

ORDINANCE NO. ORD-2018-03

**AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE
ZONING ORDINANCE FOR WASHINGTON COUNTY, MARYLAND
(RZ-17-007)**

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 Articles 3, 5A, 5B, 5C, 7A, 8, 9, 10, and 28A to correct and clarify language related to boarding facilities and event facilities.

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 September 25, 2017 pursuant to public notice duly given.

The Board held a public hearing for the purpose of taking testimony on the proposed amendments on November 28, 2017, pursuant to notice duly given.

Following the hearings, the Board considered the recommendations of the Planning Commission and the Planning Department staff, and materials received, if any, as part of the public hearings. 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-17-007

(1) ARTICLE 3 - DISTRICTS ESTABLISHED; ZONING MAPS, DISTRICT BOUNDARIES; LAND USE REGULATIONS (RURAL AREA USES), Section 3.3, Table of Land Use Regulations is amended and shall read as follows:

Land Uses	A(R)	EC	P	RV	RB	IM
B. Accommodations and Food Services						
Banquet/Reception Facilities	SE	SE	SE	SE	P	N
Bed and Breakfast; up to five (5) guest rooms	A	A	A	SE	P	N
Boarding or rooming houses	SE	SE	SE	P	P	N
Conference Centers	SE	SE	SE	SE	P	N
Country Inn	SE	SE	SE	SE	P	N
Hotels and apartment hotels, including motels	N	N	N	N	P	N
Restaurants with drive-in, drive thru service	N	N	N	N	P	N
Restaurants without drive-in, drive-thru service	N	N	N	N	P	N
Resorts	N	N	N	N	P	N
Taverns	N	N	N	N	P	N

(2) ARTICLE 5A – “A(R)” AGRICULTURAL (RURAL) DISTRICT is amended as follows:

Section 5A.6 Non-Residential Lot Size and Bulk Dimensions (not covered in Rural Business) is amended and shall read as follows:

Section 5A.6 Non-Residential Lot Size and Bulk Dimensions (not covered in Rural Business)

This section covers uses listed in the Table of Land Uses [Table No. 3.3(1)] that are principally permitted and that are not governed by the Rural Business floating zone.

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
Banquet/Reception Facilities	5 acres	300 ft.	50 ft.	100 ft.	50 ft.
Schools, Elementary	15 Acres	400 ft.	150 ft.	100 ft.	50 ft.
Schools, Middle	30 Acres	500 ft.	150 ft.	100 ft.	50 ft.
Schools, High	60 Acres	500 ft.	150 ft.	100 ft.	50 ft.
Churches	2 Acres	200 ft.	100 ft.	50 ft.	50 ft.
Other Principal Permitted or Conditional Uses	3 Acres	300 ft.	50 ft.	50 ft.	50 ft.

(3) ARTICLE 5B – “EC” ENVIRONMENTAL CONSERVATION DISTRICT is amended as follows:

Section 5B.6 Non-Residential Lot Size and Bulk Dimensions (not covered in Rural Business) is amended and shall read as follows:

Section 5B6 Non-Residential Lot Size and Bulk Dimensions (not covered in Rural Business)

This section covers uses listed in the Table of Land Uses [Table No. 3.3(1)] that are principally permitted and that are not governed by the Rural Business floating zone.

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
Banquet/Reception Facilities	5 Acres	300 ft.	50 ft.	100 ft.	50 ft.
Schools, Elementary	15 Acres	400 ft.	150 ft.	100 ft.	50 ft.
Schools, Middle	30 Acres	500 ft.	150 ft.	100 ft.	50 ft.
Schools, High	60 Acres	500 ft.	150 ft.	100 ft.	50 ft.
Churches	2 Acres	200 ft.	100 ft.	50 ft.	50 ft.
Other Principal Permitted or Conditional Uses	3 Acres	300 ft.	50 ft.	50 ft.	50 ft.

(4) ARTICLE 5C – “P” PRESERVATION DISTRICT is amended as follows:

Section 5C.6 Non-Residential Lot Size and Bulk Dimensions (not covered in Rural Business) is amended and shall read as follows:

Section 5C6 Non-Residential Lot Size and Bulk Dimensions (not covered in Rural Business)

This section covers uses listed in the Table of Land Uses [Table No. 3.3(1)] that are principally permitted and that are not governed by the Rural Business floating zone.

