

**ANNEXATION RESOLUTION**

RESOLUTION NO. 67 - 01 -2020

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF HANCOCK, ENLARGING THE CORPORATE BOUNDARIES OF THE TOWN OF HANCOCK BY ANNEXING LAND CONTIGUOUS TO AND ADJOINING UPON THE CORPORATE BOUNDARIES OF THE TOWN ALONG EAST MAIN STREET EASTWARD FROM ITS INTERSECTION WITH CENTER STREET IN ELECTION DISTRICT NO. 5, WASHINGTON COUNTY, MARYLAND AND CONTAINING APPROXIMATELY 2.70 ACRES, MORE OR LESS, THEREBY AMENDING THE CHARTER OF THE TOWN OF HANCOCK, AND PROVIDING FOR THE CONDITIONS AND CIRCUMSTANCES APPLICABLE TO THE PROPOSED CHANGES IN THE BOUNDARY OF THE TOWN AND THE AMENDMENT OF THE SAID CHARTER, AND TO ESTABLISH THE ZONING CLASSIFICATION FOR THE AREA ANNEXED.**

WHEREAS, pursuant to the authority of Article XI-E of the Constitution of the State of Maryland, and Subtitle 4 of Title 4 of the Local Government Article of the Annotated Code of Maryland, it is the intention of the Mayor and Council to introduce and pass a resolution providing that the present corporate limits as described in the Charter of the Town of Hancock be enlarged to include therein property within Washington County, Maryland, those properties known as 305, 307, and 317-319 East Main Street, Hancock, Maryland, and certain right-of-way areas adjacent thereto, as more particularly described in the metes and bounds descriptions herein attached hereto and made a part hereof as **Exhibit A** and shown on the Annexation Plat attached hereto as **Exhibit B** (the "Land"), which property is contiguous and adjoining to the existing corporate boundaries of the Town of Hancock; and

WHEREAS, the annexation which is the subject of this Resolution does not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the Town of Hancock, real property proposed to be within the corporate limits of the Town of Hancock as a result of the proposed annexation, or any combination of such properties; and

WHEREAS, pursuant to the authority of § 4-403(b) of the Local Government Article of the Annotated Code of Maryland, the Mayor and Council may introduce an annexation resolution with the consent of at least 25% of the registered voters who are residents in the area to be annexed and the owners of at least 25% of the assessed valuation of the non-tax exempt real property in the area to be annexed; and

WHEREAS, there are no registered voters who are residents in the area to be annexed; and

WHEREAS, 2004 Maugans Avenue, LLC, a Maryland limited liability company, the owner of the non-tax exempt portion of the Land, and The Town of Hancock, the owner of the tax exempt portion of the Land, have consented and agreed to the annexation of the Land into the corporate limits of the Town and to make applicable to that area all laws which are now in force

and effect or which may hereafter be enacted by the Mayor and Council of Hancock, as evidenced by the Consent of Property Owner attached hereto and incorporated herein as **Exhibit C**; and

WHEREAS, the proposed zoning for the Land was referred to and reviewed by the Town of Hancock Planning Commission in relation to the Comprehensive Plan, the Zoning Ordinance, and the other applicable land-use ordinances of the Town, and the needs of the particular neighborhood and vicinities of the area to be annexed, and said Planning Commission has agreed that **General Commercial (GC)** zoning is proper and desirable under all of the circumstances and should be accomplished at this time; and

WHEREAS, the Mayor and Council have determined to initiate the Resolution to enlarge and extend the limits of the Town of Hancock to include and zone the Land described as follows:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF HANCOCK:

**Section 1.** That there is hereby annexed into the corporate boundaries of the Town of Hancock, a municipal corporation of the State of Maryland, all that land contiguous and adjoining the current boundaries of the Town of Hancock in Washington County, Maryland, consisting of approximately 2.7 acres of land<sup>1</sup> as more particularly and fully described in a metes and bounds description set forth on **Exhibit A** hereto, based on that survey represented by an Annexation Plat for the Town of Hancock prepared by Frederick, Seibert and Associates, designated as Job No. 7513.1, and incorporated herein by reference and attached hereto as **Exhibit B**.

