

Mayor and Council

3rd Special Session, Work Session, and Executive Session

January 17, 2017

Agenda

*"A diverse, business-friendly, and sustainable community with clean, safe and strong neighborhoods."
"Providing the most efficient and highest-quality services as the municipal location of choice for all customers."*

"Faith is taking the first step even when you don't see the whole staircase."

Martin Luther King, Jr.

4:00 PM SPECIAL SESSION

1. Approval of a Resolution: Authorizing the Execution of a Deed of Conveyance from Columbia Bank
2. Approval of a Contract: 2017, 2018, and 2019 Western Maryland Blues Festival Sound Technician

4:00 PM WORK SESSION

- 4:00 PM** 1. Offer of Dedication of Land from Columbia Bank - *Rodney Tissue, City Engineer*
- 4:15 PM** 2. McCleary Hill/Noland Master Plan - *Hagerstown Housing Authority*
- 4:35 PM** 3. 2017 Bond Project Listing and Potential Calendar - *Michelle Hepburn, Director of Finance*
- 4:50 PM** 4. Review of Pioneer Hook and Ladder Building, 21-21 W. Franklin Street and Possible Addition to the Competitive Negotiated Sale (CNS) Program - *Jill Frick, Director of Community and Economic Development; Fire Chief Steve Lohr*
- 5:10 PM** 5. ZM-2016-03: Conversion District Amendment - *Jeffrey Crampton, 901 Pope Avenue - Alex Rohrbaugh, Planner*
- 5:20 PM** 6. A-2017-01, Annexation - 2009 Salem Ave North LLC (Fulton), Salem Avenue - *Alex Rohrbaugh, Planner*
- 5:35 PM** 7. Planning and Code Administration Update - *Kathleen Maher, Director of Planning and Code Administration*

CITY ADMINISTRATOR'S COMMENTS

MAYOR AND COUNCIL COMMENTS

ADJOURN

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Approval of a Resolution: Authorizing the Execution of a Deed of Conveyance from Columbia Bank

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Resolution -
_Authorizing_the_Execution_of_a_Deed_of_Conveyance_from_Columbia_Bank.pdf

Description

Resolution
and Motion:
Deed of
Conveyance
from
Columbia
Bank



CITY OF HAGERSTOWN, MARYLAND

Department of Parks and Engineering

January 12, 2017

To: Valerie Means, City Administrator

From: Rodney A. Tissue, City Engineer *RAT*

Re: Offer of Dedication of Land from Columbia Bank

Background

In 2001, the City widened alley 2-98 around the District Court building located near West Antietam Street (see attached vicinity map). Prior to the construction, the City obtained donated land from adjacent property owners to widen the right-of-way. One of the property owners was Hagerstown Trust Company, from whom we needed to obtain lands on both sides of the alleys.

The Mayor and Council discussed this project at the June 5, 2001 work session and during the Regular Session of the June 19, 2001, a resolution was unanimously approved authorizing the execution of a Contract of Sale with Hagerstown Trust Company for conveyance of additional right-of-way and utility easement.

The surveyor prepared a separate plat of dedication for each side of the alley, and it was our understanding that all deeds were executed and recorded by the City Attorney. We recently discovered that the recorded deed from Hagerstown Trust only conveyed land on the north side of the alley but did not include the land around their parking lot on the south side of the alley (see drawing 83-702-13). Recently, we had the opportunity to talk to the prospective buyer of what is now the Columbia Bank property and discussed that the bank intended to convey land on south side of the alley to City. Columbia Bank signed the plat of dedication and agreed to convey the land on the south side of the alley to the City.

Mayor & Council Action:

Representatives from Columbia Bank (formerly Hagerstown Trust) have signed the subdivision plat that conveys land south of the alley to the City. We request the Mayor & Council approve a resolution authorizing the City Attorney to execute a deed with Columbia Bank (formerly Hagerstown Trust).

Staff will attend the January 17 special session to answer any questions.

cc: Jason Morton
Tim Young

Attachments:

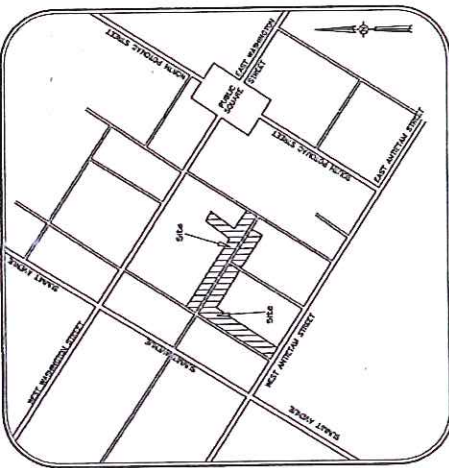
- Motion sheet
- Resolution
- Deed
- Drawing 83-702-13
- Vicinity Map

Parks and Recreation Division

351 North Cleveland Avenue • Hagerstown, MD 21740
Ph: 301.739.8577 Ext. 169 • Fax: 301.790.0171

Engineering Division

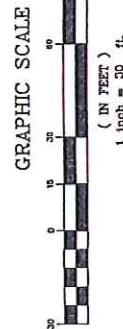
1 East Franklin Street • Hagerstown, MD 21740-4817
Ph: 301.739.8577 Ext. 125 • Fax: 301.733.2214



VICINITY MAP
SCALE 1"=300'

LINE	BEARING	LENGTH	CHORD LENGTH	CHORD BEARING
1	N 81° 31' 14" E	34.00	60.14	S 77° 14' 41" W
2	S 52° 54' 31" E	34.00	57.77	S 54° 14' 17" W
3	S 81° 31' 14" E	34.00	57.90	S 77° 14' 41" W
4	S 52° 54' 31" E	34.00	57.77	S 54° 14' 17" W

LINE	BEARING	LENGTH	CHORD LENGTH	CHORD BEARING
1	N 81° 31' 14" E	34.00	60.14	S 77° 14' 41" W
2	S 52° 54' 31" E	34.00	57.77	S 54° 14' 17" W
3	S 81° 31' 14" E	34.00	57.90	S 77° 14' 41" W
4	S 52° 54' 31" E	34.00	57.77	S 54° 14' 17" W
5	N 81° 31' 14" E	34.00	60.14	S 77° 14' 41" W
6	S 52° 54' 31" E	34.00	57.77	S 54° 14' 17" W
7	S 81° 31' 14" E	34.00	57.90	S 77° 14' 41" W
8	S 52° 54' 31" E	34.00	57.77	S 54° 14' 17" W
9	N 81° 31' 14" E	34.00	60.14	S 77° 14' 41" W
10	S 52° 54' 31" E	34.00	57.77	S 54° 14' 17" W
11	S 81° 31' 14" E	34.00	57.90	S 77° 14' 41" W
12	S 52° 54' 31" E	34.00	57.77	S 54° 14' 17" W
13	N 81° 31' 14" E	34.00	60.14	S 77° 14' 41" W
14	S 52° 54' 31" E	34.00	57.77	S 54° 14' 17" W
15	S 81° 31' 14" E	34.00	57.90	S 77° 14' 41" W
16	S 52° 54' 31" E	34.00	57.77	S 54° 14' 17" W
17	N 81° 31' 14" E	34.00	60.14	S 77° 14' 41" W
18	S 52° 54' 31" E	34.00	57.77	S 54° 14' 17" W
19	S 81° 31' 14" E	34.00	57.90	S 77° 14' 41" W
20	S 52° 54' 31" E	34.00	57.77	S 54° 14' 17" W
21	N 81° 31' 14" E	34.00	60.14	S 77° 14' 41" W
22	S 52° 54' 31" E	34.00	57.77	S 54° 14' 17" W
23	S 81° 31' 14" E	34.00	57.90	S 77° 14' 41" W
24	S 52° 54' 31" E	34.00	57.77	S 54° 14' 17" W
25	N 81° 31' 14" E	34.00	60.14	S 77° 14' 41" W
26	S 52° 54' 31" E	34.00	57.77	S 54° 14' 17" W
27	S 81° 31' 14" E	34.00	57.90	S 77° 14' 41" W
28	S 52° 54' 31" E	34.00	57.77	S 54° 14' 17" W
29	N 81° 31' 14" E	34.00	60.14	S 77° 14' 41" W
30	S 52° 54' 31" E	34.00	57.77	S 54° 14' 17" W
31	S 81° 31' 14" E	34.00	57.90	S 77° 14' 41" W
32	S 52° 54' 31" E	34.00	57.77	S 54° 14' 17" W
33	N 81° 31' 14" E	34.00	60.14	S 77° 14' 41" W
34	S 52° 54' 31" E	34.00	57.77	S 54° 14' 17" W
35	S 81° 31' 14" E	34.00	57.90	S 77° 14' 41" W
36	S 52° 54' 31" E	34.00	57.77	S 54° 14' 17" W
37	N 81° 31' 14" E	34.00	60.14	S 77° 14' 41" W
38	S 52° 54' 31" E	34.00	57.77	S 54° 14' 17" W
39	S 81° 31' 14" E	34.00	57.90	S 77° 14' 41" W
40	S 52° 54' 31" E	34.00	57.77	S 54° 14' 17" W



West Antietam Street

Vicinity Map

Right of Way
Dedication
and
Easement Plat
for
Alley #2-98 & #2-96
located along the alley between Summit Avenue,
West Antietam Street, South Potomac Street and
West Annapolis Street
WASHINGTON COUNTY, MARYLAND

FEDERICK SEIBERT & ASSOCIATES, INC. 02000	
CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS 128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740 10 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225 (301) 791-3900 (301) 418-7228 (301) 397-1007 FAX (301) 728-0488	
TAX MAP CITY 32 DISTRICT	DRAWING NUMBER 1 OF 1
DRAWN BY: JTY	DATE: 04/16/01
CHECKED BY:	DATE:
SCALE:	1" = 30'

C-4 No. 74-319-01

REQUIRED MOTION
MAYOR & CITY COUNCIL
HAGERSTOWN, MARYLAND

DATE: **January 17, 2017**

TOPIC: Approval of a Resolution: Authorizing the Execution of a Deed of Conveyance
 from Columbia Bank

Charter Amendment	_____
Code Amendment	_____
Ordinance	_____
Resolution	<u> X </u>
Other	_____

MOTION: I hereby move for approval of a Resolution authorizing the execution of a Deed
 with Columbia Bank (former Hagerstown Trust Company) to accept the offer of
 conveyance of right-of-way and utility easements as shown on drawing #83-702-
 13.

DATE OF PASSAGE: 1/17/2017

EFFECTIVE DATE: 1/17/2017

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY
5700 S. DILLON AVE., CHICAGO, ILL. 60637

RECEIVED
JAN 10 1968
BY
J. H. DUNN
J. H. DUNN

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY
5700 S. DILLON AVE., CHICAGO, ILL. 60637

RECEIVED
JAN 10 1968

CITY OF HAGERSTOWN, MARYLAND

RESOLUTION TO ACCEPT OFFER OF DEDICATION OF
TWO PARCELS FROM THE COLUMBIA BANK TO
THE CITY OF HAGERSTOWN

RECITALS

The City of Hagerstown is a municipal corporation existing under and by virtue of the laws of the State of Maryland.

WHEREAS, consistent with the Master Plan for the Arts and Entertainment District, the City of Hagerstown has reconstructed and widened portions of Alley 2-98 to provide two-way traffic, pedestrian enhancements, relocation of utilities, landscaping and lighting improvements;

WHEREAS, an offer of dedication has been made by Columbia Bank, successor in interest to the Hagerstown Trust Company, of two parcels of land, together with any improvements thereon belonging or in anywise appertaining, situate along the South side of Alley #2-98 as more particularly described in the attached deed;

WHEREAS, the Mayor and City Council has carefully considered the facts as presented by staff and the recommendation for acceptance of said parcels; and

WHEREAS, the Mayor and City Council, as the duly constituted legislative body of the City of Hagerstown, has determined that it is in the best interest of the citizenry in general to accept the dedication, as indicated on the attached deed.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council do hereby accept the offer of dedication made by Columbia Bank of the two parcels of land, together with any improvements thereon belonging or in anywise appertaining, situate along the South side of Alley #2-98, as indicated on the attached deed;

BE IT FURTHER RESOLVED, that the Mayor, City Clerk and Staff are authorized to take such further actions as may be necessary to formalize this acceptance; and

BE IT FURTHER RESOLVED, by the Mayor and Council for Hagerstown, Maryland, that this Resolution shall become effective immediately upon its passage.

WITNESS AND ATTEST
AS TO CORPORATE SEAL
MARYLAND

MAYOR AND COUNCIL OF THE
CITY OF HAGERSTOWN,

Donna K. Spickler, City Clerk

By: _____
Robert E. Bruchey, II,
Mayor

Date of Introduction: January 17, 2017
Date of Passage: January 17, 2017
Effective Date: January 17, 2017

PREPARED BY:
Salvatore & Morton, LLC
City Attorneys

THIS DEED, made this day of , 2017, by The Columbia Bank, successor in interest to Hagerstown Trust Company, a Maryland corporation, hereinafter called "Grantor".

WITNESSETH: That in and for no monetary consideration, but for other good and valuable considerations, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey unto The City of Hagerstown, a Maryland Municipal Corporation (hereinafter called "Grantee"), all those parcels of land, together with any improvements thereon belonging or in anywise appertaining, situate along the South side of Alley #2-98, and shown as "R/W to be Dedicated 3,494.0 S.F." and "R/W to be Dedicated 1,271.0 S.F." on the attached Right of Way Dedicated and Easement from Hagerstown Trust Company to the City of Hagerstown South Side of Alley #2-98, consisting of three (3) pages ("the Right of Way Drawing.").

Being part of the same property which was conveyed to Hagerstown Trust Company, now known as the Grantor, by Deed from Hilda M. Ernst and Marjorie E. Kuhn, Personal Representatives of the Estate of Leah M. Ernst, deceased, and Valley Real Estate Corporation, dated September 30, 1983, and recorded among the Land Records of Washington County, Maryland in Liber 751, folio 479, and being part of the same property which was conveyed to the Grantor by Deed from Dorothy M. South Wantz, dated December 20, 1983, and recorded among the Land Records of Washington County, Maryland, in Liber 755, folio 999.

The above conveyance is made subject to all conditions, restrictions, rights of way and easements of record.

And the said Grantor, does hereby covenant that subject to the aforesaid conditions, restrictions, easements and rights of way, it will warrant specially the property hereby conveyed and will execute such other and further assurances thereof as may be requisite.

GRANTEE IN ACCEPTING THIS DEED, hereby agrees that it will not in any way interfere with Grantor's existing means of ingress to and egress from the buildings located at 81 and 83 West Washington Street, Hagerstown, Maryland and that this covenant is intended to be a covenant running with the land, burdening and benefiting the parties and their respective successors or assigns.

IN WITNESS WHEREOF, the Grantor has caused its corporate name to be hereunto subscribed by Louis Giustini, its President, and its corporate seal to be affixed hereto and duly attested by its Secretary.

Attest to Signature
and Corporate Seal:

THE COLUMBIA BANK

Secretary

By: _____

STATE OF MARYLAND, COUNTY OF _____, To-Wit:

I HEREBY CERTIFY, that on this _____ day of _____, 2017, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Louis Giustini, who acknowledged himself to be President of The Columbia Bank, formerly known as Hagerstown Trust Company, and that he, as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of said corporation by himself as President.

Witness my hand and official Notarial Seal.

Notary Public

My Commission Expires:

The undersigned, a member in good standing of the Bar of the Court of Appeals of Maryland, hereby certifies that the within instrument was prepared by him.

Jason Morton

Mail to: Jason Morton
Salvatore & Morton, LLC
82 West Washington Street
Suite 100
Hagerstown, Maryland 21740

Right of Way
Dedication and Easement
from Hagerstown Trust Company
to the
City of Hagerstown
South Side of Alley #2-98

Land Surveyor's Certification

I hereby certify that the plan shown hereon is correct; that it is a subdivision of part of the lands conveyed by Hilda M. Ernst and Marjorie E. Kuhn, Personal Representatives of the estate of Leah M. Ernst deceased and Valley Real Estate Corporation to Hagerstown Trust Company by deed dated September 30, 1983 in Liber No. 751, Folio 479 and is a subdivision of part of the lands conveyed by Dorothy M. South Wantz to Hagerstown Trust Company by deed dated December 20, 1983 in Liber 755 Folio 999 both deeds being recorded among the Land Records of Washington County, Maryland; stones marked and/or bars marked have been placed as indicated.

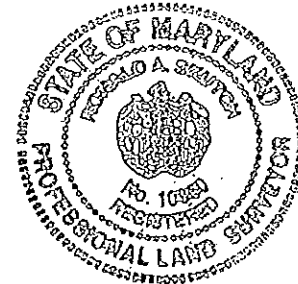
8-10-01
Date:

Ronald A. Skutumpah
Professional Land Surveyor

Note: A Utility Easement is hereby created as shown for the City of Hagerstown to allow the construction and maintenance of utilities.

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	89°31'19"	39.00	60.44	54.92	S77°19'41"W
C2	55°29'28"	39.00	37.77	36.31	S04°49'18"W
C3	89°31'19"	24.00	37.50	33.80	S77°19'41"W
C4	92°01'12"	39.00	35.41	34.21	N06°33'26"E

No.	Bearing	Distance
L20	S32°13'22"W	7.65'
L23	S32°13'22"W	15.00'
L38	S57°48'29"E	15.00'
L39	S57°48'29"E	11.00'



DECLARATION OF INTENT OF SUBDIVISION

I hereby certify that the intent of this Simplified Plat of Subdivision shown hereon is for dedication of Land to the City of Hagerstown for Public R/W.

[Signature] for HTC/H.R. PCB
Owner

CERTIFICATE OF ACCURACY

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Hagerstown Planning Commission and that the monuments have been placed as shown hereon to the specifications of the Hagerstown Subdivision Ordinance.

8-10-01 Ronald A. Skutumpah
Date Professional Land Surveyor

CERTIFICATE OF APPROVAL

I do hereby certify that the Plan of Subdivision shown hereon complies with the Subdivision Ordinance for the City of Hagerstown, Maryland, with the exception of such variances, if any, as noted on this Plat and in the minutes of the Hagerstown Planning Commission and is approved for recording in the Offices of the Register of Deeds.

[Signature]
Hagerstown Planning Commission

TAX MAP 306-2247 DISTRICT 3		 FREDERICK SEIBERT & ASSOCIATES, INC. ©2001	CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS 128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740 10 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225 (301) 791-3650 (301) 416-7478 (717) 597-1007 FAX (301) 759-4553
DRAWING NUMBER 3 OF 3			
DRAWN BY: JTK	DATE: 04/16/01		
CHECKED BY:	DATE:		
SCALE: 1"=30'			

83-702-15

Right of Way
Dedication and Easement
from Hagerstown Trust Company
to the
City of Hagerstown
South Side of Alley #2-98

ADDITIONAL OWNER'S STATEMENT

The undersigned grant to the City of Hagerstown, Maryland (hereinafter called CITY) a perpetual easement for the purpose of constructing, reconstructing, inspecting, operating, maintaining, repairing, altering, and removing electric and communication lines including all necessary poles, wires, anchors, cables, conduits, meters, and other facilities over, under, upon, and along any and all parcels; together with the perpetual right of ingress and egress at all times over any and all parcels, for pedestrian, vehicle, and equipment traffic to and from said facilities.

Said electric and communication lines may be located as follows:

- 1) Facilities may be located as indicated on the Plat.
- 2) Facilities may also be located along, in, and adjacent to public dedicated roadways, streets, alleys, and similar reservations. Wires may be strung between any poles; and anchors, where necessary, may be placed not more than fifteen (15) feet inside of boundary lines of lots.
- 3) Service lines may also be extended by the most direct practical route to any buildings on the herein described property or properties adjacent thereto.

The City shall have the right to permit the joint occupancy and installation of wires, cables, conduits, or other facilities of any company or persons.

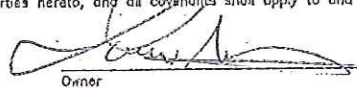
The City shall have the right at all times to cut, trim, remove, or by any other means clear and keep clear trees, shrubs, fences, structures, or any other obstructions over, under, and alongside the City's facilities sufficiently for the safe and proper operation, maintenance, and use thereof.

The City will reseed those portions of grass lawns anywhere on said premises dug up or destroyed in connection with the City's work when its work at any time or times is completed.

If notice in writing of any damages sustained by the Grantors is not given to the City within six (6) months after such damages are suffered, it is understood and agreed that such damages are waived.

Trees, structures, buildings, and other obstructions shall not be placed under or over said facilities, and adequate horizontal clearances, with a five (5) foot minimum, must be maintained. Gardens, shrubbery, and the usual fences may be placed provided below. OVERHEAD SERVICE LINES, such obstructions do not interfere with the safe and proper operation and maintenance of the City's facilities.

The provisions hereof inure to the benefit of and bind the successors, heirs, licensees, and/or assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

 P. HTC/HITDTCB
Owner

Owner

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (We) LOUIS GILISTINI do hereby certify that I (we) are the legal and true owner(s) of the property shown and described hereon and that I (we) adopt the Plan of Subdivision and establish the minimum building restriction lines.

I (We) do hereby dedicate all utility easements and drainage areas unto the Mayor and City Council of Hagerstown, Maryland, and reserve the fee simple title to all rights-of-way, streets, alleys, open spaces and other public sites.

I (We) do hereby offer to dedicate said areas and all public utility systems therein to the Mayor and City Council of Hagerstown, Maryland, for the use of public in general. Said offer shall not be deemed to be accepted by the City until said offer is formally accepted in the manner prescribed by law.

This deed and agreement of dedication shall be binding upon my (our) grantless, assigns, successors, heirs, and personal representatives and all parties and interests thereto have hereunto affixed their signatures indicating their assent to this Plan of Subdivision.

