RECITALS

The County Commissioners of Washington County, Maryland, for the purpose of protecting and promoting the health, safety, and general welfare of the residents of Washington County, in accordance with the adopted Comprehensive Plan for the County, Development Analysis Plan Map and Policies, in compliance with Article 66B of the Annotated Code of Maryland, have made a comprehensive study of present conditions and the expected growth and development of Washington County, recommend a Zoning Ordinance based on the Comprehensive Plan.

NOW, THEREFORE, The County Commissioners of Washington County, Maryland do hereby adopt and do ordain the following Zoning Ordinance and the zoning maps which are made a part of the Ordinance.

ZONING ORDINANCE

INCLUDES THE FOLLOWING TEXT AMENDMENTS:

(Listed in the order in which they were adopted)

Revision 17

RZ-10-002	(Libraries)	ORD-2010-05
RZ-11-003	(Solar Energy Generating Systems)	ORD-2011-21
RZ-10-005	(UGA Amendments) (eff. 7/1/12)	ORD-2012-07
RZ-12-004	(Cleanup Amendments)	ORD-2013-03
RZ-12-002	(Farm Wineries, etc.)	ORD-2013-13
RZ-13-001	(Official Zoning Map)	ORD-2013-22
RZ-13-002	(Solar Energy Generating Systems – Corrections)	ORD-2013-25

ZONING ORDINANCE FOR
WASHINGTON COUNTY, MARYLAND

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ARTICLE 1. PURPOSE

Section 1.0 General

The purpose of this Ordinance is to:

(a) Protect and promote the health, safety and general welfare of the residents of Washington County in accordance with the adopted Plan for the County, Development Analysis Plan Map and Policies;

(b) Help guide the future growth and development of Washington County in accordance with a comprehensive plan of land use and population density that provides for beneficial relationships among the residential, commercial, industrial, agricultural, and public areas within the County, and facilitates the adequate provision of transportation facilities, water, sewerage, schools, parks and other public improvements;

(c) Insure adequate light, air and privacy for future development; secure safety from fire and other dangers, control congestion in the streets; prevent overcrowding of the land and undue concentration of the population;

(d) Promote an improved appearance of the County with relation to the use and development of land and structures; promote the conservation of natural resources; and prevent environmental pollution;

(e) Provide for the reservation of sufficient areas for future residential, commercial and industrial development at appropriate locations;

(f) Preserve lands most suited for agricultural use; and

(g) Provide a guide for public action in the orderly and efficient provision of public facilities and services, and for private enterprise in building, development, investment and other economic activity.

ARTICLE 2. APPLICATION

Section 2.0 Effective date; Application within County and County Towns

This Ordinance shall take effect on the 2nd day of April, 1973, and shall apply to all lands, buildings, properties, and their uses, including any submerged lands, watered areas or islands, within the territorial limits of Washington County, Maryland, outside the jurisdiction of incorporated municipalities.

If any city, town or village in Washington County, Maryland participates or is participating in the County Area-Wide Planning Program, then the County Commissioners are hereby authorized to conclude arrangements with said municipality for preparation and implementation of zoning within the geographical confines of said city, town or village; and for the enforcement and administration of said Zoning Ordinance by and through the County agencies wheresoever appropriate.

Section 2.1 Interpretation

The regulations set forth herein are designed to be uniform for each class or kind of building for use throughout an entire district. In any case where it is not clear from the provisions of this Ordinance that a proposed use is intended to be prohibited in a district, the provisions of that Section setting forth the uses permitted in that district shall prevail, and if the proposed use is not one in the list of those permitted, it shall be prohibited as though it were included in the prohibitions.

Section 2.2 More Restrictive Provisions to Govern

Wherever the provisions of this Ordinance or any Article or Section hereof requires or imposes a higher standard than required by any other statute or local ordinance or regulation, the provisions of the regulations made under the authority of this Ordinance shall govern.

ARTICLE 3. DISTRICTS ESTABLISHED; ZONING MAPS, DISTRICT BOUNDARIES; LAND USE REGULATIONS (RURAL AREA USES)[1] [2]

Section 3.0 Districts Established

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

Rural Districts

A(R)	Agricultural (Rural) District
C	Conservation District
EC	Environmental Conservation District
P	Preservation District
RV	Rural Village
RB-E	Rural Business-Existing
RB-N	Rural Business-New
A	Agricultural District

Residential Districts

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

Business Districts

BT	Business, Transitional District
BL	Business, Local District
BG	Business, General District

Industrial Districts

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

[1] **Revision 14, Article 3, Section 3.0 amended 7/26/05 (RZ-03-005)**

[2] Revision 17, Article 3, Section 3.0 amended 4/17/12, eff. 7/1/12 (RZ-10-005) (ORD-2012-08)

Planned Development Districts

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

Special Districts

HI	Highway Interchange District
HI-1	Highway Interchange District-1
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

Section 3.1 Official Zoning Maps[3]

(a) Generally. The locations and boundaries of the zoning districts established by this Ordinance are indicated on the Official Zoning Map, which is incorporated herein by reference. The Official Zoning Map, together with a record of all amendments, is maintained by and may be viewed at the Department of Planning and Zoning. The Official Zoning Map shall constitute the official record of the zoning districts in Washington County.

(b) Adoption and Format. The Official Zoning Map for Washington County shall be maintained in digital format entitled "Washington County Digital Zoning Layer" adopted by the Board of County Commissioners. The Digital Zoning Layer shall be permanently maintained by the Department of Planning and Zoning.

(c) Authorized Changes to Zoning Map. The Washington County Digital Zoning Layer may not be changed except as follows:

1. By a Comprehensive Rezoning application approved by the Board of County Commissioners;
2. By a piecemeal rezoning as authorized by Article 27 of this Ordinance, upon final decision of the Board of County Commissioners;
3. By zoning district line changes as interpreted and authorized by Section 3.2 of this Ordinance; or
4. By District Map Line Adjustments as authorized by Section 27.8 of this Ordinance.

(d) Copies of the Official Zoning Map. Uncertified copies of the Official Zoning Map and/or Digital Zoning Layer are provided for informational purposes only. To verify zoning status of a particular property, in individual may obtain a certified copy of the Official Zoning

[3] Revision 17, Section 3.1 amended 6/18/13 (RZ-13-001/ORD-2013-22)

Map and/or Digital Zoning Layer from the Zoning Administrator. Certified copies shall be stamped by the Zoning Administrator with their signature and shall include the date on which the zoning was affirmed.

Section 3.2 Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the official zoning maps, the following rules shall apply:

(a) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;

(b) Boundaries indicated as approximately following property lines or platted lot lines, shall be construed as following such lines;

(c) Boundaries indicated as approximately following city limits shall be construed as following city limits;

(d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

(e) Boundaries which are drawn parallel to road lines and which do not coincide with property lines or lot lines, and where not designated by dimensions, shall be deemed to be 200 feet back from the nearest road centerline;

(f) Boundaries that are in unsubdivided property or where district boundary divides a lot, shall be determined by the use of the map scale as shown thereon;

(g) Where a district boundary line as shown on the zoning map divides a lot which was in single ownership and of record at the time of enactment of this Ordinance, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot under this Ordinance shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within fifty (50) feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.

Section 3.3 Land Use Regulations[4]

See Table No. 3.3(1) – Table of Land Use Regulations

[4] **Revision 14, Section 3.3 added 7/26/05 (RZ-03-005)**

A(R)-Agriculture (Rural)
EC-Environmental Conservation
P-Preservation
RV-Rural Village
RB-Rural Business
IM-Industrial Mineral

Table No. 3.3(1)[5] [6]
TABLE OF LAND USE REGULATIONS
(RURAL AREA USES)

LAND USES	A(R)	EC	P	RV	RB	IM	Intensity of Use
A. Accessory							
Guest house in an accessory building	SE	SE	SE	SE	N	N	N/A
Private stables as defined in Article 28A shall be subject to the requirements set forth in Article 4 Section 4.13	A	A	A	A	A	N	N/A
Swimming pools, tennis and other similar courts and other recreational facilities, when accessory to a residence	A	A	A	A	A	N	N/A
Uses and structures customarily accessory and incidental to any principal permitted use or special exception, including business signs pertaining to "use on the premises" (provided, that such signs are located as regulated in Section 22.2.), and a single-family dwelling unit in the same building with a principal use	A	A	A	A	A	A	N/A
B. Accommodation and Food Services[7]							
Banquet/Reception Facilities	SE	SE	SE	SE	P	N	HIGH
Boarding or rooming houses	N	N	N	P	P	N	MODERATE
Bed and Breakfast	SE	SE	SE	P	P	N	MODERATE
Conference Centers	SE	SE	SE	SE	P	N	HIGH
Hotels and apartment hotels, including motels	N	N	N	N	P	N	MODERATE
Restaurants with drive-in, drive thru service	N	N	N	N	P	N	MODERATE
Restaurants without drive-in, drive-thru service	N	N	N	N	P	N	MODERATE
Resorts	N	N	N	N	P	N	HIGH
Taverns	N	N	N	N	P	N	HIGH
C. Administrative and Support and Waste Management and Remediation Services							
Building and dwelling services as defined in Article 28A	N	N	N	N	P	N	MODERATE
Landscaping Contractor	P	P	P	P	P	N	MODERATE

[5] Table No. 3.3(1) amended 9/19/06 (RZ-06-007/ORD-06-09)
[6] Table No. 3.3(1) amended 8/4/09 (RZ-09-001/ORD-09-08)
[7] Revision 17, Table No. 3.3(1)B. amended 4/23/13 (RZ-12-002/ORD-2013-13)

P-Permitted
SE-Special Exception
A-Accessory
N-Not Permitted

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LAND USES	A(R)	EC	P	RV	RB	IM	Intensity of Use
Sanitary landfills, provided such use shall be two (2) times the distance specified in Section 4.9.	N	N	N	N	P	N	N/A
D. Agriculture, Forestry, Fishing and Hunting							
Forests and Wildlife preserves, fish hatcheries and similar conservation areas	P	P	P	P	P	P	LOW
Forestation	P	P	P	P	P	P	LOW
Produce stands/Farmers Market	SE	SE	SE	SE	P	N	MODERATE
Roadside stands	A	A	A	A	A	N	MODERATE
Agricultural uses, as defined in Article 28A, including animal husbandry facilities as defined in Article 28A which shall be subject to the requirements set forth in Article 22 Division IX	P	P	P	P	P	P	LOW
E. Arts, Entertainment, and Recreation							
Amusement parks	N	N	N	N	P	N	HIGH
Bowling alleys	N	N	N	N	P	N	HIGH
Circus, carnival, dog and horse shows or similar transient enterprise; provided, that such use shall not exceed ten (10) days at any one time, and which does not include any permanent structure	P	P	P	P	A	N	MODERATE
Clubs, Country	SE	SE	SE	N	P	N	MODERATE
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	SE	SE	SE	SE	P	N	MODERATE
Recreation Centers	SE	SE	SE	SE	P	N	MODERATE
Commercial swimming pools	N	N	N	N	P	N	HIGH
Fairgrounds and race tracks or courses for the conduct of seasonal or periodic meets of horses, dogs, aircraft, automobiles, motorcycles and the like; provided such use shall be subject to three (3) times the distance requirements specified in Section 4.9	N	N	N	N	P	N	HIGH
Golf courses	N	N	N	N	P	N	MODERATE
Golf driving ranges	N	N	N	N	P	N	MODERATE
Indoor firing range	SE	SE	SE	SE	P	N	MODERATE
Marinas, boat rentals, docks, piers and wharves	SE	SE	SE	SE	P	N	MODERATE
Museum, arts center or tourism entertainment facility	N	N	N	N	P	N	MODERATE

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LAND USES	A(R)	EC	P	RV	RB	IM	Intensity of Use
Riding academies, livery stables, subject to the distance requirements specified in Section 4.9	P	P	P	P	P	N	MODERATE
Taxidermy Service	P	P	P	P	P	N	LOW
Theaters	N	N	N	N	P	N	HIGH
Theaters, Outdoor; provided a minimum of five (5) acres is maintained; and provided such use shall be subject to three (3) times the distance requirements of Section 4.9	N	N	N	N	P	N	HIGH
Trap, skeet, rifle, or archery ranges, including gun clubs; provided such use shall be five (5) times the distance requirements specified in Section 4.9 and all safety standards of county, state and federal agencies are observed	SE	SE	SE	N	P	N	HIGH
Travel trailer parks/Camp grounds, subject to the provisions of Section 22.5 and provided such use shall be three (3) times the distance requirements specified in Section 4.9	SE	N	N	SE	P	N	HIGH
F. Construction							
Surface grading, removal of top soil, shale or similar material in preparing the property for development; but not including open pit quarrying or mineral processing on site; subject to the performance standards in Section 4.12. A grading plan containing the information required in Section 15.3 showing the existing and proposed surface contours and providing for the re-vegetation of the property shall be submitted to the Planning Commission for approval	P	P	P	P	N	N	N/A
G. Educational Services							
Public or private college, trade and technical institutions	SE	N	N	N	P	N	HIGH
Schools – public or private – elementary through high	P	P	P	P	N	N	HIGH
H. Finance and Insurance							
Banks and financial institutions	N	N	N	N	P	N	MODERATE
I. Health Care and Social Assistance							
Assisted Living Facilities	N	N	N	N	P	N	MODERATE
Clinics with or without a pharmacy	N	N	N	N	P	N	MODERATE
Comprehensive Care Facilities	N	N	N	N	P	N	HIGH
Day-Care, Adult & Child centers, including Nursery Schools.	N	N	N	N	P	N	MODERATE
Day-care, In home Family/Child Care Facilities	P	P	P	P	N	N	N/A

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LAND USES	A(R)	EC	P	RV	RB	IM	Intensity of Use
Nursing/Convalescent Homes.	N	N	N	N	P	N	MODERATE
Transitional or Sheltered Care Facility, not to include Assisted Living Facilities.	N	N	N	N	P	N	MODERATE
J. Housing							
Dwelling unit in conjunction with a principal non-residential use	SE	SE	SE	SE	P	N	LOW
Dwellings, semi-detached	SE	SE	SE	P	N	N	N/A
Dwellings, single family	P	P	P	P	N	N	N/A
Dwellings, two-family	P	P	P	P	N	N	N/A
Home, occupation	A	A	A	A	N	N	N/A
Home, resident business	SE	SE	SE	SE	N	N	N/A
Mobile Homes	P	P	P	N	N	N	N/A
Model Homes	P	P	P	P	N	N	N/A
Temporary residential sales office	P	P	P	P	N	N	N/A
K. Manufacturing[8]							
Abattoirs, slaughterhouses, stockyards	N	N	N	N	P	N	HIGH
Brewery, Farm with a valid Class 8 manufacturing license	P	P	P	P	P	N	MODERATE
Brewery, Commercial with a valid Class 5 manufacturing license	SE	SE	SE	SE	P	N	MODERATE
Carpentry or woodworking shops	SE	SE	SE	SE	P	N	HIGH
Concrete and ceramic products manufacture, including ready-mixed concrete plants	N	N	N	N	P	P	HIGH
Flour mill, grain milling or drying	N	N	N	N	P	N	HIGH
Food processing and packing plants; provided such use shall be located two (2) times the distance requirements specified in Section 4.9	SE	SE	SE	N	P	N	HIGH
Grain elevators, grain bins, and feed mills, primarily for wholesale use.	P	SE	SE	N	P	N	MODERATE
Machine Shops	SE	SE	SE	SE	P	N	MODERATE
Recycling facilities	N	N	N	N	P	N	HIGH
Sawmills & Lumber Drying	SE	SE	SE	N	P	N	MODERATE
Sawmills, Temporary	P	P	P	N	N	P	HIGH
Wind mill farms	SE	SE	SE	SE	N	N	N/A
Wineries, Farm with a valid Class 4 manufacturing license	P	P	P	P	P	N	MODERATE
Wineries, Commercial with a valid Class 3 manufacturing license	SE	SE	SE	SE	P	N	MODERATE

[8] Rev. 17 Table 3.3(1)K. amended 4/23/13 (RZ-12-002/ORD-2013-13)

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LAND USES	A(R)	EC	P	RV	RB	IM	Intensity of Use
L. Mining							
Mineral extraction, mineral processing, mineral-related uses, and mineral-based manufacturing.	N	N	N	N	N	P	N/A
M. Other Services[9]							
Blacksmith and/or farrier service	A	A	A	N	P	N	LOW
Beauty and barber shops; Beauty Parlors and Barber Shops in residence shall not require a site plan or any additional lot area, lot width, or setbacks over that which is required for the subject dwelling as specified in the district the residence is located or as modified in Article 23.	P	P	P	P	P	N	LOW
Car washes	N	N	N	N	P	N	MODERATE
Cemeteries, mausoleums and memorial gardens	SE	SE	SE	SE	N	N	N/A
Churches, parish houses and other places of worship	P	P	P	P	N	N	N/A
Crematories	SE	SE	SE	SE	P	N	LOW
Farms for the principal use of raising animals for experimental or other purposes, such as rats, rabbits, mice, monkeys and the like, and fur farms, provided such use shall be subject to three (3) times the distance requirements specified in Section 4.9	SE	SE	SE	N	P	N	LOW
Kennels with or without runways and/or exercise areas, provided such use shall be subject to two (2) times the distance requirements specified in Section 4.9	SE	SE	SE	N	N	N	N/A
Offices, business and professional	N	N	N	N	P	N	LOW
Facilities dealing with the field of agriculture products.	P	P	P	P	N	N	N/A
N. Professional and Scientific and Technical Services							
Penal and correctional institutions including jails	N	N	N	N	P	N	MODERATE
Photography studios	N	N	N	N	P	N	LOW
Shoe repair shops/Tailor Shops	N	N	N	N	P	N	LOW
Small engine related equipment repair and maintenance to include lawn mowers.	N	N	N	N	P	N	LOW
Veterinary clinics with or without runways; provided such use be subject to two (2) times the distance requirements in Section 4.9.	N	N	N	N	P	N	MODERATE

9 Revision 17, Table 3.3(1)M. amended (RZ-12-004/ORD-2013-03)

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LAND USES	A(R)	EC	P	RV	RB	IM	Intensity of Use
O. Public Administration							
Public buildings, structures, and properties of public service-type, including fire, ambulance or rescue services	P	P	P	P	P	N	N/A
P. Retail and Wholesale Trade							
Alcoholic beverage package stores	N	N	N	N	P	N	HIGH
Appliance stores	N	N	N	N	P	N	LOW
Auction House/Flea Market	SE	SE	SE	SE	P	N	LOW
Auto Sales and services	N	N	N	N	P	N	HIGH
Automobile parts and accessories	N	N	N	N	P	N	LOW
Bakery shops	P	P	P	P	P	N	LOW
Candy stores	P	P	P	P	P	N	LOW
Clothing stores	N	N	N	SE	P	N	LOW
Convenience stores	N	N	N	N	P	N	MODERATE
Dairy product stores	P	P	P	SE	A	N	N/A
Florist shops	P	P	P	P	P	N	LOW
Furniture and upholstering stores	SE	SE	SE	SE	P	N	LOW
Garden shops, nurseries, and greenhouses	P	P	P	P	P	N	LOW
Gift or jewelry shops	N	N	N	SE	P	N	MODERATE
Grocery stores	N	N	N	SE	P	N	MODERATE
Hardware stores	N	N	N	SE	P	N	LOW
Home Centers	N	N	N	N	P	N	MODERATE
Laundry or dry cleaning	N	N	N	P	P	N	LOW
Livestock sales, yards, and buildings subject to a minimum of ten (10) acres being provided; and provided such building or use shall be subject to four (4) times the distance requirements specified in Section 4.9 and a front yard of four hundred (400) feet is provided for any use pertaining thereto	N	N	N	N	P	N	LOW
Machinery dealerships and other businesses providing support for agricultural work	SE	SE	N	SE	P	N	LOW
Meat markets	A	A	A	N	P	N	LOW
Outdoor/Recreational outfitters	SE	SE	SE	SE	P	N	MODERATE
Pet shops	N	N	N	SE	P	N	LOW
Pharmacies	N	N	N	SE	P	N	LOW
Printing, blue printing, photocopying, and similar reproduction services	N	N	N	SE	P	N	LOW

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LAND USES	A(R)	EC	P	RV	RB	IM	Intensity of Use
Temporary or Seasonal Retail - provided that the area devoted to the use be limited to less than 2,500 sq. ft. and that the use on the premises occurs for at least 30 days and does not exceed 6 months within a calendar year[10]	SE	SE	SE	SE	P	N	LOW
Q. Transportation and Warehousing							
Airports, private or landing fields, and heliports, subject to the Provisions of Article 21.	SE	SE	SE	N	N	N	N/A
Commercial parking lot or garage	N	N	N	N	P	N	LOW
Contractor's equipment and Storage yards	SE	SE	SE	SE	P	N	MODERATE
Explosives Storage	SE	SE	SE	N	N	N	N/A
Mini-warehouses excluding outside storage or outside uses	N	N	N	N	P	N	LOW
Mixed use buildings including, warehouses, wholesale and retail sale	N	N	N	N	P	N	MODERATE
Warehouses	N	N	N	N	P	N	MODERATE
R. Utilities[11]							
Commercial Communications Towers, subject to the requirements of Section 4.22	SE	SE	SE	N	N	N	N/A
Public utility buildings, structures, or uses including radio, television, and other communication facilities not considered Essential Utility Equipment, as defined in Article 28A	SE	SE	SE	SE	P	N	LOW
Solar Energy Generating Systems, in accordance with Section 4.26	SE	SE	SE	N	N	SE	LOW

10 Revision 17, Table No. 3.3(1)P. amended and eff. 2/26/13 (RZ-12-004/ORD-2012-03)

11 Revision 17, Table No. 3.3(1)R. amended 10/4/11 (RZ-11-003/ORD-2011-21)

P-Permitted
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N-Not Permitted

ARTICLE 4 GENERAL PROVISIONS

Section 4.1 Ordinance Deemed Minimum Regulations; Uniformity

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided.

Section 4.2 Compliance with Ordinance

Except as hereinafter specified, no land, building, structure, or premises shall hereinafter be used, and no building or part thereof or other structure shall be located, erected, reconstructed, extended, enlarged, converted or altered except in conformity with the regulations herein specified for the district in which it is located.

Nothing in this Ordinance shall be deemed applicable to land or structures falling within the boundaries of Federal Public Law 91-664.

Section 4.3 Nonconforming Uses[12] [13]

Any building, structure or premises lawfully existing at the time of the adoption of this Ordinance, or lawfully existing at the time this Ordinance is subsequently amended, may continue to be used without further imposition of use, dimensional, buffer or other Ordinance requirements even though such building, structure or premises does not conform to use, dimensional, buffer or other Ordinance regulations of the zoning district in which it is located. (Subject, however to the following provisions:) All nonconforming uses shall be subject to the following provisions:

(a) Existing nonconforming single-family dwellings in any district may expand without limitation in respect to area and shall meet the least restrictive setbacks for that district. Such dwellings shall be treated as principal permitted uses in that district.

(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, C, 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-1 or HI-2 districts, 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.

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[12] **Revision 1, Section 4.3 amended 4-26-88 (RZ-379)**
Revision 7, Section 4.3 (a) and (b) amended 8-31-93 (RZ-93-7)

[13] **Revision 15, Section 4.3 (b) and (b)(1) amended 9/19/07 (RZ-06-007/ORD-06-09)**

(1) In the A, C, 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.

(2) No extension may be permitted for (junk yards in accordance with this section) nonconforming junk yards.

(c) Whenever a nonconforming use has been changed to a more appropriate use, in the opinion of the Board, such use shall not thereafter be changed to a less appropriate use or classification.

(d) No land, building, structure, or premises where a nonconforming use has ceased for six (6) months or more shall thereafter be used except in conformance with this Zoning Ordinance.

(e) The owner or operator of any existing nonconforming use involving used car lots, service garages, or junk yards shall, not later than six (6) months, certify in writing, on a prescribed form, to the office of the Zoning Administrator, that such nonconforming use did exist on the adoption date of this Ordinance. In order that the exact nature and extent of such nonconforming use may be determined, a survey plat prepared by a professional engineer or registered surveyor shall accompany any prescribed form. The survey shall include the following:

(1) North arrow.
(2) Scale - One inch equal to one hundred feet.
(3) Election District
(4) Outline of parcel or parcels upon which the nonconforming use is located.
(5) Bearings, distances, and acreage of that portion of the parcel or parcels expressly used for the nonconforming use on the effective date of this Ordinance.
(6) Use, dimensions, and location of all existing buildings.
(7) Certification and seal of professional engineer or registered surveyor.

(f) Nothing in these regulations shall prevent the restoration of a nonconforming building or structure destroyed by fire, windstorm, and explosion, act of public enemy, accident, or prevent the continuance of the use thereof as it existed at the time of such destruction provided that a zoning certificate is obtained and restoration begun within one (1) year of said destruction.

Section 4.4 Agricultural Uses Permitted Generally[14] [15]

Except for compliance with distance requirements set forth in Section 4.9, 4.13, 28A, and requirements for animal husbandry facilities set forth in Article 22, Division IX, nothing in this Ordinance shall prohibit the use of land for agricultural purposes or the construction or use of the buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located.

Section 4.5 Buildable Lots[16] [17] [18]

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. Nothing shall prohibit the erection of a single family dwelling on a lot of record in an HI district prior to its designation as an HI-1 district.

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, C, A(R), EC, P, RV, RB-E, RB-N, RR, RS, RU districts shall be limited to one principal permitted residential use on a lot, parcel, or tract.

Section 4.6 Use of Same Yard Space for More Than One Building Prohibited

No part of a minimum required yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as part of a minimum required yard or other open space required under this Ordinance for another building or structure.

Section 4.7 Major Road Plans

No building or part of a building shall be permitted to be erected within the lines or right-of-way lines of a proposed highway, street, proposed relocation or widening of an existing highway or street as shown on the Master Highway Plan for Washington County as adopted and with future revisions that may be applicable at the time of applying for a zoning certificate for building purposes thereon.

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[14] **Revision 7. Section 4.4 amended 2-8-94. (RZ-93-13)**

[15] **Revision 15, Section 4.4 amended 9/19/06 (RZ-06-007/ORD-06-09)**

[16] **Revision 7, Section 4.5 amended 8-31-93 (RZ-93-7)**
Revision 7, Section 4.5 amended 12-21-93 (RZ-93-11)

[17] **Revision 15, Section 4.5 amended 9/19/06 (RZ-06-007/ORD-06-09)**

[18] **Revision 16, Section 4.5 amended 8/4/09 (RZ-09-001/ORD-09-08)**

The Board of County Commissioners shall have forty-five (45) days in which to establish the center line of the proposed road and then, shall have sixty (60) days within which to negotiate with the property owner, as to whether he would offer the property to the County without compensation, because of benefits he may derive from such a road, or, arrive at a mutually agreeable figure for the property within the street width, or upon failure of agreement, by the filing of a condemnation suit in Circuit Court before the end of the period.

Section 4.8 Essential Utility Equipment[19]

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 C, A, A(R), EC, P, RV, RR, 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[20]

(a) 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 RR, 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 4.10 Accessory Structures and Uses[21]

(a) Generally. Except as otherwise restricted by this Ordinance, customary accessory structures and uses shall be permitted in any district in connection with the principal permitted use within such district.

(b) Use limitations. In addition to the other requirements of this Ordinance, an accessory use shall not be permitted unless it strictly complies with the following:

1. No accessory structure shall be used for living quarters, the storage of contractors' equipment, the storage of animals, or the conducting of any business unless otherwise provided in this Ordinance.

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19 **Revision 15, Section 4.8 amended 9/19/06 (RZ-06-007/ORD-06-09)**

20 **Revision 15, Section 4.9 amended 9/19/06 (RZ-06-007/ORD-06-09)**

21 **Revision 16, Section 4.10 amended 8/4/09 (RZ-09-001/ORD-09-08)**

2. No accessory use or structure shall be established on any lot prior to substantial completion of the construction of the principal structure.

3. No accessory use or structure, except fences, shall be located within any recorded easement area.

4. Any detached accessory structure shall be separated from other principal and accessory structures in compliance with the Washington County Building Code.

5. In all districts wherein single-family and two-family dwellings are permitted, accessory structures shall not be located closer to public or private road right-of-way or rear lot line than the side yard requirements for a single-family or two-family dwelling in that district, except as provided in Section 23.5(b).

Section 4.11 Site Plan Requirements [22] [23]

A site plan shall be submitted for review by the Planning Commission for new development and for all major additions to existing uses in all zoning districts. Construction of single-family, two-family or semi-detached housing units and farm buildings shall not be considered major additions for the purposes of this section, and shall not require a site plan. A site plan in simplified form as explained in Section 4.11(a)(6) may be submitted for temporary and seasonal uses and may be approved by the Zoning Administrator.

A site plan shall also be required for all new schools and colleges, and commercial communications towers in any zoning district where permitted. Site plans for commercial communications towers shall be in compliance with the criteria provided in Section 4.22.

A major addition shall constitute only those additions to the use of the site and physical expansions of on-site structures that will directly affect the function of the site or potentially affect the surroundings. Any substantial change of use classification, alteration of on-site parking requirements, potential adverse impacts of off-site storm water drainage, increased demand for public water and sewerage or additions which will cause the rerouting of traffic circulation shall be construed as "major additions."

Before site plan submission, a Forest Stand Delineation of the parcel subject to development shall be submitted for approval by the Planning Commission.

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[22] **Revision 6, Section 4.11 amended 2-9-93 (RZ-02-16) and 6-22-93 (RZ-93-4)**
Revision 6, Section 4.11(b)2 and 3 amended 2-9-93(RZ-92-16)
Revision 6, Section 4.11(a)6 added 6-22-93 (RZ-93-4)
Revision 7, Section 4.11 amended 11-16-93 (RZ-93-10)
Revision 11, Section 4.11 amended 5-18-99 (RZ-99-01 & RZ-99-04)
Revision 12, Section 4.11 amended 10-22-02 (RZ-02-004)

[23] **Revision 15, Section 4.11 amended 9/19/06 (RZ-06-007/ORD-06-09)**

Site plans in each zoning district shall meet all applicable requirements of the Washington County Forest Conservation Ordinance and Manual.

(a) Submission Procedure

1. Site plans shall be prepared by a registered professional engineer, registered architect, registered landscape architect, or registered land surveyor licensed to practice in the State of Maryland.

2. The consultant, agent and/or property owner may arrange for a preliminary consultation with the Planning and Zoning Commission to discuss the general concept, use and design of the proposal. If consultation is desired, a generalized sketch or plat of the proposed site plan shall be submitted with five copies at least one (1) week prior to the scheduled consultation and shall consist of location map, boundary, a Forest Stand Delineation including topography, and general proposed land uses drawn to scale.

3. In those cases where no subdivision of land is required, a minimum of six (6) copies of the site plan shall be submitted to the Washington County Department of Permits and Inspection. The Planning Commission shall forward a recommendation of approval or disapproval to the Department of Permits and Inspection within sixty (60) days from the date of submission.

4. Where subdivision is required, a site plan which includes all information required for a preliminary subdivision plat may be considered by the Planning Commission as meeting the requirements of both the site plan and preliminary subdivision plats.

5. Site plan submission is not required for single-family or two-family dwelling units unless planned as part of a mixed-use development plan in the RM or PR districts.

6. A site plan in simplified form shall be submitted for temporary or seasonal uses limited to an area less than 2,500 sq. ft. Such plans shall not require professional preparation. The plan shall be an accurate scale drawing that contains sufficient information to establish building setbacks, proposed ingress and egress, area designated for parking, location and size of the building, functional description, hours of operation, sign location and information regarding the handling of stormwater run off.

(b) Site Plan Format

The site plan format and informational requirements shall be the same as that of a preliminary subdivision plat (Subdivision Ordinance, Article III, Sections 306 and 307) except that the following additional information is required for site plan approval.

In those cases where the eventual site use is not known, the Planning Commission may waive the requirements for those data that are a function of specific uses and may approve the site plan in preliminary form in order that construction may proceed. The applicant is encouraged to submit as much data as is available in order that the Planning Commission may render a thorough review of the site plan in preliminary form. The preliminary review should contain enough information to establish the building setbacks, the proposed ingress and egress, the general areas devoted to parking, the proposed floor area, and any information available that may be used for computation of storm water runoff or other data pertaining to impervious surface. That information which is not known at the time of preliminary site plan review may be deferred by the Commission until final review and approval as a second phase of site plan review.

Approval of the preliminary version of the site plan is good for six months only after which time the final site plan must be submitted for review and approval by the Commission. The final review must provide for signage, outdoor lighting, specific parking arrangements, and all other features required for site plan review not included on the preliminary form. Final review and approval of the site plan containing all the required information must be granted by the Commission prior to the issuance of a use and occupancy permit by the Department of Permits and Inspections.

1. Sites consisting of 3 acres or less shall be drawn at a scale of 1"=20 feet.

2. Site plan information (where applicable, refer to section of zoning district in which use is proposed and Article 22 and 23):

   * - Landscaping plan and reserved buffer areas. See Sec. 4.16
   * - Fencing
   * - Exterior lighting (location and height)
   * - Off-street parking
   * - Pedestrian walkways and sidewalks
   - Provisions for solid waste collection
   - Open space and recreational facilities
   - Communication antennas (TV, radio, etc.)
   * - Transit/school bus waiting areas
   * - Signs (location, height, size and design)
   * - Proposed land uses, showing building locations
   - Location of material storage
   - Location of special facilities for refuse collection, mail delivery, etc.
   - An approved forest stand delineation

3. The following supporting and computational information shall accompany the site plan, where applicable (refer to section of zoning district in which use is proposed and Articles 22 and 23):

<u>Residential</u>

* - Gross dwelling unit density (U/A)
* - Parking space ratio (space/D.U.) (space per dwelling unit)

* - Open space ratio (sq. ft./D.U.)
- Projected daily sewerage effluent (G.P.D.)
- Projected marketing method (unit lot sales, unit lot rentals, condominium sales, apartment rentals)
- Tentative projected building schedule (D.U./year)
- Development responsibilities, landscaping, recreational facilities (developer- H.O.A., etc.)
- Homeowners association - articles of incorporation, by-laws and Covenants.

* - Site coverage (impervious area/gross site area)
- A forest conservation plan

<u>Commercial, Industrial, Institutional</u>

- Functional description (manufacturing process, goods in trade, institutional functions, etc.)
- Freight and delivery requirements
- Projected daily, day and night, use of site (i.e. number of employees, students, patients, customer demand, etc.)

* - Projected emission levels (industries only) (glare, heat, odor, air pollutants, noise, vibration) Section 4.12
-Method of solid waste storage and disposal
- Site user transportation (auto, public transit, school bus, etc.)

* - Site coverage (impervious area/gross site area)
- Maintenance responsibility (access roads)

* - These items are subject to the specified requirements of the Ordinance in the applicable sections.
- A forest conservation plan.

Section 4.12 Performance Standards

The following performance standards shall be considered in all districts where Business, Industrial, and Institutional uses are permitted.

(a) Control of smoke, dust and dirt, fumes, vapors, gases and odors.

The Maryland Air Pollution Control Standards shall be used to control the emission of smoke, dust, dirt, fly ash, fumes, vapors, gases or odors.

(b) Control of heat and glare

No use shall carry on an operation that will produce heat or constant glare that will adversely affect the uses of an adjacent property.

(c) Vibration Control

Machines or operations which cause vibration shall be permitted but in no case shall any such vibration adversely affect the uses of an adjacent property.

(d) Radiation of Electrical Emissions, Radioactivity or Electrical Disturbance Activities which may emit dangerous radioactivity beyond closed areas shall comply with State and Federal Codes. No electrical disturbances (except from domestic household appliances) shall be permitted to affect adversely, at any point, any equipment other than that of the creator of such disturbance.

(e) Electric, Diesel, Gas or Other Power

Every use requiring power shall be so operated that any service lines, substation, etc., shall conform to the highest applicable safety requirements. They shall be constructed, installed, etc., so that they will be an integral part of the architectural features of the building or, if visible from abutting residential properties, shall be concealed by evergreen planting.

(f) Sewage and Waste Treatment

All methods of sewage and industrial waste treatment and disposal shall be approved by the district receiving the effluent and shall be in accordance with all applicable regulations.

(g) Storage of Materials

1. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such a stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.

2. All materials or wastes which may cause fumes or dust or which may be edible or otherwise attractive to rodents or insects shall be stored only if enclosed in containers which are adequate to eliminate such hazards.

(h) The Board of County Commissioners may require a performance bond from the applicant for any proposed use where the resulting vehicular traffic from the business may result in damage to County roads. The determination for this requirement shall be made in accordance with a review of the following:

1. The proposed routes for the vehicular traffic entering and leaving the site on public roads to the first intersection with a highway classification of major collector or above in the Washington County Highway Plan. Proposed routes, once approved as a part of the site plan, may not be changed without approval of the Planning Commission subject to the same standards applied to the original review.
2. An estimate of the average daily vehicular traffic from the site plus the average gross weight of each vehicle.

3. The physical condition of the public road at the time of application including pavement thickness, roadway width, and vertical and horizontal alignment. This determination shall be made in accordance with accepted engineering practices and standards.

Section 4.13 Distance Requirements[24]

Any use or buildings subject to compliance with this section shall be located no closer than one hundred (100) feet from any dwelling, school, church, or institution for human care not located on the same lot as the said use or buildings.

(a) A zoning permit shall be applied for with the Department of Permits and Inspections and shall include the following:

1. A copy of the Soil Conservation Services Waste Management Plan as defined in Article 28A or letter of exemption.

2. A copy of the University of Maryland Cooperative Extension Services Nutrient Management Plan as defined in Article 28A.

Section 4.14 Mineral Extraction[25]

Low volume mineral extraction, as defined in Article 28A, shall be permitted in all districts except the RR, 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 C, A, 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 A, C, or IG District shall be subject to the requirements of Sections 15.4 and 15.5.

Section 4.15 Family Day Care[26]

Nothing in this Ordinance shall prohibit the use of any residence to be used as a registered Family Day Care Home. Family Day Care Homes shall be registered with and meet all of the requirements of the Maryland Office of Child Care Licensing and Regulation. Family Day Care is care given for compensation in lieu of parental care in a residence other than the child's residence for part of a twenty-four (24) hour day for:

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[24] **Revision 11, Section 4.13 amended 7-20-99 (RZ-99-03).**

[25] **Revision 15, Section 4.14 amended 9/19/06 (RZ-06-007/ORD-06-09)**

[26] **Revision 3, Section 4.15 amended 12-11-90 (RZ-452)**

(a) Not more than eight (8) children under the age of thirteen (13) or to a developmentally disabled person younger than twenty-one (21) years; and

(b) The provider's own child or children under the age of six (6) shall be included in the total number of eight (8) children allowed; and

(c) At no time may the provider care for more than two (2) children under the age two (2) years.

Section 4.16 Landscape Plan Standards

Landscaping is the treatment of the ground surface with live plant materials so as to provide aesthetic and visual enhancement to sites and buildings as well as buffering and screening against noise and air pollution for the various classes of development.

The landscape plan shall include, at minimum, the following information drawn to scale on the development plans.

1. Identification of proposed treatment of all ground surface portions of the development not covered by buildings, streets, and other impervious surfaces.

2. The extent and location of all plant materials and other landscape features drawn at appropriate scale.

3. Species and size of existing plant material to be retained.

4. Location and water outlets.

5. A plant material schedule.

All new plant materials shown on the landscape plan shall be identified in a planting schedule that shall include both the common names and biological names, symbols, size of trees and shrubs, quantities, and installation date.

Section 4.17 Play Lots

Play lots are considered a necessary adjunct to multi-family development and are to be designed to serve its residents. The category of play lots includes those serving the pre-schoolers, or tots, and the older children ranging from five to twelve, the pre-teens. Below are guidelines and performance standards for play lots. There is no pre-determined mix of tot lots and pre-teen lots for all developments since this will be a function of the particular multi-family complex. It is incumbent on the developer to propose a design for play lots with the understanding that the final arrangement and mix shall be subject to approval by the Planning Commission.

(a) Guidelines for Tot Lots

Tot lots are appropriate and necessary in multi-family residential and planned unit development districts and should be designed to meet the needs of both pre-schoolers - tots from about six months to five years - and supervising adults. Since most of the users will travel to the tot lot on foot, the lot should be located conveniently, centrally, and safely in the development.

In the design, consideration should also be given to parents and supervising adults who enjoy socializing while keeping an eye on the children. Play equipment suitable for the pre-school age group should include a small spinner or saucer, spring animals, swings, sliding boards, and a small climber. A paved area for wheeled toys is appropriate.

For the adults, landscaping for shade, benches oriented for socializing and a view of the play area, and a litter basket should be provided.

(b) Guidelines for Pre-Teens

Pre-teen lots are an appropriate complement to tot lots in both multi-family residential and planned unit development districts and should be designed to meet the needs of the pre-teen group between 5 and 12 years of age. As with tot lots, they should be located conveniently, centrally, and safely in the development. Equipment, furnishings, and landscaping for the play lot should be attractive, safe, and functional, and should be selected based on the activity characteristics of the users. Play lots designed for pre-teen children should provide a series of activities that become progressively difficult. An example is the linking of equipment so that swinging, climbing, sliding, and observing are integrated. Equipment could include a spin-around, a swing set, sliding board, a concrete pipe, and a climbing structure.

(c) Performance Standards for Play Lots (Tot and Pre-Teen Lots)

Play lots shall be a minimum of 225 square feet in area for developments with up to 18 units. For developments with more than 18 units, the lots shall be provided at the rate of 12 additional square feet per unit up to a maximum of 780 square feet for each play lot. The lots shall be located on ground with no more than 5 percent slope. Each lot shall be centrally and conveniently located to serve users in the development or phase. The lots shall include equipment, furnishings, and landscaping appropriate to the needs of the users subject to the approval of the Planning Commission.

Play lot structures shall meet the following minimum siting design requirements:

1. Fifteen foot setback from any building on site and twenty-five feet from any property line.

2. Fifty foot setback from any street or parking lot.

3. Tot lot structures are to be at least twenty feet from pre-teen lot structures.

4. Equipment shall not be sited in, on, or under any of these conditions:

   a. Seasonally wet soils

   b. Utility lines

   c. On or in drainage courses

   d. Stormwater detention areas

Section 4.18 Nursery Schools and Child Care Centers[27] [28]

(a) Registered nursery schools or child care centers shall be considered an incidental accessory use for any business located in the BT, BL, BG, IT, IR, IG, AP, PB, PI, "PUD" 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.

(b) Registered nursery or child care centers that are operated by a church or other place of worship shall be considered an incidental accessory use provided the child care service is housed within the primary structure related to the place of worship. An affidavit attesting to the location, hours of operation, location of signage, and meeting the parking requirements for the day care facility shall be submitted by the applicant as part of the zoning certification application.

Section 4.19 Hazardous Waste and/or Controlled Hazardous Substance Incineration[29]

In any "IR", "IG", or "IM" district, kilns used or modified for the purpose of incinerating hazardous waste or recycling hazardous waste for fuel are prohibited. Facilities or structures for the purpose of receiving, storing, or processing hazardous waste or controlled hazardous substances for the purpose of incineration in kilns used or modified in "IR", "IG", or "IM" districts are prohibited.

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[27] **Revision 3, Section 4.18 added 12-11-90 (RZ-453)**

[28] **Revision 16, Section 4.18 amended 8/4/09 (RZ-09-001/ORD-09-08)**

[29] **Revision 5, Section 4.19 added 6-9-92 (RZ-92-8)**

Section 4.20 Collection and Storage of Recyclable Material[30]

When a use is subject to the requirements for a site plan as specified in Section 4.11, the applicant shall provide a specified location, on the subject site for the collection and storage of recyclable materials unless the Planning Commission determines there is no need for such space. The Commission's decision on the need for such space and the appropriate size shall be based on the following:

(a) An evaluation of the proposed use of the site.

(b) The potential of the proposed use to generate recyclable materials.

(c) Consultation with the recycling coordinator or his designate.

(d) Recycling efforts currently employed by the proposed site occupant.

(e) Any other information the Commission determines is applicable.

Areas designated for the collection and storage of recyclable materials shall be appropriately screened and of sufficient size to accommodate the collection and storage of recyclable materials.

Section 4.21 Sensitive Areas[31]

(a) Application

The following zoning permits or permits for construction as required by Article 24 of this ordinance shall also comply with the additional identification and design requirements of 4.21(c) and 4.21(d) below.

1. Principal permitted uses.

2. Approved special exceptions.

3. Approved expansions of non-conforming uses.

4. All uses subject to site plan approval.

(b) Exemptions

The following zoning permits or permits for construction as may be required by Article 24 of this ordinance shall be exempt from the additional identification and design requirements of 4.21(c) and 4.21(d) below.

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[30] **Revision 5, Section 4.20 added 1-19-93 (RZ-92-6)**

[31] **Revision 10, Section 4.21 added 11-5-96 (RZ-96-09).**

1. Applications for accessory uses less than 300 square feet.

2. Demolition permits.

3. Expansions or additions to existing residential uses that do not exceed 50% of the existing building footprint.

4. All activities governed by Article 22, Division IX of this ordinance.

(c) Identification of Sensitive Areas

All applications subject to this section shall include the following information on a scale drawing. The relationship between the following features and the proposed use or construction shall be clearly shown:

1. Location of streams as defined in Article 28A.

2. The boundaries of any flood plain as defined in the Washington County Flood plain Management Ordinance.

3. Areas of steep slope as defined in Article 28A.

4. The limits of any area determined by the U.S. Fish and Wildlife Service to be the habitat of a plant or animal species determined to be threatened or endangered according to 50 CFR 17.

5. Where applicable, the location of the subject property within the watershed boundaries of the Edgemont or Smithsburg Reservoirs or the Upper Beaver Creek Drainage Basin.

6. Where applicable, the location of the Appalachian Trail if within 500 feet of the boundary of the subject site.

(d) Design Requirements

If any of the features listed in 4.21(c) (1-6) above exist on the subject property, the following additional requirements shall apply.

1. Stream buffers shall be provided in the same manner as described in Section 409 of the Subdivision Ordinance.

2. Use of the flood plain shall be governed according to Section 22.4 of this ordinance and the Washington County Flood plain Management Ordinance.

3. Septic systems and septic reserve areas shall not be located on areas of steep slope. Best management practices to be used during other

construction on steeply sloped areas of the subject property may be recommended by the Soil Conservation District.

4. Where it has been documented by the U.S. Fish and Wildlife Service that habitat of a threatened or endangered species exists on the site, the applicant shall provide evidence of that determination and demonstrate that the permitted activity will not disturb the habitat area. The applicant must also demonstrate compliance with any other applicable restrictions imposed by the U.S. Fish and Wildlife Service.

5. Any use that includes the installation of a new on-site well or sewage disposal system, is proposed to be located in the Upper Beaver Creek Drainage Basin and is subject to site plan approval shall be subject to the same hydrogeologic testing requirements as described in Section 411.1 of the Subdivision Ordinance.

Section 4.22 Commercial Communication Towers[32]

The purpose of this section is to regulate the placement, construction, and modification of commercial communications towers as defined in Article 28A (hereinafter "towers") and commercial communications equipment as defined in Article 28A (hereinafter "equipment"). It is the intent of these regulations to minimize the visual impact of towers and equipment, to minimize the number of towers through shared use and co-location, to encourage utilization of technological designs that will either eliminate or reduce the need for new towers to support equipment and to ensure that all towers and equipment are compatible with surrounding land uses while assuring wireless communications service to the citizens of Washington County.

Equipment proposed to be located on an existing tower or antenna support structure as defined in Article 28A shall be allowed in any district provided that the height from grade of the equipment shall not exceed the height from grade of the antenna support structure by more than twenty (20) feet.

No permit to construct a tower may be issued unless the applicant demonstrates to the Planning Commission, or where applicable, to the Board of Zoning Appeals, need for the tower and that the applicant has exhausted all alternatives to constructing a tower. Applicants are required to prove need by:

a. demonstrating via statement or other evidence that, in terms of location and construction, there are no existing towers, buildings, elevated tanks or other structures able to provide the antenna platform required.

b. providing evidence, including coverage diagrams and technical reports, demonstrating that co-location on existing sites is not technically possible in order to serve the desired need.

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[32] **Revision 11, Section 4.22 added 5-18-99 (RZ-99-01).**

A. Design requirements[33]

In addition to the applicable requirements for a site plan as specified in Section 4.11, the applicant shall provide the following information as part of the site plan submittal. These provisions shall apply to towers in all districts where permitted as a principal permitted or special exception use:

1. Subject to a minimum setback of a distance equaling the total height of the tower and equipment. The setback shall be measured from the base of the tower to the boundary line of the property owned, leased, or controlled by easement by the applicant.

2. Subject to a minimum distance requirement of a distance equaling the height of the tower and equipment plus 200 feet from the RR, 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. Subject to a minimum setback from all overhead transmission lines of a distance equaling two times the height of the tower and equipment.

4. Subject to a height not to exceed 200 feet. Measurement of tower height shall include the tower structure itself, the base pad, and any other equipment attached thereto which extends more than twenty (20) feet over the top of the tower structure itself. The tower height shall be measured from grade.

5. Proposed towers shall meet the following minimum separation requirements from existing towers or towers which have been issued a permit but are not yet constructed.

   (a) Monopole towers shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed, by a minimum of seven hundred and fifty (750) feet.

   (b) Self-supporting lattice or guyed towers shall be separated from all other self-supporting or guyed towers by a minimum of fifteen hundred (1,500) feet.

   (c) Self-supporting lattice or guyed towers shall be separated from all monopole towers by a minimum of seven hundred and fifty (750) feet.

[33] **Revision 15, Section 4.22A.2. amended 9/19/06 (RZ-06-007/ORD-06-09)**

6. All towers shall be designed for co-location, which shall mean the ability of the structure to allow for the placement of comparable equipment for other carriers. An application for a tower shall be accompanied by an affidavit from the applicant stating that one ten (10) foot space on the proposed tower will be specifically reserved for use by the County, and that other spaces will be made available to other future users, when possible.[34]

7. Fencing shall be provided around the base of the tower and any associated equipment buildings.

8. All sites shall be identified by means of a sign no larger than two square feet affixed to the fence identifying the entity using the site and shall provide the telephone number of a contact person in the event of an emergency.

9. Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, as approved by the Planning Commission or Board of Zoning Appeals. Towers shall not be lighted unless specifically required by the FAA.

10. In order to protect the natural skyline, towers should be sited within areas of mature vegetation and should be located down slope from ridge lines, and toward the interior of the parcel whenever possible. Placement should only be considered elsewhere on the property when valid technical data supplied by the applicant indicates that there is no other suitable location.

11. Towers proposed to be located within the Appalachian Trail corridor special planning area as identified in the adopted Comprehensive Plan for the County, any "AO" Antietam Overlay zoning district or "HP" Historic Preservation zoning district shall utilize stealth technology as defined in Article 28A to minimize visual impact.

12.[35] (a) A Commercial Communication Tower that is out of service for a continuous six (6) month period will be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the Owner of the Tower that is deemed to be abandoned. The Owner shall have the right to respond in writing to the Notice of Abandonment setting forth the reasons for operation difficulty and providing a reasonable timeframe for correction action, within thirty (30) days from the date of the Notice. The Administrator shall withdraw the Notice of Abandonment and notify the Owner that the Notice has been withdrawn if the Owner provides information that demonstrates the Tower has not been abandoned.

(b) If the Tower is determined to be abandoned, the Owner of the Tower shall remove the Tower and all related equipment at the Owner's sole expensed within three (3) months of the Date of Notice of Abandonment.

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[34] **Revision 16, Section 4.22A.6. amended 8/4/09 (RZ-09-001/ORD-09-08)**

[35] **Revision 16, Section 4.22A.12. added 8/4/09 (RZ-09-001/ORD-09-08)**

If the Owner fails to remove the Tower and related equipment, the Administrator may pursue legal action to have the Tower removed at the Owner's expense.

B. Additional Provisions for Towers Permitted by Special Exception

In addition to the limitations, guides and standards enumerated in Section 25.6, the Board of Zoning Appeals shall consider the following provisions when considering a request for a special exception for a commercial communications tower.

1. In those cases where a proposed tower is part of a grid or network, the applicant shall provide a map indicating the location of any existing or proposed towers in the grid or network within Washington County and within one (1) mile of the County boundary.

2. The tower shall be compatible with and shall not adversely impact the character and integrity of surrounding properties. Consideration shall be given to the view shed associated with scenic and historic areas and to the use of stealth technology to minimize the visibility of the proposed tower.

3. The applicant shall submit a visual analysis which may include, photo simulation, field mock-up, elevations or other visual or graphic illustrations to determine visual impact. Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable towers in the area, and shall identify and include all feasible mitigation measures.

4. The Board may include conditions on the site where the tower is to be located if such conditions are necessary to preserve the character and integrity of the area affected by the proposed tower and mitigate any adverse impacts which arise in connection with approval of the special exception.

Section 4.23 Certified Adult Residential Environment Homes[36]

Nothing in this Ordinance shall prohibit the use of a private home, which is the residence of the care provider, as a Certified Adult Residential Environment home, ("C.A.R.E. Home"). C.A.R.E. Homes shall be registered with and meet the requirements of the Community Services Administration as set forth in Md. Code, Article 88A, §§138 to 143, inclusive, and COMAR Chapter 07.06.15, as amended.

(a) A C.A.R.E. Home is a home that:

[36] **Revision 12, Section 4.23 added 9/11/01 (RZ-01-03).**

1. Provides a supportive housing arrangement, help in reaching community resources, and protective oversight to a resident;

2. Provides room and board to at least four (4) but not more than eight (8) adults; and [37]

3. Accepts as compensation for its services a rate or amount set by the Washington County Department of Social Services.

(b) A C.A.R.E. Home does not provide:

1. Nursing care;
2. Psychiatric treatment; or
3. Specialized professional intervention.

Section 4.24 Small Wind Energy Systems[38]

A Small Wind Energy System, as defined in Article 28A, shall be considered an accessory use in all zoning districts. The purpose of this section is to establish regulations to facilitate the installation and construction of Small Wind Energy Systems in Washington County for private landowners, subject to reasonable restrictions which will preserve the public health and safety.

(a) The following standards shall apply to the development of Small Wind Energy Systems:

1. Setbacks. A wind tower for a Small Wind Energy System shall be set back a distance equal to its total height plus an additional twenty (20) feet from:
   a. any State or County right-of-way or the nearest edge of a State or County roadway, whichever is closer;
   b. any right of ingress or egress on the owner's property;
   c. any overhead utility line;
   d. any property line;
   e. any existing guy wire, anchor or other Small Wind Energy tower on the property; and

2. Access.

   a. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

[37] Revision 17, Section 4.23(a)(2. amended and eff. 2/26/13 (RZ-12-004/ORD-2013-03)

[38] **Revision 16, Section 4.24 added 6/16/09 (RZ-09-004/ORD-09-04)**

b. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of fifteen (15) feet above the ground.

3. Electrical Wires. All electrical wires associated with a Small Wind Energy System, other than wires necessary to connect the wind generator to the wind tower wiring, the wind tower wiring to the disconnect junction box, and the grounding wires shall be located underground.

4. Clearance. The blade tip or vane of any Small Wind Energy System shall have a minimum ground clearance of fifteen (15) feet as measured at the lowest point of the arc of the blades.

5. Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). Lighting of other parts of the Small Wind Energy Systems, such as appurtenant structures, shall be limited to that required for safety purposes, and shall be reasonably shielded from abutting properties.

6. Appearance, Color and Finish. The wind generator and wind tower shall remain painted or finished the color of finish that was originally applied by the manufacturer.

7. Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, wind tower, building, or other structure associated with a Small Wind Energy System visible from any public road shall be prohibited.

8. Code Compliance. A Small Wind Energy System and all of its components shall comply with all applicable construction and electrical codes.

9. Utility notification and interconnection. Small Wind Energy Systems that connect to the electric utility shall comply with applicable Public Service Commission regulations.

10. Small Wind Energy Systems attached to any building shall not exceed the permitted height for principal structures within the zoning district plus twelve feet.

11. Meteorological towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a Small Wind Energy System.

12. Each property is eligible for two Small Wind Energy Systems only. In the A(R), EC and P Zoning Districts, additional Small Wind

Energy Systems shall be permitted. The total number shall not exceed what is necessary to generate two times the amount of electricity for the established uses on the property in a calendar year**.**

(b) Public Service Commission

In accordance with the Maryland Annotated Code, Public Utilities Companies, Section 7-207.1, any property owner seeking to construct a Small Wind Energy System and connect such system to the main power grid with the capability of transporting energy back to their main power company shall apply to the Public Service Commission (PSC) for approval and provide documentation of such approval to Washington County prior to construction and issuance of a building permit.

(c) Noise

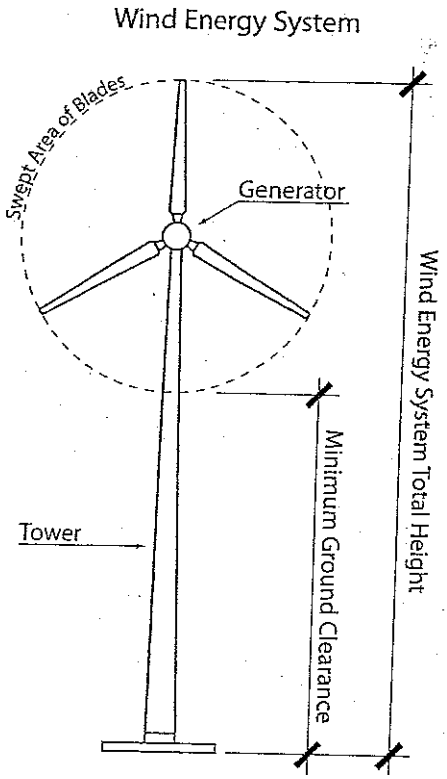
Audible sound due to Small Wind Energy System operations shall not exceed fifty-five (55) dBA for any period of time, when measured from the property line of any adjacent property improved with a dwelling unit at the time of the issuance of the zoning certificate. The level however may be exceeded during short-term events such as utility outages and/or severe windstorms.

(d) Electromagnetic Interference

The system shall be operated so that no disruptive electromagnetic interference is caused to off-site telecommunications, surveillance or other similar systems. If it has been demonstrated that a system is causing such disruptive interference, the system owner shall promptly eliminate the disruptive interference or cease operation of the system.

(e) Violations

It is unlawful for any person to construct, install, or operate a Small Wind Energy System that is not in compliance with this section or with any condition contained in a building permit issued pursuant to this section.



Section 4.25 Solar Collection Systems[39]

Solar Collection Systems as defined in Section 28A shall be considered an accessory use in all zoning districts. The purpose of this section is to establish regulations to facilitate the installation and construction of Solar Arrays.

The following standards shall apply to the development of Solar Collection Systems:

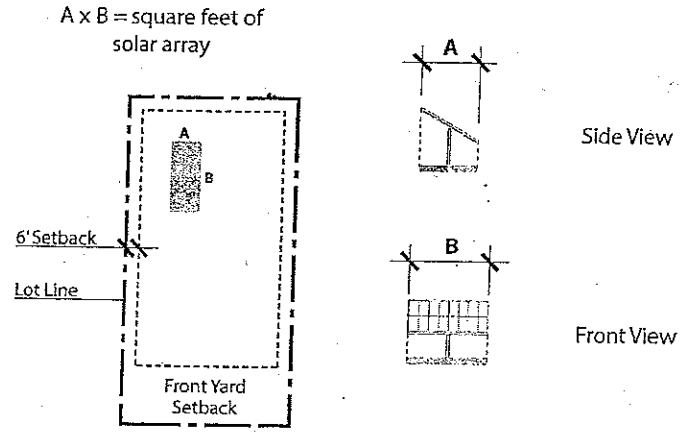
1. Setbacks: Six (6) feet from all property lines and other structures.

2. Height: Freestanding Collection systems shall not exceed twenty (20) feet in height.

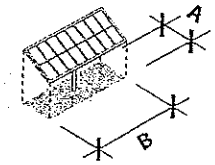
3. Size: Freestanding Collection systems on residential properties shall not exceed the greater of one-half (1/2) the footprint of the principal structure or six hundred (600) square feet, whichever is greater, except than in the A(R), EC, and P zoning districts, where they may be equal to the footprint of the structure. The size of arrays for non-residential properties shall not exceed the footprint of the principal structure.

39 **Revision 16, Section 4.25 added 6/16/09 (RZ-09-004/ORD-09-04)**

SOLAR ARRAY



Area defined by drawing a line around the exterior limit of any individual component of the solar collection system may not exceed one-half of the footprint of the principal structure or 600 square feet, whichever is greater.



4. Solar Collection Systems are permitted to be located on the roof or exterior wall of a structure subject to the following:

   a) Collection systems shall not extend more than twelve (12) feet above the roof line; and
   b) Collection systems located on the roof or attached to a structure shall provide, as part of their permit application, a structural certification.

5. Code Compliance: Solar Collection Systems shall comply with all applicable building and electrical codes.

6. Solar collection systems may be located on accessory structures.

7. Collection systems located on an agricultural assessed property shall be permitted to have additional collection systems for each building on the property. The size of the system shall be limited to the need of the building.

8. A property owner who has installed or intends to install a solar collection system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement

and shall record the easement with the Clerk of the Court. A property owner who fails to secure an easement for the receipt of solar energy acts at his own peril and has no recourse against the person allowing or causing the obstruction of the owner's receipt of solar energy. Other property owners in the vicinity may obstruct solar energy unless a valid easement has been secured.

Section 4.26 Solar Energy Generating Systems [40]

The purpose of this section is to establish regulations to facilitate the installation and construction of Solar Energy Generating Systems as defined in Section 28A (hereinafter "SEGS") for landowners, subject to reasonable restrictions which will preserve the public health and safety.

SEGS shall be permitted as a land use as specified in Sections 3.3 and 21.32 of this ordinance. However, SEGS shall be prohibited as a use in defined Priority Preservation Areas, Rural Legacy Areas, and Antietam Overlay zones.

A. Design Standards

The following standards shall apply to the development of Solar Energy Generating Systems:

1. A property owner who has installed or intends to install a solar energy generation system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement and shall record the easement with the Clerk of the Court. A property owner who fails to secure an easement for the receipt of solar energy acts at his own peril and has no recourse against the person allowing or causing the obstruction of the owner's receipt of solar energy. Other property owners in the vicinity may obstruct solar energy collection systems unless a valid easement has been secured.
2. Solar Energy Generating Systems shall adhere to the setback, height, and coverage requirements of the district in which they are located. All above ground facilities associated with such generating system (excluding perimeter security fencing) shall be considered a structure for the purposes of determining required setbacks.
3. Minimum Lot Size. No such generating system shall be erected on any lot less than twenty acres in size.
4. Buffer Yards. The area designated as a buffer yard may include any required side, rear, or front yards. A 25 foot wide buffer yard shall be required where the adjoining lot is either zoned for or contains dwellings, hospitals, nursing homes, schools, or other institutions for human care. The buffer area shall be measured between the lot line and any area of the lot proposed for use or development and shall be screened with vegetative plantings. The plantings shall be spaced so as to create an opaque screen between the adjoining land uses at a height of no less than 10 feet at maturity. The Planning Commission may waive and/or

[40] Revision 17, Section 4.26 added 10/4/11, eff. 10/15/11 (RZ-11-003/ORD-2011-21)

modify this requirement if the strict application of the provisions of this section reduces the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot.

5. Access. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. A security fence (height and material to be established through the special use permit process) shall be placed around the perimeter of the solar energy generating system and electrical equipment shall be locked. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
6. Electrical Wires. All electrical wires associated with a Solar Energy Generating System, other than wires necessary to connect the solar generator to the off-site distribution system, the wiring to the disconnect junction box, and the grounding wires shall be located underground.
7. Lighting. All structure mounted and parking lot lighting shall be constructed so that light and glare are diffused toward the ground.
8. Appearance, Color and Finish - The solar energy collection structures shall remain painted or finished the color of finish that was originally applied by the manufacturer.
9. Signs. Signage shall comply with Article 22 Division II of this Ordinance. In addition, warning signage shall be placed on electrical equipment and generating system entrances. All sites shall be identified by means of a sign no larger than two (2) square feet in size affixed to the fence identifying the entity using the site and shall provide the telephone number of a contact person in the event of an emergency.
10. Noise. Audible sound due to Solar Energy Generating System operations shall not exceed fifty-five (55) dBA for any period of time, when measured from the property line of any adjacent property improved with a dwelling unit at the time of the issuance of the zoning certificate. The level however may be exceeded during short-term events such as utility outages and/or severe windstorms.
11. Electromagnetic Interference. The system shall be operated so that no disruptive electromagnetic interference is caused to off-site telecommunications, surveillance or other similar systems. If it has been demonstrated that a system is causing such disruptive interference, the system owner shall promptly eliminate the disruptive interference or cease operation of the system.
12. Code Compliance. A Solar Energy Generating System and all of its components shall comply with all applicable construction and electrical codes.
13. Utility notification and interconnection. Solar Energy Generating Systems that connect to the electric utility shall comply with applicable Public Service Commission regulations.
14. Public Service Commission. In accordance with the Maryland Annotated Code, Public Utilities Companies, Section 7-207.1, any property owner seeking to construct a Solar Energy Generating System and connect such system to the main power grid with the capability of transporting energy back to their main power company shall apply to the Public Service Commission (PSC) for approval and provide documentation of

such approval to Washington County prior to construction and issuance of a building permit.

15. Violations. It is unlawful for any person to construct, install, or operate a Solar Energy Generating System that is not in compliance with this section or with any condition contained in a building permit issued pursuant to this section.
16. Life of the project and final reclamation. As part of the site plan approval, a description of the decommissioning and final land reclamation plan after anticipated useful life or abandonment or termination of the project shall be required. This will include evidence of an agreement with the property owner that ensures proper final removal of power generating equipment.

B. Design Standards in Airport Zones

For the purpose of this section an Airport Zone shall mean all Euclidean and overlay districts outlined in Article 21 of this Ordinance.

Anyone planning to establish a SEGS within any Airport district should refer to the Federal Aviation Administration (FAA) guidance document FAA-ARP-TR-10-1 – *Technical Guidance for Evaluating Selected Solar Technologies on Airports*. In addition, the following design standards shall apply to installation of SEGS in any Airport Zone:

1. Solar collection devices shall be limited to photovoltaic devices only. Concentrated solar power systems are prohibited due to potential reflectivity, electromagnetic interference, and thermal plume hazards.
2. All SEGS projects located within airport zones shall be subject to review by the FAA.

ARTICLE 5 "C" CONSERVATION DISTRICT

Section 5.0 Purpose

The purpose of this District is to prescribe a zoning category for those areas where, because of natural geographic factors and existing land uses, it is considered feasible and desirable to conserve open spaces, water supply sources, woodland areas, wildlife and other natural resources. This District may include extensive steeply sloped areas, stream valleys, water supply sources, and wooded areas adjacent thereto.

The following regulations and the applicable regulations contained in other articles shall apply to the "C" Conservation District:

Section 5.1 Principal Permitted Uses[41]

(a) Agriculture, as defined in Article 28A, including animal husbandry facilities as defined in Article 28A, which shall be subject to the requirements set forth in Article 22, Division IX.

(b) Forest, forestation and wildlife preserves.

(c) Campgrounds, riding academies, golf courses, riding trails, summer or winter resort areas, hunting, fishing or country clubs, game preserves and similar uses for the purpose of preserving and enjoying the natural resources of the property, but not including marinas, boat rentals, docks, piers, or wharves.

(d) Water supply works, flood control or watershed protection works, and fish and game hatcheries.

(e) Permanent nonfarm single-family dwellings; provided that the minimum lot size shall be maintained at three (3) acres.

(f) Mobile homes; provided that the same are utilized as a single-family dwelling, and provided that the minimum lot size is three (3) acres, and further provided that said mobile home provides housing and is in compliance with the requirements of Section 22.54.

(g) Sawmills for cutting timber, provided that such use shall be located three (3) times the distance requirements specified in Section 4.9.

