



MEMORANDUM

TO: Scott Nicewarner, City Administrator

FROM: Stephen R. Bockmiller, AICP, Deputy Director for Planning and Zoning Administration

DATE: August 4, 2026

SUBJECT: 2025-26 Annual Package of Proposed Land Management Code Text Amendments

Staff will be present at the August 4 work session to brief the Mayor and City Council on the annual package of Land Management Code amendment updates for 2025-26. A Mayor and City Council public hearing is scheduled for August 25 on this matter.

Planning Commission Recommendation

The Planning Commission held a public review meeting on May 27, 2026 and on June 24, 2026 voted to forward the attached proposed amendments to the Mayor and Council for their consideration.

Overview

The Land Management Code (LMC) is an assembly of four previously independently structured ordinances that were combined between 2008 and 2010 into a single, better organized and cross-referenced code. Those ordinances are the Zoning Ordinance (now Article 4, LMC), Subdivision and Land Development Ordinance (now Article 5, LMC), Floodplain Management (now Article 6, LMC) and Forest Conservation (now Article 7, LMC). Due to the labor and expense of amending the Code, proposals to amend the Code are not processed on an "as needed" basis. Except in emergency situations, proposals or ideas for amendments and adjustments are collected throughout the year and are processed annually in a single package to conserve City resources.

Attached herewith you will find the Land Management Code amendments recommended this year by the Planning Commission for the Mayor and Council's consideration.

It consists of twenty-six amendments or groupings of amendments. Eight loosen the existing regulations or make them more accommodating. Three create new or tighten existing regulations. Fifteen are content-neutral corrections and clarifications.

A brief summary of the contents of each proposal and a directory of which pages to find each in the packet begins on page 3 of this memorandum.

(Continued)

How to Read the Proposals

At the top of each proposal is a table with an assigned proposal number, a brief summary of the proposal and a summary of the justification for the proposed amendment. Using the standard format that we have used for the last several years, the following key is used to illustrate how the existing text will be amended:

Standard black text: Existing text that will remain unchanged.

Standard red text: New text that will be added to the Code.

~~Standard black text shown in strikeout: Existing text that will be removed from the Code.~~

Standard blue text: Notations and explanations to help the reader with citations and content.

Text in blue is not verbatim language in - or proposed for - the Code.

Next Steps

The next step would be advertisement for the Mayor and City Council's public hearing on August 25. In September, staff will return to you in workshop for direction regarding which of these 26 proposals the elected body agrees to adopt, with introduction on September 22 and approval on October 27. If approved on October 27, the updated Land Management Code will become effective 30 days thereafter.

Attachments

Copy: Jill Thompson, Director of Planning and Economic Development
Doug Reaser, Economic Development Manager
Planning and Zoning Staff

2026 LAND MANAGEMENT CODE AMENDMENT PROPOSALS

ZT-2026-02 **Annual Comprehensive Updates Package**

MAYOR AND CITY COUNCIL HEARING
TO BE HELD

TUESDAY, AUGUST 25, 2026
7:00 P.M.
CITY COUNCIL CHAMBERS
2ND FLOOR, CITY HALL
1 EAST FRANKLIN STREET,
HAGERSTOWN, MD 21740

FOR ADDITIONAL INFORMATION, CONTACT THE PLANNING STAFF AT:
PLANNING@HAGERSTOWNMD.ORG
OR
301-739-8577, EXTENSION 138

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-01	Is this a new issue or one previously discussed?	---
Version: 2	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: Update all references of “Planning and Code Administration” to “Department of Planning and Economic Development.”		
Justification: The Planning and Code Administration Department no longer exists.		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Article 1, Section A (page 1-1) Example provided.

Title. This Chapter is known and may be cited as the “Land Management Code.” Individual Articles of this Chapter may be cited as the “Ordinance” it is crafted to govern, as described in each Article. This Chapter includes both the text of the regulations and the Zoning Map of the City of Hagerstown, as maintained by the ~~Planning and Code Administration Department~~. **Department of Planning and Economic Development (hereinafter “the Department”).**

All references after the initial will just refer to “the Department.”

This amendment would also be found in the following locations, with some possible editing for grammar or context:

Article 1, Section C (page 1-1)
Article 1, Appendix 1 (page 1-5)
Article 2, Section C Number 4 Subsection C (page 2-3)
Article 2, Section C Number 5 Subsection C (page 2-4)
Article 3, Section A Number 6 (page 3-1)
Article 3, Definitions Development Project Completion (page 3-12)
Article 4, Section A Number 9 Subsection C (page 4-4)
Article 4, Section K Number 12 (page 4-86)
Article 4, Section S Number 2 Subsection B Paragraph 4 (page 4-128)
Article 4, Section T Number 9 (page 4-137)
Article 5, Section A Number 2 (page 5-4)
Article 5, Section C Number 2 (page 5-10)
Article 5, Section C Number 5 (page 5-12)
Article 5, Section C Number 6 Subsection F (page 5-13)
Article 5, Section C Number 14 (page 5-12)