**Section 2.** The Town Manager shall cause a notice of the proposed enlargement of the corporate boundaries of the Town of Hancock to be published not less than two (2) times, at weekly intervals, in a newspaper of general circulation in the Town of Hancock, Maryland, said notice describing the proposed enlargement (i.e., the area to be annexed) and conditions and circumstances applicable thereto and specifying the time, date and place at which a public hearing will be held on the proposed annexation. Said public hearing is to be held on the 12<sup>th</sup> day of August, 2020 at 7:00 p.m. in the Town Hall, Hancock, Maryland, said date being more than fifteen (15) days after the second publication of the notice in the aforementioned newspaper.

**Section 3.** Immediately upon the first publication of the public notice, the Town Manager shall cause a copy of the public notice to be provided to the Board of County Commissioners of Washington County, Maryland, the Washington County Department of Planning and Community Development, and the Maryland Department of Planning. Each of these agencies and jurisdictions shall have the first right to be heard at the scheduled public hearing, after which the hearing shall be open to the general public.

**Section 4.** This Resolution shall be and become effective forty-five (45) days after its passage by the Mayor and Council unless a petition for referendum in accordance with Sections § 4-408, § 4-409, or § 4-410 of the Local Government Article of the Annotated Code of Maryland is submitted to the Town Manager within forty-five (45) days following its passage.

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<sup>1</sup> The as-surveyed acreage differs slightly from that reflected on the SDAT tax account information.

**Section 5.** That from and after the effective date of this Resolution, all provisions of the Constitution of Maryland, all laws of the State of Maryland applicable to the Town of Hancock, and all duly adopted provisions of the Charter of the Town of Hancock, the Code of the Town of Hancock and the ordinances of the Town of Hancock shall be, and hereby are, extended and made applicable to such portion of Washington County, Maryland as is, under the provisions of this Resolution, annexed to and made a part of the Town of Hancock, Maryland. Nothing herein or elsewhere in the Resolution shall affect the power of the Mayor and Council of Hancock to amend or to repeal any Charter provision, Town Code provision or ordinance existing at the date of passage of this Resolution, or to enact and ordain any ordinance which, at the date of passage of this Resolution, or hereafter, it may be authorized to enact or ordain.

**Section 6.** The inhabitants of the Land annexed to the Town of Hancock by this Resolution shall, in all respects and to all intents and purposes, be subject to the powers, jurisdiction and authority vested, or to be vested by law, in the Mayor and Council of the Town of Hancock, so far as the same may be consistent with the provisions of this Resolution, and the Land so annexed shall, in all respects, be taken and considered as part of the municipal corporation of the Town of Hancock.

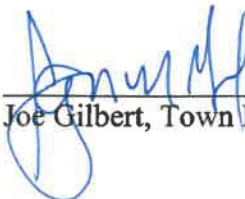
**Section 7.** Within ten (10) days after the effective date of this Resolution, the Town Manager of the Town of Hancock shall send a copy of this Resolution together with the new boundaries of the Town of Hancock, to a) the Clerk of the Circuit Court for Washington County, Maryland; and b) to the Department of Legislative Services. Thereafter, the Town Manager shall hold this Resolution and make it available for inspection during all business hours.


**INTRODUCED** the 8<sup>th</sup> day of July, 2020.

**PASSED** under our hands and seals at the Town Hall, Hancock, Maryland, this 8<sup>th</sup> day of July, 2020, with the corporate seal of the Town of Hancock hereto attached, duly attested by the Town Manager.

ATTEST:

MAYOR AND COUNCIL OF  
HANCOCK, MARYLAND

  
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Joe Gilbert, Town Manager

  
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Ralph T. Salvagno, M.D., Mayor

## **EXHIBIT A**

Description of additional lands of the Town of Hancock, subject to and together with any and all easements or rights of way of record and applicable thereto:

### **305 East Main St.; Map 502, Parcel 431**

Situate along the south side of East Main Street approximately 80 feet eastward from its intersection with Center Street in the Town of Hancock, Washington County, Maryland and being more particularly described in accordance with a survey by Frederick, Seibert and Associates, Inc. as follows:

Beginning at a point on the southern right of way line of East Main Street, said point being the northeastern most corner of the lands herein described, thence running with the lands now or formerly of the Town of Hancock (Liber 3314, folio 287) with bearings to match Maryland Grid North NAD 83 S09°53'55"W 146.71 feet to a point, thence with lands now or formerly of State of Maryland, Department of Natural Resources (Liber 965, folio 409) N79°00'03"W 89.66 feet to a point, thence N14°29'55"E 20.00 feet to a point, thence with the eastern right of way line of Center Street, N 14°29'55" E 127.30 feet to a point on the southern right of way line of East Main Street, said right of way line as shown on State Roads Commission Plat No. 3944, thence S78°44'50"E 77.85 feet to the place of beginning;

Containing 12,300 square feet or 0.28 acres of land more or less;

Said lands are conveyed subject to and together with any and all easements or rights of way of record and applicable thereto.