Witness our hands and seals this 29 day of November, 20 14

Witness:

Arny J. Woodward
Owner(s)

TAX MAP 306-2247 DISTRICT 3

DRAWING NUMBER 2 OF 3

DRAWN BY:

JTK

DATE:

04/16/01

CHECKED BY:

DATE:

SCALE:

1"=30'

**FREDERICK
SEIBERT &
ASSOCIATES, INC.** ©2001

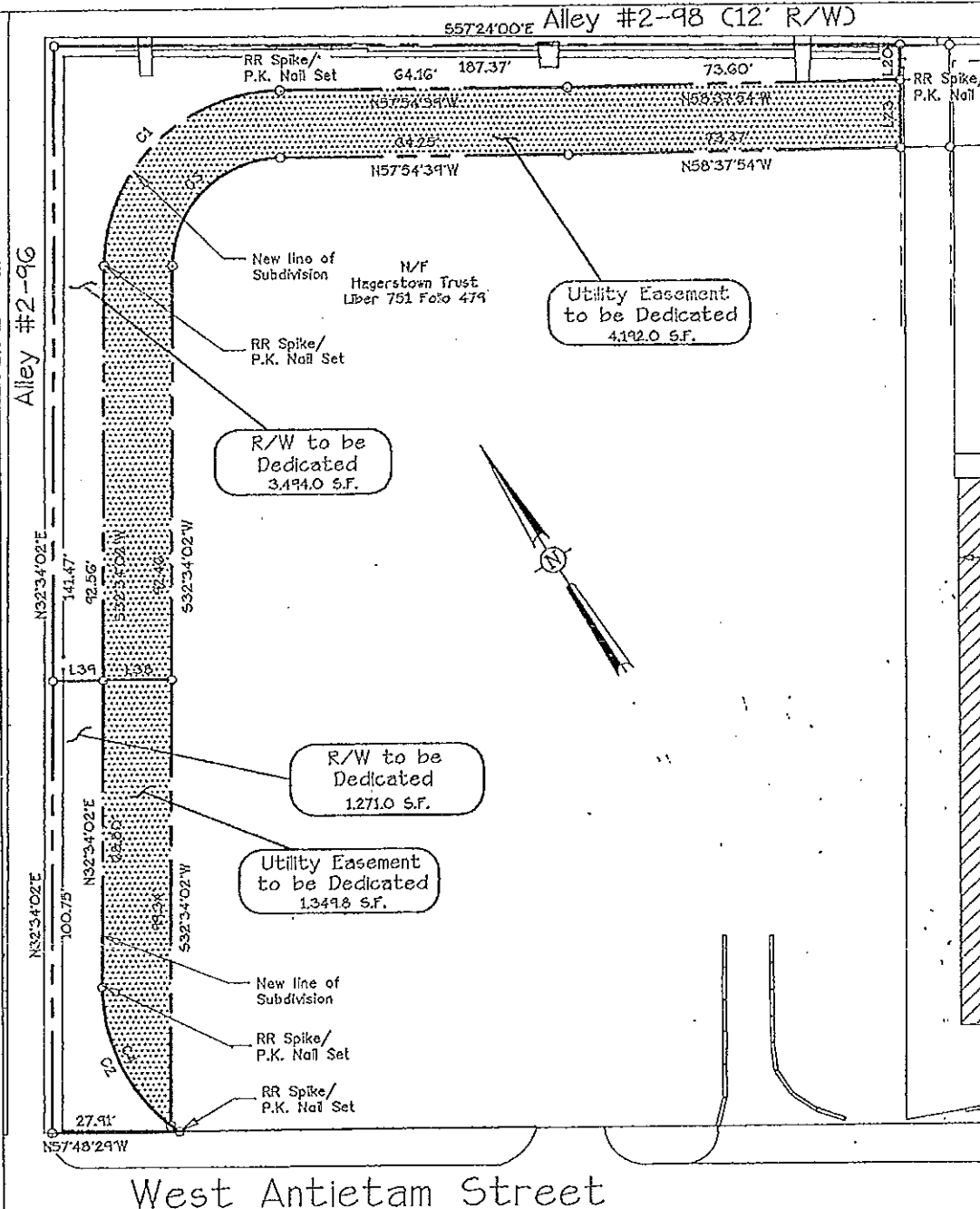


CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
10 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
(301) 781-3650 (301) 416-7475 (717) 597-1007 FAX (301) 729-4956

JOB NUMBER 4037

83-702-14

Right of Way
Dedication and Easement
from Hagerstown Trust Company
to the
City of Hagerstown
South Side of Alley #2-98



TAX MAP 306-2247 DISTRICT 3

DRAWING NUMBER 1 OF 3

DRAWN BY:

JTK

DATE:

04/16/01

CHECKED BY:

DATE:

SCALE:

1"=30'

**FREDERICK
SEIBERT &
ASSOCIATES, INC.** ©2001



CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
10 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
(301) 791-5550 (301) 416-7478 (717) 597-1007 FAX (301) 732-4856

JOB NUMBER 4087

83-702-13

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Approval of a Contract: 2017, 2018, and 2019 Western Maryland Blues Festival Sound Technician

Mayor and City Council Action Required:

Discussion:

At the January 17, 2017 Mayor and City Council Special Session, City Council will vote on the staff recommended sound contract for the Western Maryland Blues Festival. Following the January 10, 2017 Work Session, staff was requested to compile previous contract information for the Mayor and Council to review prior to the vote. Below is a chart detailing the previous two contract cycles and the proposed next contract cycle. Staff believe the increase in the 2017, 2018, and 2019 proposal is representative of an adjustment to current pricing after remaining relatively flat for many years.

Contract Years	Contract Price
2010, 2011, 2012	\$37,025
2013, 2014, 2015, 2016	\$38,480
2017, 2018, 2019	\$50,135

Also attached is the Blues Fest Event Budget. The FY2017 City Budget provides a total allocation of \$225,300. The Blues Fest Committee is authorized to spend up to that total of \$225,300. In managing the event, they may choose to spend less in one category (i.e. entertainment), so as to spend more in another category (i.e. sound), so long as they do not go over the total \$225,300.

Staff will be present at the January 17, 2017 Special Session to answer any questions in advance of the vote.

Financial Impact:

Recommendation:

Motion:

I hereby move for Mayor and Council to approve the bid of MHA Audio, Inc. to provide sound and technical assistance for the 2017, 2018, and 2019 Western Maryland Blues Festival at a cost of \$50,135.00 per year. The MHA Audio, Inc. proposal most closely conforms to the original festival

intent and bid specifications set out in RFP P1616.17.

Action Dates:

Date of Passage: 1/17/2017

ATTACHMENTS:

File Name

MCC_2017_Blues_Sound_Packet_Material.pdf

Description

2017 Blues Fest Sound
Contract

REQUIRED MOTION

MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND

Date: January 17, 2017

TOPIC: Approval of a Contract: 2017, 2018, and 2019 Western Maryland Blues Festival Sound Technician

Charter Amendment	_____
Code Amendment	_____
Ordinance	_____
Resolution	_____
Other	<u> X </u>

MOTION: I hereby move for Mayor and Council to approve the bid of MHA Audio, Inc. to provide sound and technical assistance for the 2017, 2018, and 2019 Western Maryland Blues Festival at a cost of \$50,135.00 per year. The MHA Audio, Inc. proposal most closely conforms to the original festival intent and bid specifications set out in RFP P1616.17.

DATE OF PASSAGE: 01/17/2017



CITY OF HAGERSTOWN, MARYLAND

Department of Community & Economic Development

TO: Valerie Means, City Administrator

FROM: Lauren Metz, Community Events Coordinator

DATE: January 17, 2017

SUBJECT: 2017 Western Maryland Blues Fest Sound Contract

At the January 17, 2017 Mayor and City Council Special Session, City Council will vote on the staff recommended sound contract for the Western Maryland Blues Festival. Following the January 10, 2017 Work Session, staff was requested to compile previous contract information for the Mayor and Council to review prior to the vote. Below is a chart detailing the previous two contract cycles and the proposed next contract cycle. Staff believe the increase in the 2017, 2018, and 2019 proposal is representative of an adjustment to current pricing after remaining relatively flat for many years.

Contract Years	Contract Price
2010, 2011, 2012	\$37,025
2013, 2014, 2015, 2016	\$38,480
2017, 2018, 2019	\$50,135

Also attached is the Blues Fest Event Budget. The FY2017 City Budget provides a total allocation of \$225,300. The Blues Fest Committee is authorized to spend up to that total of \$225,300. In managing the event, they may choose to spend less in one category (i.e. entertainment), so as to spend more in another category (i.e. sound), so long as they do not go over the total \$225,300.

Staff will be present at the January 17, 2017 Special Session to answer any questions in advance of the vote.

c: Jill Frick, Director of Community and Economic Development

**City of Hagerstown
Mayor and Council
Purchase / Contract Information
Meeting of 1/17/2017**

Do Not Complete This Section

Approved Consent Agenda: _____

New Business: _____

Originating Department: DCED By: Lauren Metz, Community Events Coordinator
Account Number: 0103005-530911 Account / Project Name: Blues Fest Technical Fees
Budget Amount: \$40,000.00 Account Balance: \$40,000.00 Year: 2017 CIP Control No. N/A
Unbudgeted \$: _____ Source of Funds: _____

Quantity	Description	Value
1	Contract for sound and technical assistance for 2017, 2018, and 2019 Western Maryland Blues Festival	\$50,135.00

TOTAL VALUE OF PROJECT: \$50,135.00

ABOVE TO BE USED FOR:

Contract to provide sound and technical assistance for each of the four days of the 2017, 2018, and 2019 Western Maryland Blues Festival to include sound reinforcement, event staging, and various backline amenities.

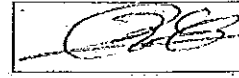
Recommended Vendor:

Business Name: MHA Audio, Inc.
Address: 16104 Business Parkway
City, State: Hagerstown, MD 21740
Bid/Proposal/Quote No.: P1616.17

OTHER VENDORS:		
Firm	City/State	Total Amount
Stagecoach Productions Sound and Lighting, LLC	Hancock, Maryland	\$34,550.00
DSL Sound Inc.	Hagerstown, Maryland	\$49,750.00 (Disqualified)

(1) Department Manager

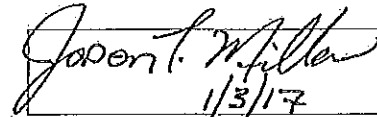
Three total bids were received for Proposal 1616.17 to become the Blues Festival Sound Technician. Of these three bids, one was immediately disqualified due to the bidder not submitting the required bid documents. The low bid was not recommended due to a lack of multi-day event production and limited to no musical event production experience. This bidder ultimately did not meet all the bid guidelines for the event as advertised. MHA Audio, Inc.'s proposal best positions the project to support the ultimate program goals and desired outcome. By adjusting the total spending for Blues Fest artistic talent additional funding is available to cover the excess cost of this bid proposal in regards to the original budgeted total.

 12/21/16

Signature / Date

(2) Purchasing Agent:

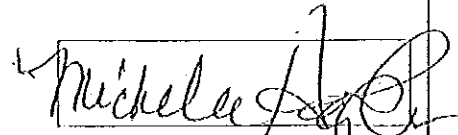
Recommend Approval.

 1/3/17

Signature / Date

(3) Finance Manager:

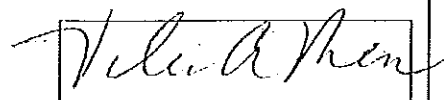
Recommend approval contingent upon total FY17 budget amounts for the event must NOT be exceeded.

 1/3/17

Signature / Date

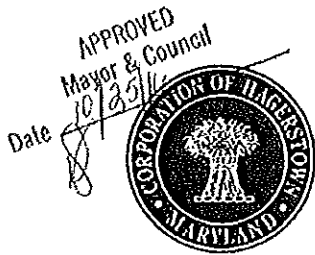
(4) City Administrator's Recommendation:

approve subject to contingency Above

 1/3/17

Signature / Date

1/3/17



CITY OF HAGERSTOWN, MARYLAND

Department of Community & Economic Development

TO: Valerie Means, City Administrator
FROM: Lauren Metz, Community Events Coordinator
DATE: September 29, 2016
SUBJECT: Western Maryland Blues Fest 2017 Proposed Budget

Background:

At the October 11, 2016 Work Session as per the special events policy approved on March 27, 2001 and revised on January 8, 2002, the Western Maryland Blues Fest is submitting a tentative budget of revenue and expenses for the 2017 event. The Western Maryland Blues Fest is scheduled to be held June 1-4, 2017 and 2017 will mark the 22nd year for the event.

Mayor and City Council Action Requested:

City staff seek Mayor and City Council approval for an authorization of the 2017 Western Maryland Blues Fest budget. Pending discussion, the 2017 budget will be approved by formal action at the October 25, 2016 Regular Session and authorize any financial support or in-kind services to be supplied by the City.

Please note this is a working fluid budget for the committee pending venue selections and contract negotiations. Also if the committee finds they have additional revenue and believe additions to the program would enhance the event, this budget could be amended. Please note the \$52,000 for City Services will be included in the current fiscal year's Public Functions Account, but are not shown in the Blues Fest budget attached.

c:
Jill Frick, Director of Community and Economic Development
Carl Disque, Western Maryland Blues Fest
Julie Donat, Western Maryland Blues Fest

Blues Fest 2017 Budget

REVENUES	2017 PROPOSED
Admissions	\$65,000.00
Other Revenue -- Beer, Vendors, Merchandise	\$43,292.00
Sponsorships	\$96,021.00
Washington County Arts Council Grant	\$1,500.00
Maryland State Arts Council Grant	\$19,487.00
Total Revenue	\$225,300.00
EXPENSES	
Musical Artists	\$58,400.00
Technical Fees	\$40,000.00
Educational Outreach	\$5,500.00
Outside Services -- Merchandise	\$13,700.00
Outside Services -- Tent/Fencing	\$13,700.00
Artist Lodging/Hospitality	\$8,000.00
Other -- Hospitality, Insurance, Supplies, etc.	\$40,500.00
Marketing	\$45,500.00
Total Expense	\$225,300.00

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Offer of Dedication of Land from Columbia Bank - *Rodney Tissue, City Engineer*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

columbia_bank.offer_of_dedication.2017.pdf

Description

Offer of Dedication of Land
from Columbia Bank



CITY OF HAGERSTOWN, MARYLAND

Department of Parks and Engineering

January 12, 2017

To: Valerie Means, City Administrator

From: Rodney A. Tissue, City Engineer *RAT*

Re: Offer of Dedication of Land from Columbia Bank

=====

Background

In 2001, the City widened alley 2-98 around the District Court building located near West Antietam Street (see attached vicinity map). Prior to the construction, the City obtained donated land from adjacent property owners to widen the right-of-way. One of the property owners was Hagerstown Trust Company, from whom we needed to obtain lands on both sides of the alleys.

The Mayor and Council discussed this project at the June 5, 2001 work session and during the Regular Session of the June 19, 2001, a resolution was unanimously approved authorizing the execution of a Contract of Sale with Hagerstown Trust Company for conveyance of additional right-of-way and utility easement.

The surveyor prepared a separate plat of dedication for each side of the alley, and it was our understanding that all deeds were executed and recorded by the City Attorney. We recently discovered that the recorded deed from Hagerstown Trust only conveyed land on the north side of the alley but did not include the land around their parking lot on the south side of the alley (see drawing 83-702-13). Recently, we had the opportunity to talk to the prospective buyer of what is now the Columbia Bank property and discussed that the bank intended to convey land on south side of the alley to City. Columbia Bank signed the plat of dedication and agreed to convey the land on the south side of the alley to the City.

Mayor & Council Action:

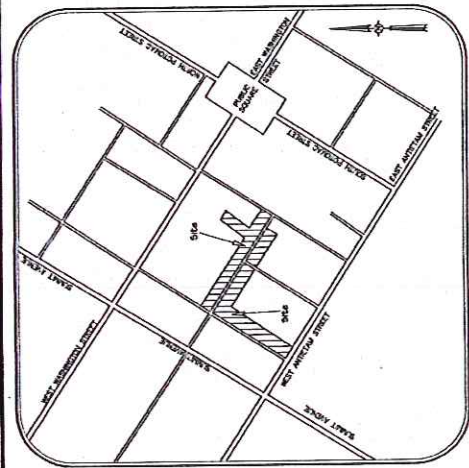
Representatives from Columbia Bank (formerly Hagerstown Trust) have signed the subdivision plat that conveys land south of the alley to the City. We request the Mayor & Council approve a resolution authorizing the City Attorney to execute a deed with Columbia Bank (formerly Hagerstown Trust).

Staff will attend the January 17 special session to answer any questions.

cc: Jason Morton
Tim Young

Attachments:

- Motion sheet
- Resolution
- Deed
- Drawing 83-702-13
- Vicinity Map



VICINITY MAP
SCALE 1"=300'

No.	Station	Distance	Chord Length	Chord Bearing
1	10+00.00	34.00	60.04	57°14'41"W
2	10+34.00	34.00	57.77	60°44'41"W
3	10+68.00	34.00	57.77	57°14'41"W
4	11+02.00	34.00	57.77	57°14'41"W
5	11+36.00	34.00	57.77	57°14'41"W

No.	Station	Distance
1	10+00.00	34.00
2	10+34.00	34.00
3	10+68.00	34.00
4	11+02.00	34.00
5	11+36.00	34.00
6	11+70.00	34.00
7	12+04.00	34.00
8	12+38.00	34.00
9	12+72.00	34.00
10	13+06.00	34.00
11	13+40.00	34.00
12	13+74.00	34.00
13	14+08.00	34.00
14	14+42.00	34.00
15	14+76.00	34.00
16	15+10.00	34.00
17	15+44.00	34.00
18	15+78.00	34.00
19	16+12.00	34.00
20	16+46.00	34.00
21	16+80.00	34.00
22	17+14.00	34.00
23	17+48.00	34.00
24	17+82.00	34.00
25	18+16.00	34.00
26	18+50.00	34.00
27	18+84.00	34.00
28	19+18.00	34.00
29	19+52.00	34.00
30	19+86.00	34.00
31	20+20.00	34.00
32	20+54.00	34.00
33	20+88.00	34.00
34	21+22.00	34.00
35	21+56.00	34.00
36	21+90.00	34.00
37	22+24.00	34.00
38	22+58.00	34.00
39	22+92.00	34.00
40	23+26.00	34.00
41	23+60.00	34.00
42	23+94.00	34.00
43	24+28.00	34.00
44	24+62.00	34.00
45	24+96.00	34.00
46	25+30.00	34.00
47	25+64.00	34.00
48	25+98.00	34.00
49	26+32.00	34.00
50	26+66.00	34.00
51	27+00.00	34.00

GRAPHIC SCALE

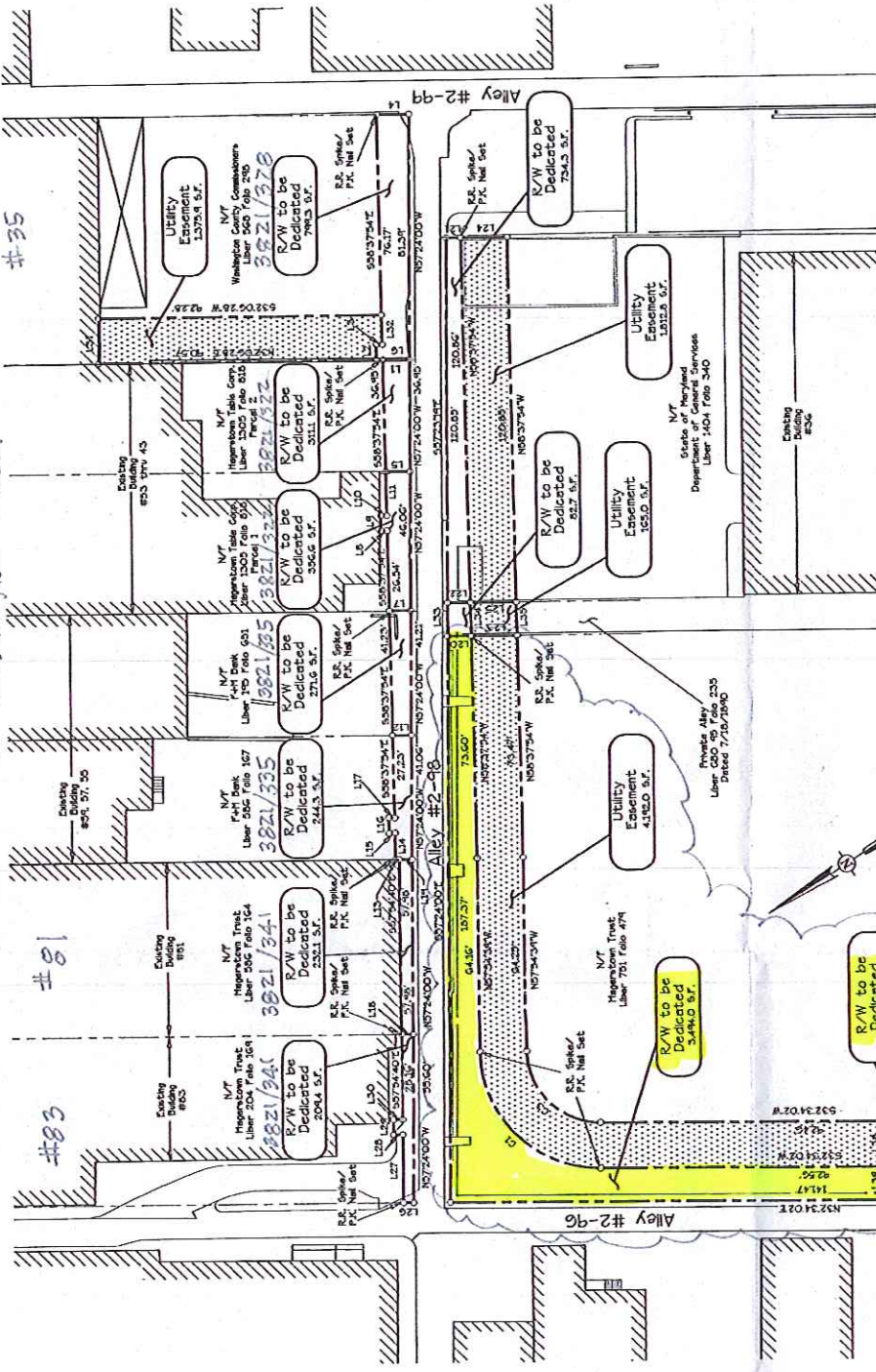


#35

W. Washington Street

#81

#83



West Antietam Street

Vicinity Map

TAX MAP CITY 32 DISTRICT

DRAWING NUMBER 1 OF 1

DRAWN BY JTX DATE 04/16/01

CHECKED BY DATE

SCALE 1" = 30'

FREDERICK SEIBERT & ASSOCIATES, INC. ©2000

CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS

128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740

10 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225

(410) 791-3800 (301) 486-7026 (717) 947-1007 FAX (301) 735-0448

Right of Way Dedication and Easement Plat for

Alley #2-98 & #2-96

located along the alleys between Summit Avenue, West Antietam Street, South Potomac Street and West Washington Street

WASHINGTON COUNTY, MARYLAND

Cty Dwg 74-319-01

REQUIRED MOTION

MAYOR & CITY COUNCIL HAGERSTOWN, MARYLAND

DATE: January 17, 2017

TOPIC: Approval of a Resolution: Authorizing the Execution of a Deed of Conveyance from Columbia Bank

Charter Amendment

Code Amendment

Ordinance

Resolution

 X

Other

MOTION: I hereby move for approval of a Resolution authorizing the execution of a Deed with Columbia Bank (former Hagerstown Trust Company) to accept the offer of conveyance of right-of-way and utility easements as shown on drawing #83-702-13.

DATE OF PASSAGE: 1/17/2017

EFFECTIVE DATE: 1/17/2017

CITY OF HAGERSTOWN, MARYLAND

RESOLUTION TO ACCEPT OFFER OF DEDICATION OF
TWO PARCELS FROM THE COLUMBIA BANK TO
THE CITY OF HAGERSTOWN

RECITALS

The City of Hagerstown is a municipal corporation existing under and by virtue of the laws of the State of Maryland.

WHEREAS, consistent with the Master Plan for the Arts and Entertainment District, the City of Hagerstown has reconstructed and widened portions of Alley 2-98 to provide two-way traffic, pedestrian enhancements, relocation of utilities, landscaping and lighting improvements;

WHEREAS, an offer of dedication has been made by Columbia Bank, successor in interest to the Hagerstown Trust Company, of two parcels of land, together with any improvements thereon belonging or in anywise appertaining, situate along the South side of Alley #2-98 as more particularly described in the attached deed;

WHEREAS, the Mayor and City Council has carefully considered the facts as presented by staff and the recommendation for acceptance of said parcels; and

WHEREAS, the Mayor and City Council, as the duly constituted legislative body of the City of Hagerstown, has determined that it is in the best interest of the citizenry in general to accept the dedication, as indicated on the attached deed.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council do hereby accept the offer of dedication made by Columbia Bank of the two parcels of land, together with any improvements thereon belonging or in anywise appertaining, situate along the South side of Alley #2-98, as indicated on the attached deed;

BE IT FURTHER RESOLVED, that the Mayor, City Clerk and Staff are authorized to take such further actions as may be necessary to formalize this acceptance; and

BE IT FURTHER RESOLVED, by the Mayor and Council for Hagerstown, Maryland, that this Resolution shall become effective immediately upon its passage.

WITNESS AND ATTEST
AS TO CORPORATE SEAL
MARYLAND

MAYOR AND COUNCIL OF THE
CITY OF HAGERSTOWN,

Donna K. Spickler, City Clerk

By: _____
Robert E. Bruchey, II,
Mayor

Date of Introduction: January 17, 2017
Date of Passage: January 17, 2017
Effective Date: January 17, 2017

PREPARED BY:
Salvatore & Morton, LLC
City Attorneys

THIS DEED, made this day of , 2017, by The Columbia Bank, successor in interest to Hagerstown Trust Company, a Maryland corporation, hereinafter called "Grantor".

WITNESSETH: That in and for no monetary consideration, but for other good and valuable considerations, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey unto The City of Hagerstown, a Maryland Municipal Corporation (hereinafter called "Grantee"), all those parcels of land, together with any improvements thereon belonging or in anywise appertaining, situate along the South side of Alley #2-98, and shown as "R/W to be Dedicated 3,494.0 S.F." and "R/W to be Dedicated 1,271.0 S.F." on the attached Right of Way Dedicated and Easement from Hagerstown Trust Company to the City of Hagerstown South Side of Alley #2-98, consisting of three (3) pages ("the Right of Way Drawing.").

Being part of the same property which was conveyed to Hagerstown Trust Company, now known as the Grantor, by Deed from Hilda M. Ernst and Marjorie E. Kuhn, Personal Representatives of the Estate of Leah M. Ernst, deceased, and Valley Real Estate Corporation, dated September 30, 1983, and recorded among the Land Records of Washington County, Maryland in Liber 751, folio 479, and being part of the same property which was conveyed to the Grantor by Deed from Dorothy M. South Wantz, dated December 20, 1983, and recorded among the Land Records of Washington County, Maryland, in Liber 755, folio 999.

