

**AN ORDINANCE AMENDING AND REVISING
THE ZONING ORDINANCE OF
THE TOWN OF KEEDYSVILLE:**

ARTICLE 2: DEFINITIONS, SECTION 203 – AGRICULTURE

**ARTICLE 3: ZONING DISTRICTS AND USE REGULATIONS, SECTION 305, TABLE
OF USE REGULATION (D)(6)**

**ARTICLE 3: ZONING DISTRICTS AND USE REGUALTIONS, SECTION 305, TABLE
OF USE REGULATION (D)(13)**

Recital

Pursuant to the *Zoning Ordinance for the Town of Keedysville*, the Mayor and Council, through a request initiated by Eric Matson and reviewed and recommended by the Planning Commission, Amendments to *the Zoning Ordinance* as identified above and more particularly set forth in Attachments “A”, “B”, and “C” which are incorporated herein by reference, deem it to be in the best interests of the citizenry of the Town to amend and revise the *Zoning Ordinance* as specified in the aforementioned Attachments “A”, “B”, and “C”. The various agencies, including the Planning Commission and the Mayor and Council, being the duly constituted legislative body of the Town of Keedysville, have complied with all of the provisions of the aforementioned *Zoning Ordinance*. The Mayor and Council, as it’s duly constituted legislative body, for the Town of Keedysville, Maryland, held a Public Hearing in compliance with the *Zoning Ordinance* on October 21, 2020.

The Mayor and Council do find, based on the testimony and evidence presented at the Public Hearing, and having considered all of the criteria set forth by the Laws of the State of Maryland and the *Zoning Ordinance*, that the proposed text amendment to the *Zoning Ordinance* would be appropriate and logical.

The Mayor and Council did make Findings of Fact which are attached hereto and incorporated herein as Attachment “D” and entitled, *Opinion and Findings of Fact*. The Mayor and Council further find as a matter of fact, and a matter of law, that an Amendments to the text of the *Zoning Ordinance* as requested would be consistent with the *Comprehensive Plan of the Town of Keedysville* and not contrary to proper planning and/or the purpose and intent of the *Zoning Ordinance* for the Town of Keedysville, Maryland.

NOW, THEREFORE, be it **RESOLVED, ENACTED**, and **ORDAINED** that in accordance with the aforementioned *Opinion and Findings of Fact*, Article 2: Definitions, Section 203, Agriculture, as set forth in Attachment “A” which is incorporated herein by reference be and is hereby adopted thereby amending of the *Zoning Ordinance for the Town of Keedysville*; and be it further

RESOLVED, ENACTED, and **ORDAINED** that in accordance with the aforementioned *Opinion and Findings of Fact*, Article 3: Zoning Districts and Use Regulations, Section 305, Table

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Washington County

of Use Regulation (D)(6), as set forth in Attachment "B" which is incorporated herein by reference be and is hereby adopted thereby amending of the *Zoning Ordinance for the Town of Keedysville*; and be it further

RESOLVED, ENACTED, and ORDAINED that in accordance with the aforementioned *Opinion and Findings of Fact*, Article 3: Zoning Districts and Use Regulations, Section 305, Table of Use Regulation (D)(13), as set forth in Attachment "C" which is incorporated herein by reference be and is hereby adopted thereby amending of the *Zoning Ordinance for the Town of Keedysville*; and be it further

RESOLVED, ENACTED and ORDAINED that all other provisions of said *Zoning Ordinance* shall remain in full force and effect.

MAYOR AND COUNCIL OF THE TOWN
OF KEEDYSVILLE, MARYLAND

Witness and Attest as to
Corporate Seal

By: _____


Kenneth Lord, Mayor


Richard Bishop, Town Administrator

Date of Introduction:	11/4/2020
Date of Passage:	12/02/2020
Effective Date:	12/24/2020

Record and Return to:

Mr. Richard Bishop
Town Administrator
Town of Keedysville
P. O. Box 359
Keedysville, MD 21756

DEC 21 2020

ATTACHMENT "A"

ZONING TEXT AMENDMENT

ARTICLE 2: DEFINITIONS, SECTION 203

AGRICULTURE

203 Agriculture

On properties consisting of five (5) acres or more, with or without improvements, a less intensive use of that property that includes the cultivation of soil and the raising and harvesting of products of the soil subject to customary and/or regulatory soil and water conservation practices. Subject to any other applicable rules, regulations, ordinances and/or statutes, **Agriculture** as defined herein shall also include the raising and keeping of livestock, poultry, horses, sheep and the like, but not including pigs/swine, so long as the total number does not exceed five (5) and said livestock, poultry, horses, sheep and the like are not housed, located and/or permitted to graze, feed, and/or roam within one hundred (100') feet of any dwelling located on any adjacent property.

