

ORDINANCE NO. ORD-2017-04

**AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE
ZONING ORDINANCE FOR WASHINGTON COUNTY, MARYLAND
(RZ-16-006)**

RECITALS

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 Department of Planning and Zoning filed an application requesting that amendments be made to the text of the Ordinance. The amendments proposed would amend Article 19 – "HI" Highway Interchange District, Sections 19.7 and 19.8, and Article 22, Division XI, Section 22.11.1.

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

The Washington County Planning Commission (the "Planning Commission") held a public meeting for the purpose of taking comments on the proposed amendments on October 17, 2016 pursuant to public notice duly given.

The Board held a public hearing for the purpose of taking testimony on the proposed amendments on April 11, 2017, pursuant to notice duly given.

Following the hearings, the Board considered the recommendations of the Planning Commission and the Planning Department staff, and remarks, comments, and/or materials received, if any, as part of the public meeting and hearing. The Board conducted this review in a public session.

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

RZ-16-006

(1) ARTICLE 19 "HI" HIGHWAY INTERCHANGE DISTRICT is amended as follows:

Section 19.7 Lot Area, Lot Width, and Yard Setback Requirements is amended and shall read as follows:

Section 19.7 Lot Area, Lot Width, and Yard Setback Requirements

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

(b) Minimum yard requirements:

| Use | Lot Area | Lot Width | Front Yard | Side Yard | Rear Yard |
|--|----------|-----------|------------|--------------------------|--------------------------|
| All Principal, Special Exception, and Accessory BL, BG, and ORT Uses | n/a | n/a | 40 feet | 10 feet ^{1,2,3} | 10 feet ^{1,2,3} |
| All Principal Permitted IR uses except heliports and Commercial Communication Towers | n/a | n/a | 40 feet | 25 feet ⁵ | 25 feet ⁵ |
| Animal hospitals, veterinary clinics, or kennels with outside runways or exercise areas ⁴ | 2 acres | 200 feet | 50 feet | 50 feet | 50 feet |

¹ Except as required in Section 19.8.

² Except as required in Section 19.3(c) and 19.3(i).

³ Except when adjacent to residential development, it shall be 25 feet.

⁴ See also Section 19.3(c).

⁵ Except when adjacent to residential development, it shall be 50 feet.

Section 19.8 Buffer Yards is amended and shall read as follows:

Section 19.8 Buffer Yards

In the HI District, any use which is subject to site plan review may be required to establish a buffer yard to minimize nuisance and/or compatibility issues. Buffer yards shall comply with the following standards:

- (a) The buffer yard may include any required side, rear, or front yard setbacks. Where there is overlap or conflict in the application of buffer yards and/or setbacks, the larger yard requirement shall apply.
- (b) Buffer yards shall not be required between common boundaries of parcels that are both zoned HI. It is assumed that uses allowed and setbacks provided within the HI district are sufficient to achieve the purpose of the district.
- (c) Where the adjoining lot is not zoned HI and is either zoned for or contains dwellings, hospitals, nursing homes, schools, or other institutions for human care, there shall be a seventy-five (75) foot buffer yard between the lot line and any area of the lot proposed for use with a principal permitted use or special exception use obtained from the IR or ORT District.
- (d) Where the adjoining lot is not zoned HI and is either zoned for or contains dwellings, hospitals, nursing homes, schools, or other institutions for human care, there shall be a 25 foot buffer yard between the lot line and any area of the lot proposed for use with a principal permitted use obtained from the BL, BG, or PB District.

- (e) Any outside storage of equipment, materials, or goods, whether as a principal use, a special exception, or an accessory use, shall provide a buffer yard of fifty (50) feet where dwellings, hospitals, nursing homes, schools, or other institutions for human care are on an adjoining lot not zoned HI.
- (f) Perimeter screening shall be required where the adjoining lot is not zoned HI and is either zoned for or contains dwellings, hospitals, nursing homes, schools, or other institutions for human care. Screening may be in the form of vegetative screening, fencing, or both as determined by the Planning Commission as part of the site plan review process. Vegetative screening shall be planted along the length of the yard with evergreens or other suitable vegetation that will adequately provide a year-round opaque screen for noise, light glare, or other factors that may adversely affect abutting property owners. Vegetation shall be of a species having a minimum overall height of ten (10) feet and two (2) inch caliber at the time of planting. If fencing is preferred or used as a supplement it must be constructed of a durable material that will resist weathering, must create an opaque screen, and be of a height that provides effective screening to the adjacent use.
- (g) Other perimeter screening may be required along common boundaries of property zoned HI as determined by the Planning Commission as part of the site plan review process. Screening may be in the form of vegetative screening, fencing, or both as determined by the Planning Commission. The Planning Commission, in its review of the site plan, shall determine if the provided type, spacing, height, and planting schedule (if applicable) is appropriate based on the abutting uses, the type of stored material, its storage height, its noise-generating characteristics, its light-generating characteristics, and/or the hours of activity on the site.

(2) DIVISION XI - LANDSCAPING, SCREENING, AND BUFFERS is amended as follows:

Section 22.11.1, Landscaping, Subsection (g) Landscaping Design Standards, is DELETED in its entirety:

Adopted this 11th day of April, 2017.
 Effective the 21st day of April, 2017.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
 OF WASHINGTON COUNTY, MARYLAND

Vicki C. Lumm
 Vicki C. Lumm, Clerk

Terry L. Baker
 Terry L. Baker, President

Approved as to legal
sufficiency:


Kirk C. Downey
Deputy County Attorney

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