The above conveyance is made subject to all conditions, restrictions, rights of way and easements of record.

And the said Grantor, does hereby covenant that subject to the aforesaid conditions, restrictions, easements and rights of way, it will warrant specially the property hereby conveyed and will execute such other and further assurances thereof as may be requisite.

GRANTEE IN ACCEPTING THIS DEED, hereby agrees that it will not in any way interfere with Grantor's existing means of ingress to and egress from the buildings located at 81 and 83 West Washington Street, Hagerstown, Maryland and that this covenant is intended to be a covenant running with the land, burdening and benefiting the parties and their respective successors or assigns.

IN WITNESS WHEREOF, the Grantor has caused its corporate name to be hereunto subscribed by Louis Giustini, its President, and its corporate seal to be affixed hereto and duly attested by its Secretary.

Attest to Signature
and Corporate Seal:

THE COLUMBIA BANK

Secretary

By: _____

STATE OF MARYLAND, COUNTY OF _____, To-Wit:

I HEREBY CERTIFY, that on this _____ day of _____, 2017, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Louis Giustini, who acknowledged himself to be President of The Columbia Bank, formerly known as Hagerstown Trust Company, and that he, as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of said corporation by himself as President.

Witness my hand and official Notarial Seal.

Notary Public

My Commission Expires:

The undersigned, a member in good standing of the Bar of the Court of Appeals of Maryland, hereby certifies that the within instrument was prepared by him.

Jason Morton

Mail to: Jason Morton
Salvatore & Morton, LLC
82 West Washington Street
Suite 100
Hagerstown, Maryland 21740

Right of Way
Dedication and Easement
from Hagerstown Trust Company
to the
City of Hagerstown
South Side of Alley #2-98

Land Surveyor's Certification

I hereby certify that the plan shown hereon is correct; that it is a subdivision of part of the lands conveyed by Hilda M. Ernst and Marjorie E. Kuhn, Personal Representatives of the estate of Leah M. Ernst deceased and Valley Real Estate Corporation to Hagerstown Trust Company by deed dated September 30, 1983 in Liber No. 751, Folio 479 and is a subdivision of part of the lands conveyed by Dorothy M. South Wantz to Hagerstown Trust Company by deed dated December 20, 1983 in Liber 755 Folio 999 both deeds being recorded among the Land Records of Washington County, Maryland; stones marked and/or bars marked have been placed as indicated.

8-10-01
Date:

Ronald A. Skutumpah
Professional Land Surveyor

Note: A Utility Easement is hereby created as shown for the City of Hagerstown to allow the construction and maintenance of utilities.

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	89°31'19"	39.00	60.94	54.92	S77°19'41"W
C2	55°29'28"	39.00	37.77	36.31	S04°49'18"W
C3	89°31'19"	24.00	37.50	33.80	S77°19'41"W
C4	52°01'12"	39.00	35.41	34.21	N06°33'26"E

No.	Bearing	Distance
L20	S32°13'22"W	7.65'
L23	S32°13'22"W	15.00'
L38	S57°48'29"E	15.00'
L39	S57°48'29"E	11.00'



DECLARATION OF INTENT OF SUBDIVISION

I hereby certify that the intent of this Simplified Plot of Subdivision shown hereon is for dedication of Land to the City of Hagerstown for Public R/W.

[Signature]
Owner

CERTIFICATE OF ACCURACY

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Hagerstown Planning Commission and that the monuments have been placed as shown hereon to the specifications of the Hagerstown Subdivision Ordinance.

8-10-01
Date

Ronald A. Skutumpah
Professional Land Surveyor

CERTIFICATE OF APPROVAL

I do hereby certify that the Plan of Subdivision shown hereon complies with the Subdivision Ordinance for the City of Hagerstown, Maryland, with the exception of such variances, if any, as noted on this Plan and in the minutes of the Hagerstown Planning Commission and is approved for recording in the Offices of the Register of Deeds.

[Signature]
Hagerstown Planning Commission

TAX MAP 306-2247 DISTRICT 3		 FREDERICK SEIBERT & ASSOCIATES, INC. ©2001 <small>CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS 128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740 10 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225 (301) 791-3650 (301) 416-7478 (717) 597-1007 FAX (301) 739-4555</small>	JOB NUMBER 4037
DRAWING NUMBER 3 OF 3			
DRAWN BY: JTK	DATE: 04/16/01		
CHECKED BY:	DATE:		
SCALE: 1"=30'			

83-702-15

Right of Way
Dedication and Easement
from Hagerstown Trust Company
to the
City of Hagerstown
South Side of Alley #2-98

ADDITIONAL OWNER'S STATEMENT

The undersigned grant to the City of Hagerstown, Maryland (hereinafter called CITY) a perpetual easement for the purpose of constructing, reconstructing, inspecting, operating, maintaining, repairing, altering, and removing electric and communication lines including all necessary poles, wires, anchors, cables, conduits, meters, and other facilities over, under, upon, and along any and all parcels together with the perpetual right of ingress and egress at all times over any and all parcels, for pedestrian, vehicle, and equipment traffic to and from said facilities.

Said electric and communication lines may be located as follows:

- 1) Facilities may be located as indicated on the Plat.
- 2) Facilities may also be located along, in, and adjacent to public dedicated roadways, streets, alleys, and similar reservations. Wires may be strung between any poles and anchors, where necessary, may be placed not more than fifteen (15) feet inside of boundary lines of lots.
- 3) Service lines may also be extended by the most direct practical route to any buildings on the herein described property or properties adjacent thereto.

The City shall have the right to permit the joint occupancy and installation of wires, cables, conduits, or other facilities of any company or persons.

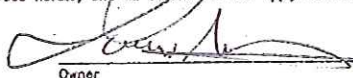
The City shall have the right at all times to cut, trim, remove, or by any other means clear and keep clear trees, shrubs, fences, structures, or any other obstructions over, under, and alongside the City's facilities sufficiently for the safe and proper operation, maintenance, and use thereof.

The City will reseed those portions of grass lawns anywhere on said premises dug up or destroyed in connection with the City's work when its work at any time or times is completed.

If notice in writing of any damages sustained by the Grantors is not given to the City within six (6) months after such damages are suffered, it is understood and agreed that such damages are waived.

Trees, structures, buildings, and other obstructions shall not be placed under or over said facilities, and adequate horizontal clearances, with a five (5) foot minimum, must be maintained. Gardens, shrubbery, and the usual fences may be placed provided below OVERHEAD SERVICE LINES, such obstructions do not interfere with the safe and proper operation and maintenance of the City's facilities.

The provisions hereof inure to the benefit of and bind the successors, heirs, licensees, and/or assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

 P. HTC / HTD TCB
Owner

Owner

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (We) Louis Giustini do hereby certify that I (we) are the legal and true owner(s) of the property shown and described hereon and that I (we) adopt the Plan of Subdivision and establish the minimum building restriction lines.

I (We) do hereby dedicate all utility easements and drainage areas unto the Mayor and City Council of Hagerstown, Maryland, and reserve the fee simple title to all rights-of-way, streets, alleys, open spaces and other public sites.

I (We) do hereby offer to dedicate said areas and all public utility systems therein to the Mayor and City Council of Hagerstown, Maryland, for the use of public in general. Said offer shall not be deemed to be accepted by the City until said offer is formally accepted in the manner prescribed by law.

This deed and agreement of dedication shall be binding upon my (our) grantee, assigns, successors, heirs, and personal representatives and all parties and interests thereto have hereunto affixed their signatures indicating their assent to this Plan of Subdivision.

Witness our hands and seals this 29 day of November, 20 16

Witness:

Alex J. Woodward
Owner(s)

TAX MAP 306-2247 DISTRICT 3	
DRAWING NUMBER 2 OF 3	
DRAWN BY: JTK	DATE: 04/16/01
CHECKED BY:	DATE:
SCALE: 1"=30'	

**FREDERICK
SEIBERT &
ASSOCIATES, INC.** ©2001

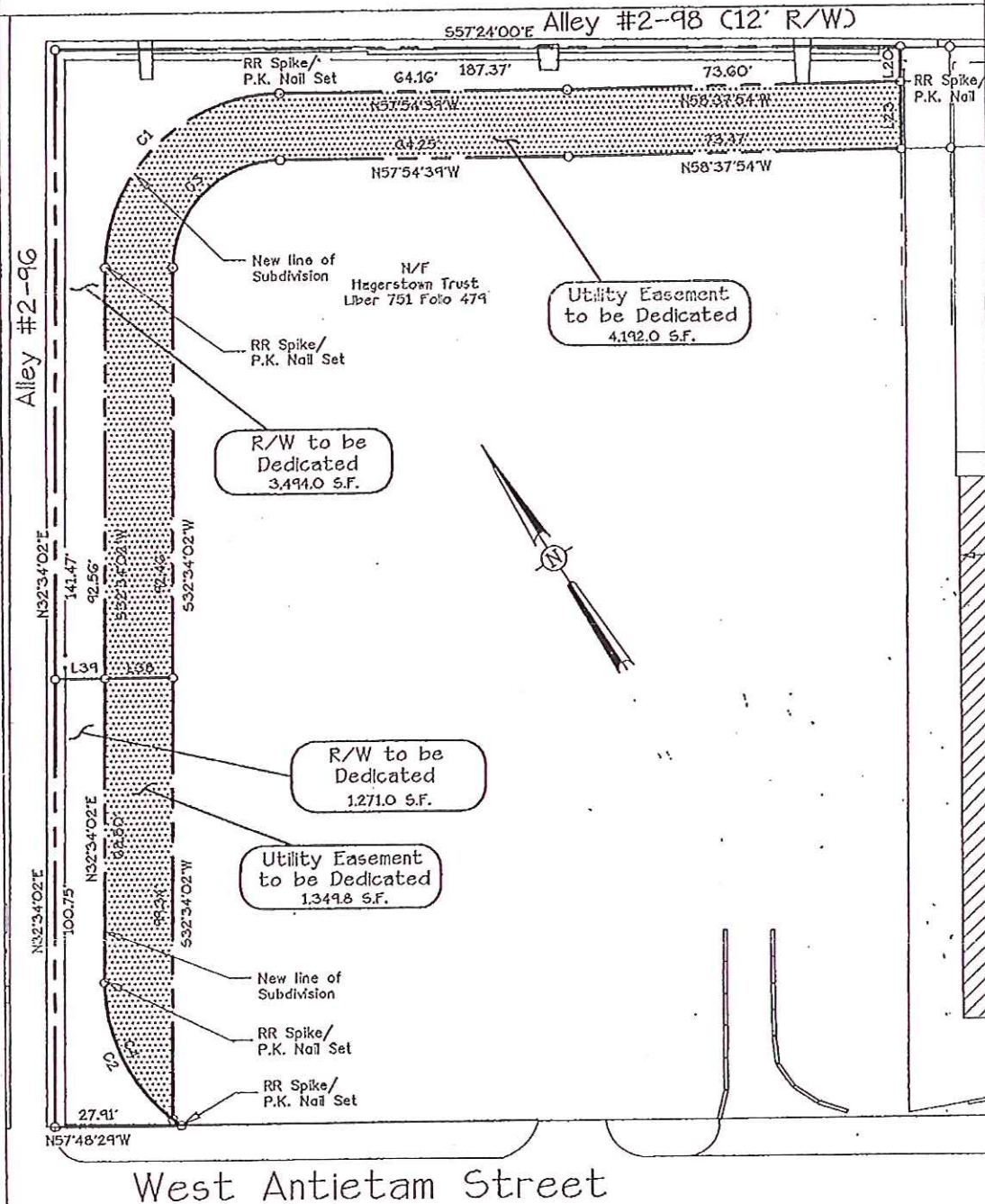


CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
10 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
(301) 781-3650 (301) 416-7475 (717) 597-1007 FAX (301) 739-4358

JOB NUMBER 4037

83-702-14

Right of Way
Dedication and Easement
from Hagerstown Trust Company
to the
City of Hagerstown
South Side of Alley #2-98



TAX MAP 306-2247 DISTRICT 3

DRAWING NUMBER 1 OF 3

DRAWN BY:

JTK

DATE:

04/16/01

CHECKED BY:

DATE:

SCALE:

1"=30'

FREDERICK
SEIBERT &



ASSOCIATES, INC. ©2001

CIVIL ENGINEERS SURVEYORS LANDSCAPE ARCHITECTS LAND PLANNERS
128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
10 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
(301) 791-3550 (301) 416-7478 (717) 597-1007 FAX (301) 759-4956

JOB NUMBER 4037

83-702-13

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

McCleary Hill/Noland Master Plan - *Hagerstown Housing Authority*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

2017 Bond Project Listing and Potential Calendar - *Michelle Hepburn, Director of Finance*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

01_17_17_2017_Bond_Issue_Memo.pdf

Description

2017 Bond Project Listing
and Potential Calendar



CITY OF HAGERSTOWN, MARYLAND

Michelle Hepburn
Director of Finance
301-739-8577 X160

To: Valerie Means, City Administrator
From: Michelle Hepburn, Director of Finance
Date: January 17, 2017
Subject: 2017 Bond Project Listing and Potential Calendar

Staff would like to continue discussing the 2017 bond project listings and review the projects for Water, Wastewater and Property Management Funds. In addition to the project listing, a bond schedule calendar has been drafted and attached. The bond schedule calendar is for review and discussion purposes.

Staff recommends returning by the March 7th Work Session to get direction and approval to begin the 2017 bond issuance process.

Attachments: 2017 Preliminary Bond Issuance Project Listing
Bond Schedule Calendar

cc: Lester Guthorn, Public Advisory Consultants
Lindsey Rader, Funk & Bolton, P.A.
City Department Managers

City of Hagerstown
2017 Preliminary Bond Issuance Project Listing

Updated as of 1/13/17

	FY17 Bud Request	Bond Request	Project Description
General Fund			
C0010 Fire Department Vehicles	1,250,000.00	1,250,000.00	Replace Ladder Truck #4 - 1997 Al 105' Ladder
C0047 City Park Lake Improvements	1,100,000.00	1,100,000.00	Dredging of 7.1 acre lower lake - remove 100+ years of sediment
C0065 Public Works Vehicles	325,000.00	306,000.00	2 Dump Trucks - #017 - \$100,000 / #026 - \$150,000 / Bucket Truck - #601 - \$75,000
C0099 Market House Improvements	120,000.00	-	Interior improvements - interior storefront to rear room section for an anchor tenant, improved exterior lighting with larger sign (Proj/plan not ready)
C0241 Fire Department Training Center	200,000.00	-	Replace existing Fire Training Burn Building at City Fire Training Center - Pave and repair roads to existing Fire Training Burn Building (defer to FY18 bud; need more discussions)
C0250 Public Works Operations Center Improvement Program	120,000.00	175,000.00	Replace Roof (current roof was installed in 1995 with 10 yr warranty) and construct a roof canopy over front entry door New roof 20 year warranty.
C0324 Alley Reconstruction	769,000.00	769,000.00	Replace deteriorated alleys
C0401 Prospect Street Wall	310,000.00	155,540.54	South Prospect wall replacement. Replace northeast corner of South Prospect Street "Dry Bridge"
C0570 Parks Vehicle and Equipment	80,000.00	80,000.00	Replace 2002 Ford Dump Truck #308
C0730 Fire Station Relocation	150,000.00	-	Land acquisition. A 2015 ISO rating suggests to either relocate or combine downtown companies for greater efficiency and effectiveness (Proj/plan not ready)
C0853 Marsh Run Walls Rehabilitation	400,000.00	397,660.00	Marsh Run Walls Rehab - Phase II repairs to continue on other areas identified during Aug 2013 inspection
C0854 Downtown Redevelopment	1,500,000.00	-	Taxable:Downtown redevelopment - (include in FY18 bud)
C0854 Downtown Redevelopment: MD Theatre	-	500,000.00	Taxable: MD Theatre expansion commitment for max up to \$500K toward design/architect
C0858 Vehicle Lifts	75,000.00	75,000.00	Installation of a heavy duty vehicle lift to assist with city's over 300 vehicle fleet of cars, trucks and heavy equipment.
Subtotal General Fund	6,399,000.00	4,808,200.54	

Water Fund			
C0166 Willson Treatment Plant	195,000.00	124,474.00	Various plant improvements to include pump, motors, communication equipment, etc. Work will include rebuilding one high service pump. Rehab/replace plant oil boiler and replace roof on plant operations building
C0168 Edgemont Reservoir Improvements	357,000.00	357,000.00	Begin study and design to either repair the toe drain and spillway seepage or breach the reservoir per MDE requirements.
C0709 Distribution Rehab Main Replacement	550,000.00	550,000.00	Continue leak detection program. Continue to replace aging infrastructure throughout Distribution System. \$50,000 is dedicated to hydrant and valve program.
C0820 Water System SCADA Improvements	150,000.00	75,000.00	Software/Hardware required SCADA upgrades
Subtotal Water Fund	1,252,000.00	1,106,474.00	

Wastewater Fund			
C0327 Collection System Rehab	200,000.00	200,000.00	Personnel to continue Point Repairs throughout the system. Service Connection and main rehabilitation. Manhole rehabilitation. Relocate gravity at pump station #3.
C0584 WWTP Equipment	275,000.00	-	Replace Electrical Switch Gear located in Main Control Building and O2 Building. Upgrade the PLC's throughout the WWTP (Using 2015A Reprogram)
C0712 Synagro Facilities Improvements	1,000,000.00	1,000,000.00	Taxable:Upgrade equipment in the WWTP and the Sludge Pelletizing facility
C0767 Grinder Pump Replacement Program	112,000.00	100,000.00	Replace 20 grinder pumps including the discharge assemblies
C0832 Eliminate Pump Station	160,000.00	-	Design, permitting and construction of gravity main and package pump station to eliminate Pump Station #6 (Proj/plan not ready)
Subtotal Wastewater Fund	1,747,000.00	1,300,000.00	

Property Management Fund			
C0803 EHC - Roof	-	120,000.00	Taxable: Roof replacement

Grand Total Proceed	9,398,000.00	7,334,674.54	
----------------------------	---------------------	---------------------	--

CITY OF HAGERSTOWN, MARYLAND
BOND SCHEDULE
Schedule as of December 13, 2016

Date	Activities and Key Dates	
Week of January 9	10	Preliminary City staff discussion and presentation of bond projects and request to Council
Week of January 16	17	Additional City staff discussion with Council
Week of January 23	24	Introduction of bond ordinance to Council
Week of January 30	31	Council adopts bond ordinance
Week of February 6	06 06	Distribute 1 st draft of POS, including Appendices Tax questionnaire due
Week of February 13	13	Comments to 1 st draft of POS due
Week of February 20	20 24	Distribute 2 nd draft of POS and Appendices Written comments to 2 nd draft of POS and appendices
Week of February 27	01 03	Distribute 3 rd draft of POS and Appendices to all parties including rating agencies Effective date of bond ordinance
Week of March 6	07 08 10	Council adopts bond resolution Rating agency visit (tentative) Written comments to 3 rd draft of POS and appendices due
Week of March 13		
Week of March 20	22 22 22 24 24	Ratings released Publish Notice of Sale in local paper Distribute Final draft of POS and Appendices Written comments to Final draft of POS due Financial advisor orders CUSIP numbers from CUSIP bureau
Week of March 27	27 28	POS is complete Financial advisor notifies Thompson Financial for use of PARITY

PUBLIC

ADVISORY

CONSULTANTS

	28	for electronic bidding POS is released to I-Deal
	29	Publish Notice of Sale in local paper
April 3	03	Confirm with Bond Buyer and Parity that all requirements and announcements have been done
	04	Bond sale and award bonds (11 a.m.)
	04	Financial advisor provides debt service schedule to City
	04	OS changed pages distributed to Financing Team and successful bidder
	05	Financing Team provides comments to OS
	06	Final OS is released to printer
	07	Printer prints and mails/delivers final OS
	07	Bond counsel provides final closing documents to City
April 10	13	City returns executed closing documents to Bond Counsel
April 17	18	Pre-closing
	19	Closing and investment of Bond proceeds

REQUIRED MOTION MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND

Topic:

Review of Pioneer Hook and Ladder Building, 21-21 W. Franklin Street and Possible Addition to the Competitive Negotiated Sale (CNS) Program - Jill Frick, Director of Community and Economic Development; Fire Chief Steve Lohr

Mayor and City Council Action Required:

Discussion:

Staff members will attend the January 17, 2017 Work Session of the Mayor and City Council to review the Pioneer Hook and Ladder Building at 21-23 W. Franklin Street, and the possibility of adding this property to the City's Competitive Negotiated Sale (CNS) program with the goal of transferring the property to the private sector for its redevelopment and highest/best use.

HFD Decision to Vacate Property

A summary of the Hagerstown Fire Department recent decision to vacate the property is as follows:

- The 2016 Truck 1 has been permanently moved to the City-owned facility on Eastern Blvd.
- HFD has worked closely with the Pioneer Hook and Ladder Company on this decision.
- The East Franklin building was evaluated jointly, and estimated that priority repairs in excess of \$125,000 and full renovation in excess of \$350,000.
- Other factors prevent this location from being the better site for fire-rescue deployment.
- The City has committed to providing Pioneer Hook and Ladder Company a small amount of dedicated office space and storage in the Eastern Blvd facility within the building's existing footprint.

Competitive Negotiated Sale Process

A brief summary of the Competitive Negotiated Sales Process is as follows:

- The Competitive Negotiated Sale is a process that facilitates the sale of City-owned properties with the goal of returning the property to the private sector for its redevelopment and highest/best use.
- The City of Hagerstown makes real estate available for purchase and redevelopment.
- The Department of Community and Economic Development (DCED) coordinates the process and accepts purchase applications.
- The Mayor and City Council identifies properties to be offered for sale and ultimately approves any development concept and purchase.

Attachment:

Additional Background: Competitive Negotiated Sale (CNS) Summary

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

011717_MCC_Memo_CNS_Pioneer_Hook_and_Ladder.pdf

Description

Review of Pioneer Hook and Ladder Building, 21-23 W. Franklin Street and possible addition to the Competitive Negotiated Sale program



CITY OF HAGERSTOWN, MARYLAND

Department of Community and Economic Development

TO: Valerie Means, City Administrator

FROM: Jill Frick, Director of Community & Economic Development
Steve Lohr, Fire Chief

DATE: January 12, 2017

RE: Review of Pioneer Hook and Ladder Building, 21-23 W. Franklin Street
and possible addition to the Competitive Negotiated Sale program

Staff members will attend the January 17, 2017 Work Session of the Mayor and City Council to review the Pioneer Hook and Ladder Building at 21-23 W. Franklin Street, and the possibility of adding this property to the City's Competitive Negotiated Sale (CNS) program with the goal of transferring the property to the private sector for its redevelopment and highest/best use.

HFD Decision to Vacate Property

A summary of the Hagerstown Fire Department recent decision to vacate the property is as follows:

- The 2016 Truck 1 has been permanently moved to the City-owned facility on Eastern Blvd.
- HFD has worked closely with the Pioneer Hook and Ladder Company on this decision.
- The East Franklin building was evaluated jointly, and estimated that priority repairs in excess of \$125,000 and full renovation in excess of \$350,000.
- Other factors prevent this location from being the better site for fire-rescue deployment.
- The City has committed to providing Pioneer Hook and Ladder Company a small amount of dedicated office space and storage in the Eastern Blvd facility within the building's existing footprint.

Competitive Negotiated Sale Process

A brief summary of the Competitive Negotiated Sales Process is as follows:

- The Competitive Negotiated Sale is a process that facilitates the sale of City-owned properties with the goal of returning the property to the private sector for its redevelopment and highest/best use.
- The City of Hagerstown makes real estate available for purchase and redevelopment.
- The Department of Community and Economic Development (DCED) coordinates the process and accepts purchase applications.
- The Mayor and City Council identifies properties to be offered for sale and ultimately approves any development concept and purchase.

Attachment:

Additional Background: Competitive Negotiated Sale (CNS) Summary

C: City of Hagerstown CNS Review Committee

City of Hagerstown

**Competitive Negotiated Sale Process
SUMMARY**

The following is a summary of the program which originated in 2013.

