ORDINANCE NO. ORD-2014-17

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

(RZ-14-003)

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 amend Articles 21 and 22 by updating, correcting, and clarifying language pertaining to various aspects of the zoning regulations.

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 amendment on September 8, 2014, pursuant to public notice duly given. The Planning Commission subsequently recommended approval of the amendments.

The Board held a public hearing for the purpose of taking testimony on the proposed amendments on October 14, 2014, pursuant to public notice duly given.

Following the public meeting and public hearing, the Board considered the recommendations of the Planning Commission and the Planning Department staff, and materials received, if any, as part of the public meeting and public 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-14-003

(1) ARTICLE 21 – "AP" AIRPORT DISTRICT is amended as follows: Section 21.3(d) is amended by correcting "AP/P" to "AP/O" in the first sentence.

Section 21.3 AP/O – Airport Overlay

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(d) **Rural Areas** - In the AP/O District in the Rural Area designated by the adopted Washington County Comprehensive Plan, the density of residential development shall be limited to no more than one (1) dwelling unit per fifty (50) acres of land owned. Exemption lots as described in Section 5A.4, 5B.4, or 5C.4 of this Ordinance are not permitted.

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(2) ARTICLE 22 – DIVISION IX – ANIMAL HUSBANDRY FACILITIES, Sections 22.93 (a) and (b) are amended and shall read as follows:

(a) The following procedure shall apply to new animal husbandry facilities including new animal waste storage and management systems or expansions on farms that produce annually less than a total of 6,000 tons of manure including the production from the new or expanded facility and are located outside of any designated Growth Area (Urban or Town) and less than 3,000 tons of manure for farms that are located inside a Growth Area.

1. A Waste Management Plan as defined in Article 28A shall be prepared and submitted to the Soil Conservation District. The Soil Conservation District may determine that a Waste Management Plan is not required. In such cases, the Soil Conservation District shall issue to the applicant a letter of exemption.

2. A Nutrient Management Plan as defined in Article 28A shall be prepared and submitted to the University of Maryland Cooperative Extension Office.

3. The proposed facility shall comply with the design standards stated in Section 22.94.

4. A zoning permit from the Department of Plan Review and Permitting shall be applied for and if applicable, shall include a copy of the Soil Conservation District's letter of exemption.

5. The Department of Plan Review and Permitting shall be limited to determining compliance with the design standards established in Section 22.94 of this Division and verification that a Waste Management Plan/Nutrient Management Plan is on file with the Soil Conservation District (or that a letter of exemption has been issued) prior to issuance of a Zoning Permit.

6. Failure of the Department of Plan Review and Permitting to approve or disapprove the application within thirty (30) days of the initial filing shall automatically be considered approval of said application.

(b) The following procedure shall apply to new animal husbandry facilities including new animal waste storage and management systems or expansions on farms which produce annually a total of 6,000 tons of manure or more, including the production from the new or expanded facility and are located outside of any designated Growth Area (Urban or Town) and 3,000 tons of manure or more for farms that are located inside any Growth Area.

1. A Waste Management Plan as defined in Article 28A shall be prepared and submitted to the Soil Conservation District.

2. A concept plan shall be prepared based on the design standards set forth in Section 22.95. The Soil Conservation District may assist potential applicants in preparing the concept plan.

3. A Nutrient Management Plan as defined in Article 28A shall be prepared and submitted to the University of Maryland, Cooperative Extension Office.

4. A zoning permit from the Department of Plan Review and Permitting shall be applied for along with submittal of six (6) copies of the concept plan for the facility.

5. The Department of Plan Review and Permitting shall schedule a Preliminary Consultation. The following agencies shall review the concept plan and participate in the Preliminary Consultation: Health Department, Department of Plan Review and Permitting, Planning Department, Washington County Soil Conservation District, Engineering Department, Cooperative Extension Service, and the Hagerstown Regional Airport, if the proposed facility is located within the boundary of the AP/HW – Airport Hazardous Wildlife Management District.

6. After the Preliminary Consultation, the Plan shall be taken to the Planning Commission for its approval and possible establishment of additional requirements based on the recommendations of the Washington County Soil Conservation District and other reviewing agencies. Upon approval or favorable comment by the reviewing agencies and the Planning Commission, the Department of Plan Review and Permitting shall be notified by the Planning Commission that a permit can be issued. If revisions are required by the Planning Commission, a maximum of six (6) copies of the revised concept plan shall be submitted to the Plan Review and Permitting Department for redistribution. Upon receipt of any outstanding agency approvals, or favorable

comments, the Department of Plan Review and Permitting shall determine that a zoning permit can be issued.

Adopted this 14th day of October, 2014.
Effective the 14th day of October, 2014.

ATTEST:

Vicki C. Lumm, Clerk

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Terry L. Baker, President

Approved as to legal sufficiency:

Kirk C. Downey
Deputy County Attorney

Mail to:
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