Article 5, Section C Number 16 Subsection B (page 5-17)
Article 5, Section E Number 2 Subsection L (page 5-25)
Article 5, Section F (page 5-29)
Article 5, Section E Number 10 (page 5-40)
Article 5, Section I Number 1 Subsection A (page 5-46)
Article 5, Section I Number 4 Subsection F Paragraph1 (page 5-50)
Article 5, Section I Number 4 Subsection F Paragraph 2 (page 5-50)
Article 5, Section I Number 4 Subsection F Paragraph 3 (page 5-50)
Article 5, Section K Number 2 (page 5-77)
Article 5, Section K Number 2 Subsection C (page 5-77)
Article 5, Section K Number 4 Subsection C (page 5-78)
Article 5, Section K Number 6 Subsection A (page 5-79)
Article 5, Section K Number 6 Subsection A (page 5-79)
Article 5, Section K Number 7 (page 5-79)
Article 5, Section K Number 4 (page 5-93)
Article 5, Section K Number 4 (page 5-93)
Article 7, Section A Number 3 Subsection B Paragraph 2 Clause b Item ii (page 7-3)
Article 7, Section A Number 3 Subsection B Paragraph 7 Clause c (page 7-4)
Article 7, Section A Number 3 Subsection B Paragraph 10 Clause b (page 7-5)
Article 7, Section A Number 3 Subsection C Paragraph 2 (page 7-5)
Article 7, Section A Number 3 Subsection C Paragraph 3 Clause b Item ii (page 7-6)
Article 7, Section A Number 3 Subsection C Paragraph 4 (page 7-6)
Article 7, Section A Number 3 Subsection C Paragraph 4 Clause d (page 7-6)
Article 7, Section A Number 3 Subsection C Paragraph 5 (page 7-6)
Article 7, Section B Number 1 Subsection A (page 7-9)
Article 7, Section B Number 2 Subsection a (page 7-9)
Article 7, Section B Number 2 Subsection b (page 7-9)
Article 7, Section C Number 1 Subsection d (page 7-11)
Article 7, Section C Number 1 Subsection f (page 7-12)
Article 7, Section C Number 1 Subsection g Paragraph 1 (page 7-12)
Article 7, Section C Number 1 Subsection g Paragraph 2
Article 7, Section C Number 1 Subsection g Paragraph 3
Article 7, Section C Number 1 Subsection g Paragraph 4
Article 7, Section C Number 2 Subsection d (page 7-15)
Article 7, Section C Number 3 Subsection b Paragraph 6 (page 7-16)
Article 7, Section I Number 1 Subsection b Paragraph 2 (page 7-25)
Article 7, Section K Number 1 Subsection b (page 7-29)
Article 7, Section M Number 1 Subsection c (page 7-33)
Article 7, Section N Number 1 (page 7-35)
Article 7, Section N Number 2 (page 7-35)

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-02	Is this a new issue or one previously discussed?	---
Version: 1	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: Replace “mobile home” with “manufactured home” and update associated definitions.		
Justification: Amends ordinance to use term more consistent with state and federal laws and regulations.		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Article 3 Section C (page 3-13) Example provided.

DWELLING, ~~MOBILE~~ MANUFACTURED – A dwelling structure that is transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without permanent foundation when connected to the required utilities. **This is often referred to as a “mobile home”**. The term manufactured home or mobile home shall not include a recreational vehicle. (*Zoning and Floodplain*)

References are found in the following locations:

Article 3, Section C, Definition of “Dwelling, Modular (Industrialized Building) (page 3-13 to 14)

Article 3 Section C, Definition of “Mobile Home Park”, twice within definition (page 3-27)

Article 4 Section D Number 5 Subsection c (page 4-18)

Article 4 Section D Number 5 Subsection h (page 4-21) – title and four times.

Article 4 Section D Number 5 Subsection h Paragraphs 6 and 7 (page 4-22)

Article 4 Use Chart 1 (page 4-154)

Article 4 Use Chart 2 (page 4-158)

Article 5 Section I.4.j.(1) under “Residential Buffers” (page 5-52)

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-03	Is this a new issue or one previously discussed?	---
Version: 1	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: Remove reference to performance standards in the POM District from the legend at the beginning of the use chart (Section Z) of Article 4.		
Justification: Recent amendments removed the performance standards for a handful of uses in the POM District. When that was done, staff missed the reference to it in the key at the beginning of the use chart section. This is a clean-up amendment, removing a redundant reference that now references nothing. This also corrects a minor prior editing error highlighted in red on the first line.		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Article 4 (Zoning)

Section Z (Use Chart)

Remove item from legend

Page 4-151

Z. Chart of Permitted and Special Exception Uses.

Uses shall be principal permitted uses, special exception uses, or prohibited in each zoning district in accordance with the matrix found on the following pages. Some uses are permitted subject to performance and locational standards within a district, and the reader shall review the chart closely to determine whether locational or performance standards apply to a proposed use.

Blank Not permitted.

P Permitted-Principal Use.

P* Permitted-Principal use in accordance with parking requirements (Section

O).

~~**P#** Permitted-Principal use in the POM district, subject to certain limitations enumerated in Subsection F.2.b(5).~~

P@ Permitted-Principal use in the N-MU and CC-MU districts, subject to certain enumerated requirements in Subsection E.7.

P** Permitted-Principal use in the I-MU district, subject to certain enumerated requirements in Subsection H.8.

SE Special Exception Use.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-04	Is this a new issue or one previously discussed?	---
Version: 1	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---

Summary: Clarify where convenience stores are permitted by adding additional districts to existing line in use chart.

Justification: In the use chart, retail uses are described as a single type of use, but there are exceptions for certain uses, such as adult uses, gasoline sales, etc. The existing chart shows “convenience stores without gas pumps.” This was done as a means of regulating where gas stations are located. This is because most gas stations have convenience stores. Due to past restructuring of other references, this is now confusing and should be consolidated with the provision for general retail sales.