Program Overview

- The Competitive Negotiated Sale is a process that facilitates the sale of City-owned properties with the goal of returning the property to the private sector for its redevelopment and highest/best use. The City of Hagerstown makes real estate available for purchase and redevelopment. The Department of Community and Economic Development (DCED) coordinates the process and accepts purchase applications. The Mayor and City Council identifies properties to be offered for sale and ultimately approves any development concept and purchase.
- Any entity or individual may qualify to purchase City property through this process except that some restrictions may apply to City of Hagerstown employees. The purchaser must provide a project plan and budget and be able to demonstrate the financial ability and experience necessary to complete the purchase, the proposed development plan and /or the operation and proper maintenance of the property.
- Properties currently available through CNS:
 - Alms House, 239 N. Locust St.
 - Massey building, 28 E. Baltimore St.
 - Nicodemus House, 170 W. Washington St.
 - Roslyn building, 17-25 E. Franklin St.
 - Updegraff building, 43-53 W. Washington St.

Program Process

- Applicants must submit a completed CNS application form, along with all required supporting documents to DCED. A cross-department staff committee reviews all application submittals and recommends complete and viable applications to the Mayor and City Council. Competitive proposals are accepted on an ongoing basis. During committee review of CNS proposals, the development plan is weighed equally if not more importantly than the proposed sale price. The goal is to find the highest and best use of each CNS property.
- CNS properties are marketed through the City of Hagerstown's (DCED) website, through free real-estate websites such as Co-Star, by local realtors and developers and through signage on the buildings.
- CNS properties acquired or rehabilitated with State Community Legacy funds may restrict the types of uses for the property. For example, Community Legacy funded buildings cannot be used for the following: pawn shops, gun shops, tanning salons, massage parlors, adult video/book shops, adult entertainment facilities, check cashing facilities, gambling facilities, tattoo parlors or liquor stores.
- CNS properties acquired or rehabilitated with CDBG funds typically require sale proceeds to return to the CDBG program.

- DCED staff maintains documentation concerning other aspects of CNS properties where applicable, such as code overviews and environmental assessment reports.

Properties Sold to Date

- Since its inception, three properties have been sold in the CNS program. 11-16 Public Square was sold August 28, 2013 for \$240,000. This commercial property continues to be used as restaurant and office space. 278 South Prospect Street was sold for \$75,000 on October 6, 2016 through the City's Home Ownership Program to be used as an owner occupied residence. 19-21-23 West Antietam Street was sold on October 21, 2014 for \$1.00 (one dollar) to initiate the demolition of a fire-damaged building and redevelopment of the property.

Attachments:

CNS Program "Fact Sheets" containing general information about each CNS property
CNS Program Program Guidelines and Application Form

Property Name: Alms House

Address: 239 North Locust St

Square Footage: 8,450

Date Acquired: November, 2004

FY17 Budget Rent Revenue: \$0.00

FY17 Budget Expense: \$1,083

Acquisition Price: \$90,000

Rehab Expense to Date: \$85,000

Total \$ - Acquisition and Rehab: \$175,000

Description of Rehab Work Done to Date: exterior repairs

Grant Funding Amounts Used and Sources: State Community Legacy funds (\$85,000).

Property Name: Massey Property

Address: 28 East Baltimore St.

Square Footage: 20,000

Date Acquired: October, 2015

FY17 Budget Rent Revenue:

FY17 Budget Expense: \$8,559 (covers Nicodemus and Massey)

Acquisition Price: \$1.00 (one dollar)

Rehab Expense to Date: \$4,600 general repairs and \$39,724 for demolition of adjacent Meadowhawk Building and Bester House. Total \$44,324

Total \$ - Acquisition and Rehab: \$44,325

Description of Rehab Work Done to Date: several roof repairs, electrical work (interior lights), brick work to the exterior walls for stabilization, demolition of 2 adjacent structures

Grant Funding Amounts Used and Sources: none

Property Name: Nicodemus Building

Address: 170 W. Washington St.

Square Footage: 7,500

Date Acquired: March, 2013

FY17 Budget Rent Revenue: \$0.00

FY17 Budget Expense: \$8,559 (covers Nicodemus and Massey)

Acquisition Price: \$27,500

Rehab Expense to Date: \$238,000 + \$87,000 (demolition)

Total \$ - Acquisition and Rehab: \$352,500

Description of Rehab Work Done to Date: new roof, new windows, exterior painting and general cleanup maintenance.

Grant Funding Amounts Used and Sources: State Community Legacy funds (\$150,000), Economic Redevelopment funds (\$177,500), Property Management/sale of 11-16 Public Square (\$25,000) = \$352,500

Property Name: Roslyn Building

Address: 17-25 E. Franklin St.

Square Footage: 24,000

Date Acquired: June, 1996

FY17 Budget Rent Revenue: \$9,188 (Spicklers)

FY17 Budget Expense: \$18,128

Acquisition Price: \$75,000

Rehab Expense to Date: \$850,000

Total \$ - Acquisition and Rehab: \$925,000

Description of Rehab Work Done to Date: asbestos abatement, new roof & windows and elevator system, first floor rehab.

Grant Funding Amounts Used and Sources: CDBG funds (\$850,000)

Property Name: Updegraff Buildings

Address: 43-53 West Washington St.

Square Footage: 40,000

Date Acquired: April, 2013

FY17 Budget Rent Revenue: \$1,800/mo = \$21,600/yr (Potomac Bead)

FY17 Budget Expense: \$13,028 (includes \$1,728 for parking space rental)

Acquisition Price: \$320,000 (funded by \$100,000 State CL; \$220,000 CDBG)

Rehab Expense to Date: \$306,517 (funded by \$195,000 CDBG; \$111,517 sale of Public Square/Property Management).

Total \$ - Acquisition and Rehab: \$626,517

Description of Rehab Work Done to Date: interior cleaned out and building secured. Demolition of rear addition, rear roof replacement and rear wall reconstruction.

Grant Funding Amounts Used and Sources: Federal CDBG funds (\$415,000), State Community Legacy funds (\$100,000), Property Management/sale of 11-16 Public Square (\$111,517) = \$626,517

City of Hagerstown
Department of Community & Economic Development
14 North Potomac Street Suite 200A
Hagerstown, 21740



Competitive Negotiated Sale (CNS) of City Owned Property

PROGRAM OVERVIEW

The Competitive Negotiated Sale is a process that facilitates the sale of City-owned properties. The City of Hagerstown makes real estate available for purchase and redevelopment. The Department of Community and Economic Development (DCED) coordinates the process and accepts purchase applications. The Mayor and City Council identify properties to be offered for sale and ultimately approve any development concept and purchase.

Who Is Eligible To Purchase City Property through the Competitive Negotiated Sale Process?

Any entity or individual may qualify to purchase City property through this process except that some restrictions may apply to City of Hagerstown employees. The purchaser must be able to demonstrate the financial ability and experience necessary to complete the purchase, any proposed development plan and /or the operation and proper maintenance of the property.

What Financial Incentives Are Available?

Redevelopment projects that will create visible change and provide tangible public benefits may be eligible for various forms of financial assistance, such as facade grants. Eligibility for most financial assistance programs requires a property location in a designated redevelopment area. For more information on the various assistance programs administered by DCED, visit the department's webpage at www.hagerstownmd.org

Application and Approval Process

Applicants must submit a completed CNS application form, along with any and all required supporting documents, to DCED. A staff committee will review all complete application submittals and recommend certain applications to be presented to the Mayor and City Council. Competitive proposals are accepted on an ongoing basis. Application reviews occur the first week of each month. In order to be considered in a timely fashion, please submit a completed application before the end of the month. If a concept is approved by the Mayor and City Council, staff will be authorized to negotiate a Purchase Agreement consistent with the terms of the application.

Application for Purchase of City-Owned Property

Please return the completed application and supporting documentation to:

City of Hagerstown
Department of Community and Economic Development
14 N. Potomac Street, Suite 200A
Hagerstown, MD 21740

I. Information

1. This is a proposed: ☐ Purchase ☐ Purchase and Redevelopment

a. If redevelopment, the project name: _____

2. Provide the street address of the property to be purchased below:

3. Current Use of Property: ☐ Vacant Land ☐ Improved with Building

II. Applicant Information

4. Name of Applicant: _____

5. Business Name: _____

6. Business Address: _____

7. Phone Number: _____ Fax Number: _____

8. Email Address: _____

9. Type Of Business: ☐ Individual ☐ Sole Proprietorship ☐ Nonprofit Corporation
☐ For-Profit Corporation ☐ Partnership ☐ LLC

10. Name, address and phone numbers of other persons or entities having an ownership in the applicant business entity:

11. Provide a description of your real estate development or related business experience.
Attach additional sheets if necessary:

III. **Purchase and Redevelopment Proposal**

IV.

12. Do you own or control an adjacent property? If so, identify the property by address, describe your interest and describe its current use:

13. Type of Redevelopment Proposed: ☐ Commercial/Retail ☐ Multi-Family Residential
☐ Single Family/Townhouse ☐ Industrial ☐ Institutional/Nonprofit
☐ Accessory Parking/Open ☐ Mixed Use ☐ Other _____

14. Project narrative: Write a brief description of the project. Be as specific as possible about timing, scope of work, intended end users of the property, type of construction and financing. If you own an adjacent property, describe how the City parcel will enhance the overall project. Attach additional sheets if necessary.

15. Provide sources and uses of funds.

16. Proposed Purchase Price: \$_____

17. If you have copies of site plans or concept drawings, please attach them.

18. Job Retention/Creation: List projected number of part time and full time jobs at the project after completion if applicable.

	<u>Jobs Retained</u>	<u>Jobs Created</u>	<u>Total Jobs</u>
<u>Full Time</u>	_____	_____	_____
<u>Part Time</u>	_____	_____	_____

19. Identify any public benefits, if any, to be created by the project:

20. Please attach construction pro-forma and revenue projections if available.

V. Signature

I, the undersigned, affirm that the project descriptions, numerical and financial estimates, and all other information I have provided in this application are true and complete to the best of my knowledge. I have read and understood the requirements described in the overview and application. Furthermore, I certify that I am authorized to initiate the application process on behalf of the project described.

I understand that I must demonstrate to the satisfaction of the department the ability of the purchasing entity to complete the proposed project. I understand that all documents submitted on behalf of this application become the property of the City of Hagerstown and may be subject to inspection and copying pursuant to the Public Information Act.

Signed: _____ Date: _____



Confidential Information Form

Please be advised that documents submitted to the City of Hagerstown are considered public records. As such, they are subject to the dictates of Maryland's Public Information Act, which permits inspection and copying of most public records in an effort to ensure open and fair governance within the State. However, certain records are affirmatively protected from disclosure by specific exceptions found in the Act. Among other categories, these exceptions include personal identification information of individuals, trade secrets, and confidential commercial or financial information.

If you believe information contained in the documents or other materials submitted to the City of Hagerstown are confidential based upon these or other exceptions contained in the Act, please identify the sections of the document which contain confidential information by listing the document section below:

	<u>Section</u>	<u>Reason for Confidentiality</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

The determination of whether the above information falls within an exception to disclosure contained in the Act will be made by City staff in consultation with its legal advisors. You will be informed of any determination made in this regard. You can be assured that the City of Hagerstown will comply with the requirements of the Act, and will maintain all appropriately confidential material in strict confidence to the extent permitted by law.

Applicant Print: _____ Date: _____

Applicant Signature: _____

Staff Signature: _____

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

ZM-2016-03: Conversion District Amendment - Jeffrey Crampton, 901 Pope Avenue - *Alex Rohrbaugh, Planner*

Mayor and City Council Action Required:

This item is scheduled for discussion at the January 17th Work Session. The purpose is to follow up on the December 20th Public Hearing for the proposed Conversion District amendment for 901 Pope Avenue and get direction on how the Mayor & Council would like to proceed for the January 31st Regular Session.

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

MCC_Memo_Crampton_1-12-17.pdf

OrdinanceFindingsofFact.pdf

ApplicationAMENDED9-29-16.pdf

Description

Cover Memo

Ordinance & Findings of
Fact -DRAFT

Rezoning Application



CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

MEMORANDUM

TO: Valerie Means, City Administrator

FROM: Alex W. Rohrbaugh, AICP, Planner *AWR*

DATE: January 12, 2017

SUBJECT: ZM-2016-03: Conversion District Amendment – Jeffrey Crampton, 901 Pope Avenue

Mayor and City Council Action Requested

This item is scheduled for discussion at the January 17th Work Session. The purpose is to follow up on the December 20th Public Hearing for the proposed Conversion District amendment for 901 Pope Avenue and get direction on how the Mayor & Council would like to proceed for the January 31st Regular Session.

Review

The Public Review Meeting for this proposal was held on December 20. The record was held open for 10 days afterwards, and Staff did not receive any additional public comment to date. The Planning Commission took testimony from the applicant, and no others in attendance spoke in favor or against the rezoning.

At the Public Hearing a discrepancy was pointed out between the application and December 15 staff memo and analysis on permitted use #2, retail and wholesale trade, concerning motor vehicle sales. Staff looked into this matter and has determined that the rezoning application (attached) does not propose adding any motor vehicle sales, whether indoor or outdoor, to the list of approved uses as evidenced by the strikeout in the application (The December 15 memo and staff analysis failed to include the appropriate strikeout). Staff has corrected the discrepancy and reworded #2 in the Ordinance and Findings of Fact to be consistent with the application and without the strikeouts (attached).

Planning Commission Recommendation

At its November 9th meeting, the Planning Commission recommended to the Mayor & City Council approval of the Conversion District overlay amendment, subject to the following site plan condition: *Any trash dumpsters, existing or proposed, that are located along the Pope Avenue side of the building be provided with dumpster enclosures in accordance with the requirements of the Ordinance.*

Action Dates

January 31 – Approve or deny rezoning
March 2 – If approved, rezoning takes effect

Attachments: Ordinance, Findings of Fact, Application

C: Kathleen Maher, Director, PCAD; Jason Morton, City Attorney; Jennifer Keefer, City Attorney

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
AND ZONING MAP OF THE CITY OF HAGERSTOWN**

WHEREAS; pursuant to the provisions of Article 4, Zoning, of the Land Management Code of the City of Hagerstown, Maryland, an application for an amendment to a Conversion District Overlay was made by **JEFFREY CRAMPTON**;

WHEREAS; said application for Conversion District amendment and amendment to the Zoning Map and Zoning Ordinance is known and designated as Case No. ZM-2016-03;

WHEREAS; the Mayor and City Council, as the duly constituted legislative body for the City held a Public Hearing in compliance with said Ordinance on December 20, 2016, wherein the Applicants and the general public were given an opportunity to fully present evidence and information pertinent to the request for zoning classification amendment and amendment to the Zoning Ordinance;

WHEREAS; the Mayor and City Council, prior to and subsequent thereto, have complied with all of the provisions of the General Laws of the State of Maryland and the Zoning Ordinance for the City of Hagerstown;

WHEREAS; said Mayor and City Council do find and determine in this case, based on said Public Hearing and the evidence presented therein, and having considered all of the criteria as set forth by the laws of the State of Maryland and the Zoning Ordinance, did on January 31, 2017, take formal action to approve the Conversion District Overlay amendment for the property designated as **901 POPE AVENUE**, Hagerstown, Maryland, to add to the list of previously approved uses (with corresponding NAICS codes);

1. Tanning and Depilatory Salons (812199)

2. Retail and wholesale trade (44-45), excluding auto and other motor vehicle dealers and excluding adult businesses – up to 5,000 square feet in net floor area. This provision shall also include retail bakeries (311811) and retail confectioneries (311320). Regulation of specific trade uses that are found elsewhere in the Zoning Ordinance shall prevail. No more than one such use shall be permitted in this Conversion District.
3. Hair, nail and skin care stores, ear piercing services, hair replacement services, permanent makeup salons (81211) and dog grooming establishments
4. Visual and Performing Arts Studios
5. Catering kitchens, for preparation of food for off-site delivery and associated office and storage use (722320)
6. Professional, scientific & technical services (54), except veterinary services
7. Fitness and Recreational Sports Centers
8. Artist Live-Work Space in large former commercial, industrial or institutional buildings
9. Personal and household goods repair and maintenance (8114)

WHEREAS; the Mayor and City Council did make findings of fact which are attached hereto and incorporated here in (“Attachment A”) and entitled “Findings of Fact”;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council for Hagerstown, Maryland, that the Zoning Reclassification and Zoning Map Amendment requesting Case No. ZM-2016-03 for a Conversion District Overlay amendment is hereby granted pursuant to the conditions and requirements set forth in the Opinion and Findings of Fact, attached hereto as **Exhibit A** and incorporated herein by reference.

.

WITNESS:

MAYOR AND CITY COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND

Donna K. Spickler, City Clerk

By: _____
Robert E. Bruchey, II, Mayor

DATE OF INTRODUCTION: 12/20/2016
PUBLIC HEARING: 12/20/2016
DATE OF PASSAGE: 01/31/2017
EFFECTIVE DATE: 03/02/2017

**ATTACHMENT "A" ZONING
RECLASSIFICATION APPLICATION NO. ZM-2016-03**

Applicant: Jeffrey Crampton
261 Frederick Street
Hagerstown, Maryland 21740

OPINION AND FINDINGS OF FACTS

The foregoing matter was heard at Public Hearing by the Mayor and City Council on December 20, 2016, in accordance with the provisions of the Zoning Ordinance for the City of Hagerstown, Maryland.

FINDINGS OF FACT

The property which is the subject of the proposed map amendment is located at 901 Pope Avenue and is situated south of Rose Hill Cemetery and east of a CSX railroad line. The property is approximately three (3) acres in size, more or less, and the existing building is 136,961 square feet, more or less and was originally built as an industrial use around 1890. The property is owned by Jeffrey Crampton.

The property was originally zoned Industrial Restricted (IR) in 1977 and still carries that underlying classification today. In 1991, the property was approved for a Conversion District Overlay to allow office uses in the existing building with the intent of "providing a transition between the industrial district and residential district to the east". In 1998, the Conversion District Overlay for this property was amended to convert existing office spaces into 12 residential units.

According to the 2016 *Polk City Directory*, the property currently contains residential apartments, as well as approximately 11 businesses.

The owner and applicant, Jeffrey Crampton, has filed an application to amend the Conversion District overlay and add to the list of approved uses (and corresponding NAICS codes) for the property in order to make the property more flexible for re-use. The proposed uses are as follows (with corresponding NAICS codes):

1. Tanning and Depilatory Salons (812199)
2. Retail and wholesale trade (44-45), excluding auto and other motor vehicle dealers and excluding adult businesses – up to 5,000 square feet in net floor area. This provision shall also include retail bakeries (311811) and retail confectioneries (311320). Regulation of specific trade uses that are

found elsewhere in the Zoning Ordinance shall prevail. No more than one such use shall be permitted in this Conversion District.

3. Hair, nail and skin care stores, ear piercing services, hair replacement services, permanent makeup salons (81211) and dog grooming establishments
4. Visual and Performing Arts Studios
5. Catering kitchens, for reparation of food for off-site delivery and associated office and storage use (722320)
6. Professional, scientific & technical services (54), except veterinary services
7. Fitness and Recreational Sports Centers
8. Artist Live-Work Space in large former commercial, industrial or institutional buildings
9. Personal and household goods repair and maintenance (8114)

The proposal is in accordance with the provisions for a Conversion District as set forth in the Chapter 140, Land Management Code, Article 4, Zoning, including the following:

1. The application has been filed by Jeff Crampton, the sole owner of the property.
2. The building is at least two floors in height.
3. If no development occurs within two (2) years of final approval, and the applicant fails to request an extension, this amendment to the existing conversion overlay is no longer valid.
4. The applicant shall submit a site plan prior to newly-allowed uses being occupied by the building.
5. A concept plan of the site was submitted with the rezoning application.
6. The height of the existing building does not exceed 60 feet.
7. There are currently +/- 44 off-parking spaces provided on the property.
8. The underlying zoning district is Industrial Restricted (IR).
9. The property is larger than 20,001 square feet in size.
10. The property was constructed prior to October 1, 1956.

This site was analyzed for this application and the following condition was endorsed by the Planning Commission: Any trash dumpsters, existing or proposed, that are located along the Pope Avenue side of the building be provided with dumpster enclosures in accordance with the requirements of the Land Management Code.

CONCLUSION

Therefore, the Mayor and City Council find that those matters contained in the staff analysis and presented by the applicants at the Public Hearing on December 20, 2016, to be true and accurate, and that all procedural requirements prerequisite to approval of an amendment to the Conversion District Overlay by this Body have been met. The Mayor and City Council find as a matter of fact that the proposal generally does not violate the spirit and intent of the Zoning Ordinance. We further find that the approval of the proposed Conversion District Overlay amendment for 901 Pope Avenue will not materially or adversely affect adjoining properties provided that the one (1) enumerated condition are adhered to.

**MAYOR AND COUNCIL FOR THE
CITY OF HAGERSTOWN, MARYLAND**

By: _____
Robert E. Bruchey, II, Mayor

HAGERSTOWN DEPARTMENT OF PLANNING

Hagerstown, Maryland

REZONING APPLICATION AND REVIEW CHECKLIST

SUBMISSION REQUIREMENTS: THIS ORIGINAL AND SEVENTEEN (17) COPIES OF THIS FORM, WITH A COPY OF THE REZONING EXHIBIT AND ANY OTHER SUBMITTED MATERIALS ATTACHED TO THIS FORM AND EACH OF THE REQUIRED COPIES. This application will not be accepted for processing unless the checklist found on the remaining sheets of this form is completed.

EFFECTIVE JANUARY 1, 2004, NO REZONING APPLICATION WILL BE ACCEPTED FOR PROCESSING UNLESS ACCOMPANIED BY A COMPLETED COPY OF THIS REVIEW CHECKLIST FORM

Munis # 2016 2670

For Planning Department Use Only

Rezoning Case File ZM- 2016- 03

Accepted:

SUBDIVISION NAME: _____

SECTION: _____

DEED REFERENCE: _____ LIBER: _____ FOLIO: _____

ZONING DISTRICT: IR w/ Conversion
over write

LOCATION OF PROPERTY: 901 Pope Ave Hbg. MD.
21740

TRACT SIZE: _____

RELATED PLANNING DEPARTMENT FILE REFERENCES (SITE PLANS, PRELIMINARY PLATS, BZA CASES):
(If none, state so)

PROPOSED USE (NUMBER AND TYPES OF DWELLINGS, AREA & USE OF COMMERCIAL & INDUSTRIAL BLDGS.):

Amend the existing conversion district to permit additional uses (see attached list)

ENG./SURVEY COMPANY: _____ PROJECT CONTACT PERSON: _____

MAILING ADDRESS: _____

TELEPHONE: _____ FAX: _____ E-MAIL: _____

DEVELOPER: Jeffrey N. Crampton PROJECT CONTACT PERSON: Jeff Crampton

MAILING ADDRESS: 2061 Frederick St. Hagerstown, MD. 21740

TELEPHONE: (301) 739-0933 FAX: (301) 745-4225 E-MAIL: _____

OWNER OF PROPERTY: (301) 573-4175 Jeffrey N. Crampton

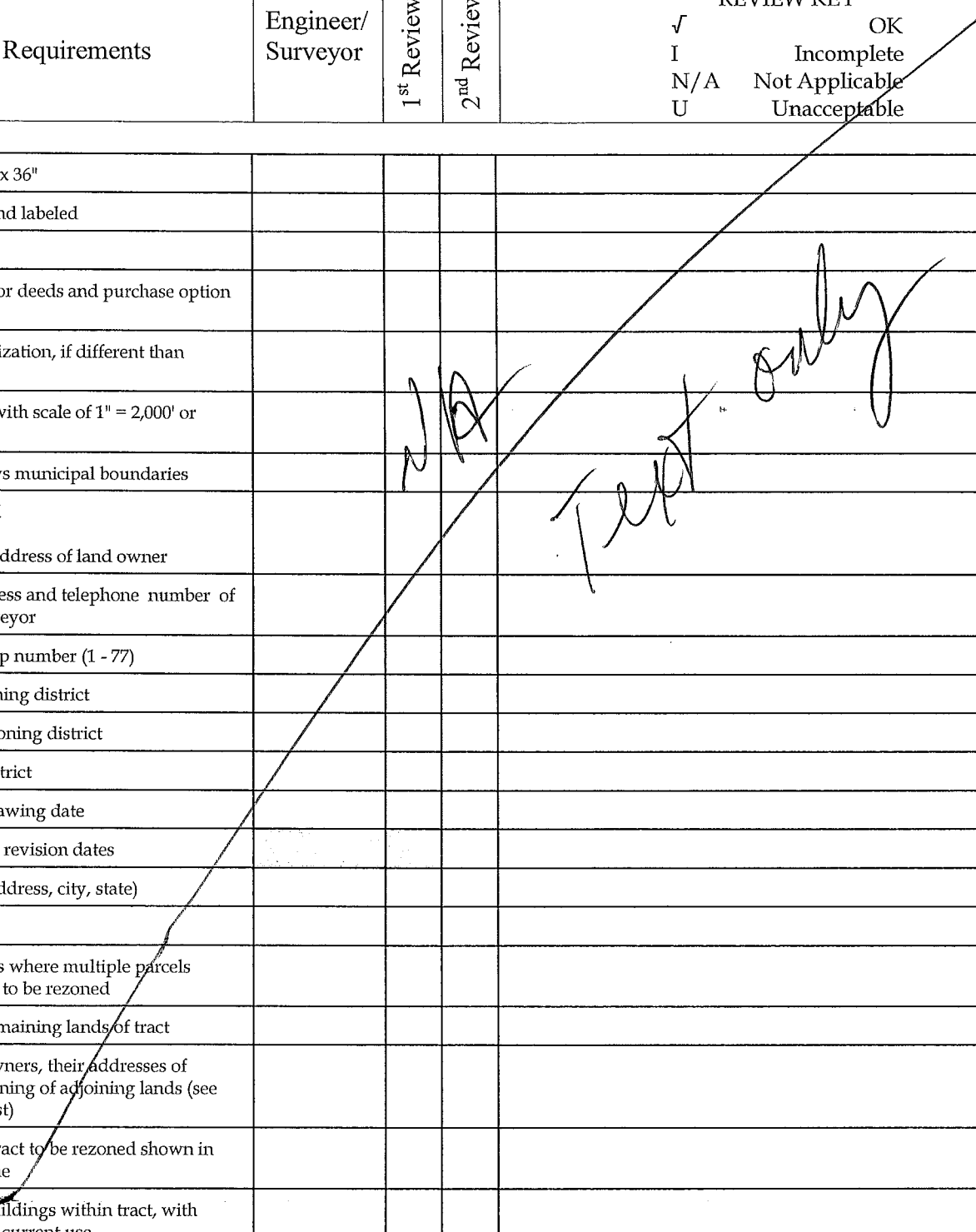
MAILING ADDRESS: Same ↑

TELEPHONE: Same ↑ FAX: Same ↑ E-MAIL: _____

This Chart for Staff Use Only	1 st Review	2 nd Review	3 rd Review
Date Accepted for Processing:			
Review Date:			
Returned to Design Firm on:			

INSTRUCTION TO ENGINEER/SURVEYOR:

In the column marked "Engineer/Surveyor", identify each page which the required item appears on the plan. For items that appear on each page of the plan, use "All". If not applicable, provide a note on the plan stating this and list in the column below the page of the plan on which the note is located. Individual requirements may be waived by the Planning Department for landmark designation overlays.