Said lands being the same lands described in a deed from Wayne Lee Fleming and Joyce Darlene Fleming, to 2004 Maugans Avenue, LLC, by deed dated January 24, 2007, and recorded in Liber 3212, folio 582 among the Land records of Washington County, Maryland.

The improvements thereon being commonly known as 305 East Main Street, Hancock, Maryland; Tax Map 502, Parcel 431.

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### **307 East Main St.; Map 502, Parcel 432**

Situate along the south side of East Main Street approximately 80 feet eastward from its intersection with Center Street in the Town of Hancock, Washington County, Maryland and being more particularly described in accordance with a survey by Frederick, Seibert and Associates, Inc. dated August 13, 2018 as follows:

Beginning at a point on the southern right of way line of East Main Street, said point being the northwestern most corner of the lands herein described, thence running with said right of way line as shown on State Roads Commission Plat No. 3944 with bearings to match Maryland Grid North NAD 83 S78°44'07"E 75.02 feet to a point, thence leaving said right of

way and running along lands now or formerly of Town of Hancock Mayor and Council (Liber 5737, folio 489) S09°50'39"W 146.36 feet to a point on the northern boundary of lands now or formerly of the Maryland Department of Natural Resources, thence with said boundary N79°00'13"W 75.15 feet to a point, thence along lands now or formerly of 2004 Maugans Avenue, LLC (Liber 3212, folio 582) N09°53'55"E 146.71 feet to the place of beginning;

Containing 10,990 square feet or 0.25 acres of land more or less;

Said lands being the same lands described in a deed from the State Highway Administration of the Maryland Department of Transportation to Town of Hancock, Maryland by deed dated June 5, 2007, and recorded in Liber 3314, folio 287 among the Land Records of Washington County, Maryland.

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**317-319 East Main St.; Map 17, Parcel 79**

Situate along the south side of East Main Street approximately 160 feet eastward from its intersection with Center Street in the Town of Hancock, Washington County, Maryland and being more particularly described in accordance with a survey by Frederick, Seibert and Associates, Inc. as follows:

Beginning at a point on the southern right of way line of East Main Street, said point being the northwestern most corner of the lands herein described, thence running with said right of way line as shown on State Roads Commission Plat No. 3944 with bearings to match Maryland Grid North NAD 83 S78°47'52"E 537.09 feet to a point, thence leaving said right of way and running along the lands now or formerly of Fairview Orchards Landbesitz GMBH & Co. Vermögensverwaltungs KG (Liber 840, folio 943) and the lands now or formerly of State of Maryland, Department of Natural Resources (Liber 965, folio 409) S11°14'23"W 93.92 feet to a point, thence S10°56'40"W 50.00 feet to a point, thence N79°03'20"W 533.79 feet to a point, thence along the lands now or formerly of the Town of Hancock (Liber 3314, folio 287) N09°50'39"E 146.36 feet the place of beginning;

Containing 77,692 square feet or 1.78 acres of land more or less;

Said lands being the same lands described in a deed from H & H Storage, LTK, to Town of Hancock Mayor and Council, by deed dated April 24, 2018, and recorded in Liber 5737, folio 489 among the Land Records of Washington County, Maryland.

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**Center and Main Streets; Map 502**

Situate along the south side of East Main Street approximately 80 feet eastward from its intersection with Center Street in the Town of Hancock, Washington County, Maryland and being more particularly described in accordance with a survey by Frederick, Seibert and Associates, Inc. as follows:

Beginning at a point on the northern right of way line of East Main Street as shown on State Roads Commission Plat No. 3944 and the western right of way line of Center Street, said point being the northwestern most corner of the lands herein described, thence running along the corporate boundary of the Town of Hancock and across Center Street S78°51'10"E 58.24 feet, thence with the northern right of way line of East Main Street, S78°51'10"E 119.46 feet, thence S78°51'10"E 10.00 feet to a point, thence across East Main Street S09°30'10"W 60.03 feet to a point, thence near the southern right of way line of East Main Street, S78°47'50"E 538.21 feet to a point, thence with the lands now or formerly of the Town of Hancock (Liber 5737, folio 489) N78°47'52"W 537.09 feet to a point, thence with the lands now or formerly of the Town of Hancock (Liber 3314, folio 287) N78°44'07"W 75.02 feet to a point, thence with the lands now or formerly of 2004 Maugans Avenue, LLC (Liber 3212, folio 582) N78°44'50"W 77.85 feet to a point, thence S14°29'55"W 127.30 feet to a point, thence with the lands now or formerly of the State of Maryland, Department of Natural Resources (Liber 965, folio 409) N79°04'00"W 40.17 feet to a point, thence N14°11'30"E 127.47 feet to a point on the southern right of way line of East Main Street, thence across East Main Street N14°11'30"E 59.74 feet to the place of beginning;

Containing 16,529 square feet or 0.38 acres of land more or less;

Said lands being part of the rights of way of Center Street and East Main Street, Hancock.



**EXHIBIT C**

**CONSENT OF PROPERTY OWNERS**

Pursuant to Subtitle 4 of Title 4 of the Local Government Article of the Annotated Code of Maryland, 2004 Maugans Avenue, LLC, being the owner of 100% of the assessed value of the non-tax exempt lands to be annexed<sup>2</sup>, does hereby consent to the annexation of its property into the corporate boundary of The Town of Hancock, Maryland, as described in and subject to all of the terms and conditions set forth in the Annexation Resolution to which this consent is attached.

Witness/Attest:

2004 MAUGANS AVENUE, LLC



By:   
Bradley A. Fulton, Authorized Member

**ASSESSMENT OF LANDS TO BE ANNEXED**

**Privately Owned – Non-Tax Exempt Lands**

<u>Owner</u>	<u>T.M./Parcel</u>	<u>Acres +/-</u>	<u>Land</u>	<u>Improvements</u>	<u>Total</u>
2004 Maugans Avenue, LLC	502/431	0.28	\$108,600.00	\$ 8,200.00	\$ 116,800.00
<b>TOTAL</b>		<b>0.28</b>	<b>\$108,600.00</b>	<b>\$ 8,200.00</b>	<b>\$ 116,800.00</b>

**Publicly Owned, Tax Exempt Lands**

<u>Owner</u>	<u>T.M./Parcel</u>	<u>Acres +/-</u>	<u>Land</u>	<u>Improvements</u>	<u>Total</u>
Road Right of Way Area		0.38	\$ -	\$ -	\$ -
Town of Hancock	502/432	0.25	\$ 92,600.00	\$ 70,800.00	\$ 163,400.00
Town of Hancock	17/79	1.78	\$ 80,100.00	\$ 693,000.00	\$ 773,100.00
<b>TOTAL</b>		<b>2.41</b>	<b>\$172,700.00</b>	<b>\$ 763,800.00</b>	<b>\$ 936,500.00</b>

<sup>2</sup> See City of Salisbury v. Banker's Life Co., 21 Md. App. 396 (1974); Town of Forest Heights v. Maryland-National Capital Park and Planning Comm'n, 463 Md. 469 (2019).





**Town of Hancock  
126 West High Street  
Hancock, Maryland 21750**

**Annexation Plan**

<b>Location of Property</b>	<b>Owner</b>
305 E. Main St.	2004 Maugans Avenue, LLC
307 E. Main St.	The Town of Hancock (Tax Exempt)
317-319 E. Main St.	The Town of Hancock (Tax Exempt)
Right of Way Area – Center St. and E. Main St.	(Tax Exempt)

Pursuant to Md. Code Ann., Local Gov't § 4-415, herewith is the annexation plan for the areas proposed to be annexed. Any future amendments to this annexation plan may not be construed in any way as an amendment to the resolution to annex said lands, nor may they serve in any manner to cause a re-initiation of the annexation process.

The contemplated annexation is at the request of the Town with the consent of the owners.

**I. Land Use Patterns of Areas Proposed**

A. The surveyed area of annexation is approximately 2.7 acres, including right of way areas. The properties are currently developed. Two of the properties are Town-owned and exempt from taxation.