To read this line, one would think convenience stores without fuel pumps are permitted only in these four districts and not permitted in most commercial districts. There is no direction to the reader to refer to general retail. This proposal consolidates this reference with the provision for general retail sales and there is a cross reference to gasoline sales in the same line. Consolidating these should be less confusing.

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Article 4 (Zoning)

Section Z.2 (Use Chart)

Remove existing chart line

Page 4-164

Use	N-MU	CC-MU	PUD-V	PUD-R
Convenience store without fuel pumps (445120)	P	P	P	P

Article 4 (Zoning)

Section Z.2 (Use Chart)

Amend existing chart line

Page 4-167

Use	CL	C	LC
Retail and wholesale trade (44-45) excluding auto and other motor vehicle dealers unless all vehicle storage is indoors and excluding adult entertainment 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), and convenience stores without fuel pumps (445120) and/or EV charging stations . Regulation of specific trade uses that are found elsewhere in this chart shall prevail. (Ed. Note: See Page 4-165 regarding gasoline sales and EV charging stations)	P	P	P

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-05	Is this a new issue or one previously discussed?	---
Version: 2	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: 1. Remove references to June 2025 amendments and July, 2026 forest conservation amendments. 2. Renumber subsection where an item was removed and left as a placeholder reference.		
Justification: When intervening amendments are added to the Land Management Code mid-cycle, notes are added to identify the affected area as an amendment in order to identify when the amendment took effect. When the next version of the Code is adopted, it is adopted anew, and the amendment references in the prior version are removed.		

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There are numerous amendment references throughout the code due to the June, 2025 cannabis and POM district amendments and the recently adopted updates associated with the forest conservation ordinance. Rather than provide many pages of editorial structure for each one, the following is an example of how all of the existing references will be uniformly addressed.

CANNABIS INCUBATOR - A State-licensed facility to house micro-growers, micro-processors, and/or delivery-only micro-dispensaries. The three micro-use types are defined in Section 36-401 of the Alcoholic Beverages and Cannabis Article of the Annotated Code of Maryland. *(Zoning) (Amended June 26, 2025)*

Article 4 Section F Paragraph 2 Subsection b Subparagraph 5 (page 4-37 to 39) Renumber to account for removal of former item 5:

- (5). — *[Ed. Note: Removed per ZT 2024 04] (Amended June 26, 2025)*
- (6). (5). Temporary outdoor principal use sales facilities **Remainder omitted as unchanged.**
- (7). (6). Conditions for Kennels in CG and CR Zoning Districts. **Remainder omitted as unchanged.**
- (8). (7). An automobile, recreational vehicle, boat and/or truck.... **Remainder omitted as unchanged.**
- (9). (8). Performance Standards for Mixed Use Buildings in the CG and CR Zoning Districts) **Remainder omitted as unchanged.**
- (10). (9). A flea market shall: **Remainder omitted as unchanged.**
- (11). (10). Performance Standards for Warehouse/Flex in the CR and POM Districts: **Remainder omitted as unchanged.**

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-06	Is this a new issue or one previously discussed?	---
Version: 2	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: Clarify that traffic control devices must comply with State regulations.		
Justification: Currently, the Ordinance is not clear that traffic control devices on properties proposed for improvement via a site plan must adhere to a standard.		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Article 5 (Subdivision and Land Development)
Section G. Required Improvements in Subdivisions
Subsection 3. Street Signs and Traffic Control Devices
Page 5-35.

3. Street Signs and Traffic Control Devices.

Street signs and all other traffic control signs and devices shall be installed at the developer's expense in accordance with the City Engineer's Public Ways Construction Standards and Engineering Guidelines and with Chapter 216 of the Code of the City of Hagerstown. All street intersections on County and state roads and signage shall comply with County and state policies and ordinances, as applicable, **including the Maryland Manual on Uniform Traffic Control Devices (MdMUTCD).**

Article 5 (Subdivision and Land Development)
Section I. Site Plan Standards
Subsection 4. Landscaping Plan and Parking Area Design Requirements
Pages 5-45 and 5-56.

4. Landscaping Plan, **Traffic Control** and Parking Area Design Requirements.

o. Traffic Control.

Street signs and all other traffic control signs and devices on the property shall be installed at the developer's expense in accordance with the City Engineer's Public Ways Construction Standards and Engineering Guidelines and with Chapter 216 of the Code of the City of Hagerstown. All street intersections on County and state roads and signage shall comply with County and state policies and ordinances, as applicable, including the Maryland Manual on Uniform Traffic Control Devices (MdMUTCD).

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-07	Is this a new issue or one previously discussed?	---
Version: 1	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: Change “Handicapped Parking” to “Accessible Parking” in parking requirements.		
Justification: Align with Maryland Accessibility Code		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Article 4: Zoning
Section O: Parking
Page: 4-110

6. ~~Handicapped~~ **Accessible** Parking.
~~Handicapped~~ **Accessible** parking shall be in conformance with the “Maryland Accessibility Code,” COMAR 05.02.02., as administered by the Chief Code Official.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-08	Is this a new issue or one previously discussed?	---
Version: 1	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: Close loophole in regulations regarding building on alley lots.		
Justification: A recent variance and subdivision to create a lot on an alley around an old barn exposed a loophole in the Ordinance. Nothing currently prohibits someone from creating a lot on an alley, then seeking approval of an accessory structure on the separate lot, which makes it ripe for separate resale and speculative development. This proposal closes that loophole. It will not prevent creating a lot for an existing building, such as happened in the sample case.		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Article 4 (Zoning)

Section D (Residential Zoning Districts)

Section 5.i

Page 4-22

i. Construction On And Use Of Lots That Do Not Front Public Streets.