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
Banquet/Reception Facilities	5 Acres	300 ft.	50 ft.	100 ft.	50 ft.
Schools, Elementary	15 Acres	400 ft.	150 ft.	100 ft.	50 ft.
Schools, Middle	30 Acres	500 ft.	150 ft.	100 ft.	50 ft.
Schools, High	60 Acres	500 ft.	150 ft.	100 ft.	50 ft.
Churches	2 Acres	200 ft.	100 ft.	50 ft.	50 ft.
Other Principal Permitted or Conditional Uses	3 Acres	300 ft.	50 ft.	50 ft.	50 ft.

(5) ARTICLE 7A – “RT” RESIDENTIAL, TRANSITION DISTRICT, is amended as follows:

Section 7A.2 is amended to add the following uses to Section 7A2:

Section 7A.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)

- (e) Bed and Breakfast, up to five (5) guest rooms
- (f) Board or Rooming Houses
- (g) Banquet/Reception Facilities

Section 7A.3 is amended by deleting Section (e) and renumbering the subsequent sections as follows:

- (a) Accessory buildings and uses customarily incidental to any principal permitted use or authorized special exception use.
- (b) Incidental home or farm occupations.
- (c) Guest house in an accessory building.
- (d) Swimming pools, tennis, and other similar courts when accessory to a residence.
- ~~(e) The keeping of not more than four (4) roomers or boarders by a resident family.~~
- (e) Private stables as defined in Article 28A shall be subject to the requirements set forth in Article 4, Section 4.13.

Section 7A.5(a) Lot Area, Lot Width, and Yard Setback Requirements is amended and shall read as follows:

(a) The following minimum requirements shall be observed where public water and sewer facilities will be used, subject to the modified requirements in Article 23:

	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Side Yard (Width Each Side Yard)	Rear Yard Depth
Dwelling Single-Family*	15,000 sq. ft.	85 ft.	15,000 sq. ft.	30 ft.	10 ft.	40 ft.
Dwelling, Two-Family*	20,000 sq. ft.	100 ft.	10,000 sq. ft.	40 ft.	12 ft.	50 ft.
Dwelling, Semi-Detached*	7,500 sq. ft.	45 ft.	7,500 sq. ft.	30 ft.	10 ft. (exterior side only)	40 ft.
Places of Worship	2 acres	200 ft.		100 ft.	50 ft.	50 ft.
Schools, Elementary	12 acres	400 ft.		150 ft.	100 ft.	50 ft.
Schools, Middle	25 acres	500 ft.		150 ft.	100 ft.	50 ft.
Schools, High	35 acres	500 ft.		150 ft.	100 ft.	50 ft.
Colleges	15 acres	500 ft.		150 ft.	100 ft.	50 ft.
Convalescent or Nursing Homes, Medical or Dental Clinics	1 acre	150 ft.		40 ft.	30 ft.	50 ft.
Banquet/Reception Facilities	5 acres	300 ft.		50 ft.	100 ft.	50 ft.
Other Principal Permitted or Conditional Uses	20,000 sq. ft.	100 ft.		40 ft.	25 ft.	50 ft.

*A corner lot shall maintain the specified front yard setback along both street frontages. Setbacks from the remaining property lines shall be measured as if they were side yard setbacks.

(6) ARTICLE 8 – “RS” RESIDENTIAL, SUBURBAN DISTRICT is amended and shall read as follows:

Section 8.2 Special Exception Uses (Requiring Board Authorization After Public Hearing) is amended and shall read as follows:

- (a) Boarding or rooming houses.

- (b) Clubs, fraternities, lodges, or similar organizations, not conducted as a gainful business, provided any buildings or structures are located subject to the distance requirements specified in Section 4.9.
- (c) Professional offices, beauty parlors, or barbershops (in residence).
- (d) Nursing/convalescent homes, assisted living or comprehensive care facilities.
- (e) Medical or dental clinics, doctors' offices, and hospitals.
- (f) Golf courses, country clubs, private clubs, and similar recreational uses.
- (g) Nursery schools or child care centers.
- (h) Public utility buildings, structures, or uses not considered essential utility equipment, as defined in Article 28A.
- (i) Bed and breakfast as defined in Article 28A.
- (j) Banquet/Reception Facilities.

Section 8.3 Accessory Uses is amended by deleting Section (b) and renumbering the subsequent sections as follows:

- (a) Accessory buildings or uses customarily incidental to any principal permitted use or authorized conditional use.
- ~~(b) Keeping of roomers or tourists by a resident family.~~
- (b) Swimming pools, tennis and other similar courts when accessory to a residence.