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[41] **Revision 2, Section 5.1(k) amended 10-17-89 (RZ-425)**
Revision 3, Section 5.1(l) added 12-12-89 (RZ-437)
Revision 7, Section 5.1(a) amended 2-8-94 (RZ-93-13).
Revision 7, Section 5.1(l) repealed 2-8-94 (RZ-93-13).
Revision 11, Section 5.1(a) amended 7-20-99 (RZ-99-03)

(h) Churches, parish houses, and other places of worship.

(i) Travel trailer parks, subject to the provisions of Section 22.52; and provided such use shall be three (3) times the distance requirements specified in Section 4.9.

(j) Public buildings, structures, and properties of the recreational, cultural, administrative, or public service-type, including fire, ambulance, or rescue services.

(k) Dairy products stores, grocery stores, produce stands, service stations, beauty parlors, and barber shops. A site plan shall be required for these uses pursuant to the standards of Section 4.11 except for all uses where the area devoted to the use is less than twenty-five hundred (2,500) square feet. Beauty parlors and barber shops in residence shall not require a site plan or any additional lot area, lot width, or setbacks over that which is required for the subject dwelling as specified in Section 5.5 or as modified in Article 23.

(l) *(Repealed 2-8-94; RZ-93-13)*

Section 5.2 Special Exceptions (Requiring Board Authorization After Public Hearing)[42]

(a) Moderate volume mineral extraction and mineral processing as defined in Article 28A, subject to the requirements of Sections 15.4, 15.5 and 25.6. Mineral processing shall be for minerals mined on the site.

(b) Public utility buildings and structures other than essential utility equipment, as defined in Article 28A.

(c) Trap, skeet, rifle, or archery range, including gun clubs; provided such use shall be five (5) times the distance requirements specified in Section 4.9.

(d) Veterinary clinics, animal hospitals, or kennels without outside runways or exercise areas.

(e) Marinas, boat rentals, docks, piers and wharves.

(f) Any other use that the Board finds is functionally similar to any principally permitted use or special exception listed in this Article. The Board shall not grant any special exception which is inconsistent with the purpose set forth for this District, nor which will materially or adversely affect the use of any adjacent or neighboring properties.

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[42] **Revision 7, Section 5.2(h) added 2/1/94 (RZ-93-12)**
Revision 11, Section 5.2(i) added 5/18/99 (RZ-99-01)

Revision 12, Section5.2(d) amended and 5.2(j) added 8/20/02 (RZ-02-002)

(g) Cemeteries, mausoleums, and memorial gardens.

(h) Senior Assisted Group Home, which home(s) shall provide daily living for elderly residents and meet all necessary approvals.

(i) Commercial Communications Towers, subject to the requirements of Section 4.22.

(j) Veterinary clinics, animal hospitals, or kennels with outside runways or exercise areas shall comply with Section 5.5. In addition, the outside runway or exercise area shall be no less than 175 feet from any dwelling, church, school or institution for human care not located on the same lot.

Section 5.3 Accessory Uses[43]

(a) Accessory buildings and uses customarily incidental to any principal permitted use or authorized special exception use.

(b) Private stables as defined in Article 28A shall be subject to the requirements set forth in Article 4, Section 4.13.

Section 5.4 Height Regulations

Except on farms and except as provided in Section 23.4, no buildings or structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet.

Section 5.5 Lot Area, Lot Width, and Yard Requirements[44] [45]

The following minimum requirements shall apply except as hereinafter modified in Article 23.

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[43] **Revision 11, Section 5.3(b) amended 7/20/99 (RZ-99-03)**

[44] **Revision 11, Section 5.5 amended 7/20/99 (RZ-99-03)**

[45] **Revision 12, Section 5.5 amended 8/20/02 (RZ-02-002)**

	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
Dwellings	3 acres	300 ft.	50 ft.	50 ft.	50 ft.
Mobile Homes	3 acres	300 ft.	50 ft.	50 ft.	50 ft.
Other Uses 3 acres	300 ft.	50 ft.	50 ft.	50 ft.	

Veterinary clinics, animal hospitals, or kennels without outside runways or exercise areas, including the dwelling.

Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
3 acres	300 ft.	50 ft.	50 ft.	50 ft.

Veterinary clinics, animal hospitals, or kennels with outside runways or exercise areas, including the dwelling. (See also section 5.2(j)).

Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
4 acres	300 ft.	50 ft.	50 ft.	50 ft.

[Except Section 5.2(e), (i)]

ARTICLE 5A – "A(R)" AGRICULTURAL (RURAL) DISTRICT[46]

Section 5A.0 Purpose

The purpose of this district is to provide for continued farming activity and the many uses that do not require public water and sewerage facilities and which may be more suitably located outside of the urban-type growth of the larger communities of the County. The Agricultural zoning district has been purposely drawn to enclose large blocks of the best soils for intensive agricultural production as well as gently rolling topography for farming. Most of the operating farms as well as the largest block of farmland preserved through the Agricultural Preservation Program is located in this area.

Section 5A.1 Principal Permitted Uses and Accessory Uses

See the Table of Land Uses [Section 3.3, Table No. 3.3(1)]

Section 5A.2 Special Exceptions

See the Table of Land Uses [Table No. 3.3(1)] and any other use the Board of Appeals finds is functionally similar to any permitted use or special exception listed in the table for this district. The Board of Appeals shall not grant any special exception that is inconsistent with the purpose set forth for this district.

Section 5A.3 Criteria

The maximum density in the Agricultural zoning district shall be one (1) dwelling unit per five (5) acres of land owned minus the lot area taken off under Section 5A.4.

Section 5A.4 Exemptions

(a) Each parcel of land of sufficient size as of October 29, 2002 shall be permitted to subdivide up to three (3) lots, which may be increased to a maximum of five (5) lots based on a sliding scale of one additional lot for each fifty (50) acres of land. The minimum lot size shall be the minimum lot size for the zoning of the property prior to the effective date of this amendment. Additional lots permitted under the zone will then be calculated on the remaining acreage based on one lot for every five acres.

(b) Additional exemptions are available for the preservation of historic properties listed on the County Inventory of Historic Sites, the National Register of Historic Places or the Maryland Historical Trust's Inventory of Historic Sites. A lot may be created around the existing historic site/structure along with two additional lots on the original parcel upon the owner requesting and the Board of County Commissioners approving the placement of an "HP" Historic Preservation District Overlay designation on the lot with the historical site or structure.

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[46] **Revision 14, Article 5A added 7/26/05 (RZ-03-005)**

Section 5A.5 Residential Lot Size and Bulk Dimensions[47]

	Lot Area	Lot Width	Lot Area/Family	Front Yard	Side Yard	Rear Yard	Height
Dwelling, Single Family	40,000 sq. ft.	100 ft.	40,000 sq. ft.	40 ft in.	15 ft.	50 ft.	40 ft.
Dwelling, Two-Family	40,000 sq. ft.	100 ft.	20,000 sq. ft.	40 ft.	15 ft.	50 ft.	40 ft.
Dwelling, Semi-Detached**	20,000 sq. ft.	50 ft.	20,000 sq. ft.	40 ft.	15 ft.	50 ft.	40 ft.

** Semi-detached dwellings are special exception uses in this district and require Board of Zoning Appeals approval.

Section 5A.6 Non-Residential Lot Size and Bulk Dimensions (not covered in Rural Business)[48]

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
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.

Section 5A.7 Special Provisions[49]

1. New development adjacent to existing Industrial Mineral (IM) zoning districts shall have a setback of 200 feet from all shared property lines.
2. Developments opting to use the clustering provision outlined in Article 22, Division VIII of this Ordinance may reduce side yard setbacks to a minimum of 15 feet from adjacent property lines created by the new development.
3. Development that occurs within the Airport Overlay Area as designated in the Comprehensive Plan shall have a density requirement of one (1) dwelling unit per fifty (50) acres of land owned. No lots under Section 5A.4 shall be permitted in the Airport Overlay Area.
4. Side yard setbacks for residential use lots shall be a minimum of 50 ft. for lots five (5) acres or greater in size.

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47 **Revision 16, Section 5A.5 amended 8/4/09 (RZ-09-001)**

48 **Revision 15, Section 5A.6 amended 9/19/06 (RZ-06-007)**

49 **Revision 16, Section 5A.7 amended 8/4/09 (RZ-09-001)**

5. Side yard setbacks for residential use lots that are contiguous to parcels with permanent easements or parcels in areas designated as priority agricultural preservation areas or transferable development rights sending areas shall have minimum setbacks of 50 feet.
6. The Planning Commission may increase minimum setbacks up to 50 feet for properties adjacent to parcels that are being actively farmed or parcels with an Agricultural district designation.

ARTICLE 5B – "EC" ENVIRONMENTAL CONSERVATION DISTRICT[50]

Section 5B.0 Purpose

The purpose of this district is to prescribe a zoning category for those areas where, because of natural geographic factors and existing land uses, it is considered feasible and desirable to conserve open spaces, water supply sources, woodland areas, wildlife and other natural resources. This district may include extensive steeply sloped areas, stream valleys, water supply sources, and wooded areas adjacent thereto.

Section 5B.1 Principal Permitted Uses and Accessory Uses

See the Table of Land Uses [Section 3.3, Table No. 3.3(1)]

Section 5B.2 Special Exceptions

See the Table of Land Uses [Table No. 3.3(1)] and any use the Board of Appeals finds is functionally similar to any permitted use or special exception listed in the table for this district. The Board of Appeals shall not grant any special exception that is inconsistent with the purpose set forth for this district.

Section 5B.3 Criteria

The maximum density in the Environmental Conservation zoning district shall be one (1) dwelling unit per twenty (20) acres of land owned minus the lot area taken off under Section 5B.4.

Section 5B.4 Exemptions

(a) Each parcel of land of sufficient size as of October 29, 2002 shall be permitted to subdivide up to three (3) lots, which may be increased to a maximum of five (5) lots based on a sliding scale of one additional lot for each fifty (50) acres of land. The minimum lot size shall be the minimum lot size for the zoning of the property prior to the effective date of this amendment. Additional lots permitted under the zone will then be calculated on the remaining acreage based on one lot for every twenty acres.

(b) Additional exemptions are available for the preservation of historic properties listed on the County Inventory of Historic Sites, the National Register of Historic Places or the Maryland Historical Trust's Inventory of Historic Sites. A lot may be created around the existing historic site/structure along with two additional lots on the original parcel upon the owner requesting and the Board of County Commissioners approving the placement of an "HP" Historic Preservation District Overlay designation on the lot with the historical site or structure.

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[50] **Revision 14, Article 5B added 7/26/05 (RZ-03-005)**

Section 5B.5 Residential Lot Size and Bulk Dimensions[51]

	Lot Area	Lot Width	Lot Area/Family	Front Yard	Side Yard	Rear Yard	Height
Dwelling, Single Family	40,000 sq. ft.	100 ft.	40,000 sq. ft.	40 ft.	15 ft.	50 ft.	40 ft.
Dwelling, Two-Family	40,000 sq. ft.	100 ft.	20,000 sq. ft.	40 ft.	15 ft.	50 ft.	40 ft.
Dwelling, Semi-Detached**	20,000 sq. ft.	50 ft.	20,000 sq. ft.	40 ft.	15 ft.	50 ft.	40 ft.

** Semi-detached dwellings are special exception uses in this district and require Board of Zoning Appeals approval.

Section 5B.6 Non-Residential Lots Size and Bulk Dimensions (not covered in Rural Business)[52]

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
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.

Section 5B.7 Special Provisions[53]

1. New development adjacent to existing Industrial Mineral (IM) zoning districts shall have a setback of 200 feet from all shared property lines.

2. Developments opting to use the clustering provision outlined in Article 22, Division VIII of this Ordinance may reduce side yard setbacks to a minimum of 15 feet from adjacent property lines created by the new development.

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51 **Revision 16, Section 5B.5 amended 8/4/09 (RZ-09-001)**

52 **Revision 15, Section 5B.6 amended 9/19/06 (RZ-06-007)**

53 **Revision 16, Section 5B.7 amended 8/4/09 (RZ-09-001)**

3. Side yard setbacks for residential use lots shall be a minimum of 50 ft. for lots twenty (20) acres or greater in size.

4. Side yard setbacks for residential use lots that are contiguous to parcels with permanent easements or parcels in areas designated as priority agricultural preservation areas or transferable development rights sending areas shall have minimum setbacks of 50 feet.

5. The Planning Commission may increase minimum setbacks up to 50 feet for properties adjacent to parcels that are being actively farmed or parcels with an Agricultural district designation.

ARTICLE 5C – "P" PRESERVATION DISTRICT[54]

Section 5C.0 Purpose

The purpose of this district is to prescribe a zoning category for those areas where, because of natural geographic factors and existing land uses, it is considered feasible and desirable to conserve open spaces, water supply sources, woodland areas, wildlife and other natural resources. This district includes the County's designated Rural Legacy Area, federal lands, state parks, state wildlife management areas, county parks, Edgemont Watershed, and most of the mountaintops and the Potomac River.

Section 5C.1 Principal Permitted Uses and Accessory Uses

See the Table of Land Uses [Section 3.3, Table No. 3.3(1)]

Section 5C.2 Special Exceptions

See the Table of Land Uses [Table No. 3.3(1)] and any other use the Board of Appeals finds is functionally similar to any permitted use or special exception listed in the table for this district. The Board of Appeals shall not grant any special exception that is inconsistent with the purpose set forth for this district.

Section 5C.3 Criteria

The maximum density in the Preservation zoning district shall be one (1) dwelling unit per thirty (30) acres of land owned minus the lot area taken off under section 5C.4.

Section 5C.4 Exemptions

(a) Each parcel of land of sufficient size as of October 29, 2002, shall be permitted to subdivide up to three (3) lots, which may be increased to five (5) lots based on a sliding scale of one additional lot for each fifty (50) acres of land. The minimum lot size shall be the minimum lot size for the zoning of the property prior to the effective date of this amendment. Additional lots permitted under the zone will then be calculated on the remaining acreage based on one lot for every thirty (30) acres.

(b) Additional exemptions are available for the preservation of historic properties listed on the County Inventory of Historic Sites, the National Register of Historic Places or the Maryland Historical Trust's Inventory of Historic Sites. A lot may be created around the existing historic site/structure along with two additional lots on the original parcel upon the owner requesting and the Board of County Commissioners approving the placement of an "HP" Historic Preservation District Overlay designation on the lot with the historical site or structure.

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[54] **Revision 14, Article 5C added 7/26/05 (RZ-03-005)**

Section 5C.5 Residential Lot Size and Bulk Dimensions[55]

	Lot Area	Lot Width	Lot Area/Family	Front Yard	Side Yard	Rear Yard	Height
Dwelling, Single Family	40,000 sq. ft.	100 ft.	40,000 sq. ft.	40 ft.	15 ft.	50 ft.	40 ft.
Dwelling, Two-Family	40,000 sq. ft.	100 ft.	20,000 sq. ft.	40 ft.	15 ft.	50 ft.	40 ft.
Dwelling, Semi-Detached**	20,000 sq. ft.	50 ft.	20,000 sq. ft.	40 ft.	15 ft.	50 ft.	40 ft.

** Semi-detached dwellings are special exception uses in this district and require Board of Zoning Appeals approval

Section 5C.6 Non-Residential Lot Size and Bulk Dimensions (not covered in Rural Business)[56]

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
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.

Section 5C.7 Special Provisions[57]

1. New development adjacent to existing Industrial Mineral (IM) zoning district shall have a setback of 200 feet from all shared property lines.

2. Developments opting to use the clustering provision outlined in Article 22 Division VIII of this Ordinance may reduce side yard setbacks to a minimum of 15 feet from adjacent property lines created by the new development.

3. Side yard setbacks for residential use lots shall be minimum of 50 ft. for lots thirty (30) acres or greater in size.

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55 **Revision 16, Section 5C.5 amended 8/4/09 (RZ-09-001)**

56 **Revision 15, Section 5C.6 amended 9/19/06 (RZ-06-007)**

57 **Revision 16, Section 5C.7 amended 8/4/09 (RZ-09-001)**

4. Side yard setbacks for residential use lots that are contiguous to parcels with permanent easements or parcels in areas designated as priority agricultural preservation areas or transferable development rights sending areas shall have minimum setbacks of 50 feet.

5. The Planning Commission may increase minimum setbacks up to 50 feet for properties adjacent to parcels that are being actively farmed or parcels with an Agricultural district designation.

ARTICLE 5D – "RV" RURAL VILLAGE DISTRICT[58]

Section 5D.0 Purpose

The Rural Village designation is provided to preserve the unique historic or rural character of existing villages by encouraging compatible development within a defined village boundary. It also identifies clusters of existing development in the rural areas that may be candidates for public facilities in the future. The zone intends for permitted development to be generally of a similar density, scale and use type and mixture as that which exists in the village. The zone is also designed to prevent large amounts or inappropriately scaled development or uses that would detract from the existing rural or historic character of the village. It is expected that development will be residential and a limited amount of mixed rural services. More than one use may be permitted on one parcel in accordance with specific guidelines. Public water and sewer may be available for the purpose of resolving or preventing health issues. Use of public utilities to permit greater density than the density specified in this section is not permitted.

Section 5D.1 Principal Permitted Uses and Accessory Uses

See the Table of Land Uses [Section 3.3, Table No. 3.3(1)]. More than one use may be permitted in the same structure.

Section 5D.2 Special Exceptions

See the Table of Land Uses [Table No. 3.3(1)] and any other use the Board of Appeals finds is functionally similar to any permitted use or special exception listed in the Article. The Board of Appeals shall not grant any special exception that is inconsistent with the purpose set forth for this district.

Section 5D.3 Dimensional Requirements

(a) RESIDENTIAL USES

1. LOT SIZE: Minimum 40,000 square feet without public water and sewer
   Minimum 30,000 square feet when public water or sewer are used
   Minimum 20,000 square feet when public water and sewer are used

2. FRONT SETBACKS: 25 feet from the edge of the existing or future public right of way. When there is existing residential development on one side, the front setback may be equal to the existing setback. When there is existing residential development on both sides, the front setback may be equal to the average of the two existing setbacks. In no case may the front setback be less than 10 feet from the edge of the existing or future right of way.

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[58] **Revision 14, Article 5D added 7/26/05 (RZ-03-005)**

3. SIDE YARD SETBACKS: Side yard setbacks shall not be less than 8 feet[59]

4. REAR YARD SETBACKS: Rear yard setbacks shall not be less than 25 feet.

5. HEIGHT: No residential structure shall exceed 35 feet in height

6. PARKING - Each dwelling unit shall be provided a minimum of two off street vehicle parking spaces, each 9 feet by 20 feet in size. Parking shall not be located on any existing or future public right of way.

(b) NON RESIDENTIAL USES (that are not subject to the Rural Business district)

1. LOT SIZE: There is no minimum lot size requirement for non-residential uses. There shall be sufficient lot area to accommodate all other design requirements such as on-site water and sewer requirements, building setbacks, buffers, landscaping, parking, signage, refuse disposal, material storage and any other zoning requirements.

2. FRONT SETBACK: Front setback requirements are the same as for residential development. Required parking may be permitted in the front setback; however, parking may not consume more than 60% of the front yard. Parking shall not be closer than 5 feet to the front property line or any existing or future right of way.

3. SIDE YARD SETBACKS: Side yard setbacks shall be the same as for residential development. Where residential development is located on the adjacent parcel the setback shall be no less than 10 feet. A screening buffer shall be provided to screen the non-residential use.

   The screening buffer shall consist of trees that are a minimum of 8 feet in height and 2 inch caliber at the time of planting. Trees shall be planted at a maximum of 10 feet apart along the length of the area to be screened but shall not be planted to obstruct sight distance at vehicular access points. Shrubs may be required to supplement trees to create an opaque screen. Shrubs may be used in place of trees if they can be shown to provide the required screening effect. Screening may also be provided by a solid fence or a combination of planting and fences.

4. REAR YARD SETBACKS: Rear yard setbacks shall not be less than 25 feet. Where adjacent parcels contain residential uses, a solid screening buffer shall be provided according to the guidelines noted in Paragraph 3 above.

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[59] **Revision 16, Section 5D.3(a)3. amended 8/4/09 (RZ-09-001)**

(c) MIXED USES

1. More than one principal permitted use may be permitted on a parcel or in a structure in accordance with the following guidelines.

   a. When more than one principal use occupies the same structure and there are minimum lot areas specified for each use in this section, the minimum lot area shall be the greater of the two minimums permitted plus 10%.

   b. Where residential and non-residential uses occupy the same structure all other zoning requirements for the non-residential use such as parking, setbacks, screening, etc., must be accommodated on the site. In addition to the lot area determined necessary for the non-residential use, one-half of the minimum lot area specified for the residential use shall also be provided.

   c. Parking shall be provided at the rate specified in Article 22, Division I for the non-residential use plus a minimum of two spaces for each residential unit.[60]

   d. Signage shall be limited to one free standing sign structure, which may contain separate signs for each of the multiple uses on the site. One building mounted sign for each use, limited to 10 square feet is also permitted

   e. Outside material storage areas including refuse or recycling containers shall be screened.

   f. All building mounted and parking lot lighting shall be constructed so that light and glare are diffused toward the ground.

2. SETBACKS – Where more than one use occupies a parcel or structure the greater of the two required front, rear and side yard setbacks shall be provided. Where adjacent parcels contain residential uses, a solid screening buffer shall be provided according to the guidelines contained at Section 5D.3(b)3 above.

Section 5D.4 Special Provisions

When 50% or more of the existing parcels within the boundary of the Rural Village contain special amenities such as, but not necessarily limited to, sidewalks, fences, street lighting, etc., and the amenity exists on any one adjacent parcels, new

[60] Revision 17, Section 5D.3(c) amended and eff. 2/26/13 (RZ-12-004) (ORD-2013-03)

development shall provide continuation of the amenity of a size, style and number consistent with the existing amenities.

Section 5D.5 Architectural Review

It is the intention of the Rural Village designation to promote new development that is consistent in type, scale and appearance with existing development in the village.

(a) In Rural Villages that are identified in Washington County's Historic Sites Inventory, individual parcels identified in the same inventory when the village is not identified, properties listed in Maryland's Inventory of Historic Places or properties listed in the National Register of Historic Places, the exterior appearance of new construction that requires a building permit, except buildings of 100 square feet or less, shall be subject to review and approval or disapproval by the Washington County Historic District Commission. The Historic District Commission shall use the adopted review guidelines as provided in Article 20 of the Zoning Ordinance.

1. In addition to the adopted guidelines the Historic District Commission shall give consideration to the following in its determination of appropriate exterior appearance of new construction in the Rural Village district.

a. the exterior appearance of existing structures in the Rural Village including materials, style, arrangement of doors and windows, mass, height and number of stories, roof style and pitch, proportion.
b. Building size and orientation
c. landscaping
d. signage
e. lighting
f. setbacks
g. accessory structures

(b) All applications for new construction, except buildings of 100 square feet or less, shall provide accurately scaled and detailed elevation drawings of all sides of the structure for review as part of the building permit or site plan review, whichever is first applicable.

(c) As other Rural Villages or individual properties within the Rural Village district are evaluated to determine their historic significance according to Maryland Historical Trust guidelines and are added to the Maryland Inventory of Historic Properties, Washington County's Inventory of Historic Properties or the National Register of Historic Places, the exterior appearance of those structures shall also become subject to the review and approval or disapproval of the Historic District Commission.

The requirement for Historic District Commission review of exterior appearance in Rural Villages added after original adoption of this

Ordinance shall apply only after a public hearing during which the affected property owners have had the opportunity to provide input.

Section 5D.6 Cluster Provisions and the Rural Village

New development utilizing cluster design guidelines outside of the Rural Village district but within 1,000 feet of the district boundary shall be subject to Planning Commission review. The Planning Commission may require placement of clustered lots adjacent to the boundary of the Rural Village district.

ARTICLE 5E – "RB-E" RURAL BUSINESS EXISTING DISTRICT[61]

Section 5E.0 Purpose

The "RB-E" Rural Business Existing District is established to permit the continuation of businesses that support the agricultural industry and farming community, serve the needs of the rural residential population, provide for recreation and tourism opportunities, as well as establishing locations for businesses and facilities not otherwise permitted under the other rural zoning classifications. The Rural Business Existing District is established as a "Euclidean Zone". RB-E Districts are located only on identified existing rural business sites. Performance-based criteria will be utilized to evaluate changes in land use or expansions to assess impact and may require reestablishment of a proposed rural business land use or expansion through the RB-N (Rural Business New) floating zone rezoning process.

Section 5E.1 Principal Permitted Uses and Accessory Uses

See the Table of Land Uses [Section 3.3, Table No. 3.3(1)] for identification of principal and accessory uses permitted in the RB-E District. Those uses listed under the RB (Rural Business) designation shall be applicable to the RB-E District.

Section 5E.2 Criteria

Businesses in the rural area existing at the time of adoption of these regulations and which are listed on the Table of Land Uses [Table No. 3.3(1)] shall be designated on the Washington County Zoning Map, as RB-E or Rural Business Existing Districts. Businesses with this designation need not take any action to continue operation. Such existing uses are viewed as compatible with the character of the rural area and their continued operation is deemed consistent with the policies of the Comprehensive Plan.

Requests for changes in land use or business expansions for parcels or sites zoned RB-E may generate a requirement to reconstitute the RB-E District under the provisions for the RB-N District. The evaluation process to make this determination is identified under Section 5, "Changes in Land Use" under this Article.

Existing business not listed on the Table of Land Uses [Table No. 3.3(1)] may continue as "Non-Conforming Uses" in accordance with the Non-Conforming Use Regulations under the Zoning Ordinance, or as a "Resident Business" or "Home Occupation" under Agricultural, Environmental Conservation, Preservation or Rural Village Zoning District designations.

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61. **Revision 14, Article 5E added 7/26/05 (RZ-03-005)**

Section 5E.3 Lot Size and Bulk Regulations[62]

(a) Lot Size:
Minimum 40,000 Sq. Ft. without Public Water and Sewer Service.

(b) Front Yard Building Setback:
40 Feet from a Minor Collector or Local Public Road ROW.
50 feet from a Major Collector or Arterial Public Road ROW

(c) Side or Rear Yard Building Setbacks:
100 Feet from a property zoned for or occupied by a Residential Land Use;
25 Feet from a property zoned for or occupied by a Non-Residential Land Use.

(d) Structure Height: 35 Feet

(e) Lot Coverage: Maximum 65 %

Parking and access aisles are permitted in the front yard setback area. Parking and access aisles are permitted in the side and rear yard setback areas only when abutting a property with a non-residential land use.

Section 5E.4 Changes in Land

Because of the sensitive nature of much of the land in the rural area of the County, as well as limited infrastructure to support different intensities of development; changes in land use permitted under the Rural Business Existing District designation may generate impacts or compatibility issues when a new or expanded use is proposed for a parcel designated as RB-E as part of the comprehensive rezoning process.

In order to better identify potential conflicts and establish procedures that can address environmental sensitivity, infrastructure availability and/or land use compatibility issues, the following performance criteria shall be applied for each proposed land use change or expansion of an existing land use associated with an RB-E District designation.

Where a proposed change in use or expansion exceeds the threshold value for three (3) or more of the following criteria, the proposed change in use or expansion shall be required to be approved through the floating zone rezoning process for creation of a new rural business district under the RB-N (Rural Business New District) regulations.

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[62] **Revision 15, Section 5E.3(c) amended 9/19/06 (RZ-06-007)**

Where the proposed change in land us or expansion exceeds fewer than three (3) threshold values then approval of a site plan in accordance with standard development review practices shall be the only requirement.

Evaluation Criteria:

(a) Land Use Intensity: Where the proposed land use intensity relationship between the existing land use and the proposed land use shows an increase on the following chart then it shall be considered exceeding the threshold value.

Land Use	Existing Land Use Intensity LOW	Existing Land Use Intensity MODERATE	Existing Land Use Intensity HIGH
Proposed Land Use Intensity Low	3	2	1
Proposed Land Use Intensity Moderate	4	3	2
Proposed Land Use Intensity HIGH	5	4	3

(b) Site Area: Where the proposed expansion or change in use increases the site area proposed for development or use by 50% or more it shall be considered as exceeding the threshold value. A site where the total amount of area specified for development is less than 2 acres shall be exempt from evaluation under these criteria.

(c) Building Area: Where the proposed expansion or change in use increases the building area occupied by the business by 50% or more it shall be considered as exceeding the threshold value. A site where the total amount of area specified for a building or buildings is less than 5,000 square feet shall be exempt from evaluation under these criteria.

(d) Parking: Where the proposed expansion or change in use increases the number of required parking spaces by 50% or more it shall be considered as exceeding the threshold value. A site where the total number of parking spaces specified is 10 or fewer shall be exempt from evaluation under this criterion.

Hours of operation: Where the proposed expansion or change in use generates operational hours is in excess of the following it shall be considered exceeding the threshold value.

Non-Retail	7.00 a.m. to 7:00 p.m. – weekdays only.
Retail	7:00 a.m. to 9:00 p.m. – any day of the week

Traffic Volume: Where the proposed expansion or change in use increases the traffic volume by 50% or more based on peak hour trips it shall be considered exceeding the threshold value. Businesses generating fewer than 25 peak hour trips shall be exempt from evaluation under these criteria.

Section 5E. 5 Special Provisions

(a) There are no special exception uses for the RB-E District.

(b) Variances from any bulk area requirement would be addressed through the Board of Appeals. As an incentive, variance requests relating to requirements for bulk regulations, parking requirements, landscaping, and screening should be given preference when related to reuse or rehabilitation of existing buildings.

(c) Any proposed building should be of a scale and architectural design compatible with adjacent buildings and land uses. Compatibility shall be defined as consistency with a majority of the site and major architectural elements (including signage) of the portions of structures or land uses visible to the public within a 1,000-foot radius of the building or site location. Specific criteria to be used for determination of compatibility shall include: building design and orientation, exterior construction materials, signage, landscaping, and parking.

(d) Additional buffering, screening or landscaping may be required when the RB-E District abuts a Historic Preservation Overlay Area or is located along a designated scenic highway.

(e) Signage shall be limited to one freestanding sign and one building mounted sign for each approved use identified on an application. No off premise business signs shall be approved for location on an RB-E site.

(f) All building mounted or parking lot lighting shall be constructed so that light and glare are defused toward the ground.

(g) Trash, refuse or recycling receptacles shall be screened from public view through the use of fencing or landscaping.

(h) Outside storage of materials is limited to those areas on a site plan designated for such storage. Additional screening may be required when outside storage is proposed.

(i) Screening between a residential land use and a proposed RB-E district shall consist of tree species that shall be a minimum of eight (8) feet overall in height and two (2) inch caliber at the time of planting. Trees shall be placed at a maximum of 10-foot intervals along the perimeter of the boundary to be screened except for areas that would restrict sight distance from the access points to the site. Shrubs may be required to supplement tree plantings to create an opaque screen. Shrubs may be used in place of trees if they can be shown to create the same overall screening effect. Perimeter screening in the form of a solid fence or a combination of a solid fence and vegetation may be used to meet the screening requirement.

ARTICLE 5F – "RB-N" RURAL BUSINESS NEW DISTRICT[63]

Section 5F.0 Purpose

The “RB-N” Rural Business New District is established to permit the development of businesses that support the agricultural industry and farming community, serve the needs of the rural residential population, provide for recreation and tourism opportunities, as well as establishing locations for businesses and facilities not otherwise permitted in the rural areas of the County. The Rural Business New District is established as a “floating zone” which may be located on any parcel in an Agricultural, Environmental Conservation, Preservation or Rural Village Zoning District.

Section 5F.1 Principal Permitted Uses and Accessory Uses

See the Table of Land Uses [Section 3.3, Table No. 3.3(1) for identification of principal and accessory uses permitted in the RB-N District. Those uses listed under the RB (Rural Business) designation shall be applicable to the RB-N District.

Section 5F.2 Special Exceptions

See the Table of Land Uses [Table No. 3.3(1) and any other use the Board of Appeals finds is functionally similar to any permitted use or special exception listed in the Article. The Board of Appeals shall not grant any special exception that is inconsistent with the purpose set for the district.

Section 5F.3 Criteria

The RB-N District may be established at a particular location if the following criteria are met:

(a) The proposed RB-N District is not within any designated growth area identified in the Washington County Comprehensive Plan.

(b) The proposed RB-N District has safe and usable road access on a road that meets the standards under the “Policy for Determining Adequacy of Existing Roads.” In addition, a traffic study may be required where the proposed business, activity or facility generates 25 or more peak hour trips or where 40% of the estimated vehicle trips are anticipated to be commercial truck traffic.

(c) On site issues relating to sewage disposal, water supply, stormwater management, flood plains, etc. can be adequately addressed.

(d) The location of an RB-N District would not be incompatible with existing land uses, cultural or historic resources, or agricultural preservation efforts in the vicinity of the site.

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[63] **Revision 14, Article 5F added 7/26/05 (RZ-03-005)**

Section 5F.4 Lot Size and Bulk Regulations:[64]

(a) Lot Size:
Minimum 40,000 Sq. Ft. without Public Water and Sewer Service.

(b) Front Yard Building Setback:
40 Feet from a Minor Collector or Local Public Road ROW.
50 feet from a Major Collector or Arterial Public Road ROW

(c) Side or Rear Yard Building Setbacks:
100 Feet from a property zoned for or occupied by a Residential Land Use;
25 Feet from a property zoned for or occupied by a Non-Residential Land Use.

(d) Structure Height: 35 Feet

(e) Lot Coverage: Maximum 65 %

Parking and access aisles are permitted in the front yard setback area. Parking and access aisles are permitted in the side and rear yard setback areas only when abutting a property with a non-residential land use.

Section 5F.5 Procedure for Creation of a RB-N District

(a) The owner of an interest in a tract of land in Washington County may apply to the Board of County Commissioners to designate the property with a "RB-N" Rural Business New floating zone designation. The application shall include:

1. A Rezoning Application Form with a location map.

2. A location map and boundary identification of the property covered by the application.

3. A Preliminary Site Plan Showing:

a. Information identifying: the owners of the property and contract purchaser if appropriate, current zoning designation, proposed use(s) for the site, the estimated number of employees, hours of operation, anticipated trip generation to/from the site, and land uses within 1,000 feet of the site.

b. Identification of: existing topography, 100 year floodplain areas, forested areas, wetlands, endangered species areas, and historical or culturally significant features on or abutting the site.

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[64] **Revision 15, Section 5F.4(c) amended 9/19/06 (RZ-06-007)**

c. The general location of proposed points of ingress and egress to the site.

d. The location of any existing or proposed buildings on the site and the location of building setback lines.

e. The general location of any existing or proposed well and septic system areas or public water and/or sewer lines if available.

f. The general areas to be dedicated for parking including the number of spaces to be provided.

g. The general location of landscaped areas including proposed screen plantings and any proposed on site forest mitigation areas.

h. The general location of storm water management facilities and an estimate of the amount of impervious area for the site.

i. The general location of proposed signage and lighting.

j. A sketch or rendering of any proposed new structures with information on scale, exterior finished and signage.

(b) The application shall be reviewed at rezoning public hearing(s) of the Planning Commission and the Board of Commissioners. The Planning Staff will provide a staff report on the proposed rezoning request and the applicant will have an opportunity to present his case. Public testimony will be taken at the public hearing.

(c) After the public hearing, the Planning Commission shall make a recommendation to the Board of County Commissioners based on the following:

(i) The proposed district will accomplish the purpose of the RB-N District;

(ii) The proposed site development meets criteria identified in Section 5F.3 of this Article;

(iii) The roads providing access to the site are appropriate for serving the business related traffic generated by the proposed RB land use;

(iv) Adequate sight distance along roads can be provided at proposed points of access to the site;

(v) The proposed landscaped areas can provide adequate buffering of the proposed RB land use from existing land uses in the vicinity.

(vi) The proposed land use is not of a scale, intensity or character that would be incompatible with adjacent land uses or structures.

(d) Based on the recommendation of the Planning Commission, staff reports and testimony provided at the public hearing, the Board of County Commissioners will either approve or deny the application request. The Board of County Commissioners may approve the application with stipulation of conditions to be addressed at the time of final site plan approval. Approval of the RB-N District shall only be for the use(s) identified on the application and preliminary site plan. Approval of the application to create an RB-N District shall cover only that portion of a parcel or lot identified in the application.

(e) After approval by the Board of County Commissioners, a final site plan prepared in accordance with Article 4, Section 4.11 shall be submitted for approval by the Planning Commission or Planning Staff if so designated. Minor modifications to approved use(s) or an accessory use(s) or to the preliminary approved site plan may be approved by the Planning Commission.

(f) Approval of a site plan by the Planning Commission shall entitle the applicant to apply for a building permit in accordance with the rules and regulations for issuance of a building permit.

Section 5F.6 Special Provisions

(a) Once an initial site plan has been approved for an RB-N District, changes in land use or development expansions shall be handled through the procedures for an RB-E District (Rural Business Existing District).

(b) As an incentive, preference in creation of a new rural business districts (RB-N) shall be given to those applicants who incorporate the reuse or rehabilitation of existing buildings in the rural area.

(c) Any proposed building should be of a scale and architectural design compatible with adjacent buildings and land uses. Compatibility shall be defined as consistency with a majority of the site and major architectural elements (including signage) of the portions of structures or land uses visible to the public within a 1,000-foot radius of the proposed RB-N district. Specific criteria to be used for determination of compatibility shall include: building design and orientation, exterior construction materials, signage, landscaping, and parking.

(d) Additional buffering, screening or landscaping or other like elements may be required when the proposed RB-N District abuts a Historic

Preservation Overlay Area or is located along a designated scenic highway.

(e) Signage shall be limited to one freestanding sign and one building mounted sign for each approved use identified on an application. No off premise signs shall be approved through this rezoning process.

(f) All building mounted or parking lot lighting shall be constructed so that light and glare are defused toward the ground.

(g) Trash, refuse or recycling receptacles shall be screened from public view through the use of fencing or landscaping.

(h) Outside storage of materials is limited to those areas on a site plan designated for such storage. Additional screening may be required when outside storage is proposed.

(i) Screening between a residential land use and a proposed RB-N district shall consist of tree species that shall be a minimum of eight (8) feet overall in height and two (2) inch caliber at the time of planting. Trees shall be placed at a maximum of 10-foot intervals along the perimeter of the boundary to be screened except for areas that would restrict sight distance from the access points to the site. Shrubs may be required to supplement tree plants to create an opaque screen. Shrubs may be used in place of trees if they can be shown to create the same overall screening effect. Perimeter screening in the form of a solid fence or a combination of a solid fence and vegetation may be used to meet the screening requirement.

ARTICLE 6 "A" AGRICULTURAL DISTRICT

Section 6.0 Purpose

The purpose of this District is to provide for continued farming activity and the many uses which do not require public water and sewerage facilities and which may be more suitably located outside of the urban-type growth of the larger communities of the County. While several smaller communities may appear in this District, it comprises, generally, for the most part, the rural portions of the County.

The following regulations and the applicable regulations contained in other articles shall apply in the "A" Agricultural District.

Section 6.1 Principal Permitted Uses[65]

(a) Agriculture, as defined in Article 28A, including commercial nurseries, greenhouses; and animal husbandry facilities as defined in Article 28A which shall be subject to the requirements set forth in Article 22, Division IX.

(aa) *(Repealed, 2-8-94; RZ-93-13)*

(b) Churches, parish houses, and other places of worship.

(c) Circus, carnival or similar transient enterprise; provided, that such use shall not exceed ten (10) days at any one time, and which does not include any permanent structure.

(d) Dwellings, single-family, two-family and semi-detached.

(e) Mobile homes; provided that the same are utilized as a single-family dwelling, and provided that the minimum lot size is forty thousand (40,000) square feet, and further provided that said mobile home provides housing and is in compliance with the requirements of Section 22.54.

(f) [deleted]

(g) Recreation areas and centers, including country clubs, swimming pools, golf courses, summer camps.

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[65] **Revision 2, Sections 6.1(w) and 6.1(x) amended 10/17/99 (RZ-426)**
Revision 3, Section 6.1(u) deleted 8/8/89 (RZ-412 - Remand)
Revision 3, Section 6.1(aa) added 12/12/89 (RZ-437)
Revision 7, Section 6.1(a) amended and Section 6.1(aa) repealed 2/8/94 (RZ-93-13)
Revision 11, Section 6.1(aa) added 5/19/98 (RZ-98-07)
Revision 12, Section 6.1(p) amended 8/20/02 (RZ-02-002)
Revision 15, Section 6.1(f) deleted 7/11/06 (RZ-06-010)

(h) Forests and wildlife preserves, fish hatcheries and similar conservation areas.

(i) Retirement and nursing homes.

(j) Riding academies, livery stables, subject to the distance requirements specified in Section 4.9.

(k) Research laboratories dealing specifically in the field of agriculture.

(l) Sawmills for cutting timber; provided, that such use shall be located three (3) times the distance requirement specified in Section 4.9.

(m) Schools and colleges, including nursery schools or day care centers. (See Section 23.1(g))

(n) Public buildings, structures, and properties of the recreational, cultural, or public service-type, including fire, ambulance or rescue services.

(o) Temporary buildings may be used incidental to construction work upon compliance with the requirements of the Health Department, but shall be removed upon completion or abandonment of the construction work.

(p) Veterinary clinics, animal hospitals, or kennels without outside runways or exercise areas.

(q) Wineries involving the production and bottling of wine.

(r) Conversion and alteration of buildings existing at the time of enactment of this Ordinance to accommodate two or more families.

(s) Blacksmith and/or machine shops primarily engaged in agriculture related work, and leather tack and shoe repair shops.

(t) Grain elevators, grain bins, farm machinery dealerships, and other businesses primarily engaged in agricultural work.

(u) [deleted]

(v) Travel trailer parks, subject to the provisions of Section 22.52; and provided, such use shall be three (3) times the distance requirements specified in Section 4.9.

(w) Commercial uses limited to the following: Dairy product stores and food and grocery stores that include the sale of gasoline, fruit and vegetable stores, meat markets, produce stands, beauty parlors and barber shops. A site plan shall be required for these uses pursuant to the standards of Section 4.11 except for all uses where the area devoted to the use is less than twenty-five

hundred (2,500) square feet. Beauty parlors and barber shops in residence shall not require a site plan or any additional lot area, lot width, or setbacks over that which is required for the subject dwelling as specified in Section 6.5 or as modified in Article 23.

(x) Buildings and properties of a cultural, civic, fraternal, educational, social or community service type, libraries, ponds, playgrounds and community centers.

(y) Firearms repair shops, including retail sales.

(z) PUDs subject to the provisions of Article 16.

(aa) Surface grading, removal of top soil, shale or similar material in preparing the property for development; but not including open pit quarrying or mineral processing on site; subject to the performance standards in Section 4.12. A grading plan containing the information required in Section 15.3(a)-(h) showing the existing and proposed surface contours and providing for the revegetation of the property shall be submitted to the Planning Commission for approval.

Section 6.2 Special Exceptions (Requiring Board Authorization After Public Hearing)[66]

(a) Antique shops

(b) Airports or landing fields, public or private, subject to the provisions of Article 21.

(c) Cemeteries, mausoleums, or memorial gardens.

(d) Contractors equipment storage and/or yards; provided such use shall be subject to two (2) times the distance requirements specified in Section 4.9 and a minimum of three (3) acres is provided.

(e) Moderate volume mineral extraction other than as permitted under Section 6.1(aa), and mineral processing as defined in Article 28A, subject to the requirements of Sections 15.4, 15.5 and 25.6. Mineral processing shall be for minerals mined on the site.

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[66] **Revision 1, Section 6.2(p) amended 7/19/88 (RZ-395)**
Revision 3, Section 6.2(u) added 8/8/89 (RZ-412 - Remand)
Revision 11, Section 6.2(e) amended 5/19/98 (RZ-98-07)
Revision 11, Section 6.2(v) added 5/18/99 (RZ-99-01)
Revision 12, Section 6.2(k) amended 8/20/02 (RZ-02-002)
Revision 15, Section 6.2(j) amended 7/11/06 (RZ-06-010)

(f) Fairgrounds and race tracks or courses for the conduct of seasonal or periodic meets of horses, dogs, aircraft, automobiles, motorcycles and the like; provided such use shall be subject to three (3) times the distance requirements specified in Section 4.9.

(g) Farms for the principal use of raising animals for experimental or other purposes, such as rats, rabbits, mice, monkeys and the like, fur farms and garbage feeding of hogs, provided such use shall be subject to three (3) times the distance requirements specified in Section 4.9.

(h) Food processing and packing plants; provided such use shall be located two (2) times the distance requirements specified in Section 4.9.

(i) Funeral establishments.

(j) Hospitals, sanitariums or institutions for the treatment of contagious diseases, the insane, liquor or drug addicts; provided such use shall be subject to three (3) times the distance requirements specified in Section 4.9.

(k) Veterinary clinics, animal hospitals, or kennels with outside runways or exercise areas, including the dwelling, shall comply with section 6.5. In addition, the outside runway or exercise area shall be no less than 175 feet from any dwelling, church, school or institution for human care not located on the same lot.

(l) Livestock sales, yards, and buildings subject to a minimum of ten (10) acres being provided; and provided such building or use shall be subject to four (4) times the distance requirements specified in Section 4.9 and a front yard of four hundred (400) feet is provided for any use pertaining thereto.

(m) Outdoor theaters; provided a minimum of five (5) acres is maintained; and provided such use shall be subject to three (3) times the distance requirements of Section 4.9.

(n) Penal and correctional institutions including jails.

(o) Public utility buildings, structures, or uses including radio, television, and other communication facilities not considered Essential Utility Equipment, as defined in Article 28A.

(p) Sanitary landfills, provided such use shall be two (2) times the distance specified in Section 4.9.

(q) Research laboratories or research type industries in which the activities are completely enclosed in a building or buildings. The lot area for such use shall not be less than twenty-five (25) acres and a site development plan shall be approved by the Commission.

(r) Trap, skeet, rifle, or archery ranges, including gun clubs; provided such use shall be five (5) times the distance requirements specified in Section 4.9 and all safety standards of county, state and federal agencies are observed.

(s) Marinas, boat rentals, docks, piers, and wharves.

(t) Any other use that the Board finds is functionally similar to any principally permitted use or special exception listed in this Article. The Board shall not grant any special exception which is inconsistent with the purpose set forth for this district, nor which will materially or adversely affect the use of any adjacent or neighboring properties.

(u) Mobile home parks and/or mobile home subdivisions subject to lot area, lot width, and yard requirements of Section 6.5 mobile homes.

(v) Commercial Communications Towers subject to the requirements of Section 4.22.

Section 6.3 Accessory Uses[67]

(a) Accessory buildings and uses customarily incidental to any principal use or authorized special exception use.

(b) Incidental home and farm occupations.

(c) Roadside stands offering for sale only agricultural products grown primarily on the premises.

(d) Keeping of roomers or tourists by a resident family.

(e) Living quarters for persons employed on the premises.

(f) Business signs, subject to the provisions of Section 22.2.

(g) Private stables as defined in Article 28A shall be subject to the requirements set forth in Article 4, Section 4.13.

Section 6.4 Height Regulations

Except on farms and except as provided in Section 23.4, no building or structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet.

[67] **Revision 11, Section 6.3(g) amended 7/20/99 (RZ-99-03)**

Section 6.5 Lot Area, Lot Width, and Yard Requirements[68]

The following minimum requirements shall apply, except as hereinafter modified 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*	40,000 sq. ft.	100 ft.	40,000 sq. ft.	40 ft.	15 ft.	50 ft.
Dwelling, Two-Family*	40,000 sq. ft.	100 ft.	20,000 sq. ft.	40 ft.	15 ft.	50 ft.
Dwelling, Semi-Detached*	20,000 sq. ft.	50 ft.	20,000 sq. ft.	40 ft.	15 ft. (exterior side only)	50 ft.
Conversion Apts.	1 acre	150 ft.	10,000 sq. ft.	40 ft.	30 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.
Hospitals	10 acres	500 ft.		200 ft.	100 ft.	50 ft.
Retirement & Nursing Homes	1 acre	150 ft.		40 ft.	30 ft.	50 ft.
Churches	2 acres	200 ft.		100 ft.	50 ft.	50 ft.
Nursery Schools,, Day Care Centers	3 acres	300 ft.		50 ft.	50 ft.	50 ft.

[68] **Revision 6, * in Section 6.5 amended 6/22/93 (RZ-93-3)**
Revision 11, Section 6.5 amended 5/18/99 (RZ-99-01)
Revision 12, Section 6.5 amended 8/20/02 (RZ-02-002)
Revision 15, Section 6.5 amended 7/11/06 (RZ-06-010)

	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Side Yard (Width Each Side Yard)	Rear Yard Depth
Mobile Homes	40,000 sq. ft.	100 ft.		40 ft.	15 ft.	40 ft.
Antique or Beauty Shops or Barber Shops	1 acre	150 ft.		40 ft.	30 ft.	50 ft.
Firearms Repair Shop, Including Retail Sales	1 acre	150 ft.		40 ft.	30 ft.	50 ft.
Other Principal Permitted or Conditional Uses	3 acres	300 ft.		50 ft.	50 ft.	50 ft.
Veterinary clinics, animal hospitals, or kennels without runways or exercise areas, including the dwelling	3 acres	300 ft.		50 ft.	50 ft.	50 ft.
Veterinary clinics, animal hospitals, or kennels with outside runways or exercise areas**	4 acres	300 ft.		50 ft.	50 ft.	50 ft.

**(See also section 6.2(k))
[Except Section 6.2(u),(v)]

* 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.

ARTICLE 7 "RR" RESIDENTIAL, RURAL DISTRICT

Section 7.0 Purpose

The purpose of this District is to provide a location for single-family residential development, the individual lots of which contain a minimum of twenty-thousand (20,000) square feet, in any of the following areas:

(a) Areas served by existing public water and/or sewerage service.

(b) Areas to be served by public water and/or sewerage service within the next ten (10) years, as adopted and amended in the Water and Waste Water Plan.

(c) Areas to be served by community or private sewerage facilities capable of providing secondary treatment or better, and meeting Health Department standards.

(d) Growth areas immediately surrounding incorporated municipalities. Where public water is available, secondary treatment for community or private sewerage facilities may not be required.

The following regulations and the applicable regulations contained in other articles shall apply in the "RR" Residential, Rural District.

Section 7.1 Principal Permitted Uses [69]

(a) Agriculture, as defined in Article 28A, including animal husbandry facilities as defined in Article 28A shall be subject to the requirements set forth in Article 22, Division IX.

(b) Churches, schools, and colleges. (See Section 23.1(g))

(c) Dwellings, single-family, two-family, and semi-detached.

(d) Buildings and properties of a cultural, civic, educational, social or community service-type, libraries, ponds, playgrounds, and community centers.

(e) Conversion and alteration of a building existing at the time of the enactment of this Ordinance to accommodate not more than two (2) families; provided that the requirements of Section 23.1 as well as the requirements of the Health Department are complied with.

(f) PUDs subject to the provisions of Article 16.

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[69] **Revision 11, Section 7.1(a) amended 7/20/99 (RZ-99-03)**

Section 7.2 Special Exceptions (Requiring Board Authorization After Public Hearing)[70]

(a) Antique Shops.

(b) Professional offices, beauty parlors or barbershops (in residence).

(c) Convalescent homes, nursing homes, hospitals, medical or dental clinics.

(d) Funeral establishments.

(e) Golf courses, country clubs, private clubs, and similar recreational uses.

(f) Nursery schools or child care centers.

(g) Public utility buildings, structures or uses not considered Essential Utility Equipment, as defined in Article 28A.

(h) Research and development facilities, as defined in Article 28A.

Section 7.3 Accessory Uses[71]

(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.

(f) Private stables as defined in Article 28A shall be subject to the requirements set forth in Article 4, Section 4.13.

Section 7.4 Height Regulation

No principal permitted structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories or twenty (20) feet in height, except as provided in Section 23.4.

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[70] **Revision 15, Section 7.2(c) amended 7/11/06 (RZ-06-010)**

[71] **Revision 11, Section 7.3(f) amended 7/20/99 (RZ-99-03)**

Section 7.5 Lot Area, Lot Width, and Yard Requirements[72]

The following minimum requirements shall be observed, 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*	20,000 sq. ft.	100 ft.	20,000 sq. ft.	40 ft.	12 ft.	50 ft.
Dwelling, Two-Family*	20,000 sq. ft.	100 ft.	10,000 sq. ft.	40 ft.	12 ft.	50 ft.
Dwelling, Semi-Detached*	10,000 sq. ft.	50 ft.	10,000 sq. ft.	40 ft.	12 ft. (exterior side only)	50 ft.
Churches	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.
Hospitals	5 acres	400 ft.		150 ft.	100 ft.	50 ft.
Retirement & Nursing Homes	1 acre	150 ft.		40 ft.	30 ft.	50 ft.
Funeral Establishments	2 acres	150 ft.		100 ft.	30 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.

The following minimum requirements shall apply where public water and public sewer are available on lots in the adopted urban and town growth areas.

[72] **Revision 6, * in Section 7.5 amended 6/22/93 (RZ-93-3)**
Revision 15, Section 7.5 amended 7/11/06 (RZ-06-010)

	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*	15,000 sq. ft.	85 ft.	7,500 sq. ft.	30 ft.	10 ft.	40 ft.
Dwelling, Semi-Detached*	7,500 sq. ft.	42 1/2 ft.	7,500 sq. ft.	30 ft.	10 ft. (exterior side only)	40 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.

ARTICLE 7A "RT" RESIDENTIAL, TRANSITION DISTRICT[73]

Section 7A.0 Purpose

The purpose of the Residential, Transition District is to provide appropriate locations for single-family and two-family residential development in Urban and Town Growth Areas. The Residential, Transition District is usually located on the outer fringes of the Growth Areas, rather than the inner core, and is intended to be the least dense residential district in the Growth Areas at a density of between 2 and 4 dwelling units per acres.

All new development in the Residential, Transition District, should be served by public water and sewer facilities approved by the Washington County Health Department.

The following regulations and the applicable regulations contained in other articles shall apply in the "RT" - Residential, Transition District.

Section 7A.1 Principal Permitted Uses

(a) Agriculture, as defined in Article 28A, including animal husbandry facilities as defined in Article 28A which shall be subject to the requirements set forth in Article 22, Division IX.

(b) Places of worship, schools, and colleges. (See Section 23.1(g))

(c) Dwellings, single-family, two-family, and semi-detached.

(d) Buildings and properties of a cultural, civic, educational, social or community service-type, libraries, ponds, playgrounds, and community centers.

(e) Conversion and alteration of a building existing at the time of the enactment of this Ordinance to accommodate not more than two (2) families; provided that the requirements of Section 23.1 as well as the requirements of the Health Department are complied with.

(f) Mixed use developments subject to the provisions of Article 16.

(g) Nursery Schools or Child Care Centers.

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

(a) Professional offices, beauty parlors, or barbershops (in residence).

(b) Nursing/Convalescent homes, and medical or dental clinics.

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[73] Revision 17, Article 7A added, 4/17/12, eff. 7/1/12 (RZ-10-005)

(c) Golf courses, country clubs, private clubs, and similar recreational uses.

(d) Public utility buildings, structures, or uses not considered Essential Utility Equipment, as defined in Article 28A.

Section 7A.3 Accessory Uses

(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.

(f) Private stables as defined in Article 28A shall be subject to the requirements set forth in Article 4, Section 4.13.

Section 7A.4 Height Regulation

No principal permitted structure shall exceed thirty-five (35) feet in height, and no accessory structure shall exceed twenty (20) feet in height, except as provided in Section 23.4.

Section 7A.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*	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.
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.

(b) The following minimum requirements shall apply where the Planning Commission has determined that the use of a public water and sewer system is not required according to the guidelines contained in Section 7A.6.

	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Side Yard (Width Each Side Yard)	Rear Yard Depth
Dwelling Single-Family*	20,000 sq. ft.	100 ft.	20,000 sq. ft.	40 ft.	12 ft.	50 ft.
Dwelling, Two-Family*	20,000 sq. ft.	100 ft.	10,000 sq. ft.	40 ft.	12 ft.	50 ft.
Dwelling, Semi-Detached*	10,000 sq. ft.	50 ft.	10,000 sq. ft.	40 ft.	12 ft. (exterior side only)	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.

Section 7A.6 Public Facilities

(a) All new development in the Residential, Transition District shall be served by public water and sewer facilities that have been approved by the Health Department.

1. The Planning Commission may waive this requirement after consultation and advice from the Health Department.

2. Prior to a decision to grant or not grant a waiver of this requirement the Planning Commission shall consider the following:

i. The need to protect environmental resources from potential pollution from failing septic systems.

ii. The availability and proximity of existing public water and sewer facilities.

iii. The status of any available plans for utility extensions in the future that may serve the area.

iv. The existence and operation of private, on-site health facilities in the vicinity.

v. Recommendations of the Washington County Health Department.

vi. The adopted Washington County Water and Sewerage Plan.

vii. Recommendations of the potential service provider.

viii. Any grant of a waiver to allow the use of a private, on-site well or septic system is conditional upon the agreement to abandon the private system and connect to the public utility when it becomes available.

ix. When the Planning Commission has determined that a waiver from the required use of public water and sewer facilities is appropriate, the minimum lot size shall be as specified in Section 7A.5(b). Lot dimensions shall also conform to any applicable minimum requirements affecting lot size, width or separations imposed by the Washington County Health Department.

x. Any private on-site well or septic system shall meet all Health Department requirements.

(b) All new development in the Residential, Transition District shall comply with the requirements of the Washington County Adequate Public Facilities Ordinance.

Section 7A.7 Parking Requirements

Parking shall be provided or prohibited according to the requirements of Article 22, Division I, and where applicable, in compliance with Washington County's adopted Road and Street Design Standards.

The parking of tractor-trailers, either separately or in tandem, shall be prohibited on public or private streets in this District.

Section 7A.8 Site Plans

Uses that require site plans according to the requirements of section 4.11 shall comply with and provide all information necessary to determine compliance with the design guidelines contained in Article 22, Division I (Parking), Division II (Signs), Division X (Lighting) and Division XI (Landscaping, Screening and Buffering).

ARTICLE 8 "RS" RESIDENTIAL, SUBURBAN DISTRICT[74]

Section 8.0 Purpose

The purpose of the Residential, Suburban District is to provide appropriate locations in the Urban and Town Growth Areas for single and two-family dwellings on moderately sized lots and limited community service type uses.

All new development in the Residential, Suburban District should be served by public water and sewer facilities approved by the Washington County Health Department.

The following regulations and applicable regulations contained in other articles shall apply in the "RS" Residential, Suburban District.

Section 8.1 Principal Permitted Uses

(a) Dwellings, single-family, two-family, and semi-detached.

(b) Conversion or alteration of a building existing at the time of the enactment of this Ordinance to accommodate two (2) or more families; provided the requirements of Section 23.1 and the requirements of the Health Department are complied with.

(c) Agriculture, as defined in Article 28A, including animal husbandry facilities as defined in Article 28A, which shall be subject to the requirements set forth in Article 22, Division IX.

(d) Places of worship, schools, and colleges. (See also Section 23.1(g))

(e) Buildings and properties of a cultural, civic, educational, social or community service-type, libraries, ponds, playgrounds, and community centers and their associated swimming pools.[75]

(f) Mixed use developments subject to the provisions of Article 16.

Section 8.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)[76]

(a) Boarding or rooming houses or tourist homes.

(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.

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[74] Revision 17, Article 8 deleted and replaced, 4/17/12, eff. 7/1/12 (RZ-10-005)

[75] Revision 17, Section 8.1(e) amended and eff. 2/26/13 (RZ-12-004) (ORD-2013-03)

[76] Revision 17, Section 8.2 amended and eff. 2/26/13 (RZ-12-004) (ORD-2013-03)

(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.

Section 8.3 Accessory Uses

(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.

(c) Swimming pools, tennis and other similar courts when accessory to a residence.

Section 8.4 Height Regulations

No principal permitted structure shall exceed thirty-five (35) feet in height, and no accessory structure shall exceed twenty (20) feet in height, except as provided in Section 23.4.

Section 8.5 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:

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.

*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.

(b) The following minimum requirements shall apply where the Planning Commission has determined that the use of a public water and sewer system is not required according to the guidelines contained in Section 8.6.

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Side Yard (Width Each Side Yard)	Rear Yard Depth
Single-family and semi-detached dwellings*	20,000 sq. ft.	100 ft.	20,000 sq. ft.	40 ft.	12 ft.	50 ft.
Two Family*	20,000 sq. ft.	100 ft.	10,000 sq. ft.	40 ft.	12 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.

Section 8.6 Public Facilities

(a) All new development in the Residential, Suburban District shall be served by public water and sewer facilities that have been approved by the Health Department.

1. The Planning Commission may waive this requirement after consultation and advice from the Health Department.

2. Prior to a decision to grant or not grant a waiver of this requirement, the Planning Commission shall consider the following:

i. The need to protect environmental resources from potential pollution from failing septic systems.

ii. The availability and proximity of existing public water and sewer facilities.

iii. The status of any available plans for utility extensions in the future that may serve the area.

iv. The existence and operation of private, on-site health facilities in the vicinity.

v. Recommendations of the Washington County Health Department.

vi. The adopted Washington County Water and Sewerage Plan.

vii. Recommendations of the potential service provider.

viii. Any grant of a waiver to allow the use of a private, on-site well or septic system is conditional upon the agreement to abandon the private system and connect to the public utility when it becomes available.

ix. When the Planning Commission has determined that a waiver from the required use of public water and sewer facilities is appropriate the minimum lot size shall be as specified in Section 8.5(b). Lot dimensions shall also conform to any applicable minimum requirements affecting lot size, width or separations imposed by the Washington County Health Department.

x. Any private on-site well or septic system shall meet all Health Department requirements.

(b) All new development in the Residential, Suburban District shall comply with the requirements of the Washington County Adequate Public Facilities Ordinance.

Section 8.7 Parking Requirements

(a) Parking shall be provided or prohibited according to the requirements of Article 22, Division I, and where applicable, in compliance with Washington County's adopted Road and Street Design Standards.

(b) The parking of tractor-trailers, either separately or in tandem, shall be prohibited on public or private streets in this District.

Section 8.8 Site Plans

Uses that require site plans according to the requirements of Section 4.11 shall comply with and provide all information necessary to determine compliance with the design guidelines contained in Article 22, Division I (Parking), Division II (Signs), Division X (Lighting), and Division XI (Landscaping, Screening and Buffering).

ARTICLE 9 "RU" RESIDENTIAL, URBAN DISTRICT[77]

Section 9.0 Purpose

The purpose of the Residential, Urban District is to provide appropriate locations in the Urban and Town Growth Areas for residential development at greater densities and limited community service type uses.

All new development in the Residential, Urban District should be served by public water and sewerage facilities approved by the Washington County Health Department.

The following regulations and the applicable regulations contained in other articles shall apply in the "RU" Residential, Urban District.

Section 9.1 Principal Permitted Uses

(a) Dwellings, single-family, two-family, and semi-detached.

(b) Agriculture, as defined in Article 28A, including animal husbandry facilities as defined in Article 28A, which shall be subject to the requirements set forth in Article 22, Division IX.

(c) Places of worship, schools, and colleges. (See Section 23.1(g))

(d) Buildings and properties of a cultural, civic, educational, social or community service-type, libraries, ponds, playgrounds, and community centers and their associated swimming pools.[78]

(e) Conversion and alteration of a building existing at the time of the enactment of this Ordinance to accommodate not more than two (2) families; provided that the requirements of Section 23.1 as well as the requirements of the Health Department are complied with.

(f) Mixed use developments subject to the provisions of Article 16.

Section 9.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)[79]

(a) Nursing/convalescent homes, assisted living, or comprehensive care facilities.

(b) Boarding or rooming houses or tourist homes.

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[77] Revision 17, Article 9 deleted and replaced, 4/17/12, eff. 7/1/12 (RZ-10-005)

[78] Revision 17, Section 9.1(d) amended and eff. 2/26/13 (RZ-12-004) (ORD)-2013-03)

[79] Revision 17, Section 9.2 amended and eff. 2/26/13 (RZ-12-004) (ORD-2013-03)

(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.

Section 9.3 Accessory Uses

(a) Accessory buildings and uses customarily incidental to any principal permitted use or authorized special exception use.

(b) Incidental home occupations.

(c) Swimming pools, tennis, and other similar courts when accessory to a residence.

Section 9.4 Height Regulations

No principal permitted structure shall exceed forty (40) feet in height and no accessory structure shall exceed twenty-five (25) feet, except as provided in Section 23.4.

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.[80]

[80] Revision 17, Section 9.5(a) amended and eff. 2/26/13 (RZ-12-004) (ORD-2013-03)

	Lot Area	Lot Width	Lot Area Per Family	Front Yard Dept h	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.

*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.

(b) The following minimum requirements shall apply where the Planning Commission has determined that the use of a public water and sewer system is not required according to the guidelines contained in Section 9.6.

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Side Yard (Width Each Side Yard)	Rear Yard Depth
Single-family and semi-detached dwellings*	20,000 sq. ft.	100 ft.	20,000 sq. ft.	40 ft.	12 ft.	50 ft.
Two Family*	20,000 sq. ft.	100 ft.	10,000 sq. ft.	40 ft.	12 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.

Section 9.6 Public Facilities

(a) All new development in the Residential, Urban District shall be served by public water and sewer facilities that have been approved by the Health Department.

1. The Planning Commission may waive this requirement after consultation and advice from the Health Department.

2. Prior to a decision to grant or not grant a waiver of this requirement, the Planning Commission shall consider the following:

i. The need to protect environmental resources from potential pollution from failing septic systems.

ii. The availability and proximity of existing public water and sewer facilities.

iii. The status of any available plans for utility extensions in the future that may serve the area.

iv. The existence and operation of private, on-site health facilities in the vicinity.

v. Recommendations of the Washington County Health Department.

vi. The adopted Washington County Water and Sewerage Plan.

vii. Recommendations of the potential service provider.

viii. Any grant of a waiver to allow the use of a private, on-site well or septic system is conditional upon the agreement to abandon the private system and connect to the public utility when it becomes available.

ix. When the Planning Commission has determined that a waiver from the required use of public water and sewer facilities is appropriate the minimum lot size shall be as specified in Section 9.5(b). Lot dimensions shall also conform to any applicable minimum requirements affecting lot size, width or separations imposed by the Washington County Health Department.

x. Any private on-site well or septic system shall meet all Health Department requirements.

(b) All new development in the Residential, Urban District shall comply with the requirements of the Washington County Adequate Public Facilities Ordinance.

Section 9.7 Parking Requirements

Parking shall be provided or prohibited according to the requirements of Article 22, Division I, and where applicable, in compliance with Washington County's adopted Road and Street Design Standards.

The parking of tractor-trailers, either separately or in tandem, shall be prohibited on public or private streets in this District.

Section 9.8 Site Plans

Uses that require site plans according to the requirements of Section 4.11 shall comply with and provide all information necessary to determine compliance with the design guidelines contained in Article 22, Division I (Parking), Division II (Signs), Division X (Lighting) and Division XI (Landscaping, Screening and Buffering).

ARTICLE 10 "RM" RESIDENTIAL, MULTI-FAMILY DISTRICT[81]

Section 10.0 Purpose

The purpose of the Residential, Multi-Family District is to provide appropriate locations for apartments, condominiums, and town houses, and other types of multi-family buildings in the urban areas of the County at a maximum density of twelve (12) dwelling units per acre. All other types of residential units are also permitted.

All new development in the Residential-Multi-Family District should be served by public water and sewer facilities approved by the Washington County Health Department.

The following regulations and applicable regulations contained in other articles shall apply in the "RM" Residential, Multi-Family District:

Section 10.1 Principal Permitted Uses

(a) Dwellings, multi-family, apartments or condominiums, in accordance with the provisions of Article 22, Division VII, of this Ordinance.

(b) Dwellings, town house, in planned town house developments, in accordance with the provisions of Article 22, Division VI, of this Ordinance.

(c) Mixed use floating zones subject to the provisions of Article 16.

(d) Dwellings, single-family, two-family, and semi-detached.

(e) Conversion or alteration of a building existing at the time of the enactment of this Ordinance to accommodate two (2) or more families; provided the requirements of Section 23.1 and the requirements of the Health Department are complied with.