B. The proposed zoning for all of the properties within the area to be annexed is General Commercial (GC), a mixed-use zone. The GC zoning district "accommodates both traditional retail uses and the kinds of highway-oriented commercial enterprises that function better outside typical downtown "Main Street" locations because they need large buildings, parking lots and/or outdoor storage areas." The Town's Comprehensive Plan provides that the district "accommodates uses such as retail stores, offices, gasoline stations, and personal or professional services. Common conditional uses include child care centers, schools, restaurants and churches" and that "GC areas are generally along the Town's major transportation routes and at major intersections, particularly along the US 522 corridor" The area of annexation lies to the South of Main Street (Maryland Route 144), a portion of realigned U.S. Route 40. The Comprehensive Plan, Map 3-2 "Future Land Use", specifically contemplates that the area of annexation will be classified as GC. Section 410 of the Hancock Zoning Ordinance is attached hereto as **Exhibit 1**.

C. The existing Washington County zoning classification for the properties to be annexed is Business, General (BG), described by the Washington County Comprehensive Plan as "a broad based commercial classification." 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," including "[r]etail trades, businesses and services...." Article 12 of the Washington County Zoning Ordinance is attached hereto as **Exhibit 2**.

D. All of the subject properties lie in the "Town of Hancock Growth Area" as set forth in the Town's Comprehensive Plan and are presently served by water and wastewater services. The Town's Comprehensive Plan indicates that the subject properties are part of an identified "annexation area" (see Comp. Plan, Map 2-2).

E. All of the subject properties are in the State's designated "Priority Funding Area."

F. The 305 E. Main St. property was most recently used as a commercial car wash. Proposed future uses include a renovated and expanded car wash.

G. The 307 E. Main St. property is a municipal maintenance facility owned and operated by The Town of Hancock.

H. The 317-319 E. Main St. property is a disused warehouse/light industrial property owned by The Town of Hancock for potential public use or economic development purposes. No development/redevelopment is currently contemplated.

I. In accordance with Md. Code Ann., Local Gov't §4-416, no development of the land to be annexed is now being contemplated that is substantially different from the currently authorized use, or at a substantially higher density, that is permitted under the current Business, General zoning classification. However, the Town intends to request express approval of the proposed Town Center municipal zoning classification.

## **II. Municipal Services**

A. The area of annexation is currently served by Town water and wastewater services. Sufficient capacity exists for the current and proposed uses of the properties. A wastewater pumping station adjoining 305 E. Main St. was upgraded in 2001. This Center Street Pump Station has two 7.5 hp pumps that feed into a manhole directly to the north of the property at the corner of East Main Street and Center Street and can accommodate 90 gallons a minute with a daily capacity of more than 10,000 gallons. This capacity is sufficient. The East Main Street water main is adjacent to all properties and all have existing water service.

B. Electric service is currently provided to each of the subject properties by Allegheny Energy.

C. Any proposed construction, reconstruction of structures or other site improvements will be subject to the Town's review and approval in accordance with applicable law.

D. Existing parks and recreation facilities, schools, library facilities reasonably necessary for the proposed use of the properties are sufficient and will be available upon annexation.

E. Police services within the Town of Hancock are provided by the Town Police Department. The Town Police rely upon and are supported by mutual aid agreements with the Washington County Sheriff's Office and the Maryland State Police. Fire and rescue services are provided by the local Volunteer Fire and Rescue companies. The subject property is within one (1) mile of current Fire and Rescue facilities within the Town, within a mile to the Town Police Department and within less than a mile to the current Hancock Fire Department and Rescue Squad. It is anticipated that the existing service providers will be able to adequately service the needs of the properties. Such services may commence after annexation, using existing personnel and equipment, at the same time or level of service now being provided to the Town.

### **III. Extension of Municipal Services**

Municipal services such as police protection, trash collection and general public works will be available to the annexed area if and when the property is annexed. All owners of the properties within the area proposed to be annexed shall, upon such annexation, be entitled to or have available to them, all existing benefits of the Town of Hancock, subject to all required applications and user fees, utility charges, assessments, taxes and other fees, costs and expenses required of owners of property in the Town of Hancock.

### **IV. Annexation Agreements; Future Use.**

No Annexation Agreement with property owners or developers with interest in the properties subject to this annexation has been entered into. Should the Town decide to enter into such an agreement with any property owner or developer at a later date, such agreement shall be adopted by Resolution as required by Ann. Code of Md., Local Gov't § 4-405(b)(2).