On lots in residential zoning districts that do not front a public street, one garage, residential in size and scale, shall be permitted as a principal use, provided:

- (1) The lot ~~shall have been created prior to the adoption of the Comprehensive Zoning Plan of March 7, 1977~~ and shall front on an existing paved alley;
- (2). New construction of a garage or construction of an addition to an existing garage shall not result in a building exceeding 900 square feet in area ~~or more than one building cumulatively exceeding 900 square feet~~;
- (3). New construction of a garage or construction of an addition to an existing garage shall not exceed one story in height;
- (4). New construction of a garage or construction of an addition to an existing garage shall be designed architecturally and so located as to appear to be an accessory structure in the neighborhood in which it is located;
- (5). The garage may be used by an owner or lessee for parking and personal use storage only. The garage shall not be used for business or institutional purposes and shall not generate activity other than the occasional delivery or retrieval of vehicles or personal materials stored in the garage, nor attract persons other than the tenant;
- (6). No outdoor storage of any kind is permitted;
- (7). No garage or addition to an existing garage shall be constructed closer than five feet to any property line or alley right of way.

Remaining paragraph removed as unchanged.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-09	Is this a new issue or one previously discussed?	---
Version: 1	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: Add cross reference regarding sign regulations to AT section and residential districts section		
Justification: The mixed use, commercial, industrial and overlay sections of Article 4 cross reference regulations for signs to the sign section. No such cross reference exists in the AT district section or the residential districts section. This cleans up a minor hole in the ordinance and makes the sections referring to zoning districts uniform.		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Article 4 (Zoning)
Section C (AT Zoning Districts)
New Section 8
Page 4-10

8. Signs.

Regulation of signs shall be per Section I of this Article.

Article 4 (Zoning)
Section D (Residential Zoning Districts)
New Section 9
Page 4-26

9. Signs.

Regulation of signs shall be per Section I of this Article.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-10	Is this a new issue or one previously discussed?	---
Version: 1	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: Incorporate protections for pending actions when the Land Management Code is amended.		
Justification: In recent text amendment decisions, language was added to the adopting ordinance that clarifies that the amendment does not impact certain existing or pending actions as a means of protecting City interests. Here, we are incorporating that language into the Code itself. This language is adapted from a recent text amendment ordinance of adoption with only minor structural amendments to fit the outline structure of the Code.		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Article 1 (General Provisions)

New Sections N and O. Effect on Penalty, Forfeiture, or Liability When this Chapter is Amended

Page 1-3.

N. Effect on Penalty, Forfeiture, or Liability When this Chapter is Amended.

Except as otherwise expressly provided, the repeal, repeal and reenactment, or amendment of this Chapter does not release, extinguish, or alter a civil penalty, forfeiture, or liability imposed or incurred under this Chapter.

O. Purposes for Which this Chapter Shall Remain in Effect after Amendment.

This repealed, repealed and reenacted or amended Chapter shall remain in effect for the purpose of sustaining any:

1. Pending civil action, suit, proceeding, matter or prosecution for the enforcement of a penalty, forfeiture, or liability, and
2. Judgement, decree, decision or order that imposes, inflicts, or declares the penalty, forfeiture, right or liability.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-11	Is this a new issue or one previously discussed?	---
Version: 1	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: Clarify the type of fencing used in developments using the new urban model where homes face open space or an exterior public street and the primary vehicular street frontage with driveways is to the physical rear of the buildings		
Justification: Clarifies that the primary vehicular and emergency access to homes in new developments that use the “narrow public street to the rear” model, the property is essentially a through lot and what is the perceived “rear yard” which faces the only abutting street is treated as a front yard for fencing purposes. Two developments – part of Fountainhead West and all of Heavens Heights (see attached exhibit) are designed on this model.		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Article 4 (Zoning)

Section K.1 (Fences)

Page 4-80

Addition to subsection (b).

- (b). Front yard fences shall be constructed only of decorative metal, wood picket, vinyl picket or composite picket construction, with the spaces between the pickets being at least one inch wide or half the width of the picket, whichever is greater. **In developments where homes are constructed with the architectural front of the house facing open space and the sole public street frontage of the lot is to the rear abutting the perceived rear yard, regulations pertaining to fences in front yards shall apply to the yard between the house and street.**

Elsewhere in the fence regulations, it states front yard fences can be up to 4 feet in height, or up to 3 feet in height within 25 feet of an intersection of two public streets. This provision does not apply to actual alleys. Fountainhead West has some alleys and some “narrow public streets” that are necessary to accommodate some lots that front onto open space.



LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-12	Is this a new issue or one previously discussed?	---
Version: 1	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: Clarify language regarding when there is a minimum number of parking spaces that require activation of parking lot landscaping.		
Justification: Clarifies language. Thwarts incremental expansions.		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Article 5 (Subdivision and Land Development)

Section I.4.h(7)

Page 5-49

- (7). All surface parking facilities, ~~greater than seven~~ **of eight or more spaces or expanding existing surface parking facilities to create a facility of eight or more** spaces shall be landscaped to the minimum requirements as outlined as follows. Requirements shall be rounded up to the nearest whole planting. Trees shall be planted by the developer as part of the Conditions of Approval, for aesthetic reasons and for summer cooling.