(f) Places of worship, schools and colleges. (See Section 23.1(g))

(g) Buildings and properties of a cultural, civic, educational, social or community service-type libraries, ponds, playgrounds, and community centers and their associated swimming pools.[82]

(h) Agriculture, as defined in Article 28A, including animal husbandry facilities, as defined in Article 28A, which shall be subject to the requirements set forth in Article 22, Division IX.

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[81] Revision 17, Article 10 deleted and replaced, 4/17/12, eff. 7/1/12 (RZ-10-005)

[82] Revision 17, Section 10.1(g) amended and eff. 2/26/13 (RZ-12-004/ORD-2013-03)

Section 10.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)[83]

(a) Boarding or rooming houses or tourist homes.

(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.

Section 10.3 Accessory Uses

Accessory buildings and uses customarily incidental to any principal use or authorized special exception use.

Section 10.4 Height Regulations

Single-family, two-family and semi-detached dwellings shall not exceed forty (40) feet in height.

Multi-family structures such as apartments, condominiums and town houses shall not exceed fifty (50) feet in height.

All other non-residential principal permitted and special exception uses shall not exceed thirty-five (35) feet in height.

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83 Revision 17, Section 10.2 amended and eff. 2/26/13 (RZ-12-004/ORD-2013-03)

Section 10.5 Lot Area, Lot Width, Yard and Density Requirements

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	25 ft.	N/A Except End Units 10 ft. or 25 ft. on corner lot*	20 ft.*	12 Dwelling Units Per Acre
Per Development	5 acres	100 ft.	3,500 sq. ft. net per unit				
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
All Other Non-Residential Principal Permitted or Special Exception Uses	20,000 sq. ft.	100 ft.		25 ft.	20 ft.	40 ft.	N/A

*Except when adjacent to single-family or semi-detached units, the setback shall be forty (40) feet and increase five (5) feet for each story over two (2) stories.
N/A - Not Applicable.

Section 10.6 Public Facilities

(a) All new development in the Residential, Multi-Family District shall be served by public water and sewer facilities approved by the Washington County Health Department.

1. The Planning Commission may waive this requirement after consultation and advice from the Health Department.

2. Prior to a decision to grant or not grant a waiver of this requirement, the Planning Commission shall consider the following:

i. The need to protect environmental resources from potential pollution from failing septic systems.

ii. The availability and proximity of existing public water and sewer facilities.

iii. The status of any available plans for utility extensions in the future that may serve the area.

iv. The existence and operation of private, on-site health facilities in the vicinity.

v. Recommendations of the Washington County Health Department.

vi. The adopted Washington County Water and Sewerage Plan.

vii. Recommendations of the potential service provider.

viii. Any grant of a waiver to allow the use of a private, on-site well or septic system is conditional upon the agreement to abandon the private system and connect to the public utility when it becomes available.

ix. When the Planning Commission has determined that a waiver from the required use of public water and sewer facilities is appropriate the minimum lot size shall be as specified in Section 10.5. Lot dimensions shall also conform to any applicable minimum requirements affecting lot size, width or separations imposed by the Washington County Health Department.

x. Any private on-site well or septic system shall meet all Health Department requirements.

(b) All new development in the Residential, Multi-Family District shall comply with the requirements of the Washington County Adequate Public Facilities Ordinance.

Section 10.7 Design Standards

(a) Common open space shall be located, as much as possible, with an orientation to the interior of the development and consist of land conducive to leisure and active recreational use.

(b) Impermeable surface coverage for interior streets, parking areas, and residential structures shall not exceed forty-five (45) percent of the gross land area.

(c) A cohesive and comprehensive network of pedestrian paths shall be provided in all new development in the RM District. The paths shall provide pedestrian access to and among all dwellings, parking areas, and recreation amenities. Pedestrian paths shall also provide access to other site amenities including, but not limited to, community buildings, auxiliary or recreation vehicle parking areas, solid waste disposal, mailboxes, and on-site public transportation stops.

The pedestrian system should also provide walkways to promote walking as an alternative to automobile use and as a leisure activity.

When determined appropriate by the Planning Commission and with advice from the Public Works Department, Board of Education, or entities providing public transportation services, pedestrian paths shall also provide access to off-site, adjacent residential communities, nearby community facilities such as schools, public transportation routes, and local retail goods and services.

Paths shall be wide enough to accommodate expected traffic and of an appropriate material to meet handicap accessibility standards.

(d) When a proposed development is located adjacent to an existing public transit route or where students require school bus transportation, a bus waiting area consisting of an asphalt or concrete surface at least 10' x 10' shall be provided in a location that has been determined with advice from the Board of Education or public transit provider. If, after consultation with the transportation provider, it is determined that both services cannot or will not be provided within the boundaries of, or adjacent to, the new development, then the waiting area is not required.

(e) Landscaping or common open spaces, in the absence of existing tree cover, shall consist of trees, shrubs, and ground cover according to the guidelines contained in Article 22, Division XI as applicable. On-site utilities (i.e. pumping station, etc.) shall be effectively screened with landscaping.

(f) All new development in the District shall provide and maintain adequate provisions for emergency vehicle access.

(g) Site lighting is a necessary and desirable component of urban residential development. It shall be designed and installed to provide aesthetic value and safety. Site lighting shall also be installed in a manner that minimizes negative effects on adjacent properties. It shall be provided according to the guidelines established in Article 22, Division X.

(h) Parking requirements

Parking shall be provided or prohibited according to the requirements of Article 22, Division I, and where applicable in compliance with Washington County's adopted Road and Street Design Standards.

The parking of tractor-trailers, either separately or in tandem, shall be prohibited on public or private streets in this District.

Section 10.8 Site Plan

(a) A site plan with an approved Forest Stand Delineation and Forest Conservation Plan is required for all principally permitted and approved special exception uses except single-family, two-family, and semi-detached dwellings and agricultural uses. Animal husbandry facilities are subject to the requirements set forth in Article 22, Division IX.

(b) Play lots, tot lots and other recreation areas are required in developments that include multi-family structures, town houses or existing buildings converted for residential use, according to the guideline contained in Section 4.17.

(c) Uses that require site plans according to the requirements of (a) above and Section 4.11 shall comply with and provide all information necessary to determine compliance with the design guidelines contained in Article 22, Division I (Parking), Division II (Signs), Division X (Lighting), and Division XI (Landscaping, Screening and Buffering).

ARTICLE 110 "BT" BUSINESS, TRANSITIONAL

Section 110.0 Purpose[84]

The purpose of the BT zone is to provide for low intensity commercial uses. The BT District is intended to be served with adequate water and/or sewerage service meeting Health Department standards. Uses that generate high traffic or that may create adverse conditions for neighborhood residential properties are not intended for this District.

The following regulations and applicable regulations contained in other articles shall apply in the "BT", Business, Transitional District:

Section 110.1 Principal Permitted Uses[85]

(a) Banks and financial institutions.
(b) Beauty and barber shops.
(c) Child day-care facilities.
(d) Clinics with or without a pharmacy.
(e) Florist shops.
(f) Offices, business and professional.
(g) Shoe repair shops.
(h) Stationery stores.
(i) Tailor shops.
(j) Temporary or Seasonal Retail - provided that the area devoted to the use be limited to less than 2,500 sq. ft. and that the use on the premises occurs for at least 30 days and does not exceed 9 months within a calendar year.

Section 110.2 Special Exceptions[86]

(a) Ambulance or rescue squads.
(b) Antique shops.
(c) Fire stations.
(d) Laundry or dry cleaning businesses.
(e) Libraries.
(f) Public utility buildings and structures.
(g) Religious institutions.
(h) Specialty shops.
(i) Any other use that the Board finds is functionally similar to any principally permitted use or special exception listed in this Article. The Board shall not grant any special exception which is inconsistent with the purpose set forth

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[84] **Revision 4, Section 110.0 amended 12/10/91 (RZ-91-18)**

[85] **Revision 6, Section 110.1(j) added 6/22/93 (RZ-93-4)**

[86] **Revision 11, Section 110.2(j) added 5/18/99 (RZ-99-01)**

for this District, nor which will materially or adversely affect the use of any adjacent or neighboring properties.

(j) Commercial Communication Towers, subject to the requirements of Section 4.22.

Section 110.3 Accessory Uses[87]

(a) Uses and structures customarily accessory and incidental to any permitted principal use or authorized conditional use including a single-family dwelling unit in the same building with a principal use.

Section 110.4 Height Regulations

No structure shall exceed fifty (50) feet, except as provided in Section 23.4.

Section 110.5 Lot Area, Lot Width and Yard Requirements[88] [89]

The following minimum requirements shall be observed, subject to the modification requirements in Article 23.

	Front Yard Depth	Side Yard(Width Each Side Yard)	Rear Yard Depth
Principal Permitted, Accessory, and Special Exception Uses	40 ft.	10ft.*	None*

*Where adjoining any RR, RS, RU or RM District, not less than twenty-five (25) feet.

[Except 110.2(j)]

Section 110.6 Design Standards

(a) Site Coverage: Impermeable site coverage (building area, parking and other paved surfaces) shall not exceed 80% of the gross site area.

(b) Adequate provision shall be made for storage and collection of refuse.

(c) Permeable areas of the site shall be landscaped.

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[87] **Revision 1, Section 110.3 amended 4/26/88 (RZ-382)**

[88] **Revision 11, Section 110.5 amended 5/18/99 (RZ-99-01)**

[89] **Revision 15, Section 110.5 amended 9/19/06 (RZ-06-007)**

Section 110.7 Site Plan[90]

(a) A site plan with an approved Forest Stand Delineation and Forest Conservation Plan is required for all principally permitted and special exception uses.

[90] **Revision 6, Section 110.7 amended 2/9/93 (RZ-92-16)**

ARTICLE 11 "BL" BUSINESS, LOCAL DISTRICT[91]

Section 11.0 Purpose

The purpose of the Business, Local District is to provide appropriate locations where the retail goods and services needed by a neighborhood population can be made available and can be served with adequate water and/or sewerage service meeting Health Department standards.

Uses permitted in the Business, Local District should provide for the routine daily stopping needs of the nearby neighborhood residents and be of an appropriate use intensity and scale to be compatible with the adjacent and surrounding residential neighborhood.

Commercial goods and services that serve a regional population or, due to inherent characteristics, are incompatible with residential development are inappropriate and not permitted in the Business, Local District.

All new development in the Business, Local District should be served by public water and sewer facilities approved by the Washington County Health Department.

The following regulations and applicable regulations contained in other articles shall apply in the "BL" Business, Local District.

Section 11.1 Principal Permitted Uses[92]

(a) Local retail goods and service shops, including:
Alcoholic beverage package stores.
Antique shops.
Appliance stores.
Automobile accessory.
Bakery shops (retail production and sales only).
Banks, savings and loans institutions.
Banquet/Reception Facilities
Beauty and barber shops.
Candy stores.
Clothing stores.
Dairy products stores.
Dress or millinery shops.
Drug stores.
Dry goods or variety stores.
Florist or garden shops.
Food and grocery stores.
Fruit or vegetable stores.
Furniture and upholstering stores.

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[91] Revision 17, Article 11 deleted and replaced, 4/17/12, eff. 7/1/12 (RZ-10-004/ORD-2010-07)

[92] Revision 17, Section 11.1(a) amended 4/23/13 by adding Banquet/Reception Facilities (RZ-12-002/ORD-2013-13)

Gift or jewelry shops.
Hardware stores.
Laundromats.
Laundry or dry cleaning establishments and pick-up stations.
Meat Markets.
Photographic studios.
Printing, blue printing, photocopying, and similar reproduction services limited to a maximum 15,000 square feet of floor space.
Produce stands.
Radio, television or electronic repair shops.
Restaurants and lunch rooms.
Shoe repair shops.
Specialty shops.
Sporting goods or hobby shops.
Stationery stores.
Tailor establishments.
Taverns.
Taxi stands.
Temporary or Seasonal Retail - provided that the area devoted to the use be limited to less than 2,500 sq. ft. and that the use on the premises occurs for at least 30 days and does not exceed 9 months within a calendar year.

(b) Neighborhood shopping centers containing any principal permitted or approved special exception use, as defined in Article 28A and Section 11.6(h).

(c) Funeral establishments.

(d) Offices and clinics, professional and business.

(e) Retirement, nursing, and boarding homes.

(f) Schools for performing and visual arts.

(g) Community meeting halls.

(h) Self-Storage mini-warehouses excluding outside storage or outside uses.

(i) Libraries.

(j) When it can be determined that an unlisted use is functionally similar to a listed principal permitted use by inclusion in the same 6 digit North American Industry Classification System (NAICS), the use may also be permitted in the Business, Local District as if it were listed as a principal permitted use herein.

If a proposed use is not listed and cannot be determined to be functionally similar in character to a listed use by reference to its 6 digit NAICS Code, the use is not permitted in the Business, Local District except when

approved by the Board of Appeals as a special exception as stated in Section 11.3.

(k) Structures and uses existing prior to assignment of the current Business, Local District that are not listed as principal permitted uses are considered non-conforming uses and are permitted subject to the guidelines governing such uses in Section 4.3.

Section 11.2 Accessory Uses.

(a) Uses and structures customarily accessory and incidental to any permitted principal use or authorized conditional use, including a single-family dwelling unit in the same building with a principal use.

Section 11.3 Special Exception Uses (Requiring Board Authorization After Public Hearing)

(a) Public Utility Buildings, Structures or uses not considered essential utility equipment, as defined in Article 28A.

(b) Any other use that the Board finds is functionally similar to any principally permitted use or special exception listed in this Article. The Board shall not grant any special exception which is inconsistent with the purpose set forth for this District, nor which will materially or adversely affect the use of any adjacent or neighboring properties.

c) Places of worship.

Section 11.4 Height Regulations

No structure shall exceed twenty-five (25) feet in height, except as provided in Section 23.4.

Section 11.5 Lot Area, Lot Width, and Yard Setback Requirements

The following minimum requirements shall be observed, 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
Principal Permitted or Accessory Uses				25 ft.	10 ft.*	10 ft.*

*Where adjoining any RR, RT, RS, RU, or RM District, not less than twenty-five (25) feet.

Section 11.6 Design Standards

(a) **Site Coverage**: Impermeable site coverage (parking areas, building area and other paved surfaces) shall not be greater than 70% of the gross area of the site. This site coverage limitation shall not include any area of pervious or permeable pavement.

(b) **Refuse:** Adequate provision shall be made for storage and collection of refuse. Refuse collection and storage areas shall not be located in the front yard or in front of the building. Refuse collection and storage areas may be located on the side or to the rear of the building but not in the side yard setback. Refuse collection and storage areas shall be completely shielded from view at all times by fencing or landscaping that meets the applicable requirements of Article 22, Division XI.

(c) **Landscaping:** Permeable areas of the site, excluding permeable pavement, shall be landscaped with ground cover, shrubs and trees according to the guidelines contained in Article 22, Division XI.

(d) **Lighting:** All sites which will receive night use shall be provided lighting for safety and aesthetics. Lighting shall be provided in accordance with the regulations and guidelines contained in Article 22, Division X.

(e) **Signs:** Signs may be provided and shall be in accordance with the regulations and guidelines contained in Article 22, Division II.

(f) **Screening or Buffering:** When screening and buffering are required or appropriate to enhance compatibility, they shall be provided according to the regulations and guidelines contained in Article 22, Division XI.

(g) **Loading Areas**: All uses shall provide an appropriately-sized area for parking vehicles to load and unload goods and materials. The designated loading area shall not be located where it will interfere with the flow of traffic in the parking lot or on adjacent public or private streets. Loading areas shall be provided in accordance with the regulations and guidelines contained in Article 22, Division I. Where appropriate and approved by the Planning Commission, loading areas may be shared among several uses on the same site.

(h) Neighborhood shopping centers shall contain no more than five (5) units or exceed twenty-five thousand (25,000) square feet in gross floor space.

(i) Unoccupied commercial buildings shall be subject to the following maintenance of vacant buildings guidelines.

1. The property shall be kept clear of trash.

2. Parking lot lights shall be illuminated during the evening business hours of the surrounding commercial area. If there is no adjacent commercial area, the property shall be minimally lit for security purposes.

3. Commercial identification signs shall be removed and the space behind them repainted or treated in an appropriate manner to maintain an appearance consistent with the remainder of the building.

4. Landscaped areas shall be kept clear of weeds and be properly maintained.

5. Buildings shall be kept in good condition (painted areas kept in good condition, windows kept in good and clear condition, walls and other surfaces kept clear of graffiti and other staining elements, destruction caused by vandals repaired, etc.).

6. Contact information shall be posted.

(j) All new development in the Business, Local District shall be served by public water and sewer facilities that have been approved by the Washington County Health Department.

1. The Planning Commission may waive this requirement after consultation and advice from the Health Department.

2. Prior to a decision to grant or not grant a waiver of this requirement, the Planning Commission shall consider the following:

i. The need to protect environmental resources from potential pollution from failing septic systems.

ii. The availability and proximity of existing public water and sewer facilities.

iii. The status of any available plans for utility extensions in the future that may serve the area.

iv. The existence and operation of private, on-site health facilities in the vicinity.

v. Recommendations of the Washington County Health Department.

vi. The adopted Washington County Water and Sewerage Plan.

vii. Recommendations of the potential service provider.

viii. Any grant of a waiver to allow the use of a private, on-site well or septic system is conditional upon the agreement to abandon the private system and connect to the public utility when it becomes available.

ix. When the Planning Commission has determined that a waiver from the required use of public water and sewer facilities is appropriate, the minimum lot size shall be as specified in Section 11.5. Lot Dimensions shall also conform to any applicable minimum requirements affecting lot size, width or separations imposed by the Washington County Health Department.

x. Any private on-site well or septic system shall meet all Health Department requirements.

xi. All new development in the Business, Local District shall comply with the requirements of the Washington County Adequate Public Facilities Ordinance.

Section 11.7 Site Plan

(a) A site plan with an approved Forest Stand Delineation and Forest Conservation Plan is required (Section 4.11) for all principally permitted and approved special exception uses.

(b) All site plans shall contain information as required by the applicable sections of this Article and this Ordinance and shall not be approved without compliance with the applicable sections.

ARTICLE 12 "BG" BUSINESS, GENERAL DISTRICT[93]

Section 12.0 Purpose

The purpose of the Business, General District is to provide appropriate locations for businesses of a more general nature than might be expected to be found in a neighborhood.

All new development in the Business, General District should be served by public water and sewer facilities approved by the Washington County Health Department.

The following regulations and applicable regulations contained in other articles shall apply in the "BG" Business, General District.

Section 12.1 Principal Permitted Uses

(a) Retail trades, businesses and services, including but not limited to the following and any use permitted in the BL District, subject to the use regulations specified in that district.

Amusement parks.

Animal hospitals, veterinary clinics, or kennels without outside runways or exercise areas.

Bottling of soft drink or milk, or distribution stations for same.

Bowling alleys.

Carpentry or woodworking shops.

Conference Centers[94]

Department stores.

Drive-in restaurants.

Golf driving ranges.

Hotels and apartment hotels, including motels.

Libraries.

Newspaper publishing establishments.

Printing shops.

Retail building material sales conducted in an enclosed structure with no outside material storage.

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[93] Revision 17, Article 12 deleted and replaced, 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2010-07)

[94] Revision 17, Section 12.1(a) amended 4/23/13; Conference Centers added (RZ-12-002/ORD-2013-13)

Sales and service establishments for automobiles, trucks, recreational travel vehicles, farm implements and motorcycles, subject to the setback requirements of Section 12.6(d).

Schools, business, dancing, music and trade.

Sheet metal shops.

Sign painting shops.

Signs, outdoor advertising, subject to the provisions of Section 22.24 and 22.25.

Skating rinks.

Swimming pools.

Telephone central office or service center.

Temporary or Seasonal Retail - provided that the area devoted to the use be limited to less than 2,500 sq. ft. and that the use on the premises occurs for at least 30 days and does not exceed 9 months within a calendar year.

Tourist homes.

Wholesale business, warehousing or service establishments, except as first allowed in an "IR" or "IG" District.

Section 12.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)

(a) Wholesale and retail outside building material storage yards; utility storage yards, such as water, electric, gas, communication and sewer; and outside storage yards which are directly related to any principal permitted or special exception use in a BG zone.

(b) Feed and grain sales, milling and/or storage.

(c) Outdoor drive-in theaters.

(d) Animal hospitals, veterinary clinics, or kennels with outside runways or exercise areas which shall be 100 feet from any dwelling, place of worship, school or institution for human care not located on the same lot and subject to additional requirements of Section 12.5.

(e) Research and development facilities as defined in Article 28A.

(f) Adult bookstores provided that no such establishment is located within 1,000 feet of any residential district, within 1,000 feet of a place of worship or school, within 1,000 feet of any restaurant, eating establishment, hotel or motel, within 1,000 feet of any theater, club or lodge, or within 1,000 feet of any other adult book store or adult mini-motion picture theater.

(g) Adult mini-motion picture theaters, provided that no such establishment is located within 1,000 feet of any residential district, within 1,000 feet of any place of worship or school, within 1,000 feet of any restaurant, eating establishment, hotel or motel, within 1,000 feet of any theater, club, or lodge, or within 1,000 feet of any other adult mini-motion theater or adult book store.

(h) Any other facility providing any other type of adult entertainment provided that no such establishment is located within 1,000 feet of any residential district, within 1,000 feet of a place of worship or school, within 1,000 feet of any restaurant, eating establishment, hotel or motel, within 1,000 feet of any theater, club, or lodge, or within 1,000 feet of any other adult book store, adult mini-motion picture theater, or any other facility providing adult entertainment.

(i) Public utility buildings, structures, or uses not considered essential utility equipment, as defined in Article 28A.

(j) Commercial Communications Towers, subject to the requirements of Section 4.22.

(k) Places of worship.

(l) Any other use that the Board finds is functionally similar to any principally permitted use or special exception except adult book stores, adult mini-motion picture theaters, or any other type of adult entertainment listed in this Article. The Board shall not grant any special exception which is inconsistent with the purpose set forth for this District, nor which will materially or adversely affect the use of any adjacent or neighboring properties.

Section 12.3 Accessory Uses

(a) Uses and structures customarily accessory and incidental to any principal permitted use or authorized conditional use, including business signs pertaining to "use on the premises" (provided, that such signs are located as regulated in Section 22.23), and a single-family dwelling unit in the same building with a principal use.

Section 12.4 Height Regulations

No structure shall exceed seventy-five (75) feet in height, except as provided in Section 23.4.

Section 12.5 Lot Area, Lot Width and Yard Setback Requirements

The following minimum requirements shall be observed subject to the modified requirements in Article 23.

USE	LOT AREA	LOT WIDTH	FRONT YARD DEPTH	NO. OF STORIES	SIDE YARD(WIDTH EACH SIDE YARD)	REAR YARD
Non–residential Buildings	None	None	40 ft.	*	10 ft.**	10 ft.**
Hotels	20,000 sq. ft.	100 ft.	40 ft.		20 ft.	20 ft.**
Motels	1 acre	100 ft.	40 ft.	1 – 2 ½	15 ft.	15 ft.**
Residential parts of non-residential buildings	Same as "RU" District	Same as "RU" District	Same as "RU" District	Same as "RU" District	Same as "RU" District	Same as "RU" District
***Animal hospitals, veterinary clinics, or kennels with outside runways or exercise areas	1 acre	200 ft.	50 ft.		50 ft.	50 ft.

* Subject to requirements of Section 12.4.
** Except adjoining any RR, RT, RS, RU, or RM District, in which case not less than thirty-five (35) feet and subject to all applicable screening requirements.
***(See also section 12.2(d)).

Section 12.6 Design Standards

(a) **Site Coverage**: Impermeable site coverage (Parking areas, building area, and other paved surfaces) shall not be greater than 80% of the gross area of the site. This site coverage limitation shall not include any area of pervious or permeable pavement.

(b) **Refuse:** Adequate provision shall be made for storage and collection of refuse. Refuse collection and storage areas shall not be located in the front yard or in the front of the building. Refuse collection and storage areas may be located on the side or to the rear of the building but not in the side yard setback. Refuse collection and storage areas shall be completely shielded from view at all times by fencing or landscaping that meets the applicable requirements of Article 22, Division XI.

(c) **Landscaping:** Permeable areas of the site, excluding permeable pavement, shall be landscaped with ground cover, shrubs, and trees according to the guidelines contained in Article 22, Division XI. If the new use is adjacent to

any lot occupied by a dwelling, school, place of worship, or institution for human care not located on the same lot as said use or buildings, or any lot which is part of a duly recorded residential subdivision, it shall be effectively screened according to the buffering requirements contained in Article 22, Division XI.

When additional screening and buffering is required or appropriate to enhance compatibility between uses it shall be provided according to the buffering requirements contained in Article 22, Division XI.

(d) **Vehicle Display:** All vehicles displayed on sales lots, including farm implements, shall be parked at least ten (10) feet from the public or private street or road right-of-way, or from the curb, or from the street or road edge, whichever provides the greatest setback.

(e) **Lighting:** All sites which will receive night use shall be provided lighting for safety and aesthetics. Lighting shall be provided in accordance with the regulations and guidelines contained in Article 22, Division X.

(f) **Signs:** Signs may be provided and shall be in accordance with the regulations and guidelines contained in Article 22, Division II.

(g) **Loading Areas:** All uses shall provide an appropriately sized area for parking vehicles to load and unload goods and materials. The designated loading area shall not be located where it will interfere with the flow of traffic in the parking lot or on adjacent public or private streets. Loading areas shall be provided in accordance with the regulations and guidelines contained in Article 22, Division I. Where appropriate and approved by the Planning Commission, loading areas may be shared among several uses on the same site.

(h) **Outside Storage:** All wholesale and retail outside building material storage yards and other outside storage yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials, or both, to the full length of the outdoor storage area to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall be in accordance with the following requirements:

1. Plant materials used in the screen planting shall be of such species and size as will produce a complete visual screen of at least six (6) feet in height.

2. A fence, when erected as a screen, shall be not less than six (6) feet in height, and shall be placed no closer than three (3) feet from any street or property line.

3. The screen planting shall be placed so that at maturity it will be no closer than ten (10) feet from any street or property line.

4. No structure, fence, planting or other obstruction shall be permitted which would interfere with traffic visibility across the corner of a lot and at access driveways within a required clear sight triangle. Such clear sight triangle shall be maintained in the area between a plane two (2) feet above curb level and a plane seven (7) feet above curb level.

5. The screen planting or fence shall be broken only at points of vehicular or pedestrian access.

6. The screening requirements of Article 22, Division XI shall also apply and the stricter shall prevail.

(i) Permanent or temporary outside display areas shall be designated on the site plan and shall be designed to be consistent with the non-parking uses in parking facilities guidelines contained in Section 22.14. Outside display areas are subject to the yard requirements of Section 12.5.

(j) Unoccupied commercial buildings shall be subject to the following maintenance of vacant buildings guidelines.

1. The property shall be kept clear of trash.

2. Parking lot lights shall be illuminated during the evening business hours of the surrounding commercial area. If there is no adjacent commercial area, the property shall be minimally lit for security purposes.

3. Commercial identification signs shall be removed and the space behind them repainted or treated in an appropriate manner to maintain an appearance consistent with the remainder of the building.

4. Landscaped areas shall be kept clear of weeds and be properly maintained.

5. Buildings shall be kept in good condition (painted areas kept in good condition, windows kept in good and clean condition, walls and other surfaces kept clear of graffiti and other staining elements, destruction caused by vandals repaired, etc.).

6. Contact information shall be posted.

(k) All new development in the Business, General District shall be served by public water and sewer facilities that have been approved by the Washington County Health Department.

1. The Planning Commission may waive this requirement after consultation and advice from the Health Department.

2. Prior to a decision to grant or not grant a waiver of this requirement, the Planning Commission shall consider the following:

i. The need to protect environmental resources from potential pollution from failing septic systems.

ii. The availability and proximity of existing public water and sewer facilities.

iii. The status of any available plans for utility extensions in the future that may serve the area.

iv. The existence and operation of private, on-site health facilities in the vicinity.

v. Recommendations of the Washington County Health Department.

vi. The adopted Washington County Water and Sewerage Plan.

vii. Recommendations of the potential service provider.

viii. Any grant of a waiver to allow the use of a private, on-site well or septic system is conditional upon the agreement to abandon the private system and connect to the public utility when it becomes available.

ix. When the Planning Commission has determined that a waiver from the required use of public water and sewer facilities is appropriate, the minimum lot size shall be as specified in Section 12.5. Lot dimensions shall also conform to any applicable minimum requirements affecting lot size, width, or separations imposed by the Washington County Health Department.

x. Any private on-site well or septic system shall meet all Health Department requirements.

(l) All new development in the Business, General District shall comply with the requirements of the Washington County Adequate Public Facilities Ordinance.

Section 12.7 Site Plan

A Site Plan with an approved Forest Stand Delineation and Forest Conservation Plan is required (Section 4.11) for all principally permitted and approved special exception uses. All Site Plans shall contain information as required by the applicable sections of this Article and this Ordinance and shall not be approved without compliance with the applicable sections.

ARTICLE 120 – “IT” INDUSTRIAL, TRANSITION[95]

[Repealed/Deleted in its entirety]

[95] Revision 17, Article 120 deleted in its entirety, 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2010-07)

ARTICLE 13 "IR" INDUSTRIAL, RESTRICTED DISTRICT[96]

Section 13.0 Purpose

The purpose of the Industrial, Restricted District is to provide locations for low intensity manufacturing and assembly processes which may not require extensive measures to allow compatibility with adjacent land uses. Manufacturing uses in the Industrial, Restricted District include the processing or assembly of previously processed materials.

All uses in the Industrial, Restricted District should be served by public water and sewer facilities approved by the Washington County Health Department.

Private on-site wells may be established to provide water for use in manufacturing processes. Process water wells must meet all applicable local, State, and federal water quality and health regulations.

The following regulations and applicable regulations contained in other articles shall apply in the "IR" Industrial, Restricted District:

Section 13.1 Principal Permitted Uses

(a) Uses of a light industrial nature including, but not limited to the following:

Office buildings.

Manufacture and assembly of electrical appliances, electronics and communication equipment, professional, scientific and controlling instruments, and photographic or optical products.

Manufacturing, compounding, assembly or treatment of articles or merchandise from previously prepared materials such as bone, cloth, fur, cork, fiber, canvas, leather, cellophane, paper, glass, plastics, horn, stone, shells, tobacco, wax, textiles, yarns, wood and metals, including light steel or other light metals, light metal mesh, pipe, rods, shapes, strips, wire or similar component parts.

Manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals and food products, except fish and meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils.

Manufacture of musical instruments, novelties, and molded rubber products, including the manufacture, recapping and treading of tires.

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[96] Revision 17, Article 13 deleted and replaced, 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2010-07)

Manufacture of pottery or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.

Laboratories, chemical, physical and biological.

Clothing and shoe manufacture.

Truck terminals.

Warehouses as defined in Article 28A.

Research and development facilities as defined in Article 28A.

Carpet and rug cleaning plants.

Petroleum products storage underground.

Blacksmith, welding, machine and similar shops.

Heliports.

Above ground petroleum products storage tanks provided that they are directly associated with a manufacturing process that is a principal permitted use, and provided that all state and federal laws, as well as the National Fire Underwriters Codes are complied with.

(b) Agriculture, as defined in Article 28A, including animal husbandry facilities as defined in Article 28A, which shall be subject to the requirements set forth in Article 22, Division IX.

(c) Public utility buildings, structures, or uses not considered essential utility equipment, as defined in Article 28A.

(d) Commercial Communications Towers, subject to the requirements of Section 4.22.

(e) Signs, Outdoor Advertising, subject to the provisions of Sections 22.24 and 22.25.

(f) Parking lots, other than those for employees or patrons of the principal permitted use on the site.

(g) Printing and publishing.

(h) Recycling facilities, as defined in Article 28A.

Section 13.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)

(a) The following uses, when the location of such use shall have been authorized by the Board, provided such use shall be subject to three (3) times the distance requirements of Section 4.9.

Concrete and ceramic products manufacture, including ready-mixed bituminous or cement concrete plants.

Contractor's equipment and storage yards.

Above ground petroleum products storage tanks for bulk storage for distribution or refining, provided that all state and federal laws, as well as National Fire Underwriters Codes are complied with.

Sawmills in enclosed structures.

Solar Energy Generating Systems in accordance with Section 4.26.

(b) Any other use that the Board finds is functionally similar to any principally permitted use or special exception listed in this Article. The Board shall not grant any special exception which is inconsistent with the purpose set forth for this District, nor which will materially or adversely affect the use of any adjacent or neighboring properties.

Section 13.3 Accessory Uses

Uses customarily accessory and incidental to any principal permitted use or authorized special exception use, including a mobile home or dwelling associated with an industrial use.

Section 13.4 Height Regulations

No structure shall exceed seventy-five (75) feet in height, except as provided in Section 23.4.

Section 13.5 Yard Setback Requirements

Except 13.1(d), the following requirements shall be observed, subject to the provisions of Article 23:

(a) Front Yard: For industrial buildings or structures, fifty (50) feet from the nearest right-of-way line of any street.

(b) Side and Rear Yard: No building or structure shall be located closer to any side or rear property line than twenty-five (25) feet.

Except: Where a lot and proposed use(s) abut a railroad or railroad siding, the side or rear yard setback abutting the railroad or railroad siding shall not be required.

(c) Where the proposed uses or buildings abut a lot in a RR, RT, RS, RU, or RM District, a residential use in a mixed use district or any lot occupied by a dwelling, school, place of worship, or institution for human care not located on the same lot as the said use or building, or any lot which is part of a duly

recorded residential subdivision, the side and rear setbacks shall be one hundred (100) feet.

Section 13.6 Design Standards

(a) **Refuse:** Adequate provision shall be made for storage and collection of refuse. Refuse collection and storage areas shall not be located in the front yard or in front of the building, refuse collection and storage areas may be located on the side or to the rear of the building but may not be located in the side yard setback. Refuse collection and storage areas shall be completely shielded from view at all times by fencing or landscaping that meets the applicable requirements of Article 22, Division XI.

(b) **Landscaping:** Permeable areas of the site, excluding permeable pavement shall be landscaped with ground cover, shrubs, and trees according to the guidelines contained in Article 22, Division XI. If the new use is adjacent to any lot occupied by a dwelling, school, place of worship, or institution for human care not located on the same lot as said use or buildings, or any lot which is part of a duly recorded residential subdivision, it shall be effectively screened according to the buffering requirements contained in Article 22, Division XI.

When additional screening and buffering is required or appropriate to enhance compatibility between uses it shall be provided according to the regulations and guidelines contained in Article 22, Division XI.

(c) **Lighting:** All sites which will receive night use shall be provided lighting for safety and aesthetics. Lighting shall be provided in accordance with the regulations and guidelines contained in Article 22, Division X.

(d) **Signs:** Signs may be provided and shall be in accordance with the regulations and guidelines contained in Article 22, Division II.

(e) **Loading Areas:** All uses shall provide an appropriately-sized area for parking vehicles to load and unload goods and materials. The designated loading area shall not be located where it will interfere with the flow of traffic in the parking lot or on adjacent public or private streets. Loading areas shall be provided in accordance with the regulations and guidelines contained in Article 22, Division I. Where appropriate and approved by the Planning Commission, loading areas may be shared among several uses on the same site.

(f) All new development in the Industrial, Restricted District shall be served by public water and sewer facilities that have been approved by the Washington County Health Department.

1. The Planning Commission may waive this requirement after consultation and advice from the Health Department.

2. Prior to a decision to grant or not grant a waiver of this requirement the Planning Commission shall consider the following:

   i. The need to protect environmental resources from potential pollution from failing septic systems.

   ii. The availability and proximity of existing public water and sewer facilities.

   iii. The status of any available plans for utility extensions in the future that may serve the area.

   iv. The existence and operation of private, on-site health facilities in the vicinity.

   v. Recommendations of the Washington County Health Department.

   vi. The adopted Washington County Water and Sewerage Plan.

   vii. Recommendations of the potential service provider.

   viii. Any grant of a waiver to allow the use of a private, on-site well or septic system is conditional upon the agreement to abandon the private system and connect to the public utility when it becomes available.

   ix. When the Planning Commission has determined that a waiver from the required use of public water and sewer facilities is appropriate, the minimum lot size shall be the result of application of the minimum setback and yard requirements specified in Section 13.5. Lot dimensions shall also conform to any applicable minimum requirements affecting lot size, width or separations imposed by the Washington County Health Department.

   x. Any private on-site well or septic system shall meet all Health Department requirements.

(g) All new development in the Industrial, Restricted District shall comply with the requirements of the Washington County Adequate Public Facilities Ordinance.

Section 13.7 Site Plan

A site plan with an approved Forest Stand Delineation and Forest Conservation Plan is required for any principally permitted or approved special exception use except animal husbandry. Animal husbandry facilities shall be subject to the requirements set forth in Article 22, Division IX. All site plans shall contain information as required by this

article and applicable sections of this Ordinance and shall not be approved unless the information indicates compliance with those requirements.

All site plans for uses in the Industrial, Restricted District shall provide the required information and meet the performance standards contained in Section 4.12 of this Ordinance.

Section 13.8 Prohibited Uses in "IR" District

Kilns used or modified for the purpose of incinerating hazardous waste or controlled hazardous substances or recycling hazardous waste for fuel are prohibited. Facilities or structures for the purpose of receiving, storing, or processing hazardous waste or controlled hazardous substances for the purpose of incineration in kilns on site are prohibited.

ARTICLE 14 "IG" INDUSTRIAL, GENERAL DISTRICT[97]

Section 14.0 Purpose

The purpose of the Industrial, General District is to provide locations for manufacturing, processing, and other heavy industrial uses which may require extensive transportation, water and/or sewerage facilities, or open space, because of the number of employees, the type of manufacturing operation, or any by-products which might result from the use. Industrial uses related to agriculture such as grain milling, storage, feed production, and sales are also included.

All uses in the Industrial, General District should be served by public water and sewer facilities approved by the Washington County Health Department.

The following regulations, and applicable regulations contained in other articles, shall apply in the "IG" Industrial, General District.

Section 14.1 Principal Permitted Uses

(a) Uses of a general industrial nature, but not limited to the following:

Penal and correctional institutions, including jails.

Manufacture and assembly of aircraft, automobiles, house trailers, or other vehicles.

Manufacture and bottling of alcoholic beverage.

Manufacture of brick, or clay products.

Machine shops, structural steel fabricating.

Coal yards.

Cooperage works.

Manufacture or processing of chemicals, except sulfuric, nitric or hydrolic or other corrosive or offensive acids.

Manufacture of dye or dyestuff and printing ink.

Electric generating or steam power plants.

Flour mills, grain milling or drying, and feed production, storage and sales.

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[97] Revision 17, Article 14 deleted and replaced, 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2012-07)

Manufacture of felt, shoddy, hair products, feathers, emery cloth, sandpaper or sand blasting and/or products therefrom.

Enameling, japanning, lacquering, galvanizing, and plating.

Manufacture or processing of meat or food products, except slaughterhouses.

Manufacture of paper, pulp or cloth.

Manufacture of pickle, sauerkraut, vinegar, yeast, soda or soda compounds.

Manufacture of rayon or similar products.

Manufacture of rubber or rubber products.

Manufacture of starch, glucose, dextrin or spice.

Manufacture of soap, oil, paints, turpentine.

Manufacture of wire or wire products.

Public utility buildings, structures or uses not considered essential utility Equipment, as defined in Article 28A.

(b) Agriculture, as defined in Article 28A, including animal husbandry facilities, as defined in Article 28A, which shall be subject to the requirements set forth in Article 22, Division IX.

(c) Printing and publishing.

(d) Heliports.

(e) Any use permitted or as regulated as a principal permitted or special exception in the "IR" District, except as hereinafter modified.

(f) Signs, Outdoor Advertising, subject to the provisions of Sections 22.24 and 22.25.

(g) Recycling facilities, as defined in Article 28A. During site plan review and approval for recycling facilities, the Planning Commission may determine that it is appropriate and permit certain recycling activities to occur outside of an enclosed building. These activities might include, but are not necessarily limited to, the stockpiling of inorganic materials or the location and operation of machinery that is not conducive to location or operation inside of a building. The Planning Commission must determine that such activities outside of an enclosed building can be adequately controlled by other means in order to mitigate negative impacts on adjacent uses. Such

activities must be adequately screened from adjacent uses according to the screening requirements of Section 22.11.2.

(h) Animals hospitals, veterinary clinics, and other similar facilities that provide similar temporary housing and/or care for animals. Outside runways or exercise areas are permitted as part of this use when not adjacent to residential zoning or uses.

Section 14.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)

(a) The following uses, when the location of such use shall have been authorized by the Board, provided such use shall not be less than one thousand (1,000) feet from any Residential District, from any existing residential use on a separate lot, or any residential portion of a mixed use development.

Abattoirs, slaughterhouses, stockyards.

Acid or heavy chemical manufacture, processing or storage.

Blast furnace or boiler works.

Ready mix bituminous and cement concrete mixing plants. In its deliberation on this special exception use, the Board of Appeals shall consider the need for the one thousand (1,000) foot setback as specified above. The Board may reduce the setback to as little as twenty-five (25) feet when it can be determined, based on the site conditions, that a lesser setback for this use will not negatively impact the adjacent residential use. In cases where it has been determined that the setback may be reduced, there shall be screening provided to mitigate the lesser setback, according to the guidelines of Section 22.11.2 of this Ordinance.

Cement, lime, gypsum or plaster of Paris manufacturing.

Distillation of bones, fat rendering, grease, lard, or tallow manufacturing or processing.

Explosive manufacture or storage.

Fertilizer, potash, insecticide, glue, size, or gelatin manufacture.

Foundries and/or casting facilities.

Garbage, offal, or dead animal reduction.

Gas manufacture or storage for heat or illumination.

Bio-diesel, meeting ASTM D6751 specifications, production and storage.

Junk yards as defined in Article 28A.

Above-ground petroleum products storage tanks for petroleum storage distribution, or refining, provided that all state and federal laws, as well as the National Fire Underwriters Codes, are complied with.

Solar Energy Generating Systems in accordance with Section 4.26.

(b) Moderate volume mineral extraction, mineral processing, mineral-related uses, and mineral-based manufacturing, as defined in Article 28A, subject to the requirements of Sections 15.4, 15.5, and 25.6. Mineral processing shall be for minerals mined on the site. The Board of Appeals shall consider the effects of these mineral extraction and related uses on the public roadways in the area and may impose additional restrictions according to the guidelines contained at Section 15.3 (f–h).

Section 14.3 Accessory Uses

Uses customarily accessory and incidental to any principal permitted use or authorized special exception use, including a mobile home or dwelling associated with an industrial use.

Section 14.4 Height Regulations

No structure shall exceed one hundred (100) feet in height, except as provided in Section 23.4.

Section 14.5 Yard Setback Requirements

(a) Front Yard: 50 feet.

(b) Side and rear yards: 25 feet.

Except: Where lot and proposed uses abut and require access to a railroad or railroad siding, the side or rear yard setback abutting the railroad or railroad siding shall not be required.

(c) Where the proposed uses or buildings abut a lot in a RR, RT, RS, RU, or RM District, any residential use in a mixed use development, or any lot occupied by a dwelling, school, place of worship or institution for human care not located on the same lot as the said use or building, or any lot which is part of a duly recorded residential subdivision, the side and rear setbacks shall be one hundred (100) feet.

Section 14.6 Design Standards

(a) **Refuse:** Adequate provision shall be made for storage and collection of refuse. Refuse collection and storage areas shall not be located in the front yard or in front of the building. Refuse collection and storage areas may be located on the side or to the rear of the building but may not be located in the side yard setback. Refuse collection and storage areas

shall be completely shielded from view at all times by fencing or landscaping that meets the applicable requirements of Article 22, Division XI.

(b) **Landscaping:** Permeable areas of the site, excluding permeable pavement, shall be landscaped with ground cover, shrubs, and trees according to the guidelines contained in Article 22, Division XI. If the new use is adjacent to any lot occupied by a dwelling, school, place of worship, or institution for human care not located on the same lot as said use or buildings, or any lot which is part of a duly recorded residential subdivision, it shall be effectively screened according to the screening requirements contained in Article 22, Division XI.

When additional screening and buffering is required or appropriate to enhance compatibility between uses, it shall be provided in accordance with the regulations and guidelines contained in Article 22, Division X.

c) **Lighting:** All sites which will receive night use shall be provided lighting for safety and aesthetics. Lighting shall be provided in accordance with the regulations and guidelines contained in Article 22, Division X.

(d) **Signs:** Signs may be provided and shall be in accordance with the regulations and guidelines contained in Article 22, Division II.

(e) **Loading Areas:** All uses shall provide an appropriately-sized area for parking vehicles to load and unload goods and materials. The designated loading area shall not be located where it will interfere with the flow of traffic in the parking lot or on adjacent public or private streets. Loading areas shall be provided in accordance with the regulations and guidelines contained in Article 22, Division I. Where appropriate and approved by the Planning Commission, loading areas may be shared among several uses on the same site.

(f) All new development in the Industrial, General District shall be served by public water and sewer facilities that have been approved by the Washington County Health Department.

1. The Planning Commission may waive this requirement after consultation and advice from the Health Department.

2. Prior to a decision to grant or not grant a waiver of this requirement the Planning Commission shall consider the following:

   i. The need to protect environmental resources from potential pollution from failing septic systems.

   ii. The availability and proximity of existing public water and sewer facilities.

iii. The status of any available plans for utility extensions in the future that may serve the area.

iv. The existence and operation of private, on-site health facilities in the vicinity.

v. Recommendations of the Washington County Health Department.

vi. The adopted Washington County Water and Sewerage Plan.

vii. Recommendations of the potential service provider.

viii. Any grant of a waiver to allow the use of a private, on-site well or septic system is conditional upon the agreement to abandon the private system and connect to the public utility when it becomes available.

ix. When the Planning Commission has determined that a waiver from the required use of public water and sewer facilities is appropriate, the minimum lot size shall be the result of the application of the minimum setback, and yard requirements specified in Section 14.5. Lot dimensions shall also conform to any applicable minimum requirements affecting lot size, width or separations imposed by the Washington County Health Department.

x. Any private on-site well or septic system shall meet all Health Department requirements.

(g) All new development in the Industrial, General District shall comply with the requirements of the Washington County Adequate Public Facilities Ordinance.

Section 14.7 Site Plan

A site plan with an approved Forest Stand Delineation and Forest Conservation Plan is required for any principally permitted or approved special exception use except Agriculture. Animal husbandry facilities shall be subject to the requirements set forth in Article 22, Division IX.

All site plans shall contain information as required by this Article and applicable sections of this Ordinance and shall not be approved unless the information indicates compliance with those requirements.

All uses in the Industrial, General District shall provide the required information and meet the performance standards contained in Section 4.12 of this Ordinance.

Section 14.8 Prohibited Uses in "IG" District

Kilns used or modified for the purpose of incinerating hazardous waste or controlled hazardous substances or recycling hazardous waste for fuel are prohibited. Facilities or structures for the purpose of receiving, storing, or processing hazardous waste or controlled hazardous substances for the purpose of incineration in kilns on site are prohibited.

ARTICLE 15 "IM" INDUSTRIAL, MINERAL DISTRICT[98]

Section 15.0 Purpose

The purpose of the Industrial, Mineral District is to provide for high volume mineral extraction in the Rural Policy Area of the County. It is the intent of this Ordinance that Industrial, Mineral Districts be protected from encroachment by incompatible land uses and that new or expanded "IM" Districts be compatible with existing adjacent land uses.

Section 15.1 Principal Permitted Uses and Accessory Uses

See Table of Land Uses [Section 3.3, Table No. 3.3(1)]

Section 15.2 Special Exceptions

Any other use the Board of Appeals finds is functionally similar to any permitted use or special exception listed in the Article. The Board of Appeals shall not grant any special exception that is inconsistent with the purpose set for the district.

Section 15.3 Establishing a New IM District

The Industrial Mineral District is a floating zone established for the rural areas of the County. A new "IM" District may not be established within the adopted urban growth area, town growth areas, or rural villages.

The approval process for establishing a new "IM" District shall be in accordance with Article 27, except that neither a change in the character of the neighborhood nor a mistake in the original zoning classification shall be a prerequisite to "IM" District approval.

In its deliberation on an application for an "IM" District, the Planning Commission shall consider the purpose of the "IM" District, the applicable policies of the Comprehensive Plan, the compatibility of the proposed district with the adjacent lands, and the effect of the mineral extractive operations on public roadways. The evaluation of these criteria shall result in findings of fact as part of a recommendation on the application to the Board of County Commissioners.

At the time of application for rezoning, the applicant shall submit a concept plan that includes:

(a) A vicinity map at 1”=2000’ showing the location of the proposed “IM” District in relation to its surroundings.

(b) The boundary, acreage and current zoning of the tract.

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[98] **Revision 14, Article 15 replaced in its entirety, 7/26/05 (RZ-03-005)**

(c) Minimum topographic information sufficient to determine surface drainage patterns and principal drainage areas.

(d) Adjacent land uses and zoning and the location of adjacent structures on adjacent lots within 1,000 feet of the property line.

(e) The location of adjacent geologic formations and other environmentally significant features.

(f) The proposed routes to be used for hauling mineral products from the site on public roads to their first intersection with a highway which is classified as major collector or above in the Washington County Highway Plan.

(g) An estimate of average daily truck traffic from the site on roads identified in paragraph (f) and the average gross weight of each truck.

(h) County roads identified in accordance with paragraph (f) shall be adequate in pavement thickness, roadway width, and alignment to accommodate the truck traffic from the extraction operation. The proposed routes, once identified and approved by the Commission, may not be changed without approval of the Commission subject to the same standards as the original review. As part of the site plan approval process, the County may require a performance bond from the applicant where the resulting vehicular traffic may result in damage to County roads.

(i) The applicant, unless otherwise determined by an existing study, shall provide evidence as to what effect the proposed use will have on the groundwater supply and quality of all adjoining properties including determination of a zone of dewatering influence.

(j) The applicant shall provide a contingency plan for well replacement whenever a public water supply surface intake, public water supply well or spring, or private water supply well or spring is within the zone of dewatering influence as designated by the State.

(k) The applicant shall provide a plan for reclamation of the site once mining has ceased. Reclamation plans should be designed to provide for suitable and appropriate re-use related uses, which exist or are planned for the surrounding area. The reclamation plan shall consider providing for use of any water filled pits as a public water supply. Other proposed land uses for the reclaimed site shall be detailed.

The Board of County Commissioners may, upon receiving a recommendation from the Planning Commission, restore the land to its previous classification upon written request from the landowner and upon successful completion of the required reclamation without another public hearing.

Section 15.4 Initiation or Expansion of Operations in Existing IM Districts

Application for the initiation or expansion of operations within an existing IM District shall be accompanied by a complete copy of the application, including all supporting documentation, submitted to the State Water Resources Administration except for those elements identified as proprietary and confidential by State regulations. The application shall include plans for reclamation showing the projected timing and sequence of excavation, the proposed method of site reclamation, the resultant landform, and the vegetative cover. The site plan submitted with the application shall indicate methods of compliance with the standards of Sections 4.11 and 15.5. The application shall also conform to the requirements of Section 15.3(f) (g) and (h).

Section 15.5 Performance Standards for Site Plan Review[99]

(a) A person engaging in mineral extraction activities shall locate and conduct those activities on the site in a way that minimizes visual, auditory and other sensory effects on surrounding property owners.

(b) Extractive operations shall be restricted to the hours of 6:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 7:00 p.m. Saturday.

Processing operations and non-extractive related activities (i.e., administrative, maintenance, repair), may be carried out on the premises beyond the allowed hours of operation, providing the sound level does not exceed the maximum acceptable limit allowed by the State of Maryland.

On Sundays and during atypical business hours, extractive operations will be allowed if expressly permitted by the Zoning Administrator because of an operating emergency or because of local or state need.

(c) Any building or structure housing power-driven or power-producing machinery or equipment shall be located at least four hundred (400) feet from any lot in a RR, 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.

(d) No excavation shall take place, nor shall the slope of the natural land surface be altered as a result of such excavation, nor shall the storage of materials take place nearer than thirty feet to any property line or road right of way line. Security fencing and screen planting may be located within this area. This setback requirement shall not apply where the adjoining property is zoned IM.

(e) Extraction operations shall be confined to areas of a minimum of one hundred (100) feet from all adjoining property lines in any “A”, “EC”, “P”, “RB”, or “B” District or any public road right-of-way, or a minimum of two

[99] **Revision 15, Section 15.5(c) (e) amended 9/19/06 (RZ-06-007)**

hundred (200) feet from all adjoining property lines in any RR, RS, RU, RM or RV district and two hundred (200) feet from any then existing principal building on an adjoining property.

(f) Screen planting shall be required where mineral extraction and related activities are visible from adjacent residential, commercial or industrial structures or any public road. Plant materials used in the screen planting shall be of such species, size, and number as to minimize objectionable views, dust, and noise. Whenever topography, existing vegetation, or other existing natural barrier makes screen planting either unnecessary or impractical, the Planning Commission may waive this requirement. Any permanent berms shall be designed in such a way as to have a vegetative cover.

(g) Entrance or haul roads providing access to the site for transportation of mineral products or heavy equipment shall be maintained in such a manner as to minimize dust.

(h) All extraction areas, active or inactive, shall be fenced and posted with appropriate "warning" signs where: (1) water can pool more than one and one-half (1½) feet in depth, and (2) the excavation of slopes is steeper than one (1) foot vertical to two (2) feet horizontal. Other extraction areas, active or inactive, not meeting the foregoing depth and slope standards may be required to be fenced at the discretion of the Planning Commission.[100]

(i) Vibration Control

Machines or blasting operations that cause vibration shall be permitted, but in no case may vibrations produce a peak particle velocity of more than two (2) inches per second measured at the nearest existing principal building on an adjacent lot. The mine operator may be required to maintain a record of each of the three components of ground movement (vertical, horizontal, and longitudinal) for each shot or blast event. These records shall be made available to the local governing body upon request.

(j) Storage of Materials

Material storage shall comply with Section 4.12(g).

Section 15.6 Prohibited Uses in "IM" Zone

Kilns used or modified for the purpose of incinerating hazardous waste or controlled hazardous substances or recycling hazardous waste for fuel are prohibited. Facilities or structures for the purpose of receiving, storing, or processing hazardous waste or controlled hazardous substances for the purpose of incineration in kilns on site are prohibited.

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[100] **Revision 16, Section 15.5(h) amended 7/21/09 (RZ-09-002/ORD-09-06)**

ARTICLE 16 "MX" MIXED USE DISTRICT[101]

MXR - MIXED USE RESIDENTIAL DISTRICT
MXC - MIXED USE RESIDENTIAL AND COMMERCIAL DISTRICT
MXE - MIXED USE RESIDENTIAL, COMMERCIAL AND EMPLOYMENT DISTRICT

Section 16.0 Purpose

Washington County offers a variety of Mixed Use Districts to permit a greater degree of flexibility and creativity in the design and development of residential, commercial, and employment-focused areas than is possible under conventional zoning standards. The purpose is to provide a compatible and complementary mixture of uses that will create a desirable living and working environment, promote an efficient use of the land, provide for a harmonious variety of housing choices, a more varied level of community services and amenities, and the promotion of adequate open space and scenic attractiveness.

The MXR, MXC, and MXE Districts are floating zones that may be established in the Districts as specified in Section 16.4. The change or mistake rule does not apply in the process to obtain a Mixed Use District, but the Planning Commission and the Board of County Commissioners, in the deliberation of an application for a MXR, MXC, or MXE District, shall establish findings of fact that consider, at a minimum, the purpose of the Mixed Use District, the applicable policies of the adopted Comprehensive Plan for the County, the compatibility of the proposed Mixed Use District with neighboring properties, and the effect of the Mixed Use District on community infrastructure.

Mixed Use Districts should be served by public water and sewer facilities that have been approved by the Washington County Health Department.

(a) The MXR or Mixed Use Residential District is designed to permit a mixture of residential uses only, according to a pre-approved master plan. It allows a mixture of residential uses not normally permitted in the underlying Euclidean zone.

(b) The MXC or Mixed Use Commercial District is designed to permit a mixture of residential uses and limited commercial development to provide goods and services necessary to the neighborhood, all according to a pre-approved master plan.

(c) The MXE or Mixed Use Employment District is designed to permit a mixture of residential uses, commercial development to provide goods and services necessary to the neighborhood, and land uses that can provide employment opportunities nearby and remain compatible in proximity to residences, all according to a pre-approved master plan.

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[101] Revision 17, Article 16 PUD deleted, replaced with MX, 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2012-07)

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 RR, 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 RR, 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 RR, 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 HC 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 HC 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 16.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)

There are no special exception uses in the Mixed Use Districts that may be granted by the Board of Appeals. The Mixed Use Districts are analogous to a special exception and are granted through the review process described in this Article.

Section 16.3 Accessory Uses

Uses and structures customarily accessory and incidental to any principal permitted use.

Section 16.4 General Requirements

(a) **Ownership**: Applications for concept plan review and zoning approval may include one (1) or several parcels of land. These applications must include the signatures of all parcel owners, affidavits delegating application authority to others, or evidence of substantial contractual interest in all parcels by the applicant. Multiple parcels must be contiguous. Multiple parcels separated by public or private rights of way may be considered contiguous if appropriate linkages to meet the intent of a cohesive neighborhood can be provided.

In the case of multiple parcels, if one (1) or more parcel owners should withdraw from the application prior to zoning approval and the area withdrawn constitutes more than five percent (5%) of the gross land area covered by the application, a new application shall be submitted. The tract of land to be approved for development with the Mixed Use District must be in single ownership with proof of that ownership submitted to the Planning Commission prior to approval of the Final Development Plan.

(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 RR, RT, RS, RU, and RM Districts. The MXC and MXE Districts may also be located in the HC, 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.

(c) **Utilities**: All Mixed Use Districts shall be served with public water and public sewer facilities approved by the Washington County Health Department.

(d) All development in Mixed Use Districts shall comply with the requirements of the Washington County Adequate Public Facilities Ordinance before the site plan or final subdivision approval, whichever is first applicable.

(e) **Former PUD Zone**: PUD Floating Zones approved by the Board of County Commissioners under the former PUD Article of this Ordinance shall maintain their validity after adoption of the Mixed Use District. Subsequent plan reviews and approvals of development plans, subdivisions, and site plans shall comply with the requirements of Article 16 as they were at the time of the PUD zoning approval.
The Planning Commission shall mediate any dispute regarding the applicability of former PUD and current Mixed Use District design requirements in the ongoing plan review of PUD's approved prior to adoption of the Mixed Use District. A Planning Commission decision is appealable to the Board of Appeals in the same manner as any other Planning Commission decision. Minor changes to the approved PUD Development Plan may be approved by the Planning Commission. Where there is a question about the degree of change being major or minor, the Planning Commission shall make that determination.

Section 16.5 Review and Approval Process

Flexibility in site design is inherent in the process to obtain a Mixed Use District. The Planning Commission may modify specific requirements and may establish other requirements deemed necessary to satisfy the purpose of this Article.

The review and approval of Mixed Use District is a multi-step process. Those steps are: Concept Plan Review, Zoning Approval, Preliminary Development Plan Review and Approval, and Final Development Plan Review and Approval. Following zoning approval, the review and approval of the development plans may be combined.

The Concept Plan, the Preliminary Development Plan, and the Final Development Plan shall be prepared by a licensed architect, a professional engineer, or a licensed surveyor. All plans shall also meet the applicable requirements of the Forest Conservation Ordinance.

(a) **Design and Development Schedule**: It is the intent of this Ordinance that the Mixed Use Districts not be a speculative device. The Concept Plan as submitted by the applicant shall reflect the actual development to be designed and constructed within a reasonable time frame.

(b) Each phase of the design and development review process must occur within specified periods. If the applicant fails to submit his/her plans, or if construction does not commence, as specified by this Ordinance, the zoning of the site shall automatically revert to its previous classification. The automatic reversion date shall be specified in the Notice of Approval to the applicant of the mixed use zoning and in each subsequent review phase approval and shall appear on the approved Final Development Plan.

If the applicant abandons the plans for the Mixed Use District at any time prior to the start of construction, before the automatic reversion date, and desires to proceed with development permitted under the previous zoning, he may do so by submitting notification to the Planning Commission. Such notification shall constitute official withdrawal of the applicant's plans for the Mixed Use District and the property shall revert to the previous zoning classification without the necessity of the rezoning process.

The Planning Commission shall provide a formal acknowledgement of withdrawal of a proposed Mixed Use District application and a formal notice of the expiration of a deadline with notice of the return to the previous zoning classification, to which future development must adhere.

1. **Concept Plan Review**: The purpose of the Concept Plan Review is to provide an exchange of information between the developer and the Planning Commission prior to a formal application for a Mixed Use District. The intent is that the developer provide the Commission with general information for the layout, density, specific uses, and the like. The Commission, in turn, will provide the developer with a corresponding response.

   The applicant may not proceed to the next step in the review process, which is submittal of an application for and approval of the mixed use zoning, until the Planning Commission has completed at least one review of the Concept Plan and heard a summary of staff and review agency comments during a regularly scheduled Planning Commission meeting.

2. **Zoning Approval**: If the applicant decides to proceed, a formal application for a Mixed Use District shall be filed following the Concept Plan review. The application shall be accompanied by the Concept Plan, revised to address any Planning Commission and other review agency comments and concerns. The application shall include a clear indication of the residential density requested in the Mixed Use District and any needed modifications to lot area, setbacks, or buffers.

   The Board of County Commissioners and the Planning Commission shall hold public hearings, jointly or separately. Within sixty (60) days after the public hearing before the Board of County Commissioners and receipt of the Planning Commission's recommendation, the Board of County Commissioners shall render a decision on the mixed use zoning application. Zoning approval constitutes tentative approval of density and design features as shown on the Concept Plan. The Planning Commission may approve minor design changes of up to a ten percent (10%) change in the minimum or maximum numerical limitations on the mixture of

uses as specified in the table in Section 16.1(d) without an additional public hearing. The Planning Commission and the Board of County Commissioners shall use the criteria at Section 16.7 in the analysis and determination of the final mix of uses.

3. **Preliminary Development Plan Review and Approval**: The applicant shall submit the Preliminary Development Plan within sixty (60) days of the zoning approval. Requests for extension may be granted by the Planning Commission for good cause. The Planning Commission shall approve or disapprove the Plan within six (6) months of a complete submission, except that extensions as requested by the applicant may be granted by the Commission for good cause. The Preliminary Development Plan submittal, review and approval may be combined with the Final Development Plan.

4. **Final** Development **Plan Review and Approval**: Following approval of the Preliminary Development Plan, the applicant shall submit the Final Development Plan within sixty (60) days for Planning Commission review and approval. Requests for extension may be granted by the Planning Commission for good cause. The Final Development Plan shall be approved or disapproved by the Commission within six (6) months of a complete submission except that extensions as requested by the applicant may be granted by the Commission.

   When Preliminary and Final Development Plans are combined, the Planning Commission shall approve or disapprove the Plan within six (6) months of a complete submission, except that extensions requested by the applicant may be granted by the Planning Commission. When Preliminary and Final Development Plans are combined, the Planning Commission may give preliminary and final approvals separately. Subsequent site plans or subdivision applications may not be submitted prior to Final Development Plan approval.

   Final Development Plan approval shall be indicated by the Planning Commission Chairman's signature on the Final Development Plan.

5. **Site** Plan **Review and Approval**: Following approval of the Final Development Plan, the applicant shall submit a Site Plan within sixty (60) days for the entire mixed use development or for any phase for Planning Commission review and approval. Construction shall begin within one (1) year of Site Plan approval. Requests for extension may be granted by the Planning Commission for good cause.

Section 16.6 Content and Format of Applications

(a) **Concept Plan**: The Concept Plan shall include:

1. A vicinity map drawn at a scale of 1"=2,000 ft. showing the location of the proposed Mixed Use District in relation to its surroundings and to the applicable growth area of the Comprehensive Plan.

   1.1 An approved Forest Stand Delineation and a preliminary Forest Conservation Plan.

2. The boundary, acreage, and current zoning of the tract.

3. Minimum topographic information sufficient to determine surface drainage patterns and principal drainage areas.

4. Adjacent land uses, zoning, and the location of adjacent dwellings within 100 ft. of the common property line.

5. Buffer yards required by Section 16.7(f) and the general location of fencing or screen planting as required by Section 16.7(f)5.

6. The location of areas within the tract proposed for the various uses that may be permitted such as single-family, two-family, and multi-family residential uses; commercial uses, industrial or employment uses, open space, and recreation areas. Also, a tabulation for each area of the number of dwelling units, the maximum building heights, the gross acreage, the gross residential density, and the gross area and maximum building square footage devoted to commercial and employment uses; and a summary of the total dwelling units and the gross residential density for the entire tract, all in accordance with the guidelines contained in Sections 16.1(d) and 16.7.

7. General alignment of principal streets and highways within the development, including major points of access; their relationship to proposed streets within adjacent approved subdivisions and to proposed highways in the Washington County Highway Plan; and the estimated average daily traffic volumes and the traffic circulation patterns from the development onto existing and proposed public streets and highways.

In addition to a graphic display of the proposed street and highway network for the new development and the connections to the existing surrounding road network, the Concept Plan shall be accompanied by data that includes current traffic counts for existing roads within a one (1) mile radius of the site, a preliminary projection of the additional traffic (amount and type) to be generated by the proposed development, peak hour projections, and the distribution and direction of travel of the projected vehicles. The data shall also include a preliminary analysis of the effects of the projected traffic on the road network within a one (1) mile radius of the site, identification of roads that may be negatively affected by the additional traffic, and a preliminary proposal for road improvements to mitigate the expected negative effects with an acknowledgement that the developer may be financially responsible for the improvements.

8. The estimated average daily water consumption and sewage flow.

9. The location of any historic resources identified in the Washington County or Maryland Historic Sites Inventory.

10. Any pre-existing easements or rights-of-way of any kind.

11. Indicate the method proposed to insure maintenance or common areas such as a homeowners' association.

12. Proposed school site dedication according to the requirements of Section 16.7(k) below.

13. The applicant shall submit copies of the Concept Plan and accompanying data to the Planning Commission according to policy in effect at the time of submittal.

(b) **Preliminary Development Plan**: The Preliminary Development Plan shall include the same minimum information as the Concept Plan, plus:

1. Existing topography at contour intervals of not more than five (5) feet where the slope is ten percent (10%) or greater and not more than two (2) feet where the slope is less than ten percent (10%), and the source of contour information.

   1.1 A Forest Conservation Plan.

2. The surface conditions of the tract, including water courses, marshes, rock outcrops, woodlands, limits of the 100-Year Flood Plain and other significant features. Existing vegetation and landscape features to be preserved shall be identified as well as new landscaping in accordance with Section 4.16.

3. The location of all individual lots and structures and the maximum heights of the structures.

4. The location, boundary, and area of common open space to serve multi-family residential units; the designated area of useable open space in accordance with the standards of Section16.7(d); the means of access to useable open space from the dwelling units; and the arrangement of play lots.

5. The location of all off-street parking, loading zones, and private access roads.

6. The location of pedestrian walkways and bus waiting areas in compliance with the applicable guidelines contained in Section 16.7(g).

7. The location of major water and sewerage facilities such as pumping stations, storage tanks, water transmission mains, and sewage interceptors.

8. Drainage patterns and stormwater management areas.

9. Easements and rights-of-way, existing, and proposed.

10. The phasing schedule. The time schedule for each phase shall be shown on the Preliminary Development Plan.

11. Adjustments to the preliminary traffic data submitted with the Concept Plan to reflect changes in design, changes in conditions, the greater detail shown on the Preliminary Development Plan and the on- and off-site road network improvements that are proposed to resolve inadequacy.

12. A preliminary or draft version of Homeowners' Association documents.

13. Where the intent of the developer is to subdivide, the Preliminary Development Plan shall include the requirements for a Preliminary Plat.

14. The applicant shall submit twelve (12) copies of the Preliminary Development Plan and accompanying data to the Planning Commission unless an alternative number of copies is specified by the Commission.

