PUD
ORI	RU
P	RV
PB	SED
PI	TOWN
RB-E	
RB-N	

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Town Growth Area Rezoning



Proposed Zoning
0 0.5 1 Miles



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