The chart in this subsection that follows the above paragraph is not shown here as it will remain unchanged.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-13	Is this a new issue or one previously discussed?	---
Version: 1	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: Clarify necessary location of parking in N-MU and CC-MU Zoning Districts.		
Justification: Existing language vague. Clarification needed to protect surrounding land uses and streetscapes.		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Article 4: Zoning

Section E: Mixed-Use Districts

Subsection 3: Parking

Page: 4-29

3. Parking Requirements. As applicable under Section O of this Article.

- a. **Location.** Off-street parking spaces ~~must~~ **shall** be located to the rear **or side** of the principal building(s). **When located to the side of a principal building, the parking area shall be sufficiently screened from public streets with heavy vegetation, fences and/or decorative walls. The Planning Commission shall not approve any site plan for the development or substantial redevelopment of property in the CC-MU or N-MU Zoning Districts that designs substantial parking forward of the front facades of buildings.**
- b. **Reduction.** **Content unchanged.**
- c. **Small Commercial Exception.** **Content unchanged.**
- d. **Storage of Motor Homes, Camping Trailers, Boats and Personal Watercraft.** **Content unchanged.**

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-14	Is this a new issue or one previously discussed?	---
Version: 1	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: Clarification of when a zoning certificate is required		
Justification: City requires a new zoning certificate for each new non-residential occupant of a building. This amendment makes that more clear.		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Article 1 (General Provisions)

Section J (Permits and Certificates)

Page 1-3

- J. Permits and Certificates.** No development **and no new occupancy of a non-residential use** shall occur on any property within the City until the applicable permits, approvals, and certificates for such activity or development have been issued and approved by the officials with the authority to approve the same. The Zoning Administrator shall have the authority to revoke an issued zoning certificate or zoning approval of a building permit in accordance with Article 4, Section S.1.g.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-15	Is this a new issue or one previously discussed?	---
Version: 1	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: Clarify how expansions of nonconforming uses can be calculated.		
Justification: Nonconforming uses can be within building or outdoors. Expansions of them often are accompanied by need for additional parking. This section needs clarification of how to calculate the maximum permitted expansion depending on the nature of the use.		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Article 4 (Zoning)

Section M.5 (Nonconforming Uses)

Page 4-97

5. **Change and Expansion of Nonconforming Use.** Structural alterations of a building or structure or the use of a parcel, lot or tract of land which does not conform to the provisions of this Article shall be allowed only if the building or structure to be altered or the parcel, lot or tract of land to be used is in conformance with the requirements of the zoning district in which it is located.

However, upon application, the Board of Zoning Appeals may approve the structural alteration of a building or structure or the use of a parcel, lot or tract of land which is not in conformance with the provisions of this Article. The cumulative effect of the alteration(s) or extension(s) **created by one or more actions of the Board of Zoning Appeals** shall not exceed 35% **in total** of those existing buildings or structures and parcels devoted to a nonconforming use **at which time the use became nonconforming**.

Break next two sentences of paragraph into a separate paragraph.

The 35% maximum shall be applied to new buildings and additions as related to the cumulative existing area of buildings. **The 35% maximum and** shall be applied to new uses of land as related to the cumulative existing area used for the specific purpose of the expansion.

Separate last sentence of existing text into a separate statement.

Parking, landscaping and other areas shall not be included in determining the 35% maximum of building and land use expansion areas, however parking areas may be enlarged by up to the same 35% figure in order to provide additional parking for the enlarged use. **When enlarging parking to accommodate expansion exceeds 35% of the existing parking area to meet parking requirements for the expanded use, a variance is required to reduce the parking requirement or to expand the area dedicated for additional parking by more than 35%.**

SECTION 2

POLICY ADJUSTMENT PROPOSALS

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-16	Is this a new issue or one previously discussed?	---
Version: 1	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: Reduce minimum property area of a conversion overlay from 20,000 square feet to 10,000 square feet.		
Justification: 20,000 square feet was an arbitrary number set to exceed the maximum 20,000 square feet of a LOCAL Conversion Overlay when the Local Conversion Overlay was created. Local Conversion Overlays are only permitted in the four residential zoning districts, whereas Conversion Overlays are permitted in the commercial and industrial districts. There may be properties worthy of consideration of a Conversion Overlay that may be less than 20,000 square feet.		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Article 4 (Zoning)

Section J (Overlay Zones)

Subsection 2.j (Conversion Overlay)

Page 4-73

j. **Lot Area Requirements.**

The minimum lot area for a Conversion District shall be ~~20,001~~ **10,000** square feet.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-17	Is this a new issue or one previously discussed?	---
Version: 1	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: Prohibit townhouses that have single-width driveways in the front yard.		
Justification: This design is irredeemably flawed as described below.		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**. Staff have reviewed this style of townhouse development built in Hagerstown, Washington County and in the tri-state. Analysis shows that developing townhouses with driveways only one car in width on front streets results in 1) parking over sidewalks. 2) parking on front lawns, and 3) the spacing of driveways renders the street nearly unusable for parallel parking. This soon results in a deteriorated and unsightly condition even in new developments.

Urban designs with rear load townhouse parking are strongly encouraged by the Land Management Code but not uniformly required. Spacing of single-width driveways usually results in space between driveways being of insufficient width to accommodate on-street parking. To meet ordinance requirements of two on-lot spaces (Land Management Code) and an additional third space (City Engineer), satellite parking lots are usually proposed. However, satellite lots are impractical and inconvenient in the view of many residents to have to walk several properties to and from their home or the home they are visiting for parking. Two-car deep driveways are also viewed as impractical as they require the occupants to shuffle vehicles if the one they want to use is the one farther from the street. Even more so if the single-width driveway accesses a single-car garage that is also used for parking a vehicle.