ATTACHMENT "B"

AMENDMENT TO ZONING ORDINANCE

ARTICLE 3: ZONING DISTRICTS AND USE REGULATIONS

SECTION 305 TABLE OF USE REGULATION (D) (6)

D. RETAIL AND COMMERCIAL SERVICES	SR	TR	NC
6. Greenhouses and nurseries, including sales facilities for properties (5) acres or larger	SE	N	SE

Note – The proposed change is to allow this above use in SR zoning districts. Currently these types of uses are not permitted under any circumstances in SR. The amendment would allow greenhouses and nurseries by Special Exception on parcels of five acres or more.

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ATTACHMENT "C"

AMENDMENT TO ZONING ORDINANCE

ARTICLE 3: ZONING DISTRICTS AND USE REGUALTIONS

SECTION 305 TABLE OF USE REGULATION (D) (13)

D. RETAIL AND COMMERCIAL SERVICES

SR TR NC

13. Retail businesses intended primarily for neighborhood convenience shopping, including: baked goods stores, dairy products stores, food and grocery stores, fruit and vegetable stores or produce stands, meat markets, pharmacies and stores selling wood and wood products.

SE* SE P

***The uses specified herein are Not Permitted (N) in SR unless the parcel intended for use is five (5) acres or more.**

Note – The purpose of the amendment is to allow the possibility of retail businesses in the nature of the ones specified in SR which currently prohibits same. A minimum of 5 acres would be required in an SR Zoning District.

OPINION AND FINDINGS OF FACT

ARTICLE 2: DEFINITIONS, SECTION 203 – AGRICULTURE

**ARTICLE 3: ZONING DISTRICTS AND USE REGULATIONS, SECTION 305, TABLE
OF USE REGULATION (D)(6)**

**ARTICLE 3: ZONING DISTRICTS AND USE REGUALTIONS, SECTION 305, TABLE
OF USE REGULATION (D)(13)**

The foregoing matter was heard at Public Hearing by the Mayor and Council for the Town of Keedysville, Maryland, on October 21, 2020 in accordance with the provisions of the *Zoning Ordinance for the Town of Keedysville*.

The Mayor and Council have considered all of the criteria as set forth in the *Zoning Ordinance* as well as the *Annotated Code of Maryland*.

The Mayor and Council for the Town of Keedysville, in accordance therewith, find that the requested changes/amendments are consistent with the *Comprehensive Plan* as well as the purpose and intent of the *Zoning Ordinance*. The testimony and evidence taken at the Hearing presented by Eric Matson as well as the Minutes of the Planning Commission which were incorporated into the record, demonstrate and establish that the proposed amendments to the *Zoning Ordinance* are appropriate and logical. The proposed amendments will allow more flexibility, less administrative scrutiny and reduced cost in situations where property owners with qualifying properties want to use their properties in whole or in part for Agricultural purposes as defined in Attachment "A". The Mayor and Council further find that the proposed amendments to the *Zoning Ordinance* are compatible with existing and proposed uses in the affected Zoning Districts. The discussions of the Mayor and Council, the recommendations, testimony and written submittals of the Planning Commission, the testimony of Eric are incorporated and adopted by the Mayor and Council herein by reference to the extent that they are consistent with the Mayor and Council *Findings* set forth in this Opinion as well as those set forth on the record at the Public Hearing.

Therefore, the Mayor and Council find that the *Zoning Ordinance* should be amended in accordance with Attachments "A", "B", and "C" which are incorporated herein by reference.



Kenneth Lord, Mayor

Attachment "D"

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LR - Government
Instrument 0.00
Agency Name: Town of
Keedysville
Instrument List: Other
Describe Other:
Ref:

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Total: 0.00
12/18/2020 03:17
CC21-KB
#14385369 CC0403 -
Washington
County/CC04.03.02 -
Register 02

This page not to be counted in calculating Recording Fee

**Clerk of Circuit Court
Washington County, Maryland**

Kevin R. Tucker, Clerk
24 Summit Avenue
Hagerstown, MD 21740
301-790-7991

For Clerks Use Only

Improvement Fee _____
Recording Fee _____
County Transfer Tax _____
Recordation Tax _____
State Transfer Tax _____
Non-Resident Tax _____
TOTAL _____