## 410 "GC" General Commercial District

The General Commercial area accommodates both traditional retail uses and the kinds of highway-oriented commercial enterprises that function better outside typical downtown "Main Street" locations because they need large buildings, parking lots and/or outdoor storage areas.

### A. Principal Permitted Uses and Structures:

Only the following principal uses and structures are permitted in the "GC" district.

1. Recreational facility owned or operated by Hancock or other government.
2. Public building or use owned or operated by Hancock.
3. Office or clinic for medical or dental examination or treatment of persons as out-patients including laboratories incidental thereto.
4. Business, professional, or governmental offices.
5. Retail stores selling antiques, apparel, art supplies, beverages, books, cards, confections, dry good, drugs, fabrics, floor covering, flowers, foodstuffs, furniture, garden supplies, gifts, hardware, hobbies, appliances, jewelry, luggage, music, musical instruments, novelties, paint, equipment, periodicals, music, shoes, sporting goods, fishing supplies, boating and marine supplies and equipment, stationery, tobacco and similar use.
6. Service business including barber, beauty shop, laundry and dry cleaning, shoe repair, photographer, caterer, health club, travel agency, tailor repair shop for watches, guns, bicycle, locks.
7. Bank or saving and loan association.
8. Newspaper, printing establishment
9. Upholsterer, cabinet maker and similar custom crafts (see also as Home Occupation).
10. Theater, indoor.
11. Entertainment and recreation facilities operated as a gainful business within a building.
12. Gasoline service station subject to the following additional provisions:
  - a) All activities, except those to be performed at the fuel pumps, shall be performed within a completely enclosed building.
  - b) Fuel pumps shall be at least 10 feet from any street right-of-way.
  - c) All automobile parts, dismantled vehicles, and similar articles shall be stored within a building.
  - d) Full body paint spraying or body and fender work shall not be permitted.
13. Sale of automotive accessories, parts, tires, batteries, and other supplies.
14. Emergency Services Station.
15. Bus Station or Taxi Company.
16. Wholesale business and storage subject to the following provisions;
  - a) Storage of all new or used items, including dismantled vehicles, parts, equipment, and what is generally referred to as "junk" must be screened from view from the street and adjoining property by building wall and/or substantial landscaping.
17. Contractor offices and shops such as building, cement, electrical, heating, masonry, painting and roofing, and provided that within the TC district, such use shall not include outdoor storage of equipment or materials that are visible from a street or other property.
18. Printing, publishing, binding. Other than newspaper printing.

**B. Special Exceptions:**

Only the following uses and structures are permitted in the "GC" District as special exceptions after approval by the Board of Appeals.

1. Churches and other places of worship, providing up to two dwelling units may be provided for religious personnel which shall meet the requirements for Uses A.1 through A.5, as applicable.
2. Private or public primary or secondary schools (other than Child Care Center or other similar uses or trade schools), subject to the following additional provisions.
  - a) Dormitories or other living accommodations for faculty or students shall meet the minimum requirements of Section "A" as applicable.
  - b) A lot area of not less than 5 acres shall be required.
  - c) Lot width of 300 feet shall be required.
  - d) No part of any building shall be located less than 75 feet from any adjoining lot line in separate ownership.
3. Child Care Center, subject to the following additional condition:  
(See also as an accessory use in Section F).
  - a) In a Residential District the use shall be conducted in a building designed for residential occupancy.
  - b) A lot area of not less than 20,000 square feet shall be required.
  - c) On a lot having the permissible minimum area, the total number of children registered and/or cared for on the premises shall not exceed 10 and for each additional child 1,000 sq. ft. of lot area above the minimum, one additional child may be registered and/or cared for on the premises.
  - d) Any outdoor play area shall be located in the rear yard and its boundaries shall be at least 10 feet from any lot line.
  - e) Outdoor play areas shall be sufficient screened and sound insulated so as to protect the neighborhood from noise and other disturbance. To fulfill this requirement, screening may be located anywhere on the lot as needed.
4. Trade or professional school, music, dancing or hobby school.
5. Library or museum, open to the public or connected with a permitted educational use, and not conducted as a private gainful business.
6. Community center, adult education center, or other similar facility operated by an educational, philanthropic or religious institution subject to the following provision:
  - a) The use shall not be conducted as a private gainful business
  - b) No outdoor active recreation area shall be located nearer to any lot line than the required yard depth.
7. Recreation facility owned or operated by a nongovernmental agency subject to the following additional provisions:
  - a) The use shall not be conducted as a private gainful business (See below for recreational facilities operated as a gainful business).
  - b) If the facility includes a swimming pool, the pool including the apron, filtering and pumping equipment and any related building, shall be at least 75 feet from any lot line except that, where the lot upon which it is located abuts land in a "TC" District, said pool may be constructed not less than 25 feet from the nearest lot line of such land in the "TC" District
  - c) Outdoor recreation areas including pools shall be sufficiently screened and sound insulated so as to protect the neighborhood from glare, noise and other disturbance.