Rear parking townhouse layouts also result in trash collection being conducted from the rear. Townhouses without alleys result in trash bins being a constant presence on the streetscape.

This proposal does not prohibit designs with driveways that are two cars wide that serve a front-loaded two-car garage, although staff have given thought as to whether townhouses with front yard driveways of any sort should be permitted. The Land Management Code continues to encourage townhouse development designs that emphasize masking vehicle storage and trash collection in the rear, maintaining high quality streetscapes and freeing up curb space on the front street for parallel parking. See example photographs at the end of this memo.

Article 5 (Subdivision and Land Development)
Section G. Required Improvements in Subdivisions
Subsection 7. Driveway Entrances, Sidewalks and Off-Street Yard Parking
Page 5-36.

7. Driveway Entrances, Sidewalks and Off-Street Yard Parking.

Sidewalks and driveway entrances shall be constructed in accordance with the City Engineer's Construction Standards and Engineering Guidelines and with Chapter 216 of the Code of the City of Hagerstown. Sidewalks shall be provided on all streets. Pedestrian sidewalks and crosswalks shall be required to provide interior circulation and access to nearby schools, parks, and other community facilities in accordance with the design standards enumerated in Section E of these Regulations.

Effective (insert effective date), no development plan, site plan or equivalent shall be accepted by the City that proposes townhouse development that provides a one vehicle wide driveway on the front street. The City of Hagerstown finds that this development design promotes poor site conditions that result from vehicles that are parked in driveways extending across public sidewalks, the casual use of front lawns for parking in violation of the City Code and encourages illegal curbside parking on streets that are posted with "no parking" signs. The Planning Commission may consider exceptions to this prohibition for developments of limited scale on infill properties in existing streetscapes under the following conditions:

- a. The developer can demonstrate to the Planning Commission's satisfaction that designing the development with rear vehicular access cannot be achieved and;
- b. The City Engineer determines that the loss of existing on-street parking required by this design will not adversely impact the availability of on-street parking for the new dwellings and surrounding property owners and occupants.



Don Quixote Drive, Charles Town, WV, showing multiple cars extending across the public sidewalk. No room for parallel parking on the street.



Yellow Jacket Road, Collegiate Acres, Hagerstown, MD. Small selection of cars parking across public sidewalk and residents using lawn for parking. Yellow Jacket Road has very little in the way of parallel parking available.



Jackson Avenue, Washington Township, PA, outside of Waynesboro. These houses were constructed in 2023-24 and are nearly new. The street along the front of these houses is signed for “no parking” but observations are that the signs are routinely ignored (although none are shown parking on the street in this photo).



Papa Court, near Pangborn Park. In this photo, we see multiple vehicles parked across sidewalks and a car parked in a lawn. Grassed islands between the sidewalk and curb are frequently only dirt, with the turf installed in that area having died.



Yellow Jacket Road, Collegiate Acres, Hagerstown. Townhouse on right shows owner paved entire front yard with pavers, drives over grassed area at driveway apron, and barely misses a street sign in the very small area between the two driveway aprons.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-18	Is this a new issue or one previously discussed?	---
Version: 1	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	--

Summary: Reduce parking requirements for multi-family complexes

Justification: A developer recently hired a traffic engineer to conduct a parking study for apartment complexes. Using data in the ITE parking generation manual that the city uses to determine parking requirements for uses not specifically enumerated in Section O of the Zoning Ordinance, they determined that the typical multi-family unit in a complex creates parking demand of 1.5 spaces per unit. Currently the zoning ordinance requires 2 spaces per unit. Some of our more recent apartment developments seem to have an abundance of parking.

Developer requested that the Planning Commission consider reducing this requirement. Staff notes that the requirement has been reduced for smaller retro-fit apartment uses to 1.5 spaces per unit, but neither the City Engineer's staff nor planning staff are not comfortable going that far for large, new complexes. Staff proposes the requirement be reduced to 1.75 spaces per unit.

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Article 4 (Zoning)

Section O (Off-Street Parking Requirements)

Adjustment to chart

Page 4-109

Use	Required Spaces
Apartment dwellings	Two spaces One and three-quarters (1.75) spaces per unit, except for mansion house apartment over-under flats, which shall provide 1.5 spaces per unit. If over 25 dwelling units, one space for each 25 units must be set aside for recreational vehicles. This requirement for recreational vehicle spaces shall not be applied in the CC-MU District.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-19	Is this a new issue or one previously discussed?	---
Version: 1	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: Add “Nursing homes, assisted living facilities, rehabilitation centers and crisis care facilities” to the I-MU (Industrial Mixed Use) Districts. Add “in-patient hospice” to this use group for all districts where it is permitted.		
Justification: This use is permitted in all commercial and industrial zoning districts, but this one. There appears to be no reason for this omission. This will add the I-MU district to those where this use is permitted, which currently are the CG, CR, POM, INST, IR and IG Districts and in Conversion overlays and PUD-Regional overlays.		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Article 4 (Zoning)

Sections Z.1 and Z.2 (Use Charts)

Amend existing chart lines

Page 4-161

Expand the description of use in both the residential sections (Chart Z.1) and the general chart (Chart Z.2) to clarify that in-patient hospice facilities are permitted where nursing homes, assisted living facilities, rehabilitation centers and crisis care facilities” are permitted. This involves nine existing districts and expands the use into the I-MU District. Adding hospices is the codification of possible future interpretation. Staff would likely determine a hospice to be very similar to a nursing home or assisted living facility and permit the use. By adding language to the chart, it clarifies the issue.

