

ORDINANCE NO. ORD-2019-17

**AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE
ZONING ORDINANCE FOR WASHINGTON COUNTY, MARYLAND
(RZ-19-002)**

RECITALS

The Board of County Commissioners of Washington County, Maryland (the "Board") adopted the Zoning Ordinance for Washington County, Maryland (the "Ordinance") on January 23, 1973, and it became effective on April 2, 1973.

The Washington County Department of Planning and Zoning filed an application requesting that amendments be made to the text of the Ordinance. The amendments proposed would amend Articles 3, 4, 11, 12, 13, 14, 21A, 21B, and 21C to add language to various sections of the Ordinance that regulate the treatment of mineral resource extraction as a land use throughout the County.

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

The Washington County Planning Commission (the "Planning Commission") held a public meeting for the purpose of taking comments on the proposed amendments on April 1, 2019, pursuant to public notice duly given.

The Board held a public hearing for the purpose of taking testimony on the proposed amendments on July 30, 2019, pursuant to notice duly given.

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

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

RZ-19-002

(1) ARTICLE 3 - DISTRICTS ESTABLISHED; ZONING MAPS, DISTRICT BOUNDARIES; LAND USE REGULATIONS (RURAL AREA USES), Section 3.3, Table of Land Use Regulations, Table No. 3.3(1) is amended and shall read as follows:

| I. Mining | A(R) | EC | P | RV | RB | IM |
|---|-------------|-----------|----------|-----------|-----------|-----------|
| Mineral extractive operations. Low volume; 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 County for approval. | P | P | P | N | P | N |
| Mineral extractive operations. Moderate volume; subject to the performance standards in Section 4.12 and the requirements of Sections 15.4, 15.5 and 25.6. 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 County for approval. | SE | SE | SE | N | P | N |
| Mineral extractive operations. High volume; subject to the performance standards in Section 4.12 and regulations in Article 15. | N | N | N | N | N | P |

(2) ARTICLE 4 – GENERAL PROVISIONS is amended as follows:

Section 4.14 Mineral Extraction is amended and shall read as follows:

Section 4.14 Mineral Extraction

Low Volume mineral extraction, as defined in Article 28A, shall be permitted in all districts except the RT, RS, RU, RM and RV Districts. The use is 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 County for approval.

Moderate volume mineral extraction, as defined in Article 28A, shall be permitted in the RB District. The use is also provided for in the A(R), EC, P, and IG Districts as a special exception. The use is subject to the performance standards in Section 4.12 and the requirements of Sections 15.4, 15.5, and 25.6. 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 County for approval.

High volume mineral extraction, as defined in Article 28A, may be permitted only in the "IM" District. The use is subject to the performance standards in Section 4.12 and regulations in Article 15.

(3) ARTICLE 11- BUSINESS LOCAL DISTRICT, is amended as follows:

Section 11.1 Principal Permitted Uses is amended to add section (l) to Section 11.1 and shall read as follows:

Section 11.1 Principal Permitted Uses

- (l) Low volume mineral extraction operations as defined in Article 28A. The use is 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 County for approval.

(4) ARTICLE 12 - BUSINESS GENERAL DISTRICT, is amended to add the following use to Section 12.1(a):

Section 12.1 Principal Permitted Uses

(a)

Low volume mineral extraction operations as defined in Article 28A. The use is 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 County for approval.

(5) ARTICLE 13 – “IR” INDUSTRIAL, RESTRICTED DISTRICT is amended as follows:

Section 13.1 Principal Permitted Uses is amended to add section (i) to Section 13.1 which shall read as follows:

Section 13.1 Principal Permitted Uses

- (i) Low volume mineral extraction operations as defined in Article 28A. The use is 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 County for approval.

(6) ARTICLE 14 – “IG” INDUSTRIAL, GENERAL DISTRICT is amended as follows:

Section 14.1 Principle Permitted Uses, is amended to add section (i) to Section 14.1 which shall read as follows:

Section 14.1 Principle Permitted Uses

- (i) Low volume mineral extraction operations as defined in Article 28A. The use is 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 County for approval.

Section 14.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)
Section (b) is amended and shall read as follows:

Section 14.2 Special Exception Uses (Requiring Board Authorization After Public Hearing)

- (b) Moderate volume mineral extraction as defined in Article 28A. The use is subject to the performance standards in Section 4.12 and the requirements of Section 15.4, 15.5, and 25.6. 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 County for approval.

(7) ARTICLE 21A "ORT" OFFICE, RESEARCH AND TECHNOLOGY DISTRICT is amended as follows:

Section 21A.1 Principle Permitted Uses is amended to add section (q) which shall read as follows:

Section 21A.1 Principal Permitted Uses

- (q) Low volume mineral extraction operations as defined in Article 28A. The use is 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 County for approval.

(8) ARTICLE 21B "ORI" OFFICE, RESEARCH AND INDUSTRY is amended as follows:

Section 21B.1 Principal Permitted Uses is amended to add section 21B.1(b)4. which shall read as follows:

Section 21.B.1 Principle Permitted Uses

- (b) The following uses are also permitted in the "ORI" District:

- 4. Low volume mineral extraction operations as defined in Article 28A. The use is 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 County for approval.

(9) ARTICLE 21C "ERT" EDUCATION, RESEARCH AND TECHNOLOGY is amended as follows:

Section 21C.1 Principal Permitted Uses is amended to add section (f) which shall read as follows:

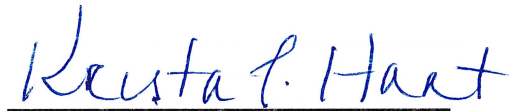
Section 21C.1 Principal Permitted Uses

- (f) Low volume mineral extraction operations as defined in Article 28A. The use is 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 County for approval.

Adopted this 30 day of July, 2019.
Effective this 13 day of August, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND



Krista L. Hart, Clerk



Jeffrey A. Cline, President

Approved as to legal
sufficiency:



Kirk C. Downey
County Attorney

Mail to:
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