(c) **Final Development Plan**: The Final Development Plan shall serve as the master plan for all subsequent site plans and subdivision plats and is the official record of agreement between the developer and Planning Commission for development of the tract.

The Final Development Plan shall include:

1. Information required for the Preliminary Development Plan.

2. The final design of the mixed use development including road alignments and lot layouts, the arrangement of uses on the site, and the final use mixture percentages. Also to be included are all numerical standards agreed upon between the developer and the Planning Commission during the various design and approval phases such as setbacks, densities, buffers, and building heights. The Plan shall include all off-site improvements that are to be constructed by the developer as a condition of the Final Development Plan approval.

3. An approved Forest Conservation Plan.

4. A complete traffic study according to the criteria and conditions specified by the Department of Public Works and based on the final mixed use development design and future traffic projections.

5. Specific terms and conditions agreed to by the developer and the Planning Commission, or references to such terms and conditions when more appropriately submitted as part of accompanying documentation. Such terms and conditions may include:

    i. The complete and final documents that include the provisions for the ownership and perpetual maintenance of common open space, recreation facilities, private roadways, and parking areas, such as a homeowners' association.

    ii. Agreements for responsibilities between the County and developer for providing on-site and off-site improvements.

6. Certificate of approval signed by the Planning Commission Chairman.

7. Certificate of willingness to abide by terms and conditions of the Final Development Plan signed by the developer.

8. The applicant shall submit six (6) copies of the signed Final Development Plan and accompanying data to the Planning Commission, unless an alternative number of copies is specified by the Commission.

Section 16.7 Design Standards

These standards are intended to ensure that the Mixed Use Districts are compatible with neighboring properties and that they provide quality living environments for its residents. The standards established for any Mixed Use District are considered prima facie to be acceptable to the developer and may not be the subject of an appeal for a variance to the Board of Appeals.

(a) **Density**: The maximum gross residential density for any Mixed Use District is twelve (12) dwelling units per acre (DU/A). Gross density shall be calculated by dividing the total number of proposed dwelling units by the gross acreage of the site. In determining the specific density for a particular Mixed Use District or for any particular phase, the Planning Commission shall give consideration to and shall make findings of fact concerning, at a minimum, the impact of the proposed development on adjacent properties, the availability of public facilities, the impact of the proposed development on public roadways, the impact on public schools, fire and police protection, the availability of adequate open space, and the use mix guidelines contained at Section 16.7(c).

(b) **Tract Size**: There shall be no minimum tract size for a Mixed Use District. However, the tract size and shape shall be appropriate for the development proposed as determined by the Planning Commission.

(c) **Use Mix Determination**

When analyzing the proposal for a Mixed Use District, the Planning Commission and the Board of County Commissioners shall, at a minimum, consider the following criteria:

i. The relationship of the site to goals and objectives of the Comprehensive Plan and the Land Use Plan Map.

ii. The area of land under consideration.

iii. The availability and capacities of existing and planned public utilities and the input from controlling jurisdictions.

iv. The proximity, current condition, planned improvements, and access proposals to the transportation system.

v. Physical characteristics and environmental constraints of the site.

vi. Currently available open space and recreation areas and the open space proposed in the development and on adjacent lands and development.

vii. Compatibility of proposed uses with adjacent surrounding uses.

viii. Unique needs of the proposed development for public services or facilities due to targeted populations.

(d) **Open Space**: Common open space shall be provided in the amount specified in the chart at Section 16.1(d) according to the type of Mixed Use District proposed. The fifteen percent (15%) minimum forest cover required by the Forest Conservation Ordinance may be a part of the minimum twenty-five percent (25%) open space requirement except when noted otherwise.

(e) **Landscaping**: All Development Plans shall contain a detailed landscaping plan according to the guidelines contained in Article 22, Division XI. Trees, shrubs, and other ground cover is expected to be so designed as to provide maximum enhancement of the overall layout. Landscaping shall be considered a necessary, integral part of the mixed use development rather than an optional amenity.

(f) **Buffer Requirements**: Uses within a Mixed Use District should be arranged and designed for compatibility and coexistence and integrated into surrounding development so that buffering is minimally necessary.

After efforts to attain compatibility through design and arrangement are made, buffering may still be necessary. At the developer's discretion, or as required by the Planning Commission, buffers shall be provided according to the following guidelines.

1. Mixed use developments located adjacent to interstate highways or other heavily traveled or excessively noisy roads shall make every effort to avoid locating the residential areas of the development adjacent to the highway.

   Developers should employ all means necessary to reduce negative effects from highway noise and visibility on residential development, such as building placement, arrangement and design, landscaping and forest conservation retention or planting, or berms and building construction methods that reduce noise. Sound attenuation walls are not a preferred method of noise abatement.

2. Non-residential uses in the mixed use development shall provide a fifty (50) foot buffer yard along the common boundary with any adjacent lot either within or outside of the mixed use development that is zoned for or is occupied by a residence. The Planning Commission may reduce or waive this buffer requirement for residential parcels within the mixed use development.

3. Any multi-family residential use shall provide a fifty (50) foot buffer yard along its common boundary with any lot zoned for or occupied by a single-family dwelling.

4. No structure, materials storage, or vehicular parking may be permitted in the buffer yard.

5. Buffer yards shall include adequate screening as deemed necessary by the Planning Commission. Buffers shall be designed according to the guidelines in Article 22, Division XI.

(g) **Walkways**

The mixed use development shall contain a comprehensive and cohesive pathway system for pedestrian and other non-motorized forms of transportation that provides access to and from all use areas of the development and to discourage vehicle use when possible. It shall be the goal of the system to provide access to all locations within the development and to off-site facilities such as transit, local businesses and services, and cultural institutions such as schools and places of worship. The system should provide convenience and safety.

(1) Walkways shall connect residential uses with off-street parking areas, transit and school bus waiting areas, and recreational facilities and commercial facilities on the site. Walkways shall also connect the development with any contiguous school or park.

(2) When a proposed Mixed Use District contains residential development and is located adjacent to an existing public transit route or where students require school bus transportation, a bus waiting area consisting of an impervious surface at least 10' x 10' in size shall be provided in a location that has been determined with advice from the Board of Education or public transit provider. If, after consultation with the transportation provider, it is determined that both services cannot or will not be provided within the boundaries of or adjacent to the new development, then the waiting area is not required.

(h) **Building Spacing and Height Requirements**: Building spacing and height requirements shall be the same as those for the different types of development provided for in the districts where Mixed Use Districts are permitted. The Planning Commission may allow reductions or require increases in building spacing or heights where it will be consistent with the purpose of the Mixed Use District or to promote creativity, allow flexibility, provide for efficient use of the land, and create a compatible mixture and arrangement of land uses.

In review of a mixed use development, the Planning Commission may waive or modify the area, yard, height, and other design requirements for the different types of development only if such modification will increase the amenities of the development.

(i) **Non-Residential Development**

1. In general, non-residential development proposed as part of a mixed use development shall be integral to the overall development and shall relate well to residential areas in terms of pedestrian and vehicular circulation. Buffer requirements between non-residential and residential uses within a mixed use development shall be as provided in this Article.

2. Commercial uses are permitted as specified in the chart located at Section 16.1(d). Commercial uses shall not be built or established prior to the residential development except that they may be built in phases consistent with phasing of the residential construction within the limitations established in Section 16.1(d). The limits on the percentage of commercial uses established for the entire mixed use development shall not be exceeded in any individual phase.

3. Commercial uses shall primarily be designed and intended as a service to the residents of the mixed use development; however, it is recognized by this Ordinance that strict limitation of the commercial development to the mixed use development may not be practical. For that reason, the Planning Commission shall consider the policies of the Comprehensive Plan relating to the establishment of commercial development in reviewing a proposal for the commercial portion of the mixed use development.

4. Unoccupied commercial buildings shall be subject to the maintenance guidelines contained in Article 17, the Planned Business District.

5. Mixed Use Buildings

   Mixed uses within a single building are permitted and encouraged where it will promote and achieve the purpose of a mixed use development. Where it is planned, the mixed use building shall be provided with sufficient and appropriate amenities to accommodate the mixed use. As an example, a building that includes residential units and commercial spaces shall provide sufficient parking at all times to accommodate residents as well as business patrons; recreation areas should be provided in secure, accessible and functional locations. Residents should be shielded as much as possible from strictly commercial functions such as delivery of goods in trade, and resident's security should be a priority. The use mixture within a single building shall not exceed the guidelines contained in Section 16.1(d).

6. The Planning Commission may approve innovative and well-designed proposals for the sharing of buildings or parking areas by compatible residential and non-residential uses whenever it can be demonstrated to the satisfaction of the Planning Commission that such sharing is a logical and efficient use of buildings and land, and that the peak operating hours for the respective uses will not be in conflict. All parking provided in this manner shall be consistent with the parking guidelines contained in Article 22, Division I.

   There shall be documentation that cross easements and joint use agreements will be recorded to support this sharing in perpetuity unless both parties agree to abandon the arrangement. The Planning Commission must approve the abandonment of the joint use arrangement and shall not approve the abandonment until plans for providing alternate site design to accommodate the loss of a shared facility are approved.

(j) **Traffic Circulation and Parking**

1. Existing and planned streets and highways shall be of sufficient capacity to serve existing traffic and all new traffic when the site is fully developed. Any Final Development Plan shall include design drawings of the improvements necessary to provide the needed capacity in the existing road network if it is not currently available.

2. The capacity of existing streets and highways serving a mixed use development shall be considered by the Commission in determining density. Density resulting in traffic capacity being exceeded on streets and highways shall not be permitted without a developer's agreement to improve the affected streets to provide adequate capacity.

(k) **Phasing**: In order to ensure that the mixed use development develops uniformly, each phase shall independently conform to the density established by the Commission for the entire land area covered by the mixed use designation.

(l) **Dedication of School Sites**

1. In mixed use developments that have five hundred (500) or more dwelling units of any type, the applicant shall identify within the boundary of the proposed mixed use development a minimum of ten (10) contiguous acres suitable for future dedication and construction of a public elementary school. The area of the potential school site shall be increased in size by one (1) acre for each additional one hundred (100) units over five hundred (500), or part thereof, to a maximum of twenty (20) acres.

2. At each review stage and prior to the Final Development Plan approval, the Board of County Commissioners, in consultation with the Board of Education, shall make a formal determination of the need and desire to accept or reject dedication of the proposed school site for construction of a public school.

3. Upon acceptance, both entities shall include the site in its respective capital improvements program at the next available opportunity. At any time subsequent to acceptance of the site and before the issuance of any permits for construction of any utilities or infrastructure on the development site, the Board of County Commissioners or the Board of Education may determine that the dedicated site is no longer needed for the construction of a public school and formally rescind its acceptance of the school site.

4. Following a determination that the reserved site is no longer needed or desirable as a public school site, and at its option alone, the Board of County Commissioners may determine that the school site would be appropriate for an alternate public facility.

5. Transfer of ownership of the site shall occur at a time mutually agreed upon for the convenience of both parties.

6. Upon formal determination that the dedicated site is no longer needed for the construction of a public school or any other public facility, the developer may seek approval of development plans for the area, which must be compatible with the surrounding portions of the mixed use development and in compliance with all applicable standards contained in this Article.

7. When evaluating the mixed use development for compliance with the Adequate Public Facilities Ordinance, and if it is determined that the public schools serving the mixed use development do not have sufficient capacity to accommodate all of the students expected to be generated from the development, the Board of County Commissioners shall give due consideration to the availability and value of the dedicated school site in its determination of the adequacy of any mitigation proposal.

ARTICLE 17 "PB" PLANNED BUSINESS DISTRICT (SHOPPING CENTERS)[102]

Section 17.0 Purpose

The Planned Business District is established to allow and encourage the development of commercial uses that provide goods and services to a regional population in pre-planned and comprehensively designed communities or regional shopping centers or malls according to a comprehensive development plan. Comprehensive pre-planning will improve function and may increase compatibility with adjacent land uses where random placement of commercial development may not be compatible. All uses in the Planned Business District shall be where it can be served with adequate public or community water and sewerage service meeting Health Department standards.

Section 17.1 Principal Permitted Uses

Only uses permitted in the BL or BG Districts shall be permitted. However, no animal hospitals, veterinary clinics, or kennels shall be permitted. No residential or industrial uses or Outdoor Advertising Signs shall be permitted.

Section 17.1.1 Special Exception Uses (Requiring Board Authorization After Public Hearing)

(a) Public utility buildings, structures or uses not considered essential utility equipment, as defined in Article 28A.

(b) Commercial Communications Towers, subject to the requirements of Section 4.22.

Section 17.2 Development Procedures in Existing and New PB Districts

(a) Existing Planned Business Districts with existing approved comprehensive development plans.

In existing Planned Business Districts with comprehensive development plans or subdivisions previously approved by the Planning Commission, development may proceed with an application for subdivision and/or site plan approval as needed and appropriate. Subdivisions and site plans shall be designed and approved according to the design standards contained in this Article, site plan requirements contained in Section 4.11, parking, lighting, buffering, landscaping and signage requirements in Article 22, and any other applicable standards contained in this Ordinance.

[102] Revision 17, Article 17 deleted and replaced, 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2012-07)

(b) Existing Planned Business Districts without approved comprehensive development plans.

In existing Planned Business Districts without comprehensive development plans approved by the Planning Commission, the following shall apply.

1. On an existing parcel of two (2) acres or less, development of a permitted use may proceed with submission and approval of a site plan without the need for a preliminary consultation or comprehensive development plan approval.

2. On a parcel, or a combination of several parcels, of any size where more than one (1) use is proposed, either through subdivision into multiple lots or through the construction and leasing of a multiple-tenant building, a comprehensive development plan shall be approved prior to subdivision or site plan approval in the Planned Business District.

   Prior to approval of a comprehensive development plan, a preliminary consultation, as described in the Subdivision Ordinance, shall be required. Following the preliminary consultation and Planning Commission review and recommended revisions, a comprehensive development plan that is consistent with the guidance and intent of the Planned Business District may be approved by the Planning Commission. The approved comprehensive development plan shall be the guide for the future development or subdivision of the property and development of the infrastructure to serve the various uses established.

   The Planning Commission shall keep appropriate records of the review and approvals of comprehensive development plans.

3. The concept plan submitted for preliminary consultation shall include the following minimum information:

   i. The location and size of the tract.

   ii. The proposed layout of uses on the site including buildings, parking and interior traffic and pedestrian circulation patterns, and other elements basic to the proposed commercial use. The plan shall include the proposed points of access to the existing road network.

iii. The proposed methods and general arrangement of the sewage disposal, storm water management and water supply systems, and provisions for other utilities.

iv. Minimum topographic information sufficient to determine surface drainage patterns and principal drainage areas. Any area of steep slope as defined in Section 202.54 of the Subdivision Ordinance shall also be identified.

v. The source of existing contours as they are shown on the sketch plan.

vi. The location of any 100-year floodplain as regulated by the Washington County Floodplain Management Ordinance.

vii. The location of any perennial or intermittent stream as defined in the Subdivision Ordinance, Section 202.55.

viii. The location of the Appalachian Trail if within one thousand (1,000) feet of the proposed development. (This information may be shown in the vicinity or location map).

ix. Where applicable, notation of the property's location within the watershed boundaries of the Edgemont or Smithsburg Reservoirs or the Upper Beaver Creek Drainage Basin as delineated on maps prepared and provided by the Washington County Planning Commission.

x. The zoning and land use on adjacent parcels.

xi. An approved forest stand delineation including an indication of the existence of the habitat of a plant or animal species determined by the U.S. Fish and Wildlife Service to be threatened or endangered according to the definitions contained in 50 CFR 17.

xii. A preliminary proposal for any required forest conservation mitigation.

xiii. The location of historic inventory sites on the subject property or adjacent parcels.

xiv. A layout of the proposed development of the entire site (including out lots) and preliminary sketches of the exterior treatment of the shopping center or buildings greater than seventy-five thousand (75,000) square feet.

xv. The concept plan shall be accompanied by the applicant's analysis of the market and region to be served by the proposed development.

4. When reviewing the proposed comprehensive development plan, the Planning Commission shall consider:

i. The layout of the various uses on the site with respect to internal traffic patterns and the access to public highways.

ii. Preservation of natural topographic, environmental, and historic features.

iii. Grading plans, drainage structures, water and sewerage facilities, and other utilities.

iv. Orientation and compatibility with uses on adjacent properties.

v. Landscape proposals.

(c) Applications for new Planned Business Districts

Applications for new Planned Business Districts shall comply with the zoning amendment procedures contained in Article 27 of this Ordinance and the requirements for a preliminary consultation and approved comprehensive development plan contained in Section 17.2(b) above.

Section 17.3 General Requirements for Applications for New Planned Business Districts

The Planned Business District is intended to be assigned to large single parcels or an assemblage of smaller parcels for planning, resubdivision, and development of a cohesively designed neighborhood, community, or regional commercial center with multiple tenants. The proposed development is expected to have a comprehensively designed interior traffic and pedestrian circulation plan, shared parking, landscaping, and other site amenities all shown on a document to be known as a comprehensive development plan. Previously approved plans for shopping centers in the Planned Business District that existed at the time of the adoption of these requirements are still valid to the degree that the design proposal does not violate current regulations.

Section 17.4 Data to Accompany Applications for New Planned Business Districts

(a) Prior to acceptance by the Planning Commission of an application for a zoning amendment to establish a new Planned Business District, a concept plan for the subject property shall be submitted and reviewed following the guidelines and procedures in the Subdivision Ordinance pertaining to preliminary consultations and the requirements of Section 17.2(b) above pertaining to the comprehensive development plan.

(b) The applicant shall provide a concept plan containing the information required at Section 17.2(b). A preliminary consultation shall be conducted. The Planning Commission shall have completed at least one (1) review of the concept plan and summary of staff and review agency recommendations during a regularly scheduled Planning Commission meeting before an amendment application for a new Planned Business District can be accepted.

(c) The comprehensive development plan shall not be approved until after zoning amendment approval.

(d) Applications for new Planned Business Districts shall also be accompanied by an approved Forest Stand Delineation, Preliminary Forest Conservation Plan, and the revised comprehensive development plan prepared by a licensed architect, engineer, landscape architect, or certified planner. The comprehensive development plan shall be drawn to scale and shall show such items as the size of the project, the location and approximate shapes of buildings, road ingress and egress patterns, parking areas, storm drainage and water and sewerage facilities, and such other information as is necessary for the Commission to give the necessary consideration.

(e) The zoning amendment application shall also be accompanied by preliminary traffic data that includes current traffic counts for existing roads with a one (1) mile radius of the site, a projection of the additional traffic (amount and type) predicted to be generated by the proposed development, peak hour estimates, and the distribution and direction of travel of the projected vehicles.

Section 17.5 Planning Commission and County Commissioner Review and Action

Upon receipt of an application for a zoning map amendment for a new Planned Business District, accompanied by the required concept plans and information, the application shall follow the amendment procedures and policies specified in Article 27, Amendments. The Planning Commission shall review the proposed development, considering its relationship to the surrounding area and to the development pattern outlined in the adopted Comprehensive Plan for the County.

In addition to the requirements of Article 27, Amendments, the Planning Commission and the County Commissioners shall ascertain whether the location, size, and other characteristics of the site, and the proposed plan, comply with the following conditions:

(a) A need is evident for such shopping facilities at the proposed location, such need being demonstrated by the developer by means of market studies and such other information as the Commission may require.

(b) That the proposed planned business center is adequate to serve the needs of the population which reasonably may be expected to be served by such shopping facilities.

(c) That the proposed planned business center will not cause points of traffic congestion on existing or planned future roads in the area of such proposed location.

(d) That the plans provide for a planned business center consisting of one (1) or more groups of establishments in buildings of integrated and harmonious design, together with adequate and properly arranged traffic and parking facilities and landscaping, so as to result in an attractive and efficient shopping center.

Section 17.6 Official Comprehensive Development Plan

(a) Approval of the zoning map amendment for a new Planned Business District includes the stipulation that all subsequent development on the site shall occur according to the approved comprehensive development plan.

(b) Upon approval of an amendment to establish a new Planned Business Zoning District but before development begins, the applicant shall submit a final concept plan to the Planning Commission. After approval by the Planning Commission, the plan shall be deemed the official comprehensive development plan for the Planned Business District.

1. The official comprehensive development plan shall be signed by the Planning Commission Chairman and by the property owner, indicating agreement to abide by the conditions and terms of the approved plan.

2. The Planning Commission shall maintain appropriate records of the review and approvals of all official comprehensive development plans.

3. The official comprehensive development plan may be amended, the procedure being the same as in the case of the original plan. Minor amendments of official comprehensive development plan features

may be approved through the site plan approval by the Planning Commission without an additional hearing.

4. The Planning Commission shall determine the degree of change from the official comprehensive development plan and the need for additional public hearings.

(c) It is recognized that full development of planned business areas may require a number of years, and some flexibility is needed to accommodate the needs of future commercial uses. However, no zoning permit shall be issued on any lot unless the Planning Commission shall have approved a comprehensive development plan for the entire commercial establishment and a site plan for each lot therein as it is proposed for development. Planning Commission review of individual site plans after an overall development plan has been approved shall not require separate public hearings.

Section 17.7 General Regulations

The following regulations shall apply to a Planned Business Center except as modified by the guidelines contained in Section 17.9 for developments or buildings of seventy-five thousand (75,000) square feet or greater:

(a) **Size**: The site shall be adequate for the type of shopping center proposed. The minimum size for a planned neighborhood shopping center, as defined in Article 28A (BL District type uses), shall be three and one-half (3.5) acres and the minimum size of a planned community shopping center, as defined in Article 28A (BG District type uses), shall be twenty (20) acres. The site shall be of a shape suitable for shopping center development, and shall not be split by any existing or proposed street.

(b) **Height:** The height limit for a neighborhood shopping center (BL District type uses) shall be thirty-five (35) feet and for a community shopping center (BG District type uses) shall be sixty (60) feet, except as modified by Section 23.4.

(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 RR, 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.

(d) **Public streets**: Right-of-way lines for public streets shall be located a minimum of fifty (50) feet from any existing residential buildings or attached structures.

(e) **Signs**: In addition to building mounted signs as permitted and regulated in Section 22.23(c), one additional sign shall be permitted, provided the sign does not exceed three hundred (300) square feet in area and thirty-five (35) feet in height. The signs shall include the name of the shopping center and/or the establishments located therein. Any shopping center fronting on more than one street may be permitted an additional sign which is 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 shall be closer than five (5) feet to the right-of-way line.

Section 17.8 Design Guidelines

(a) **Site Coverage**: Impermeable site coverage (parking areas, building area, and other paved surfaces) shall not be greater than eighty-five percent (85%) of the gross area of the site. This site coverage limitation shall not include any area of pervious pavement.

(b) **Refuse:** Adequate provision shall be made for storage and collection of refuse. Refuse collection and storage areas shall be completely shielded from view at all times by enclosures that are integrated into the building design, fencing, landscaping, or other enclosed structures. They shall not be located in the front yard. Refuse storage and collection areas shall not be located in a side yard when the adjacent parcel contains a dwelling or is zoned for residential use.

(c) **Landscaping:** Permeable areas of the site, excluding permeable pavement shall be landscaped with ground cover, shrubs, and trees according to the guidelines contained in Article 22, Division XI. If the new use is adjacent to any lot occupied by a dwelling, school, place of worship, or institution for human care not located on the same lot as said use or buildings or any lot which is part of a duly recorded residential subdivision, it shall be effectively screened according to the buffering requirements contained in Article 22, Division XI.

When additional screening and buffering is required or appropriate to enhance compatibility between uses, it shall be provided according to the regulations and guidelines contained in Article 22, Division XI.

(d) **Vehicle Display:** Any vehicles displayed on sales lots, including farm implements, shall be parked at least ten (10) feet from the public or private street or road right-of-way, or from the curb, or from the street or road edge, whichever provides the greatest setback.

(e) **Lighting:** All sites which will receive night use shall be provided lighting for safety and aesthetics. Lighting shall be provided in accordance with the regulations and guidelines contained in Article 22, Division X.

(f) **Signs:** Signs may be provided and shall be in accordance with the regulations and guidelines contained in Article 22, Division II.

(g) **Loading Areas:** All uses shall provide an appropriately sized area for parking vehicles to load and unload goods and materials. The designated loading area shall not be located where it will interfere with the flow of traffic in the parking lot or on adjacent public or private streets. Loading areas shall be provided in accordance with the regulations and guidelines contained in Article 22, Division I. Where appropriate and approved by the Planning Commission, loading areas may be shared amongst several uses on the same site.

To the degree practical, loading areas in the Planned Business District should be oriented away and shielded from public view by enclosures integrated into the building design, fencing, and landscaping.

(h) **Outside Storage:** Any outside building material storage or other outside storage yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials, or both, to the full length of the outdoor storage area to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall be in accordance with the following requirements:

1. Plant materials used in the screen planting shall be of such species and size as will produce a complete visual screen at a height appropriate for the material being screened.

2. A fence, when erected as a screen, shall be of a height appropriate for the material being screened and shall be placed no closer than three (3) feet from any street or property line.

3. The screen planting shall be placed so that at maturity it will be no closer than ten (10) feet from any street or property line.

4. No structure, fence, planting, or other obstruction shall be permitted which would interfere with traffic visibility across the corner of a lot and at access driveways within a required clear sight triangle, such clear sight triangle shall be maintained in the area between a plane two (2) feet above curb level and a plane seven (7) feet above curb level.

5. The screen planting or fence shall be broken only at points of vehicular or pedestrian access.

(i) Permanent or temporary outside display areas shall be designated on the site plan and shall be designed to be consistent with the non-parking uses in

parking facilities guidelines contained in Section 22.14. Outside display areas are subject to the yard requirements of Section 17.7.

(j) All development shall be served by a comprehensive system or network of pedestrian walkways that provide customer access to all areas of the site by foot without the need to walk in vehicle travel lanes. The pedestrian system shall be well lit for safe nighttime use. The pedestrian system shall contain a handicapped accessible surface. The pedestrian system shall provide connections to all sidewalks on adjacent properties. The system shall provide connections to adjacent undeveloped parcels in locations determined appropriate by the Planning Commission.

(k) Unoccupied commercial buildings shall be subject to the maintenance guidelines contained in Section 17.9(c) below.

(l) All new development in the Planned Business District shall be served by public water and sewer facilities that have been approved by the Washington County Health Department.

1. The Planning Commission may waive this requirement after consultation and advice from the Health Department.

2. Prior to a decision to grant or not grant a waiver of this requirement, the Planning Commission shall consider the following:

   i. The need to protect environment resources from potential pollution from failing septic systems.

   ii. The availability and proximity of existing public water and sewer facilities.

   iii. The status of any available plans for utility extensions in the future that may serve the area.

   iv. The existence and operation of private, on-site health facilities in the vicinity.

   v. Recommendations of the Washington County Health Department.

   vi. The adopted Washington County Water and Sewerage Plan.

   vii. Recommendations of the potential service provider.

   viii. Any grant of a waiver to allow the use of a private, on-site well or septic system is conditional upon the agreement to abandon the private system and connect to the public utility when it becomes available.

ix. When the Planning Commission has determined that a waiver from the required use of public water and sewer facilities is appropriate, the minimum lot size shall be the result of the application of the minimum lot size, setback, and yard requirements specified in Section 17.7. Lot dimensions shall also conform to any applicable minimum requirements affecting lot size, width or separations imposed by the Washington County Health Department.

x. Any private on-site well or septic system shall meet all Health Department requirements.

(m) All new development in the Planned Business District shall comply with the requirements of the Washington County Adequate Public Facilities Ordinance.

Section 17.9 Additional Design Standards for Projects, Developments or Structures of Seventy-Five Thousand (75,000) square feet or greater.

Drawings or photographs of the proposed architectural treatment of the proposed buildings on the site shall be provided with the site plan to assist the Planning Commission in visualizing the ultimate site appearance.

High quality architectural designs can mitigate the perceived impact of commercial structures and uses and can create a positive impression of the use and the Washington County, Maryland community. Designers of such buildings are encouraged to employ the following guidelines in building siting and design.

(a) Intent - The intent of this subsection is:

1. To establish design standards that create highly attractive commercial centers with plentiful greenery and orderly outdoor spaces;

2. To design centers which are sustainable through tenant turnover;

3. To minimize the visual impact of large commercial buildings and parking facilities, especially when adjacent to existing residential neighborhoods;

4. To improve the pedestrian experience moving within and through such commercial centers; and

5. To minimize sprawl and concentrate development through the use of multi-story structures, where possible.

(b) Site considerations

1. Utilize, to the greatest degree possible, existing site features such as topography, orientation, tree cover, and existing structures.

2. Create an individual and cohesive site identity that is also compatible with adjacent properties and structures.

   i. In commercial developments, "Main Street" shopping center layouts are encouraged. For the purpose of this section, a "Main Street" design is defined as a shopping center designed so that stores are arranged facing a center drive aisle which may also be lined with parking and streetscape features and with the majority of parking found behind the buildings. The largest single structure of the shopping center may be found at the end of the center drive aisle.

   ii. When the "Main Street" concept is not applied, shopping centers shall be designed so that the mass of structures greater than seventy-five thousand (75,000) square feet are masked by the presence of smaller retail and service uses along the front of the building or the center.

   iii. Any part of a lot not used for buildings, parking, loading, driveways, outside storage, or walkways shall be planted with grass or other ground cover, trees, shrubs, and/or flowers and shall be properly maintained at all times. A landscaping plan shall be included with each site plan and shall be consistent with the guidelines contained in Article 22, Division XI.

(c) Buildings

1. Apply consistent design principles on all buildings and structures on the site to create unity.

2. Apply design principles on all building facades and surfaces, not just the front.

3. Create visual interest and minimize bulk with architectural designs that include varied but complementary building materials, surface treatments, textures, varying roof and wall planes, color and window and door arrangements.

4. The commercial buildings or shopping center (including buildings located on out lots) shall be constructed of high quality natural materials finished in low reflectance, earth tone colors and finishes. Materials may include brick, wood, stone, tinted textured concrete masonry units, architectural or patterned concrete block, or other material approved by the Planning Commission.

5. Public-oriented facades and the roof line of commercial buildings or a shopping center and any façade that is located within three hundred (300) feet of a residential zoning district shall be articulated and constructed with architectural elements so as to appear as a series of smaller buildings.

(d) Other considerations

1. Minimize the views of mechanical equipment, storage, loading facilities, and refuse collection by considering the need for screening and incorporating it into the building design and overall site design, orientation, and landscaping.

2. Non-enclosed areas for storage of pallets, recycling, temporary seasonal merchandise, overstock warehousing, and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences and/or heavy evergreen landscaping consistent with the materials and landscaping used throughout the project.

3. Parking and service area lighting shall be full cut-off units designed to project downward or ornamental streetlights. The height of light poles shall be limited to twenty (20) feet. All other lighting guidelines shall be consistent with the lighting standards contained in Article 22, Division X.

4. Maintenance of Vacant Buildings.

   Any freestanding building over seventy-five thousand (75,000) square feet in area which is vacated by its owner or tenant shall be maintained during its period of vacancy to the following minimum standards:

   i. The property shall be kept clear of trash;

   ii. Parking lot lights shall be illuminated during the evening business hours of the surrounding commercial area;

   iii. Commercial identification signs shall be removed and the space behind them repainted or treated in an appropriate manner to maintain an appearance consistent with the remainder of the building;

   iv. Landscaped areas shall be kept clear of weeds and be properly maintained;

   v. Buildings shall be kept in good condition (painted areas kept in good condition, windows kept in good and clean condition, walls and other surfaces kept clear of graffiti and other staining elements, destruction caused by vandals repaired, etc.);

   vi. Current contact information shall be posted.

Section 17.10 Site Plan

A site plan with an approved Forest Stand Delineation and Forest Conservation Plan is required (Section 4.11) for all principally permitted and approved special exception uses. All site plans shall contain information as required by the applicable sections of this Ordinance and shall not be approved without compliance with the applicable sections.

ARTICLE 18 "PI" PLANNED INDUSTRIAL DISTRICT (INDUSTRIAL PARK)[103]

Section 18.0 Purpose

The Planned Industrial District is intended to foster industrial development in Planned Industrial Parks. The District allows a wide range of manufacturing, assembly, processing, research and development, and office uses. Due to the pre-planned and comprehensively designed nature of an industrial park and increased site design and aesthetic standards, Planned Industrial Districts can be located, built and operated with a minimum of nuisance and mapped in locations where other industrial districts may be inappropriate. Uses in the Planned Industrial District shall be served with adequate public or community water and sewerage service meeting Health Department standards.

The Planned Industrial District is intended to be assigned to large single parcels or an assemblage of parcels for planning, resubdivision, and development of a cohesively designed industrial park with multiple lots, interior streets, and other amenities. Previously approved plans for industrial parks in Planned Industrial Districts that existed at the time of the adoption of these requirements are still valid to the degree that the design does not violate current regulations.

The Planned Industrial District may also be assigned to an individual parcel for development with a single use.

Section 18.1 Principal Permitted Uses

The following principal permitted uses shall be allowed in the Planned Industrial District:

(a) Principal permitted uses allowed in the "IR," "IG," "ORT," and "ORI" Districts, except those prohibited in Section 18.2 herein.

(b) Office buildings for services oriented to the needs of industries and businesses located in the park and their respective employees or for the local community. These may include offices for doctors, medical clinics or laboratories, engineers, banks, data processing centers, post offices, and local retail services, provided that such office buildings shall not be the first use erected in the industrial park. It is intended that these uses be permitted only in a multi-use structure and not as stand-alone uses on individual lots.

(c) Wholesale warehousing establishments where no retail sales are permitted.

(d) Truck terminals or warehouses.

(e) Heliport, subject to the standards recommended by the Federal Aviation Agency.

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[103] Revision 17, Article 18 deleted and replaced, 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2012-07)

(f) Public utility buildings, structures, or uses not considered essential utility equipment, as defined in Article 28A.

(g) Child day care centers and nursery schools.

(h) Hotels, motels, and conference centers.

(i) Restaurants providing both on-premises and carry-out food service, including those serving alcoholic beverages on the premises only. Drive-up or drive-through service is not included as a permitted use.

(j) Signs, Outdoor Advertising, subject to the provisions of Section 22.24 and 22.25.

(k) Agriculture, as defined in Article 28A, including animal husbandry facilities, as defined in Article 28A, which shall be subject to the requirements set forth in Article 22, Division IX.

(l) Helipads.

Section 18.2 Prohibited Uses[104]

The following uses are prohibited in the Planned Industrial District:

(a) Any new dwelling, mobile homes, mobile home parks, or institutions for human care, and uses first allowed in a business district, except as permitted in Section 18.1(b).

(b) Brick yards, manufacture of pottery, tile, terra cotta, clay products.

(c) Electric or steam generating plants.

(d) Flour mills and grain or feed drying or processing.

(e) Planned business (Regional Shopping Center).

(f) Sawmills, unless they are operated within a completely enclosed structure. Outside storage of pre- or post-processed lumber is subject to screening requirements of Section 18.83 below.

(g) Signs, except as authorized herein.

(h) Special exception uses in "IR" and "IG" Districts, with the exception of Solar Energy Generating Systems in accordance with Section 4.26.

[104] Revision 17, Section 18.2 amended (RZ-13-002/ORD-2013-25)

Section 18.3 Accessory Uses

Uses shall be allowed which are customarily incidental to or are demonstrably related to permitted uses in an industrial park, including indoor and outdoor recreational facilities, cafeterias, clinics, helipads, training facilities, meeting rooms, and display rooms related to or primarily restricted to the industries and businesses located in the industrial park.

Section 18.4 Development Procedures in Existing and New Planned Industrial Districts

(a) Existing Planned Industrial Districts with Approved Industrial Park Concept Plans

In existing Planned Industrial Districts with industrial park concept plans, development plans, or subdivisions previously approved by the Planning Commission, development on individual lots may proceed with an application for subdivision and/or site plan approval as needed. Subdivisions and site plans shall be designed and approved according to the design standards contained in this Article, site plan requirements contained in Section 4.11, and any other applicable standards contained in this Ordinance.

(b) Existing Planned Industrial Districts Without Approved Concept or Development Plans

In existing Planned Industrial Districts without concept or development plans approved by the Planning Commission, the following shall apply:

1. On a parcel or a combination of several parcels greater than twenty-five (25) acres or when subdivision is proposed on any size parcel to create three (3) or more lots or prior to an application for subdivision approval of the fourth (4th) lot from the original parcel, a preliminary consultation, as described in the Subdivision Ordinance, shall be required. Following the consultation and Planning Commission review and recommended revisions, a concept plan that is consistent with the guidance and intent of the Planned Industrial District shall be approved by the Planning Commission. The approved concept plan shall be the guide for the future subdivision of the property and development of the infrastructure to serve the various uses established on the individual lots.

The preliminary consultation described above is optional for parcels less than twenty-five (25) acres or the proposed subdivision of less than three (3) lots.

The Planning Commission may waive the requirement for a preliminary consultation for the subdivision of a fourth (4th) lot where it is apparent that there will be no land area available for future

subdivision or development after the development of the fourth (4th) lot.

2. The concept plan shall include the following minimum information:

   i. The location and size of the tract.

   ii. The proposed layout of streets, lots, and other elements basic to the proposed industrial park or use. The plan shall contain a graphic display of the proposed street and highway network for the new development and the connections to the existing surrounding road network.

   iii. The proposed methods and general arrangement of the sewage disposal, storm water management and water supply systems, and provisions for other utilities.

   iv. Minimum topographic information sufficient to determine surface drainage patterns and principal drainage areas. Any area of steep slope as defined in Section 202.54 of the Subdivision Ordinance shall also be identified.

   v. The source of existing contours as they are shown on the plan.

   vi. The location of any 100-year floodplain as regulated by the Washington County Floodplain Management Ordinance.

   vii. The location of any perennial or intermittent stream as defined in the Subdivision Ordinance, Section 202.55.

   viii. The location of the Appalachian Trail if within one thousand (1,000) feet of the proposed development. (This information may be shown in the vicinity or location map)

   ix. Where applicable, notation of the property's location within the watershed boundaries of the Edgemont or Smithsburg Reservoirs or the Upper Beaver Creek Drainage Basin as delineated on maps prepared and provided by the Washington County Planning Commission.

   x. The zoning and land use on adjacent parcels.

   xi. An approved Forest Stand Delineation including an indication of the existence of the habitat of a plant or animal species determined by the U.S. Fish and Wildlife Service to be threatened or endangered according to the definitions contained in 50 CFR 17.

xii. A preliminary proposal for any required forest conservation mitigation.

xiii. The location of historic inventory sites on the property.

3. When reviewing the concept plan, the Planning Commission shall consider:

i. The layout of the industrial park with respect to internal roads and the access of such to public highways.

ii. Preservation of natural topographic, environmental, and historic features.

iii. Grading plans, drainage structures, water and sewerage facilities, and other utilities.

iv. Orientation and compatibility with uses on adjacent properties.

v. Landscape proposals.

(c) Applications for New Planned Industrial Districts

Applications for new Planned Industrial Districts shall comply with the zoning amendment procedures contained in Article 27 and the requirements for a preliminary consultation and approved industrial park concept plan contained in this Article, Section 18.4(b).

Section 18.5 General Requirements for Applications for New Planned Industrial Districts

Prior to acceptance of an application for a new Planned Industrial District, a concept plan for the subject property shall be approved following the guidelines and procedures pertaining to preliminary consultations contained in Section 18.4(b).

The applicant shall provide a concept plan containing the information required at Section 18.4(b)2. A preliminary consultation shall be conducted. The Planning Commission shall have completed at least one review of the concept plan and summary of staff and review agency recommendations during a regularly scheduled Planning Commission meeting before an amendment application for a new Planned Industrial District may be accepted.

Section 18.6 Data to Accompany Application

Applications for a Planned Industrial District shall be accompanied by an approved Forest Stand Delineation, preliminary Forest Conservation Plan and the concept plan required by Section 18.4(b) that has been revised according to the results of the preliminary consultation and the Planning Commission recommendations. The concept plan shall be prepared by a licensed architect, engineer, landscape architect, or

certified planner. The concept plan shall be drawn to scale and contain all of the information required by Section 18.4(b)2 above.

The zoning amendment application shall also be accompanied by preliminary traffic data that includes available current traffic counts for existing roads within a one (1) mile radius of the site, a projection of the additional traffic (amount and type) predicted to be generated by the proposed development, peak hour estimates, and the distribution and direction of travel of the projected vehicles.

Section 18.7 Planning Commission and County Commissioner Review and Action

Upon receipt of an application for a zoning map amendment for a Planned Industrial District, accompanied by the required concept plans and information, the application shall follow the amendment procedures and policies specified in Article 27, Amendments. The Planning Commission shall review the proposed development, considering its relationship to the surrounding area and to the development pattern outlined in the adopted Comprehensive Plan for the County.

Upon conclusion of the amendment proceedings, if the proposed amendment is approved by the Board of County Commissioners and the land is assigned the Planned Industrial Zoning District, but before beginning development, the applicant shall submit a final concept plan to the Planning Commission. The final concept plan, after adoption by the Planning Commission, shall be deemed an official development plan. The official development plan shall be signed by the Planning Commission's Chairman and by the property owner indicating his/her willingness to abide by the conditions and terms of the adopted plan. The Planning Commission shall maintain appropriate records of all concept plan approvals and official development plans. The official development plan may be amended, the procedure being the same as in the case of the original plan. Minor amendments of official development plan features may be approved through the site plan approval by the Planning Commission without an additional hearing.

The Planning Commission shall determine the degree of change from the official development plan and the need for additional public hearings.

The official development plan may be approved even though it does not show exact lot sizes or locations of future buildings. It is recognized that full development of planned industrial areas may require a number of years, and some flexibility is needed to accommodate the needs of future industries. However, no zoning permit shall be issued on any lot unless the Planning Commission shall have approved a development plan for the entire industrial park and a site plan for each lot therein as it is proposed for development. Planning Commission review of individual site plans after an overall development plan has been approved shall not require separate public hearings.

In reviewing the site plan for a lot in the Planned Industrial District, the Planning Commission shall consider the following, in addition to the design standards contained in Section 18.8 and the site plan requirements contained in Section 4.11.

(a) Layout of the site with respect to the arrangement and width of its driveways and parking areas and their relationship to off-site roadways within the industrial park and to external public highways.

(b) Preservation of natural topographic features, such as trees and watercourses.

(c) Grading plan and plans for all utilities, including water and sewerage facilities, storm drainage, parking lots, loading docks, lighting and screening.

(d) Lot layout, including front, side, and rear yard lines.

(e) Location, height and orientation of proposed buildings.

(f) Identity of occupant and nature of operations.

(g) Employee information, as to number and shifts.

(h) Location, size, and lighting of signs.

(i) Outdoor storage areas, including location, screening, and safety features.

Section 18.8 Required Conditions

(a) All manufacturing uses shall be conducted in an enclosed building, except for parking, loading, and storage.

(b) All uses in the Planned Industrial District shall comply with the performance standards contained in Section 4.12.

(c) All uses in the Planned Industrial District shall be served by public water and sewer facilities approved by the Washington County Health Department.

1. The Planning Commission may waive this requirement after consultation and advice from the Health Department.

2. Prior to a decision to grant or not grant a waiver of this requirement, the Planning Commission shall consider the following:

i. The need to protect environmental resources from potential pollution from failing septic systems.

ii. The availability and proximity of existing public water and sewer facilities.

iii. The status of any available plans for utility extensions in the future that may serve the area.

iv. The existence and operation of private, on-site health facilities in the vicinity.

v. Recommendations of the Washington County Health Department.

vi. The adopted Washington County Water and Sewerage Plan.

vii. Recommendations of the potential service provider.

viii. Any grant of a waiver to allow the use of a private, on-site well or septic system is conditional upon the agreement to abandon the private system and connect to the public utility when it becomes available.

ix. When the Planning Commission has determined that a waiver from the required use of public water and sewer facilities is appropriate, the minimum lot size shall be the result of the application of the minimum lot size, setback, and yard requirements specified in Section 18.99 and 18.100. Lot dimensions shall also conform to any applicable minimum requirements affecting lot size, width, or separations imposed by the Washington County Health Department.

x. Any private on-site well or septic system shall meet all Health Department requirements.

(d) All new development in the Planned Industrial District shall comply with the requirements of the Washington County Adequate Public Facilities Ordinance.

Section 18.9 Design Standards

Section 18.91 Vehicular Access

(a) Vehicular access to industrial parks shall be permitted only from public roads or highways and not from any residential street.

(b) Road access to an industrial park may be at points prescribed by the appropriate agency or jurisdiction, but in no case less than the following:

(1) For state roads, not less than seven hundred fifty (750) feet between points of access.

(2) For county roads, not less than two hundred (200) feet between points of access.

(c) All streets within an industrial park shall be designed to County specifications for the expected type and volume of traffic and shall be

offered for ownership and maintenance by the County through the existing dedication procedures.

Section 18.92 Parking and Loading Facilities

(a) There shall be provided for, in each plan, sufficient space for off-street parking and storage of vehicles for personnel. Parking facilities shall comply with the standards contained in Article 22, Division I.

(b) All uses shall provide an appropriately-sized area for parking vehicles to load and unload goods and materials. The designated loading area shall not be located where it will interfere with the flow of traffic in the parking lot or on adjacent public or private streets. Loading areas shall be provided in accordance with the regulations and guidelines contained in Article 22, Division I.

(c) Industrial park developers and tenants are encouraged to utilize shared parking facilities, where appropriate, in accordance with the guidelines contained in Article 22, Division I, and when approved by the Planning Commission.

Section 18.93 Outdoor Storage

(a) No outdoor storage shall be permitted in the front yard of any operation permitted by this Article. Front yards shall be defined as the area facing the major highway or artery in the immediate vicinity, whether adjacent or nearby. If it is indeterminable from this factor, then what would ordinarily be considered the front of the major structure would be considered the front portion of the yard and/or operation.

(b) Any outside material storage yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials, or both, to the full length of the outdoor storage area to serve as a barrier to visibility, air borne particles, glare, or noise. Such screen planting shall be in accordance with the following requirements:

1. Plant materials used in the screen planting shall be of such species and size as will produce a complete visual screen at a height appropriate for the material being screened.

2. A fence, when erected as a screen, shall be of a height appropriate for the material being screened and shall be placed no closer than three (3) feet from any street or property line.

3. The screen planting shall be placed so that at maturity it will be no closer than ten (10) feet from any street or property line.

4. No structure, fence, planting, or other obstruction shall be permitted which would interfere with traffic visibility across the corner of a lot or

at access driveways within a required clear sight triangle. Such clear sight triangle shall be maintained in the area between a plane two (2) feet above curb level and a plane seven (7) feet above curb level.

5. The screen planting or fence shall be broken only at points of vehicular or pedestrian access.

6. The screening materials shall be maintained in order to insure that the screening effect is in place at all times.

Section 18.94 Building Appearance, Location, and Landscaping

(a) Drawings or photographs of the proposed architectural treatment of the proposed buildings on the site shall be provided with the site plan to assist the Planning Commission in visualizing the ultimate site appearance.

High quality architectural designs can mitigate the perceived impact of industrial structures and uses and can create a positive impression of the industry, the industrial park, and the Washington County, Maryland community. Designers of buildings in the industrial park are encouraged to employ the following guidelines in building siting and design.

(b) Site Considerations

1. Utilize to the greatest degree possible existing site features, such as topography, orientation, tree cover, and existing structures.

2. Create an individual and cohesive site identity that is also compatible with adjacent properties and structures.

3. Any part of a lot not used for buildings, parking, loading, driveways, outside storage, or walkways shall be planted with grass or other ground cover, trees, shrubs, and/or flowers, and shall be properly maintained at all times. A landscaping plan shall be included with each site plan and shall be consistent with the guidelines contained in Article 22, Division II.

(c) Buildings

1. Apply consistent design principles on all buildings and structures on the site to create unity.

2. Apply design principles on all building facades and surfaces, not just the front.

3. Create visual interest and minimize bulk with architectural designs that include varied but complementary building materials, surface treatments, textures, varying roof and wall planes, color and window and door arrangements.

(d) Industrial buildings shall be constructed of high-quality natural materials finished in low-reflectance earth tone colors and finishes. Materials may include brick, wood, stone, tinted textured concrete masonry units, architectural or patterned concrete block or other material approved by the Planning Commission.

(e) Public-oriented facades and the roof line of buildings and any façade that is located within three hundred (300) feet of a residential zoning district shall be articulated and constructed with architectural elements so as to appear as a series of smaller buildings or to minimize the appearance of excessive mass.

(f) Minimize the views of mechanical equipment, storage, loading facilities, and refuse collection by considering the need for screening and incorporating it into the building design and overall site design, orientation, and landscaping used throughout the project.

(g) Non-enclosed areas for storage of pallets, recycling, refuse and other materials shall be permanently defined and screened with walls and/or fences and/or heavy evergreen landscaping consistent with materials and landscaping used throughout the project.

(h) Parking and service area lighting shall be full cut-off units designed to project downward or ornamental street lights. The height of light poles shall be consistent with the lighting standards contained in Article 22, Division X.

(i) A landscaping plan shall be included with each site plan and shall be consistent with the guidelines contained in Article 22, Division XI. If the new use is adjacent to any lot occupied by a dwelling, school, place of worship, or institution for human care not located on the same lot as said use or buildings, or any lot which is part of a duly recorded residential subdivision, it shall be effectively screened according to the buffering requirements contained in Article 22, Division XI.

Section 18.95 Utilities

Any overhead wires determined necessary shall be run along the rear property lines where practical, and any control instrument station or substations shall be screened.

Section 18.96 Signs and Lighting

(a) The design, lettering, lighting and location of all signs shall be included so far as possible as part of the site plan submitted for approval of the Planning Commission.

(b) Signs for identifying the use or the occupant on a lot shall be a part of the architectural design and be attached to the building. Any signs detached from buildings shall be landscaped.

(c) All sites which will receive night use shall be provided lighting for safety and aesthetics. Lighting shall be provided in accordance with the regulations and guidelines contained in Article 22, Division X.

Whenever possible, signage should be combined to eliminate visual clutter. Additional signage at park entrances that list all tenants in the park or serves as a directory are permitted according to the guidelines contained in Article 22, Division II.

Section 18.97 Noise

All uses in the Planned Industrial District shall be subject to compliance with the noise limitations as specified below:

(a) Noise will be measured with a sound level meter. Impact noise will be measured using the fast response of the sound level meter. Impact noises are intermittent sounds such as from a punch press or drop force hammer.

(b) The following table describes the maximum sound pressure level permitted from any industrial source as measured at any property line adjacent to a residential district, commercial district, other PI zoned lot, or other non-industrial use.

MAXIMUM PERMITTED SOUND LEVELS, DB(A)

Sound Measured to:	Decibels Continuous Slow Meter Response	Impact Fast Meter Response
Residential District	55	60
Commercial District	64	70
Other PI Zoned Lot	70	80

(c) The following sources of noise are exempt.

1. Transportation vehicles not under the control of the industrial use.

2. Occasionally-used safety signals, warning devices, and emergency pressure relief valves.

3. Temporary construction activity between 7:00 a.m. and 7:00 p.m.

4. Agricultural activities.

5. Emergency generators for essential operations of a facility for the duration of an emergency and/or interruption in electric power service.

Section 18.98 Height Regulations

(a) No building shall exceed seventy-five (75) feet in height, except as provided in Section 23.4 of this Ordinance.

Section 18.99 Area Requirements

(a) No industrial park considered herein shall comprise less than ten (10) acres if it is a completely separate tract. No area limitation shall be placed on an industrial park if it (1) is an addition to another industrial park, or (2) has a common boundary with an existing "IR" or "IG" District.

(b) The minimum lot area for any lot for a principal building shall be two (2) acres and the minimum lot frontage shall be two hundred (200) feet.

(c) The maximum lot area coverage of any lot by a principal building or buildings shall not exceed fifty (50) percent of the total lot area.

Section 18.100 Yard Setback Requirements

(a) A front yard adjacent to an expressway or primary highway as shown on the Washington County Highway Plan shall be one hundred fifty (150) feet. Front yards on other County or municipal streets or interior roads within an industrial park shall be fifty (50) feet.

(b) Side or rear yards shall be as follows:

Adjoining a residential district, one hundred fifty (150) feet or seventy-five (75) feet where proper screening as determined by the Planning Commission along the property line is provided.

Adjoining a business or industrial district, seventy-five (75) feet.

Section 18.101 Site Plan

A site plan is required for any principally permitted or approved special exception use except agriculture. Animal husbandry facilities shall be subject to the requirements set forth in Article 22, Division IX.

All site plans shall contain information as required by Section 4.11 and shall not be approved without compliance with the regulations contained in the applicable sections of this Ordinance governing parking, lighting, landscaping, buffers, and signage.

All uses in the Industrial General District shall provide the required information and meet the performance standards contained in Section 4.12 of this Ordinance.

Areas of a Planned Industrial District or industrial park that are not part of individual lots or are intended for the common benefit of all tenants of the park, such as

park identification signs, lighting, landscaping, or recreation areas, may be designed and approved on site plans for individual lots or as part of the approval of the official development plan or on a separate site plan for common industrial park amenities.

Section 18. 102 Special Exception Uses (Requiring Board Authorization After Public Hearing)

(a) Solar Energy Generating Systems in accordance with Section 4.26.

ARTICLE 19 "HI" HIGHWAY INTERCHANGE DISTRICT[105]

Section 19.1. Purpose

The Highway Interchange District is established to provide suitable locations for commercial activities or light industrial land uses that serve highway travelers, provide goods and services to a regional population, or uses that have a need to be located near the interstate highway system to facilitate access by a large number of employees, or the receipt or shipment of goods by highway vehicles. In addition to providing accessible locations, the Highway Interchange District is intended to protect the safe and efficient operation of the interchange and to promote its visual attractiveness. Site design guidelines will balance the needs for visibility with moderation of visual clutter, signs, and excessive lighting.

Section 19.2. Principal Permitted Uses

(a) All Principal Permitted Uses allowed in the BL, BG, PB, and ORT Districts. Also permitted are all Principal Permitted Uses in the IR District except heliports and Commercial Communications Towers.

(b) Agriculture, as defined in Article 28A, including animal husbandry facilities, as defined in Article 28A, which shall be subject to the requirements set forth in Article 22, Division IX.

Section 19.3. Special Exception Uses (Requiring Board Authorization after Public Hearing)

(a) Building material sales and storage yards.

(b) Feed and grain sales.

(c) Animal hospitals, veterinary clinics, or kennels with outside runways or exercise areas shall comply with Section 19.7 and the outside runways or exercise areas shall be no less than 150 ft. from any dwelling, place of worship, school or institution for human care not located on the same lot.

(d) Cemeteries, mausoleums, or memorial gardens.

(e) Petroleum products storage tanks (above ground).

(f) Any other use that the Board finds is functionally similar to any Principal Permitted Use or Special Exception listed in the BL or BG Articles. The Board shall not grant any special exception which is inconsistent with the purpose set forth for this district, nor which will materially or adversely affect the use of any adjacent or neighboring properties.

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[105] Revision17, Article 19 deleted and replaced, 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2012-07)

(g) Truck stops.

(h) Public utility buildings, structures, or uses not considered essential utility equipment, as defined in Article 28A.

(i) Commercial Communications Towers, subject to the requirements of Section 4.22.

Section 19.4 Accessory Uses

Uses and structures customarily accessory and incidental to any Principal Permitted or Special Exception Use.

Section 19.5 Site Plan Review

All development, except agriculture, in the Highway Interchange District requires site plan review and approval and an approved Forest Stand Delineation and Forest Conservation Plan in accordance with Section 4.11. Animal husbandry facilities shall be subject to the requirements set forth in Article 22, Division IX. The Planning Commission shall apply the following general standards when approving site plans for development in the HI District:

(a) **Interchange access**: First priority shall be given to insuring safe and uncongested access to and from the interstate highways from all connecting roads. Future as well as present traffic volumes shall be considered by the Planning Commission. In the site plan review, the Planning Commission shall consider the location and spacing of ingress and egress and shall not permit them where they will interfere with traffic movement to or from the approach ramps. Where determined appropriate to protect or improve the function and safety of the interchange and with the advice of the County Division of Public Works and/or the State Highway Administration, the Planning Commission may limit the number of access points or require that multiple properties share a common access point with the appropriate joint use agreements or cross easements. Frontage roads may be required when deemed appropriate by the Commission.

(b) **Architectural and landscape design**: The Planning Commission shall consider the appearance of development from the interstate highway and other roads surrounding the site and may require modifications to the placement and orientation of buildings, structures or land uses, building materials, buffers, screening, landscaping, lighting, and signage with the goal of providing a positive and pleasing impression of Washington County.

(c) **Signs**: All signage in the HI zoning district shall comply with the requirements of Article 22, Division II, and the following additional guidelines and requirements which are designed to limit visual clutter along the highway, improve the effectiveness of signage, and provide a pleasing and positive visual image.

1. Portable signs are prohibited.

2. Individual business entities on adjacent but separate parcels are encouraged to share a single sign support structure. The Planning Commission may permit a ten percent (10%) increase in the three hundred (300) square foot maximum sign size limit for signage that shares a single support structure. The allowed ten percent (10%) increase may be used by each business sharing the same support structure to increase the maximum permitted sign size to three hundred thirty (330) square feet.

3. Sign support structures shall be a minimum of fifty (50) feet from the interstate right of way.

4. On lots that have interstate and secondary road frontage that would be permitted two (2) freestanding signs per Section 22.23(e), the Planning Commission may limit signage to only one (1) sign where it can be determined that one (1) sign can be visible from both road frontages.

5. Integral or building mounted signs permitted by Article 22, Section 22.23(c) are limited to three hundred (300) square feet.

Section 19.6 Height Requirements

No structure may exceed seventy-five (75) feet in height, including any sign that may be located on the top of the structure, except as provided in Article 23. Freestanding signs are limited to thirty-five (35) feet in height, as specified in Article 22, Division II.

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			40 feet	10 feet*	10 feet*
***Animal hospitals, veterinary clinics, or kennels with outside runways or exercise areas	2 acres	200 feet	50 feet	50 feet	50 feet

* Except as required in Section 19.8.
* Except as required in Section 19.3(c) and 19.3(i).
* Except when adjacent to residential development, it shall be 25 feet.
***See also Section 19.3(c).

Section 19.8. Buffer Yards

The area designated as a buffer yard may include any required side, rear, or front yards.

(a) Where the adjoining lot 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 in the IR or ORT District. Perimeter screening in the form of a solid fence, vegetative screening, or both as determined by the Planning Commission during the site plan review shall be required. The vegetative screening shall consist of trees that 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 of fifteen (15) feet under normal growing conditions. The trees shall be planted and spaced so as to create an opaque screen between the adjoining land uses. Shrubs may be required to supplement the tree plantings to create the opaque screen. A minimum of seven (7) trees per hundred linear feet of perimeter buffer area shall be required. Where any of the IR or ORT uses are across a public road, the Planning Commission may waive the perimeter screening and buffer yard requirement. Buffer planting shall not obstruct visibility for vehicles in the interchange area.

Where the adjoining lot 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 in the BL, BG, or PB District. Perimeter screening in the form of a solid fence, vegetative screening or both, as determined by the Planning Commission during the site plan review, shall be required for all BL, BG, and PB uses. 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. Shrubs may be required to supplement the tree plantings to create the opaque screen. Where any of the BL, BG or PB uses are across a public road, the buffer yard and perimeter screening requirement may be waived by the Planning Commission. Buffer planting shall not obstruct visibility for vehicles in the interchange area.

(b) Any outside storage of equipment, materials, or goods, whether as a principal use, a special exception, or an accessory use, shall also be provided a buffer yard of fifty (50) feet where dwellings, hospitals, nursing homes, schools, or other institutions for human care are on an adjoining lot.

(c) Where the use on the adjoining lot is in the BL, BG, IR, PB, or ORT District, the setback for equipment, materials, or goods need be only ten (10) feet, but the yard shall be either fenced or planted with evergreens or other suitable vegetation that will provide a year-round screen for noise, light glare, or other factors that may adversely affect neighboring properties.

(d) All buffer yards in the HI District shall be planted along the length of the yard with evergreens or other suitable vegetation that will adequately provide a year-round screen for noise, light glare, or other factors that may adversely affect abutting properties. Fencing may be substituted for vegetative screening. The Planning Commission, in its review of the site plan, shall determine the that the provided type, spacing, height, and planting schedule is appropriate for the screening based on the abutting uses, the type of stored material, its storage height, its noise-generating characteristics, its light-generating characteristics, and the hours of activity in the storage yard.

Section 19.9 Additional Design Standards

(a) Lighting

All sites which will receive night use shall be provided lighting for safety and aesthetics. Lighting shall be provided in accordance with the regulations and guidelines contained in Article 22, Division X.

(b) Landscaping

1. Permeable areas of the site shall be landscaped with ground cover, shrubs, and trees according to the guidelines contained in Article 22, Division XI. If the new use is adjacent to any lot occupied by a dwelling, school, place of worship, or institution for human care not located on the same lot as said use or buildings, or any lot which is part of a duly recorded residential subdivision, it shall be effectively screened according to the buffering requirements contained in Article 22, Division XI.

2. When additional screening and buffering is required or appropriate to enhance compatibility between uses, it shall also be provided according to the regulations and guidelines contained in Article 22, Division XI.

(c) Maximum Impervious Surface

Impermeable site coverage (parking areas, building area, and other paved surfaces) shall be limited to eighty-five percent (85%) of the gross area of the site.

(d) Refuse & Recyclables

Adequate provision shall be made for storage and collection of refuse and recyclables. Refuse and recyclables collection and storage areas shall not

be located in the front yard and shall be completely shielded from view at all times by fencing or landscaping. Refuse and recyclables storage and collection areas shall not be located in a side yard when the adjacent parcel contains a dwelling or is zoned for residential use.

(e) Vehicle Displays

All vehicles displayed on sales lots, including farm implements, shall be parked at least ten (10) feet from the public or private street or road right-of-way, or from the curb, or from the street or road edge, whichever provides the greatest setback.

(f) Loading Areas

All uses shall provide an appropriately sized area for parking vehicles to load and unload goods and materials. The designated loading area shall not be located where it will interfere with the flow of traffic in the parking lot or on adjacent public or private streets. Loading areas shall be provided in accordance with the regulations and guidelines contained in Article 22, Division X. Where appropriate and approved by the Planning Commission, loading areas may be shared among several uses on the same site.

(g) All wholesale and retail outside building material storage yards and other outside storage yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials, or both, to the full length of the outdoor storage area to serve as a barrier to visibility, air borne particles, glare, or noise. Such screen planting shall be in accordance with the following requirements:

1. Plant materials used in the screen planting shall be of such species and size as will produce a complete visual screen of at least six (6) feet in height.

2. A fence, when erected as a screen, shall be not less than six (6) feet in height, and shall be placed no closer than three (3) feet from any street or property line.

3. The screen planting shall be placed so that at maturity it will be no closer than ten (10) feet from any street or property line.

4. No structure, fence, planting, or other obstruction shall be permitted which would interfere with traffic visibility across the corner of a lot and at access driveways within a required clear sight triangle. Such clear sight triangle shall be maintained in the area between a plane two (2) feet above curb level and a plane seven (7) feet above curb level.

5. The screen planting or fence shall be broken only at points of vehicular or pedestrian access.

6. Outside display areas shall be designated on the site plan. Outside display areas are subject to the yard requirements of Section 19.7 and 19.8. Outside display areas shall not include parking areas needed to meet the minimum number of parking spaces required for the use.

(h) Parking

All uses in the Highway Interchange District shall provide vehicular parking to meet the requirements contained in Article 22, Division I.

(i) All new development in the Highway Interchange District shall be served by public water and sewer facilities approved by the Washington County Health Department.

1. The Planning Commission may waive this requirement after consultation and advice from the Health Department.

2. Prior to a decision to grant or not grant a waiver of this requirement, the Planning Commission shall consider the following:

i. The need to protect environmental resources from potential pollution from failing septic systems.

ii. The availability and proximity of existing public water and sewer facilities.

iii. The status of any available plans for utility extensions in the future that may serve the area.

iv. The existence and operation of private, on-site health facilities in the vicinity.

v. Recommendations of the Washington County Health Department.

vi. The adopted Washington County Water and Sewerage Plan.

vii. Recommendations of the potential service provider.

viii. Any grant of a waiver to allow the use of a private, on-site well or septic system is conditional upon the agreement to abandon the private system and connect to the public utility when it becomes available.

ix. When the Planning Commission has determined that a waiver from the required use of public water and sewer facilities is appropriate, the minimum lot size shall be the result of the

application of the minimum lot size, setback, and yard requirements specified in Section 19.7 and 19.8. Lot dimensions shall also conform to any applicable minimum requirements affecting lot size, width, or separations imposed by the Washington County Health Department.

(j) Any private on-site well or septic system shall meet all Health Department requirements.

(k) All new development in the Highway Interchange District shall comply with the requirements of the Washington County Adequate Public Facilities Ordinance.

Section 19.10 Maintenance of Vacant Buildings

Any freestanding building over seventy-five thousand (75,000) square feet in area which is vacated by its owner or tenant shall be maintained during its period of vacancy to the following minimum standards:

(a) The property shall be kept clear of trash;

(b) Parking lot lights shall be illuminated during the evening business hours of the surrounding commercial area;

(c) Commercial identification signs shall be removed and the space behind them repainted or treated in an appropriate manner to maintain an appearance consistent with the remainder of the building;

(d) Landscaped areas shall be kept clear of weeds and be properly maintained;

(e) Buildings shall be kept in good condition (painted areas kept in good condition, windows kept in good and clean condition, walls, and other surfaces kept clear of graffiti and other staining elements, destruction caused by vandals repaired, etc.); and

(f) Current contact information shall be posted.

ARTICLE 19A "HI-1" HIGHWAY INTERCHANGE DISTRICT[106]

Section 19A.1. Purpose

The HI-1 District is established to provide for those uses allowed in the BL, BG, PB, and IR Districts. The HI-1 District is intended to include those lands closest to the seventeen interchanges of the interstate highway system traversing Washington County. All business and light industrial uses permitted in this Ordinance should be encouraged to utilize those lands immediately surrounding the interchanges where there is ready access to the interstate highway system.

Section 19A.2. Principal Permitted Uses[107]

(a) All Principal Permitted Uses allowed in the BL, BG, PB Districts and all Principal Permitted Uses in the IR District except heliports and Commercial Communications Towers.

Section 19A.3. Special Exception Uses (Requiring Board of Appeals Authorization after Public Hearing)[108]

(a) Building material sales and storage yards.

(b) Feed and grain sales.

(c) Animal hospitals, veterinary clinics, or kennels with outside runways or exercise areas shall comply with section 19.7 and the outside runways or exercise areas shall be no less than 150 ft. from any dwelling, church, school or institution for human care not located on the same lot.

(d) Cemeteries, mausoleums, or memorial gardens.

(e) Petroleum products storage tanks above ground.

(f) Any other use that the Board finds is functionally similar to any Principal Permitted Use or Special Exception listed in the BL or BG Articles. The

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[106] **Revision 6, Article 19A added 4/26/88 (RZ-383)**

[107] **Revision 11, Section 19A.2(a) amended 5/18/99 (RZ-99-01)**

[108] **Revision 9, Section 19A.3(h) added 8/29/95 (RZ-94-08)**
Revision 11, Section 19A.3(i) added 5/18/99 (RZ-99-01)
Revision 12, Section 19A.3(f) and (g) amended 10/21/01 (RZ-01-006)
Revision 12, Section 19A.3(c) amended 8/20/02 (RZ-02-002)

Board shall not grant any special exception which is inconsistent with the purpose set forth for this district, nor which will materially or adversely affect the use of any adjacent or neighboring properties.

(g) Truck stops.

(h) Public utility buildings, structures or uses not considered essential utility equipment, as defined in Article 28A.

(i) Commercial Communications Towers, subject to the requirements of Section 4.22.

Section 19A.4 Accessory Uses

Uses and structures customarily accessory and incidental to any Principal Permitted or Special Exception Use.