Use	I-MU
Nursing homes, assisted living facilities, in-patient hospice facilities , rehabilitation centers and crisis care facilities.	P

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-20	Is this a new issue or one previously discussed?	---
Version: 1	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: Clarify setback requirements and landscaping requirements for solar canopies over parking lots.		
Justification: City has recently seen its first solar canopy construction at the YMCA and at an office building off of Eastern Boulevard. There are likely to be others in the future. This type of construction can conflict with current landscaping requirements for parking lots regarding landscaped islands and trees. The proposed language is modified from New York City's code.		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Existing definition of “building” requires that parking lot solar carports comply with building setbacks. No zoning ordinance or definitional adjustment is necessary.

Article 5 (Subdivision and Land Development)

Section I. (Site Plan Standards)

Subsection 4. (Landscape Plan and Parking Area Design Requirements).

Subsection h.7 (Parking Design and Landscape Standards)

Page 5-49.

Existing text to remain unchanged. Add the following after existing text:

When the parking lot is covered in whole or part by a solar electric generation canopy, the number of trees required by this subsection may be reduced by seventy-five (75) percent for those spaces that are beneath a canopy. The maximum number of contiguous spaces permitted by this subsection and typically addressed with landscaped islands shall not apply under the canopy. However, raised curb islands shall be installed around all support posts in order to inhibit vehicles from striking them. Since the islands will be under roof, the islands shall be covered with paving or landscaping stone.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-21	Is this a new issue or one previously discussed?	---
Version: 1	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: Define Maker Space and assign permitted zoning districts		
Justification: An emerging business model that doesn't currently align with definition of allowable uses in commercial zoning districts.		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Article 3: Definitions

New Definition (page 3-26)

MAKER SPACE (OR MAKERSPACE) - A facility or portion of a facility designed to provide shared access to tools, equipment, and workspace for the purpose of making, fabricating, assembling, testing, repairing, or prototyping products, artworks, or technological projects. Typical equipment may include, but is not limited to, hand tools, woodworking and metalworking machinery, 3D printers, laser cutters, electronics workstations, and similar fabrication devices. Maker spaces are generally intended for small-scale, non-industrial production, education, collaboration, and innovation. This use may include instructional classes, memberships, and limited retail sales of items produced on-site, but does not include large-scale manufacturing, heavy industrial operations, or uses that generate significant noise, vibration, fumes, or hazardous byproducts beyond what is customary for light industrial or commercial uses. (*Zoning*)

Article 4: Zoning

Section Z.2 (Land Use Chart)

Add following new use and permitted districts

Use	N-MU	CC-MU	CG	CR	POM	INST	I-MU	IR	IG	C	PUD-R	PUD-V
Makerspace	P	P	P	P	P	P	P	P	P	P	P	P

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-22	Is this a new issue or one previously discussed?	---
Version: 1	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: Create parking requirement for drive-thru restaurant with no walk up service or indoor seating		
Justification: Inquiry was made regarding the parking required for a food service use where the only service is a drive-through lane with no indoor seating or walk up window. Research suggests best way to regulate this is by the number of employees.		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Article 4 (Zoning)

Section O (Off-Street Parking Requirements)

Subsection 4 (Chart)

Page 4-108

Use	Required Spaces
Drive-through only restaurant or food service without seating or walk-up window	One space per employee on largest shift.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-23	Is this a new issue or one previously discussed?	---
Version: 1	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: Credit school sites donated to the Board of Education as open space when open space is required for a subdivision. Commission directed that language clarifying that this is an option that the County and the Board of Education are not under any obligation to adhere to.		
Justification: Schools are strategically located within residential areas. It is possible that sites are donated to the county as part compliance with the county's Adequate Public Facilities Ordinance. School sites are typically open to the public during daylight non-school hours, including trails, fields and playgrounds. The campuses are generally open with the school building occupying a small percentage of the overall tract. It makes sense to credit such a site donated to the school board toward open space requirements if there are protections put into place so that its use as open space is protected at a future date when the school board deaccessions the property. It should not be credited if the school site is sold to the school board. This provision only permits the Planning Commission the option of crediting a donated school site. It places no obligation on the Board of County Commissioners or the Board of Education to accept any offer of donation, but they would have to recognize that if the property becomes excess property to them at some point in the future, it must remain open space unless some change to the City's Land Management Code is made in the future.		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in [blue](#).

[Article 3 \(Definitions\)](#)

[Definition of Open Space](#)

[Page 3-29](#)

[The following is the definition of open space for discussion purposes. It seems to be sufficient to address this amendment and no change is proposed.](#)

OPEN SPACE – That portion of a tract that is set aside during development for the protection of sensitive natural areas, farmland, scenic views, unique features; or the creation of active, improved recreational areas; or passive, unimproved natural areas. The land is not individually owned. It is understood that this term is broad and can include land that is accessible to the residents of the development and/or the community, or it may contain areas of conservancy lots that are not accessible to the public. Paved areas other than recreational courts and paths, and stormwater management facilities that are not designed as natural features shall not constitute open space.

Article 5 (Subdivision and Land Development)

Section I (Site Plan Standards)

Subsection 15 (Open Space Standards for New Residential or Mixed-Use Developments in N-MU, RMOD, RMED, RH, and RO Districts.