Ordinance Requirements	Engineer/ Surveyor	1 st Review	2 nd Review	REVIEW KEY
				✓ OK I Incomplete N/A Not Applicable U Unacceptable
Sheet size: 24" x 36"				
Scale shown and labeled				
North arrow				
Copy of deed or deeds and purchase option (if applicable)				
Owner authorization, if different than applicant				
Vicinity map with scale of 1" = 2,000' or greater				
Vic. map shows municipal boundaries				
TITLE BLOCK				
Name and address of land owner				
Name, address and telephone number of engineer/surveyor				
City tax map number (1 - 77)				
Current zoning district				
Proposed zoning district				
Election district				
Original drawing date				
Subsequent revision dates				
Location (address, city, state)				
Tract area				
Area of parcels where multiple parcels comprise tract to be rezoned				
Plan shows remaining lands of tract				
Plan shows owners, their addresses of record, and zoning of adjoining lands (see end of checklist)				
Boundary of tract to be rezoned shown in heavy solid line				
All existing buildings within tract, with addresses and current use				
All existing easements on tract				
Width of ex. utility rights of way				

INSTRUCTION TO ENGINEER/SURVEYOR:

In the column marked "Engineer/Surveyor", identify each page which the required item appears on the plan. For items that appear on each page of the plan, use "All". If not applicable, provide a note on the plan stating this and list in the column below the page of the plan on which the note is located. Individual requirements may be waived by the Planning Department for landmark designation overlays.

Ordinance Requirements	Engineer/ Surveyor	1 st Review	2 nd Review	REVIEW KEY
				✓ OK I Incomplete N/A Not Applicable U Unacceptable

Location of ex. public rights of way				
Width of ex. public rights of way				
Location of ex. railroad rights of way				
Width of ex. railroad rights of way				
Location of ex. drainage rights of way and 100-year floodplain				
Width of ex. drainage rights of way				
FOR PUD OR OTHER PROPOSAL-BASED REZONINGS, A CONCEPT PLAN SHOWING THE FOLLOWING FEATURES				
Proposed rights of way for public streets				
Proposed uses, showing maximum number of dwelling units (broken down by type), and/or square footage of industrial, office and retail space				
Conceptual lot or project layout				
Conceptual location of forest preservation/aforestation areas				
Location and list of proposed amenities (parks, recreation facilities, school sites, etc.)				
Proposed location of major regional stormwater management facilities				
Plans folded to be able to fit into an 11x9 file				
Planning Department Map Amendment File Number (ex. ZM-2003-01) on bottom right hand corner of the first page.	NA	NA		Can only be added after plat has been submitted and case file number assigned. This will not be required if this addition will be the only change required after initial staff review.
Addressed Engineering comments?		NA		
Addressed Water Dept. comments?		NA		
Addressed Sewer Dept. comments?		NA		
Addressed Light Dept. comments?		NA		
Addressed all other Department comments?				DO NOT SUBMIT REVISED PLANS UNTIL COMMENTS FROM ALL REVIEW AGENCIES HAVE BEEN COLLECTED AND ADDRESSED.
Are all applicable fees paid in full?				
Three review copies for Planning Commission provided?				
Colored exhibit provided?				

Jeffrey N. Crampton
261 Frederick Street
Hagerstown, MD 21740
301-739-0933 Phone
301-745-4225 Fax

Attachment

Proposed expanded list of uses for Conversion District. Language is as in the use chart (Section Z) of the Zoning Ordinance, unless otherwise edited (omission appears in ~~strikeout~~, new text in *CAPITALIZED ITALICS*). :

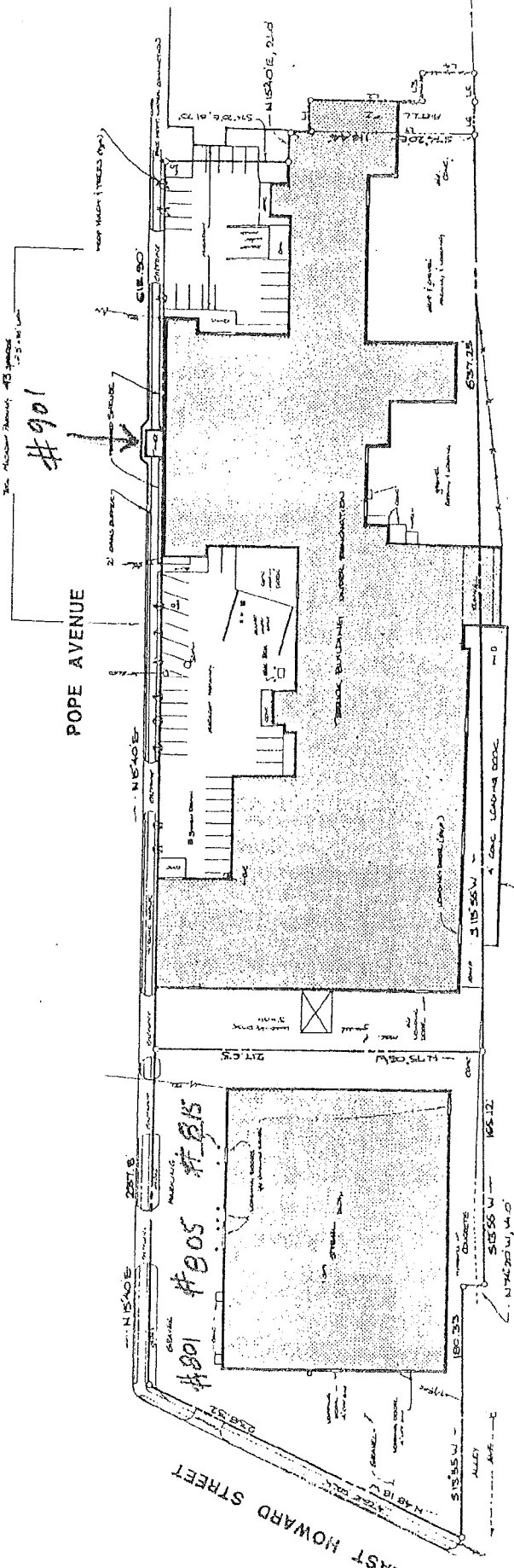
1. Tanning and Depilatory Salons (812199)
2. Retail and wholesale trade (44-45) excluding auto and other motor vehicle dealers ~~unless all vehicle storage is indoors~~ and excluding adult businesses – up to 5,000 square feet in net floor area ~~per business~~. This provision shall also include retail bakeries (311811) and retail confectioneries (311320). Regulation of specific trade uses that are found elsewhere in ~~this chart~~ *THE ZONING ORDINANCE* shall prevail. *NO MORE THAN ONE SUCH USE SHALL BE PERMITTED IN THIS CONVERSION DISTRICT.*
3. Hair, nail and skin care stores, ear piercing services, hair replacement services, permanent makeup salons (81211) and dog grooming establishments
4. Visual and Performing Arts Studios
5. Catering kitchens, for reparation of food for off-site delivery and associated office and storage
6. Professional, scientific & technical services (54), except veterinary services
7. Fitness and Recreational Sports Centers
8. Artist Live-Work Space in large former commercial, industrial or institutional buildings
9. Personal and household goods repair and maintenance (8114)

1061

POPE AVENUE

EAST HOWARD STREET

BALTIMORE & OHIO RAILROAD



- 1. 54' 0" x 115' 0"
- 2. 54' 0" x 115' 0"
- 3. 54' 0" x 115' 0"
- 4. 54' 0" x 115' 0"
- 5. 54' 0" x 115' 0"
- 6. 54' 0" x 115' 0"
- 7. 54' 0" x 115' 0"

PLOT - PLAN

CONVERSION OVERLAY DISTRICT

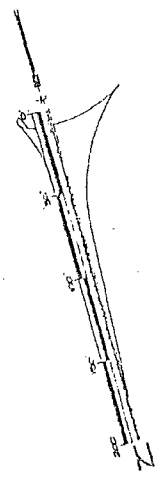
JEFFREY CRAMPTON

CLARK & YORK AND S. HOLLAND STREETS, BALTIMORE, MD

FREDERICK SEIBERT & ASSOCIATES, INC.

CIVIL ENGINEERS-SURVEYORS-LANDSCAPE ARCHITECTS-PLANNERS
135 SOUTH POTOMAC STREET, WASHINGTON, D.C. 20004

DISTRICT	1061
DRAWING NO.	1061
DESIGNED BY	JEFFREY CRAMPTON
CHECKED BY	DATE



**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

A-2017-01, Annexation - 2009 Salem Ave North LLC (Fulton), Salem Avenue - *Alex Rohrbaugh, Planner*

Mayor and City Council Action Required:

The proposed annexation is scheduled for Introduction at the January 31st Regular Session. The Annexation Plan is also scheduled for adoption at that time. Following Introduction, a Public Hearing on the annexation would take place at the March 28th Meeting.

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

A-2017-01_Cover_Memo___Map.pdf
Annexation_Plan_A-2017-01.pdf
Annexation_Resolution_A-2017-01.pdf

Description

Cover Memo & Map
Annexation Plan, A-2017-01
Annexation Resolution, A-2017-01



CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

MEMORANDUM

TO: Valerie Means, City Administrator

FROM: Alex W. Rohrbaugh, AICP, Planner *AWR*

DATE: January 12, 2017

SUBJECT: A-2017-01, Annexation – 2009 Salem Ave North LLC (Fulton), Salem Avenue

Mayor & Council Action Requested

The proposed annexation is scheduled for Introduction at the January 31st Regular Session. The Annexation Plan is also scheduled for adoption at that time. Following Introduction, a Public Hearing on the annexation would take place at the March 28th Meeting.

Overview

The Fulton family has assembled some properties on the north side of Salem Avenue in anticipation of future redevelopment for commercial clients as yet unknown. (See attached map.) Annexation is proposed at this time to get the tract ready for redevelopment, so the 4-6 month time delay associated with the annexation process will not be an impediment to securing future commercial prospects.

Currently, the properties are zoned HI (Highway Interchange) in the County and contain a commercial building on four acres, three small houses, and a small commercial building. Public water and wastewater are not currently in Salem Avenue in this area. As redevelopment plans materialize, in addition to extension of utility lines, the Fultons anticipate a plan that sees a roadway/driveway connection to Terps Boulevard and extension of Garland Groh Boulevard into this area to serve commercial development between Terps Boulevard and I-81.

The total area of annexation is approximately 5.75 acres. The property is zoned HI (Highway Interchange) in the County, and, if annexed, the property would be zoned CG (Commercial General). The zoning classifications are consistent with one another; therefore, no express approval of a zoning change is required from the County Commissioners. The Future Land Use Plan in the City's 2008 Comprehensive Plan identifies this area as Medium-Density Residential and Industrial. The forthcoming Comprehensive Plan update, *visionHagerstown 2035*, has preliminarily identified the Salem Avenue corridor north of I-81, including the area of annexation, as Commercial General.

The City Planning Commission will be reviewing the appropriateness of CG zoning for the annexation at their meeting on January 25th.

Annexation Process

Should the annexation resolution be introduced and the annexation plan be adopted on January 31, a Public Hearing will be held on March 28. In accordance with State Law, there must be a period of least 30 days between the introduction of the resolution and the public hearing to allow state and county review. The applicant, members of the public, the County Commissioners, and the State have an opportunity to comment at the public hearing. The annexation resolution would then be scheduled for a vote on adoption in June. If adopted, the annexation would become effective 45 days later.

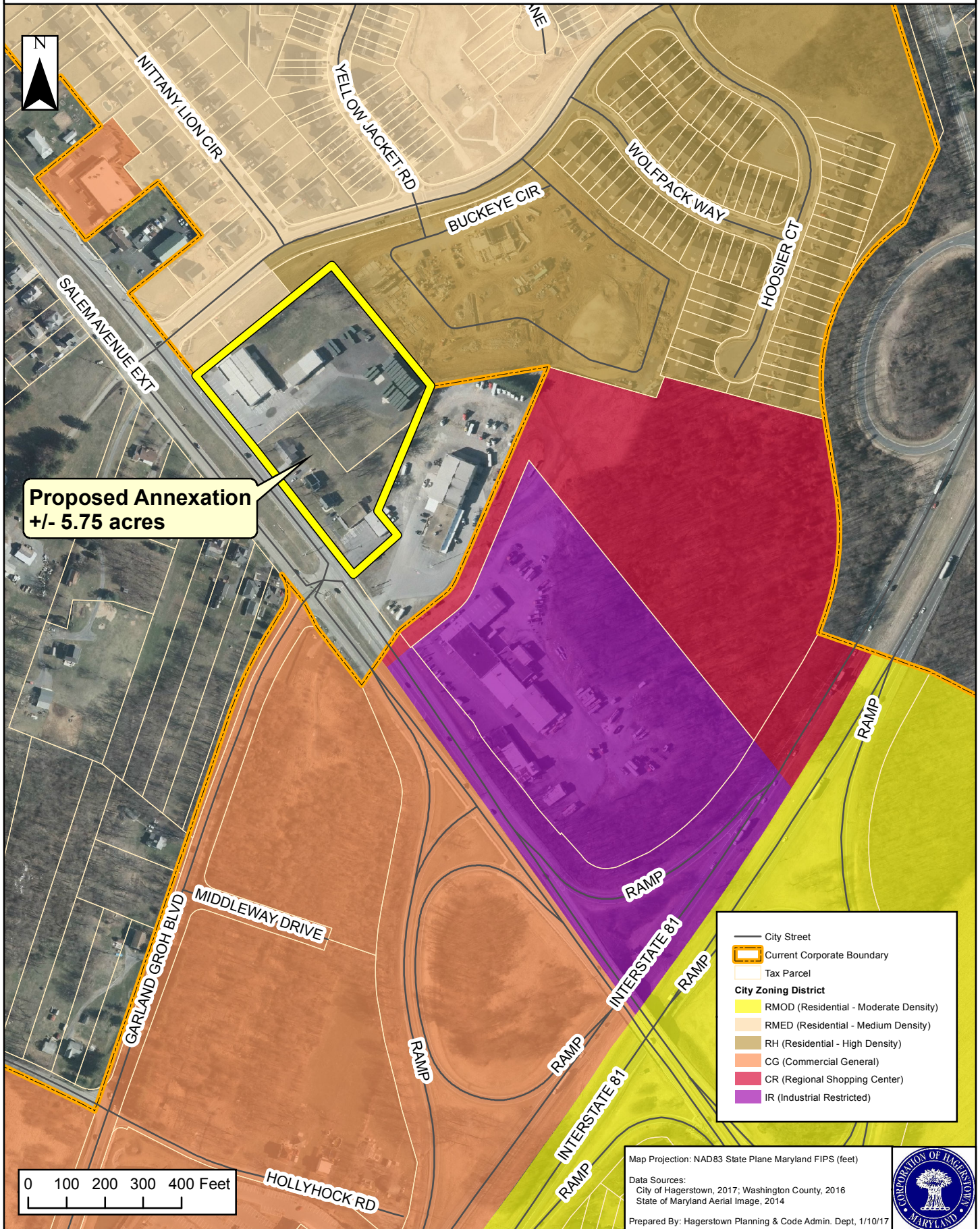
Staff Recommendation

Staff recommends introducing the annexation resolution as submitted and adopting the annexation plan on January 31.

Attachments: Map of Proposed Annexation
 Annexation Resolution
 Annexation Plan

c. Jason Morton, City Attorney
 Jennifer Keefer, City Attorney
 Kathleen Maher, PCAD Director
 Jill Frick, DCED Director
 Rodney Tissue, City Engineer
 Jason Divelbiss, Divelbiss & Wilkinson

A-2017-01, 2009 Salem Ave North LLC, Salem Avenue



City of Hagerstown, Maryland
Annexation Case No. A-2017-01

Property Owner/Applicant: 2009 Salem Avenue North LLC (Fulton) - Applicant/Owner

Location of Property: 12839 Salem Avenue (Map 0037, Parcel 0708)
12919 Salem Avenue (Map 0037, Parcel 0499)

Annexation Plan

Pursuant to §4-415 of the Local Government Article of the Annotated Code of Maryland, herewith is a proposed outline for extension of services and public facilities into the areas proposed to be annexed.

It is also noted that any future amendments to the Annexation Plan may not be construed in any way as an amendment to the resolution, nor may they serve in any manner to cause a reinitiation of the annexation procedure then in process.

I. Land Use Patterns of Areas Proposed to be Annexed -

- A. The area of annexation is +/- 5.75 acres.
- B. The proposed zoning is CG (Commercial General). The purpose of the CG zoning district is to provide locations for business of a general nature to serve the community. The existing Washington County zoning classification is HI (Highway Interchange). The property is designated as Medium-Density Residential and Industrial on the City's Future Land Use Map.

The CG zoning classification is generally consistent with the County's current zoning of HI; thus, no "express approval" of a zoning change by the County is needed.
- C. It is within the City's Medium Range Growth Area, an area intended for new or expanded water and wastewater service, as defined in the 2008 Comprehensive Plan.
- D. It is within the County's Urban Growth Boundary (UGA) and the State's designated Priority Funding Area (PFA).

II. Availability of Land Needed for Public Facilities -

- A. The area of annexation contains three existing dwelling units. However, the future proposed uses of the annexation are non-residential in nature

and will have no additional impact on Washington County Board of Education facilities with respect to school capacity.

- B. The area of annexation contains three existing dwelling units. However, the future proposed uses of the annexation are non-residential in nature will have no additional impact to the Washington County Free Library as a result of the annexation.

III. Schedule and Method of Financing the Extension of Each Municipal Service Currently Performed Within the City of Hagerstown into the Area Proposed to be Annexed.

- A. The area of annexation current has no City Wastewater Service. If requested for existing for existing development or redevelopment, the property will be served by City Wastewater. Sufficient capacity exists to serve the property.
- B. The area of annexation current has no City Water Service. If requested for existing for existing development or redevelopment, the property will be served by City Wastewater. Sufficient capacity exists to serve the property.
- C. The Electric Distribution System is external to the Hagerstown Light Division operating territory. Electrical service is currently provided by Potomac Edison.

The City of Hagerstown Light Division normally supplies street light services to public streets and supplies the manpower and equipment to serve a new area once the developer builds the infrastructure. The HLD, or its designee, designs and approves the street light system. The developer is responsible for the purchase and installation, to approved HLD specifications, of the street light system. The HLD then assumes ownership of the street light system twelve (12) months after the City of Hagerstown assumes ownership of the street(s). Until that ownership transpires, the developer is responsible for all aspects of the street light system. Upon receiving ownership, HLD would have the manpower and equipment resources to serve this area.

- D. No significant impact on emergency service delivery is expected.
- E. The property proposed for annexation fronts on Salem Avenue (Maryland Route 58), a State-maintained road. Any public roads constructed in the

future within the area of annexation will be completed at the direction of the City Engineer at the developer's expense and constructed per the City's Public Ways Construction Standards by the developer.

- F. Parks and recreation facility expansion are not proposed for this annexation.
- G. Police protection will be provided by the Hagerstown Police Department. Fire protection will be provided by the Hagerstown Fire Department.
- H. Maintenance (i.e. snow removal, mowing of right-of-ways, litter removal) of Salem Avenue is performed by Maryland State Highway Administration. Any public roads constructed in the future within the area of annexation will be maintained by the Public Works Department.
- I. All future persons within the area proposed to be annexed shall obtain or be entitled to existing benefits of the City of Hagerstown. They shall also be required to pay for all applicable utility services, charges, assessments, taxes, and other costs and expenses which are required of the residents of the City of Hagerstown, unless alternative arrangements are provided for the Annexation Resolution.

RESOLUTION NO.

RESOLUTION OF THE COUNCIL OF THE CITY OF HAGERSTOWN TO ENLARGE THE CORPORATE BOUNDARIES AND THEREBY AMEND THE CORPORATE BOUNDARIES AS CONTAINED IN SECTION 104 OF ARTICLE 1 OF THE CHARTER OF THE CITY OF HAGERSTOWN, MARYLAND AND AT THE SAME TIME ESTABLISH THE ZONING CLASSIFICATION OF THE AREA TO BE ANNEXED.

WHEREAS, a proposal to enlarge the corporate boundaries of the City of Hagerstown, Maryland by adding or annexing thereto the within described areas which are immediately adjacent to and adjoining the present corporate boundaries thereof, as contained in a Petition signed by the requisite number of persons as prescribed, and to be popularly known as the "*2009 Salem Avenue North LLC, Case No. A-2017-01*" for identification; as set forth in Subtitle 4-400 of the Local Government Article of the Annotated Code of Maryland, as residents, registered voters, and owners of the realty contained within the areas to be annexed; and same is incorporated herein by reference as if set forth into and made a part hereof. **See Exhibit A.**

WHEREAS, the Mayor, who is the presiding officer of the legislative body, has caused to be made a verification of the signatures on said Petition, and has ascertained that the requirements of Subtitle 4-404 of the Local Government Article of the Annotated Code of Maryland entitled "Annexation", as more fully appears from the certificates of verification subscribed by Donna K. Spickler, City Clerk, which certificates were presented at this meeting and made part hereof, have been met. **See Exhibit F.**

WHEREAS, the Petition for Annexation meets all the requirements of the law, and pursuant to Subtitle 4-406 of the Local Government Article of the Annotated Code of Maryland, the Annexation was referred to the appropriate State, Regional, and County planning authorities.