Section 19A.5 Site Plan Review[109]

All development in the HI-1 District requires site plan review and approval and an approved Forest Stand Delineation and Forest Conservation Plan in accordance with Section 4.11. The Commission shall apply the following general standards in the HI-1 District:

(a) Interchange access: First priority shall be given to insuring safe and uncongested access to the interstate highways from all connecting roads. Future as well as present traffic volumes shall be considered by the Commission. In the site plan review, the Planning Commission shall consider the location and spacing of ingress and egress and shall not permit them where they were interfere with traffic movement onto the approach ramps. Frontage roads may be required when deemed appropriate by the Commission.

(b) Architectural and landscape design: The Planning Commission shall give special attention to the visual appearance of the interchange area as seen by motorists on the interstate highway and on the approach roads. Site plan review shall consider the design and arrangement of buildings and accessory structures, the signs, and the landscaping of the interchange area.

Section 19A.6 Height Requirements

No structure may exceed seventy-five (75) feet in height except as provided in Article 23.

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[109] **Revision 7, Section 19A.5 amended 11/16/93 (RZ-93-10)**

Section 19A.7 Lot Area, Lot Width, and Yard Requirements[110]

(a) There is no minimum lot area in the HI-1 District, except in Section 19A.3(c); it shall be a function of the required buffers, setbacks, and off-street parking requirements.

(b) There is no minimum lot width in the HI-1 District, except in Sesction19A.3(c); it shall also be determined as a function of the required buffers, setbacks, and off-street parking requirements.

(c) Minimum yard requirements:

	FRONT	SIDE	REAR
All Principal, Special Exception, and Accessory BL, BG, and IR Uses	40	10*	10*

***Animal hospitals, veterinary clinics, or kennels with outside runways or exercise areas:

Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
2 acres	200 ft.	50 ft.	50 ft.	50 ft.

***See also Section 19A.3(c).
* Except as required in Section 19A.8.
* Except as required in Section 19A.3(c) and 19A.3(i).

Section 19A.8. Buffer Yards[111]

The area designated as a buffer yard may include any required side, rear, or front yards.

(a) Where the adjoining lot is either zoned for or contains dwellings, hospitals, nursing homes, schools, or other institutions for human care, there shall be a 75 foot buffer yard between the lot line and any area of the lot proposed for use or development if the allowed principal permitted use or special exception use would be considered permitted because of its association with

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110 **Revision 11, Section 19A.7 amended 5/18/99 (RZ-99-01)**
Revision 12, Section 19A.7 amended 8/20/02 (RZ-02-002)

111 **Revision 7, Section 19A.8 amended 12/21/93 (RZ-93-07)**
Revision 11, Section 19A.8(a) amended 7/29/97 (RZ-96-012)

an IR District. Perimeter screening in the form of a solid fence, vegetative screening or both as determined by the Planning Commission during the site plan review shall be required for all IR uses. The vegetative screening shall consist of tree species that 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 of fifteen (15) feet under normal growing conditions. The trees shall be planted and spaced so as to create an opaque screen between the adjoining land uses. Shrubs may be required to supplement the tree plantings to create the opaque screen. A minimum of seven (7) trees per hundred linear feet of perimeter buffer area shall be required. Where any of the IR uses are across a public road, the buffer yard shall be 50 feet between the use and the road right-of-way and the Planning Commission may waive the perimeter screening requirement.

Where the adjoining lot 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 or development if the allowed principal permitted use or special exception use would be considered permitted because of its association with a BL, BG, or PB District. Perimeter screening in the form of a solid fence, vegetative screening or both as determined by the Planning Commission during the site plan review shall be required for all BL, BG, and PB uses. 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. Where any of the BL, BG or PB uses are across a public road the buffer yard and perimeter screening requirement may be waived by the Planning Commission.

(b) Any outside storage of equipment, materials, or goods, whether as a principal use, a special exception, or an accessory use, shall also be provided a buffer yard of 75 feet where dwellings, hospitals, nursing homes, schools, or other institutions for human care are on an adjoining lot.

(c) Where the use on the adjoining lot is in the BT, BL, BG, IT or IR category, the setback for equipment, materials, or goods need be only 10 feet, but the yard shall be either fenced or planted with evergreens or other suitable vegetation that will provide a year-round screen for noise, light glare, or other factors that may adversely affect neighboring properties.

(d) All buffer yards in the HI-1 District shall be planted along the length of the yard with evergreens or other suitable vegetation that will adequately provide a year-round screen for noise, light glare, or other factors that may adversely affect abutting properties. Fencing may be substituted for vegetative screening. The Planning Commission, in its review of the site

plan, shall determine the required type, spacing, height, and planting schedule for the screening based on the abutting uses, the type of stored material, its storage height, its noise-generating characteristics, its light-generating characteristics, and the hours of activity in the storage yard.

ARTICLE 19B - "HI-2" HIGHWAY INTERCHANGE DISTRICT [DELETED]

[Repealed in its entirety 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2012-07)]

ARTICLE 19C - "SPECIAL ECONOMIC DEVELOPMENT DISTRICT"[112]

Section 19C.1. Purpose

The principal function of the Special Economic Development District is to provide a mixed use zoning classification which will address land use compatibility associated with the redevelopment and reuse of the Fort Ritchie Military Base. Because of the nature of the facility and past developmental patterns, a mixed-use designation is encouraged to optimize land use potential. In addition, the classification needs to be extremely flexible with regard to bulk and area development requirements since existing development patterns and reuse potential will reflect more of a town or campus character than a rural or suburban perspective.

Section 19C.2. Principal Permitted Uses

Single Family Residential Units
Two Family Dwelling or Duplex
Multi-Family Residential Units including Apartments, Townhouses & Condominiums
Alcohol Beverage Sales
Assisted Living Facility
Child or Adult Day Care Facilities
Conference Centers
Data Processing Facilities
Emergency Service Structures and Facilities
Financial Institutions
Golf Course, Country Clubs, Private Clubs and similar Recreation Uses
Health and Beauty Shops
Hospitals
Hotels, Boarding Houses, Nursing or Retirement Homes
Indoor Firing Range
Laundry or Dry Cleaning Store
Medical Clinics and/or Pharmacies
Mixed Use Building
Museum, Arts Center or Tourism Entertainment Facility
Offices, Business and Professional
Parks and Recreational Facilities, Public or Private
Printing or Publishing Establishments
Public or Civic Buildings, Structures or Facilities
Radio, Television, and Film Studios or Recording Facilities
Religious Institutions
Research and Development Facilities
Restaurants & Taverns
Schools, Public or Private including College, Trade and Technical Institutions
Specialty Retail Shops
Theaters

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[112] **Revision 14, Article 19C replaced in its entirety 7/26/05 (RZ-03-005)**

Veterinary Hospital
Warehouses

Section 19C.3. Special Exception Uses

Factory for Manufacture and/or Assembly of Electronics, Communications, Scientific, Photographic or Optical Products and/or Equipment.
Machine Shop
Military Communication, Training or Operations Support Facilities
Commercial Communications Towers, subject to the requirements of Section 4.22

Any other use that the Board of Appeals finds is functionally similar to any principally permitted use or special exception listed in this Article. The Board of Appeals shall not grant any special exception that is inconsistent with the purpose set forth for this District.

Section 19C.4. Accessory Uses

Uses and structures customarily incidental and subordinate to any Principal Permitted or Special Exception Use.

Section 19C.5. Height Regulations

No structure shall exceed fifty (50) feet, except as provided in Section 23.4.

Section 19C.6. Lot Area, Lot Width, and Yard Requirements

	Lot Area per unit	Lot Width	*Front Yard	Side Yard	Rear Yard
Dwelling, Single-Family	10,000 sq. ft.	70 ft.	25 ft.	8 ft.	40 ft.
Dwelling, Two-Family	6,250 sq. ft.	75 ft.	25 ft.	8 ft.	40 ft.
Dwelling, Semi-Detached	6,250 sq. ft.	75 ft.	25 ft.	8 ft.	40 ft.
Dwelling, Multi-Family	3,600 sq. ft.	100 ft.	5 ft.	10 ft.	20 ft.
Mixed Use	2,500 sq. ft.	25 ft.	5 ft.	0 ft.*	20 ft.
Non-Residential	None	None	None	None	

*If attached to an adjacent building or 5 ft. if not attached to an adjacent building.

Section 19C.7. Design Standards

A. Maximum Building Coverage 70%

B. Minimum Non-Impervious Area 10%

C. Minimum Interior Yards 15 feet (Open space between buildings same lot)

D. Permeable areas of the site shall be landscaped.

E. A buffer yard of 75 feet including vegetative screening shall be maintained between property containing dwellings, hospitals, nursing homes, schools, or other institutions for human care that are located in a zoning district, other than a special economic development district, or which abut a non-residential principal permitted or special exception use in a special economic district.

F. 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. Where any of the non-residential uses are across a public road, the buffer yard and perimeter screening requirement may be waived by the Planning Commission.

G. Any outside storage of equipment, materials, or goods, where as a principal use, special exception, or as an accessory use, shall also provide a buffer yard of 75 feet and vegetative screening where dwellings, hospitals, nursing homes, schools, or other institutions for human care are on an adjoining lot, whether inside or outside of a special economic development district.

H. A site plan with, if applicable, an approved Forest Stand Delineation and Forest Conservation Plan is required for all multi-family residential, nonresidential principal uses, and special exception uses.

I. Play lots or tot lots may be required pursuant to Section 4.17 for residential developments.

J. Multi-family and non-residential developments shall balance the functional requirements of parking with the provision of pedestrian facilities. Construction of new or extension of existing pedestrian facilities may be required by the Planning Commission in order to enhance the mixed use characteristics of the district.

K. Provisions shall be made for storage and collection of refuse including recycling of materials.

L. For purposes of this zoning classification “mixed use” shall refer to a combination of residential or institutional and non-residential uses.

ARTICLE 20 "HP" HISTORIC PRESERVATION DISTRICT[113]

Section 20.0 Purpose

The purpose of the Historic Preservation District is to provide a mechanism for the protection, enhancement and perpetuation of those significant historic structures, sites and districts as defined in Section 20.7 in Washington County, which have historical, architectural, archeological and cultural merit. The "HP" district is an overlay zone meant to enhance, not substitute, for the existing zoning designation, that regulates land use.

Districts established to reflect elements of cultural, social, economic, political or architectural history are intended to:

(a) Safeguard the heritage of Washington County as embodied and reflected in such structures, sites and districts;

(b) Stabilize and improve property values of such structures, sites and districts and in Washington County generally;

(c) Foster civic pride in the beauty and noble accomplishments of the past;

(d) Strengthen the economy of the County; and

(e) Promote the preservation and appreciation of historic structures, sites and districts for the education, and welfare of the residents of Washington County.

Section 20.1 Historic District Commission Created

Pursuant to the authority granted to Washington County in Article 66B, Section 801 et. seq. of the Annotated Code of Maryland, there is hereby created the "Historic District Commission of Washington County, Maryland." For the purposes of this article only, it shall be referred to as "the Commission."

(a) Number of Members: The Commission shall consist of seven (7) members appointed by the Board of County Commissioners. Each member must be a resident of Washington County.

(b) Professional Members: The Commission shall have at least two (2) members who possess professional or academic training in architecture, history, architectural history or archeology in accordance with 36CFR61**.** A good-faith effort to locate and appoint such professionals, to the extent that they are available in the community, will be made, and documentation as to how this effort was accomplished shall be kept among the Commission's records.

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[113] **Revision 14, Article 20 replaced in its entirety 7/26/05 (RZ-03-005)**

(c) Qualifications of members: All commission members must possess a demonstrated special interest, specific knowledge or professional or academic training in such fields as architecture, history, architectural history, planning, cultural anthropology**,** prehistoric and historic archeology, folklore, curation, conservation, landscape architecture, historic preservation, urban design or related disciplines.

(d) Diversity: All Commission members shall be selected to represent the geographical, social, economic and cultural concerns of the residents of Washington County.

(e) Term: Members of the Commission shall serve for three-year terms, which terms shall be staggered. Members shall be eligible for reappointment for a second full term.

(f) Vacancy: Any vacancy in the membership of the Commission shall be filled within sixty days in the same manner as provided in (b) and (c) above.

(g) Removal: A member may be removed by the Board of County Commissioners in the best interest of the citizens of Washington County for inefficiency, neglect of duty or malfeasance in office.

Section 20.2 Regulations

The Commission shall adopt such rules, regulations and by-laws as necessary for the proper transaction of the business of the Commission.

(a) Meetings: The Commission shall hold such regular meetings, which, in its discretion, are necessary to discharge its duties. The meetings shall be open to the public. Any interested person or representative is entitled to appear and be heard by the Commission before it reaches a decision on any matter. The Commission shall maintain an open record of its resolutions, proceedings, and actions, which shall be kept available for public inspection during reasonable business hours.

(b) Staff: There may be appointed and assigned to the Commission such employees, and the Board of County Commissioners shall make available to the Commission, such services and facilities of the County, as are necessary or appropriate for the proper performances of its duties.

Section 20.3 Historic District Commission Duties & Powers

(a) The Commission shall act upon all applications as required by Section 20.6, Historic Preservation district, Section 5D.4, Rural Village District and Article 20A, Antietam Overlay District of this Ordinance.

(b) The Commission shall review any legislation, applications for zoning text or map amendment, special exception, variance, site plan or subdivision applications and other proposals affecting historic preservation, including preparation and amendment of master plans, and may make recommendations thereon to the appropriate authorities;

(c) The Commission shall recommend programs and legislation to the Board of County Commissioners and the Planning Commission to encourage historic preservation.

(d) The Commission shall serve as a clearinghouse for information on historic preservation for county government, individuals, citizens' associations, historical societies, and local advisory committees; provide information and educational materials for the public; and undertake activities to advance the goals of historic preservation in Washington County.

(e) The Commission shall advise and participate in the development of additional duties or standards to be added to this Ordinance in pursuit of the stated purpose of Section 20.0. Specifically, additional criteria may be developed by the Historic District Commission to be used in its review of building permits applications as specified in Section 20.6.

(f) The Commission shall prepare, adopt, publish and amend as necessary additional guidelines to specify the information it requires in the form of scale drawings, renderings or photographs, materials, specifications, etc. in order to adequately review and rule on applications for establishment of "HP" zones and building permits. These guidelines shall be made available to the public at all times.

(g) The Commission shall oversee the maintenance and updating of the inventory of the Washington County Historic Sites Survey.

Section 20.4 Establishment of "HP" Zones

The "HP" District is an overlay zone that indicates the presence of an historic site, structure or district, which has been or will be judged to be of significance to the heritage of Washington County. The overlay zone is also a mechanism to monitor and regulate building activities in the "HP" District. As an overlay zone, the "HP" District imposes additional guidelines during the construction or modification of new or existing structures on the subject property. These criteria are in addition to the conventional underlying land use zone. The "HP" overlay zone shall be in no way construed to limit or modify the permitted uses of the underlying zone.

(a) Any property owner may petition the Board of County Commissioners to amend the zoning maps and establish an "HP" overlay zone on his or her property. The Board of County Commissioners may also initiate establishment of an "HP" overlay zone with the consent of all property owners involved. The HP overlay zone shall not be placed on any lands

encumbered by agricultural preservation districts or easements as described and regulated in C.O.M.A.R. 15.01.01.06. (The regulations of the Maryland Agricultural Land Preservation Program).

(b) Applications for map amendments to establish "HP" overlay zones shall be subject to the procedures noted in Article 27 - "Amendments", with the following exceptions:

1. Since the "HP" designation is an overlay zone and the existing underlying zone will continue to control the land use, it is not necessary to prove, during the amendment proceedings, that a change in the character of the neighborhood or a mistake in the original zoning has occurred.

2. The request for map amendment must be accompanied by the following in addition to the data required in Article 27.

a. A scale drawing, as defined in Section 20.7(b), of the subject property boundaries indicating the location of all improvements including significant topographic features and landscaping.

b. Documentation of the historical data, that makes the property an appropriate candidate for the “HP” overlay. The data shall address the criteria stated in Section 20.5 as well as the purpose noted in Section 20.0.

The documentation shall include specific dates, names, materials, and descriptions of methods and the sources consulted to verify the information provided.

3. The extent of the HP zones shall be limited to the significant structure and the immediate surrounding area, generally on the same parcel of land. HP zones shall not be approved on large areas of unoccupied lands.

Section 20.5 Criteria for Establishment of an "HP" Overlay Zone

The Planning Commission and the Board of County Commissioners shall consider the following criteria as applicable in their review of an application for an "HP" overlay zone.

(a) If the historic resource meets any of the criteria noted below or if it is listed in either the Maryland Historical Trust's Inventory of Historic Sites or the National Register of Historic Places, it may be classified as an historic structure, site or district.

(b) Historical and Cultural Significance

1. The historic resource should have significant character, interest, or value as part of the development, heritage, or cultural characteristics of the county, state, or nation;

2. The historic resource could be the site of a significant historic event;

3. The historic resource should be identified with a person or a group of persons who influenced society; or

4. The historic resource exemplifies the cultural, economic, social, political, or historic heritage of the County and its communities.

(c) Architectural and Design Significance

1. The historic resource embodies the distinctive characteristics of a type, period, or method of construction or architecture;

2. The historic resource represents the work of a master artisan, architect or builder;

3. The historic resource possesses high artistic value;

4. The historic resource represents a significant and distinguishable entity whose components may lack individual distinction;

5. The historic resource represents an established and familiar visual feature of the neighborhood, community, or County, due to its singular physical characteristics, landscape or historical event.

6. The historic resource is the only example ever existing or remaining of a particular period, style, and material or construction technique.

Section 20.6 Activity Within an "HP" Zone

In the "HP" District, any activity which requires the issuance of a building permit according to the currently adopted Washington County Building Code and subsequent amendments as adopted for use in Washington County and the procedures of the Department of Permits and Inspections shall be subject to review, approval or disapproval by the Historic District Commission of Washington County. Such activity can include but is not limited to construction, reconstruction, relocation, restoration, rehabilitation, modification, enlargement, conversion or demolition of all or any portion of the exterior features of the subject site, structure or district.

The purpose and intent of this Section is to provide an additional mechanism for the review of the appropriateness of proposed activity, not to change the building permit application procedure.

Nothing in this Section shall be construed to exempt any activity from the requirement of a building permit or require a permit where one would not normally be needed, if the structure were not in an "HP" zone. The Commission shall develop and make available to all interested parties guidelines for activities constituting ordinary maintenance, and shall provide these guidelines to each applicant for an "HP" overlay zone.

The Commission shall consider only exterior features of a structure which would affect the historic, archeological, or architectural significance of the site or structure, any portion of which is visible or intended to be visible from a public way, and shall not consider any interior arrangements, although interior changes may still be subject to building permit procedures.

All permits as required above shall be transmitted to the Commission by the Department of Permits and Inspections.

The Commission shall render a decision on a completed application within 45 days of receipt of the completed application. Failure to act within the specified time period shall be considered an approval of the application by the Commission. The 45-day review period may be extended upon agreement by the Commission and the applicant.

(a) The permit application shall be approved by the Commission if it is consistent with the following criteria:

1. The proposal does not substantially alter the exterior features of the structure.

2. The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the site, structure or district and would not be detrimental to achievement of the purposes of this Article.

3. The proposal would enhance or aid in the protection, preservation and public or private utilization of the site or structure, in a manner compatible with its historical, archeological, architectural or cultural value.

4. The proposal is necessary in order that unsafe conditions or health hazards be remedied.

5. The "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" and subsequent revisions are to be used as guidance only and are not to be considered mandatory.

(b) In reviewing the plans for any such construction or change, the Commission shall give consideration to and not disapprove an application except with respect to the factors specified below.

1. The historic or architectural value and significance of the site or structure and its relationship to the historic or architectural value and significance of the surrounding area.

2. The relationship of the exterior architectural features of the structure to the remainder of the structure and to the surrounding area.

3. The general compatibility of exterior design, scale, proportion, arrangement, texture, and materials proposed to be used.

4. Any other factors including aesthetic factors, which the Commission deems to be pertinent.

(c) The Commission shall be strict in its judgment of plans for those structures, sites or districts deemed to be valuable according to studies performed for districts of historic or architectural value. The Commission shall be lenient in its judgment of plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding structures or the surrounding area.

(d) The Commission shall deny a permit if it finds, based on evidence and information presented to or before the Commission, that the alteration for which the permit is sought would be inappropriate or inconsistent with, (a), (b) or (c) above, or detrimental to the preservation, enhancement, or ultimate protection of the historic structure site or district or the purpose of this Article as stated in Section 20.0. The use of the Secretary of the Interior's "Standards" noted in §20.6(a)(5) above is advisory only and not mandatory.

1. If the Commission determines that the permit should be denied, it shall provide a written statement of the basis for denial with specific references to the goals of this Article. The Commission may also, at its discretion, provide the applicant with suggestions or recommendations for revisions to the proposal.

2. A building permit shall not be issued if the Commission has disapproved the application.

3. Nothing shall prevent the applicant from modifying the permit application to address suggestions made by the Commission to meet the purpose of this Article.

(e) It is not the intent of this Section, nor is the Commission required, to limit new construction, alteration or repairs to any one period of architectural style.

Section 20.7 Definitions

(a) For the purpose of this article, the term "structure" shall mean a combination of materials to form a construction that is stable, the use of which requires fixed location on the ground including among other things, buildings, tanks and towers, trestles, piers, bridges, paving, bulkheads loading docks, smokestacks, cranes, booms, sheds, coal bins, shelters, fences, walls and display signs; the term "structure" shall be construed as if followed by the words "or part thereof."

(b) For the purpose of this article, the term "scale drawing" shall mean a scale drawing is a graphic representation of the location of all the significant features included within the boundaries of the historic site or district.

The drawing should be "to scale", i.e. the features on the ground are reduced from their actual size according to a specific and constant ratio between the real distances shown on paper. (For example, 100 feet of distance on the ground is equal to 1 inch on the paper, or 1"=100'.) The drawing should include accurate property boundaries plotted either from a deed or field survey. All existing buildings should be shown in their correct relationship to each other and the property lines. Driveways, septic areas, wells, large trees, and any other significant feature of the landscape should also be shown.

Drawings of the site shall be drawn using an engineer's scale of at least 1"=40'. Drawings of the building or other structural improvements shall be drawn using an architect's scale of at least 1/8"=1'.

(c) For the purpose of this article, the term "site" shall mean all that space of grounds and structures thereon which surrounds an historic resource and to which it relates physically and/or visually. Site shall include, but not be limited to walkways, and driveways (whether paved or not), vegetation (including trees, garden, lawns), rocks pasture, cropland and waterways. This includes historical open spaces, e.g., setbacks, parks and public squares.

Section 20.8 Appeals

Any person aggrieved by a decision of the Commission may appeal to the Board of Appeals by filing a notice of appeal with the Permits and Inspections Department within 30 days from the date of the Commission's decision, which appeal shall be based upon the record of the proceedings before the Commission.

ARTICLE 20A – "AO" ANTIETAM OVERLAY DISTRICT[114]

Section 20A.0 Purpose

The purpose of the Antietam Overlay District is to provide mechanisms for the protection of significant historic structures and land areas by requiring development and land subdivision to occur in a manner that 1) preserves the existing quality of the viewshed of the Antietam Battlefield, and 2) ensures that development of certain lands adjacent to the major roads which provide public access to the Antietam Battlefield (i.e., Maryland Routes 34 and 65) is compatible with the agricultural and historic character of the area. The "AO" District is an overlay zone meant to enhance, not substitute for the existing underlying zoning designation, which regulates land use.

Section 20A.1 Regulations

(a) Subdistricts Established and Areas Delineated

1. The Antietam Overlay District is comprised of these subdistricts: The Battlefield Buffer (AO-1), the Approach Zones (AO-2), and the Red Hill Area (AO-3).

2. Lands zoned AO-1 (Battlefield Buffer) and AO-3 (Red Hill Area) are situated within the Battlefield Foreground and Red Hill Middleground, respectively, of the Antietam Viewshed, as determined by the National Park Service and documented in its April 1988 technical study entitled Analysis of the Visible Landscape: Antietam. The boundaries of the AO-1 and AO-3 zones conform to property boundaries except where manmade or natural features provide suitable boundaries.

3. Lands zoned AO-2 (Approach Zones) are situated within 1000 feet of the centerline of certain road segments, and do not necessarily conform to property boundaries. The length of the AO-2 (Approach Zones) are as shown on the zoning maps.

Section 20A.2 AO-1 Battlefield Buffer Regulation

(a) The regulations and criteria in this subsection are in addition to the conventional underlying zoning which regulates land use.

(b) The following additional regulation shall apply:

The exterior appearance of all uses, unless otherwise exempted by County Ordinance, shall automatically be subject to the provisions of Article 20, Historic Preservation District, and Section 20.6.

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[114] **Revision 14, Article 20A replaced in its entirety 7/26/05 (RZ-03-005)**

Section 20A.3 AO-2 Approach Zone Regulations

(a) The regulations and criteria in this subsection are in addition to the conventional underlying zoning which regulates land use.

(b) The exterior appearance of all commercial and nonresidential uses excluding all farm structures shall be subject to the provisions of Article 20, Historic Preservation District, and Section 20.6.

Section 20A.4 AO-3 Red Hill Area

(a) The regulations and criteria in this subsection are in addition to the conventional underlying zoning which regulates land use.

(b) Prior to any tree cutting activity in the AO-3 Zone which is not associated with development of or construction on the property, a Forestry Management Plan, as prepared by Maryland Department of Natural Resources - Forest, Park and Wildlife Service, or a Registered Professional Forester and approved by the Forest, Park and Wildlife Service, must be submitted to the Planning Department. (The cutting of firewood and dead trees for personal use shall be permitted). Subsequent cutting of trees on the property shall be in accordance with the Forestry Management Plan. The plan will be kept on file with the Planning Department.

A declaration of intent shall be filed with the Planning Department for tree harvesting activities in accordance with the Washington County Forest Conservation Ordinance.

Unless exempt, all tree cutting relating to development of a property within the Antietam Overlay District shall be in accordance with an approved Forest Conservation Plan.

1. Tree removal, which is inconsistent with the Forestry Management Plan, is subject to the enforcement provisions included in Article 26 of the Ordinance with the exception that the offense shall not continue beyond the original cutting of each tree.

2. The property owner will be required to replace any trees cut inconsistently with the Forestry Management Plan with a similar or compatible variety.

(c) The Zoning Administrator shall review applications for building permits, site plans and zoning certifications with respect to the cutting of trees, and may impose limitations on the number, location, and distribution of trees proposed for removal in order to minimize negative impact on viewshed quality. The Zoning Administrator shall use the guidelines in Section 20A.4(f) in deciding the disposition of the requested building permit, site plan or zoning certification.

(d) The Board of Appeals shall review applications for variances, expansion of non-conforming uses, and special exceptions with respect to the cutting of trees, and may impose limitations on the number, location, and distribution of trees proposed for removal in order to minimize negative impact on viewshed quality. The Board of Appeals shall use the guidelines in Section 20A.4(f) in deciding the disposition of the requested variance, expansion of nonconforming use or special exception.

(e) The Planning Commission shall review site plan and subdivision applications with respect to the cutting of trees, and may impose limitations on the number, location, and distribution of trees proposed for removal in order to minimize negative impact on viewshed quality. The Planning Commission shall use the guidelines in Section 20A.4(f) in deciding the disposition of the site plan or subdivision request.

(f) All tree cutting activity which is done for the purpose of, or is related to, development of a property in the AO-3 Overlay District shall be subject to the following guidelines:

1. During site development, minimum tree cutting is permitted to allow construction of an access and driveway, related parking areas, a dwelling, related accessory structures and required septic disposal system.

2. Additional tree cutting on the site during development is permitted within 35' of the dwelling and related accessory structures.

3. Where possible and practical, property owners are encouraged to maintain as much of the existing tree cover as possible within the 35 foot area to preserve the existing quality of the Antietam Battlefield Viewshed.

4. Tree cutting on the remainder of the site, not covered in 1-3 above, is subject to the following requirements:

   a. Prior to the cutting of trees on the remainder of the site, the property owner must have prepared by the Maryland Department of Natural Resources Forest, Park and Wildlife Service or a Registered Professional Forester and approved by the Forest, Park and Wildlife Service a Forest Management Plan, the goal of which is to preserve the quality of the Antietam Battlefield Viewshed. (The cutting of firewood and dead trees for personal use shall be permitted)

   b. Cutting of trees outside the area measuring 35' from the dwelling as described in (2) above is permitted only according to the selection and timing contained in the Forestry Management Plan with the exception of (c) below.

c. Any tree of a height, which has the potential to cause damage to the dwelling if it were to fall due to natural causes (disease or insect infestation, wind, lightning, erosion, etc.), may be removed.

(g) Applications submitted for subdivisions, site plans, special exceptions, expansion of non-conforming use building permits, zoning certifications or variances on land zoned AO-3 shall be accompanied by scale drawings which indicate the locations of structures and the areas where trees are proposed for removal. Any other material, which would assist in determining the existing and proposed conditions of the subject site, may be submitted.

(h) Tree removal, which is inconsistent with the standards specified above including the Forestry Management Plan, is subject to the enforcement provisions included in Article 26 of this Ordinance with the exception that the offense shall not continue beyond the original cutting of each tree.

(i) The property owner will be required to replace any trees cut inconsistently with the Forestry Management Plan with a similar or compatible variety.

Section 20A.5 Establishment of "AO" Zone

An area may be zoned "AO" by request of the property owner or by comprehensive zoning, and only upon findings of fact by the County Commissioners that:

(a) The area falls within the viewshed of Antietam Battlefield and that the exterior appearance of development in the area has significant potential to diminish the existing quality of the viewshed; or

(b) The area falls within 1000 feet of the centerline of the segment of a major road which provides public access to Antietam Battlefield, and that the exterior appearance of development in the area has significant potential to detrimentally affect the public's use, enjoyment, and appreciation of the Antietam Battlefield, or may otherwise impair the integrity of the Battlefield.

Section 20A.6 Appeals

Decisions rendered under Article 20A may be appealed according to the guidelines of Article 25 - Board of Appeals.

ARTICLE 21 "AP" AIRPORT DISTRICT[115]

Section 21.0 Purpose

The four (4) Airport District zoning designations are established to provide a safe environment for airport operations and surrounding land uses. They are also intended to promote Hagerstown Regional Airport (Airport) as an economic development resource and to permit land uses which would benefit from or have a need to be located in proximity to a source of air transportation or a related business. They are established to monitor and prevent creation of uses or structures near or adjacent to the Airport which would result in a detriment or hazard to aircraft operations.

Section 21.1 Airport Districts

The four (4) Airport Districts are:

(a) **AP/C Airport Clear Zone** - An overlay district that places height restrictions on uses permitted by the underlying district. This zone also prevents construction of buildings within a designated area at the end of an airport runway. The purpose of the AP/C District is to prevent the creation of obstructions to air traffic.

(b) **AP/O - Airport Overlay Zone** - This district is intended to reduce the limiting effects on Airport operations and improvements that incompatible residential development can create. This overlay district limits the density of residential development within its boundaries. The overlay has different requirements determined by location in the Urban Growth Area or the Rural Area as designated by the Comprehensive Plan.

(c) **AP - Airport District** - A traditional zoning classification which regulates land use.

(d) **AP/HW - Airport Hazardous Wildlife Attractant Management District** - An area that is defined by and adheres to the principles, guidance, and recommendations contained in Federal Aviation Administration (FAA) Advisory Circular (AC) No. 150/5200-33B (or latest revision) Hazardous Wildlife Attractants on or Near Airports (FAA AC No. 150/5200-33B). This district provides a mechanism to advise the Airport managing authority and the Planning Commission of land use changes near the Airport in order to implement the recommendations of the above-referenced FAA AC No. 150-5200-33B.

Section 21.2 AP/C Airport Clear Zone

(a) The Airport Clear Zone is established to prevent the creation of obstructions or hazards to air navigation near the Hagerstown Regional Airport.

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[115] Revision 17, Article 21 deleted and replaced, 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2012-07)

(b) The zone is a series of three dimensional imaginary surfaces based on the established Airport elevation and FAA part 77.25 (Civil Airport Imaginary Surfaces).

(c) The limits of the AP/C zone are shown on the Official Zoning Maps of Washington County as referenced in Section 3.1 by a combination of lines indicating horizontal limits and elevations and slope ratios indicating vertical limits.

(d) No object, natural or man-made, shall be permitted to encroach upon the Clear Zone as referenced in (c) above.

(e) All applications for permits for construction on lands underlying the Clear Zone shall state the finished elevation of the proposed structure based on existing ground elevation above sea level computed from a source compatible with the established Airport Elevation.

(f) Within the AP/C Zone, there are areas at the ends of runways where construction is limited.

1. No permit shall be issued for the construction of any new structure within an area seven hundred fifty (750) feet on either side of the extended centerline of runways 09/27 (east/west) for a distance of three thousand (3,000) feet from the end of the existing or proposed runways' threshold.

2. No permit shall be issued for the construction of any new structure within an area two hundred fifty (250) feet on either side of the extended centerline of runways 02/20 (north/south) for a distance of one thousand (1,000) feet from the end of the existing or proposed runways' threshold.

3. Paragraph (1) above shall not apply to applications for the alteration, modification, or expansion of existing structures in accordance with the guidelines of the underlying district. Expansions of existing structures shall be limited to thirty-five (35) percent of the existing floor space.

4. No sign shall be placed on land underlying the AP/C Zone which contains flashing or rotating lights or lights of changing intensity or color or any other device that could be confused with airport navigational aids.

5. Any existing lot of record which is determined to be unusable due to the restrictions of paragraphs 1 or 2 above shall be permitted one (1) principal structure and accessory buildings in accordance with the requirements of the underlying zoning district.

(g) From time to time, the Imaginary Surfaces referenced above may be changed to accommodate a change or expansion of flight patterns at the Airport or to reflect changes in governing FAA regulations. The limits of the

Clear Zone may be changed on the Official Zoning Maps administratively without the need for additional rezoning hearings.

(h) Under no circumstances shall the Board of Appeals grant a variance from the height restrictions of the AP/C Zone described in Section 21.2.

Section 21.3 AP/O - Airport Overlay

(a) The district boundaries encompass the area of typical traffic patterns and the area most often over flown and therefore most often impacted by aircraft approaching and departing Hagerstown Regional Airport.

(b) **Boundaries** - The boundaries of the Airport Overlay District are set at seven thousand (7,000) feet from and parallel to both sides of the centerline of runway 9/27 and a distance of seven thousand (7,000) feet from and perpendicular to the ends of Runway 9-27 at the Hagerstown Regional Airport.

(c) **Urban Growth Area** - In the AP/O District in the Urban Growth Area designated by the adopted Washington County Comprehensive Plan, mixed use districts MXR, MXC, or MXE are not permitted.

(d) **Rural Areas** - In the AP/P 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.

(e) **Advisories** - All subdivision plats and site plans that are approved for development within the AP/O District shall contain prominent notations that:

1. Advise future owners of the affected property that it is located within the AP/O District and may be subject to effects and limitations relating to aircraft operations; and

2. Contain recommendations for additional insulation and other sound deadening measures for residential construction.

(f) **Appeals** - In the deliberation on any appeal to the requirements of the AP/O District, the Board of Appeals shall consider the purpose of the AP/O District to reduce the limiting effects of residential development and seek input from the Airport Director or managing authority prior to making a decision.

Section 21.4 AP - Airport District

The Airport District is a traditional land use zoning classification. It will specify permitted as well as prohibited uses and guidelines to be followed in the development of properties in the AP zone. It is designed to accommodate all aspects of Airport

operations, permit uses that rely on proximity to the Airport, permit uses that provide services to or need services from the Airport, and limit incompatible uses that may interfere with daily Airport operations.

Section 21.41 Principal Permitted Uses

(a) Aircraft or aircraft parts manufacturing.

(b) Uses required for Airport operations, support services, or uses that depend on proximity to air transportation facilities, including but not limited to:

Airports, including but not limited to, runways, taxiways, terminals, storage and repair garages and hangars, tie-downs, fuel storage and fueling facilities, control towers, navigational aids, weather data collection devices, aircraft and vehicular parking, lighting, pilot comfort services, and other uses and structures necessary for the day-to-day operation of a commercial airport.

Establishments providing aircraft-related services such as engine repair, bodywork, aircraft design, and sales of aircraft, and aircraft-related equipment and services.

Establishments providing air transportation-related services such as travel agencies, auto rentals, and taxi stands.

Schools for the training of pilots, navigators, air traffic controllers, flight attendants, travel agents, mechanics, transportation security and law enforcement personnel, and other air transportation-related professions (other non-related school type establishments are specifically prohibited).

Air freight handlers, including customer receiving areas, distribution centers, and warehousing.

Hotels, motels, and other temporary lodging arrangements that may also include on-site amenities such as restaurants, meeting or convention facilities, entertainment, or recreation facilities.

(c) Uses of a light industrial nature including, but not limited to the following:

Aircraft and personnel operations necessary to the production of aerial photography or satellite imagery.

Office buildings.

Manufacture and assembly of electrical appliances, electronics, monitoring and communication equipment, professional, scientific and controlling instruments, and photographic and optical products.

Manufacturing, compounding, assembly or treatment of articles or merchandise from previously-prepared materials such as bone, cloth, fur, cork, fiber, canvas, leather, cellophane, paper, glass, plastics, horn, stone, shells, tobacco, wax, textiles, yarns, wood and metals, including light steel or other light metals, light metal mesh, pipe, rods, shapes, strips, wire or similar component parts.

Manufacture of musical instruments, novelties, and molded rubber products, including manufacture, recapping, and treading. Manufacture of pottery or other similar ceramic products using only previously-pulverized clay and kilns fired only by electricity or gas.

Laboratories, chemical, physical, and biological.

Clothing and shoe manufacture.

Research and development facilities as defined in Article 28A.

Office buildings for services oriented to the needs of other industries located in the Airport vicinity or for the local community, such as offices for doctors, medical clinics or laboratories, engineers, banks, data processing centers, and post offices.

Wholesale warehousing establishments where no retail sales are permitted.

Truck terminals or warehouses.

Heliports, subject to the standards recommended by the Federal Aviation Agency.

(d) Agriculture, as defined in Article 28A, including animal husbandry facilities, as defined in Article 28A, which shall be subject to the requirements set forth in Article 22, Division IX. Agricultural activities may be limited when they present limitations or hazards to airport operations or compromise air traffic safety, such as intrusions into protected air space, prohibited uses described in Section 21.43, or as they may be affected by the implementation of guidance or recommendations from the Airport Director or managing authority according to FAA AC No. 150/5200-33B (or latest revision).

Section 21.42 Special Exception Uses (Requiring Board Authorization After Public Hearing)[116]

(a) Any other use that the Board finds is functionally similar to any principal permitted use listed in this Article. The Board shall not grant any special exception which is inconsistent with the purpose set forth for this District, nor which will materially or adversely affect the use of any adjacent or neighboring properties.

(b) In its consideration of special exception uses in the AP District, the Board shall receive written input from the Airport Director, an appointed representative, or other Airport managing authority with regard to the appropriateness of locating the requested use adjacent to the airport.

(c) Public utility buildings, structures or uses not considered essential utility equipment, as defined in Article 28A.

(d) Commercial Communications Towers, subject to the standards recommended by the Federal Aviation Administration and the requirements of Section 4.22.

(e) Solar Energy Generating Systems in accordance with Section 4.26.

Section 21.43 Prohibited Uses[117]

The following uses are prohibited in the AP District:

(a) Uses first allowed in the IG, Industrial, General District, except for aircraft manufacturing.

(b) Any use which creates dust, smoke, steam, or other airborne fumes or vapors or particles which could present an obstruction to visibility.

(c) Any use which presents the possibility of bird strike hazards such as those uses described in FAA AC No. 150/5200-33B.

(d) Any use which would create atmospheric disturbance of radio communications between aircraft and the control tower.

(e) Signs, Outdoor Advertising, except for Airport directional purposes and Airport-related facilities.

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[116] Revision 17, Section 21.42 amended (RZ-13-002/ORD-2013-25)

[117] Revision 17, Section 21.43 amended, (RZ-13-002/ORD-2013-25)

Section 21.44 Accessory Uses

Uses and structures customarily accessory and incidental to a principal permitted use or authorized special exception use.

Section 21.45 Height Regulations

(a) No building in the Airport District may exceed 50 feet in height except as provided in Section 23.4 of this Ordinance, and in no case may any structure exceed the height limitations imposed by the AP/C Zone established in Section 21.2 of this Ordinance and federal guidelines contained in FAA Part 77.25.

Section 21.46 Design Standards

All airports shall be designed, constructed, maintained, and utilized so that they shall comply with all federal and state regulations pertaining to such operations; and it shall be utilized in accordance therewith.

Design standards for development in the Airport District are the same as those specified for a Planned Industrial District, as modified below.

(a) Parking and Loading Facilities

1. There shall be provided for in each plan sufficient space for off-street parking and storage of vehicles for personnel. Parking facilities shall comply with the standards contained in Article 22, Division I.

2. All uses shall provide an appropriately-sized area for parking vehicles to load and unload goods and materials. The designated loading area shall not be located where it will interfere with the flow of traffic in the parking lot or on adjacent public or private streets. Loading areas shall be provided in accordance with the regulations and guidelines contained in Article 22, Division I.

3. Owners and tenants are encouraged to utilize shared parking facilities where appropriate in accordance with the guidelines contained in Article 22, Division I and when approved by the Planning Commission.

(b) Outdoor Storage

1. No outdoor storage shall be permitted in the front yard of any operation permitted by this Article. Front yards shall be defined as the area facing the major highway or artery in the immediate vicinity, whether adjacent or nearby. If it is indeterminable from this factor, then what would ordinarily be considered the front of the major structure would be considered the front portion of the yard and/or operation.

2. Any outside material storage yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials, or both, to the full length of the outdoor storage area to serve as a barrier to visibility, air borne particles, glare, or noise. Such screen planting shall be accordance with the following requirements:

   i. Plant materials used in the screen planting shall be of such species and size as will produce a complete visual screen at a height appropriate for the material being screened.

   ii. A fence, when erected as a screen, shall be of a height appropriate for the material being screened and shall be placed no closer than three (3) feet from any street or property line.

   iii. The screen planting shall be placed so that at maturity it will be no closer than ten (10) feet from any street or property line.

   iv. No structure, fence, planting, or other obstruction shall be permitted which would interfere with traffic visibility across the corner of a lot or at access driveways within a required clear sight triangle. Such clear sight triangle shall be maintained in the area between a plane two (2) feet above curb level and a plane seven (7) feet above curb level.

   v. The screen planting or fence shall be broken only at points of vehicular or pedestrian access.

   vi. The screening materials shall be maintained in order to insure that the screening effect is in place at all times.

   vii. All screen planting materials shall comply with all height limitations contained in this Article.

(c) Building Appearance, Location, and Landscaping

1. Drawings or photographs of the proposed architectural treatment of the proposed buildings on the site shall be provided with the site plan to assist the Planning Commission in visualizing the ultimate site appearance.

   High-quality architectural designs can mitigate the perceived impact of industrial or commercial structures and uses and can create a positive impression of the site occupant and the Washington County, Maryland community. Designers of buildings in the Airport District are encouraged to employ the following guidelines in building siting and design.

2. Site Considerations

   i. Utilize to the greatest degree possible existing site features such as topography, orientation, tree cover, and existing structures.

   ii. Create an individual and cohesive site identity that is also compatible with adjacent properties and structures.

   iii. Any part of a lot not used for buildings, parking, loading, driveways, outside storage, or walkways shall be planted with grass or other ground cover, trees, shrubs, and/or flowers and shall be properly maintained at all times. A landscaping plan shall be included with each site plan and shall be consistent with the guidelines contained in Article 22, Division XI, and with all other guidelines of this Article designed to provide a safe environment for aircraft operations.

3. Buildings

   i. Apply consistent design principles on all buildings and structures on the site to create unity.

   ii. Apply design principles on all building facades and surfaces, not just the front.

   iii. Create visual interest and minimize bulk with architectural designs that include varied but complementary building materials, surface treatments, textures, varying roof and wall planes, color, and window and door arrangement.

   iv. Industrial and commercial buildings shall be constructed of high quality natural materials finished in low reflectance, earth tone colors and finishes. Materials may include brick, wood, stone, tinted textured concrete masonry units, architectural or patterned concrete block, or other material approved by the Planning Commission.

   v. Public-oriented facades and the roof line of buildings and any façade that is located within three hundred (300) feet of a residential zoning district shall be articulated and constructed with architectural elements so as to appear as a series of smaller buildings or to minimize the appearance of excessive mass.

   vi. Minimize the views of mechanical equipment, storage, loading facilities and refuse collection by considering the need for

screening and incorporating it into the building design and overall site design, orientation, and landscaping.

vii. Non-enclosed areas for storage of pallets, recycling, refuse, and other materials shall be permanently defined and screened with walls and/or fences and/or heavy evergreen landscaping consistent with materials and landscaping used throughout the project.

viii. Parking and service area lighting shall be full cut-off units designed to project downward or ornamental street lights. The height of light poles shall be consistent with the lighting standards contained in Article 22, Division X, and the height limitations contained in Section 21.2.

ix. A landscaping plan shall be included with each site plan and shall be consistent with the guidelines contained in Article 22, Division XI. If the new use is adjacent to any lot occupied by a dwelling, school, place of worship, or institution for human care not located on the same lot as said use or buildings, or any lot which is part of a duly recorded residential subdivision, it shall be effectively screened according to the buffering requirements contained in Article 22, Division XI.

(d) Utilities

Any overhead wires determined necessary shall be run along the rear property lines where practical, and any control instrument station or substations shall be screened.

(e) Signs and Lighting

1. The design, lettering, lighting, and location of all signs shall be included so far as possible as part of the site plan submitted for approval of the Planning Commission.

2. Signs for identifying the use or the occupant on a lot shall be consistent with the architectural design of related buildings. Any signs detached from buildings shall be landscaped.

3. All sites which will receive night use shall be provided lighting for safety and aesthetics. Lighting shall be provided in accordance with the regulations and guidelines contained in Article 22, Division X, and be consistent with all other guidelines of this Article designed to provide a safe environment for aircraft operations.

4. Whenever possible, signage should be combined to eliminate visual clutter. Signage that lists multiple tenants in one or several adjacent

buildings such as a directory are permitted according to the guidelines contained in Article 22, Division II.

(f) Lot Area, Impervious Surface, and Setback Requirements

1. There shall be no minimum lot area for uses in the Airport District. However, every lot created after adoption of these requirements shall be of sufficient size to accommodate all required elements of site design required by this Article.

2. The maximum lot area coverage of any lot by a principal building or buildings shall not exceed fifty (50) percent of the total lot area.

(g) Yard Setback Requirements

1. A front yard adjacent to an expressway or primary highway as shown on the Washington County Highway Plan shall be one hundred fifty (150) feet. Front yards on other county or municipal streets or interior roads within an industrial park shall be fifty (50) feet.

2. Side or rear yards shall be as follows:

   Adjoining a residential district, one hundred fifty (150) feet or seventy-five (75) feet where proper screening as determined by the Planning Commission along the property line is provided.

   Adjoining a business or industrial district, seventy-five (75) feet.

(h) All new development in the AP-Airport District shall be served by public water and sewer facilities approved by the Washington County Health Department.

1. The Planning Commission may waive this requirement after consultation and advice from the Health Department.

2. Prior to a decision to grant or not grant a waiver of this requirement, the Planning Commission shall consider the following:

   i. The need to protect environmental resources from potential pollution from failing septic systems.

   ii. The availability and proximity of existing public water and sewer facilities.

   iii. The status of any available plans for utility extensions in the future that may serve the area.

   iv. The existence and operation of private, on-site health facilities in the vicinity.

v. Recommendations of the Washington County Health Department.

vi. The adopted Washington County Water and Sewerage Plan.

vii. Recommendations of the potential service provider.

viii. Any grant of waiver to allow the use of a private, on-site well or septic system is conditional upon the agreement to abandon the private system and connect to the public utility when it becomes available.

ix. When the Planning Commission has determined that a waiver from the required use of public water and sewer facilities is appropriate, the minimum lot size shall be the result of the application of the minimum lot size, setback, and yard requirements specified in Section 21.46(f) and 21.46(g). Lot dimensions shall also conform to any applicable minimum requirements affecting lot size, width, or separations imposed by the Washington County Health Department.

x. Any private on-site well or septic system shall meet all Health Department requirements.

(i) All new development in the AP-Airport District shall comply with the requirements of the Washington County Adequate Public Facilities Ordinance.

Section 21.5 AP/HW - Airport Hazardous Wildlife Attractant Management District

The presence or movement of wildlife on or in proximity to an airport can present hazards to airport and aircraft operations. To protect aviation from wildlife hazards, the Federal Aviation Administration (FAA) has prepared Advisory Circular (AC) No. 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports (FAA AC No. 150/5200-33B).

(a) The FAA AC No. 150/5200-33B recommends a minimum separation of five thousand (5,000) feet between the air operations area (AOA) and uses identified in the AC as having wildlife hazard potential.

(b) The FAA AC No. 150/5200-33B recommends a separation of five (5) miles from the AOA for a wildlife attractant if it has the potential to cause hazardous wildlife movement into or across approach or departure airspace.

(c) For the purpose of providing the Airport Director or managing authority a review opportunity, the AP/HW District shall be the area within ten thousand (10,000) feet from and parallel to the centerline of Runway 9/27 and ten

thousand (10,000) feet from and perpendicular to the ends of Runway 9/27 at Hagerstown Regional Airport.

(d) The guidance and recommendations of the FAA AC No.150-5200-33B shall be solicited from the Airport Director, or his or her designee or managing authority. It shall be considered, and may be applied, by the Planning Commission in the approval or disapproval of any site plan or plans required for animal husbandry facilities governed by Section 22.93(b) when necessary to protect aviation from wildlife hazards.

(e) Other permit applications regulated by this Ordinance, including agricultural structure certificates and animal husbandry operations or expansions not included in (d) above, shall be referred to the Airport Director or managing authority for the purpose of monitoring the locations as they may affect aviation and airport operations. The Airport Director or managing authority may contact the applicant to recommend modifications to the proposal to reduce or eliminate the potential to attract hazardous wildlife.

Section 21.6 Site Plan

A site plan is required for any principally permitted use or approved special exception use pursuant to Section 4.11, except agriculture. Animal husbandry facilities shall be subject to the requirements set forth in Article 22, Division IX. All site plans shall include the proposed heights of completed structures as specified in Section 21.2.

The Director of the Hagerstown Regional Airport or a designee shall have the opportunity to review all site plans for the expansion of existing development, new development, or the plans required for animal husbandry operations governed under Section 22.93(b) located within the AP, AP/C, AP/O, and AP/HW Districts. The Airport Director shall provide input to the Planning Commission as to the effects of the development on current and possible future airport operations.

In the AP/HW District, the Airport Director shall review all applications noted above and provide recommendations when necessary to protect aviation from wildlife hazards according to the guidance, recommendations, and implementation procedures contained in FAA AC No. 150/5200-33B.

The Planning Commission may disapprove or withhold approval of the plan or site plan where it is determined that the proposed use will create a wildlife hazard to aviation according to the guidelines of the FAA AC No. 150/5200-33B and all considered modifications to the plan or site operations will be inadequate to mitigate the hazard.

The Planning Commission may not disapprove or withhold approval when such action will prevent any reasonable use of the subject property.

ARTICLE 21A - “ORT” OFFICE, RESEARCH AND TECHNOLOGY DISTRICT[118]

Section 21A.0 Purpose

The purpose of the Office, Research, and Technology District (the “ORT” District”) is to support the County’s economic development effort by providing an environment that will attract medical, corporate offices, technology, and research and development-based businesses and institutions.

The “ORT” District shall be located in the Urban Growth Area and shall be served with adequate public or community water and sewerage service meeting Washington County Health Department Standards.

The “ORT” District will promote and maintain desirable development activities in a setting that is in harmony with the surrounding areas, preserve open space by creating a “campus-like” setting, and promote architecturally attractive buildings and structures.

The “ORT” District will provide, among other things, a working environment conducive for research and development companies, corporate offices, technology based development activities, medical facilities, and educational institutions.

Section 21A.1 Principal Permitted Uses

(a) Educational institutions including, but not limited to, business and trade schools and colleges.

(b) Computer and data processing services.

(c) Hospitals, including other health-related facilities.

(d) Research institutions.

(e) Laboratories, chemical, physical and biological.

(f) Offices, professional and business.

(g) Parking structures and parking lots in combination with, accessory to, or intended to serve, the owners, employees, patrons, and invitees and other guests of any principal permitted or special exception use or business, industry, or institution within or adjacent to the "ORT" District.

(h) Government office buildings.

(i) Radio and television broadcasting facilities and studios.

(j) A principal permitted use or any special exception use that satisfies the

[118] Revision 17, Article 21A deleted and replaced, 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2012-07)

requirements of Section 21A.2(h) below, may engage in light manufacturing, assembly, service and/or repair on a lot, provided such activity does not occupy more than forty percent (40%) of the floor area of the building or buildings constructed on the lot.

(k) Warehouses in combination with and physically attached to any principal use, providing the warehouse does not exceed more than twenty percent (20%) of the total gross floor area. In no case shall a freestanding warehouse be permitted.

(l) Public buildings and recreational, cultural, administrative, or public service-type structures, including fire, ambulance or rescue services, and libraries.

(m) Child and adult day care facilities, primarily to serve the businesses and other uses within the “ORT” District or business, industry, or institution adjacent to the "ORT" District.

(n) Hotels, extended stay hotels, motels, and conference centers.

(o) Banks and automatic banking devices.

(p) Agriculture, as defined in Article 28A, including animal husbandry facilities, as defined in Article 28A, which shall be subject to the requirements set forth in Article 22, Division IX.

Section 21A.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)

(a) Museums.

(b) Health, tennis and racquet clubs, and other fitness-related establishments.

(c) Commercial communications towers subject to the requirements of Section 4.22 of this Ordinance.

(d) Helipads.

(e) Restaurants, including those serving alcoholic beverages on premises only, without drive up service.

(f) Public utility buildings, structures or uses not considered Essential Utility Equipment as defined in Article 28A of this Ordinance.

(g) Indoor and outdoor recreation facilities.

(h) Any other use that the Board finds functionally similar to any principal permitted or special exception use listed in this Article. The Board shall

not grant any special exception use that is inconsistent with the purpose set forth in the “ORT” District or which will materially or adversely affect the use of adjacent or neighboring properties.

Section 21A.3 Accessory Uses

(a) Uses and structures that are normally and customarily incidental to any of the principal and special exception uses.

(b) The following uses are permitted as accessory uses provided they are located in a multi-use, multi-story structure and occupy only the first floor.

1. Drug store or pharmacy.

2. Newsstands.

3. Eating or drinking establishments, including restaurants that serve alcohol, without drive-up window service.

4. Personal service establishments such as beauty shops and barbershops, shoe cleaning or repair shops, garment cleaning services, or similar enterprises.

5. Stationery, office supply shops, and reprographic services.

(c) Security facilities and guard houses.

(d) Above-ground petroleum storage is permitted only as an accessory use to, and exclusive use by, a principal permitted use on the same parcel and not for distribution off-site.

(e) Communications facilities, equipment and structures, including satellite dishes, telecommunication towers and antenna, subject to setback requirements and only as needed in the routine performance of the business, industry, or institution's primary function are permitted as accessory uses. Commercial communication towers and other facilities and equipment that are not for the exclusive use of the site occupant and secondary and supportive to the occupant's primary function are not accessory uses and not permitted as such.

Section 21A.4 Height Requirements

No structure shall exceed one hundred (100) feet in height, subject to the provisions of Article 23 of this Ordinance.

Section 21A.5 Yard Setback Requirements

(a) Front yard - 50 feet.

(b) Side and Rear Yard - 25 feet.

(c) Exceptions:

1. When either a side and/or rear lot line abuts a railroad or railroad siding, the side or rear yard abutting the railroad or railroad siding may be zero.

2. The side or rear yard may be reduced to zero for the purposes of integrating, adjoining, or connecting structures on contiguous lots with the express approval of the owner of the contiguous lot.

3. Where the proposed use or building abuts either a lot in a RR, 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 RR, 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

(a) The area designated as a buffer yard may include any required side, rear, or front yards.

(b) Where an adjoining lot is located in a RR, 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.7 Design Standards

(a) Site Coverage: Impermeable site coverage (building area, parking, and other paved surfaces) shall not exceed seventy percent (70%) of the gross site area.

(b) Any part of a lot not utilized for buildings, parking, driveways, loading areas, sidewalks, and other impermeable areas shall be planted with grass or other ground cover and landscaped with trees, shrubs, and/or flowers in accordance with Section 4.16 and Article 22, Division XI of this Ordinance.

(c) Adequate provisions shall be made for the storage and collection of refuse. Refuse storage areas shall be screened.

(d) Architectural treatment of building walls visible from highways shall be harmonious with the front elevation of the structure in design, quality, and materials. Construction grade concrete block shall not be used on any visible portion of any structure's foundation or walls.

(e) There shall be no loading docks or loading doors located on the front of a building. Loading docks or loading doors located on any part of a building that is visible from any highway shall be adequately screened.

(f) There shall be no outside storage of materials or goods permitted.

(g) All development in the "ORT" District shall be served by public water and sewer facilities approved by the Washington County Health Department.

1. The Planning Commission may waive this requirement after consultation and advice from the Washington County Health Department.

2. Prior to a decision to grant or not grant a waiver of this requirement, the Planning Commission shall consider the following:

i. The need to protect environmental resources from potential pollution from failing septic systems.

ii. The availability and proximity of existing public water and sewer facilities.

iii. The status of any available plans for utility extensions in the future that may serve the area.

iv. The existence and operation of private, on-site health facilities in the vicinity.

v. Recommendations of the Washington County Health Department.

vi. The adopted Washington County Water and Sewerage Plan.

vii. Recommendations of the potential service provider.

viii. Any grant of a waiver to allow the use of a private, on-site well or septic system is conditional upon the agreement to abandon the private system and connect to the public utility when it becomes available.

ix. When the Planning Commission has determined that a waiver from the required use of public water and sewer facilities is appropriate, the minimum lot size shall be the result of the application of the minimum lot size, setback, and yard requirements specified in Section 21A.5. and 21.A.6. Lot dimensions shall also conform to any applicable minimum requirements affecting lot size, width, or separations imposed by the Washington County Health Department.

x. Any private on-site well or septic system shall meet all Health Department requirements.

(h) All new development in the ORT, Office, Research, and Technology District shall comply with the requirements of the Washington County Adequate Public Facilities Ordinance.

Section 21A.8 Signs and Exterior Lighting

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.

(a) The design, lettering, lighting, and location of all signs shall be included as part of the site plan submitted for approval of the Planning Commission.

(b) No more than two (2) monumental signs for the purpose of identifying the businesses and uses in the “ORT” District may be placed at the primary roadway entrance(s) to the “ORT” District. No more than one (1) sign may be placed at secondary entrances.

(c) A monumental sign is not intended to be the primary business identification sign for any use or business in the “ORT” District, nor is it considered an outdoor advertising sign.

(d) The size of the monumental sign shall not exceed three hundred (300) square feet in area (to include script and monument) and shall not exceed fifteen (15) feet in height.

(e) All monumental signs shall be landscaped. Plant materials shall comply with the landscaping plan standards specified in Article 22, Division XI, of this Ordinance.

(f) Maintenance of the monumental sign shall be the sole responsibility of the sign’s owner and/or assigns.

(g) On Premises Signs shall not exceed one hundred fifty (150) square feet in area and fifteen (15) feet in height, and shall be set back twenty five (25) feet from the road right of way.

(h) Any exterior sign or signs pertaining to the use conducted on a building lot and which is either integral with or attached to the principal building shall have a total area of no more than two square feet for each foot in length of the frontage of the building.

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

(j) Signs must be designed so as not to obstruct full sight distances.

(k) Signs shall be a minimum of twenty-five (25) feet from the road right of way.

(l) The following signs are prohibited: outdoor advertising; portable signs; flashing, rotating lights, or signs with changing light intensity or changing colors; hanging or projecting rather than flush signs; signs above the roof or parapet; or signs painted or pasted directly on any wall.

(m) Major buildings may be lighted for architectural effect and aesthetics. However, excessive vertical lighting should be avoided. Wall mounted security lighting should be down-directed and shielded to prevent outward glare.

(n) Parking areas that are used at night shall be illuminated. Light fixtures shall be of a shielded, down-directed variety and shall not create glare or spill onto highways or adjoining residential properties.

Section 21A.9 Site Plan

A site plan with an approved Forest Stand Delineation and Forest Conservation Plan is required under Section 4.11 of this Ordinance for any principal permitted or special exception use in the "ORT" District, except agriculture. Animal husbandry facilities shall be subject to the requirements set forth in Article 22, Division IX.

All site plans shall contain information as required by the applicable sections of this Ordinance and shall not be approved without compliance with the applicable sections.

All site plans for uses in the "ORT" District shall provide the required information and meet the performance standards contained in Section 4.12 of this Ordinance.

ARTICLE 21B "ORI" OFFICE, RESEARCH, AND INDUSTRY DISTRICT[119]

Section 21B.0 Purpose

The purpose of the Office, Research, and Industry District (the "ORI" District) is to provide appropriate locations for a broader mixture of uses than are permitted in the "ORT" or other industrial districts. Uses permitted in the "ORI" District can be compatible amongst themselves and with adjacent development due to a low level of nuisance inherent in the use or through required strict adherence to specific performance standards.

The "ORI" District will support the County's economic development effort by providing additional locations for employment and will allow the variety of uses which may benefit from locations in proximity to each other. Limited commercial activities are also permitted to serve the needs of employees in the District.

The "ORI" District shall be located in the Urban or Town Growth Areas. Permitted uses shall be served with adequate public water and sewerage service meeting Washington County Health Department standards.

The "ORI" District performance standards and development guidelines are intended to produce an aesthetically pleasing and highly functional environment for uses within the District and an attractive and compatible environment with adjacent land uses and the community.

Section 21B.1 Principal Permitted Uses

(a) The following uses permitted in the "ORT" District are permitted in the "ORI" District as modified herein:

1. Educational institutions including, but not limited to, business and trade schools and colleges.

2. Computer and data processing services.

3. Hospitals, including other health-related facilities but not including nursing and residential care facilities.

4. Research institutions.

5. Laboratories, chemical, physical, and biological.

6. Offices, professional and business.

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[119] Revision 17, Article 21B added 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2012-07)

7. Parking structures and parking lots in combination with, accessory to, or intended to serve the owners, employees, patrons and invitees, and other guests of any principal permitted or special exception use or business, industry, or institution adjacent to the "ORI" District.

8. Government office buildings.

9. Radio and television broadcasting facilities and studios.

10. A principal permitted use or any special exception use that satisfies the requirements of Section 21B.2(e) below, may engage in light manufacturing, assembly, service and/or repair on a lot, provided such activity does not occupy more than sixty percent (60%) of the floor area of the building or buildings constructed on the lot.

11. Warehouses in combination with and physically attached to any principal use, providing the warehouse does not exceed more than twenty percent (20%) of the total gross floor area. In no case shall a freestanding warehouse be permitted.

12. Public buildings and recreational, cultural, administrative, or public service-type structures, including fire, ambulance, or rescue services, and libraries.

13. Child and adult day care facilities, primarily to serve the businesses and other uses within the "ORI" District or businesses, industries, or institutions adjacent to the "ORI" District.

14. Structures and equipment that are required to support international and domestic telecommunications and technology, including communications satellite systems and other devices that are required to support other principal permitted uses in the "ORI" District.

15. Satellite terminal stations and communications satellite systems, as defined in 47 U.S.C. §702, as amended from time to time.

16. Hotels, extended stay hotels and motels, including conference centers.

17. Banks and automatic banking devices.

18. Agriculture, as defined in Article 28A, including animal husbandry facilities, as defined in Article 28A, which shall be subject to the requirements set forth in Article 22, Division IX.

(b) The following uses are also permitted in the "ORI" District:

1. Eating and drinking establishments that serve alcohol, without drive-up service.

2. Printing and publishing.

3. Limited manufacturing and assembly that can meet performance standards contained in Section 21B.5, except uses specifically prohibited in Section 21B.4. Examples of limited manufacturing and assembly uses permitted in the "ORI" District include, but are not necessarily limited to, the following:

   i. Manufacture and assembly of electrical appliances, electronics and communication equipment, professional, scientific and controlling instruments, and photographic or optical products.

   ii. Manufacturing and assembly of medical, scientific and/or technical instruments, devices and equipment.

   iii. Manufacturing and assembly of machine parts, components, and equipment.

   iv. Manufacturing and assembly of semi-conductors, microchips, circuits and circuit boards.

   v. Manufacturing of yeasts, molds, and other natural products necessary for medical and biotechnical research and development.

   vi. Wood products manufacturing.

   vii. Electroplating and manufacturing of small parts such as coils, condensers, transformers, and crystal holders.

   viii. Manufacturing, compounding, processing, packaging, or treatment of pharmaceuticals and products resulting from biotechnical and biogenetic research, development, or processes.

   ix. Manufacture or processing of chemicals, except sulfuric, nitric, or hydrolic acids or other corrosive or offensive acids.

Section 21B.2 Special Exception Uses (Requiring Board Authorization After a Public Hearing)

(a) Health, tennis and racquet clubs, and other fitness-related establishments.

(b) Commercial communications towers subject to the requirements of Section 4.22 of this Ordinance.

(c) Helipads.

(d) Public utility buildings, structures, or uses not considered essential utility equipment, as defined in Article 28A of this Ordinance.,

(e) Any other use that the Board finds functionally similar to any principal permitted or special exception use listed in this Article. The Board shall not grant any special exception use that is inconsistent with the purpose set forth in the "ORI" District or which will materially or adversely affect the use of adjacent or neighboring properties.

(f) Indoor and outdoor recreation facilities.

Section 21B.3 Accessory uses

(a) Uses and structures that are normally and customarily incidental to any of the principal and special exception uses.

(b) The following uses are permitted as accessory uses provided they are located in a multi-use, multi-story structure and occupy only the first floor.

1. Drug store or pharmacy.

2. Newsstands.

3. Eating or drinking establishments without drive-up window service.

4. Personal service establishments such as beauty shops and barber shops, shoe cleaning or repair shops, garment cleaning services, or similar enterprises.

5. Stationery, office supply shops, and reprographic services.

(c) Security facilities and guard houses.

(d) Petroleum storage for use on site but not for distribution or use in manufacturing processes.

Section 21B.4 Prohibited Uses

Except those uses listed as permitted in Section 21B.1, 21B.2, and 21B.3, all other uses permitted in the "IR," "IG," or "PI" Districts are prohibited in the "ORI" District regardless of the ability to meet the performance standards of Section 21B.5.

Section 21B.5 Performance Standards

All permitted and special exception uses in the "ORI" District, except agriculture, shall meet the following performance standards. Evidence of the ability to comply with the performance standards shall be provided on or accompany the required site plan.

Any non-compliance with the standards is sufficient to warrant a citation of the operator for violation of this Ordinance and is subject to application of the penalties contained herein

(a) Storage and Operations.

All operations and the storage of equipment, materials, or products will be conducted within completely enclosed buildings. Storage may be permitted outdoors only when completely screened by a wall, opaque fence, or planting so that such materials will not be visible from a public way or adjoining property. The Planning Commission shall determine the most appropriate screening for the use.

(b) Noise.

1. Noise will be measured with a sound level meter. Impact noise will be measured using the fast response of the sound level meter. Impact noises are intermittent sounds such as from a punch press or drop force hammer.

2. The following table describes the maximum sound pressure level permitted from any industrial source as measured at any property line adjacent to a residential district, commercial district, other "ORI" zoned lot, or other non-industrial area.

MAXIMUM PERMITTED SOUND LEVELS, DB(A)

Sound Measured to:	Decibels, Continuous Slow Meter Responses	Decibels, Impact Fast Meter Response
Residential District	55	60
Commercial District	64	70
Other ORI Zoned Lot	70	80

3. The following sources of noise are exempt:

i. Transportation vehicles not under the control of the industrial use.

ii. Occasionally-used safety signals, warning devices, and emergency pressure relief valves.

iii. Temporary construction activity between 7:00 a.m. and 7:00 p.m.

iv. Agricultural activities.

v. Emergency generators for essential operations of a facility for the duration of any emergency and/or interruption in electric power service.