Section 8.5(a) Lot Area, Lot Width, and Yard Setback Requirements is amended and shall read as follows:

- (a) The following minimum requirements shall be observed where public water and sewer facilities will be used, subject to the modified requirements in Article 23:

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Side Yard (Width Each Side Yard)	Rear Yard Depth
Dwelling Single-Family*	10,000 sq. ft.	70 ft.	10,000 sq. ft.	20 ft.	8 ft.	40 ft.
Dwelling, Two-Family*	12,500 sq. ft.	75 ft.	6,250 sq. ft.	20 ft.	12 ft.	40 ft.
Dwelling, Semi-Detached*	6,250 sq. ft.	37 1/2 ft.	6,250 sq. ft.	20 ft.	12 ft. (exterior side only)	40 ft.
Clubs, Fraternities	20,000 sq. ft.	100 ft.		35 ft.	20 ft.	40 ft.
Other Principal Permitted or Conditional Uses	20,000 sq. ft.	100 ft.		40 ft.	25 ft.	50 ft.
Boarding or Tourist Homes	20,000 sq. ft.	100 ft.		35 ft.	20 ft.	40 ft.
Banquet/Reception Facilities	5 acres	300 ft.		50 ft.	100 ft.	50 ft.

*A corner lot shall maintain the specified front yard setback along both street frontages. Setbacks from the remaining property lines shall be measured as if they were side yard setbacks.

(7) ARTICLE 9 – “RU” RESIDENTIAL, URBAN DISTRICT is amended as follows:

Section 9.2 Special Exception Uses (Requiring Board Authorization After Public Hearing) is amended and shall read as follows:

Section 9.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)

- (a) Nursing/convalescent homes, assisted living, or comprehensive care facilities.
- (b) Boarding or rooming houses.
- (c) Clubs, fraternities, lodges, or similar organizations, not conducted as a gainful business, provided any buildings or structures are located subject to the distance requirements specified in Section 4.9.
- (d) Professional offices, beauty parlors, or barbershops (in residence).
- (e) Medical or dental clinics and hospitals.
- (f) Golf courses, country clubs, private clubs, and similar recreational uses.

- (g) Nursery schools or child care centers.
- (h) Public utility buildings, structures, or uses not considered Essential Utility Equipment, as defined in Article 28A.
- (i) Bed and Breakfast; up to five (5) guest rooms.
- (j) Banquet/Reception Facilities.

Section 9.5 Lot Area, Lot Width and Yard Setback Requirements is amended and shall read as follows:

Section 9.5 Lot Area, Lot Width and Yard Setback Requirements

(a) The following minimum requirements shall be observed where public water and sewer facilities will be used, subject to the modified requirements in Article 23.

	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Side Yard (Width Each Side Yard)	Rear Yard Depth
Dwelling, Single-Family*	6,500 sq. ft.	60 ft.	6,500 sq. ft.	20 ft.	8 ft.	25 ft.
Dwelling, Two-Family*	10,000 sq. ft.	70 ft.	5,000 sq. ft.	25 ft.	10 ft.	40 ft.
Dwelling, Semi-Detached*	5,000 sq. ft.	35 ft.	5,000 sq. ft.	25 ft.	10 ft.(exterior side only)	40 ft.
Clubs, Fraternities, etc.	1 acre	150 ft.		25 ft.	25 ft.	40 ft.
Nursing/Convalescent Homes	1 acre	150 ft.		25 ft.	25 ft.	40 ft.
Other Permitted or Special Exception Uses	20,000 sq. ft.	100 ft.		25 ft.	20 ft.	40 ft.
Banquet/Reception Facilities	5 acres	300 ft.		50 ft.	100 ft.	50 ft.

*A corner lot shall maintain the specified front yard setback along both street frontages. Setbacks from the remaining property lines shall be measured as if they were side yard setbacks.

(8) ARTICLE 10 – “RM” RESIDENTIAL MULTI-FAMILY DISTRICT is amended as follows:

Section 10.2 Special Exception Uses (Requiring Board Authorization After Public Hearing) is amended and shall read as follows:

Section 10.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)

- (a) Boarding or rooming houses

- (b) Clubs, fraternities, lodges, or similar organizations, not conducted as a gainful business, provided any buildings or structures are located subject to the distance requirements specified in Section 4.9.
- (c) Antique shops.
- (d) Professional offices, beauty parlors or barbershops (in residence).
- (e) Nursing/convalescent homes, assisted living, or comprehensive care facilities.
- (f) Hospitals, medical or dental clinics.
- (g) Funeral establishments.
- (h) Golf courses, country clubs, private clubs, and similar recreational uses.
- (i) Nursery schools or child care centers.
- (j) Public utility buildings and structures or uses not considered essential utility equipment, as defined in Article 28A.
- (k) Banquet/Reception Facilities

Section 10.5 Lot Area, Lot Width, and Density Requirements is amended and shall read as follows:

The following are the minimum lot area, width, yard and maximum density requirements for the specified dwelling type. Multi-family dwellings and town houses shall also be subject to the provisions of Section 22.6 and 22.71, and the modified requirements in Article 23.