WHEREAS, the proposed zoning of the area to be annexed to the corporate limits, was referred to the Planning Commission for the City of Hagerstown, Maryland which said Commission for the City of Hagerstown has studied the proposed zoning of the tracts described herein in relation to the Comprehensive Plan, the Zoning Ordinance, and all other applicable ordinances, the needs of the City and County, and the needs of the particular neighborhoods and vicinities of the areas, and have approved the same and that the rezoning for said tract of land is proper and desirable under all of the circumstances and should be accomplished at this time.

Section 1. Now, Therefore, be it resolved by the Mayor and City Council of the City of Hagerstown, Maryland that the boundaries of the City, pursuant to the provisions of Subtitle 4-400 of the Local Government Article of the Annotated Code of Maryland, be and are hereby amended so as to annex and include within said City all that certain area of land together with the persons residing therein (there being none) and their property, contiguous to

the corporate limits of the City and being more particularly described by metes and bounds in **Exhibit G** attached hereto and made a part thereof.

Section 2. And be it further resolved that the annexation of the said area be made subject to the terms and conditions as set forth in **Exhibit A** attached hereto and made a part hereof upon final agreement and passage.

Section 3. And be it further resolved by the Mayor and City Council, that the subject property to be annexed shall have a zoning classification of CG (Commercial General) upon annexation.

Section 4. And be it further resolved that the conditions and circumstances applicable to the change in said corporate boundaries and to the future residents and property within the area so annexed shall be subject to the provisions of the Charter of the City of Hagerstown, the Code of the City of Hagerstown, and all acts, ordinances, resolutions and policies.

Section 5. And be it further resolved by the Mayor and City Council, that this resolution shall take effect upon the expiration of forty-five (45) days following its final passage, subject, however to the right of referendum as contained in Subtitle 4-400 of the Local Government Article of the Annotated Code of Maryland.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

BY ORDER OF THE MAYOR AND
THE CITY OF HAGERSTOWN,
MARYLAND

Donna K. Spickler
City Clerk

By: _____
Robert E. Bruchey, II
Mayor

Dated Introduced: 01/31/2017
Public Hearing: 03/28/2017
Final Enactment: 00/00/2017
Effective Date: 00/00/2017

Exhibit A

Petition for Annexation

PETITION FOR ANNEXATION

PURSUANT to and in accordance with the provisions of Md. Code, Local Government, §4-402(2), the undersigned, 2009 SALEM AVENUE NORTH, LLC, a Maryland limited liability company ("Petitioner") does hereby petition and request, subject to the terms and conditions stated herein, the City of Hagerstown, Maryland (the "City") through its governing body, the Mayor and City Council, to enlarge the corporate boundaries of the Town by annexing +/- 5.53 acres of real property consisting of two (2) parcels, 12919 Salem Avenue (TM 37, Grid 3, Parcel 708) and 12839 Salem Avenue (TM 37, Grid 9, Parcel 499), and located generally on the northeast side of Salem Avenue just north of the Salem Avenue/Interstate 81 interchange, as more particularly shown as the "Proposed Annexation" on the graphic attached hereto and incorporated herein as Exhibit A (the "Property").

Said Property being contiguous and adjoining to the existing boundaries of the City and not located within the boundaries of any other municipality, as required by Md. Code, Local Government, §4-401(b)(1) and (c).

Consistent with Md. Code, Local Government, §4-401(b)(2), this annexation will not create an unincorporated area which is bounded on all sides by (i) real property presently within the boundaries of the City, (ii) real property proposed to be in the boundaries of the City as a result of this Petition, or (iii) any combination of properties described in items (i) and (ii).

Petitioner is the owner of the entire Property and there are no registered voters who reside on the Property. Therefore, this Petition complies with Md. Code, Local Government, §4-404(a) which requires that the Petition be signed by (i) at least 25% of the registered voters who are residents in the area to be annexed; and (ii) the owners of at least 25% of the assessed valuation of the real property in the area to be annexed. As confirmed by Md. Code, Local Government, §4-413, if fewer than 20 residents in an area to be annexed are eligible to sign a petition for Annexation, then any person who owns real property in the area to be annexed may sign the petition.

The Property is currently zoned HI (Highway Interchange) by the Zoning Ordinance for Washington County, Maryland as shown on the Existing Zoning Map attached hereto and incorporated herein as Exhibit B.

Petitioner requests that the Property be zoned CG (Commercial-General). The City of Hagerstown Comprehensive Plan (2008) recommends a future land-use category of Medium Density Residential for the Property as shown on the Future Land Use map attached hereto and incorporated herein as Exhibit C.

Pursuant to Md. Code, Local Government, §4-416(b):

Without the express approval of the county commissioners or county council of the county in which the municipality is located, for 5 years after an annexation by a municipality, the municipality may not allow development of the annexed land for land uses substantially different than the authorized uses, or at a substantially higher density, not exceeding 50%, than could be granted for the proposed development, in accordance with the zoning classification of the county applicable at the time of the annexation.

The stated purpose of the HI (Highway Interchange) Zoning District in Washington County is 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." Although the City of Hagerstown does not have a Zoning District similarly focused upon the interstate highway orientation of permitted land-uses, the CG (Commercial-General) zoning is intended to "provide locations for businesses of a general nature to serve the community" and thus does not appear to be inconsistent with the County's HI zoning. In order to facilitate the City's evaluation of the comparability of the respective Zoning Districts, the full text and list of permitted uses for both the Washington County HI (Highway Interchange) and the City of Hagerstown CG (Commercial-General) zoning classifications are attached hereto and incorporated herein as Exhibit D and Exhibit E.

Except as may otherwise be specifically provided for in the Annexation Resolution, the Property and any persons residing therein shall be generally subject to all acts, ordinances, resolutions and policies of the City of Hagerstown. Consistent with Md. Code, Local Government, §4-405(b)(1), Petitioner specifically requests that the following terms and conditions be provided for in the Annexation Resolution:

Municipal Services & Facilities (Md. Code, Local Government, §4-405(b)(1)(ii))

- The Property and current residents thereof shall be entitled to City of Hagerstown public water service immediately upon the Effective Date of the Annexation Resolution subject to the extension of water mains, service laterals and other supporting infrastructure necessary to provide said service which shall be the sole responsibility of Petitioner;
- Extension of sanitary sewer, water and storm drain lines, streets, curbs, gutters, and all other public improvements, not currently existing, which may be required by the City of Hagerstown to be installed, constructed and maintained as part of the re-development of the Property shall be the responsibility of 2009 Salem Avenue North, LLC.

Rates of Municipal Taxation (Md. Code, Local Government, §4-405(b)(1)(i))

- City of Hagerstown municipal ad valorem real property taxes shall not be imposed on the Property until the first to occur of the following: (i) the Property receives site plan approval from the City of Hagerstown for commercial redevelopment; or (ii) ten (10) years from the Effective Date of the Annexation Resolution.

Petitioner hereby reserves the right to withdraw its consent to this Petition, without liability and effective immediately upon providing written notice to the City, if the Annexation Resolution introduced for adoption by the City pursuant to Md. Code, Local Government, §4-404(c) does not contain the conditions specified herein above or contains conditions that are determined by Petitioner, in Petitioner's sole and absolute discretion, to be materially different than the conditions specified herein above. Petitioner may exercise the within right of withdrawal at any time prior to the City Council's final vote on and the Mayor's execution of the Annexation Resolution.

Petitioner agrees that neither the receipt of this Petition nor the presentment of an Annexation Resolution to the Mayor and Council for consideration and/or Public Hearing is to be considered a waiver of any provisions of the Annotated Code of Maryland, or the common law in the State of Maryland. Petitioner further agrees that the final determination as to whether or not the City of Hagerstown shall enlarge its corporate boundary as requested herein lies exclusively within the discretion of the legislative body.

[signatures on following page]

WITNESS the hand and seal of the Petitioner on the 8th day of April, 2016.

WITNESS:

"PETITIONER"

2009 SALEM AVENUE NORTH, LLC, a
Maryland limited liability company

Donald Whitaker

BY: [Signature] (SEAL)
Bradley A. Fulton, Authorized Person

STATE OF MARYLAND, COUNTY OF WASHINGTON, to-wit:

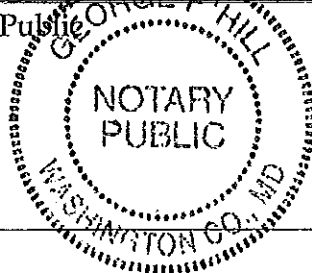
I HEREBY CERTIFY, that on this 8th day of April, 2016, before me, a Notary Public in and for the State and County aforesaid, personally Bradley A. Fulton, who acknowledged himself to be the Authorized Person of 2009 Salem Avenue North, LLC and that he, as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

WITNESS my hand and Official Notarial Seal.

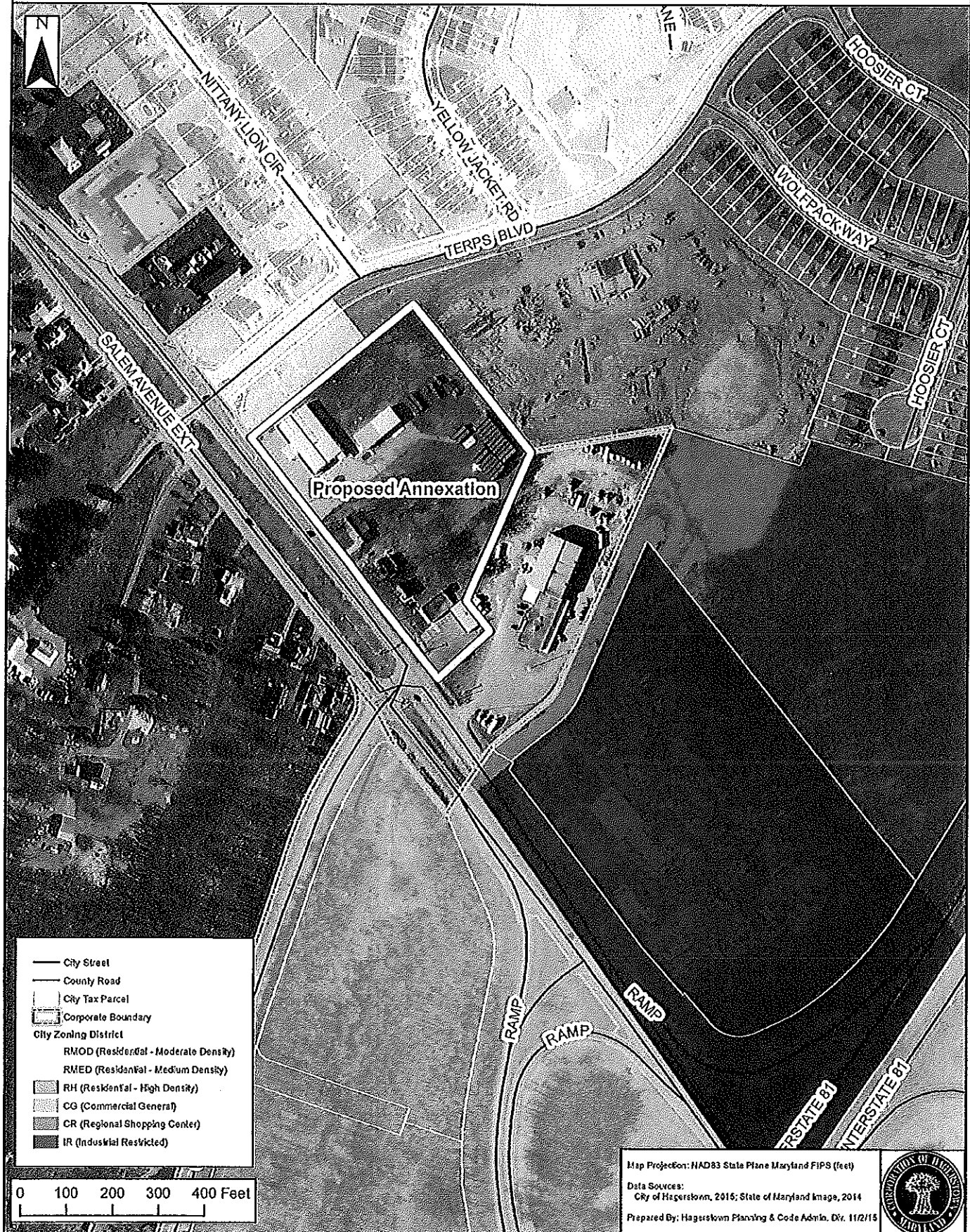
My Commission expires:

2-6-2017

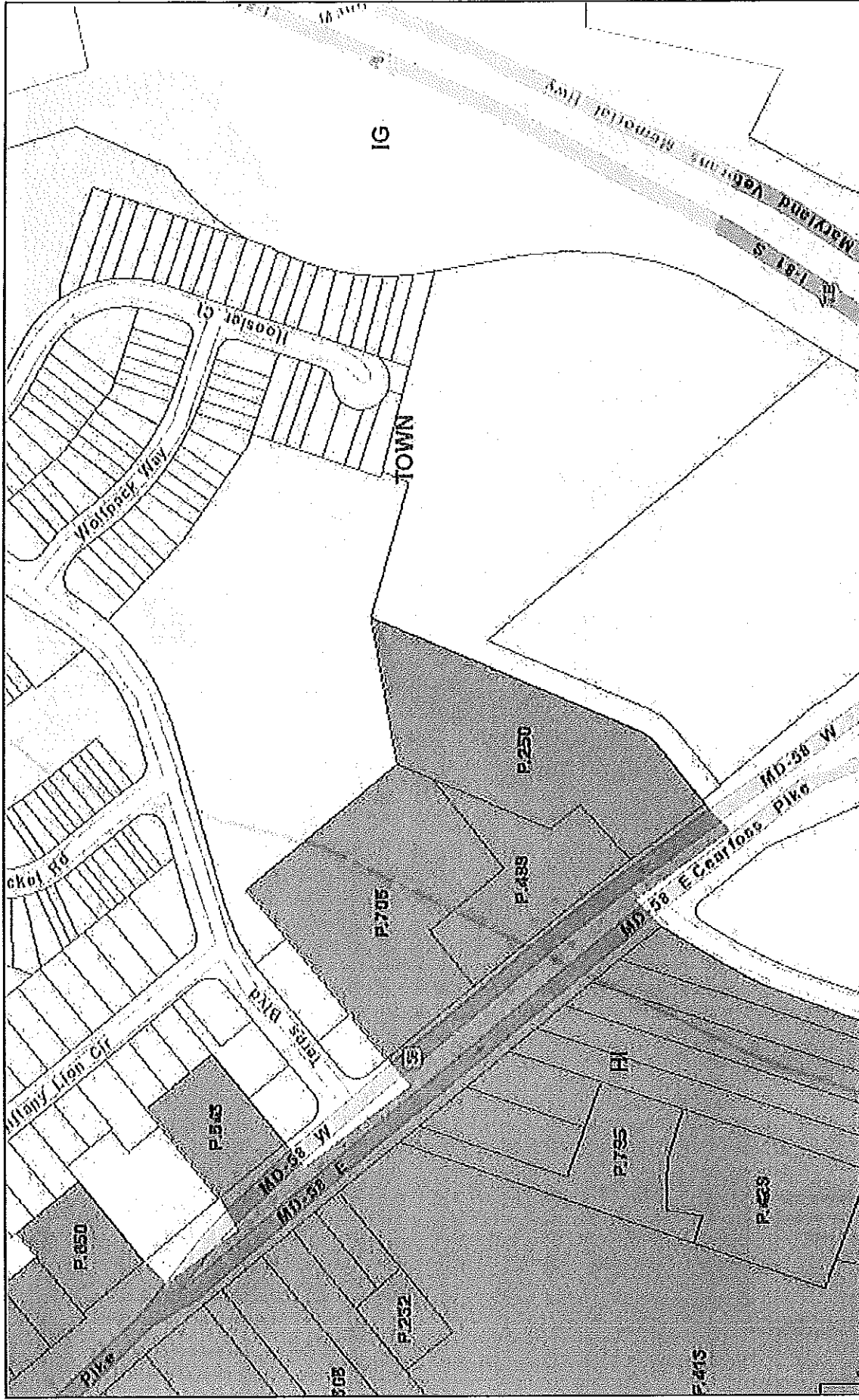
[Signature]
Notary Public



2009 Salem Ave North LLC Annexation

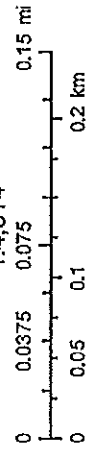


Wash. Co. Zoning Map



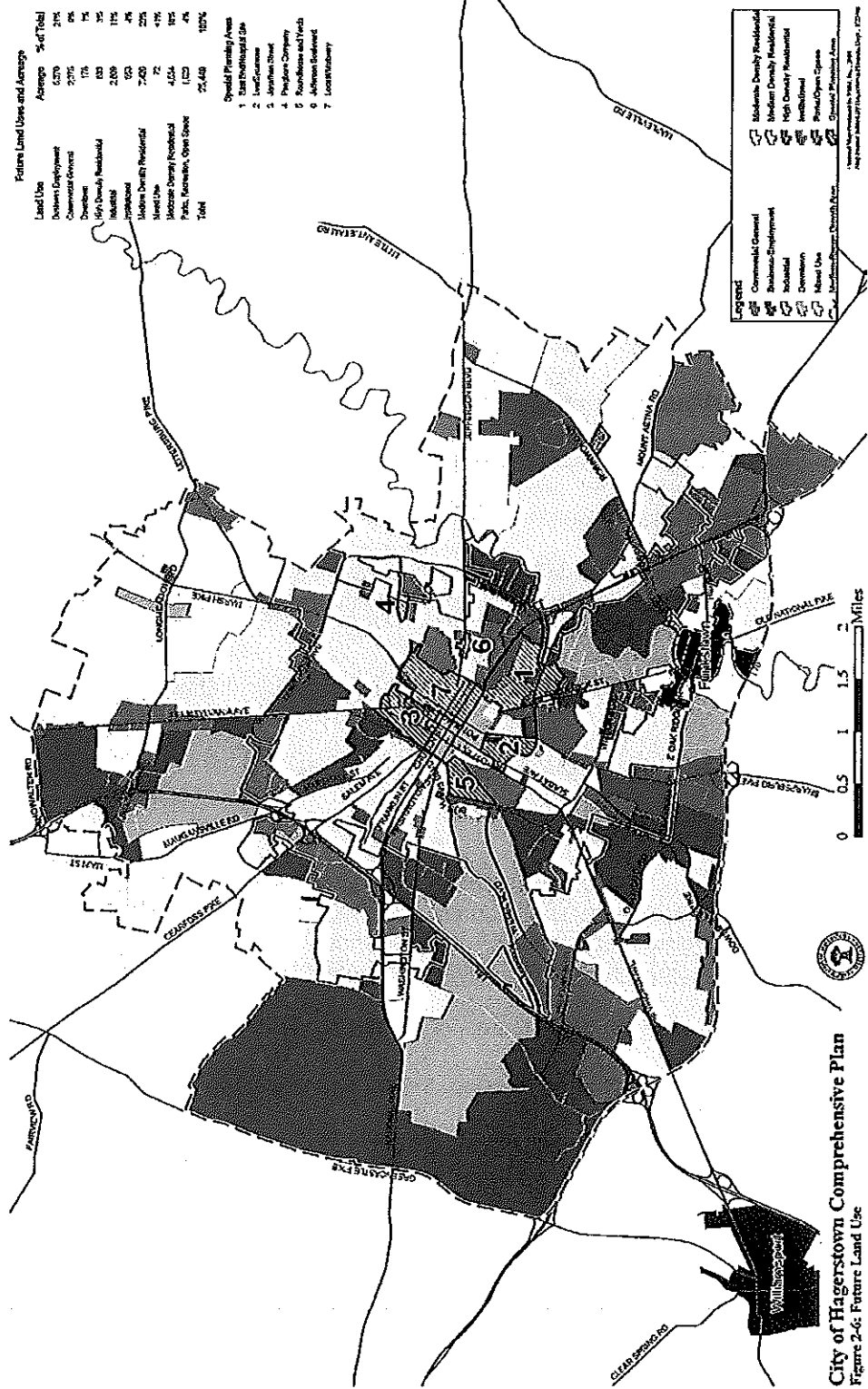
April 4, 2016

1:4,514



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand),

EXHIBIT B



ARTICLE 19 "HI" HIGHWAY INTERCHANGE DISTRICT¹⁰⁵

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.

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 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 11 "BL" BUSINESS, LOCAL DISTRICT⁹¹

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 Uses⁹²

- (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.

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 DISTRICT⁹³

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 Centers⁹⁴

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.

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 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 21A - "ORT" OFFICE, RESEARCH AND TECHNOLOGY DISTRICT¹¹⁸

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 21A.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 13 "IR" INDUSTRIAL, RESTRICTED DISTRICT⁹⁶

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.

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.

F. Commercial Zoning Districts.

1. Purpose.

The purposes of the various commercial zoning districts are as follows:

- a. **CL (Commercial - Local).** To provide for the daily shopping and business needs of nearby residents and workers by permitting retail and service uses which are compatible in use and scale with the adjacent residential neighborhood.
- b. **CG (Commercial - General).** To provide locations for businesses of a general nature to serve the community.
- c. **CR (Commercial - Regional).** To provide for commercial uses customarily found in a regional shopping center.
- d. **POM (Professional Office - Mixed).** To provide locations for offices, medical offices, research and development, institutional uses, certain industrial uses, and limited support retail. Retail and service uses are secondary and should generally serve the businesses and employees in the office area including personal services, restaurants, day-care and other similar support services. These uses should be met in ways that do not substantially increase peak-hour traffic. It is anticipated that projects within this zoning classification will be planned and designed as a unified development.

2. Uses.

a. **Permitted and Special Exception Uses and Performance Standards.**

Uses in these districts shall be permitted, permitted by special exception in accordance with general and specific performance criteria found in Sub-section U.8 or not permitted, as enumerated in Section Z of this Article.

b. **Performance Standards.**

(1) **Size limitation on retail trade in the CL and CG Districts and restaurants in the CL District.**

- (a) In the CL District, retail trade shall not exceed 5,000 gross square feet in area per establishment, and restaurants shall not exceed 3,000 gross square feet per establishment.
- (b) Retail trade in the CG district shall not exceed the following:
 - (i) Maximum floor area for freestanding building: 75,000 square feet

- (ii) Maximum floor area for a shopping center: 150,000 square feet with a 75,000 square foot maximum floor area for any individual unit.

(2) Development of Destination Retail Uses.

In the CR District, any development containing a "destination retail use" shall be subject to design and maintenance standards cited in Article 5, Sub-section I.6. *[See Editor's Note beginning on page 8-4]*

(3) Maintenance of Abandoned Destination Retail Use Buildings.

Any freestanding building over 75,000 square feet in area which is vacated by its owner 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 graphics shall be removed and the space behind them repainted;
- (d) Landscaped areas and parking lots 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.);
- (f) Leasing information shall be posted.

(4) Adult Entertainment Businesses in the CG Zoning District.

Adult entertainment businesses as defined in Article 3 are permitted in the CG Zoning district, provided no such use may be permitted within 1,000 feet of the boundary of property upon which exists any:

- (a) Church;
- (b) School;
- (c) Hospital;

- (d) Nursing home;
- (e) Park, or
- (f) Any multiple-family dwelling owned by public or quasi-public authority and intended primarily for use by senior citizens or other similar land uses for human care and needs.

Adult entertainment businesses, as described above and defined in Article 3 shall not be construed as also being included in other references in this Ordinance to retail trade, movie theaters or performing arts centers.

- (5) Uses identified in the POM District in the Use Chart cited in Section Z as a permitted use, but marked with reference to this subsection shall:
 - (a) Not exceed 25% of the gross floor area of the building, or
 - (b) Not exceed in the aggregate 20% of the gross floor area of a group of buildings designed and approved as a unified development, as designated on the approved Site Plan.
 - (c) Gasoline service stations (4471) are not permitted in the POM District, including incidental sales associated with a convenience store.
 - (d) Retail and restaurant uses shall not be the sole occupant of a structure.
 - (e) See Article 5, Sub-section I.9 regarding nonconforming commercial subdivisions. *[See Editor's Note beginning on page 8-4]*
- (6) Temporary outdoor principal use sales facilities, whether in the open or enclosed in a tent, established for the sole purpose of engaging in sales commerce are prohibited unless they are accessory to a civic special event, not to exceed ten days in duration or are accessory to an otherwise permanent business operation conducted from buildings.
- (7) Conditions for Kennels in CG and CR Zoning Districts.
 - (a) Use area must be set back at least 100 feet from any nearby property containing a residential dwelling unit, religious organization's place of worship, educational service facility, residential care facility, hospital, assisted living facility or nursing home.
 - (b) Exterior exercise/play areas must be enclosed with solid fencing, at a minimum of six feet in height.