(c) Vibration.

No vibration will be produced which is transmitted through the ground or any structure and is discernible without the aid of instruments at the lot line or any point beyond the lot line; nor will any vibration produce a particle velocity of two (2) inches per second measured at or beyond the lot line. Restricted vibration includes airborne waves such as those produced by helicopters and other rotary equipment. Certain airborne vibrations may be permitted provided conditions, such as restricting flight paths, are imposed to prevent adverse impact on neighboring properties.

(d) Dust and particulates.

1. The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues, or other opening or any process, operation, or activity (except solid waste incinerators within the boundaries of any lot), will not exceed the levels set forth below. Emissions of dust and particulates shall be in accordance with the State of Maryland rules and regulations governing air contamination and air pollution, and, in case of conflict, the most restrictive will apply.

2. Particulate matter emission from materials or products subject to becoming windborne will be kept to a minimum by paving, sodding, oiling, wetting, covering, or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles, or bulk material such as coal, sand, cinders, slag, sulfur, and the like.

Ambient Air Quality Standard

Suspended Particulate Matter	Annual Arithmetic Mean	65 µg/m^3
	24-hour Maximum	140 µg/m^3
Settleable Particulate Matter	Annual Arithmetic Average	0.35 mg/cm^2/month
	Monthly Maximum	0.7 mg/cm^2/month

(e) Sulfur Oxides.

Emission of oxides of sulfur (as sulfur dioxide) from combustion and other processes will be limited in accordance with ambient air quality standards of the state or those of the county, whichever are the more restrictive.

Ambient Air Quality Standard

Sulfur Oxides	Annual Arithmetic Mean	60 µg/m^3

(f) Smoke.

For the purpose of grading the density or equivalent capacity of smoke, the Ringelmann Smoke Chart as published by the United State Bureau of Mines shall be used.

1. The emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited.

2. Smoke from emergency generators during periodic testing or for the duration of any emergency and/or interruption in electric power service is exempt.

(g) Odor.

Odor thresholds shall be measured in accordance with ASTM D1391-57 "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)" or its equivalent.

1. Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the lot line, measured either at ground level or habitable elevation.

(h) Toxic Matter.

1. The Ambient Air Quality Standards for the State of Maryland shall be the guide for the release of airborne toxic materials across lot lines.

2. Where toxic materials are not listed in the ambient air quality standards of the State, the release of such materials shall not exceed one-thirtieth (1/30) of the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists.

3. Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any 24-hour sampling period.

(i) Detonable materials.

1. The storage, utilization, or manufacture of materials or products which decompose by detonation is prohibited.

2. Such materials shall include, but are not limited to: All primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks, such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives, such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles and ozonides; unstable oxidizing agents, such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than thirty-five percent (35%); and nuclear fuels, fissionable materials and products, and reactor elements, such as uranium 235 and plutonium 239.

(j) Fire Hazards.

Solid materials susceptible to fire hazards shall be subject to the following:

1. The storage, utilization, or manufacture of solid materials which are active to intense burning shall be conducted within spaces having fire resistive construction of no less than two (2) hours and be protected with an automatic fire extinguishing system.

2. The storage, utilization, or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this section, exclusive of the storage of finished products in original sealed containers (60 gallons or less), which shall be unrestricted.

3. Storage Capacity and Setbacks

i. The total storage capacity of flammable liquids and gases shall not exceed those quantities permitted in the following table.

Liquids - Storage Capacity	
ORI District	60,000 Gal.

Gases		
	Above Ground	Below Ground
ORI District	150,000 scf*	300,000 scf*

*scf - standard cubic feet at 60°F and 29.92 inches mercury.

ii. The following setback requirements will apply to the location of any container which hold flammable liquids or gases.

Water Capacity Per Container (Gallons)	Containers		Between Above Ground Containers (Feet)
	Under Ground (Feet)	Above Ground (Feet)	
0 to 2000	25	25	3
2,001 to 30,000	50	50	5
30,000 to 60,000	50	75	¼ of the sum of diameters of adjacent containers
In excess of 60,000	75	100	

(k) Glare

1. Any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 footcandle when measured in a residential district.

2. The following sources are exempt from this restriction:

i. Navigation lights (including on structures);
ii. Security lights for telecommunication structures; and
iii. Lights operative before the effective date of this article.

(l) Radiation

No activities shall be permitted which emit intentional and planned radioactivity, electromagnetic, laser, ultrasonic, nuclear, microwave, radar, television, or radio frequency radiation, or electrical disturbance that

adversely affects the operation of any equipment other than that of the creator of such disturbance, and causes a degradation in performance of other radiators or receptors of proper design of other parties or on other lots, due to proximity, primary field, blanketing, spurious radiation, harmonic content, modulation, or energy conducted by power or telephone lines.

The determination of "Degradation in Performance" and "Of Proper Design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electric Engineers, Institute of Radio Engineers, and the Electronic Industries Association (in that order of precedence). The use of available technologies by the creator to alleviate such interference shall be considered when making the determination.

Parties claiming an adverse effect or degradation of performance in their operations due to the intentional and planned emission of radiation enumerated above shall provide the documentation necessary to verify the source, type, and description of the actual disturbance. Parties claiming an adverse effect shall be responsible for all costs incurred to evaluate and verify the claim by a third party.

(m) Satellite Sky and Receptor Viewshed Obstructions

No activity or structure shall be permitted which adversely impacts and/or obstructs the satellite sky and receptor viewshed of teleports and associated telecommunication facilities and equipment.

(n) Pre-existing Uses and Equipment

Any activity, operation, use, equipment, or structure existing or approved on an approved site plan or permit as of the effective date of this article shall be exempt from the requirements of this Article.

However, modifications or expansion to any existing activity, operation, use, equipment, or structure that requires additional site plan approval by the Planning Commission shall comply with the standards herein.

Section 21B.6 Height Requirements.

No structure shall exceed one hundred (100) feet in height, subject to the provisions of Article 23 of this Ordinance and the following exception:

In the "ORI" District, the height of new construction may be limited by the Planning Commission so there will be no obstruction to the existing satellite sky or receptor viewsheds of any existing teleport and associated telecommunication facilities or equipment in the "ORI" District. For the purposes of this section, an existing teleport and associated telecommunication facilities or equipment shall

include those that exist and those that are shown on a site plan approved by the Planning Commission prior to the date that a height restriction permitted by this section is considered.

In order to determine if there is a need to limit the height of new construction to prevent obstruction of the satellite sky or receptor viewsheds of existing or approved teleports and associated telecommunication facilities or equipment, the following information shall be provided on any site plan for new construction in the "ORI" District:

(a) The location and final height of all structures proposed on the site.

(b) The location within one thousand (1,000) feet of any teleport and associated telecommunication facilities or equipment in the "ORI" District that exists or is shown on a site plan approved by the Planning Commission.

(c) Any area of the parcel that is within the satellite sky or receptor viewshed of any teleport and associated telecommunication facilities or equipment in the "ORI" District that exists or is shown on a site plan approved by the Planning Commission.

(d) Any area of the parcel proposed for development that is restricted by existing height limitation easements associated with existing teleports and the location of the recorded documents in the public record.

(e) Any area of the parcel determined, through consultation with and verification by the owner or operator of the existing teleport and associated telecommunication facilities or equipment, to be within the satellite sky or receptor viewshed of the existing teleport and not currently affected by any existing height-limiting easement. The plan shall also indicate the height above the existing and future ground surface where intrusion into the satellite sky or receptor viewshed would occur.

Following evaluation of the provided information, the Planning Commission may limit the height of new construction to no more than five (5) feet less than the height needed to prevent intrusion in the area determined to be within the satellite sky or receptor viewshed.

Section 21B.7 Yard Setback Requirements

(a) Front Yard - 50 feet

(b) Side and Rear Yard - 25 feet

(c) Exceptions:

1. When either a side and/or rear lot line abuts a railroad or railroad siding, the side or rear yard abutting the railroad or railroad siding may be zero.

2. The side or rear yard may be reduced to zero for the purposes of integrating, adjoining, or connecting structures on contiguous lots with the express approval of the owner of the contiguous lot.

3. Where the proposed use or building abuts either a lot in a RR, 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 RR, 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

(a) The area designated as a buffer yard may include any required side, rear, or front yards.

(b) Where an adjoining lot is located in a RR, 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.9 Design Standards

(a) All new development in the "ORI" District shall be served by public water and sewer facilities that have been approved by the Washington County Health Department.

1. The Planning Commission may waive this requirement after consultation and advice from the Health Department.

2. Prior to a decision to grant or not grant a waiver of this requirement, the Planning Commission shall consider the following:

i. The need to protect environmental resources from potential pollution from failing septic systems.

ii. The availability and proximity of existing public water and sewer facilities.

iii. The status of any available plans for utility extensions in the future that may serve the area.

iv. The existence and operation of private, on-site health facilities in the vicinity.

v. Recommendations of the Washington County Health Department.

vi. The adopted Washington County Water and Sewerage Plan.

vii. Recommendations of the potential service provider.

viii. Any grant of a waiver to allow the use of a private, on-site well or septic system is conditional upon the agreement to abandon the private system and connect to the public utility when it becomes available.

ix. When the Planning Commission has determined that a waiver from the required use of public water and sewer facilities is appropriate, the minimum lot size shall be the result of the application of the minimum lot size, setback, and yard requirements specified in Section 21B.7. Lot dimensions shall also conform to any applicable minimum requirements affecting lot size, width, or separations imposed by the Washington County Health Department.

x. Any private on-site well or septic system shall meet all Health Department requirements.

(b) All new development in the "ORI" District shall comply with the requirements of the Washington County Adequate Public Facilities Ordinance.

(c) Site coverage: Impermeable site coverage (building area, parking, and other paved surfaces) shall not exceed eighty percent (80%) of the gross site area.

(d) Any part of a lot not utilized for buildings, parking, driveways, loading areas, sidewalks, and other impermeable areas shall be planted with grass or other ground cover and landscaped with trees, shrubs, and/or flowers in accordance with Article 22, Division XI of this Ordinance.

(e) Adequate provisions shall be made for the storage and collection of refuse and recyclables. Refuse and recyclables storage areas shall be screened.

(f) Building Appearance Guidelines

High quality architectural designs can mitigate the perceived impact of industrial structures and uses and can create a positive impression of the industry and the Washington County, Maryland community. Designers of buildings in the "ORI" District are encouraged to employ the following guidelines in building design.

1. Drawings or photographs of the proposed architectural treatment of the proposed buildings on the site shall be provided with the site plan to assist the Planning Commission in visualizing the ultimate site appearance.

2. Architectural treatment of building walls visible from highways shall be harmonious with the front elevation of the structure in design, quality, and materials. Construction grade concrete block shall not be used on any visible portion of any structure's foundation or walls.

3. There shall be no loading docks or loading doors located on the front of a building. Loading docks or loading doors located on any part of a building that is visible from any highway shall be adequately screened.

4. The following additional guidelines shall be employed when designing buildings in the "ORI" District that will be located adjacent to resident districts.

   i. Apply consistent design principles on all buildings and structures on the site to create unity.

   ii. Apply design principles on all building facades and surfaces, not just the front.

   iii. Create visual interest and minimize bulk with architectural designs that include varied, but complementary, building materials, surface treatments, textures, varying roof and wall planes, color and window and door arrangements.

   iv. Use high quality natural materials finished in low-reflectance, earth tone colors and finishes. Materials may include brick, wood, stone, tinted textured concrete masonry units, architectural or patterned concrete block or other material approved by the Planning Commission.

   v. Articulate facades and roof lines in order to minimize the appearance of excessive mass.

   vi. Minimize the views of mechanical equipment, storage, loading facilities and refuse collection by considering the

need for screening and incorporating it into the building design and overall site design, orientation, and landscaping.

vii. Non-enclosed areas for storage of pallets, recycling, refuse, and other materials shall be permanently defined and screened with walls and/or fences and/or heavy evergreen landscaping consistent with materials and landscaping used throughout the project.

Section 21B.10 Signs and Exterior Lighting

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.

(a) The design, lettering, lighting, and location of all signs shall be included as part of the site plan submitted for approval of the Planning Commission.

(b) No more than two (2) monumental signs for the purpose of identifying the businesses and uses in the "ORI" District may be placed at the primary roadway entrance(s) to the "ORI" District. No more than one (1) sign may be placed at secondary entrances.

(c) A monumental sign is not intended to be the primary business identification sign for any use or business in the "ORI" District, nor is it considered an outdoor advertising sign.

(d) The size of the monumental sign shall not exceed three hundred (300) square feet in area (to include script and monument) and shall not exceed fifteen (15) feet in height.

(e) All monumental signs shall be landscaped. Plant materials shall comply with the landscaping plan standards specified in Article 22, Division XI, of this Ordinance.

(f) Maintenance of the monumental sign shall be the sole responsibility of the sign's owner and/or assigns.

(g) On-premises signs shall not exceed one hundred fifty (150) square feet in area and fifteen (15) feet in height, and shall be set back twenty-five (25) feet from the road right-of-way.

(h) Any exterior sign or signs pertaining to the use conducted on a building lot, and which is either integral with or attached to the principal building shall have a total area of no more than two (2) square feet for each foot in length of the frontage of the building.

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

(j) Signs must be designed and located so as not to obstruct sight distances at any road or entrance intersection.

(k) Signs shall be a minimum of twenty-five (25) feet from the road right-of-way.

(l) The following signs are prohibited: Outdoor advertising, portable signs, flashing, rotating lights, or signs with changing light intensity or changing colors, hanging or projecting rather than flush signs, signs above the roof or parapet, or signs painted or pasted directly on any wall.

(m) Major buildings may be lighted for architectural effect and aesthetics. However, excessive vertical lighting should be avoided. Wall mounted security lighting should be down-directed and shielded to prevent outward glare.

(n) Parking areas that are used at night shall be illuminated. Light fixtures shall be of a full cut off, down-directed variety and shall not create glare or spill onto highways or adjoining residential properties.

(o) All lighting in the "ORI" District shall comply with the requirements contained in Article 22, Division X, of this Ordinance.

Section 21B. 11 Site Plan

A site plan with an approved Forest Stand Delineation and Forest Conservation Plan is required under Section 4.11 of this Ordinance for any principal permitted or special exception use in the "ORI" District, except agriculture. Animal husbandry facilities shall be subject to the requirements set forth in Article 22, Division IX.

All site plans shall contain the information as required by this section and others referenced. The site plan shall not be approved without compliance with the applicable standards.

ARTICLE 21C - "ERT" EDUCATION, RESEARCH, AND TECHNOLOGY DISTRICT[120]

Section 21C.0 Purpose

The purpose of the Education, Research, and Technology District (the "ERT" District) is to provide suitable locations for institutions of higher education, such as two (2) and four (4) year colleges and universities, that will support an environment conducive to higher education and related student life functions and provide compatibility with adjacent land uses. The District will permit all traditional higher education related activities and uses that result from the emerging trends and initiatives toward sharing expertise and facilities between colleges and the business, economic development, technology, and research communities. These uses may include business and technology development services such as incubators and accelerators, applied research, workforce education and training, economic development and research activities that include prototype and limited commodity production and testing, and the provision of structures and facilities within which to conduct such activities.

The "ERT" District will promote a desirable, attractive, and highly-functional campus with natural and landscaped open space, architecturally attractive buildings, and conveniently located facilities. An effective and cohesive pedestrian system to encourage social interaction and discourage excessive automobile use on site should also be provided. Development standards are intended to create a campus that will enhance the educational experience and provide compatibility with the surrounding existing and future land uses.

The "ERT" District shall be located in the Urban or Town Growth Areas as defined by the Washington County Comprehensive Plan and shall be served by adequate infrastructure.

The District is intended and designed to allow and promote nontraditional business uses that have a significant and necessary link to the primary educational institution's educational function and not as a mechanism for the institution to develop or sell properties for business uses unrelated to its educational function. It is required that there will always be a significant link between the business development, research, technology, and economic development activities and the educational function of the college or university.

Uses permitted in this District as listed below, by special exception or through future amendment, shall not cause large amounts of traffic for material delivery, shipping, or employees, shall not require the use, production, or emissions of dangerous, toxic, or regulated substances, shall not produce noise that is disruptive to the function of the educational institution or the adjacent property owners, and shall not require the outside storage of materials, supplies, or waste products.

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[120] Revision 17, Article 21C added, 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2012-07)

Section 21C.1 Principal Permitted Uses

(a) Colleges and universities, accredited by the State of Maryland, that provide or award credit-bearing degrees, certificates, diplomas, and letters of recognition programs, as well as adult basic education and non-credit job training programs and lifelong learning courses. This use includes the following as examples of traditional higher education uses and related activities as part of the educational institution's campus. It is not intended or permitted for the following uses to be established separately from a parent educational institution on separate non-contiguous parcels.

1. Classrooms, laboratories, indoor or outdoor theaters and other performance venues, auditoriums and lecture halls, libraries, and offices for administrators, faculty, and college related organizations.

2. Parking structures and lots.

3. Child care facilities for services to faculty, administrators, students, and other patrons, and as training facilities.

4. Cultural, recreational, health, and fitness facilities.

5. Government offices and related facilities including buildings of a cultural, civic, educational, social or community service-type, and including libraries, playgrounds, and community centers.

6. Communications facilities, equipment, and structures including satellite dishes, telecommunication towers and antenna subject to setback requirements, and as needed in the routine performance of the institution's educational function. Commercial communication towers that are not for the exclusive use of the institution in the routine performance of its educational function shall be governed by Section 4.22 of this Ordinance.

7. Radio and television broadcasting facilities.

8. Athletic fields and sports stadiums, gymnasiums, and other sports related facilities for teaching or competition purposes (subject to specific parking and lighting standards contained in Article 22, Divisions I and X).

9. Student dormitories.

10. Museum and collection display facilities and functions.

11. Conference facilities.

12. Food service facilities for students, faculty, and other college personnel and visitors, and college-related functions and culinary arts training.

13. Bookstore facilities.

14. Medical facilities that provide medical services to students, faculty, and other college employees or facilities used for training in the medical and health professions (such as medical or dental clinics and laboratory and diagnostic equipment).

15. Computer and data processing services, laboratories, and equipment.

16. Reprographic, banking, and security services.

17. Other training or educational activities and services and specialized training venues or facilities that may be necessary for same, such as truck driving courses, law enforcement or fire training facilities, and forensic laboratories, so long as there is a demonstrated and active link to the educational function of the college.

(b) Business development services including, but not limited to, incubation functions for start-up businesses and acceleration functions for technology firms needing additional support.

(c) Public services training facilities including, but not limited to, police, fire or emergency medical academies, and forensic laboratories.

(d) Scientific research and development services in the physical, engineering, life sciences, social sciences, and humanities fields. Also included is the application of that research in the development of information, products, processes, and materials (as defined in Article 28). This category includes technological research and development services and the related manufacturing of products for testing. Also included are medical research, inclusive of biotechnology, and related facilities such as laboratories, and the application of research knowledge in the production of materials and substances for continued product testing, research, and development.

(e) Uses similar in nature and intent to (b), (c), and (d) above. When there is uncertainty regarding the similarity in nature and intent of a specific use, the Planning Commission shall make a determination, which can be appealed to the Board of Appeals. Said uses must always have a demonstrable link to the primary educational institution or its business and industry incubation or accelerator services.

Section 21C.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)

Uses unanticipated at the time of establishment of this District, or where it is unclear that a use is or should be permitted, may be permitted through the grant of a special exception by the Board of Appeals according to the guidelines contained in Article 25 of this Ordinance. The BZA shall also consider the purpose of the "ERT" District, including the specified limitations, the desired link between the proposed use and the educational functions of the college, and the compatibility of the use with the adjacent and surrounding land uses.

Section 21C.3 Accessory Uses

Uses and structures that are normally and customarily incidental to any of the principal permitted and special exception uses with the limitations specified in Section 21C.0 Purpose.

Section 21C.4 Height Requirements

(a) No structure shall exceed one hundred (100) feet in height, subject to the provisions of Article 23 of this Ordinance.

(b) On the perimeter of the District, defined as the area within one hundred fifty (150) feet of the exterior property lines or any common property lines with parcels that are not zoned "ERT," building height shall not exceed the height limitation on the adjacent property.

(c) Within the one hundred fifty (150) foot perimeter, the Planning Commission may allow up to a fifty percent (50%) increase in the permitted height where, after evaluation of existing or proposed buffers, the existing uses on the adjacent parcels, and the proposed use and structure design in the "ERT" District, it can be determined that the increase will not negatively impact the adjacent use.

(d) Under no circumstances shall lighting or related structures be permitted to exceed the height restrictions specified in Article 22, Division X, governing lighting setbacks.

Section 21C.5 Yard Setback Requirements

(a) Front Yard or Setback - 100 feet.

(b) Side and Rear Yard or Setback - 50 feet

(c) The required setbacks apply to the exterior property lines of the "ERT" District or common property lines with other zoning designations not under the ownership of the educational institution. Yards or setbacks from interior property lines are not required.

(d) Setbacks apply to all structures and uses including parking lots. The Planning Commission may reduce side and rear setbacks for parking lots by up to fifty percent (50%) where sufficient buffer planting is provided to mitigate the effect of a reduced setback.

Section 21C.6 Buffer Yards

(a) The area designated as a buffer yard may include any required front, side, or rear yards.

(b) Where an adjoining lot is located in a RR, 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.

Section 21C.7 Design Standards

(a) Site coverage: Impermeable site coverage (building area, parking, and other paved surfaces) shall not exceed seventy percent (70%) of the gross site area.

(b) Any part of a lot not utilized for buildings, parking, driveways, loading areas, sidewalks, and other impermeable areas shall be planted with grass or other ground cover and landscaped with trees, shrubs, and/or flowers in accordance with Article 22, Division XI, of this Ordinance.

(c) Adequate provisions shall be made for the storage and collection of refuse and recyclables. Refuse and recyclable storage areas shall be screened with solid fencing and may also include screen plantings.

(d) There shall be no loading docks or loading doors located on the primary building façade and they shall not be visible or audible from adjacent

residential parcels. Loading docks or loading doors located on any part of a building that is visible from any highway shall be adequately screened.

(e) Parking shall be provided according to the standards contained in Article 22, Division I. As new buildings or facilities are constructed on site, site plans shall contain a tabulation of existing parking spaces and the facilities they serve to assist in the determination of the need and appropriate location for additional parking.

(f) There shall be no outside storage of materials or goods permitted.

(g) There is no minimum or maximum distance between buildings on the campus. Buildings should be spaced and arranged to afford the greatest degree of convenience, safety, access by pedestrians and from parking areas, access to air and light for comfort and efficiency, ease of maintenance, and visual appearance.

(h) All new uses in the "ERT" District shall be served by public water and sewer facilities approved by the Washington County Health Department.

Section 21C.8 Signs

(a) Signs on a campus in the "ERT" District shall be limited to identification and directional signs. These signs may also contain a component that allows changing messages to advertise upcoming events on campus.

(b) Monumental signs at primary campus entrances are also permitted but shall not exceed twelve (12) feet in height.

(c) Signs shall not obstruct site distances at any vehicular intersection.

(d) Individual buildings and other facilities may contain posted or building-mounted signage for identification of the structure by name, purpose, or street address.

(e) Signs may be lighted but shall conform to the same limitations for other site lighting contained in Article 22, Division II.

(f) Signs advertising goods and services for sale are not permitted.

(g) Freestanding signs shall not be located to face any adjoining residential district or use.

(h) Signs shall be a minimum of twenty-five (25) feet from the public road right-of-way.

(i) The design, lettering, lighting, and location of all signs shall be included as part of the site plan submitted for approval by the Planning Commission.

Section 21C.9 Exterior Lighting

(a) All exterior lighting shall conform to the standards and guidelines contained in Article 22, Division X.

(b) Buildings may be lighted for security, architectural effect, and aesthetics. However, excessive vertical lighting should be avoided. Wall mounted security lighting should be down-directed and shielded to prevent outward glare.

(c) Parking areas that are used at night shall be illuminated. Light fixtures shall be a full cut-off type, down-directed, and shall not create glare or spill over onto highways or adjoining residential properties.

Section 21C.10 Site Plan

A site plan with an approved Forest Stand Delineation and Forest Conservation Plan is required and shall be prepared according to the guidelines contained in Section 4.11 of this Ordinance for any principal permitted or special exception use in the "ERT" District.

As an alternative to Planning Commission approval of each site plan for new development on the subject institution's campus in the "ERT" District, the institution may develop and submit for approval a master development plan for the entire campus. The Planning Commission may then delegate to Planning staff the authority to approve site plans for new construction on campus as long as the plan conforms to the approved master development plan and all requirements of the Zoning Ordinance. When Planning Staff believes there are substantial or material differences between the approved master development plan and individual site plans, Planning staff may defer approval to the Planning Commission.

The master development plan shall show all existing improvements on the site including buildings and other facilities, roads, parking areas, sidewalks, signs, lighting and the general location and description of landscaping. The master development plan shall also show the locations and nature of future development, such as proposed building locations, approximate size, height and use, proposed parking, pedestrian system extensions to serve the new facilities, proposed infrastructure extensions, and any expected buffers or forest mitigation areas.

ARTICLE 22 SPECIAL PROVISIONS

DIVISION I OFF-STREET PARKING AND LOADING AREA REQUIREMENTS[121]

Section 22.1 Purpose

The purpose of this Division is to provide basic standards for development of off-street parking and loading area facilities. The design of parking facilities is critically important to the economic viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Because vehicle parking facilities occupy large amounts of land, they must be planned and designed carefully to use the land efficiently, minimize stormwater runoff, and maintain the visual character of the community. In order to promote safety and functionality and to decrease congestion and limit traffic disruptions, permanent off-street parking, loading and queuing areas shall be provided for all development as outlined in this Division.

Section 22.11 Applicability

(a) Off-street parking and loading facilities shall be provided in accordance with this Article for any new structure built or any new use established.

(b) Existing structures or uses that increase in size by 35% or more after the adoption of these regulations shall be subject to the current parking and loading standards. However, any parking or loading facility now in existence to serve such structures or uses shall not, in the future, be reduced except where they exceed current requirements, in which case they shall not be reduced below the current standard.

(c) The principle use of a structure or site shall not be changed to a use requiring a greater number of parking or loading spaces unless such areas are provided for the new use in accordance with this Article.

Section 22.12 Off-Street Parking Requirements

(a) Employee Parking

1. For the purposes of this Article, employees shall mean the regular working staff (paid, volunteer, or otherwise) at maximum strength and in full time equivalent numbers necessary to operate, maintain, or service any given facility under normal levels of service.
2. Employee parking shall be provided in accordance with the schedule defined in Section 22.12(b).
3. Businesses that may not require customer/visitor parking shall, at a minimum, provide employee parking at a ratio of 1 space per employee on the main shift.

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[121] **Revision 16, Division I deleted and replaced in its entirety 12/1/09, eff. 2/1/2010 (RZ-09-003)**

(b) Customer/Visitor Parking

1. **Minimum Spaces Required**. Parking for employees, customers and/or visitors shall be provided in accordance with the following table. All fractions of spaces shall be rounded up to the next whole integer. If a specific use is not listed, the Zoning Administrator shall have the right to determine the required off-street parking requirements, based on the most similar use(s) listed.

Land Use	Parking Required
Airport (Commercial)	Required parking shall be based upon a detailed parking analysis and study that shall address: number of employees, projected daily usage, long term parking needs, and other uses being shared in the terminal (i.e. restaurants, convenience stores, car rentals, etc.) Final determination of adequacy shall be determined by the Planning Commission.
Ambulance/Rescue Companies and Fire Stations	2 spaces per each piece of vehicular equipment; 10 spaces minimum
Assisted Living Facility, Nursing/Convalescent Homes	1 space per 3 patient beds plus 1 space per main shift employee
Auto Sales	1 space per 500 sq ft of the GFA of showroom and sales office plus one space per employee
Auto Service	2 spaces per service bay plus one space per employee
Banks/Financial Institutions	1 space per 400 sq ft of GFA; plus 1 space per employee
Banquet Halls, Dance Halls, Exhibition Halls, and Assembly Halls	1 space per 50 sq. ft. of GFA
Bowling Alleys	3 spaces per lane
Campgrounds	1 space per campsite and/or cottage plus one space per 500 sq. ft. of office space
Churches	1 space per 5 seats provided in the main religious assembly auditorium
Commercial Retail Sales	5 spaces per 1000 sq. ft. of GLA
Community Centers	1 space per 400 sq ft GFA
Comprehensive Care Facility	1 space per active adult dwelling unit, plus parking for Assisted Living Facilities as shown in this table
Golf Courses	4 spaces per hole

Hospitals	0.5 space per bed plus 1 space per employee on main shift
Hotels, Motels, Bed & Breakfast, Resort and Similar Sleeping Accommodation Uses (see also Restaurant, Meeting & Banquet Facilities; if applicable, additional parking is required)	1 space per guest room or suite
Kennels, Commercial (including grooming services)	Minimum of 5 spaces up to 50 kennel units; plus 1 space per 10 kennel units after 50
Libraries, Museums	1 space per 400 sq ft of GFA
Manufacturing/Industrial Plants	1 space per employee on the main shift plus 1 space per 350 sq ft of office and/or sales space
Medical & Dental Centers/Offices/Clinics/Pharmacy (including out-patient facilities but excluding hospitals)	1 space per 200 sq. ft. of GFA
Mini-warehouses	1 space per 50 storage bays; plus 1 space per employee; plus 3 visitor spaces
Mortuary, Funeral Parlors	1 space per 50 sq ft of floor space in the funeral service rooms; 20 spaces minimum
Private Clubs, Lodges, and Meeting Places of Veteran, Business, Civic, Fraternal, and Similar Organizations	1 space per 4 registered member capacity
Professional and Office Buildings (excluding Medical & Dental)	1 space per 300 sq. ft. of GFA
Recreational Establishments, Indoor and Outdoor (excluding other specific uses listed)	1 space per 80 sq ft of all indoor areas and 4 spaces per acre of outdoor areas
Residential, Single & Two-Family	2 space per dwelling unit excluding garage space
Residential, Multi-Family	2 space per dwelling unit excluding garage space; plus overflow/visitor parking outlined in 22.12(b).4[122]
Taverns, Lounges, Nightclubs	1 space per 100 sq ft of GFA
Restaurants, with or without Drive Thru Service	1 space per 75 sq. ft of GFA
Schools: Primary, Secondary, Post-Secondary, and Trade/Vocational	Required parking shall be based upon a detailed parking analysis and study that shall address: number of faculty and staff, projected enrollment, requirements for special events, and capacity of special assembly areas. The final determination of adequacy shall be made by the Planning Commission.

[122] The adopted amendment RZ-09-003 erroneously cited Section 22.01.02(b)4.

Schools: Nursery & Day Care Facilities	1 space per 5 registered student capacity
Swimming Pools, Community/Public	1 space per every 7 persons lawfully allowed at one time
Theaters, Auditoriums, and Stadiums	1 space per 3 seats; if there is not fixed seating then parking shall be calculated at 1 space per 100 sq ft of area available to the public
Transportation Terminal/Stops (trucking, buses, etc)	Parking shall be determined based on a detailed parking analysis and study that shall address: number of employees, projected daily use patterns based on terminals of similar size in the area/region, and accommodations offered (fueling stations, showers, overnight parking, food services, etc). The final determination of adequacy shall be made by the Planning Commission.
Veterinary Clinics and/or Hospitals	1 space per 300 sq ft of GFA
Warehouse or Wholesale Establishments	1 space per 1.5 employees on the main shift or 1 space per 1500 sq ft GFA, whichever is greater; plus 1 space per 350 sq ft GFA of sales and/or office space

2. **Sharing of Parking Facilities**. The Planning Commission may approve the sharing of parking facilities between one or more uses based upon a detailed parking study provided by the developer(s). The parking study shall demonstrate the number of spaces needed based upon: the type and intensity of all uses sharing the facility, the peak hours of usage, hours of operation for each use, number of employees for each use, and the type of vehicular traffic using the facility. Changes in any of the conditions evaluated as part of the parking study after final plan approval may require re-approval of the plans by the Planning Commission.

   If a shared parking facility is approved, the following conditions must be met:

   i. The uses must either be located on the same property or off-site parking facilities may be shared when located within 500 feet of the major point of pedestrian access for each use sharing the parking facility.

   ii. Adequate pedestrian access that is compliant with State and Federal accessibility code requirements must be provided from the parking area to each major point of pedestrian access for each user of the shared parking area.

iii. The number of spaces needed shall be determined by the Planning Commission. All other requirements outlined in this Article shall also be met.

iv. Perpetual joint use parking easement shall be signed by all participating members and recorded at the Office of the Clerk of Circuit Court for Washington County. A copy of the recorded document shall be submitted to the Planning Staff prior to final site plan approval.

3. **Minimum Space Required Modification.** The Board of Zoning Appeals may reduce the number of required off-street parking spaces upon a finding that sufficient spaces open to the public are available within five hundred (500) feet of the proposed use to meet the intent of this Article.

4. **Residential Overflow Parking.** Residential multi-family units (excluding duplexes and 2-family) shall provide overflow parking in addition to the other parking requirements in this Article as follows:

   i. Townhouses, 3-family and 4-family units: 0.5 spaces per dwelling unit

   ii. Apartments, garden apartments, condos: 0.3 spaces per dwelling unit

5. **Drive-up/Drive thru facilities.** In addition to the parking spaces required in this Division, uses with drive-up/drive thru facilities shall provide on-site spaces sufficient for vehicles queuing to be served by or otherwise waiting to do business at the facility.

   i. Off-site queuing is prohibited.

   ii. Each space that is provided for queuing shall be at least 20 feet in length and 9 feet in width.

   iii. These spaces shall not interfere with, block, or prevent the use or operation of parking spaces, parking aisles, access drives, or entrances.

   iv. The following uses shall provide the adequate on-site space for queuing (these spaces are in addition to the space at the transaction point):

      a. Banks/Financial Institutions: 3 spaces per drive-up/drive thru station including Automated Teller Machine Stations

      b. Car Wash: 3 spaces per washing station, 2 spaces per drying station, and 1 space per vacuum/detailing station.

      c. Gas Station: 1 space per side, per gas pump

      d. Pharmacy or drug store: 3 spaces per station

      e. Restaurant: 6 spaces per station, 4 of which must be located in the area approaching the order board.

f. Other uses not specifically listed that offer drive-up/drive thru services shall provide queuing spaces as determined by the Zoning Administrator based on the most similar use(s) shown above.

(c) **Handicapped Accessible Parking and Passenger Loading Zones**

Handicapped accessible parking shall be in conformance with the Maryland Accessibility Code, COMAR 05.02.02 and the Americans with Disabilities Act.

(d) **Bicycle Parking**

1. **Number of spaces needed.** All parking facilities containing more than fifty (50) parking spaces shall provide one bicycle parking space or locker for every twenty-five (25) automobile parking spaces in the facility. No more than twenty-five (25) bicycle parking spaces or lockers shall be required in any one facility.
2. **Type of facilities.** Bicycle parking facilities may include various types of racks or lockers that enable the user to lock the frame and/or the wheels of the bike with a cable or U-shaped lock.
3. **Location of facilities.** Bicycle parking facilities shall be located so as to be safe from motor vehicle traffic and secure from theft. Interior storage and lockers are encouraged for uses that promote long or medium term parking.
   They shall be properly maintained.
   i. Parking should be located in a highly visible, well-lit area within close proximity to the use it supports.

(e) **Recreational Travel and Recreational/Off-Road Vehicle Parking**

1. Such vehicles shall be considered accessory uses in any district, provided they are parked or stored in a garage or accessory building in the rear yard, side yard, or driveway of the lot occupied by the owner. Vehicles stored outside of storage buildings shall be parked no closer than four (4) feet to the rear and side lot lines and no closer than ten (10) feet from the front lot line or to the road/street edge, street curb or sidewalk, whichever is closest to the parked vehicle.
2. In the RM and PUD districts, “recreational vehicle” parking spaces shall be provided in addition to all other parking requirements in this Article. Spaces shall be provided at a ratio of 1 space per 50 passenger vehicle parking spaces and shall be a minimum of 30 ft long and 15 ft. wide. There shall be a minimum of 1 space provided.

(f) **Design Standards.**

1. In General.
   i. Off-street parking facilities may be enclosed in a structure or may be open. Garages and other parking structures

shall not be converted into another use unless the minimum parking space requirements of this Article are satisfied without the parking structure. Enclosed structures containing off-street parking for employees shall be designed with a first-level entrance and height of at least nine feet in order to permit the entry and parking of vans used by van pool programs.

ii. Parking facilities required by these regulations shall be provided on the same lot with such structure or land use unless otherwise provided in accordance by this Article.

iii. Alterations to parking facilities after plan approval (i.e. stripping, traffic markings, surfacing, etc) that affect internal or external traffic patterns, minimum space and access aisle requirements or landscaping requirements, may require additional review by the Planning Commission.

iv. All off-street parking facilities shall be designed with a stable, dust-free surface conforming to the standards of the Department of Land Development Engineering.

v. No off-street parking area shall be designed to permit direct parking space ingress and egress to a public or private road, street, or highway.

vi. Parking facilities shall be designed to maintain the use traffic on the developed site so as to avoid back-ups and congestion on public and/or private roads.

vii. Adequate emergency vehicle access must be provided to each use.

2. **Parking Stall and Access Lane Dimensions.**

i. Off-street parking facilities may contain any combination of angled, perpendicular or parallel parking spaces. The minimum design standards are as follows (see also Diagram 22-1):

A	**B**	**C**	**D**	**E**
Parking Angle (feet)	**Stall Width (feet)**	**Stall Length (feet)**	**Curb Width per Vehicle (feet)**	**Aisle Width (feet)**
0°	9	22	22	See Diagram 22-2
30°	9	20	19	
45°	9	20	13	
60°	9	20	10.5	
90°	9	20	9	

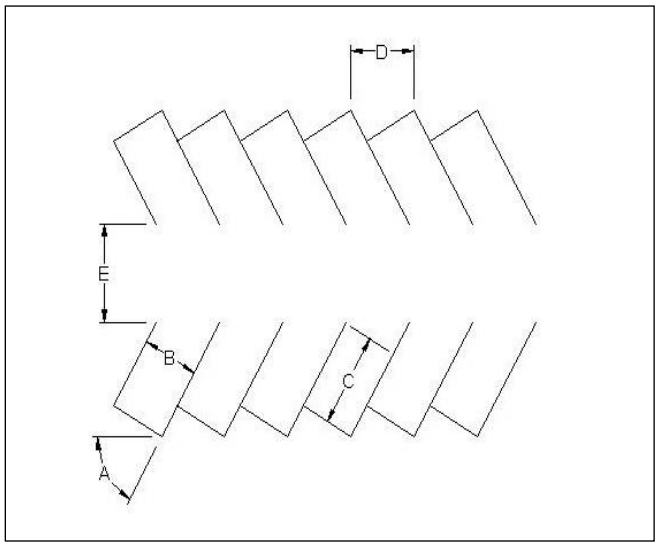

Diagram 22-1
Parking Dimensions

ii. **Stall Length Modification.** If the parking stall provides an overhang not encroaching on a walkway, property line, or buffer area as required in (f).3.i of this section, the length of the stall may be reduced two (2) feet.

iii. Access lanes shall be provided to such parking spaces in accordance with the standards shown in Diagram 22-2.

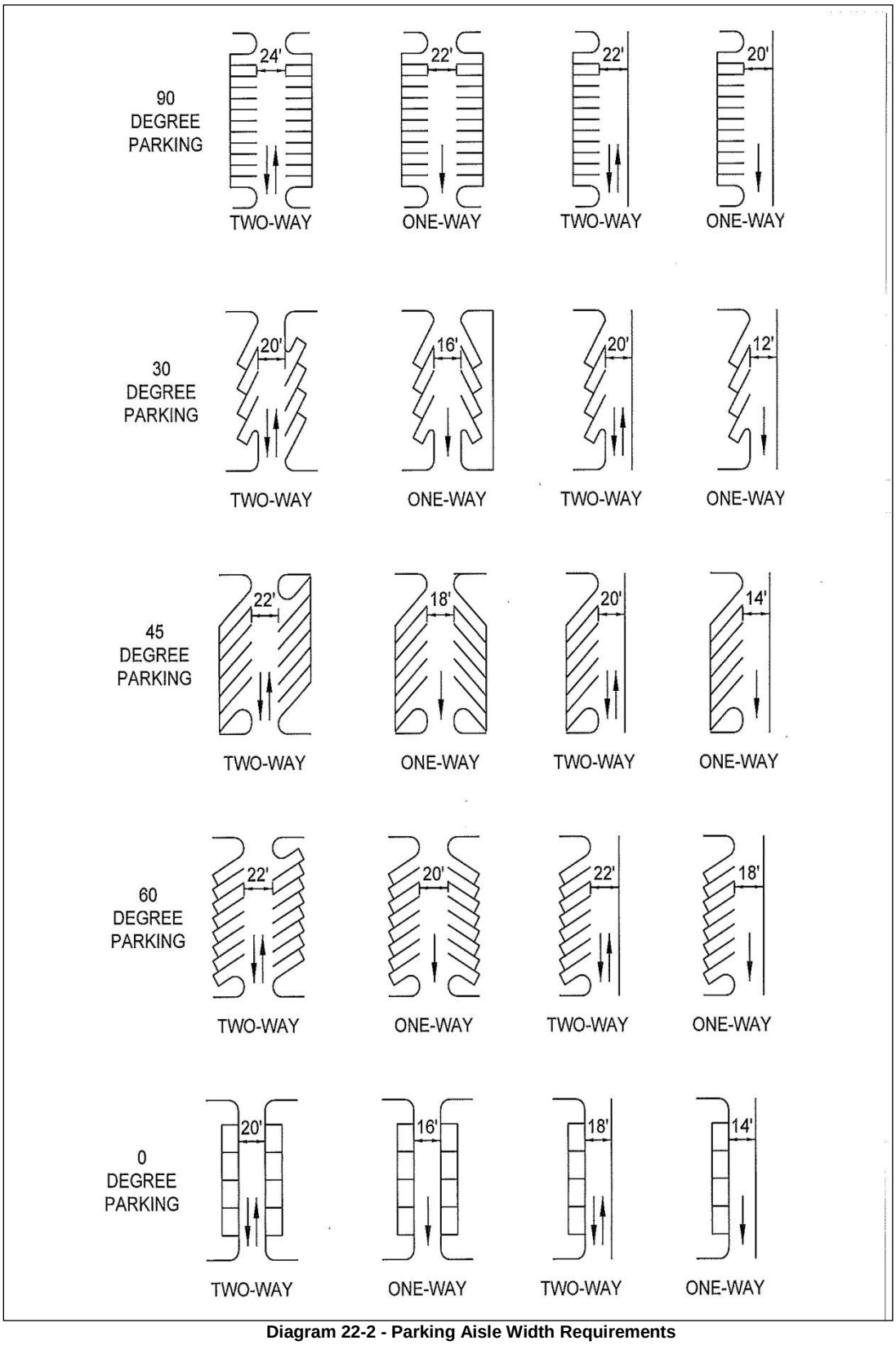

Diagram 22-2 - Parking Aisle Width Requirements

iv. Where there is a combination of different parking angles used, the access aisle dimensions shall be based on the greater of the two requirements.

v. Access lanes with no parking shall be a minimum of 22 feet wide for two-way traffic and 10 feet for one-way traffic

3. **Parking facility setbacks.**

i. Surface parking facilities shall be physically separated from a public or private street by a buffer area of at least 10 feet from the right of way line or from the property line, whichever is greater. In any case, parking of vehicles may not impede adequate sight distance of access points.

ii. Structures containing off-street parking shall be subject to the structure setback requirements applicable to the district in which it is located.

4. **Circulation and Access.**

i. Parking facilities should provide continuous circulation in order to avoid numerous turnarounds. Where continuous circulation is not possible and 'dead end' parking aisles are used, additional area shall be provided at the end of the aisle to create a turnaround area (See Diagram 22-3). These areas shall be required only if the parking aisle is less than 20 feet wide.

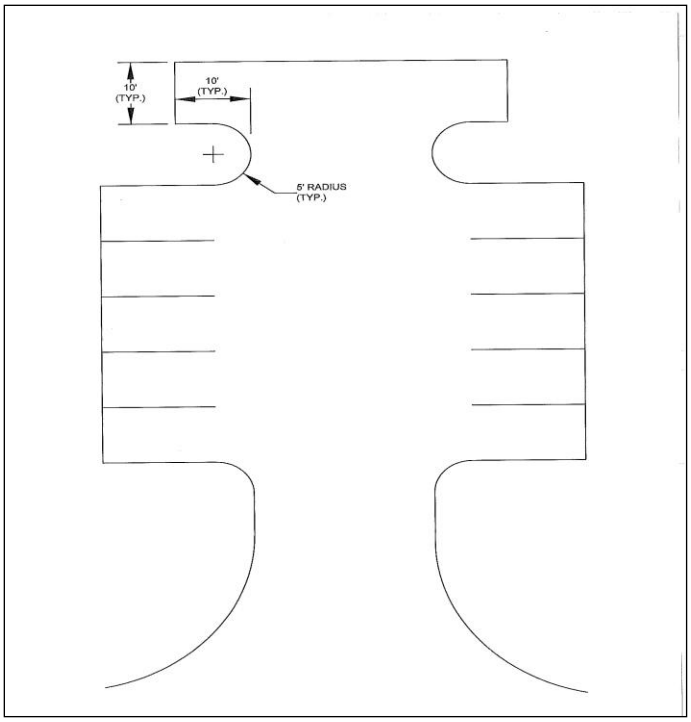

Diagram 22-3
Dead-End Parking
'T' Turnaround Dimensions

ii. Whenever possible, developers should limit the number of access points to the main public road.

iii. When feasible, and as approved by the Department of Land Development Engineering, adjacent parking areas should be connected to provide circulation between adjacent properties. Such connections shall require a perpetual joint use agreement signed by all participating members and recorded at the Office of the Clerk of Circuit Court for Washington County. A copy of the recorded document shall be submitted to the Planning Staff prior to final site plan approval.

5. **Pedestrian Access.**

i. Pedestrian walkways and sidewalks shall be provided to and from all parking areas and shall be designed to serve onsite principally permitted uses and accessory uses for which there is pedestrian demand. Such spaces shall be protected from vehicular overhang and movement by curbs or other methods as approved by the Department of Land Development Engineering.

ii. Where pedestrian access to the primary entry point of a structure or use crosses a public or private street, alley, access lane, or other area used by vehicular traffic, appropriate measures shall be taken to promote safe pedestrian crossing (i.e. speed control devices, raised crosswalks, signage, etc.)

iii. All pedestrian walkways and sidewalks shall be compliant with the Maryland Accessibility Code and Americans with Disabilities Act requirements.

6. **Traffic Control Markings.**

i. All off-street parking areas shall be so arranged and marked as to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Individual parking spaces shall be clearly defined and directional arrows and traffic signs provided for safe and convenient traffic flow. Each space or area for handicapped or other special parking shall be clearly marked to indicate the intended use and shall be so located as to facilitate its use. All markings and traffic signs shall be perpetually maintained.

ii. Signs and markings which warn, guide, and regulate traffic; both vehicular and pedestrian, shall be required in order to promote maximum efficiency of the facility.

iii. All signs and markings shall be designed according to the Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.

7. **Lighting.**

i. Lighting shall be provided for all areas that will receive night use.

ii. Lighting shall be fully shielded using concealed source fixtures directed downward and away from adjacent properties. All exterior light fixtures shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare.

iii. Lighting shall be designed, constructed, and maintained in a manner that minimizes off-site glare, light trespass on neighboring lots, and traffic hazards for motorists. Glare control shall be accomplished primarily through the proper selection and application of lighting equipment. Only after those means have been exhausted shall landscaping, fencing and other screening methods be considered and acceptable means for reducing glare.

iv. In addition to providing full cut-off light fixtures, pole mounted lighting that is located within 10 feet of a residential district or use shall have 'house-sided' shielding to direct light away from residential areas. A house-side shield typically consists of a visor or shielding panel that attaches to a light fixture.

8. **Landscaping.**

i. **Minimum Areas Required.** All surface parking facilities of 10,000 square feet or more shall have landscaped areas within the confines of the facility, which constitute a minimum of 5% of the total impervious area of the parking facility.

ii. **Design and Composition.** The landscaped areas shall be unpaved, permeable, linear strips or variable shaped islands in the interior of the parking facility which shall be planted with ground cover of shrubs trees or grasses. The primary plant material used in landscaping areas should be trees that provide shade. The total number of trees recommended should be 1 tree per 300 square feet of total landscaping areas required for the parking area. Trees shall have a minimum caliper of two (2) inches at the time of planting.

iii. **Plant Material Quality.** All plant materials shall be alive and in a healthy condition. The owner shall be responsible for the maintenance, repair, and/or replacement of all required landscaping material. All plant material shall be maintained in a healthy growing state at all times. All unhealthy, dying, or dead plants shall be replaced by the next growing season. Tree and shrub species used for landscaping should be native to Washington County. Invasive and exotic plants as listed in Appendix F of the Washington County Forest Conservation Technical Manual shall not be permitted in landscaping plans.

iv. **Location and Visibility.** Landscaping areas shall be located and/or designed in a manner that does not impair visibility of vehicles entering or leaving the parking aisles

and/or parking facility. Attention shall also be given to location with regard to lighting and surveillance activities so as not to create conflicts.

v. Landscaping islands shall be required after every 15 spaces. The Planning Commission may modify this requirement if it conflicts with stormwater management needs on the site or if long linear strips of landscaped area are provided instead of small islands.

9. **Screening.**

i. The periphery of off-street parking facilities shall be adequately screened from any parcel zoned for or occupied by residential dwellings schools, churches, or institutions for human care as well as roadway frontages so as to prevent headlight glare onto adjacent parcels and/or roadways.

ii. Screening may be in the form of a solid fence, vegetative screening or both, from grade to the specified height as determined by the Planning Commission or its designee. Fencing shall be constructed of vinyl, stone, brick, earthen berm, or other mechanism as approved by the planning, and must be a minimum of 4 ft in height as measured from the grade of the parking area.

iii. Vegetative screening shall consist of a tree or shrub species that shall be a minimum of 4 ft in height overall at the time of planting or will reach 4 ft in height within two years of planting.

iv. Vegetative screening shall be planted in such a manner as to create a continuous opaque screen year-round. Vegetative screening must consist of a tree species that will maintain the opaque screen in perpetuity. (i.e. White Pines are prone to losing lower branches over time and allow for holes in the screen)

v. If vegetative screening is used to meet screening requirements, the area should also be shown on the landscaping plan for the site and follow the appropriate requirements of the landscaping article of this Ordinance.

vi. **Screening modification.** The screening requirement may be reduced or waived by the Planning Commission if the adjacent property is zoned for residential use but contains a commercial use or if the adjacent use or roadway is at a grade or slope such that the finished topography of the site will adequately address these requirements.

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: RR, RS, RU, RM, PUD, BT, BG, BL, IT, HI-2, HI-1, ORT, PB, and SED.

iii. All employee and visitor parking shall be paved in the IT, IR, IG, PI, AP, and IR uses allowed in HI-1.

iv. In the A, C, A(R), EC, P, RV, RB-E, and RB-N 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.

Section 22.13 Loading Areas

(a) **In General**. All loading areas shall be designed to accommodate the anticipated demand and maneuverability of delivery vehicles in relation to the overall flow and use of the site. The developer must design parking facilities to provide a circulation system which will minimize delay within the facility and prevent overflow congestion onto the adjacent street.

(b) **Location**. Loading areas may occupy any yard except the front.

Section 22.14 Non-parking uses in parking facilities

(a) Non-parking uses in parking facilities may be permitted in accordance with the following:

1. Non-parking uses shall only be permitted if there is a surplus of area above the minimum standards enumerated in this Article;
2. Non-parking uses shall not interfere with the functionality of the parking facility required by the principle use. Access, internal traffic movements, reserved parking for handicapped, sight distance, etc shall not be disturbed by the non-parking use;
3. Long term storage (greater than 48 hours) of truck trailers, sea containers, pods and similar storage facilities is prohibited;
4. Use of any parking facility for the purpose of off-site advertisement is prohibited;
5. Use of surplus parking facilities for temporary seasonal retail uses directly associated with the principle use shall be permitted in accordance with numbers 1 through 4 above.
6. Use of surplus parking facilities for temporary seasonal retail uses not directly associated with the principle use, festivals, carnivals, car shows, or other similar uses shall be permitted for a period not to exceed sixty (60) consecutive days.

DIVISION II - SIGNS

Section 22.2 General Provisions

No sign shall be erected, hung, placed or painted in any district, except as provided in this Ordinance. No sign erected before the enactment of this Ordinance shall be structurally altered or moved except in accordance with this Ordinance. No zoning permit shall be required for the repainting or repapering of a sign.

Section 22.21 Signs Permitted Without Zoning Permits[123]

The following signs are permitted without zoning permit in any district provided the following conditions are adhered thereto.

(a) A sign indicating the name and/or premises or accessory use of a home for a home occupation or professional purpose, not exceeding one square foot in area.

(b) A sign not exceeding thirty square feet on a farm advertising farm products primarily grown on the premises; provided, they are located off the highway right-of-way, and do not interfere with traffic visibility.

(c) Permanent "On Site" informational signs or temporary (3 days or less) "Off Site" directional signs of a public or quasi public nature that advertise or provide direction to an event of public interest. Any off site directional signs shall be located off the highway right-of-way, shall not be located in any drainage easement, and shall not interfere with traffic visibility. In addition, all temporary off site directional signs must be removed within three (3) days of completion of the event.

(d) A maximum of two (2) permanent "Off Site" directional signs for churches, certified non-profit organizations or civic associations may be erected provided they are located off the highway right-of-way, are not located in any drainage easement, and do not interfere with traffic visibility. These signs shall be located within a one mile radius or, where the one mile radius does not include an intersection with a collector or higher classified road, at the closest intersection with a collector or higher classified road, of the church, certified non-profit organization or civic association meeting place. The signs shall not exceed six (6) square feet in area or six (6) feet in height. The erection of more than two (2) signs or the placement of signs outside the one mile radius or beyond the next collector intersection if that provision is applicable, shall require approval by the Board of Zoning Appeals. However, the Zoning Administrator may approve small variations (10% or less) to the

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[123] **Revision 7, Section 22.21(h) added 6/28/94 (RZ-94-05)**
Revision 8, Section 22.21(c) amended and Section 22.21(d) added 11/15/94 (RZ-94-04)

one mile radius or next collector intersection provision for safety or environmental compatibility reasons.

(e) A temporary real estate sign designating the zoning classification of the parcel, not exceeding twenty square feet, and being located on and advertising subject property for sale, rent and/or lease.

(f) Building contractor's and professional persons' temporary signs on buildings under construction, limited to a total area for all such signs of one hundred fifty square feet.

(g) Election signs, provided the signs do not interfere with traffic visibility.[124]

(h) Temporary directional real estate signs consisting of four (4) square feet and not to exceed three (3) feet in height, may be placed on private property, provided they are located off the highway right-of-way, drainage easement, and do not interfere with traffic visibility. The placement of these signs shall conform to all State and Federal regulations.

Section 22.22 Signs Requiring Zoning Permit[125]

The following signs are permitted in accordance with zoning district regulations and require a zoning permit:

(a) Signs, business; portable

(b) Signs, freestanding

(c) Signs, outdoor advertising

(d) Permanent residential identification signs for subdivision, townhouses, and apartments.

Section 22.23 "Use on the Premises" Signs, on Buildings[126]

Business signs pertaining to "use on premises", as enumerated in Section 22.22(a), are permitted as an accessory use in all districts, provided the following provisions are adhered to:

(a) No such sign shall project over or into the street right-of-way or more than four (4) feet above the parapet wall or roof line.

(b) Any sign which is attached to the ground shall be located in such a manner that traffic visibility is not impaired.

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124 **Revision 16, Section 22.21 amended 1/19/2010, eff. 1/20/2010 (RZ-09-006)**

125 **Revision 3, Section 22.22(d) added 1/23/90 (RZ-440)**

126 **Revision 15, Section 22.23(c) & (e) amended 9/19/06 (RZ-06-007/ORD-06-09)**

(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 RR, RS, RU, RM or RV District, no sign shall be attached to the side of the building that faces the adjoining RR, RS, RU, RM or RV lot or lots.

(d) Upon approval of the Planning and Zoning Commission embellishments and/or cut outs are permitted. The top of said embellishment shall not exceed thirty-five (35) feet from the road level.

(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 RR, 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 RR, RS, RU, RM or RV lot.

(f) Individual business or industrial establishments may erect a portable sign. The total area shall not exceed thirty-five (35) square feet.

Section 22.24 Outdoor Advertising Signs[127]

The design and location of outdoor advertising shall conform to all federal, state, and county laws and regulations and specifically the following:

(a) Outdoor Advertising Signs not in existence or for which applications for permits or site plans were not accepted prior to November 16, 2004 are prohibited, except as provided in Section 22.24(c).

(b) Outdoor Advertising Signs in existence or for which applications for permits or site plans were accepted prior to November 16, 2004 shall be considered nonconforming uses. Any rehabilitation, alteration (excluding change of advertisements) or replacement (excluding relocation) of nonconforming signs shall be subject to the following regulations:

1. No increase in the size or height of an existing Outdoor Advertising Sign shall be permitted. An existing Outdoor Advertising Sign may be

[127] **Revision 14, Section 22.24 amended 11/16/04 (RZ-04-007)**

abandoned and relocated in favor of a new sign pursuant to Section 22.24(c).

2. All Outdoor Advertising Signs must be static. Any movement including but not limited to flashing, scrolling, rotating, changing in light intensity or color, or image projection is prohibited. Tri-vision and other mechanical signs are also prohibited.

3. A site plan must be submitted for all Outdoor Advertising Signs in accordance with the procedures and requirements set forth in Section 4.11. In addition to the information required in Section 4.11, the following shall be submitted:

   i. Location of all existing signage within 1,000 feet of the proposed location of the Outdoor Advertising Sign.

   ii. Plan and profile views of the sign indicating h eight, size, number of panels, dimensions of panels, and type of mounting (flag mount, center mount, etc.)

   iii. Color photographs of existing conditions with the location of the sign superimposed to illustrate the change in the visual landscape.

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

1. A new Outdoor Advertising Sign shall not be erected until after the removal of one that was lawfully erected.

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

   i. Outside of the urban or town growth area boundaries as established in the Comprehensive Plan for Washington County as amended from time to time.

   ii. Within 1,000 feet, measured from the centerline of the road, of the following corridors:

      a. U.S. Route 40 and MD 144 (National Pike) from the incorporated limits of the City of Hagerstown, west to the Allegany County border, excluding the portions of the roads within the incorporated limits of the Towns of Clear Spring and Hancock.

      b. U.S. Alternate Route 40 (Old National Pike) from the incorporated limits of the Town of Funkstown south to the Frederick County border, excluding the portion of the road within the incorporated limits of the Town of Boonsboro.

c. Maryland Route 65 (Sharpsburg Pike) from Interstate 70 south to Maryland Route 34, excluding the portion of the road within the incorporated limits of the Town of Sharpsburg.

d. Maryland Route 34 (Shepherdstown Pike) from Monroe Road west to the West Virginia state border, excluding the portions of the road within the incorporated limits of the Towns of Boonsboro, Keedysville and Sharpsburg.

e. Maryland Route 63 (Greencastle Pike) from the Pennsylvania state border south to the incorporate limits of the Town of Williamsport, excluding the portion of road from U.S. 40, traveling south to Interstate 70.

f. U.S. Route 340 from the West Virginia state border to the Frederick County border.

g. Maryland Route 60 (Leitersburg Pike) from Marsh Pike to the Pennsylvania state border.

h. Maryland Route 67 (Rohrersville Road) from U.S. Alternate Route 40 to U.S. Route 340.

i. Maryland Route 68 (Lappans Road) from I-81 southeast to U.S. Alternate Route 40.

iii. In residential zoned areas including RR, RS, RU, RM, HI-2 and PUD.

3. Priority areas for removal of existing Outdoor Advertising Signs shall coincide with the corridors outlined in Section 22.24(c)2.

4. No Outdoor Advertising Sign face shall exceed 300 square feet. Cumulative sign area shall not exceed 600 square feet.

5. No Outdoor Advertising Sign shall have more than two (2) faces. All Outdoor Advertising signs with two (2) faces shall have the two (2) faces placed back to back in a parallel arrangement with one another. A modification of the arrangement may be approved by the Planning Commission up to forty-five (45) degrees.

6. No Outdoor Advertising Sign shall be greater than thirty (30) feet in height. Height shall be the greatest measured distance from lowest road grade at centerline of the closest road at right angles to the base of the sign, then perpendicular to the top of the overall structure. If the base of the sign is located at an intersection where it is equidistant from either road, the lowest of the two road grades shall be used.

7. No Outdoor Advertising Sign shall be located within 500 feet of an adjacent property that is zoned for or contains dwellings, hospitals, nursing homes, schools, or other residential institutions for human care. If illuminated, the sign shall not be located within 1,000 feet of an adjacent property that is zoned for, or contains, dwellings, hospitals, nursing homes, schools, or other residential institutions for human care.

8. No Outdoor Advertising Sign shall be visible to the degree of being readable or intended to be read at any time from or on a property containing a structure deemed historic as recognized by the National Register of Historic Places, the Maryland Historical Trust, or properties that have a Historic Preservation Overlay zoning designation.

9. No Outdoor Advertising Sign shall be located within 500 feet of another Outdoor Advertising Sign. In the case of existing dual lane highways, each side of such dual lane highway shall be considered separately in determining such spacing requirement. In the case of non-dual lane highways, spacing shall be determined and measured between signs regardless of the side of the highway on which they are located or proposed.

10. Outdoor Advertising Signs shall be permitted in the BL, BG, HI-1, PI, IR and IG zoning districts provided all other criteria stated in this section are met.

11. Placement of an Outdoor Advertising Sign on an object other than a structure as defined in this Ordinance is prohibited (e.g., placement on trailers, utility poles, fences, etc.)

12. All new Outdoor Advertising Signs shall also conform to the regulations outlined in Section 22.24(b).

13. New Outdoor Advertising Signs shall not be located so as to limit or prohibit the ability to view another on-premise or Outdoor Advertising Sign.

(d) Mobile Outdoor Advertising Signs are prohibited.

Section 22.24A Permanent Residential Identification Signs[128]

(a) No more than two (2) permanent identification signs may be placed at the primary residential roadway entrance. No more than one (1) sign may be placed at secondary entrances.

(b) The sign must be designed so as not to obstruct full sight distance.

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[128] **Revision 3, Section 22.24A added 1/23/90 (RZ-440)**

(c) Signs shall be a minimum of ten (10) feet from the road right-of-way.

(d) The size of the identification signs shall not exceed thirty-five (35) square feet in area (to include script and monument) or seven (7) feet in height.

(e) All permanent residential signs must be landscaped. Plant materials shall comply with the landscape plan standard specified in Section 4.16, 1, 2, 3 and 5. All plans should be submitted to the department of permits and inspections upon application of a permit.

(f) Sign maintenance is the sole responsibility of the developer and/or assigns.

Section 22.25 Approval of Location and Maintenance of Signs Requiring Zoning Permits[129]

The following regulations shall, without exception, be observed with respect to the approval of location and maintenance of signs enumerated in Section 22.22.

(a) No sign shall be permitted that imitates or resembles an official traffic control device, railroad sign or signal, or hides from view or interferes with the effectiveness of an official traffic control device, railroad sign or signal, or traffic sight lines. Illuminated signs shall be so constructed as to avoid glare or reflection on any portion of an adjacent highway or residential buildings.

(b) No sign which implies the need or requirement of stopping or the existence of danger shall be displayed.

(c) No Outdoor Advertising Sign shall be placed closer than three hundred (300) feet to an intersection on a dual or proposed dual highway or within one hundred (100) feet of any other intersection; provided, however, that such signs may be affixed to or located adjacent to a building at such intersections in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. No business sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.

(d) All Outdoor Advertising Signs shall comply with setback provisions in the districts in which they are permitted.

(e) No sign shall be located on the right-of-way of any road or on any slope or drainage easement for such road.

(f) No sign shall be permitted which contains statements, words, or pictures of an obscene, indecent or immoral character, or such as will offend public morals or decency.

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[129] **Revision 14, Section 22.25 amended 11/16/04 (RZ-04-007)**

(g) No sign shall be placed on rocks, trees or on poles maintained by public utilities.

(h) No sign shall be permitted which becomes unsafe or endangers the safety of a building, premises or persons and unless maintained in a good general condition and in a reasonable state of repair.

(i) Where a sign structure does not include advertising information or is in a deteriorated condition for a period of one hundred twenty (120) days, such sign structure shall be repaired and repainted or repapered to include advertising information. If this requirement is not fulfilled, the sign structure shall be removed no later than sixty (60) days from the notice of violation.

Section 22.26 Special Exception Uses (Requiring Board Authorization After Public Hearing)

Outdoor advertising signs may be approved by the Board and such approval shall not be unreasonably withheld, and shall be considered acceptable to the Board if it conforms to existing State law.

DIVISION III[130] (Deleted in its entirety)

DIVISION IV - USE OF FLOOD PLAIN

Section 22.4 General Provisions[131]

Administration of use within the flood plain is to be in accordance with the adopted Washington County Flood plain Ordinance.

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[130] **Division III deleted 9-6-83 (RZ-258)**

[131] **Revision 1, Section 22.4 amended 11/15/88 (RZ-402)**

DIVISION V - MOBILE HOME PARKS, TRAVEL TRAILER PARKS AND MOBILE HOMES NOT IN MOBILE HOME PARKS OR TRAVEL TRAILER PARKS

Section 22.5 Mobile Home Parks and Mobile Home Subdivisions[132]

A mobile home park is a residential development with identifiable spaces specifically designed to be rented for the accommodation of mobile homes. A mobile home subdivision is a residential development where separate tracts of land, specifically designed to accommodate mobile homes, are intended to be sold to mobile home owners.

It is the intention of the County that mobile home parks and mobile home subdivisions, when permitted, shall be developed to a high standard, providing a healthy and pleasant living environment. Applications for a zoning permit for a mobile home park or mobile home subdivision shall be subject to approval by the Planning and Zoning Commission. Site plans submitted for approval shall meet the design criteria outlined in this section. An enlargement of an existing mobile home park shall require a zoning permit as if it were a new establishment. All development under this Article shall meet the requirements of the Washington County Forest Conservation Ordinance and Manual.

Section 22.51 Design Standards

(a) Size of Mobile Home Park: A tract proposed for development as a mobile home park shall have a minimum area of three acres and a minimum width of 200 feet. In a case where the mobile home park is removed from the public highway, an access road with a minimum right-of-way of 40 feet shall be provided.

(b) Design of Mobile Home Park Spaces: In a mobile home park, a separate space shall be provided for each mobile home and shall include a patio area and connections for public or community water supply and sewerage disposal and electric service. Mobile home spaces in different sections of the mobile home park may vary in size, but no space shall be less than 4,400 square feet in area and there shall not be more than 8 mobile home spaces per net acre. Mobile homes may be placed in their mobile home park spaces at the discretion of the developer, provided, no part of a mobile home, including expansion units, shall be closer than 8 feet to the front edge of the space provided or closer than 5 feet from the other perimeters of its space. In no case may mobile homes be located closer than 20 feet apart. Each space shall be permanently marked by a number.

(c) Design of Mobile Home Subdivision Lots: In a mobile home subdivision as defined in Article 28A, a separate lot shall be provided for each mobile home. Provisions shall be made for electricity and for public or community water and sewerage disposal systems. Mobile home lots may vary in size;

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[132] **Revision 6, Section 22.5 amended 2/9/93 (RZ-92-16)**

but no lot shall be less than 4,400 square feet in area and there shall not be more than 8 mobile home lots per net acre. No part of a mobile home, including expansion units, shall be closer than 8 feet to the front edge of the lot boundary, 5 feet from its other lot perimeters, or closer than 20 feet to an adjacent mobile home. Each lot shall be permanently marked by a number.