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Side Yard (Width Each Side Yard)	Rear Yard Depth	Maximum Density
Multi-Family Dwellings, Apartment, Condominiums	20,500 sq. ft.	100 ft.	2,000 sq. ft.	25 ft.	10 ft.	20 ft.*	12 Dwelling Units Per Acre
<u>Town Houses</u>							
Per Unit	1,600 sq. ft.	16 ft.	1,600 sq. ft./unit				
Per Development	5 acres	100 ft.	3,500 sq. ft. net per unit	25 ft.	N/A Except End Units 10 ft. or 25 ft. on corner lot*	20 ft.*	12 Dwelling Units Per Acre
Single-Family	7,500 sq. ft.	60 ft.	7,500 sq. ft.	20 ft.	8 ft.	35 ft.	N/A
Two-Family	10,000 sq. ft.	70 ft.	5,000 sq. ft.	20 ft.	8 ft.	35 ft.	N/A
Semi-Detached	5,000 sq. ft.	35 ft.	5,000 sq. ft.	20 ft.	10 ft. (Ext. only)	40 ft.	N/A
Existing Buildings Converted to Residential Use	20,500 sq. ft.	100 ft.	2,000 sq. ft.	25 ft.	10 ft.*	20 ft.*	12 Dwelling Units Per Acre
Places of worship, Schools and Colleges	20,000 sq. ft.	100 ft.		25 ft.	20 ft.	40 ft.	N/A
Cultural, Civic, Educational, Social or Community Service Buildings	20,000 sq. ft.	100 ft.		25 ft.	20 ft.	40 ft.	N/A
Nursing/Convalescent Homes, Assisted Living or Comprehensive Care Facilities	1 acre	150 ft.		25 ft.	25 ft.	40 ft.	N/A
Clubs, Fraternities, Lodges and Similar Uses	1 acre	150 ft.		25 ft.	25 ft.	40 ft.	N/A
Banquet/Reception Facilities	5 acres	300 ft.		50 ft.	100 ft.	50 ft.	N/A
All Other Non-Residential Principal Permitted or Special Exception Uses	20,000 sq. ft.	100 ft.		25 ft.	20 ft.	40 ft.	N/A

SECTION 28A, DEFINITIONS, is amended as follows:

[Amended]

Banquet/Reception Facilities:

Commercial establishment engaged in the provision of meeting or congregation facilities for special events such as weddings, parties, public meetings, and social gatherings. Such facilities may include on-site catering services. Restaurants are not included as part of this definition.

[Amended]

Bed and Breakfast:

An owner-occupied residential structure providing rooms for temporary, overnight lodging, with or without meals, for paying guests. Such uses shall be limited to no more than five (5) guest rooms.

[Amended]

Boarding House:

A private dwelling unit in which, for compensation, lodging and possibly meals are provided to no more than four (4) roomers/boarders by a resident family. Rooms are offered on a single-room occupancy basis and sanitary facilities may be shared. A common cooking area may be provided. Lodging is provided on no less than a month-to-month basis.

[Added]

Country Inn:

A structure located outside of a designated growth area in which overnight or otherwise temporary lodging and meals are provided in exchange for compensation, to transient guests in not more than ten (10) guest rooms, and may include, banquet/reception facilities, catering for on-site events, and meeting rooms. Restaurants are not included as part of this definition.

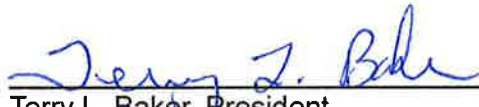
Adopted and effective this 16th day of January, 2018.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND




Vicki C. Lumm, Clerk



Terry L. Baker, President

Approved as to legal
sufficiency:


Kirk C. Downey
Deputy County Attorney

Mail to:
Office of the County Attorney
100 W. Washington St., Rm. 1101
Hagerstown, MD 21740

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