- (c) The total number of dogs permitted at any one time shall not exceed one dog per 100 square feet of combined interior/exterior lease area.
- (8) An automobile and/or truck sales facility shall:
 - (a) Provide landscaped buffers for all parking and inventory display or storage areas in accordance with the requirements of Article 5 of this Code, both in required minimum buffer widths and required landscape plantings; and
 - (b) Provide sufficient employee and customer parking and install signage identifying parking for customers and employees, and provide adequate on-site traffic circulation for safe and orderly egress from and ingress to the site; and
 - (c) All on-premise business identification signs shall be professionally designed and constructed for long-term use; and
 - (d) The developer shall submit a site plan for review and approval in accordance with the provisions of Article 5. The type of site plan shall be consistent with the requirements of that Article based on the amount of land disturbance that is proposed. The Planning Commission may reduce or waive provisions of the landscaping and design requirements based on unique site conditions, practical difficulties, or presentation of an alternate plan that achieves the intent of the Ordinance requirements. Such use shall not commence until the site plan is approved and the improvements are completed. Vehicles will not be stored or displayed in buffer areas.
 - (e) The provisions of this subsection shall not apply to any facility that is proposed for a location where the most recent use of the area to be used was a motor vehicle sales facility, however, all other requirements of the Land Management Code shall be met.

c. **Special Exception Uses.**

Compliance with Use and Development Requirements. Any special exception use granted by the Board of Zoning Appeals shall only be approved when the use is found to be in accordance with the following requirements:

- (1) The off-street parking requirements of Section O.
- (2) The specific performance criteria of individual special exception uses (if applicable) as found in Section U.8.a.(7) of this Article.
- (3) The site plan requirements of Article 4, Subsection S.2 if applicable, following the Board's granting of the special exception. *[See Editor's Note beginning on page 8-4]*

d. Accessory Uses.

- (1) Uses and structures customarily accessory and incidental to any principal permitted use or authorized special exception, including but not limited to garages used to store vehicles associated with a use permitted by right or special exception.
- (2) Home workstations, subject to the requirements of Section K.10 of this Article. The requirements shall not be relaxed for residences in zoning districts where commercial uses may be enumerated as a permitted use in that district.
- (3) Home day care of up to four children, not including the children or relatives of the resident provider (not permitted in an apartment dwelling unit).

3. Parking Requirements.

As applicable under Section O of this Ordinance.

4. Height Limitations.

No structure shall exceed the following:

a. Height Limitation Chart.

	CL	CG	CR	POM
Height	2 stories or 35 feet	3 stories or 50 feet	60 feet	100 feet

b. Special Exceptions for Height.

The Board of Zoning Appeals may grant a special exception to increase the height of a building, pursuant to the general criteria for special exceptions found in Sub-section U.8.a(2), as follows:

	CG	CR
Maximum Permitted Height by Special Exception	6 stories or 90 feet	150 feet

5. Minimum Lot Area, Lot Width and Yard (Setback) Requirements.

The minimum lot area, lot width and yard (setbacks) requirements for commercial districts shall be as stated in the following chart:

a. Bulk Requirements Chart.

Commercial District Dimensional Requirements for All Buildings Measured in Feet.					
Zoning District	Front Yard Depth	Rear Yard Depth	Minimum Aggregate Width of Side Yards	Minimum Width of Side Yards	Number of Side Yards Required
CL	15	30	20	10***	2
CG	15	30	20	10***	0
CR	25	50**	40	20*	2
POM	15	25****	20	10****	2

NOTES:

- * 100 feet when adjoining a residential district.
- ** 20 feet when a pad site adjoins a CR development.
- *** 25 feet when adjoining a residential district.
- **** Where adjoining a residential district, the setback shall be one foot for each foot of building height, but not less than 35 feet.

Yards shall be measured and determined in accordance with the standards set forth in Section K.6. of this Ordinance. Increased setbacks assigned when adjacent to residential zoning shall be applied when property is adjoining only, and is not to be applied across public street rights-of-way.

b. Residential Development in the CL (Commercial Local) Zoning District.

- (1) All new residential units in the CL District shall comply with the following minimum square footage requirements:

Efficiency Unit:	500 square feet
One-bedroom Unit:	650 square feet
Two-bedroom Unit:	800 square feet
Three-bedroom Unit:	1,000 square feet

- (2) The construction of buildings for residential and mixed uses, as allowed in the CL District in Section Z (use chart) shall be permitted to contain more than one dwelling unit only if the lot area per dwelling shall comply with the following:

Use	Maximum Density/Minimum Lot Area
Multi-family and mixed-use buildings	One unit per 2,700 square feet of land area.
Two family dwellings and semi-detached dwellings	One unit per 3,000 square feet of land area
Townhouses	One unit per 2,500 square feet of land area and minimum tract area of 7,500 square feet.

Compliance with current parking requirements shall apply.

- (3) The adaptive reuse of existing buildings for residential or mixed-use purposes shall not be subject to (2) above.
- (4) Building Setbacks for residential and mixed use buildings in the CL Zoning District shall be the same as all other buildings in the CL District.

c. Attached Units in Commercial Developments.

A single building may be developed with zero distance side setbacks for interior units, when attached to other units, provided that:

- (1) The building shall conform to the dimensional requirements for the district in which it is located.
- (2) A common access easement for all parking and drive areas shall be attached to the deed of each property.
- (3) A property owner association shall be established with respect to maintenance of the property.
- (4) Each unit and unit graphic shall be of consistent exterior design with regard to style, materials and color (except in the POM District, the appearance of which is regulated in Subsection 6 of this section).
- (5) Residential uses are not permitted in such a building.

d. All Public Street Frontages Are Front Yards.

On corner lots and through lots, all sides of a lot adjacent to streets shall be considered front yards, but only the side of the lot opposite the frontage of the building shall be considered the rear yard.

6. Street Graphics in the POM Zoning District.

Regulation of street graphics in the POM District shall be per Section I of this Article. *[See Editor's Note beginning on page 8-4]*

The key to the symbols used below is found on page 4-121. Refer to page 4-6 for explanation of district name abbreviations.

Zoning District																	
	Overlay Zoning																
Use	AT	RMOD	RMED	RH	RO	N-MU	CC-MU	CL	CG	CR	POM	I-MU	IR	IG	C	LC	PUD
Residential Uses																	
One single-family dwelling per unit of land existing as of January 1, 2012	P																
Dwelling, single-family, subject to minimum lot requirements		P	P	P	P	P@	P@	P							P	P	P
Dwelling, two-family, subject to minimum lot requirements		P	P	P	P	P@	P@	P							P	P	P
Dwelling, single-family semi-detached, subject to minimum lot requirements		P	P	P	P	P@	P@	P							P	P	P
Dwellings, townhouse, subject to minimum lot requirements			P	P	P	P@	P@										P
Dwelling, quadplex, in cluster developments only, subject to minimum lot requirements			P	P	P												P
Dwelling, triplex, in cluster developments only, subject to minimum lot requirements			P	P	P												P
Dwelling, new construction mansion house apartment, subject to minimum lot area requirements				P	SE	P@	P@								P	P	P, but not in RMOD
Dwelling, stacked apartment, subject to minimum lot area requirements				P		P@	P@								P	P	P, but not in RMOD
Dwelling, courtyard apartment, subject to minimum lot requirements				P		P@											P, but not in RMOD
Dwelling, mansion house, in an existing building, subject to performance requirements cited			P*		P*		P*										

The key to the symbols used below is found on page 4-121. Refer to page 4-6 for explanation of district name abbreviations.

The key to the symbols used below is found on page 4-121. Refer to page 4-6 for explanation of district name abbreviations.																	
Use	Zoning District													Overlay Zoning			
	AT	RM-OD	RM-ED	RH	RO	N-MU	CC-MU	CL	CG	CR	POM	I-MU	IR	IG	C	LC	PUD
in Section D.5.g [See Editor's Note beginning on page 8-4]																	
Dwelling, multi-family, constructed for that purpose prior to October 1, 1956. Such use shall not have been expanded or enlarged to add additional units beyond that which was in existence prior to March 27, 1977. This does not include large homes converted to apartment use.		P	P														
Dwelling, new construction mansion house apartment and stacked apartments, subject to minimum lot area requirements and criteria in Section F.5.b								P									
Dormitories for secondary and post-secondary educational institutions							P										
Artist Live-Work Space in large former commercial, industrial or institutional buildings						P	P					P	P		P		
Artist Live-Work Space in buildings approved for a Local Conversion District Overlay, without regulation on the size and composition of the resident household																P	
Up to two dwelling units in a building that previously contained no dwelling units or one dwelling unit, provided that commercial																P	

The key to the symbols used below is found on page 4-121. Refer to page 4-6 for explanation of district name abbreviations.

	Zoning District														Overlay Zoning			
Use	AT	RMOD	RMED	RH	RO	N-MU	CC-MU	CL	CG	CR	POM	I-MU	IR	IG	C	LC	PUD	
uses as outlined in the LC District are included within the building																		
Apartment dwellings legally in existence as a permitted, special exception or non-conforming use, where there is no increase in the number of dwelling units in a building that contains commercial uses, or will contain commercial units (Local Conversion only)																P		
Model home sales office in dwellings or trailers in new home developments for use within the development, provided the type and location are shown on the approved site plan or development plan		P	P	P	P	P	P	P								P	P	
Mobile Home Parks, subject to the design requirements found in Section D.5.h [See Editor's Note beginning on page 8-4]				P														
One garage per lot that does not front a public street, subject to provisions of Section D.5.i [See Editor's Note beginning on page 8-4]		P	P	P	P	P	P										P	
Public and Institutional Uses																		
Ambulance services (621910), fire protection (922160) and police protection (922120)		SE	SE	SE	SE	SE	SE	SE	P	P	P	P	P	P	SE			
Adult day care services (624120)		SE	SE	SE	SE	P	P	SE	P		P	P			SE			

The key to the symbols used below is found on page 4-121. Refer to page 4-6 for explanation of district name abbreviations.

Use	Zoning District													Overlay Zoning			
	AT	RMOD	RMED	RH	RO	N-MU	CC-MU	CL	CG	CR	POM	LMU	IR	IG	C	LC	PUD
Cemetery, columbarium and mausoleum for humans (not pet cemeteries) and crematoriums		SE	SE	SE	SE		SE						P	P			P
Child day care services (624410)		SE	SE	SE	SE	P	P	SE	P		P	P**			P		
Civic and social organizations (8134)						SE	P	SE	P	P					SE		
Commercial parking lots and decks						P	P		P								
Commercial and private membership outdoor swimming pools, provided the pool meets distance requirements cited in Section D.5.j [See Editor's Note beginning on page 8-4]		P*	P*	P*													P
Community centers, including but not limited to cultural, civic and educational centers		SE	SE	SE	SE	P	P	SE	P	P					SE		P
Country clubs, golf courses and summer camps	P																P
Fitness and recreational sports centers		SE	SE	SE	SE	P	P	SE	P	P	P#	P**	P	P	P		P
Libraries						P	P		P								
Municipal parking lots and decks		P	P	P	P	P	P		P								
Museums (712), except zoological parks		SE	SE	SE	SE	P	P		P	P			P	P	P		
Primary and secondary schools, public and private, provided all setback, parking and other (cont.)		P	P	P	P	P	P	P	P	P	P	P			P	P	P

The key to the symbols used below is found on page 4-121. Refer to page 4-6 for explanation of district name abbreviations.																
Use	Zoning District														Overlay Zoning	
	AT	RMOD	RMED	RH	RO	N-MU	GC-MU	CL	CG	CR	POM	DMU	IR	IG		
regulations are met without variance																
Primary and secondary schools, public and private, for which setback, parking or other regulations cannot be met without variance		SE	SE	SE	SE	SE	P		SE		SE	P				
Private parks, playgrounds and community gardens		SE	SE	SE	SE	P	P									P
Public administration (92), except correctional institutions publicly-managed (922140) and privately-managed (561210)					P	P	P	SE	P	P	P	P	P	P	P	
Public parks		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Religious sanctuaries (8131) (church, synagogue, mosque, etc.) with traditional accessory uses, provided all setback, parking and other regulations are met without variance or waiver and reuse of existing structures comply with setbacks		P	P	P	P	P	P	SE	P						SE	P
Religious sanctuaries (8131) other than those described in the previous line, or not meeting all site design requirements		SE	SE	SE	SE	P	P	SE	P						SE	P
Social assistance – services for the elderly and persons with disabilities (624120)									P		P	P				

The key to the symbols used below is found on page 4-121. Refer to page 4-6 for explanation of district name abbreviations.																	
Use	Zoning District													Overlay Zoning			
	AT	RMOD	RMED	RH	RO	N-MU	CC-MU	CL	CG	CR	POM	I-MU	IR	IG	C	LC	PUD
Office and Professional Uses																	
Administrative support services (561)					P	P	P	SE	P	P	P	P	P	P	P	P	
Ambulatory health care services, with exception of outpatient substance abuse centers (621420)					P*	P	P	SE	P	P	P	P	P	P	P	P	
Banks, savings institutions & credit unions (521-522), except pawn shops (522298)						P	P	P	P	P	P	P			P	P	
Business Service Centers (56143) and Quick Printing Services (323114)						P	P	P	P	P	P					P	
Colleges, universities, trade and commercial schools, except primary and secondary schools (611)		SE	SE	SE	SE	P	P	SE	P	P	P	P	P	P	P		
Finance and insurance (52), monetary authorities – central bank, credit intermediation and related activities (521-522), except pawn shops (522298)					P*	P	P	SE	P	P	P	P	P	P	SE		
Funeral homes (81221) including accessory crematories		SE	SE	SE	P*		P	SE	P	P					SE		
Hospitals, including psychiatric, substance abuse and specialty hospitals (622)		SE	SE	SE	SE		P	SE	P		P	P					
Large animal veterinary clinic (541940)														P			
Medical and diagnostic laboratories (6215)							P				P						

The key to the symbols used below is found on page 4-121. Refer to page 4-6 for explanation of district name abbreviations.

Use	Zoning District													Overlay Zoning			
	AT	RMOD	RMED	RH	RO	N-MU	CC-MU	CL	CG	CR	POM	I-MU	IR	IG	C	LC	PUD
Nursing homes and residential care facilities for the elderly		SE	SE	SE	P		P	SE	P		P	P					
Offices, business and professional (55 and 56), except waste Management and remediation services (562)					P	P	P	SE	P	P	P	P	P	P	P	P	
Offices for bonding, probation and parole of defendants in the criminal justice system, not within 500 feet of Public Square or within 250 feet of another such use							P		P		P	P	P	P			
Outdoor Automated Teller Machines (ATM), not accessory to a banking institution						P	P	P	P	P		P					
Photography Studios						P	P	P	P	P	P					P	
Professional, scientific & technical services (54), except veterinary services					P*	P	P	SE	P	P	P	P	P	P	P	P	
Residential facilities with in-house professional care for up to three residents with mental and/or physical disabilities	P	P	P	P	P	P	P	P							P	P	
Transitional residential facilities with in-house professional care for up to three transitional residents being treated for substance abuse issues, provided it is not within 300 feet of the same use or 1,000 feet from a school									SE		SE	SE					

Land Management Code
Article 4: Zoning Ordinance

City of Hagerstown, Maryland

The key to the symbols used below is found on page 4-121. Refer to page 4-6 for explanation of district name abbreviations.

	Zoning District														Overlay Zoning			
Use	AT	RMOD	RMED	RH	RO	N-MU	CC-MU	CL	CG	CR	POM	I-MU	IR	IG	C	LC	PUD	
Veterinary services (54194), completely enclosed						SE	SE	SE	P	P	P	P			P			
Veterinary services (54194), with outdoor runs, not kennels (as defined in Article 3 and permitted in other districts)									SE				P	P				
Entertainment and Hospitality Uses																		
Adult entertainment business uses, subject to the provisions of Section F.2.b.4 [See Editor's Note beginning on page 8-4]									P									
Agri-tourism	P																	
Amusement and recreation establishments (713120, 71395 and 713990)						P	P		P	P								
Banquet and reception facilities (722320)							P		P	P					P			
Bed & breakfast inns (721191)		SE	SE		SE	P	P	P	P						P	P		
Catering kitchens, for preparation of food for off-site delivery and associated office and storage use (722320)						P	P	P	P	P					P	P		
Convention and Conference Centers							P											
Drinking places (722410) and brewpubs within the Smart Growth A&E District							P											

The key to the symbols used below is found on page 4-121. Refer to page 4-6 for explanation of district name abbreviations.

	Zoning District															Overlay Zoning			
	Use	AT	RMOD	RVED	RH	RO	N-MU	CC-MU	CL	CG	CR	POM	CMU	IR	IG	C	LC	PUD	
Drinking places (722410) and brewpubs outside the Smart Growth A&E District							SE	SE	SE	P	P					SE			
Entertainment club							SE	SE		SE	P								
Hotels and motels (72111)								P	P	P	P	P	P			P			
Night clubs							SE	P	P	P	P			P	P				
Performing arts companies (7111)								P											
Promoters of performing arts, sports and similar events with or without facilities (7113)								P						P	P				
Restaurants (7221 and 7222), no limit on size							P	P		P	P	P#	P**			P			
Restaurants (7221 and 7222) not to exceed 3,000 square feet per establishment									P							P	P		
Theater, movie (512131)								P		P	P								
Theater, performing arts (711310)								P											
Tobacco stores and vapor and hookah lounges, located at least 500 feet from any existing tobacco store or vapor or hookah lounge										P	P								
Visitor Welcome Center								P											

The key to the symbols used below is found on page 4-121. Refer to page 4-6 for explanation of district name abbreviations.

	Zoning District														Overlay Zoning			
Use	AT	RMOD	RMED	RB	RO	N-MU	CC-MU	CL	CG	CR	POM	I-MU	IR	IG	C	LC	PUD	
Visual and performing arts studios							P								P	P		
Broadcast and Production																		
Broadcasting (515)							P					P	P	P				
Broadcasting (515) except transmission points									P	P	P							
Motion picture and sound recording industries (512)							P		P	P	P	P	P	P	P			
Telecommunications (517)							P				P	P	P	P				
Service and Sales Industries																		
Check cashing services (522390)									P	P								
Convenience store without fuel pumps (445120)						P	P											
Dry cleaning and laundry services (8123)						P	P	P	P	P	P [#]	P ^{**}	P	P	P	P		
Farms in existence on the date of the adoption of this ordinance, or at the time of annexation into the city, may continue in use. Commercial farming operations may not be expanded with respect to area or intensity of usage, nor may the type of commercial agricultural use be altered.	P																	
Farm equipment and supply stores (444220)									P	P								

The key to the symbols used below is found on page 4-121. Refer to page 4-6 for explanation of district name abbreviations.																	
Zoning District																	
Use	AT	RMOD	RMED	RH	RO	N-MU	CC-MU	CL	GG	OR	POM	L-MU	IR	IG	C	LC	PUD
Hair, nail and skin care stores (81211) and dog grooming establishments					SE												
Hair, nail and skin care stores, ear piercing services, hair replacement services, permanent makeup salons (81211) and dog grooming establishments						P	P	P	P	P	P	P**			P	P	
Kennels (812910)	P																
Kennels, day boarding and over night boarding, subject to conditions enumerated in Subsection F.2.b(7) (812910) [See Editor's Note beginning on page 8-4]									P	P							
Kennels, day boarding and over night boarding, subject to conditions in L-MU enumerated in Subsection H.2.b (812910) [See Editor's Note beginning on page 8-4]												P	P	P			
Internet publishing and broadcasting (516)						P	P		P	P	P	P	P	P			
Internet service providers, web search portals and data processing services (518)						P	P		P	P	P	P	P	P			
Mixed use building of commercial and residential units				SE													
Mixed-use building of Commercial and Residential Units, subject to criteria in Section F.5.b								P									

Land Management Code
Article 4: Zoning Ordinance

City of Hagerstown, Maryland

The key to the symbols used below is found on page 4-121. Refer to page 4-6 for explanation of district name abbreviations.

Use	Zoning District														Overlay Zoning			
	AT	RMOD	RMED	RE	RO	N-MU	CC-MU	CL	CG	CR	POM	FMU	IR	IG	C	LC	PUD	
Newspaper publishers (511110)							P		P	P	P	P						
Nurseries and greenhouses - the raising of plants for sale with attached commercial outlet (444220)	P								P			SE	SE	P				
Outdoor vending machines entirely on private property in active use and not in a public street right-of-way, provided that the vending machines(s) comply with building setbacks unless abutting a building						P	P	P	P	P		P						
Pawn shops (522298), provided a 500 foot separation is maintained from any other pawn shop									P									
Personal and household goods repair and maintenance (8114)						P	P	P	P	P		P	P	P	P	P		
Photo finishing (81292)						P	P		P	P	P	P						
Produce stands (812910)						P	P	P	P	P	P	P	P	P	P	P		
Retail and wholesale sale of home improvement materials and supplies, with a minimum floor area of 25,000 square feet and a maximum of 75,000 square feet (444110)													P	P				
Retail and wholesale trade (44-45) excluding auto and other motor vehicle dealers unless all vehicle storage is indoors and excluding adult businesses (cont.)								P							P	P		

The key to the symbols used below is found on page 4-121. Refer to page 4-6 for explanation of district name abbreviations.

Use	Zoning District														Overlay Zoning			
	AT	RMOD	RMED	RH	RO	N-MU	CC-MU	OL	CG	CR	POM	EMU	IR	IG	C	LC	PUD	
— up to 5,000 square feet in net floor area per business. This provision shall also include retail bakeries (cont.) (311811) and retail confectioneries (311320). Regulation of specific trade uses that are found elsewhere in this chart shall prevail.																		
Same as above, up to 15,000 square feet in net floor area per business						P					P#	P**						
Same as above, up to 75,000 square feet in net floor area per business							P		P									
Same as above, no limit in floor area										P								
Retail and wholesale trade (44-45), and pawn shops (522298), up to 25% of the total gross square footage of floor area of the buildings on a single property or of the buildings in a unified development under common ownership spanning more than one property. A pawn shop is only permitted if 500 foot separation is maintained from any other pawn shop.													SE	SE				
Sale of fireworks only from single-user, freestanding buildings, not to exceed 5,000 square feet of floor area (453998)													P	P				
Tanning and depilatory salons (812199)						P	P	P	P	P	P	P**			P	P	P	

The key to the symbols used below is found on page 4-121. Refer to page 4-6 for explanation of district name abbreviations.

	Zoning District														Overlay Zoning			
Use	AT	RMOD	RVED	RE	RO	N-MU	CC-MU	CL	CG	CR	POM	I-MU	IR	IG	C	LC	PUD	
Tattoo parlors and massage parlors, steam baths and saunas (812199)							P		P									
Uses permitted by right in the CL District in a location to serve the needs of surrounding residential uses				SE											P		P	
Wineries and vineyards (312130)	P																	
Automobile- and Transportation-Related Uses																		
Automotive Repair & Maintenance (8111)								SE	P	P			P	P	SE			
Automobile and truck sales, subject to performance standards found in Section F.2.b(8) (441110), including rental or leasing when a principal use. Storage of rental fleets shall be calculated separate from customer and employee parking. [See Editor's Note beginning on page 8-4]									P	P								
Commercial Bus Stops and Terminals, provided indoor waiting areas and restroom facilities are provided at all times buses may stop at the facility and buses pull entirely off of public streets to pick up and discharge passengers.							P		P				P	P				
Motor Vehicle Impound and Storage Lots, provided that a six-													P	P				

The key to the symbols used below is found on page 4-121. Refer to page 4-6 for explanation of district name abbreviations.															
Use	Zoning District											Overlay Zoning			
	AT	RMOD	RMED	RH	RO	N-MU	CC-MU	CL	CG	CR	POM	I-MU	IR	IG	C
foot opaque fence encloses the storage yard and landscaped buffers are provided as required by Article 5, Section I.4.j when adjacent to residential, (cont) commercial or mixed-use zoning districts.															
Parking Lots & Garages (§1293), private, commercial and municipal, including offsite parking lots maintained by and designated for a permitted or special exception use on a lot located within 500 feet.						P	P		P	P	P		P	P	
Transit and Ground Transportation (485) provided area for parking vehicle fleets be enclosed with an opaque fence at least six feet in height (eight feet for buses and large trucks), maintained in good repair, with landscaping outside of the fence in accordance with the requirements of Article 5, and not including bus stations or terminals.													P	P	
Industrial, Manufacturing, and Heavy Land Uses															
Blacksmithing and farriers services	P												P	P	
Breweries and distilleries														P	
Butchering									P			P	P	P	

The key to the symbols used below is found on page 4-121. Refer to page 4-6 for explanation of district name abbreviations.