A mobile home subdivision shall meet the design and procedural requirements outlined in the Washington County Subdivision Ordinance and the regulations of the Maryland Department of Health and Mental Hygiene.

(d) Driveways and Parking: Private streets shall provide access to each mobile home space. One parking space shall be provided as part of each mobile home space and one additional space shall be provided for each four spaces to provide for two-car families and guests, except where the right-of-way will have curbs and sidewalks and is a minimum width of 40 feet. The Commission may waive the requirement of location of mobile home spaces abutting on a driveway if a paved parking lot is provided for such mobile home park and adequate walkways are provided to mobile homes.

(e) Open Space and Recreation Areas: The land remaining after allocation of area for mobile home spaces and access streets shall be developed as landscaped open spaces and recreation areas.

(f) Accessory Uses: As part of a zoning permit, the Commission may allow convenience commercial establishments, including convenience food stores, laundry and dry cleaning establishments, beauty and barber shops, and similar trades and services. These establishments and their related parking spaces shall not occupy more than 10 percent of the mobile home park or subdivision area, and this area shall not be included in calculations of residential density. They shall be subordinate to the residential use and character of the park, and shall present no visible evidence of their commercial character from any area outside the park.

(g) Travel Trailers: If travel trailers are allowed in the mobile home park, they shall be located in a separate section which is designed for and has the facilities for travel trailers, as outlined in Section 22.52. The Commission in allowing a mobile home park may prohibit travel trailers.

(h) Screening and Setbacks: No mobile home in a mobile home park shall be located closer than 50 feet to the property line of the park.

Section 22.52 Travel Trailer Parks[133]

Temporary and/or permanent travel trailer parks are principal permitted uses in a C, A, RB-E and RB-N Districts. 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:

(a) Density and Design: A travel trailer park must be at least two acres in size. Each space shall be at least 1,000 square feet in area. Trailers shall be separated from each other and from other structures by at least fifteen feet. Accessory structures such as awnings and carports shall, for purposes of this separation requirement, be considered to be a part of the trailer. No more than 25 spaces per acre shall be allowed. The remaining area shall be reserved for recreation and open space use. No building or trailer shall be located closer than 25 feet to the tract boundary.

(b) Service Facilities: A central service building containing the necessary toilet and washing facilities shall be provided in each travel trailer park. The number and arrangement of these facilities shall be approved by the Washington County Health Department. Accessory stores and services may be permitted as in a mobile home park, provided these services are intended and arranged only for use of the travel park residents.

(c) Parking and Access: Off-street parking, consisting of one space per trailer space, shall be provided except where the right-of-way will have curbs and sidewalks and is a minimum width of 40 feet. Additional spaces for visitors shall also be provided. All trailer spaces shall have access to a public road by way of an interior service drive.

(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 in the Conservation and Agricultural District. 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 22.53 Travel Trailers

Camping or recreational travel trailers and recreational travel vehicles as defined in Article 28A are allowed as an accessory use in any district, provided they are parked or stored in a garage or accessory building or in the rear yard, side yard, or driveway of the lot occupied by the owner, in which case it shall be no closer than four (4) feet to the

[133] **Revision 15, Section 22.52 amended 9/19/06 (RZ-06-007/ORD-06-09)**

rear and side lot lines and no closer than ten (10) feet to the front lot line or to the road edge, street, street curb, or sidewalk, whichever is closest to the parked or stored vehicle. No recreational travel vehicle shall be used for living purposes except in bona fide recreational camping areas. Mobile homes as defined in Article 28A are specifically excluded from the provision of this section.

Section 22.54 Mobile Homes[134] [135]

(a) All mobile homes shall have a minimum of five hundred (500) square feet of floor space.

(b) Mobile homes shall be permitted in the A, C, 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, C, 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, C, 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.

(e) All mobile homes shall be placed on a solid masonry support and shall have skirting sufficient to hide the undercarriage from view. Such skirting shall be completely installed no later than ninety (90) days from the date the zoning permit is issued.

(f) All provisions of this Section shall be subject to the requirements of Sections 4.1, 4.2 and 22.4.

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134 **Revision 2, Section 22.54(b) amended 10/17/89 (RZ-422)**

135 **Revision 15, Section 22.54 (b)(c)&(d) amended 9/19/06 (RZ-06-007/ORD-06-09)**

DIVISION VI - TOWN HOUSE DEVELOPMENT

Section 22.6 General Provisions for Town House Developments

Town houses are to be allowed only in town house developments.

Section 22.61 Design Standards

(a) Net Land Lot Area: No town house development is to have an area less than five acres. There shall be at least 3,500 square feet of net land area per town house, and no more than 10 town houses per acre. Each town house lot shall have a minimum of 1,600 square feet. The difference in lot size and net land area per town house shall be allocated to open space common area.

(b) Tract Frontage: Each interior parcel or tract used for a group of town houses shall have a width of at least 100 feet and each corner parcel or tract shall have a width of at least 120 feet.

(c) Town House Lot Width: The minimum width of a town house lot shall be 16 feet. Each lot on the end of a row of town houses shall have an additional width necessary for the required side yard.

(d) Length of Town House Row: There shall be not more than ten or less than three town houses in a row.

(e) Yard, Front: Each town house shall have a front yard of 25 feet. The Planning and Zoning Commission may allow enclosing of front yard space when the town house development is designed for this feature. Town houses may be arranged to face onto a common open space. Such a space shall not be less than 50 feet in width and shall be arranged to permit access for emergency vehicles. With such an arrangement, the front yard requirement may be reduced to 10 feet.

(f) Yard, Side: A side yard at least ten (10) feet in width shall be provided at each end of every row of town houses. When the yard adjoining the corner lot along the rear lot line fronts on the side street of the corner lot, the width of the corner lot shall be increased to provide a side yard equal to the adjoining front yards.

(g) Yard, Rear: Each town house shall have a rear yard at least 20 feet in depth. An accessory building shall be located only in a rear yard and shall occupy not over 25 percent of the rear yard area and shall be located not less than five (5) feet from any alley or rear service street line.

(h) New town house development concepts and techniques not complying with the design standards of this Section, may, after review, be approved by the Planning and Zoning Commission if the Commission finds, in its opinion, as

a matter of fact, that such development will not substantially affect adversely the uses of adjacent and neighboring properties.

(i) Access Drives and Off-Street Parking: Off-street parking space shall be provided at the rate of 1.8 spaces per town house. In a subdivision of town house lots, it will not be necessary that off-street parking be provided on a specific lot so long as the required number of parking spaces are provided in the subdivision for the number of lot to be served. No parking area shall be more than 200 feet from the town house lot it serves.

DIVISION VII - MULTIPLE-FAMILY GROUP DEVELOPMENTS

Section 22.71 General Provisions

Multiple-family group developments (apartment project) are permitted in the RM District, and require site plans.

Section 22.72 Design Standards

(a) Net Lot Area: A parcel of land used for a Multiple-Family Group Development shall be under one ownership and shall have an area of at least 20,000 square feet and a lot frontage of at least 100 feet. When so used, such a parcel of land shall be considered to be one lot for the purpose of these regulations. Multiple-Family Group Developments shall be governed by the lot, yard and bulk requirements in Article X. The yard requirements shall apply to distance from private interior streets within the project as well as distance from surrounding public streets.

(b) Width and Depth of Courts: In the case of a building not over 40 feet in height, the minimum width of an outer court, bounded by walls on three sides, shall be 40 feet. When the building height exceeds 40 feet, the minimum court width shall be increased by one foot for each additional foot of building height. The depth of an outer court, bounded by walls on three sides, shall not be over one-and-one-half times the width and shall not exceed 100 feet. When an outer court is partially enclosed by projections, the sum of the projections shall not exceed 25 percent of the greatest required court width.

(c) Distance Between Multi Group Dwellings: In the case of multiple group buildings not over 40 feet high, the distance between opposing buildings shall be a minimum of 40 feet. When building height exceeds 40 feet, the minimum distance shall be increased by a distance equal to one-half the sum of the additional heights. In the case of opposing buildings on the same lot with opposing partially overlapping walls, the portions of which do not exceed 15 feet in length, the distance between buildings may be reduced to two-thirds of the required distance. In other cases, except as provided above, the minimum distance between buildings shall be 20 feet.

(d) New Multiple-Family Development concepts and techniques not complying with the Design Standards of this Section, may, after review, be approved by the Planning and Zoning Commission if the Commission finds, in its opinion, as a matter of fact, that such development will not substantially affect adversely the uses of the adjacent and neighboring properties.

Section 22.73 Site Plan Review of Multi-Family Group Development

In reviewing the site plan of a proposed Multiple-Family Group Development, the Planning and Zoning Commission shall consider the overall arrangement of buildings,

parking areas and open space on the site and the relation of the project with surrounding development.

DIVISION VIII - CLUSTER SUBDIVISION

Section 22.81 General Provisions

In any rural or residential district, the Planning and Zoning Commission may authorize the subdivision of tracts or parcels of land of not less than ten (10) acres into lots for residential uses, and such lots may be smaller than otherwise required in the districts in this Ordinance.

Section 22.82 Design Standards[136]

A residential cluster subdivision shall meet the following standards:

(a) The total number of lots and dwelling units shall not exceed the number that would be permitted if the area were developed in conformance with the normal minimum lot size requirements in the zoning district where they are located.

(b) The unlotted land derived from reduction of lot sizes shall be provided and maintained as "open space" or "recreational areas" for joint use by the residents of the cluster subdivision. The open space areas may be conveyed to the County if the County is willing to accept such land, or shall be conveyed to a non-profit Home Association, as defined in Article 28A, or to another entity approved by the Planning Commission. The Planning Commission shall not approve left-over parcels or marginal land for open space but will accept for averaging only land suitable for park conservation and recreation purposes.

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136 **Revision 11, Section 22.82(b) amended 5/19/98 (RZ-98-09)**

DIVISION IX - ANIMAL HUSBANDRY FACILITIES[137]

Section 22.91 Purpose

The purpose of these requirements is to assure that animal husbandry facilities as defined in Article 28A and expansions as defined in Article 28A are designed and operated in a manner as to comply with all applicable state and federal guidelines and regulations, to protect the environment (air, water and soil resources), and to afford the operator of these facilities the economic benefits of best management practices.

Any construction of a new animal husbandry facility, expansion of any existing animal husbandry facility, or installation or expansion of an animal waste storage and management system for an animal husbandry facility shall meet the requirements set forth by this Division.

The requirements established in this Division shall be based upon the total amount of manure produced on a farm in one year from any and all animal sources. This shall be called the total annual farm manure production and shall be calculated using excreted values by weight determined from the most current edition of the Agricultural Waste Management Field Handbook, U.S. Department of Agriculture, and Soil Conservation Service.

Section 22.92 Exemptions[138]

(a) Any facility falling under the requirements of this Division of the Washington County Zoning Ordinance shall be exempt from all fees.

(b) Setback requirements established in this Division shall not apply to any new structure constructed for the purpose of storage and management of animal waste generated by an existing facility. Expansions of existing structures housing animals shall also be exempt from setback requirements. This exemption shall not apply to expansions of existing waste handling or storage facilities. These exemptions shall only be applicable to farms that produce less than a total of 6,000 tons of manure per year (including any expansion) 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.

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137 **Revision 7, Division IX repealed and reenacted 2/8/94 (RZ-93-13)**
Revision 11, Division IX title amended 7/20/99 (RZ-99-02)

138 **Revision 11, Section 22.92(b) amended 7/20/99 (RZ-99-02)**

Section 22.93 Applicability and Application Procedure[139]

(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 Division 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 Division 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, Division of Plan Review and Permitting, 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 Division of Plan Review and Permitting may issue a permit. If revisions are required by the Planning Commission, a maximum of six (6) copies of the revised concept plan shall be submitted to the Division of Plan Review and Permitting for redistribution. Upon receipt of any outstanding agency

139 Revision 17, Section 22.93(b)4, 5, and 6 amended 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2012-07)

approvals, or favorable comments, the Division of Plan Review and Permitting may issue a zoning permit.

(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 Permits and Inspections shall be applied for along with submittal of six (6) copies of the concept plan for the facility.

5. The Department of Permits and Inspections shall forward the concept plan to the Planning Department. The Planning Department shall schedule a Preliminary Consultation. The following agencies shall review the concept plan and participate in the Preliminary Consultation: Health Department, Department of Permits and Inspections, Planning Department, Washington County Soil Conservation District, Engineering Department and Cooperative Extension Service.

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 Permits and Inspections shall be notified by the Planning Department 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 Planning Department for redistribution. Upon receipt of any outstanding agency approvals, or favorable comments, the Department of Permits and Inspections shall be notified by the Planning Department that a zoning permit can be issued.

Section 22.94 Design Standards (Below 6,000 Tons Annual Farm Manure Production Outside Growth Areas and 3,000 Tons of Farm Manure Inside Growth Areas)

(a) Animal waste storage and management systems associated with an animal husbandry facility and/or any structure housing animals shall have a minimum building setback of 100 feet from the property line or public road right-of-way unless exempted under Section 22.92(b).

Section 22.95 Design Standards (6,000 Tons Annual Farm Manure Production or More Outside Growth Areas and 3,000 Tons or More of Farm manure Inside Growth Areas)

(a) Animal waste storage and management systems associated with an animal husbandry facility and/or any structure housing animals shall have a minimum building setback of 300 feet from the property line and 250 feet from any public road right-of-way. The minimum building setback shall be 500 feet from any dwelling, school, church, or institution for human care not located on the same lot, except for dwellings on lots created for the purpose of tenant houses or immediate family members.

(b) The Planning Commission, may establish additional building setbacks not to exceed two times the minimum stated in Section 22.95(a) and/or other requirements based on recommendations from the specified agencies.

(c) The concept plan shall be drawn at a scale sufficient to determine setbacks and proximity to adjacent dwellings and shall include the following items:

(1) North arrow
(2) Election District
(3) Outline of parcel or parcels upon which the operation is to be located
(4) Location of adjacent dwellings or recorded subdivisions
(5) Location, size and use of existing or proposed structures
(6) Location and description of existing or proposed animal waste storage structure
(7) Location of existing or proposed well
(8) Access Location
(9) Information to include soil types, direction of slope, rock outcrops, streams, ponds, flood plain, etc.

(d) The Washington County Soil Conservation District shall inspect all construction of a new manure storage structure or expansion to an existing manure storage structure prior to certifying the structure for use. Such construction shall comply with the applicable standards and specifications of the Agricultural Waste Management Field Manual, U.S. Department of Agriculture, Soil Conservation Service.

DIVISION X - LIGHTING[140]

Section 22.10.0 Purpose

The purpose of this section is to encourage good lighting practices that promote safety, security, and energy conservation by reducing the impacts of glare, light trespass, and overlighting.

Section 22.10.1 Applicability

These outdoor lighting regulations apply to the installation of new outdoor lighting fixtures or replacement of existing outdoor lighting fixtures. Replacement of a lighting fixture shall be defined as a change of fixture type, or a change to the mounting height or location of the fixture. Routine maintenance of lighting fixtures, such as changing lamps, light bulbs, and other fixture components (not including fixture housing), shall not constitute a replacement and is allowed provided that the change does not result in a higher light output than approved as part of the lighting plan. Exterior lighting shall be provided for all uses that receive nighttime use.

Section 22.10.2 Existing Fixtures

Outdoor lighting fixtures lawfully existing on or before the adoption of these regulations April 17, 2012 are deemed to be lawfully non-conforming and may remain until the fixture is replaced. A non-conforming lighting fixture that is replaced shall be replaced with a conforming fixture and is subject to the provisions of this Article. Any site plans, development plats, conditional use permits, building permits, or special exception applications approved prior to the effective date of this Section shall also be considered non-conforming and permitted to continue until the fixture is replaced.

Section 22.10.3 General Provisions

(a) Shielding:

Exterior lighting shall be fully shielded using concealed source fixtures directed downward and away from adjacent properties and street rights-of-way. All exterior light fixtures shall utilize full cutoff housings, louvers, glare shields, optics, reflectors, or other measures to prevent off-site glare.

(b) Glare and Light Trespass:

Exterior lighting shall be designed, constructed, and maintained in a manner that minimizes off-site glare, light trespass on neighboring lots, and traffic hazards for motorists. Glare control shall be accomplished primarily through the proper selection and application of lighting equipment. Only after those means have been exhausted shall

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140 Revision 17, Division X added 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2012-07)

landscaping, fencing, and other screening methods be considered as acceptable means for reducing glare.

(c) Intensity:

The maximum intensity of light within any site shall not exceed the following standards unless otherwise provided in this Article:

Light Intensity	Maximum Intensity (Footcandles)
Overall average for the site	5.0
At any point within the site	10.0
At any lot boundary or street right-of-way	1.0
At the boundary of any residential district or lot occupied by an existing residential use	0.5

1. Outdoor Sale Area Lighting. The Planning Commission, or its designee, may permit a maximum lighting intensity of 20.0 footcandles for any point within an outdoor sales area, provided all site lighting is otherwise in compliance with this Ordinance.

2. Pump Island Canopy Lighting. The Planning Commission, or its designee, may permit a maximum light intensity of 20.0 footcandles for any point under a gas station pump island canopy where all light fixtures under the canopy are fully recessed into the canopy structure, and the remainder of all site lighting is otherwise in compliance with this Ordinance.

(d) Lamp Wattages:

Lamp wattages and types shall be consistent with the light fixture's style and intended functions as follows:

1. Antique-style street lamps and other decorative exterior light fixtures shall be limited to incandescent, compact fluorescent, or high-pressure sodium lamps with a maximum wattage of one hundred (100) watts per fixture.

2. Security lighting in low traffic areas shall be provided by low-pressure sodium lamps.

3. Fixtures for parking lots, streets, sidewalks, and other high traffic areas shall use low or high-pressure sodium or metal halide lamps with a maximum wattage of two hundred fifty (250) watts per fixture up to twenty (20) feet in height above grade, and four hundred (400) watts per fixture over twenty (20) feet in height above grade.

4. New lighting technologies and their standards that are not currently regulated by this section shall be evaluated and may be approved for use on a case by case basis by the Planning Commission after consultation with industry guidelines and standards that may be in place in other jurisdictions until uniform standards can be included in this Ordinance through amendment.

(e) Measurements:

Measurements of exterior lighting height and intensity shall be made in accordance with the following standards:

1. Lighting levels are to be measured in footcandles with a direct-reading certified and calibrated portable light meter. Readings are taken only after the cell has been exposed long enough to provide a constant reading.

2. Light intensity levels within the site shall be measured on the horizontal plane at grade level.

3. Light intensity levels shall be measured on the vertical plane of the lot or street right-of-way boundaries at a height of five (5) feet above finished grade.

4. Measurements are made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination on the property in accordance with Section 22.10.3(c) above. This procedure eliminates the effects of moonlight and other ambient light sources.

5. Where light patterns overlap, their total intensity shall be the sum of their individual intensities.

(f) Submittal Requirements

An exterior lighting or photometric plan shall be required with any site plan and/or development plan. Subdivision plats that do not meet the exemption criteria of this section must also submit a photometric plan as part of the application (i.e., street lighting and multi-family unit subdivisions or site development plans). The photometric plan shall be a separate and distinct sheet within the overall site plan packet. Photometric plans shall be shown together with landscaping plans so as to avoid interference of one by the other. The following elements are required to be shown on the photometric plan:

1. Proposed Lighting

   i. Symbols designating type, size, and location of all fixtures (building mounted and freestanding) on site.

   ii. Key delineating symbols used.

   iii. Height of all lighting fixtures (building mounted and freestanding) including mountings, poles, etc., from finished grade to the top of the lighting fixture.

2. Manufacturer's specifications and details for each different type of light fixture, including a graphic representation and written description of each type of lighting fixture, footcandle output, type of lamp, method of shielding, and mounting specifications including poles, supports, and other devices.

3. On sites where an illuminated area is ten thousand (10,000) square feet or greater, a point-by-point footcandle diagram is required. The diagram shall include a ten (10) foot by ten (10) foot grid and indicate a footcandle value at finished grade for each grid. The diagram shall cover the entire site and associated areas just beyond the property line so as to determine the amount of light trespass and to determine that light trespass does not exceed the limits specified in Section 22.10.3(c).

4. On sites where an illuminated area is less than ten thousand (10,000) square feet, an iso-footcandle curve diagram is required. The diagram shall show the footcandle values at finished grade for all areas of the site and associated areas just beyond the property line so as to determine the amount of light trespass and to determine that light trespass does not exceed the limits specified in Section 22.10.3(c).

5. A statement confirming that all lighting shall be directed so as to avoid glare and light trespass on adjacent properties and roads is required.

Section 22.10.4 Standards by Type of Fixture

(a) Freestanding Pole Lighting. The following standards shall apply to all freestanding, pole-mounted light fixtures.

1. Height Restrictions. The maximum height of pole-mounted fixtures shall be directly proportional to the fixture's proximity to the boundary of a residential district or lot occupied by an existing residential use, as follows:

Fixture Location	Maximum Height
Less than 50 feet from a residential district or use	15 feet
50 feet to 250 feet from a residential district or use	20 feet
250 feet to 500 feet from a residential district or use	30 feet
More than 500 feet from a residential district or use	35 feet

2. Height Measurement. Fixture height shall be measured from grade level to the highest point of the light source.

3. Fixture Shielding. In addition to providing full cut-off light fixtures, pole mounted lighting that is located within ten (10) feet of a residential district or use shall have "house-sided" shielding to direct light away from the residential area. A house-side shield typically consists of a visor or shielding panel that attaches to a light fixture.

4. Location. Parking area lighting shall be located in landscaped areas such as planting islands and buffers.

(b) Architectural and Landscaping Lighting.

Architectural lighting shall be subject to the following:

1. Façade Illumination. The purpose of lighting façades and building elements is to accent features. It is not to cause off-site glare or to illuminate the entire building or façade.

   i. Exterior illumination of building façades shall be limited to fully-shielded fixtures directed toward the façade with all light concentrated on the wall.

   ii. Illumination of any vertical surface or angular roof shall not exceed 5.0 footcandles.

   iii. Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only on the building façade.

   iv. To the extent practicable and where possible, lighting fixtures shall be directed downward rather than upward. When upward directed lighting is used, placing low wattage fixtures with shields as needed close to the building to graze the façade is encouraged to minimize reflected light from windows and other reflective surfaces.

   v. Flooding or washing entire walls with lighting is prohibited.

2. Site Features Accent Lighting. Outdoor lighting used to illuminate flags, statues, or other objects mounted on a pole, pedestal, or platform (except signs), or spotlighting or floodlighting used for architectural or landscape purposes, must use full cut-off or directionally-shielded lighting fixtures that are aimed and controlled so that the directed light is substantially confined to the object intended to be illuminated. In addition, such lighting shall be shielded to protect motorists and pedestrians from glare.

(c) Recreational Facilities

When an outdoor recreation/sports facility has illuminated playing fields or courts that, individually or cumulatively, exceed ten thousand (10,000) square feet in area, and/or associated light poles that exceed twenty (20) feet in height, the playing fields/courts shall be subject to the provisions of this section. Other components of such facilities, including, but not limited to, parking lots, administrative offices, restrooms, ticket sales, concession stand and bleachers, or other spectator viewing areas shall not be subject to this section, but shall be subject to the provision of the rest of this Article. An outdoor recreation/sports facility that has illuminated playing fields or courts, either individually or cumulatively, that are ten thousand (10,000) square feet or less in area and/or contain associated light poles twenty (20) feet or less in height shall not be subject to this section.

1. In addition to the illumination limits in the chart below, facilities subject to this section shall be permitted to illuminate the facilities between 6:00 a.m. and 11:00 p.m. only.

Recreation Facility Use	Maximum Illumination (Footcandles)
Archery/Firing Ranges (Boxes)	20
Archery/Firing Ranges (Range Area)	10
Field Sports including: Baseball, softball, football, field hockey, lacrosse, soccer, and track & field	50
Professional Baseball/Football Fields	150
Baseball/Softball Hitting Ranges/Cages	40
Basketball/Volleyball/Recreational Tennis Courts	35
Professional, College, and High School Tennis Courts	60
Golf Course (Tee Boxes & Greens)	5
Golf Course (Fairways)	3
Golf Driving Range (Tee Boxes)	20
Golf Driving Range (Greens and Fairways)	5
Golf (Miniature)	20
Go-Cart, Quarter Midget Racing Tracks	30
Automotive Racing Tracks	100
Horse Riding Rings/Show Arenas	30
Swimming Pools (Pool Deck)	30

(d) Sign Lighting

1. Projected lighting used to illuminate signs that are mounted on a building, pole, pedestal, or platform should, to the extent practicable and where possible, be directed downward rather than upward. When upwardly-directed lighting is used, fixtures shall consist of full cut-off or directionally-shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the sign intended to be illuminated. Directional control shields shall be used where necessary to limit stray light. In addition, such lighting shall be shielded to protect motorists and pedestrians from glare.

2. Internally-illuminated signs, except those which bear a registered trademark, shall have an opaque background and translucent text and symbols, or shall have a translucent background that is not white, off-white, or yellow in color.

Section 22.10.5 Prohibited Lighting

(a) Unshielded lighting that provides minimal or no cut-off.

(b) Animated lighting (flashing, flickering, moving, animated, or intermittent lighting) when not part of a sign.

(c) Mercury vapor lighting.

Section 22.10.6 Exempt Lighting

(a) Exterior lighting accessory to farms shall be exempt from the requirements of this Article.

(b) Temporary holiday decorations shall be exempt from this Article.

(c) Temporary lighting for circus, fair, carnival, or other civic uses shall be exempt from the requirements from this Article, except the zoning inspector may impose reasonable restrictions on the use of such lighting when necessary to protect the public health, safety, and welfare.

(d) This Article shall not apply to circumstances where federal, State, or local laws, rules, or regulations take precedence over the provisions of this Article, or where fire, police, emergency or repair personnel need light for temporary or emergency situations.

(e) This Article shall not apply to fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels.

Section 22.10.7 Alternatives and Substitutions

(a) Decorative Light Fixtures. The Planning Commission may approve the use of decorative light fixtures as an alternative to fully-shielded fixtures, provided that such fixtures would enhance the aesthetics of the site without causing off-site glare or light pollution. Demonstration of how the alteration will comply with the conditions of this section will be required at the time of the request.

(b) Fixture Alteration or Replacement. Light fixtures regulated by this Article shall not be altered or replaced after approval has been granted, except where the Zoning Administrator, or his/her designee, has verified that the alteration or replacement would conform to this Article.

Section 22.10.8 Corrections and Enforcement

(a) All lighting approved under these guidelines shall be installed to comply with the approved plan.

(b) Upon a determination that lighting subject to and approved under these guidelines has not been installed accordingly or has been modified after installation, said lighting shall be adjusted to comply with the approved plan upon notice from the Zoning Administrator or other designated official.

(c) Lighting that has been installed correctly according to a plan approved under these guidelines that still produces measurable off-site glare, light trespass or overlighting in violation of these guidelines shall be modified to comply with the applicable standard.

DIVISION XI - LANDSCAPING, SCREENING, AND BUFFERS[141]

Section 22.11.0 Purpose

The purpose of this section is to provide standards for the design and implementation of a landscaping, screening, or buffering plan that will promote visual aesthetics, moderate climatic effects such as urban heat islands, minimize noise and glare, reduce stormwater runoff, provide a transition between different land uses, and promote environmental stewardship.

Section 22.11.1 Landscaping

(a) **Application of landscaping requirements**. These standards shall apply to any development or redevelopment requiring site plan review. Applicants are encouraged to utilize the seven principles of xeriscape landscaping which, when used together, have proved to produce superior landscapes that enhance the environment while saving water, reducing upkeep, and providing aesthetic benefits.

(b) **Expansion of Existing Development**. For expansions of development that existed prior to the adoption of these requirements, the following shall apply:

1. After the enactment of this Article, cumulative expansions of existing development not exceeding twenty-five percent (25%) of the existing gross floor area and not requiring or involving additional parking areas shall be exempt from the provisions of this Article.

2. After the enactment of this Article, cumulative expansions of existing development exceeding twenty-five percent (25%) of the existing gross floor area shall be required to provide landscaping in accordance with this Article.

3. Any parking lot constructed or expanded as a result of the expansion or change in use of an existing development shall comply with the provisions of Section 22.11.1(g)2 of this Article.

(c) **Density Calculations and Credits**

1. The minimum percentage of landscaping required shall be as follows:

i. <u>Multi-Family Residential and Mixed Use Developments (RM, MXR, MXC, MXE Districts)</u>. Ten percent (10%) of the site, unless a greater minimum is specified in the district.

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141 Revision 17, Division XI added, 4/17/12 eff. 7/1/12 (RZ-10-005/ORD-2012-07)

ii. Commercial Districts (BL, BG, PB Districts). Five percent (5%) of the site, unless a greater minimum is specified in the district. Special attention should be given to visually enhancing the primary visitor entrance(s).

iii. Light Industrial and Office Districts (IR, ORI, ORT, PI, AP Districts). Five percent (5%) of the site, unless a greater minimum is specified in the district. Special attention should be given to visually enhancing the primary visitor entrance(s).

iv. Heavy Industrial Districts (IG District). Five percent (5%) of the site up to twenty (20) acres, unless a greater minimum is specified in the district. One percent (1%) of all acreage thereafter.

2. Landscaping areas shall primarily consist of vegetative plant material such as shrubs, trees, and flowers. "Open Space" areas, where the only land treatment is grasses or other turf treatments, will not be counted toward meeting landscaping requirements.

3. Landscaping used for on-site stormwater management facilities, such as rain gardens, biomass areas, etc., may be used as credit for up to thirty-five percent (35%) of the total landscaping requirements of the project. Structural features of the stormwater facility (i.e. pond, berms, weirs, swales, etc.) may not be included within this credit.

4. Forest conservation mitigation may be used as credit toward meeting up to thirty-five percent (35%) of the total landscaping requirements of the project. However, this credit may only be used if retention of existing forest on-site will be the method of mitigation or if either on-site afforestation or on-site reforestation mitigation options are used to meet forest conservation requirements.

5. Stormwater management and forest conservation mitigation credits listed above may be combined, but shall in no case exceed sixty percent (60%), of the total landscaping requirement for the project.

6. Landscaping required in parking facilities shall be calculated as outlined in Section 22.11.1(g)2. and may be credited toward the total landscaping requirements of the project if the area is being used as part of the Stormwater Management Plan (i.e. sunken islands, etc.). Otherwise, landscaping in parking facilities shall be in addition to the landscaping requirements stated in Section 22.11.1(c) above.

(d) **Plant Material Specifications:**

1. **Quality.** All plant materials shall be alive and in a healthy condition. Whenever possible, tree and shrub species used for landscaping should be native to Washington County, Maryland. Invasive and exotic plants as listed in Appendix F of the Washington County Forest Conservation Technical Manual shall not be permitted in landscaping plans.

2. **Minimum Size Standards.**

   i. Large deciduous trees shall be of a species that will reach a minimum crown spread of thirty (30) feet or greater within twenty (20) years. At the time of planting, a minimum caliber of at least two and one-half (2½) inches shall be required.

   ii. Small deciduous trees shall be of a species that will reach a minimum crown spread of twelve (12) feet or greater within ten (10) years. At the time of planting, a minimum caliber of at least two and one-half (2½) inches shall be required.

   iii. Evergreen trees shall be of a species that will reach a minimum height of three (3) feet within five (5) years. At the time of planting, a minimum height of eighteen (18) inches shall be required.

   iv. Medium shrubs shall be of a species that will reach a minimum height of three (3) feet within five (5) years. At the time of planting, a minimum height of eighteen (18) inches shall be required.

   v. Grasses and other turf treatments shall be of such health and hardiness that will allow their continued growth and survival after installation.

3. **Non-plant materials.** Bark dust, chips, mulch, aggregate, or other non-plant materials may be used but shall cover no more than twenty-five percent (25%) of the required landscaped areas and shall be confined to underneath plants.

4. **Tree Preservation.** An effort shall be made to retain existing trees on site. Retaining existing trees will reduce the amount of maintenance, such as watering, that would otherwise be needed for new plantings.

5. **Growth Characteristics.** Trees shall be selected based on climate zone, growth characteristics, and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection by developers:

   i. Provide a broad canopy where shade is desired and over pedestrian walkways or parking areas.

   ii. Use low-growing trees for spaces under low utility wires.

   iii. Select trees that can be "limbed-up" to comply with vision clearance requirements.

   iv. Use narrow or "columnar" trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.

   v. Use species with similar growth characteristics on the same block for design continuity.

   vi. Avoid using trees that are susceptible to insect damage and trees that produce excessive seeds or fruit.

   vii. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, temperature tolerance, and exhaust. Drought-resistant trees should be chosen where they suit the specific soil type.

   viii. Select trees for their seasonal color, if desired.

   ix. Use deciduous trees for summer shade and winter sun, unless unsuited to the location due to soil, wind, sun exposure, annual precipitation, or exhaust.

   x. The diameter of the tree trunk at maturity shall not exceed the width and size of the planter strip or tree well.

6. **Flowering Plants.** In addition to trees and shrubs, a variety of flowering plants with varied blooming periods and habits are also encouraged to provide visual interest throughout the growing season and during dormancy.

(e) **Maintenance.** The owner shall be responsible for the maintenance, repair, and/or replacement of all required landscaping material. All plant material shall be maintained in a healthy growing state at all times. All unhealthy, dying, or dead plants shall be replaced by the next growing season.

(f) **Landscaping Plans.**

1. A comprehensive landscaping plan shall be included as a specific sheet in a final site plan submittal. The plan shall be drawn at a scale of not more than 1"=200 feet and, when possible, should be drawn at the same or similar scale as the site development plan.

2. The plan shall include:

   i. Dimensions and distances of all buffer yards and the related landscaping and/or screening requirements for each yard;

   ii. Parking lot design, including interior landscaping requirements;

   iii. Identification of proposed treatment of all other ground surfaces not covered by buildings, streets, or other impervious areas on the site;

   iv. The general layout of existing and proposed shrubs or trees, designating the plant types as large or small deciduous trees; evergreen trees; medium or small shrubs; and groundcover;

   v. Include a chart indicating graphic plant symbol, botanical and common names, quantity, height, spread, spacing, native status, drought tolerance rating, and type of mulch that will be used;

   vi. If special techniques or unique conditions warrant, planting details shall be provided.

3. Plans approved prior to land disturbance may be re-evaluated after completion of grading to determine the quality of remaining trees or shrubs, changes to slopes or drainage, or other issues that lead to changing the landscaping design. If such re-evaluation deems a necessary change to the landscaping plan, the review fee may be waived at the discretion of the Director of Plan Review and Permitting.

(g) **Landscaping Design Standards**. The design standards noted herein are deemed to be minimum standards. The Planning Commission may increase or reduce the requirements for a specific site where deemed necessary to achieve the intended, necessary, and desired aesthetic, buffering, and screening effects.

1. Perimeter Landscaping.

Perimeter Landscape Type A:

i. At least one (1) large deciduous tree for each fifty (50) linear feet and at least one (1) evergreen tree for each thirty (30) linear feet;

ii. At least one (1) small deciduous tree for each thirty (30) linear feet;

iii. At least one (1) medium shrub for each ten (10) linear feet; and

iv. Low shrubs and ground cover used appropriately in tree and/or shrub beds.

Perimeter Landscape Type B:

i. At least one (1) large deciduous tree for each fifty (50) linear feet and at least one (1) evergreen tree for each thirty (30) linear feet;

ii. At least one (1) small deciduous tree for each fifty (50) linear feet;

iii. At least one (1) medium shrub for each fifteen (15) linear feet; and

iv. Low shrubs and ground cover used appropriately in tree and/or shrub beds.

Perimeter Landscape Type C:

i. At least one (1) large deciduous tree for each fifty (50) linear feet.

2. Parking Area Landscaping.

i. Minimum Area Required. All off-street parking areas of ten thousand (10,000) square feet or greater shall have landscaped areas which constitute a minimum of ten percent (10%) of the total impervious area of the parking facility.

ii. Minimum Area Reduction. Landscaped areas may be reduced to five percent (5%) of the total parking facility provided the parking facility is designed with a pervious

pavement mechanism approved by the Washington County Engineering Department.

iii. Design and Composition. The landscaped areas shall be unpaved, permeable, linear strips, or variably-shaped islands in the interior of the parking area which shall be planted with a ground cover of shrubs, trees, or grasses. The primary plant material used in parking areas shall be trees that provide shade or are capable of providing shade upon maturity. The total number of trees required shall be one (1) tree per three hundred (300) square feet of total landscaping area required for the parking area.

iv. Location and Visibility. Landscaped areas shall be located and/or designed in a manner that does not impair visibility of vehicles entering or leaving the parking facility, parking aisles, or individual parking spaces.

v. Landscape islands shall be required after every fifteen (15) spaces.

Section 22.11.2 Screening

(a) **Screening of Mechanical Equipment, Outdoor Storage Areas, and Solid Waste/Refuse Facilities.** All mechanical equipment and outdoor storage yards/areas shall be screened from the view of all public roadways and residential districts and to the height of the materials being stored. Solid waste storage facilities shall be screened on all sides regardless of location. Screening shall be provided via one of the following methods:

1. A decorative architectural wall constructed of durable construction materials comparable to the materials used in the principle building (i.e. masonry or similar quality material);

2. An evergreen hedge around the perimeter of the storage facility or equipment area creating an opaque screen; or

3. A fence or similar feature that will provide a solid, opaque barrier.

(b) **Screening of Parking Facilities.** The periphery of off-street parking areas shall be adequately screened from any parcel zoned for or occupied by residential dwellings, institutions for human care, and roadway frontages so as to prevent headlight glare onto adjacent parcels and/or roadways.

1. **Screening Standards**. Screening may be in the form of a solid fence, vegetative screening, or both, from grade to the specified height as determined by the Planning Commission or its designee.

Fencing shall be constructed of natural materials (wood, stone, brick, or earthen berm) and must be a minimum of four (4) feet in height as measured from the grade of the parking area.

i. Vegetative screening shall consist of a tree or shrub species that shall be a minimum of four (4) feet in height overall at the time of planting or will reach four (4) feet in height within two (2) years of planting.

ii. Vegetative screening shall be planted in such a manner as to create a continuous opaque screen year-round. Vegetative screening must consist of a tree species that will maintain the opaque screen in perpetuity (i.e., white pines are prone to losing lower branches over time and allow for holes in the screen).

iii. If vegetative screening is used to meet screening requirements, the area should also be shown on the landscaping plan for the site and follow the appropriate requirements of the landscaping article of this Ordinance.

2. **Screening Modification.** The screening requirement may be reduced or waived by the Planning Commission if the adjacent property is zoned for residential use but contains a commercial use or if the adjacent use or roadway is at a grade or slope such that the finished topography of the site will adequately address these requirements.

Section 22.11.3 Buffers

(a) Specific buffer requirements are outlined in individual zoning districts. These requirements are in addition to those specific requirements.

(b) Buffer yards shall be measured from property lines. Buffer yards shall not be applied to property lines that are adjacent to public or private roads.

(c) The following are not permitted in buffer yards: impervious surfaces, dumpsters, parking or loading areas, stormwater management areas, outdoor storage areas, structures, or other impervious surfaces.

(d) Lighting fixtures are permitted in buffers in accordance with Article 22, Division X - Lighting.

(e) Driveways and access points may be located in the buffer area provided that the driveway is shared with the adjoining parcel, is of equal width on each parcel, and the total width of the access does not exceed twelve (12) feet.

(f) Buffers may be reduced and/or modified under the following conditions:

1. Existing mature vegetation located within the buffers may be substituted for required landscaping materials if the existing material will equal or exceed the desired outcome of this Article.

2. Except for buffers required by the Board of County Commissioners as a condition of a rezoning approval or by the Board of Appeals as a condition of a grant of relief, buffers may be reduced or waived by the Planning Commission as part of the subdivision or site plan approval under the following circumstances:

   i. If the adjacent property is used for a compatible use which has been permitted by the Board of Appeals as a special exception.

   ii. If the topography is such that the requirements of this section would not be effective.

   iii. Between uses that are to be developed under a common development plan (i.e. mixed use development plans, planned office and industrial parks, planned shopping centers, etc.).

   iv. If the strict application of the provisions of this section reduces the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot, then buffer requirements may be waived or modified, provided that the side and/or rear of a building, a barrier, and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques.

   v. If the developer can present an alternative that will mitigate the offensive issue that would conflict with the adjacent use. Examples could include: noise abatement for mechanical equipment, visual abatement for loading areas, or electrified parking facilities to reduce diesel engine idling, etc.

ARTICLE 23 EXCEPTIONS AND MODIFICATIONS

Section 23.0 Generally

The regulations specified in this Ordinance shall be subject to the following exceptions, modifications and interpretations:

Section 23.1 Lot Area Modification[142]

(a) Minimum lot area, lot width regulations and the distance requirements of Section 4.9 in any district shall not apply to repeater, booster transformer, switching stations, and public utility facilities.

(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. (Note: Mobile homes are permitted in the Conservation and Agricultural Districts in conformance with this Ordinance.)

(c) In any district where dwellings are permitted, if neither a public water supply or sewerage system is accessible or if an acceptable community water supply or sewerage system is not to be provided, the minimum lot size shall be three (3) acres and three hundred feet in width for a Conservation District and forty thousand (40,000) square feet and one hundred (100) feet in width for an Agricultural District subject, however, to the requirements of the Maryland State Health Department. (Note: Mobile homes are permitted in the Conservation and Agricultural Districts in conformance with this Ordinance.

(d) Except in a Rural Residential or 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 Agricultural District.

(e) 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.

(f) 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

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142 **Revision 15, Section 23.1(d)&(g) amended 9/19/06 (RZ-06-007/ORD-06-09)**

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.

(g) In the A, A(R), EC, P, RV, RR, 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 23.2 Setback Modification

Where the existing setback line of at least two (2) existing buildings on lots which are on the same side of the street or road and within two hundred (200) feet of the lot in question, is less than the minimum setback prescribed in this Ordinance, the minimum setback line shall be the average setback line of all buildings within two hundred (200) feet of the proposed building. However, in no case shall the setback line be less than thirty-five (35) feet from the centerline of any abutting road or street.

Section 23.3 Projection into Yards[143] [144]

(a) If attached to the main building, a one-story open porch with or without a roof may extend into a front yard not more than thirty percent of the existing front yard depth.

(b) Projections such as bay windows, chimneys, entrances, vestibules, balconies, eaves, and leaders may extend into any required yard not more than four (4) feet; provided, that such projections (excepting eaves) are not over ten (10) feet in length.

(c) Fences and walls shall be exempt from building lines and yard requirements unless obstructions to vision which adversely affect the safety of vehicular or pedestrian traffic.

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143 **Revision 4, Section 23.3(d) added 12/10/91 (RZ-91-20)**

144 **Revision 15, Section 23.3(d) amended 9/19/06 (RZ-06-007/ORD-06-09)**

(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 (1-1 ½ stories)	35 ft.	35%
RU (2-2 ½ stories)	40 ft.	30%
RS	40 ft.	30%
RR (Urban Growth Area)	40 ft.	30%
RR	50 ft.	25%
A	50 ft.	25%
C	50 ft.	25%
A(R)	50 ft.	25%
EC	50 ft.	25%
P	50 ft.	25%
RV	25 ft.	25%

Section 23.4 Height

(a) Building height limitations shall not apply to high density warehousing, water tanks, barns, windmills, silos, or other accessory farm structures; or to belfries, steeples, spires, electric or communication poles or towers, electric generating plants, electric transforming or switching equipment, chimneys or smoke stacks, flagpoles, fire towers, cupolas, domes, monuments, penthouses or roof structures for housing stairways; or to tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain the building or to the manufacture, modification, servicing and housing of aircraft. No penthouse or roof structure shall have a total area greater than twenty-five (25) percent of the roof area, nor shall such structure be used for any purpose than a use incidental to the main use of the building.

(b) In any Agricultural, Residential, or Business District, the height of a building may be extended to three stories, but not over forty-five (45) feet, if each side yard is increased in width one-half foot for each additional one foot of height above the normal maximum limit.

(c) On any lot where the average finished slope adjoining the building exceeds seven (7) percent grade, one story in addition to the number permitted in the District in which the lot is situated shall be permitted on the downhill side of any building erected, but the building height limit shall not otherwise be increased above that specified for the District.

(d) In any zone where public or quasi-public buildings are permitted such buildings may be erected to a height of one hundred twenty (120) feet but the minimum front, rear and side yards shall be increased one foot for each

foot of height above the limit established for the zone in which the building is erected.

Section 23.5 Yard Modification

(a) For any lot of record in any District wherein a single-family or two-family dwelling or mobile home is principally permitted and/or if such use is existing, if the lot does not meet the minimum lot area and/or minimum lot width for the district in which it is located, the following modifications shall apply:

(1) The sum of the side yard widths of such lots shall be a minimum of thirty percent of the lot width, and in no case shall any one side yard be less than ten percent of the width of the lot.

(2) The depth of the rear lot from the principal permitted use to the property line shall be a minimum of twenty-five (25) percent of the depth of the lot.

(b) In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two.

Section 23.6 Exception - Minimum Distance from a Single-Story Utility or Storage Shed[145]

The requirements of Section 23.5 notwithstanding, the minimum distance to a lot line in any District from a single-story utility or storage shed not exceeding 100 square feet shall be eight (8) feet.

Section 23.7 Mobile Home: Temporary Use

In any District where mobile homes are prohibited, a mobile home may be authorized by the Planning and Zoning Commission as a temporary residence in those cases where the permanent dwelling has been destroyed by fire, windstorm, explosion, act of public enemy, or accident, and provided that restoration of the permanent dwelling is begun within one year of the date of destruction. In no case shall the mobile home remain on the lot for more than two years, and in all cases it shall be removed within thirty (30) days of the completion of the permanent dwelling. The placement of the mobile home shall be subject to the requirements of Section 22.54 and to the minimum lot area, lot width, and yard requirements of the District in which it is located.

[145] **Revision 16, Section 23.6 amended 8/4/09 (RZ-09-001)**

Section 23.8 Grandfathering; Certain Subdivision Plans and APFO Agreements[146]

In any subdivision that has received conditional approval of a clustering concept plan, a concept plan, or a preliminary plan by the Planning Commission, or that has a valid Adequate Public Facilities Ordinance (APFO) Agreement with the Board of County Commissioners of Washington County, Maryland, lots may be recorded and dwellings may be constructed in accordance with the lot area, setback, height, yard, and other standards and requirements shown on such approved clustering concept plan, or concept plan, or the preliminary plan, or as set forth in an approved APFO Agreement, notwithstanding any other provision of this Article 23 or elsewhere in this Ordinance. Notwithstanding any of the foregoing to the contrary, and subject to Planning Commission approval to the extent that the intensity or the density of the subdivision is not increased, the clustering concept plan, the concept plan, or preliminary plan for the subdivision may, at the applicant's option, be modified or altered to reconfigure the approved lot layouts utilizing the lot area, setback, height, yard, and other standards and requirements shown on such approved clustering concept plan, or concept plan, or preliminary plan, or as set forth in an approved APFO Agreement in effect at the time that subdivision received such approval or approvals, and shall not be required to conform with any new or modified district standards or zoning requirements that would otherwise alter the lot area, setback, height, yard, and other standards and requirements in effect at the time the subdivision received such approval or approvals.

146 Revision 17, Section 23.8 added 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2012-07)

ARTICLE 24 - ADMINISTRATION

Section 24.1 Administration of the Zoning Ordinance

(a) The provisions of this Ordinance shall be administered by the Washington County Planning Commission and the Zoning Administrator. The Commission and the Zoning Administrator may delegate routine administrative functions. In particular, the Zoning Administrator may designate County employees as zoning officials authorized to issue citations charging civil zoning violations pursuant to Md. Code, Article 66B, §7.02. An appeal from a decision of the Planning Commission or the Zoning Administrator shall be made to the Board of Appeals as provided in Section 25.4.[147]

(b) All departments, officials and public employees of Washington County which are vested with the duty or authority to issue permits or licenses shall issue no permit or license for any use, building or purpose if the same would be in conflict with the provisions of this Ordinance.

Section 24.2 Zoning Permits[148] [149] [150]

(a) It shall be unlawful for an owner to use or to permit the use of any building, structure or land or part thereof hereafter created, erected, changed, converted or enlarged, wholly or partly, except buildings used specifically for private farming use in accordance with Article 28A – Agricultural Structure, until a zoning permit shall have been issued by the Zoning Administrator and shall comply with Section 4.9 and/or Article 22, Division IX of this Ordinance. A zoning permit shall be revocable, subject to continued compliance with all requirements and conditions.

(b) All applications for zoning permits shall be accompanied by plans drawn to scale, showing the dimensions and shape of the lot to be built upon; the size and location of existing buildings, if any; and the location and dimensions of the proposed building or alteration. Where no buildings are involved, the location of the present use and/or proposed use to be made of the lot shall be shown. The application and/or plans shall include such other information as may be required by the Zoning Administrator to determine conformance with and provide for the enforcement of this Ordinance. The plans shall be retained in the office of the Zoning Administrator.

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147 **Revision 13, Section 24.1(a) amended 8/10/04 (RZ-04-005)**

148 **Revision 3, Section 24.2(a) amended 12/12/89 (RZ-437)**

149 **Revision 13, Section 24.2 amended 8/10/04 (RZ-04-005)**

150 **Revision 15, Section 24.2(a) amended 9/19/06 (RZ-06-007/ORD-06-09)**

(c) The Zoning Administrator shall approve the issuance of a zoning permit only if the application complies with the requirements of this Ordinance, and provided that such zoning permit shall be conditioned where necessary on the approval of the County Health Officer, State and/or County Highways Agency, or any other agency concerned, and provided the application is accompanied by the required fee. The Zoning Administrator shall maintain a record of all zoning permits and copies shall be furnished upon request to any person upon payment of the cost therefor. If a zoning permit is issued, such approval and issuance thereof does not sanction variances from the terms of this Ordinance.

(d) If the Zoning Administrator shall find any of the provisions of this Ordinance being violated, the Zoning Administrator shall notify in writing by certified mail, the owner or the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; and shall, unless compliance is met within a reasonable time, take any other action authorized by this Ordinance to ensure compliance with or prevent violation of its provisions.

(e) The Zoning Administrator shall approve or disapprove the issuance of a zoning permit within sixty (60) days of the initial filing date. Failure of the Zoning Administrator to act within sixty (60) days of said period shall automatically be considered an approval of said zoning permit application. A zoning permit shall become void one (1) year after the date of issuance if the construction or use for which the permit was issued has not been started.

(f) Reapplication for a zoning permit shall not be accepted for filing by the Zoning Administrator until conditions of disapproval have been met.

Section 24.3 Zoning Use Permits and Filing Fees[151] [152] [153]

(a) Permits for a main or principal use shall also cover any accessory use established at the time on the same lot or tract of land.

(b) The Board of County Commissioners shall establish, by resolution, fees for certain services rendered in connection with this Ordinance.

(c) A refund will be made to an applicant charging an administrative error that is upheld by the Board. There shall be no other refunds of any other fee paid.

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151 **Revision 3, Section 24.3(b) and (c) amended and 24.3(g) added 7/31/90 (RZ-446)**

152 **Revision 13, Section 24.3 amended 8/10/04 (RZ-04-005)**

153 **Revision 15, Section 24.3(b) repealed and replaced 4/25/06,eff. 7/1/06 (RZ-06-001/ORD-06-01)**

(d) Notwithstanding any other provisions of this Ordinance, the following uses are exempt from fees:

(1) Government bodies, government owned and/or operated utilities and agriculture.

(e) The zoning permits issued based on applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such applications.

(f) The construction, erection, alteration, remodeling, extension or movement of any use or structure without a zoning permit shall be deemed a violation of this Ordinance. This shall not be construed to mean a rearrangement of equipment within an existing facility.

(g) Rezoning applications submitted by property owners requesting the "Historic Preservation - HP" overlay zone shall be exempt from paying the rezoning application fee.

Section 24.4 Commission Review and Action

(a) The Commission shall approve or disapprove the proposed site and/or development plan within sixty (60) days of the initial filing for PB, PI, PUD and HI Districts. Failure of the Commission to act within sixty (60) days of said period shall automatically be considered approval of said plans.

(b) An application for site and/or development plan approval for PB, PI, PUD and HI Districts shall not be accepted for filing by the Commission if the application is for approval of the whole or part of any land, the approval of which has been denied by the Commission, within twelve (12) months from the date of the Commission's decision.

(c) An application for site and/or development plan approval for PB, PI, PUD and HI Districts shall include the applicable requirements of the Subdivision Ordinance, as adopted or hereafter amended.

ARTICLE 25 - BOARD OF APPEALS

Section 25.1 Created; Name; Number, Term of Office, Removal, Etc. of Members

The Board of Appeals of Washington County consisting of five members is hereby created. Their terms of office, succession, removal, filling of vacancies, alternate membership, and their powers and duties shall be as provided in Article 66B, Annotated Code of Maryland.[154]

Section 25.2 General Powers[155]

The Board shall have the following powers:

(a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in regard to the enforcement of this Ordinance, the Washington County Forest Conservation Ordinance, or of any ordinance adopted thereto.

(b) To hear and decide special exceptions to the Ordinance upon which the Board is required to pass.

(c) To authorize a variance from height, lot area, yard regulations, parking space requirements, sign regulations, distance requirements specified in Section 4.9, buffer requirements and other distance or dimensional requirements of the Ordinance.

(d) In exercising the above-mentioned powers, the Board may, in conformity with the provisions of law and this Ordinance and amendments thereto, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and make such order, requirement, decision or determination as ought to be made.

(e) The Board is also empowered to adopt and promulgate such rules and regulations as it shall deem necessary in the conduct of its hearings and the issuance of its decisions or testimony pertaining to its hearings.

Section 25.3 Organization; Meetings, Authority to Administer Oaths and Compel Attendance of Witnesses; Technical Assistance; Minutes of Proceedings; Records

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154 **See Annotated Code of Maryland, 1970, Article 66B, 4.07**

155 **Revision 1, Section 25.2(c) amended 1/10/89 (RZ-413)**
Revision 6, Section 25.2(a) amended 2/9/93 (RZ-92-16)

The Board shall be organized and its rules shall be amended, if necessary, in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at such time as the Board may determine.

The chair, or in his absence, the acting chair, may administer oaths and compel the attendance of witnesses. For assistance in reaching decisions relative to appeals, conditional uses, or variances, the Board may request testimony at its hearings for purposes of securing technical aid or factual evidence from the Commission or any County agency. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, and shall keep records of all its official actions, all of which shall be filed in the office of the Board and shall be a public record.

Section 25.4 Appeals to the Board

An appeal to the Board may be taken by any person aggrieved or by any officer, department, board, commission or bureau of the County affected by any decision of the Planning and Zoning Commission or the Historic District Commission. Such appeal shall be taken within thirty (30) days after the decision by filing with the appropriate Commission and with the Board, a Notice of Appeal, specifying the grounds thereof. The appropriate Commission shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

Section 25.5 Hearings by the Board

Section 25.51 Hearings

Action required after filing of application. Upon the filing of an application before the Board, the following action shall be taken preparatory to holding a hearing thereon:

(a) The Board shall hold a hearing no later than thirty (30) days from the date the appeal is taken. Applicants and other parties may petition the Board for continuance or change of said dates for good cause shown.

(b) Notice of the hearing shall be advertised in two consecutive issues of a newspaper having general circulation in the County. The first insertion shall appear in such newspaper at least fifteen (15) days prior to such hearing.

(c) Property upon which the application or appeal is concerned shall be posted conspicuously by a zoning notice no less in size than twenty-two (22) inches by twenty-eight (28) inches at least fourteen (14) days before the date of the hearing.

(d) The Board, in its discretion, upon request, or upon its own motion, may visit the specific property in question prior to or after the hearing in order to make proper determination of all applicable facts.

Section 25.52 Hearings - Holding of Hearing; Appearance at Hearing

The Board, following such action above, shall hold such hearing. At the hearing, any party may appear and be heard in person or by agent or attorney.

Section 25.53 Hearings - Postponement

(a) Requests for postponement of a scheduled hearing shall be filed in writing with the Board not less than ten (10) days prior to the date of hearing, and shall be accompanied by a sum of money sufficient to pay the cost of advertising the postponement and the rescheduled hearing. The granting of such requests shall be at the discretion of the Board.

(b) Requests for postponement filed later than ten (10) days prior to the date of a scheduled hearing, shall, in addition to the other requirements set forth in subsection (a) above, be supported by an affidavit of the party making the request or of some other creditable person. The granting of such request shall be at the discretion of the Board in cases of extreme hardship or upon good cause shown.

(c) In any case, no more than three (3) postponements over a period of ninety (90) days are allowed.

Section 25.54 Hearings - Continuance

The Board may continue a hearing at another time and/or date once such hearing has been started; however, the Board shall announce the date and hour of continuance of such hearing while in session.

Section 25.55 Hearings - Decision by the Board; Appeal From Decision by the Board

The Board shall render a decision within thirty (30) days after completion of the hearings. If the decision is not rendered in writing within said period of time, the appeal shall be considered to have been decided in favor of the applicant. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board, bureau of the jurisdiction, may appeal the same to the Circuit Court of Washington County in a manner set forth in Section 4.08 of Article 66B of the Annotated Code of Maryland, 1970 Edition. The Court may affirm, reverse, vacate or modify the decision complained of in the appeal.

Section 25.56 Variances[156]

A variance may be granted by the Board upon a showing of criteria of practical difficulty or undue hardship described below respectively:

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[156] **Revision 1, Section 25.56 added 1/10/89 (RZ-413)**

A. Practical Difficulty

1. Strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2. Denying the variances would do substantial injustice to the applicant and a lesser relaxation than that applied for would not give substantial relief; and

3. Granting the variance would observe the spirit of the Ordinance and secure public safety and welfare.

B. Undue Hardship

1. Strict compliance with the Ordinance would prevent the applicant from securing a reasonable return from or to make reasonable use of the property; and

2. The difficulties or hardships are peculiar to the property and contrast with those of other property owners in the same district; and

3. The hardship is not the result of the applicant's own actions.

Section 25.6 Limitations, Guides and Standards[157]

Where in these regulations certain powers are conferred upon the Board or the approval of the Board is required before a permit may be issued, or the Board is called upon to decide certain issues, the Board shall study the specific property involved, as well as the neighborhood, and consider all testimony and data submitted, and shall hear any person desiring to speak for or against the issuance of the permit. However, the application for a permit shall not be approved where the Board finds the proposed building, addition, extension of building or use, sign, use or change of use would adversely affect the public health, safety, security, morals or general welfare, or would result in dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the Board shall consider any other information germane to the case and shall give consideration to the following, as applicable:

(a) The number of people residing or working in the immediate area concerned.

(b) The orderly growth of a community.

(c) Traffic conditions and facilities.

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157 **Revision 1, Section 25.6 amended 1/10/89 (RZ-413)**

(d) The effect of such use upon the peaceful enjoyment of people in their homes.

(e) The conservation of property values.

(f) The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values.

(g) The most appropriate use of land and structure.

(h) Decision of the courts.

(i) The purpose of these regulations as set forth herein.

(j) Type and kind of structures in the vicinity where public gatherings may be held, such as schools, churches and the like.

Section 25.7 Disapproval of Application

If the application is disapproved, thereafter the Board shall take no further action on another application for substantially the same proposal, on the same premises, until after twelve (12) months from the date of such disapproval.

Section 25.8[158] [159] Administrative Adjustments

(a) Upon petition by the property owner, the Zoning Administrator may grant an adjustment in an amount not to exceed 20% of the unmodified standard from the provisions of the following dimensional bulk requirements:

1. Buffer yard and building/structure setback requirements;
2. Distance requirements outlined in Section 4.9;
3. Building height limitations; and
4. Parking space and parking aisle dimensions.

Administrative adjustments may only be required for prospective relief and may not be used to rectify after-the-fact errors. The adjustment shall be judged pursuant to the same limitations, guides, and standards applicable to variances granted by the Board of Zoning Appeals as set forth in Section 25.56 of this Ordinance.

(b) Procedures

1. Applications for administrative adjustments shall be in the form prescribed by the Zoning Administrator.
2. Within five (5) working days of acceptance of the application, the Zoning Administrator shall distribute notification letters to all

[158] **Revision 5, Section 25.8 deleted 5/19/92 (RZ-92-5)**

[159] **Revision 16, Section 25.8 added 1/19/2010, eff. 3/1/2010 (RZ-09-007/ORD-2010-01)**

immediately adjacent and confronting property owners via first class and certified mail. The notice shall inform the recipients of their opportunity to review and comment on the proposed adjustment(s).

3. Notified property owners will have fifteen (15) days from the date on the notification letter to submit written comments about the requested adjustment. All public comment, written or electronic, must contain the name and address of the author. Verbal communications and anonymous correspondence will not be considered in the determination of the adjustment.
4. If the Zoning Administrator determines, in the Administrator's sole discretion, that the decision to grant or deny the relief requested would more properly be resolved with the benefit of a public hearing, including the opportunity for the taking of testimony from the applicant and any opponent, then the Zoning Administrator may deny the request for an administrative adjustment and shall direct the applicant to seek the appropriate variance relief from the Board of Zoning Appeals.
5. The Zoning Administrator shall render a decision within ten (10) days from the end of the public comment period. The decision will be formalized in a written opinion containing findings of fact. Copies of the decisions of the Zoning Administrator in all administrative adjustment cases shall be sent to the Board of Zoning Appeals as a matter of information.
6. Any person aggrieved by the grant or denial of an administrative adjustment may appeal the decision of the Zoning Administrator to the Board of Zoning Appeals within fifteen (15) days of the issuance of the written decision.
7. Denial of an adjustment request shall not prevent the applicant from immediately filing a variance request for the same relief with the Washington County Board of Zoning Appeals.
8. Any variance request coming before the Board following the grant or denial of an administrative adjustment request shall be considered de novo and shall not be considered an appeal charging administrative error.

ARTICLE 26 - ENFORCEMENT[160]

Section 26.1 Violations; Penalties, Continuing Offenses[161]

As provided in Section 7.01 of Article 66B of the Annotated Code of Maryland, a violation of this Ordinance is declared to be a misdemeanor, and any person, firm or corporation convicted of violating any provisions of this Ordinance shall be fined not more than one thousand ($1,000.00) dollars. Each day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues shall be deemed a separate offense.

Section 26.2 Injunctive, Etc., Relief[162]

In addition to other remedies, the County Commissioners, the Planning Commission, or any adjacent or neighboring property owner may institute injunction, mandamus, abatement, or other appropriate action or proceedings to compel compliance with the provisions of this Ordinance.

Section 26.2.1 Civil zoning violations[163]

(a) *Civil penalty established*. In addition to and not in substitution for any other penalty imposed for a violation hereof, or for any other right or remedy available hereunder, there is hereby established a civil penalty for a violation of this chapter.

(b) *Definitions*.

(1) "Zoning official" means a county employee assigned to the Permits and Inspections Department with the duty of enforcing the Zoning Ordinance.

(2) "County" means Washington County, Maryland.

(c) *Service of citation*.

(1) A zoning official may deliver a citation to a person believed to be committing a civil zoning violation.

(2) The zoning official shall keep a copy of the citation.

(3) The citation shall bear a certification attesting to the truth of the matters set forth in the citation.

(d) *Contents of citation.*

(1) The name and address of the person charged;

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160 **Revision 4, Section 26.1 amended 12/10/91 (RZ-91-19)**

161 **Revision 13, Section 26.1 amended 8/10/04 (RZ-04-005)**

162 **Revision 13, Section 26.2 amended 8/10/04 (RZ-04-005)**

163 **Revision 13, Section 26.2.1 added 8/10/04 (RZ-04-005)**

(2) The nature of the violation;

(3) The location and time of the violation;

(4) The amount of the fine;

(5) The manner, location, and time in which the fine may be paid; and

(6) The cited person's right to elect to stand trial for the violation.

(e) *Civil penalties (fines)*.

(1) The County Commissioners may provide by resolution for a schedule of fines not exceeding $500 that may be imposed for each violation, to be amended from time to time.

(2) The County Commissioners also may:

a. Establish a schedule of additional fines for each violation; and

b. Adopt procedures for the collection of the fines.

(3) A fine may be imposed for each day a violation exists, as each day the violation exists is a separate offense.

(4) Failure to correct a violation after expiration of the time for correction stated in a citation is a separate offense.

(5) Any person who receives a citation for a zoning violation which imposes a fine shall pay the fine as set forth on the citation, within 15 days after receipt of the citation, to the Washington County Treasurer, 35 West Washington St., Hagerstown, MD 21740.

(6) Any person who fails to pay a fine imposed under this section within 15 days after the date notice was sent to such person shall be liable for twice the fine which that person had failed to pay.

(f) *Election to stand trial on citation*.

(1) A person who receives a citation may elect to stand trial for the offense by filing with the zoning official a notice of intention to stand trial.

(2) The person electing to stand trial shall give notice at least 5 days before the date set forth in the citation for the payment of fines.

(3) After receiving a notice of intention to stand trial, the zoning official shall forward the notice to the District Court having venue, with a copy of the citation.

(4) After receiving the citation and notice, the District Court shall schedule the case for trial and notify the defendant of the trial date.

(5) All fines, penalties, or forfeitures collected by the District Court for zoning violations shall be remitted to the county in which the zoning violation occurred.

(g) *Failure to pay citation or file notice of intention to stand trial*.

(1) If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the violation shall be sent to the owner's last known address.

(2) If the citation is not satisfied within 15 days after the date the formal notice of violation is mailed, the person shall be subject to an additional fine not exceeding twice the amount of the original fine.

(3) If the person who receives the citation does not pay the citation by the 36th day after the formal notice of violation is mailed, the zoning official may request the District Court to adjudicate the violation.

(4) After the zoning official requests adjudication, the District Court shall schedule the case for trial and summon the defendant to appear.

(h) *Proceedings before the District Court*.

(1) If any person shall be found by the District Court to have committed a zoning violation:

a. The District Court shall order the person to pay the fine, including any doubling of the fine, to an amount not to exceed $1,000;

b. The fines imposed shall constitute a judgment in favor of the county; and

c. If the fine remains unpaid for 30 days following the date of its entry, the judgment shall be enforceable in the same manner and to the same extent as other civil judgments for money unless the Court has suspended or deferred the payment of the fine as provided under subparagraph (ii) of this paragraph;

d. The District Court may suspend or defer the payment of any fine under conditions that the Court sets;

e. The person shall be liable for the costs of the proceedings in the District Court; and

f. The Court may order the person to abate the violation or enter an order permitting the county to abate any such violation at the person's expense.

(2) If the county abates a violation pursuant to an order of the District Court, the county shall present the defendant with a bill for the cost of abatement by:

a. Regular mail to the defendant's last known address; or

b. Any other means that are reasonably calculated to bring the bill to the defendant's attention.

c. A citation may be delivered either by personal delivery to the person named on the citation or by mail to the person named on the citation at the address of the zoning violation or the address to which tax bills for the property are sent, or both.

d. For purposes of this section, notice is effective if given by mail, and delivery of a citation is effective if accomplished by mail at the end of the fifth day after deposit in the mail, postage prepaid, of the notice or citation, respectively.

(3) If the defendant does not pay the bill within 30 days after presentment, upon a motion of the county, the District Court shall enter a judgment against the defendant for the cost of the abatement.

(i) *Remission of fines to county*. All fines, penalties, or forfeitures collected by the District Court for a civil zoning violation shall be remitted to the county.

(j) *Contempt*. If a defendant fails to pay any fine or cost imposed by the District Court without good cause, the District Court may punish the failure as contempt of court.

(k) *Civil nature of adjudication*. Adjudication of a civil zoning violation, as defined in this section, is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(l) *Procedural matters at trial*. In any proceeding for a civil zoning violation:

a. It shall be the burden of the county to prove that the defendant has committed the violation by clear and convincing evidence, and in any such proceeding, the District Court shall apply the evidentiary standards as prescribed by law or rule for the trial of civil causes;

b. The District Court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

c. Defendant shall be entitled to cross-examine all witnesses who appear against the defendant, to produce evidence or witnesses in the defendant's own behalf, or to testify in the defendant's own behalf, if the defendant elects to do so;

d. Defendant shall be entitled to be represented by counsel of the defendant's own selection and at the defendant's own expense; and

e. Defendant may enter a plea of guilty or not guilty of the civil zoning violation as charged, and the verdict of the District Court shall be guilty of a civil zoning violation or not guilty of a civil zoning violation, or the District Court may, before rendering judgment, place the defendant on probation.