8. Private club or lodge (other than a use listed), subject to the following additional provisions in Districts where permitted only by Special Exception:
  - a) The use shall not be conducted as a private gainful business.
  - b) A lot area of not less than 3 acres shall be required.
  - c) All buildings shall be located not less than 50 feet from any lot line.
9. Golf course, country club, subject to the following additional provisions:
  - a) A lot area of not less than 25 acres shall be required.
  - b) All buildings and golf greens and tee shall be located not less than 75 feet from any lot line.
10. Golf driving range subject to the following additional provisions.
  - a) A lot area of not less than 15 acres shall be required.
  - b) All buildings and tees shall be located not less than 75 feet from any lot line.
  - c) All lighting and activity areas shall be sufficiently screened so as to protect the neighborhood from glare, noise and other disturbance.
11. Restaurant Without Drive-Thru Service.
12. Restaurant With Drive-Thru Service.
13. Motel or hotel.
14. Outdoor entertainment and recreation facilities, including drive-in theater, operated as a gainful business, other than uses listed separately in this section.
15. Sale or rental of motor vehicles.
16. Repair garage including paint spraying and body and fender work or car wash, provided that all repair and paint work is performed within an enclosed building.
  - a) All automobile parts, dismantled vehicles, and similar articles shall be stored within an enclosed building.
17. Sale or rental of farm equipment, trailers, mobile homes for off-site use, snowmobiles and miscellaneous vehicles, and which may include repairs and display of such items, provided:
  - a) storage of used equipment, used mobile home, parts and "junk" shall be screened from view of streets and other property by building walls and/or landscaping approved by the Board of Appeals. Such landscaping shall consist of evergreen trees with an initial height of 5 feet, in sufficient number to create an effective visual screen within 3 years after planting.
  - b) In place of screening, the Board of Appeals may approve screening of other appropriate materials that would be harmonious with the present or intended character of the surrounding area.
18. Transformer stations, structures housing switching equipment and regulators, pumping stations, power transmission line right-of-way, towers, communication antennas/towers or stations excluding commercial studios subject to the following provision:
  - a) In SR and TR Districts, the proposed use at the location selected is necessary for public convenience and service and cannot be supplied with equal public convenience at another location.
  - b) In SR and TR Districts, when practical, structures shall have the exterior appearance of residential buildings.
  - c) In RD, SR and TR Districts, no public business office nor any storage yard or storage building shall be operated in connection with it.
  - d) In the case of radio and/or television transmitter towers any such tower shall meet the requirements of Section 518.

19. Offices for professional, business or governmental purposes, including but not limited to medical, law, real estate, insurance, accounting and manufacturer's representatives offices. All offices must meet the requirements of the Maryland State Fire Marshal's Office.

**C. Accessory Uses and Structures:**

The following accessory uses and structures shall be permitted in the "GC" district:

1. Non-commercial greenhouse, tool shed, private garage, swimming pool, or similarly accessory structure and other accessory uses customarily incidental to a permitted use and not normally conducted as an independent principal use, provided that any accessory to a use permitted only under a special exception shall be established only if and as provided in such exception.
2. Fences, walls and landscaping subject to the traffic visibility requirements and provisions of Section 504.
3. Off-street parking subject to the requirements of Article 6.
4. Signs subject to the requirements of Article 7.

**D. Agricultural Uses:** The following agricultural uses shall be permitted in the "GC" district:

1. Crop farming, orchards and forestry.

**E. Specifically Prohibited Uses:**

1. Junk Yard

**F. Lot, Yard and Height Requirements:** The following minimum requirements shall apply to all uses and structures in the GC district, except as superseded by more restrictive provisions elsewhere in this Ordinance.