Use	Zoning District													Overlay Zoning			
	AT	RMOD	RMED	RB	RO	N-MU	GC-MU	CL	CC	CR	POM	LMU	IR	IG	C	LC	PUD
Carpet and upholstery cleaning services (56174)												P	P	P			
Construction and Landscaping Contractors with Storage Yards													P	P			
Fossil fuel electric power generation (221112)													P	P			
Foundries (3315)														SE			
Indoor plant cultivation and processing facilities, when interior space is 25,000 square feet or less in gross floor area							P				SE	P	P	P			
Indoor plant cultivation and processing facilities, when interior space is over 25,000 square feet in gross floor area							SE				SE	SE	P	P			
Landfills and rubble fills (562212)														SE			
Livestock auction facilities														SE			
Manufacturing, light, when interior space is 25,000 square feet or less in gross floor area							P				SE	P	P	P	P		
Manufacturing, light, when interior space exceeds 25,000 square feet in gross floor area							SE				SE	SE	P	P			
Manufacturing, general												SE	P	P			
Manufacturing, heavy														P			

The key to the symbols used below is found on page 4-121. Refer to page 4-6 for explanation of district name abbreviations.																	
		Zoning District													Overlay Zoning		
Use	AT	RM(OD)	R(M)ED	RE	RO	N-MU	CC-MU	OL	CG	OR	POM	I-MU	IR	IG	C	LC	PUD
Motor vehicle supplies and new parts wholesalers (42112)													P	P			
Natural gas distribution (2212)														SE			
Other support activity for road transportation (48849)													P	P			
Petroleum and petroleum products wholesalers (4247)													SE	SE			
Rail transportation facilities with outdoor storage but without on-site processing													P	P			
Recycling Operation, with all aboring and separating activity occurring indoors.													P	P			
Remediation Service (562910)													SE	SE			
Research and development facilities.							SE				P	P	P	P			
Self-Storage Mini-Warehouse Facilities (531130)													P	P			
Septic Tank and Related Service (562991)													SE	SE			
Social Service Industries (624)													P	P			
Solid waste collection (562111)														SE			
Specialty Trade Contractors (238)												P	P	P			
Specialty Trade Contractors (238), with storage (continued)									P								

The key to the symbols used below is found on page 4-121. Refer to page 4-6 for explanation of district name abbreviations.

	Zoning District														Overlay Zoning			
Use	AT	RMOD	R/MD	RH	RO	N-MU	CC-MU	CL	CG	CR	POM	I-MU	IR	IG	C	LC	PUD	
and preparation confined to interior of building																		
Vocational Rehabilitation Services (624310)											P	P	P	P				
Warehousing and storage (493)												P	P	P				
Warehousing & Storage (493) in buildings erected prior to October 1, 1956.							P											
Warehouse/Flex space, provided such space does not exceed more than 50% of the total gross floor area of the building.											SE	P						
Wastewater treatment facilities (22132)													P	P				
Wholesale and retail sales of products manufactured or stored on the premises in conjunction with any other principal permitted use.												P	P	P				
Temporary Uses																		
Temporary Contractor Staging Facility, subject to provisions in Article 4, Section K.13 /See Editor's Note beginning on page 8-4]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Temporary Uses, subject to provisions in Article 4, Section R	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

Exhibit F

Verification

VERIFICATION

I, Robert E. Bruchey, II, Mayor of the City of Hagerstown, Maryland, hereby CERTIFY that in accordance with §4-404 of the Local Government Article of the Annotated Code of Maryland I have caused to be verified the signatures contained on the Petition for Annexation and Consent thereto dated the 8th of April 2016 (Attached) for the property described and shown in said Petition for Annexation, and I do hereby certify that they are true and correct signatures of said persons and/or firms or corporations; and I further certify, pursuant to §4-404 of the Local Government Article of the Annotated Code of Maryland, that the Petition, in fact, is signed by not less than twenty-five (25%) percent of the persons who reside in the area requested to be annexed and who are registered voters in the Election District requested to be annexed in Washington County, Maryland, and that said Petition has been signed by the owners of not less than twenty-five (25%) percent of the assessed valuation of the real property located in the area to be annexed.

There are _____ voters residing within the area to be annexed (Waiting on Board of Elections for number).

The assessed valuation of the real property referred to herein, as of this date is
One Million, Two Hundred Twenty-Nine Thousand, Nine Hundred Dollars
(\$ 1,229,900).

WITNESS my hand and Seal of the City of Hagerstown, Maryland, this ____ day of
_____, 2017.

Robert E. Bruchey, II, Mayor

(SEAL)

Donna K. Spickler, City Clerk

Alex Rohrbaugh

From: Melissa Adelsberger -SDAT- <melissa.adelsberger@maryland.gov>
Sent: Monday, January 09, 2017 1:44 PM
To: Alex Rohrbaugh
Subject: Re: Tax Assessment Verification for Proposed Annexation, Salem Ave

Hi Alex,

The assessed value for account 2213003416 is \$631,100 and for account 2213010390 is \$598,400. Hope this information helps. Let me know if you need anything else.

Melissa



Melissa Adelsberger

Supervisor - Real Property -
Washington County

Maryland Department of Assessments
& Taxation

3 Public Square

Hagerstown, MD 21740

301-791-3050

melissa.adelsberger@maryland.gov

website: www.dat.maryland.gov

[Click here](#) to complete a three question
customer experience survey.

On Mon, Jan 9, 2017 at 11:44 AM, Alex Rohrbaugh <ARohrbaugh@hagerstownmd.org> wrote:

Hello Melissa:

The City has received a petition for annexation for property on the north side of Salem Avenue between Garland Groh Blvd and Terps Blvd. There appear to be 2 tax parcels associated with the proposed annexation – 13-003416 (12919 Salem Ave) and 13-010390 (12839 Salem Ave), both owned by 2009 Salem Ave North LLC. Would you be able to provide me a verification of the tax assessments for these parcels?

Exhibit G

Metes & Bounds Description

**FREDERICK,
SEIBERT &
ASSOCIATES, INC.**

■ Civil Engineering ■ Land Surveying ■ Land Planning ■ Landscape Architecture ■ Environmental Engineering and Design

November 22, 2016

Suggested description for lands of 2009 Salem Avenue North, LLC to be annexed into the corporate boundary of the City of Hagerstown

Beginning for the outline hereof at the eastern most corner of lands herein after described, said point having Maryland Grid Coordinates 729,715.213 and Easting 1,103,430.933, said point also being at the end of the S 80°24'52" W 308.84 feet line of the existing corporate boundary, running thence with lands to be annexed and lands of Beltway Properties V, LLC per deed recorded at Liber 3409, folio 106, S 23°26'49" W 81.39 feet to a point, thence S 23°26'25" W 269.26 feet to a point, thence S 38°33'33" E 80.00 feet to a point, thence S 47°36'27" W 151.00 feet to a point in the northeast margin of Maryland Route 58, thence with said margin and a curve to the left with a radius of 28751.89 feet, an arc length of 221.777 feet and a chord bearing distance of N 38°29'28" W 221.78 feet to a point, thence continuing with said margin, N 38°30'13" W 188.83 feet to a point, thence N 38°55'05" W 248.778 feet to a point in the existing corporate boundary, said point having coordinates North 729744.055, Easting 1102817.904, running thence with the existing corporate boundary, N 50°51'54" E 458.84 feet to a point, thence S 38°55'04" E 409.286 feet to the place of beginning;

Containing 5.736 acres of land more or less;

Said lands being all the lands conveyed to 2009 Salem Avenue North, LLC by deed recorded at Liber 3813, folio 405 and more fully shown on Plat folio 5942.

RAS/vab.5684ACT desc

REQUIRED MOTION MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND

Topic:

Planning and Code Administration Update - *Kathleen Maher, Director of Planning and Code Administration*

Mayor and City Council Action Required:

Review and discussion of staff's report on codes administered by the Planning and Code Administration department and amendments made over the past four years, as well as the report on communication improvements that we have made or are implementing in response to suggestions from the public and our own staff that should help to ease the development and property management process.

Discussion:

Codes Administered by the Planning & Code Administration Department

The Planning and Code Administration Department administers or assists with the administration of 17 ordinances in the City Code. Planning staff administer the Land Management Code (zoning, subdivision and land development, forest conservation, and floodplain) which guides how land may be used and improved. Code Administration staff administer the Building Code and 15 other codes intended to promote public safety and to protect the property values and quality of life in Hagerstown. Attached is a document that outlines those 17 ordinances as well as the amendments which have been made to 15 of those ordinances in the past four years. Staff have prepared a powerpoint to assist with this review at the Mayor and City Council meeting.

Initiatives to Improve Communications and Customer Service

As our department works to protect our neighborhoods and ensure the safety of residents, visitors, and businesses, we administer the 17 codes outlined above. As part of this work, we interact with a wide array of customers on a daily basis: home-owners, property managers, tenants, neighbors, realtors, developers, potential investors, business-owners, architects, engineers, building contractors, plumbers, HVAC contractors, electricians, sign contractors, etc.

Some are seeking our assistance in solving a nuisance in their neighborhood or gaining the attention of their landlord with a property deficiency. Some are subject to our inspections because of an open permit or because they own rental property or vacant property. Some are seeking our help in understanding the code requirements effecting their planned improvement project or the planned use of their property. Some receive notices from us because of code violations on their property which need to be corrected. Some take great pride in their property and some do not. Some are trying to do the right thing and some are trying to cut corners or work outside the codes. We have productive working relationships with some and strained interactions with some. It is our goal to help make the City the best it can be and to protect our citizens from unsafe or nuisance situations. Unfortunately, we meet resistance at times when the City's code requirements conflict with the goals and priorities of owners, managers and occupants of property in Hagerstown.

Communicating effectively and providing helpful customer service tools are important as we work to administer the codes and facilitate efforts to protect and enhance public safety, health and welfare. There is always room for improvement and we welcome input from our customers. We have utilized customer feedback surveys to gain input and we have analyzed the results of the Main Street Program's recent survey. We have met with stakeholders, Main Street workgroups, the Pen-Mar Board of Realtors, Neighborhoods 1st groups, Council members, and other groups to learn more about concerns they may have or have heard and to discuss possible solutions to the issues raised. This work is hard but necessary. Attached is a report on efforts and initiatives we have taken recently or are in the process of developing to enhance our communications with customers and to provide better tools to our customers as they navigate the development or property management process. Staff have prepared a powerpoint to assist with this review at the Mayor and City Council meeting.

Next Steps

Staff have a number of ideas to continue improvement of communications and customer service and the public's perception of the ease of working with the City on economic development, construction, and property management in Hagerstown:

1. **Continued Improvement and Promotion of New Tools to Enhance Customer Service** – Continue working on improvements outlined above and promotion of those communication/customer service improvements to the general public and our stakeholders.
2. **Communication/Customer Service Training** – this month, our department's staff will begin an on-line, PC-based training program acquired for our use by the Human Resources Department to polish our customer service skills.
3. **Keeping the Lines of Communication Open with our Stakeholders** – meet with stakeholders when frustrations are expressed to learn more about their concerns in interaction with the City; hold follow-up meetings with Main Street stakeholders and the Pen-Mar Board of Realtors to share thoughts on how things are going and discuss possible solutions to improve identified areas of concern; and participate in any Focus Group that may be assembled on Code Administration issues.

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

PCAD_update_to_M_CC_1_17_17_packet.pdf

Description

PCAD Update 1 17 17
packet




CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

MEMORANDUM

TO: Valerie Means, City Administrator

FROM: Kathleen A. Maher, Director of Planning and Code Administration 

DATE: January 10, 2017

SUBJECT: Planning and Code Administration Update

Staff will be present at the January 17, 2017 Mayor and City Council work session to provide an update on the codes administered by the Planning and Code Administration Department and those amendments to the codes made during the previous administration over the past four years. In addition, we will provide an overview of communication improvements that we have or are implementing in response to suggestions from the public that should help to ease the development and property management process.

Codes Administered by the Planning & Code Administration Department

The Planning and Code Administration Department administers or assists with the administration of 17 ordinances in the City Code. Planning staff administer the Land Management Code (zoning, subdivision and land development, forest conservation, and floodplain) which guides how land may be used and improved. Code Administration staff administer the Building Code and 15 other codes intended to promote public safety and to protect the property values and quality of life in Hagerstown. Attached is a document that outlines those 17 ordinances as well as the amendments which have been made to 15 of those ordinances in the past four years. Staff have prepared a powerpoint to assist with this review at the Mayor and City Council meeting.

Initiatives to Improve Communications and Customer Service

As our department works to protect our neighborhoods and ensure the safety of residents, visitors, and businesses, we administer the 17 codes outlined above. As part of this work, we interact with a wide array of customers on a daily basis: home-owners, property managers, tenants, neighbors, realtors, developers, potential investors, business-owners, architects, engineers, building contractors, plumbers, HVAC contractors, electricians, sign contractors, etc. Some are seeking our assistance in solving a nuisance in their neighborhood or gaining the attention of their landlord with a property deficiency. Some are subject to our inspections because of an open permit or because they own rental property or vacant property. Some are seeking our help in understanding the code requirements effecting their planned improvement

project or the planned use of their property. Some receive notices from us because of code violations on their property which need to be corrected. Some take great pride in their property and some do not. Some are trying to do the right thing and some are trying to cut corners or work outside the codes. We have productive working relationships with some and strained interactions with some. It is our goal to help make the City the best it can be and to protect our citizens from unsafe or nuisance situations. Unfortunately, we meet resistance at times when the City's code requirements conflict with the goals and priorities of owners, managers and occupants of property in Hagerstown.

Communicating effectively and providing helpful customer service tools are important as we work to administer the codes and facilitate efforts to protect and enhance public safety, health and welfare. There is always room for improvement and we welcome input from our customers. We have utilized customer feedback surveys to gain input and we have analyzed the results of the Main Street Program's recent survey. We have met with stakeholders, Main Street workgroups, the Pen-Mar Board of Realtors, Neighborhoods 1st groups, Council members, and other groups to learn more about concerns they may have or have heard and to discuss possible solutions to the issues raised. This work is hard but necessary. Attached is a report on efforts and initiatives we have taken recently or are in the process of developing to enhance our communications with customers and to provide better tools to our customers as they navigate the development or property management process. Staff have prepared a powerpoint to assist with this review at the Mayor and City Council meeting.

Next Steps

Staff have a number of ideas to continue improvement of communications and customer service and the public's perception of the ease of working with the City on economic development, construction, and property management in Hagerstown:

1. **Continued Improvement and Promotion of New Tools to Enhance Customer Service** – Continue working on improvements outlined above and promotion of those communication/customer service improvements to the general public and our stakeholders.
2. **Communication/Customer Service Training** – this month, our department's staff will begin an on-line, PC-based training program acquired for our use by the Human Resources Department to polish our customer service skills.
3. **Keeping the Lines of Communication Open with our Stakeholders** – meet with stakeholders when frustrations are expressed to learn more about their concerns in interaction with the City; hold follow-up meetings with Main Street stakeholders and the Pen-Mar Board of Realtors to share thoughts on how things are going and discuss possible

solutions to improve identified areas of concern; and participate in any Focus Group that may be assembled on Code Administration issues.

Attachments

c: Blaine Mowen, Chief Code Official
Gary Lambert, Programs Manager
Paul Fulk, Inspections Manager
Stephen R. Bockmiller, Zoning Administrator/Development Review Planner
Alex Rohrbaugh, Planner
Jenn Keefer, City Attorney
Jason Morton, City Attorney

Codes Administetered by PCAD

17-Jan-17

Chap #	Chapter Name	Last Revised	Revision Made
64	Building Code	8/28/12 and 11/26/13 and 8/30/15	2012 - amended Smoke Detector provisions to be consistent with State Code; updates following State Code update. 2013 - amended Residential Sprinklers provision to be consistent with State Code. 2015 - updates following State Code update.
64-8	Property Maintenance Code	3/22/2016	Amended to create consistency with new trash storage and set out requirements in Chapter 117. <i>Last comprehensive update in 2008 - new update in development .</i>
65	Habitual Offender	2/23/2016	Expanded from simply Property Maintenance Code offenses to include zoning, nuisance abatement, rental facilities, and vacant structures. 3 or more separate and distinct violations during 24 month period shall be deemed a Habitual Offender and subsequent violations shall be guilty of a misdemeanor.
89	Donation Bins	1/27/15 and 8/25/15	Jan 2015 - added chapter 183 to prohibit donation bins. Aug 2015 - following questions raised by public, repealed 183 and replaced with 89 to regulate location rather than to ban.
95	Excessive Use of City Services	Mar-14	Excessive Use of Police Services repealed and replaced with Excessive Use of City Services. Added sanitation, weeds, and nuisance abatement to list of qualifying calls. Modified number of calls within 12 month period that constitute designation as a Chronic Nuisance Property. Any calls after that within 12 month period are charged a fee.
117	Recycling & Refuse Collection	6/18/13 and 3/22/16	2013 - amended definition of dumpster to include roll-off trash containers and prohibited dumpsters from residential properties except under certain circumstances. 2016 - established new trash storage and set out requirements (trash in view issue).
140	Land Management Code	Every year	LMC includes the City's zoning ordinance, subdivision and land development ordinance, forest conservation ordinance, and floodplain ordinance. Amendments made annually as needed to be consistent with the City's Comprehensive Plan and to reflect changing needs of the City related to land use and development. [Planning]

155	Noise	1/28/2014	Repealed and replaced to provide City with better tool to protect our neighborhoods from excessive noise. Established decibel standards based on time of day; modified list of exemptions; established a variance process for special events subject to approval of Mayor and City Council. [HPD]
184	Portable Storage Containers	6/18/2013	Repealed and replaced prior chapter and focused on provisions for portable storage containers. Allowed by permit for up to 6 months in commercial and industrial zones.
185	Nuisance Abatement	2010x	Weeds, trash and debris ordinance. Codified notice of violation and abatement process.
187	Nuisance and Abandoned Property Abatement	2/23/2016	New chapter - defines problem and sets up process through the Circuit Court for City to follow to seek rehabilitation or elimination of nuisance properties and abandoned properties.
197	Rental Facilities	March 2014 and 8/26/2014 and 11/22/16	Mar 2014 - amended in coordination with amendments to Chapter 95. Required a certification for residential operators, a training process after a qualifying Chronic Nuisance call, a Crime Free Housing provision in lease, and a revocation process if run afoul of Crime Free Housing provisions. Aug 2014 - amended to have exterior inspections occur annually and to increase license fee to \$75/unit. 2016 - amended to clarify application of Crime Free Housing provisions and added those circumstances when a Housing Authority interior inspection would not be accepted for Section 8 units.
200	Sanitation	1990x	Miscellaneous sanitation issues ordinance.
204	Signs (Billboards)	1999x	Update in development
216	Streets & Sidewalks	1/27/15 and 11/15/16	2015 - added section on Private Use of Public Sidewalks and adopted Standards for such displays. 2016 - amended Standards to reflect input from the public and Main Street Hagerstown.
232	Vacant Non-Residential Structures	9/30/14 and 10/25/16	2014 - repealed and replaced. Modified definition of vacant structure and vacant blighted structure; adjusted license fee; added CPTED standards; added requirement for contact info for designated agent; modified inspection requirements. 2016 - amended to add definition for 'active work,' 2 exemptions to the program, an incentive for new owners to get properties out of the program, and a reinspection fee for failure to have corrections in place when call for inspection.
233	Vacant Residential Structures	9/30/14 and 10/25/16	See 232 above.

City Response to Requests from Public to Improve Communication and to Ease the Development and Property Management Process.

Already Available to the Public:

1. **On-line tool to track status of permits and inspections** - instruction booklet on accessing the tool emailed on 11/21/16 to contractors, etc. and a media release issued on 11/29/16.
2. **Permit Applications and Instructions** – have developed new permit applications for all types of permits with instructions on applying for permits and instructions on when to call for what inspections and in what order. The applications are writeable on-line and became available for use on January 1, 2017. We emailed info about change to contractors and posted change in process on web site in December.
3. **How-to Brochures for Simple Permits** – staff prepared eight how-to brochures for simple home-owner permit projects (e.g., porches, decks, sheds, pools, fences, etc.). Includes step-by-step illustrated instructions on info needed and how process works. The brochures are available in the PCAD front office and are posted on-line.
4. **Meeting with Stakeholder Groups** – staff have already met with members of Pen-Mar Region Board of Realtors and the City's Main Street Business Relations Work Group to discuss issues of concern with the City's development review and Rental Licensing programs. It would be beneficial to continue such meetings on a regular basis to keep lines of communication open and explore enhancements to the process of permitting and rental licensing.
5. **Pre-purchase/design Meetings, Building Walk-Throughs, Code Discussion Meetings, and Progress Meetings** – staff are available to meet with project reps to help with understanding of code issues that may apply with buildings identified for renovation and to discuss alternative solutions identified by project architects. For large, complex projects and high economic development priorities, staff are also available for construction progress meetings to keep communication open and remove confusion about what is necessary at each stage of construction for inspections and prior to receipt of Certificate of Occupancy.
6. **Revisions to Vacant Structures Program** – code revisions adopted 10/25/16 to provide more flexibility to owners attempting to sell their vacant buildings or sell or rent their renovated vacant buildings, or to new owners who recently acquired a vacant, blighted building.
7. **Revisions to Rental Licensing Program** – code revisions adopted 11/22/16 to clarify that revocation of a residential operator certification would only occur at a property where compliance with the Crime Free Provisions has not be achieved and would not affect any other property owned or managed by that residential operator. To date, no residential operator certification has been revoked.
8. **Door Hangers Alerting to Property Violations** – soft introduction approach on 14 simple yard violations (high weeds, trash, debris, etc.) for first offenders. Printed in English and Spanish.
9. **Code Administration Website Updates and Changes** – reviewed web site statistics to see which pages have the most or least hits and made changes to enhance navigation through the website.

City Response to Requests from Public to Improve Communication and to Ease the Development and Property Management Process.

In Development:

1. **Communication Training** – the HR department is preparing a communication enhancement training program for PCAD staff that focuses on customer service. The six part program will be on-line sessions conducted on PC's by individuals that can be worked around staff schedules. Expect to have training available in January.
2. **"Getting ready for Rental Licensing Inspections"** – developing info piece of typical items that need to be addressed to be ready for an inspection. This will include a list of most frequent inspection failure issues. Eventually will create a pictorial supplement on the most frequent inspection failure issues. Expect to post the info on-line and email to property management reps in late January. Will include in mailings on license renewals.
3. **Property Maintenance Code Inspection Checklist** – developing more detailed checklist of items reviewed by inspectors during Rental Licensing inspection. This will assist with concerns about consistency between inspectors and help to educate the public on what needs to be addressed. Expect to be available in late January.
4. **On-line Trade Permits and Fence Permits** – if can make a MUNIS fix, should roll this service out in the first quarter of 2017. Would enable on-line permitting for electrical, plumbing, mechanical and fence permits. Credit card payments would still need to occur in our office.
5. **Removing Surprises during Permit Inspections** – frequent communication disconnect occurs when the contractor in the field is not privy to the permit approval comments that needed to be addressed in order for work to pass an inspection. PCAD is working on a number of system adjustments to maximize opportunity for the comments to get to the folks who need to see them (e.g., attached in MUNIS approval and delivered to applicant electronically; able to be viewed in on-line permit status check; posted on the door; etc.) and reduce frequency of hearing "I didn't know" or "this is a surprise" in the field. As we do not anticipate this will completely solve the problem, we will poll contractors on how they view the effectiveness of a system that allows receipt of trades permits prior to City approval of the building plans (with comments) on the total commercial project – a system that was put in place years ago at the request of trades contractors.
6. **Update of Property Maintenance Code** – staff are working with property owners, property managers, and contractors on development of an update to the Property Maintenance Code, which was last updated in 2008. Expect to begin review with the Mayor and City Council in April 2017.
7. **Road Map of What to Expect when Renovating an Old Building** – requested by realtors. Possible joint project with Fire Marshal's Office? And stakeholders?

K. Maher, PCAD
January 10, 2017