(m) *Court costs*. The court costs in a civil zoning violation proceeding in which costs are imposed are $5. A defendant may not be liable for payment to the Criminal Injuries Compensation Fund.

(n) *Prosecution of civil zoning violations*.

(1) *State's Attorney*. The State's Attorney of any county is authorized to prosecute a civil zoning violation and is authorized to enter a nolle prosequi in such cases or to place such cases on the stet docket.

(2) *Other attorneys.* Notwithstanding the provisions of paragraph (1) of this subsection, the county may designate an attorney to prosecute any civil zoning violation in the same manner as the State's Attorney of any county. Any attorney so assigned shall have full authority to settle such violations, including the power to enter into agreements on behalf of the county to resolve the violation, and the authority to dismiss the citation.

Section 26.3 Authority to Enter

In the discharge of duties delegated by the Planning Commission pursuant to the provisions of Section 24.1 of this Ordinance, the person or persons with the authority for performing routine administrative functions shall have the authority to enter onto any tract or parcel of land at a reasonable hour in the jurisdiction to enforce the provisions of this Ordinance. However, those persons who are delegated with the administrative function shall not enter any dwelling or structure without the consent of the property owner.

ARTICLE 27 - AMENDMENTS

Section 27.1 Procedure[164] [165]

These regulations, restrictions, and provisions, and the boundaries of the districts provided for herein, may be amended, supplanted, changed, modified or repealed by the Board of County Commissioners. Any person, individual, firm, officer, department, board, commission, or bureau of the County may petition the Board of County Commissioners for a change in this Ordinance. The Board of County Commissioners of Washington County may likewise initiate a change.

The Board of County Commissioners shall refer such proposed change, alteration, or amendment to these regulations or proposed changes in the zoning district to the Planning and Zoning Commission for analysis, study, and recommendation.

All requests for proposed change, alteration, or amendment to these regulations or proposed changes in the zoning district shall be made by way of filing an application with the Planning Department in the form required by the Planning Department.

Applications for a map amendment shall include the following:

(1) A completed application form and the appropriate filing fee;
(2) Proof of an ownership interest in the subject property including a copy of the current deed to the property or, if application is made by a contract purchaser, a copy of the fully-executed Contract of Sale;
(3) A boundary description, including metes and bounds, prepared and sealed by a land surveyor registered in the State of Maryland;
(4) A list of the names and addresses, obtained from the latest property tax assessments records, of owners of adjoining or confronting properties, improved or unimproved, including properties separated by streets, railroads, or other rights-of-way;
(5) A vicinity map showing the zoning classification of all property within 1,000 feet of the property that is the subject of the application;
(6) A scale drawing, showing the existing and proposed boundaries and such other information as may be needed to properly locate and plat the amendments of the official zoning maps;
(7) A written explanation of the reasons why the map amendment is sought, setting forth in sufficient detail to properly advise County officials as to the justifications for the amendment. Applications for floating zones shall include such information as required by the respective Articles of this Ordinance. Other applications must address the following information: (i) A statement as to whether or not there is evidence of mistake in the current zoning, and, if so, the nature of the mistake and all facts to support the allegation; (ii) a statement as to whether or not there is evidence of a substantial change in the character of the neighborhood

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164 **Revision 2, Section 27.1 amended 8/1/89 (RZ-427)**

165 **Revision 16, Section 27.1 amended 1/8/08 (RZ-07-006/ORD-08-01)**

subsequent to the most recent comprehensive rezoning, including the nature of the change, all facts to support the allegation, and a description of the neighborhood;

(8) A written analysis considering each of the factors set forth in Section 27.3 (a) The report and recommendations of the Planning and Zoning Commission.; (b) Population change in the area of the proposed change; (c) Availability of public facilities in the area; (d) Present and future transportation patterns in the area; (e) Compatibility with existing and proposed development of the area including indication of neighboring sites identified by the Washington County Historic Sites Survey and subsequent revisions or updates; (f) The relationship of the proposed change to the Adopted Plan for the County, Development Analysis Plan Map and Policies; (g) Whether there was a substantial change in the character of the neighborhood where the property is located; (h) Whether there was a mistake in the existing zoning classification; (i) Whether there has been a convincing demonstration that the proposed rezoning would be appropriate and logical for the subject property); and

(9) Any other material facts that support the amendment.

Applications for a text amendment shall include the following:

(1) A completed application form and the appropriate filing fee;

(2) A written explanation of the reasons why the amendment is sought, setting forth in sufficient detail to properly advise County officials as to the justifications for the amendment; and

(3) Any other material facts that support the amendment.

The Zoning Administrator or the Planning Director shall review applications for amendments and shall either accept or reject the application. An application may be rejected if: (a) the application fails to include the information required by this Section or is not accompanied by the appropriate filing fee; (b) The property that is the subject of the application is included in a draft comprehensive rezoning or designation as an Urban Growth Area in the Comprehensive Plan for the County and has not been granted a waiver of this section from the Board of County Commissioners; or (c) the application is barred by Section 27.6. The applicant shall be notified of a rejected application in writing and the filing fee shall be returned. If an application is rejected pursuant to clause (a) of the preceding sentence, then the applicant may resubmit the application with the required information, without any additional filing fee, within 10 calendar days of the date of rejection.

Section 27.2 Public Hearings[166] [167]

The Board of County Commissioners shall hold at least one public hearing in accordance with Section 4.04 of Article 66B of the Annotated Code of Maryland or its subsequent amendments. Notice of the time and place of the public hearing, together with a summary of the proposed regulation, restriction, or boundary, shall be published

[166] **Revision 2, Section 27.2 amended 8/1/89 (RZ-427)**

[167] **Revision 16, Section 27.2 amended 1/8/08 (RZ-07-006/ORD-08-01)**

in at least one (1) newspaper of general circulation in the jurisdiction once each week for two (2) successive weeks, with the first such publication of notice appearing at least 14 days prior to the hearing. Neither a text amendment nor map amendment may become effective until 10 days after the hearing. The public hearing shall be conducted pursuant to rules and procedures as promulgated by the Board of County Commissioners.

Section 27.3 Factors to be considered in a request for a map amendment.[168] [169]

In order for an amendment, modification, repeal, or reclassification of such district as herein provided, the local legislative body shall make findings of fact in each specific case including, but not limited to, the following matters:

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

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

(c) Availability of public facilities in the area.

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

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

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

(g) Whether there was a substantial change in the character of the neighborhood where the property is located.

(h) Whether there was a mistake in the existing zoning classification.

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

Section 27.4 Additional Conditions[170]

The Board of County Commissioners may impose such additional restrictions, conditions, or limitations as may be deemed appropriate to preserve, improve, or protect the general character and design of the lands and improvements being zoned and rezoned, or of the surrounding or adjacent lands and improvements, and may, upon the zoning or rezoning of any land or lands, retain or reserve the power and authority to approve or disapprove the design of buildings, construction, landscaping, or other

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168 **Revision 2, Section 27.3 amended 8/1/89 (RZ-427)**

169 **Revision 16, Section 27.3 amended 1/8/08 (RZ-07-006/ORD-08-01)**

170 **Revision 16, Section 27.4 amended 1/8/08 (RZ-07-006/ORD-08-01)**

improvements, alterations, and changes made or to be made on the subject land or lands to assure conformity with the intent and purpose of the Ordinance.

The Planning and Zoning Commission shall be responsible for administering and enforcing any such conditions imposed by the Board of County Commissioners. Any violation of conditions imposed by the Board of County Commissioners shall be deemed a violation of this Ordinance.

Section 27.5 Duties Generally of the Planning Commission

The Commission shall study zoning, its development, application and relation to public and private development and its relation to other phases of the Plan for the development of Washington County and may, from time to time, submit amendments to these regulations or changes in the district boundaries to the Board of County Commissioners of Washington County. However, no such amendments or change shall become effective until approved by the County Commissioners as required by this Article.

Section 27.6 Application for Reclassification[171]

An application for a reclassification shall not be accepted for filing by the Board of County Commissioners if the application is for the reclassification of the whole or any part of land that has been the subject of a prior accepted application for reclassification within the preceding twelve (12) months and subsequently withdrawn by the applicant or denied by the Board of County Commissioners.

Section 27.7 [172] [deleted]

Section 27.8 District Map Line Adjustments[173]

Drafting Errors and other Corrections

Upon petition by the property owner or the Department of Planning, the Planning Director may adjust a district map line to follow a lot line, road, water body, or other clear boundary if the Planning Director finds that:

(a) The district map line approximately follows a lot line or other boundary; and
(b) The district map line does not follow the lot line or other boundary because of a drafting error or because the information on the base map was corrected based on a new survey or receipt of more accurate information.

The decision of the Planning Director is appealable to the Washington County Board of Zoning Appeals as an appeal alleging administrative error.

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171 **Revision 16, Section 27.6 amended 1/8/08 (RZ-07-006/ORD-08-01)**

172 **Revision 16, Section 27.7 deleted 1/8/08 (RZ-07-006/ORD-08-01)**

173 **Revision 16, Section 27.8 added 1/19/2010, eff. 3/1/2010 (RZ-09-007/ORD-2010-01)**

ARTICLE 28 – DEFINITIONS[174]

(Article 28 – deleted and replaced with Article 28A)

[174] **Revision 14 – Article 28 deleted and replaced with Article 28A, July 26, 2005 (RZ-03-005)**

ARTICLE 28A - DEFINITIONS[175]

Section 28A.0 Purpose

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The present tense includes the singular. The word “shall” is mandatory; the word “may” is permissive. The words “used for” shall include “arranged for”, “designed for”, “intended for”, “maintained for”, “constructed for”, or “occupied for.” The word “lot” includes the words “plot” or “parcel.” Words or terms not specifically defined below shall have the definition provided in a standard dictionary.

Abrasive Cleaning:

The mechanical or manual process, and the equipment used in the process to clean, smooth, grind, cut decorate or in any other way alter or remove the exterior surface of a structure or individual materials such as, but not limited to, sand, shells or other grit-like material under more than normal atmospheric pressure with or without a secondary transporting medium such as water or some other liquid, e.g. sandblasting.

Accessory Use or Structure:

A Use or Structure on the same premises with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Adopted Plan:

Comprehensive Plan for the County, Land Use Plan Map and associated policies**.**

Adult Entertainment:

An establishment consisting of, including, or having the same characteristics of any or all of the following:

Adult Bookstore: An establishment which has books, magazines, or other periodicals as a substantial or significant portion of its stock in trade with such establishment customarily not being open to the public in general but only to one or more classes of the public, excluding any minor by reason of age.

Adult Mini-Motion Picture Theater: An enclosed building with a capacity for less than 50 persons used for presenting motion pictures or slides with such establishment

[175] **Revision 14, Article 28 replaced in its entirety 7/26/05 (RZ-03-005)**

customarily not being open to the public generally but only to one or more classes of the public, excluding any minor by reason of age.

Adult or Child Day Care Center:

An establishment, including nursery schools, not part of a residence that provides for the care, supervision, and protection of persons on a less than 24 hr/ day basis.

Agriculture:

The raising of farm products for use or sale, including animal of poultry husbandry, animal husbandry facilities, aquaculture, and the growing of crops such as grain, vegetables, fruit, grass for pasture or sod, trees, shrubs, flowers and similar products of the soil.

Agricultural Operation:

Any parcel of land that has an agricultural assessment as determined by the Maryland State Department of Assessments and Taxation.

Agricultural Structure:[176]

A structure associated with an agricultural operation, which is not associated with human occupancy or have access by the general public. Agricultural structures may be constructed without need to obtain a building permit; however, setbacks shall be met in accordance with the district that it is located, and an agricultural structure certificate is required. Structures associated with animal husbandry facilities shall be in accordance with Article 22 Division IX of this Ordinance.

Agricultural Structure Certificate:

A use certificate issued for an agricultural structure upon submittal and review of a scaled drawing.

Alteration:

Shall mean any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction or removal of any structure.

Animal Husbandry Facility:

The structures used for housing, breeding and managing the waste of dairy or beef cattle, sheep, goats, swine, horses, poultry, fowl and any other species managed for use or sale. Structures for milk or livestock production are also included.

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176 **Revision 15, Agricultural Structure amended 9/19/06 (RZ-06-007/ORD-06-09)**

Animal Husbandry Facility, Expansion:

Increasing an existing facility's outside dimensions for the purpose of housing additional animals and/or management or storage of additional animal waste.

Antenna Support Structure:

Any existing building or structure, other than a Commercial Communications Tower, with any accompanying device which attaches the commercial communications equipment to the existing building or structure which may be located either inside or outside the attachment structure.

Area, Land:

Land area refers to new land area, exclusive of streets and other public space.

Area, Building (Building Coverage):

The horizontal projected area of a building or its accessory buildings, excluding roof overhangs and uncovered steps and porches. All horizontal measurements shall be made between exterior fences or walls.

~~Area, Floor:~~[177]

Assisted Living Facility:

A building or section of a building, or a residence that provides a residential environment assisted by congregate meals, housekeeping, personal services, and limited nursing for persons who have temporary or periodic difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility, and for persons who have physical or developmental disabilities.

Automobile Service Station:

A building, lot, or both, where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where automobile servicing and minor repairs are provided. Uses at a service station do not include major mechanical and body work, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in such stations. A service station is not a repair and service garage or a body shop.

Automobile Parking Lot or Garage, Commercial:

A lot or building or portion thereof, other than an automobile sales lot used for the storage or parking of six or more motor vehicles for a consideration, where service or repair facilities are not permitted. Such parking lot or garage shall not be considered an

[177] Revision 16, definition deleted 12-1-09 (RZ-09-003/ORD-09-10)

accessory use, nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

Automobile Sales Lot:

A lot arranged, designed, or used for the storage and display for sale of any motor vehicle, eligible for an inspection sticker, or any type of trailer provided the trailer is unoccupied and where no repair work is done except minor incidental repair of automobiles or trailers displayed and sold on the premises. An automobile sales lot shall not be used for the storage of dismantled or wrecked motor vehicles.

Banquet/Reception Facilities:[178]

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 or may not include catering services. Restaurants are not included as part of this definition. Such uses may be accessory when associated with hotels, motels, or resorts.

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, EC, P, and RV Districts.

Board:

The Board of Appeals.

Boarding House:

A dwelling unit or part thereof in which, for compensation, lodging and meals are provided.

Brewery, Commercial:[179]

An establishment with facilities for manufacturing and bottling malt beverages for sale on-site or through wholesale or retail outlets in accordance with a valid Class 5 manufacturing license from the State of Maryland. A commercial brewery is a brewery that does not meet the definition of a Farm Brewery. Accessory uses may include beer tasting rooms at which beer tasting occurs, accessory food sales related to the beer tasting, and the sale of beer produced on site. The area for beer tasting, accessory food sales related to the beer tasting, and sales of beer produced on-site shall not exceed 25 percent of the area of the structures located on-site and being used for manufacturing and bottling.

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178 Revision 17, definition added 4/23/13 (RZ-12-002/ORD-2013-13)

179 Revision 17, definition added 4/23/13 (RZ-12-002/ORD-2013-13)

Brewery, Farm:[180]

An establishment located on a farm with a producing hopfield or similar growing area which may have facilities for brewing, processing, bottling, packaging, and storage of beer on the premises where the owner or lessee manufactures beer in accordance with a valid Class 8 manufacturing license from the State of Maryland. If the Farm Brewery produces beer on site, at a minimum, Farm Breweries must produce at least 2 acres of the agricultural products used in processing the beer on-site at the Farm Brewery. Accessory uses at the Farm Brewery may include tasting rooms at which beer tasting occurs, accessory food sales related to the beer tasting, sales of novelty and gift items related to the beer and processing facility, sales of beers produced on-site, occasional promotional events, and guided tours. The area for beer tasting, accessory food sales related to the beer tasting, and sales of novelty and gift items related to the beer and processing facility shall not exceed 25 percent of the area of the structures located at the farm and being used for the Farm Brewery. A Farm Brewery and its accessory uses shall be considered a bona fide and normal agricultural activity and an agricultural land management activity. A Zoning Permit and Site Plan approval is not required for a Farm Brewery that includes a tasting room, accessory food sales related to the beer tasting, sales of novelty and gift items related to the beer. Notwithstanding the foregoing, a Farm Brewery with a tasting room shall be required to file with the County Division of Plan Review and Permitting, evidence that the vehicular access to the Farm Brewery used by patrons satisfies the County sight distance requirements set forth in the County's "Policy for Determining Adequacy of Existing Highways" if such vehicular access is onto a County public road.

Buildable Area:

The portion of a lot remaining after required yards have been provided.

Building:

Any structure, which is permanently affixed to the land; and has one or more floors and a roof; and is bounded by either open area or the lot lines of a zoning lot. For regulatory purposes, the term "building" shall not include mobile homes, tents, or other "portable" housing which may be attached to a foundation, but this exception shall not exclude factory constructed buildings which are transported to a site and erected on a permanent foundation.

Building/Dwelling Cleaning Services:

Businesses primarily engaged in providing exterior maintenance services, in the form of cleaning rather than repair, to buildings and dwellings for the purposes of seasonal routine maintenance not to include: pest control, landscaping care and maintenance, janitorial service, or building repair.

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[180] Revision 17, definition added 4/23/13 (RZ-12-002/ORD-2013-13)

Building, Height of: [181]

The vertical distance from grade plane to the average height of the highest roof surface. In the case of sloped roofs (such as a hip or gable roof) an average height would be used as the upper point of measurement rather than the eave or ridge line. The average height of sloped roofs shall be the mid-point between the roof eave and the roof ridge, regardless of the shape of the roof.

Building Line:

The line established by law beyond which a building shall not extend as determined by front, side and rear yards therein.

Carpentry or Woodworking Shop:

A facility engaged in the production of products from wood. Such operations may include, but are not limited to, the making of furniture. Hobby activities conducted by the resident of the property are excluded from this definition.

Cemetery:[182]

Property used for interring the dead. Such facilities may be considered an accessory use when operated in conjunction with a funeral home or church.

Certified Adult Residential Environment (C.A.R.E.) Homes:

See Section 4.23.

Child Day Care Center:

See Adult/Child Day Care Center.

Clinic:

An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more licensed physicians, dentists, other medical personnel, psychologists, or social workers and where patients are not lodged overnight.

Colleges, Public or Private:

A college or university authorized by the state to offer degrees and no larger than sixty (60) acres in land area where permitted by special exception.

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181 **Revision 16, definition amended 8/4/09 (RZ-09-001)**

182 **Revision 16, definition added 8/4/09 (RZ-09-001/ORD-09-08)**

Commercial Communications Tower:

A self-supporting lattice, guyed, or monopole structure constructed to support commercial communications equipment.

Commercial Communications Equipment:

Any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon a commercial communications tower or antenna support structure.

Commission:

The Washington County Planning Commission.

Comprehensive Care Facility:

A building or group of buildings that contain independent dwelling units, facilities for assisted living, and facilities for nursing or convalescent care on the same site.

Concrete Operations:

Concrete and ceramic products manufacture, including ready-mix concrete plants shall not exceed five (5) acres in size where permitted by special exception without a specific finding of compatibility of the use by the Board of Appeals.

Conference Centers:[183]

A facility used for conferences and seminars. Such facilities may also have accommodations for sleeping, food preparation and eating, recreation, entertainment, and meeting rooms provided these ancillary uses do not exceed 49% of the structure. Such uses may be accessory when associated with hotels, motels, or resorts.

Construction Started:

For the purposes of this Ordinance, construction will be deemed to have begun when all the necessary excavation and piers and/or footings of one or more buildings or structures covered by the permit have been completed.

Contractor's Storage Yard:

The temporary or permanent storage of contractor's equipment and/or supplies relating to any of the building trades that are located outside of permanent structures on a parcel of land and that may or may not include office space and a maintenance area.

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[183] Revision 17, definition added 4/23/13 (RZ-12-002/ORD-2013-13)

A. Low intensity storage: shall be defined as a storage yard of 2,500 square feet or less that allows for storage of up to 5 individual pieces of equipment, including company vehicles, and employs 3 people or less.

B. High intensity storage: shall be defined as a storage yard of more than 2,500 square feet that allows for the storage of more than 5 individual pieces of equipment, including company vehicles, and employs 4 people or more.

Convenience Store:

Any retail establishment offering for sale: prepackaged or pre-processed food products, household items, and other goods commonly associated with the same and having a gross floor area of 5,000 square feet or less. Such establishments may also sell gasoline at retail prices. The area utilized for the sale of gasoline shall be considered as part of the gross floor area.

Court:

An open, uncovered outdoor space enclosed on two or more sides by exterior walls or buildings on the same lot.

Crematories:[184]

Facilities designed for the cremation of human and animal bodies. Such facilities are considered as an accessory use when operated in conjunction with a funeral home.

Dairy Products Store:

A retail establishment offering for sale dairy products produced on-site and that is accessory to a principal agricultural use of a property.

Declaration of Intent:

A signed and notarized statement by the landowner of the owner's agent certifying that the activity on the landowner's property:

A. Is for certain activities exempted under the Washington County Forest Conservation Ordinance, and

B. Does not circumvent the requirements of the Forest Conservation Ordinance.

Dwelling:

A building containing one or more dwelling units. The term "dwelling" or any combination thereof shall not be deemed to include hotel, rooming house, motel,

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184 **Revision 16, definition amended 8/4/09 (RZ-09-001/ORD-09-08)**

clubhouse, hospital, or other accommodations used for more or less transient occupancy.

A. Dwelling, Detached: A dwelling that is not attached to any other dwelling by any means.

B. Dwelling, Group ("Condominium"): A building, or group of buildings consisting only of dwelling units that occupy a single parcel of land in one ownership and have any yard or service area in common.

C. Dwelling, Multiple-Family ("Apartment"): A building containing three or more dwelling units.

D. Dwelling, Semi-Detached: One of two buildings arranged or designed as dwelling units, located on abutting lots, separated from each other by a party wall, without openings, extending from the cellar floor to the highest point of the roof along the dividing lot line, and separated from any other building or structures by space on all sides.

E. Dwelling, One-Family: A building containing not more than one dwelling unit and not occupied by more than one family and is not attached to any other dwellings by any other means.

F. Dwelling, Town House: A one family dwelling in a series of three or more attached dwelling units, each with its own access points, located side by side, and separated from one another by continuous vertical party walls without openings from basement floor to roof.

G. Dwelling, Two-Family ("Duplex"): A building located on one zoning lot containing not more than two dwelling units, arranged one above the other or side by side, and not occupied by more than two families.

Dwelling Unit:

One or more rooms in a residential building or in a mixed building, which are arranged, designed, used or intended for use by one or more persons living together and maintaining a common household, and which include lawful cooking space and lawful sanitary facilities reserved for the occupants therefor.

Essential Utility Equipment:

This term comprises underground or overhead electrical, gas, communications, water or sewerage systems, including electrical poles, towers or pole structures, wires, lines, mains, drains, sewers, conduits, cables, fire alarm boxes, public telephone stations, police call boxes, traffic signals, hydrants, regulating and measuring devices, and the structures in which they are housed, and other similar equipment and accessories in connection therewith. It does not include Commercial Communications Towers, nor does it include buildings, yards, stations used for storage, repair or processing of equipment or material, and does not include buildings, yards, stations, or

substations for transforming, boosting, switching or pumping purposes, where such facilities are constructed on the ground.

Explosives:

For the purpose of this Ordinance, an explosive shall be defined as any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion.

Exterior Features:

Shall mean the architectural style, design and general arrangement of the exterior of an historic resource, including the nature and texture of building materials, and the type and style of all windows, doors, light fixtures, signs or other items found on or related to the exterior of an historic resource.

Family:

A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Farm:

See Agriculture or Agricultural Operation.

Farm Animal:

Any animal maintained or used for the production of food or fiber or for other agricultural purposes.

Flood Plain, One-Hundred (100) Year:

That area which would be inundated by stormwater runoff equivalent to that which would occur with a rainfall of one hundred (100) year frequency after total development of the watershed.

Flood Plain Management Ordinance:

The Washington County Floodplain Management Ordinance adopted by the Board of County Commissioners for Washington County on July 1, 1992, and any subsequent revisions, for the unincorporated areas of Washington County, Maryland.

Forest Conservation Ordinance:

The Washington County Forest Conservation Ordinance adopted by the Board of County Commissioners for Washington County on February 2, 1993, and any

subsequent revisions, incorporating by reference the Washington County Forest Conservation Technical Manual.

Forest Conservation Plan:

The detailed plan and supporting documents prepared for a site proposed for development and/or improvement which shows how forest conservation reforestation or afforestation will be completed, in accordance with the Forest Conservation Ordinance and the Washington County Forest Conservation Technical Manual.

Forest Stand Delineation:

The detailed methodology and document for evaluating existing trees and vegetation on a site proposed for development, and/or improvement in accordance with the Forest Conservation Ordinance and the Washington County Forest Conservation Technical Manual.

~~Frontage~~:[185]

Garden shop, Nursery, Greenhouse:

An establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, and tools and other garden supplies to the general public.

Garage:

Garage, Residential: An accessory building, portion of a main building, or building attached thereto, used for the storage of private motor vehicles, fifty (50%) percent of which may be for the storage of a commercial vehicle.

Garage, Service: A garage, other than a residential garage, where motor vehicles, trailers, or other types of equipment are stored, equipped for operation, repaired, or kept for remuneration, hire or sale.

Grade:[186]

The finished ground level at the exterior surface of a building or structure.

Grade Plane:[187]

A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area

185 **Revision 16, definition for "Frontage" deleted 8/4/09 (RZ-09-001/ORD-09-08)**

186 **Revision 16, definition added 8/4/09 (RZ-09-001/ORD-09-08)**

187 **Revision 16, definition added 8/4/09 (RZ-09-001/PRD-09-08)**

between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building a point six (6) feet from the building.

Gross Floor Area:[188] The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of the exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor to ceiling height is equal to or less than seven (7) feet.

Gross Leasable Area:[189] Shall mean the gross floor area minus the following area deductions:

(a) Elevator shafts and stairways
(b) Public Restrooms
(c) Public lobbies, common mall areas, atriums and courtyards provided solely for pedestrian access to the building from the exterior, and/or for aesthetic enhancement or natural lighting purposes, and
(d) Mechanical and equipment areas.

Hazardous Waste or Controlled Hazardous Substance:

Any substance that is a controlled hazardous substance or hazardous waste as those terms are defined in the Environment Article, Annotated Code of Maryland, as amended, or as defined by the United States Code, as amended.

Health Department:

The Maryland State Department of Health and Mental Hygiene or the Washington County Health Department.

Helipads:[190]

A designated surface for the landing and departure of helicopters. Helipads do not contain facilities or provisions for the storage, fueling, repairs, or maintenance of helicopters. Helipads shall conform to any applicable federal and State regulations.

High Rise Buildings:[191]

Residential structures permitted in mixed use zoning districts that are more than three (3) stories, but not more than six (6) stories in height.

Historic Resource:

Shall mean a district, landmark, site, building, structure, space or object,

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188 **Revision 16, definition added 12/1/09, eff. 2/1/2010 (RZ-09-003/ORD-09-10)**

189 **Revision 16, definition added 12/1/09, eff. 2/1/2010 (RZ-09-003/ORD-09-10)**

190 **Revision 17, definition added 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2012-07)**

191 **Revision 17, definition added 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2012-07)**

including its appurtenances and environmental setting, which can be linked historically through location, design, setting, materials, workmanship, and/or association, and which is significant in national, state or local history, architecture, archaeology or culture.

Home Association:

An incorporated, nonprofit organization operating under recorded land agreements through which:

A. Each lot and/or home owner in a planned unit or other described land area is automatically a member; and

B. Each lot is automatically subject to a charge for a proportionate share of the expenses for the Home Association's activities, such as common property maintenance.

Home Occupation:

Any use of a dwelling or accessory building conducted solely by a member or members of the family residing therein, which is incidental or subordinate to the main use of the building for dwelling purposes and meets all of the following criteria:

A. The use does not exceed more than fifteen (15) percent of the floor space of the dwelling or accessory structure;

B. The use does not generate vehicular parking, freight and delivery traffic or other nonresidential traffic to a greater extent than would normally result from residential occupancy;

C. The use does not generate outside storage of equipment or supplies;

D. And has no other evidence being visible, audible or abnormally odoriferous from the outside of the dwelling to indicate it is being used for anything other than residential purposes

Hospital:

An institution that is licensed as a hospital by the state and which receives inpatients and provides medical, surgical, psychiatric or obstetrical care. This term includes any health-related facilities, which are established in connection with a hospital and are located on the same site as the hospital. Such health-related facilities shall include, but not be limited to, diagnostic facilities, rehabilitation centers, laboratories, training facilities, outpatient care facilities, facilities for chronic or convalescent care and elderly housing.

Hotel:

A facility providing sleeping and lodging accommodations as well as amenity services such as restaurants, meeting rooms, entertainment, and recreational facilities, and with the majority of the rooms serviced by one main lobby entrance.

In Home Family and Child Day Care Facility:

An establishment located in a residence providing for care, supervision and protection of children on a less than 24 hr/day basis as provided for by Section 4.15.

Industrial Park:

The division of a tract of land which is eminently suitable for industrial use into small tracts or parcels according to a comprehensive plan for occupancy by a group of industries and has streets and utilities and conforming to the requirements of Article 18.

Junk:

Old or discarded scrap, copper, brass, iron, steel or other metals, or materials including but not limited to tires, household appliances, furniture, rope, rags, batteries, glass, rubber debris, waste, trash, construction debris, plumbing fixtures, or any discarded, dismantled, wrecked, scrapped, junk or nuisance motor vehicles or parts thereof. Building materials stored on site for an active or pending construction project are not considered “junk” under this definition.

Junk Vehicle:

A vehicle that does not display a current license plate lawfully upon a vehicle; is partially dismantled, wrecked or extensively damaged or deteriorated; and is not capable of lawful operation on public roads.

Junk Yard:

Any area where waste, junk, trash, discarded or salvaged materials are bought, sold, exchanged, baled, parked, stored, disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building and not including permitted and approved pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, salvaged machinery and the processing of used, discarded, or salvaged material as part of manufacturing operations.

Kennel:

Any building or structure and/or land used, designed, or arranged for housing, boarding, breeding, or care of more than five (5) adult dogs, over the age of four (4) months, kept or bred for hunting, sale, exhibition, or training, for profit, but not including farm animals.

Landscape Contractor*:*

A business involved with the treatment of the ground surface with live vegetative materials or decorative surfacing, including, but not limited to mulch, stone or other materials. This can include both installations of materials as well as maintenance of such materials.

Lot:[192]

An identified tract of land occupied or intended to be occupied by a principal building and its accessory buildings and uses, including all open spaces required by this Ordinance

A. Lot Area, Gross: The total area in square feet circumscribed the lot lines of a lot.

B. Lot Area, Net: The gross lot area except when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way. In such cases, the lot boundary, for purposes of computing the lot area, shall be the street right-of-way line and the net lot area shall be the gross lot area less the area within the public right-of-way.

C. Lot, Corner: A lot abutting on two or more streets at their intersection where the interior angle of the intersection does not exceed one hundred thirty-five (135) degrees. A lot with frontage on a curved street that approximates the shape of a triangle or semi-circle shall also be considered a corner lot.

D. Lot Frontage: The front of a lot shall be construed to be the portion of the lot nearest a public street or public right-of-way. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to public streets shall be considered frontage, and yards shall be provided as required herein, except that not more than one (1) rear yard may be required.

E. Lot Measurements:

1. Depth is the average horizontal distance between the front lot line and the rear lot line.
2. Width shall mean the horizontal distance between the side lot lines measured at the mid-point of the side lot lines.

F. Lot, Panhandle: A polygonal shaped lot with the appearance of a "pan" or "flag and staff" in which the handle is most often used as the point of access to a street or road. The "handle," when less than the

192 **Revision 16, definition amended 8/4/09 (RZ-09-001/ORD-09-08)**

minimum width for a building lot in the Zoning District where it is to be located, is not to be used in computing the minimum area required.

G. Lot of Record: A lot which is part of a subdivision recorded in the office of the Clerk of Circuit Court of Washington County or a lot or parcel described by metes and bounds, the description of which has been so recorded.

H. Lot, Reverse Frontage: A through lot where one of the frontages abuts a public street or right-of-way but there is no access.

I. Lot, Through (also known as Double Frontage): A lot having its front and rear lot lines abutting a public street or right-of-way.

Machine Shop:

A business engaged in the machining of metal on a job basis. Services include: machining, drilling, machining, surface grinding, laser polishing, milling, boring and turning.

Map Amendment:

Any modification, change, addition, or amendment to the zoning maps contained in the Zoning Ordinance of Washington County, Maryland, including the creation, modification, change, addition or amendment to an overlay zone on a particular parcel of land located in Washington County, Maryland subject to the Zoning Ordinance of Washington County.

Meat Market:

A business engaged in the sale of edible meat, poultry and fish. A meat market may be considered an accessory use on a farm where the product are from animals raised on the property.

Meteorological Tower:[193]

Defined to include the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment, anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

Mineral Extractive Operations:

Mineral extractive operations do not include or permit the incineration of hazardous waste or controlled hazardous substances as fuel for any purpose.

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193 **Revision 16, definition added 6/16/09 (RZ-09-004/ORD-09-04)**

A. Mineral Extraction: The removal of soil, sand, gravel, sandstone, limestone, shale, oil, gas, or other mineral from the ground.

B. Mineral Processing: The sorting, breaking, beneficiation, storage or compounding of mineral resources.

C. Mineral-Related Uses: All uses customarily related to mineral extraction and processing, including storage and maintenance of equipment, office space, and dwellings or mobile homes for company employees.

D. Mineral-Based Manufacturing: The manufacture of products with a mineral base, including cement, lime, brick, tile, glass, and similar products.

Mineral extractive operations including any or all of the above operations are defined according to impact in the following categories:

1. Low Volume Operations: Operations in which the land area disturbed by mineral extraction is one (1) acre or less and no temporary or permanent structures are involved.
2. Moderate Volume Operations: Operations in which the land area devoted to mineral extraction and mineral processing is five (5) acres or less and greater than one (1) acre.
3. High Volume Operations: Operations in which the land area devoted to mineral extractive operations is greater than five (5) acres.

Mini-warehouses:

A single story structure containing separate cubicles, which are rented to the public for storage, purposes.

Minor Site Plan:

A simplified version of a site plan that may be submitted in accordance with Article 4.11 for uses that have been approved by the Board of Appeals and/or where the revisions or modifications to an existing site plan, building, or lot will not significantly change the developed areas of the site or building footprint, substantially increase traffic volumes, warrant substantial traffic flow improvements, require substantial public infrastructure improvements, is not in any sensitive area as defined in the Comprehensive Plan, and where the site has not been identified on County historical inventory records.

Mixed Use Building:

A structure or building that is occupied by two or more uses as defined in the Table of Land Uses. Each portion of the building shall be individually classified as to use and must meet the site requirements for each defined use.

Mobile Home:

A detached structure with the following characteristics:

It is designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems, and;

It is designed for transportation after fabrication on streets or highways on its own wheels, or on flatbeds or other trailers, or detachable wheels, and;

It arrives at the site where it is to be occupied complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like.

A travel trailer is not a mobile home. See "Travel Trailer."

Mobile Home Park:

A lot or tract of land used or intended to accommodate mobile homes for residential purposes with adequate public or community water and sewerage service meeting Health Department standards. A mobile home park does not include mobile home sales lots, on which unoccupied mobile homes are parked for inspection and sale.

Mobile Home Subdivision:

A residential development where separate tracts of land, specifically designed to accommodate mobile homes, are intended to be sold to mobile home owners with adequate public or community water and sewerage service meeting Health Department standards.

Model Home:

A dwelling constructed within a subdivision for the purpose of displaying various attributes and amenities of home construction and on a temporary basis. These dwellings may contain temporary sales areas for the purposes of marketing dwellings within the development that will be removed upon completion of the development.

Modular Unit:[194]

A factory-fabricated transportable building unit established on a permanent foundation so as not to be deemed transportable after installation and designed to be used by itself or to be incorporated with similar units at a building site into a modular structure for residential, commercial, educational, or industrial uses.

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194 **Revision 15, Modular Unit amended 9/19/06 (RZ-06-007/ORD-06-07)**

Motel:

A facility providing sleeping accommodations with majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Motor Vehicle Garage:

A building or premises intended or operated for the major repair of motor vehicles including body-work, painting, spraying, welding or the temporary storage of vehicles not in operating condition.

~~**Motor Vehicle or Vehicle:**~~[195]

Net Floor Area:[196] Shall mean the gross floor area minus floor area deductions for elevator shafts and stairwells, mechanical/equipment areas, public restrooms, interior parking and loading areas, and public lobbies, common mall areas, atriums and/or courtyards provided solely for pedestrian access and/or for aesthetic enhancement or natural lighting purposes.

Nonconforming Use:

A use of a building or of land lawfully existing at the time this Ordinance becomes effective and which does not conform with the use regulations of the district in which it is located.

Nuisance Vehicle:

A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle determined and declared to be:

(a) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;
(b) A point of heavy growth of weeds of other noxious vegetation over 12 inches in height;
(c) A point of collection of pools or ponds of water;
(d) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;
(e) One which has areas of confinement which cannot be operated from the inside, such as trunks, engine compartments or glass, windows, or any exterior or interior fixtures, that present physical dangers to the safety and well-being of children or others;
(f) One so situated or located so as to be in danger of falling or turning over;

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195 **Revision 16, definition deleted 12-1-09 (RZ-09-003/ORD-09-10)**

196 **Revision 16, definition added 12/1/09, eff. 2/1/2010 (RZ-09-003/ORD-09-10)**

(g) One which is a point of collection of garbage, food waste, animal waste or any other rotten matter of any kind; or

(h) One that has sharp parts that are jagged or contains sharp edges of metal or glass.

Nursing/Convalescent Home:

A facility which provides board, shelter and skilled nursing care to chronic or convalescent patients.

Nutrient Management Plan:

The farm specific field by field set of crop nutrient recommendations prepared by a nutrient management planner certified by the Maryland Department of Agriculture balancing nutrient sources including animal wastes, crop residues, commercial fertilizers and other materials containing nutrients.

Open Space:

Land provided and deemed necessary and desirable for present and future residents and citizens of the area including such land in stream valleys, natural woods, areas of unusual natural scenic beauty, local play lots, recreational subdivisions.

Outdoor/Recreational Outfitter:[197]

A company or individual who provides equipment, supplies, and/or guidance for outdoor and recreational activities such as camping, hunting, fishing, or boating.

Pet Shop:

A separate commercial establishment that offers to sell live animals with the intent that they be kept as pets without outside areas or runways or exercise areas and a kennel license is not required.

Planned Business Center (Shopping Center/plaza/mall:[198]

A group of three or more commercial establishments planned, constructed, and/or managed as a total entity. This shall include 'shell' buildings that may or may not have pre-defined rental units or condos. In planned business centers, not more than 25% of the gross floor area may contain uses other than retail sales. Intensity of these uses shall be defined as follows::

A. Neighborhood Shopping Center: A gross floor area of 25,000 square feet.
B. Community Shopping Center: A gross floor area between 25,001 and 200,000 square feet.

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197 **Revision 16, definition added 8/4/09 (RZ-09-001/ORD-09-08)**

198 **Revision 16, definition amended 12/1/09, eff. 2/1/2010 (RZ-09-003/ORD-09-10)**

C. Regional Shopping Center: A gross floor area greater than 200,000 square feet.

Preservation:

Shall mean the maintenance of an historic resource in its present condition or as originally constructed. Preservation aims at halting further deterioration and providing structural safety, but does not contemplate significant rebuilding. Preservation includes techniques of arresting or slowing deterioration; improvement of structural conditions to make a structure safe, habitable, or otherwise useful; normal maintenance and minor repairs that do not change or adversely affect the fabric or appearance of a structure.

Private Recreational Facilities:

A facility such as a swimming pool, tennis court, beach, boat dock or basketball court which is an accessory use located on a single-family or two-family residential zoning lot, the use of which is restricted to the occupants of the principal use and guests for whom no admission or membership fees are charged.

Public-Owned Land:

Existing lots, tracts, or parcels of land owned by local, state and/or federal agencies.

Reconstruction:

Shall mean the process of reproducing by new construction the exact form and detail of a vanished structure, or part thereof, as it appeared at a specific period of time. "Reconstruction" should be undertaken only when the property to be reconstructed is essential for understanding and interpreting the value of an entire area and sufficient documentation exists to ensure an exact reproduction of the original.

Recreation Center:

Commercial establishment engaged in the providing of indoor and/or outdoor amusement. The activities may include, but are not limited to sports clubs, amusement centers, batting cages, miniature golf, go-kart tracks, physical fitness centers, skateboard centers and racquetball facilities.

Recreational Travel Vehicle:[199] *[Now included under definition of "Vehicles"]*

Recycling Collection Stations:[200]

An area of land, designated temporarily or permanently, for the location of portable containers designed to receive materials in designated separate compartments for recycling, such as paper, cardboard, metals, plastics, or glass. Recycling collection

199 **Revision 16, moved and amended 12/1/09, eff. 2/1/2010 (RZ-09-003/ORD-09-10)**

200 **Revision 17, definition added 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2012-07)**

stations may only be established by and shall be monitored and maintained by local government as part of an established recycling program. They are intended to be available for the deposit of recyclable materials by individual citizens or businesses and not for the receipt of materials collected by commercial entities.

Recycling collection stations are considered an accessory use and may be located in any zoning district in conformance to the following guidelines:

(a) They shall be a minimum of two hundred (200) feet from any dwelling.

(b) They shall be a minimum of ten (10) feet from any public street or road right of way.

(c) They shall not block visibility at any street intersection.

(d) When located in parking lots, they shall not present an obstruction to vehicles using the parking lot or remove spaces from use that are required to meet the minimum parking spaces required for the permitted use.

Recycling Facilities:[201]

A location, building, or land use where recycling, as defined herein, takes place. Collection, separation, temporary storage, volume reduction (mechanically, not chemically, or by melting or other industrial processes), packaging, and shipment are permitted at the location. Recycled materials that have already been separated at another location may be stored and packaged or repackaged at a recycling facility for later shipment to a processing facility. All activities at the site must occur within a completely enclosed building designed to limit the emission of objectionable odors, fumes, dust, and the attraction of rodents and other animals. There shall be no waste products of any kind (solid, liquid, or gaseous) permitted outside of the building or on the site except the domestic waste that would normally be generated by employees on the site.

A recycling facility may be considered an accessory use on the site of a Maryland Department of the Environment permitted solid waste management facility. When located on the site of a permitted facility operated by a government entity, the restrictions against outside collection or storage of materials do not apply.

A recycling facility not located on the site of a permitted facility is not intended to permit the receipt of the unsorted household waste stream that is transported directly from its collection from individual homes and businesses by governmentally provided or sponsored waste collection services to the recycling facility. This function is reserved for facilities located at the government owned, operated, or sponsored permitted facility.

Recycling is the process of removing certain materials or products from the non-hazardous waste stream in order that they may be used again in the production of other

201 **Revision 17, definition added 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2012-07)**

products or consumer goods. The process includes the collection of recyclable materials, delivery to a specified location, separation (manually or mechanically), reduction in volume by mechanical means (shredding, crushing, compaction), baling or other packaging, and temporary storage and shipment to another location for additional processing into a raw material for the later production of other products or consumer goods or service.

Unrecyclable materials that remain must be removed from the recycling facility site and disposed of in an approved manner (such as in a sanitary landfill). Industrial processes applied to the separated material to convert it into a raw material for manufacturing into a new consumer product are not permitted as a part of the recycling process but may be an industrial land use that may or may not also be permitted in the zoning district. These processes may occur on the same site if they are a permitted use in the zoning district.

Recycled materials usually include, but are not necessarily limited to, paper, cardboard, glass, cans, and other metals, organic yard waste and other plant material, plastics, electronics, construction materials, fabric, and tires.

Medical waste, used oil, and other fluids, dead animals, or animal parts and hazardous waste are not included in this definition of recycling.

Recycling does not include the collection, storage, or dismantling of automobiles, trucks, farm vehicles, and other similar equipment that is not readily processed into raw materials for production of new products or consumer goods without additional manipulation such as dismantling.

The collection of used oil, batteries, and other used auto parts in exchange for new ones at retail locations for eventual shipment or collection and transfer to another location for processing or disposal is not considered recycling, but is an acceptable accessory use to the primary retail activity.

~~Recycling Facility:~~[202]

Research and Development Facility:

A building or buildings, for which an overall plan has been approved by the Planning Commission, designed with open space and compatible with the adjacent community, to be used for the inquiry and investigation of sources and limited to the basic and applied research phase of the inquiry; not including however, any manufacturing, industrial operations or pilot plant involving machines or operations normally associated with production or assembly lines or the production of goods in quantity above that needed for product testing and evaluation.

202 **Revision 17, definition deleted 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2012-07)**

Research Institution:[203]

A non-profit or for-profit organization, establishment, or other entity engaged in conducting original investigation on a systematic basis to gain new knowledge, and/or the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes.

A research institution typically conducts its research, experimental development, and analyses in a defined field, such as physical, engineering, life or social sciences, or the humanities. The use includes the necessary laboratory and pilot production areas required to conduct the research.

Research Institution:

Shall mean an activity occurring in a building or group of buildings used primarily for basic and applied research.

Resident Business:

A special exception use of a dwelling or accessory structure, as approved by the Board of Appeals, conducted solely by a member or members of the family residing therein and not more than two (2) non-resident employees, which is incidental or subordinate to the main use of the building for dwelling purposes and meets the following criteria:

A. The use does not exceed more than twenty-five (25) percent of the floor space of the dwelling or an accessory structure;

B. The use will not generate vehicular parking that would exceed spaces for the employee and equipment;

C. Freight and delivery traffic shall not be to a greater extent than would normally result from residential occupancy unless otherwise approved by the Board;

D. Other non-residential vehicular traffic resulting from patronage will not exceed five (5) peak hour trips.

E. Outside storage of materials will not exceed ten (10) percent of the lot area, but not to exceed 5,000 square feet in any instance;

F. Signage for the business is limited to one (1) sign not more than ten (10) square feet in size;

G. Hours of operation for the business is approved as part of the special exception by the Board;

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203 **Revision 17, definition added 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2012-07)**

H. The use has no other evidence being visible, audible or abnormally odoriferous from the outside of the dwelling to indicate it is being used for anything other than residential purposes.

I. Upon approval of the special exception a minor site plan shall be submitted and approved by the Planning Commission.

Restaurant, Drive-In:

Any place or premises used for the sale, dispensing, or serving of food or beverages to patrons in automobiles, including those establishments where the patrons, in addition to being accommodated in their automobiles, may also be accommodated within the premises.

Restoration:

The process of accurately recovering the form and details of a property as it appeared during a particular period of time by means of removal of later work and the replacement of missing original work.

Retail Sales:[204] Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Manufacturing of products sold on site may be permitted provided the manufacturing process is accessory and subordinate to the selling activities.

Retail Services:[205] Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal service, motion pictures, amusement and recreation services, health, education, and social services, museums, and galleries.

Riding Academy/Stable:

An establishment or lot where horses, ponies, or other such animals used for transportation/recreation are boarded and cared for or commercially hired out whether with or without instruction in riding.

Roadside Stand:

A use that may incorporate a structure, that offers agricultural product for sale, at least 75% of which were produced as a part of the agricultural operation.

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204 **Revision 16, definition added 12/1/09, eff. 2/1/2010 (RZ-09-003/ORD-09-10)**

205 **Revision 16, definition added 12/1/09, eff. 2/1/2010 (RZ-09-003/ORD-09-10)**

Rooming House:

See Boarding House.

Salvage:

Old or scrap copper, brass, rope, rages, batteries, paper, rubber, trash, waste, junked, dismantled or wrecked machinery, machines or motor vehicles, or any parts of junked, dismantled or wrecked machinery, machines or motor vehicles, iron, steel and other ferrous or nonferrous materials.

Salvage Yard:

Any place that is maintained, operated or used for the storing, keeping, buying, selling or processing of salvage, or for the operation and maintenance of a motor vehicle graveyard. Any collection of three or more automobile hulks, or combination of ferrous or nonferrous materials together with one or more automobile hulks, or a collection of any salvage contained in an area more than one-quarter acre in size, shall be considered a salvage yard.

Sanitary Landfill:

A premises used primarily for the disposal of garbage, or any refuse, by dumping, reduction, incineration or burial.

Satellite Sky or Receptor Viewshed:[206]

The airspace necessary for the unobstructed collection or radiation of electromagnetic waves to and/or from satellites by any device designed for that purpose such as a satellite dish.

Sealant Applications:

Sealant applications (e.g. silicon) the mechanical or manual process and the equipment used in the process that seeks to apply a covering or sealing coating over a surface or surfaces structures, particularly where the sealant is applied to brick, stone and/or other masonry components and where the coating prevents the natural transpiration or "breathing" of a structure thus preventing the movement of moisture through the structure.

Service Station:

Any area of land, including buildings and other structures thereon that are used to dispense motor vehicle fuels, oil, and accessories at retail, where minor repair service is incidental, and no storage or parking space is offered for rent.

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206 **Revision 17, definition added 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2012-07)**

Setback:

The required minimum horizontal distance between the building line, as defined herein and the related front, side or rear property line.

Signs:

A name, identification, description, display, illustration or device which is affixed or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution, or business.

A. Sign, Business: A sign that directs attention to a business or profession or to a commodity, service, or entertainment sold or offered upon the premises upon which the sign is located.

B. Sign, Freestanding: A sign supported by a permanent structure, other than a building, that is affixed to the earth and placed on the same parcel of land on which the business or service advertised by the sign is located. Outdoor Advertising Signs shall not be considered freestanding signs.

C. Sign, Mobile Outdoor Advertising: A sign positioned on a vehicle or other mode of transportation where advertising of off-premises businesses, commodities, services, entertainment or goods is the sole purpose of said vehicle.

D. Sign, Outdoor Advertising: A sign, billboard, or structure that includes at least one message that advertises or directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located.

E. Permanent Residential Identification Signs: Signs of a permanent nature setting forth the name of a residential subdivision or development. All signs must be located on the premises of the development so identified.

F. Sign Area: The cumulative area of all faces of a sign, including the advertising surface and any framing, trim, or molding; but not including the supporting structure.

G. Sign Face: The area or display surface of any sign upon, against, or through which the message is displayed or illustrated on said sign.

Small Wind Energy System:[207]

Means a single-towered wind energy system that:

A. is used to generate electricity;
B. has a rated nameplate capacity of (50) kilowatts or less; and
C. has a total height of one hundred fifty (150) feet or less.

Solar Array:[208]

A ground mounted solar collection system consisting of a linked series of photovoltaic modules.

Solar Collection System:[209]

A panel or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating.

Solar Energy Generating System (SEGS):[210]

A grid-tie solar facility consisting of multiple solar arrays whose primary purpose is to generate electricity for distribution and/or sale into the public utility grid and not for onsite consumption.

Special Exception:

A grant of a specific use that would not be appropriate generally or without restriction; and shall be based upon a finding that the use conforms to the plan and is compatible with the existing neighborhood.

Stable, Private:

An accessory structure designed for the shelter, feeding, and care of no more than two domestic animals, maintained on the property as pets or for domestic use as distinguished from agricultural or livery stables. Such use shall be subject to compliance with Section 4.13 of this Ordinance.

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207 **Revision 16, definition added 6/19/09 (RZ-09-004/ORD-09-04)**

208 **Revision 16, definition added 6/16/09 (RZ-09-004/ORD-09-04)**

209 **Revision 16, definition added 6/16/09 (RZ-09-004/ORD-09-04)**

210 **Revision 17, definition added 10/4/11, eff. 10/15/11 (RZ-11-003/ORD-2011-21)**

Stealth.

Any commercial Communications Towers or Commercial Communications Equipment which is designed to enhance compatibility with adjacent lands, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and Commercial Communications Towers designed to look other than like a tower such as light poles, power poles, and trees. The term stealth does not necessarily exclude the use of uncamouflaged lattice, guyed, or monopole Commercial Communications Towers designs.

Steep Slope:

Slopes of 25% or more or slopes greater than 15% where the soil erodability coefficient or K factor as determined by the most current soil survey for Washington County, Maryland is 0.35 or greater.

Story:[211]

That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Stream:

A perennial or intermittent stream identified in the most current soil survey for Washington County, Maryland and field verified when necessary.

Stream Buffer:

An area on one or both sides of a stream that is designated for the purposes of protecting, preserving or improving water quality by providing for filtration and/or dissipation of the energy of flowing water or the maintenance or stabilization of the stream bank to prevent erosion.

Street; Highway; Road:

Any street existing or which may be approved by the Commission. The word "street" shall also mean "road", "highway", "boulevard", "avenue", "lane", or "court".

Street Line:

A line defining the edge of a street right-of-way and separating the street from abutting property or lots (same as lot line). If, on the comprehensive plan of streets and highways duly adopted by the County, a street is scheduled for future widening, the proposed right-of-way line shown on the comprehensive plan shall be the street line.

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211 **Revision 17, definition added, 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2012-07)**

Structure:

Anything constructed, the use of which requires fixed location on the ground or is attached to something having such location, but not including fences, power, gas, water, sewage or communication lines or poles, sidewalks, driveways or curbs.

Subdivision of Land and Subdivide:

Subdivision means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future of sale or of development. It includes resubdivision and, when appropriate to the context, relates to the process of resubdividing or to the land or territory subdivided, as defined in Article 66B of the Annotated Code of Maryland, as amended.

Subdivision, Cluster:

A subdivision in which the minimum lot size required by this Ordinance is reduced, subject to site plan review by the Commission. The gross density of the entire development remains approximately the same as for a conventional subdivision in the same zoning district. The additional land gained by reduction of individual lots is consolidated into common open space areas.

Temporary or Seasonal Use:

A use which is principally permitted or found to be functionally similar by the Board of Appeals to the zoning district therein that does not exceed 2,500 square feet in size, and occurs on the property for at least thirty (30) days but no longer than six (6) consecutive months per calendar year.

Temporary Residential Sales Office:

A temporary, portable office structure that is for the sole purpose of on-site sales of building lots and/or home construction and may be placed on a site for a period not to exceed one (1) year. The structure must be certified per the State Industrialized Code and handicap accessible per the Maryland Accessibility Code.

Text Amendment:

Any modification, change, addition, or amendment to the wording of the Zoning Ordinance of Washington County, Maryland.

Tourism Entertainment Facility:

A facility for the traveling public designed to their amusement. This would include such things as: amusement parks and water parks. Interpretive centers involved with education and teaching would not fall into this category.

Trade and Technical Institutions:

An educational facility established for the training of students in specific job skills. For example: electronic repair, the operation of machinery and cosmetology. Such facility may not exceed thirty (30) acres where permitted by special exception.

Transitional or Sheltered Care Facility:

A facility, including half-way houses, providing 24 hr/day care of persons with special needs, which provides food and shelter, and may also provide some combination of personal care, transportation, physical, social, or psychological therapy and counseling to assist persons in overcoming physical or emotional problems.

~~**Travel Trailer:**~~[212]

Travel Trailer Park:

A plot of ground designed for and having the required facilities for servicing travel trailers and similar vehicles and campers.

Truck Stop:

A structure or land used or intended to be used primarily for the sale of fuel for trucks and, usually long term truck parking, incidental service or repair of trucks, overnight accommodations, or restaurant facilities open to serve the general public; or a group of facilities consisting of such a use and attendant eating, repair, sleeping or truck parking facilities. As used in this definition, the term “trucks” does not include any vehicle whose maximum gross weight is 10,000 pounds or less, as rated by the State Motor Vehicle Administration.

Truck Terminal:

A structure or land used or intended to be used primarily: (a) to accommodate the transfer of goods or chattels from trucks or truck-trailers to other trucks or truck-trailers or to vehicles or storage containers of other types, such as land-sea containers, in order to facilitate the transportation of such goods or chattels; or (b) for parking or storage of trucks, truck trailers, trailers, or in-transit mobile storage containers, such as land-sea containers.

A truck terminal may include loading and unloading platforms, warehouse facilities for temporary storage of goods in transit, reservoir parking for trucks and truck-trailers waiting to be loaded or unloaded and related business offices.

Other uses such as truck fueling and repair facilities may be permitted as accessory uses provided that said services are utilized only by those companies with certification to operate from the truck terminal. As used in this definition, the terms

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212 **Revision 16, definition deleted 12/1/09, eff. 2/1/2010 (RZ-09-003/ORD-09-10)**

“trucks” and “truck trailers” do not include any vehicle whose maximum gross weight is 10,000 pounds or less, as rated by the State Motor Vehicle Administration.

Use:

Any purpose for which a building or structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Resort:

A building or buildings containing guest rooms where, for compensation, lodging and meals are provided, located on a lot at least seventy-five percent of the land area of which shall be used to provide recreational facilities for the use of its guests. Such recreational facilities may include a golf course, swimming pool, tennis courts, and may include bridle paths, hiking trails, and other similar or related facilities, but no outdoor amusement devises other than normal playground equipment.

Variance:

A variance is a relaxation of the terms of the Zoning Ordinance for distance or dimensional requirements.

Vehicles:[213]

1. **Motor Vehicles:** A self-propelled automotive vehicle, usually with four wheels and two axels, designed and used for passenger transportation whose maximum gross weight is 10,000 pounds or less as rated by the State Motor Vehicle Administration. This definition may include cars, station wagons, motorcycles, SUV's, passenger vans, limousines, and trucks (not to include tractor trailer trucks/vehicles).
2. **Tractor Trailer Vehicles:** A truck with short chassis (that has no body) that is usually used in combination with a trailer for the highway hauling of freight. Includes truck and trailer separate or in combination.
3. **Commercial/Heavy Equipment Vehicles:** Vehicles generally involved in construction or deconstruction activities that may or may not be rated to for travel on public roads. Examples of heavy machinery may include dump trucks, cement trucks grading equipment such as bulldozers and backhoes, cranes, lifts, etc., and their associated transportation trailers, but not to include “tandem trucks”. “Tandem trucks” shall be considered the same as tractor trailer vehicles.
4. **Agricultural Vehicles:** Vehicles associated with routine agricultural, horticultural, or livestock raising operations including

213 **Revision 16, definition added 12/1/09, eff. 2/1/2010 (RZ-09-003/ORD-09-10)**

cultivation of land, harvesting of crops/products, trailers for livestock transportation, and general hauling and pulling activities.

5. **Recreational/Off-road Vehicles:** Vehicles generally used primarily for recreational purposes and are not permitted for use on public roads as defined in Maryland State law. These types of vehicles include but are not limited to: boats, snowmobiles, 3 and 4 wheel ATV's, scooters, mopeds, motocross dirtbikes, and their association transportation trailers.

6. **Recreational Travel Vehicle:** As used in this Zoning Ordinance, a recreational travel vehicle is a transportation structure, self-propelled or capable of being towed by a passenger car, station wagon, or small pick-up truck, of such size and weight as not to require any special highway movement permits, and primarily designed or constructed to provide temporary, movable living quarters for recreational, or camping, or travel use, or to carry such equipment but not for profit nor commercial use. Included as recreational vehicles, but not to the exclusion of any other types not mentioned in this Section, are: trailers, travel trailers, trailer coaches, camping trailers, motor homes, pick-up (slide-in) campers, chassis mounts, converted vans, chopped vans, mini-motor homes, 5th wheel trailers of recreational vehicle construction, design and intent (as opposed to commercial 5th wheel trailers); and truck caps.

   A. Trailers, travel trailers, trailer coaches and 5th wheel trailers are defined as recreational vehicles constructed with integral wheels to make them mobile and intended to be towed by passenger cars, station wagons and/or light pick-up or panel trucks and similar motor vehicles but not including truck tractors of any type.

   B. A camping trailer is a type of trailer or trailer coach, the walls of which are so constructed as to be collapsible and made out of either canvas or similar cloth, or some form of rigid material such as fiberglass or plastic or metal. The walls are the collapsed while the recreational vehicle is being towed, and are raised or unfolded when vehicle becomes temporary living quarters and is not being moved.

   C. Pick-up (slide-in) campers and truck caps are recreational structures designed to be mounted temporarily or permanently in the beds of light trucks with the trucks having either single or double rear wheels and with or without an assisting, extra tag axle and wheels mounted either on the camper chassis or the truck chassis behind the truck's rear wheels. These campers can be readily demounted from the truck beds.

1. When removed from their respective truck beds, pick-up (slide-in) campers and truck caps are called unmounted campers.

D. Chassis mounts, motor homes and mini-motor homes are recreational structures constructed integrally with a truck or motor-van chassis and incapable of being separated therefrom. The truck or motor-van chassis may have single or double rear wheels.

E. Converted and chopped vans are recreational structures which are created by altering or changing an existing auto van to make it into a recreational vehicle meeting the requirements of Section 1 hereof.

Veterinary or Animal Hospital or Clinic:

Any building or portion of a building which is regularly used for the treatment of animals by a veterinary practitioner. See MD Code, Agricultural Article §2-304.1.

Warehouse:

A structure or part of a structure, for storing goods, wares, and merchandise, whether for the owner or for others, and whether it is public or private.

Waste Management Plan:

The plan specific to an animal husbandry facility which shall define the means by which waste produced shall be stored, managed, handled, and applied to the soil, pursuant to the guidelines found in the most current edition of the Agricultural Waste Management Field Handbook, U.S. Department of Agriculture, Soil Conservation Service.

Wholesale:[214] The selling of merchandise to retailers; to industrial commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for or selling merchandise to such individuals or companies.

Wildlife Preserve:

A parcel of land or portion thereof, in which game, fish, and other types of wildlife and their habitat, are preserved and protected in a natural state, from harm, damage, or danger from human predation.

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[214] **Revision 16, definition added 12/1/09, eff. 2/1/2010 (RZ-09-003/ORD-09-10)**

Wind Energy System:[215]

Equipment that converts and stores or transfers energy from the wind into electricity or other usable forms of energy. This equipment includes any base, vane, blade, foundation, generator, alternator, tower, transformer, tail, wire, inverter, batteries, guy wire or other component used in the system.

Wind Energy System Rotor Diameter:[216]

The cross sectional dimension of the circle swept by the rotating blades.

Wind Energy System Total Height:[217]

The vertical distance from ground level to the tip of a wind generator vane or blade when the tip is at its highest point.

Wind Generator:[218]

Blades and associated mechanical and electrical conversion components mounted on top of the tower.

Wind Tower:[219]

The monopole, freestanding, or guyed structure that supports a wind generator.

Winery, Commercial:[220]

An establishment with facilities for manufacturing and bottling wine for sale on-site or through wholesale or retail outlets in accordance with a valid Class 3 manufacturing license from the State of Maryland. A commercial winery is a winery that does not meet the definition of a Farm Winery. Accessory uses may include wine tasting rooms at which wine tasting occurs, accessory food sales related to wine tasting, and the sale of wine produced on site. The area for wine tasting, accessory food sales related to the wine tasting, and sales wine produced on-site shall not exceed 25 percent of the area of the structures located at the and being used for manufacturing and bottling.

Winery, Farm:[221]

An establishment located on a farm with a producing vineyard, orchard, or similar growing area which may have facilities for fermenting, processing, bottling, packaging,

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215 **Revision 16, definition added 6/16/09 (RZ-09-004/ORD-09-04)**

216 **Revision 16, definition added 6/16/09 (RZ-09-004/ORD-09-04)**

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218 **Revision 16, definition added 6/16/09 (RZ-09-004/ORD-09-04)**

219 **Revision 16, definition added 6/16/09 (RZ-09-004/ORD-09-04)**

220 **Revision 17, definition added 4/23/13 (RZ-12-002/ORD-2013-13)**

221 **Revision 17, definition added 4/23/13 (RZ-12-002/ORD-2013-13)**

and storage of wine, sparkling wine and/or juice on the premises where the owner or lessee manufactures wine and/or sparkling wine in accordance with a valid Class 4 manufacturing license from the State of Maryland. If the Farm Winery produces wine, sparkling wine and/or juice on the premises, the Farm Winery must produce at least 2 acres of the agricultural products used in processing the wine, sparkling wine and/or juice on-site at the Farm Winery. Accessory uses at the Farm Winery may include tasting rooms at which wine tasting occurs, accessory food sales related to the wine tasting, sales of novelty and gift items related to the wine and the vineyard, sales of wines produced on-site, occasional promotional events related to the wine and the vineyard, and guided tours. The area for wine tasting, accessory food sales related to the wine tasting, and sales of novelty and gift items related to the wine and the vineyard shall not exceed 25 percent of the area of the structures located at the farm and being used for the Farm Winery. A Farm Winery and its accessory uses shall be considered a bona fide and normal agricultural activity and an agricultural land management activity. A Zoning Permit and Site Plan approval is not required for a Farm Winery that includes a tasting room, accessory food sales related to the wine tasting, sales of novelty and gift items related to the wine and the vineyard, sales of wines produced on-site. Notwithstanding the foregoing, a Farm Winery with a tasting room shall be required to file with the County Division of Plan Review and Permitting evidence that the vehicular access to the Farm Winery used by patrons satisfies the County sight distance requirements set forth in the County's "Policy for Determining Adequacy of Existing Highways" if such vehicular access is onto a County public road.

Yard:

A required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided; however, that fences and walls may be permitted in any yard subject to height limitations as indicated herein. This definition does not exclude built-in swimming pools from the requirements of Section 24.2(a).

Yard Measurements:[222] [223]

A. Front yard: Depth of required front yards shall be measured from the edge of the prescribed, existing, or dedicated future rights of way, at right angles to a straight line joining the foremost points of the side lot lines. The foremost points of the side lot lines, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. With a panhandle lot, the front of the shall be construed to be the portion of the body of the lot nearest a public street or public right-of-way, but not from the line where the "handle" meets with the public street or road.

B. Rear Yard: Depth of required rear yards shall be measured at right angles to all rear lot lines joining the foremost points of the

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222 **Revision 15, Yard Measurements- D.- amended 9/19/06 (RZ-06-007/ORD-06-09)**

223 **Revision 16, definition amended 8/4/09 (RZ-09-001/ORD-09-08)**

side lot lines. In the case of through lot and reversed frontage corner lots, there will be no rear yard. After establishing the front yard on all street frontages, the remaining yards are measured as side yards.

C. Side Yard: Width of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established.

Yard Types:[224]

A. Front yard: A yard extending across the frontage of the lot between inner side yard lines.

B. Rear yard: A yard extending across the rear of the lot between inner side yard lines.

C. Side yard: A yard extending from the rear line of the required front yard to the rear lot line.

D. Buffer yard: A yard between any use and the property line required for open space. A buffer yard is planted with grass and other vegetation as required pursuant to site plan review and is maintained free of structures, storage of materials, and parking of vehicles. Any proposed access lane in the buffer yard shall be subject to Planning Commission review and approval.

Zoning Permit:

A written statement issued by the Zoning Administrator authorizing buildings, structures, or uses in accordance with the provisions of this Ordinance.

224 **Revision 16, definition amended 8/4/09 (RZ-09-001/ORD-09-08)**

ARTICLE 29 - VALIDITY AND REPEAL

Section 29.1 Severability of Provisions

In case it be judicially determined that any word, phrase, clause, item, sentence, paragraph or section of this Ordinance or the application thereof is declared invalid for any reason whatsoever, such invalidity shall not affect the validity of the remaining provisions of this Ordinance or of any section thereof. The Board of County Commissioners of Washington County, Maryland, a body corporate and politic, hereby declares that it would have adopted and passed the remaining parts of this Ordinance or any Section thereof without the word, phrase, clause, items, sentence, paragraph, or section, or the application thereof, so held invalid.

Approved and adopted this 23rd day of January, 1973, and

The effective date of this Zoning Ordinance shall be the 2nd day of April, 1973, at 12:01 A.M.

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