- |                     |                   |
|---------------------|-------------------|
| 1. Lot area         | 5,000 square feet |
| 2. Front Yard depth | 15 feet           |
| 3. Side Yard depth  | 8 feet            |
| 4. Rear Yard depth  | 20 feet           |
| 5. Lot Width        | 75 feet           |
| 6. Lot Coverage     | 80 percent        |

## EXHIBIT 2

### ARTICLE 12 "BG" BUSINESS, GENERAL DISTRICT<sup>99</sup>

#### 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.<sup>100</sup>

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.

<sup>99</sup>  
<sup>100</sup>

Revision 17, Article 12 deleted and replaced, 4/17/12, eff. 7/1/12 (RZ-10-005/ORD-2010-07)  
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.

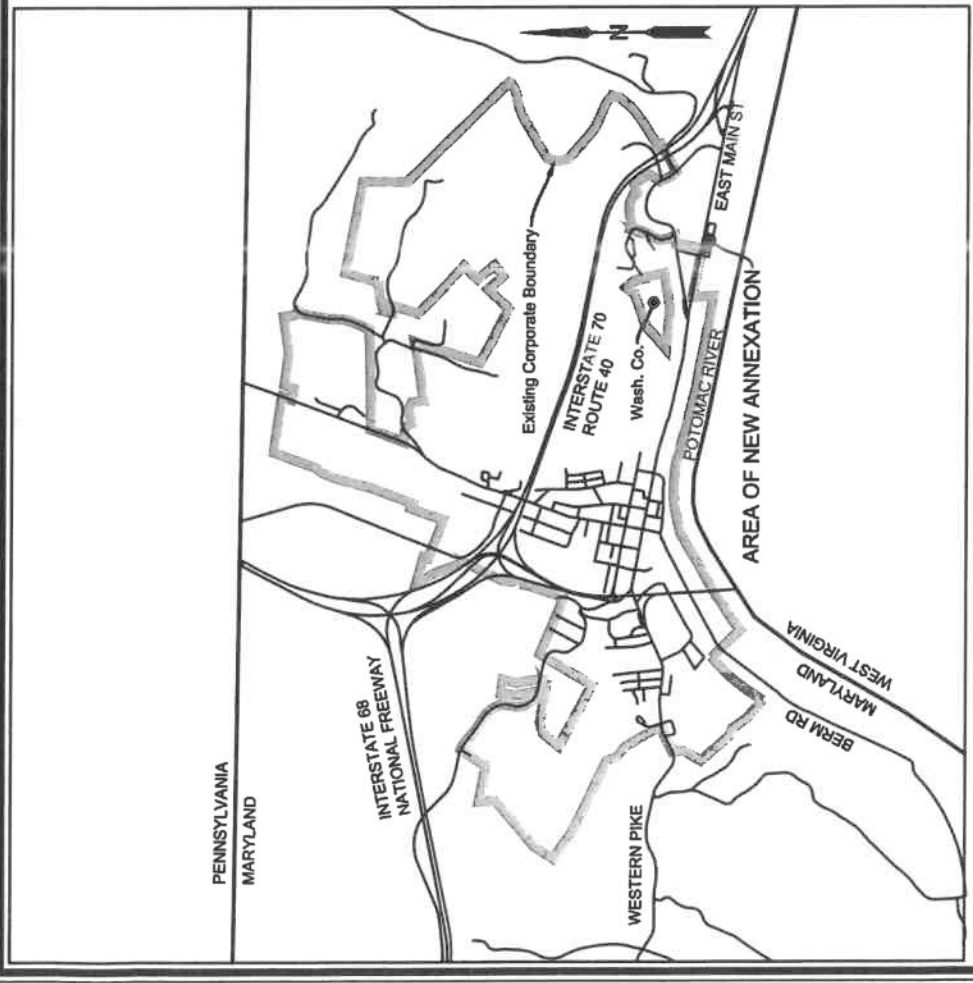
5. The screen planting or fence shall be broken only at points of vehicular or pedestrian access.
  6. The screening requirements of Article 22, Division XI shall also apply and the stricter shall prevail.
- (i) Permanent or temporary outside display areas shall be designated on the site plan and shall 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.



VICINITY MAP  
1"=4000'