Page 5-69

15. Open Space Standards for New Residential or Mixed-Use Developments in N-MU, RMOD, RMED, RH, and RO Districts.

a. through c. – No change

- d. The Planning Commission may credit toward the open space requirements of this section all or a portion of a school site within the development donated to the Board of County Commissioners and/or the Washington County Public Schools for the purpose of constructing a new school. Protections shall be placed in the land records protecting the donated property as open space when the Public Schools may, in the future, deem the property to be surplus and sold or surrendered.

The Washington County Public Schools and/or the Board of County Commissioners is under no obligation to accept a school site offered for donation under these conditions. Doing so is at the discretion of the Board of Education and/or the Board of County Commissioners but is subject to the requirement that the school site is permanent open space for the subdivision unless this Ordinance is amended in the future to no longer require such open space.

The Planning Commission shall not approve such credit for lands sold to the Public Schools.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-24	Is this a new issue or one previously discussed?	---
Version: 1	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: Create regulations for bicycle parking on new site plans.		
Justification: Land Use Article of the State Code encourages (but does not appear to require) creating regulations for parking of bicycles when the ordinance regulates parking of automobiles. The following is suggested as an appropriate approach, lifted nearly verbatim from Thurmont's requirements. These are also very consistent with Salisbury's ordinance. It is not retroactive to existing properties or uses, but would be applied to new site plans received.		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Article 4 (Zoning)

Section O (Off-Street Parking)

New Subsection 7 (Bicycle Parking)

Page 4-110

7. Bicycle Parking.

- a.** Bicycle parking shall be provided in accordance with the following schedule when a site plan is required for new development or redevelopment or reuse of a property. In all districts, either space for parking and/or storage of bicycles shall be provided or the applicant shall demonstrate that adequate bicycle parking is provided for.

Use	Requirement
Bed and breakfast inns, hotels, motels	The greater of 2, or 1 per 25 employees
Retail sales uses and service operations	The greater of 2, or 1 per 5,000 square feet GFA
Offices and office buildings	The greater of 4, or 1 per 5,000 square feet GFA
Museums, libraries and similar uses	The greater of 4, or 1 per 2,000 square feet GFA
Houses of worship and similar uses	1 per 50 seats
Community centers	1 per 250 square feet GFA
Schools	
Elementary:	1 per 10 students
Middle and High School:	1 per 6 students
Restaurants	The greater of 4 or 1 per 50 seats
Indoor Amusement	The greater of 4 or 1 per 50 seats
Other commercial, institutional and industrial uses	The greater of 2 or 1 per 50 employees

b. Waiver or Modification.

The Planning Commission may waive or modify the bike-parking requirement upon finding one of the following:

- (1) There is an adequate supply of publicly accessible bike parking already provided within a 300-foot walking distance.
- (2) Existing site conditions in a proposed redevelopment, such as infill development in the CC-MU being otherwise required to build to the sidewalk, make providing off-street bicycle parking impractical or impossible.

c. Design of Bicycle Parking Spaces.

- (1) Each bicycle parking space shall be sufficient to accommodate a bicycle at least six (6) feet in length and two feet wide, and shall be provided with some form of stable frame permanently anchored to a foundation to which a bicycle frame and both wheels may be conveniently secured using a chain and padlock, locker, or other storage facilities which are convenient for storage and are reasonably secure from theft and vandalism. The separation of the bicycle parking spaces and the amount of corridor space shall be adequate for convenient access to every space when the parking facility is full.
- (2) When automobile parking spaces are provided in a structure, at least 70 percent of required bicycle spaces shall be located inside that structure or shall be in other areas protected from the weather. Bicycle parking spaces in parking structures shall be clearly marked as such and shall be separated from auto parking by some form of barrier to minimize the possibility of a parked bicycle being hit by a car.
- (3) Bicycle parking spaces shall be located near the entrance of use being served and within view of pedestrian traffic if possible and shall be sufficiently secure to reasonably reduce the likelihood of bicycle theft.
- (4) Bicycle parking facilities shall not impede pedestrian or vehicular circulation.
- (5) Racks must not be placed close enough to a wall or other obstruction so as to make use difficult. There must be sufficient space (at least 24 inches) beside each parked bike that allows access. Adjacent bicycles may share this access. An aisle or other space shall be provided to bicycles to enter and leave the facility. This aisle shall have a width of at least six feet to the front or rear of a bike parked in the facility.
- (6) The outside ground surface of bicycle parking areas shall be a paved or other hard surface. Bike parking facilities within automobile parking lots shall be separated by a physical barrier to protect bicycles from damage by cars, such as curbs, wheel stops, poles or other similar features.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-25	Is this a new issue or one previously discussed?	---
Version: 1	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: Expand the ability to convert large homes to apartments.		
Justification: Older, overly large dwellings are difficult to maintain as single-family dwellings and conversions that are done in accordance with current building code requirements can be helpful in alleviating current housing shortage issues.		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

The City has received interest in permitting such uses on properties with very large homes outside of the historic districts. As an example, the large Victorian home at 351 South Burhans Boulevard (intersection with Center Street) is permitted to be a two-family dwelling. Owner would like to convert to put one dwelling on each of three floors. The attic is nearly 900 square feet in area. In this example, SDAT states the floor area is 5,432 square feet, and the lot area is 10,240 square feet.

Article 4 (Zoning)

Section D (Residential Districts)

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

Page 4-20

- g. Stacked and Mansion Apartment Developments and Over-Under Flats.
 - (1). Mansion house apartments in existing buildings **without new substantive additions in** ~~locally designated historic districts~~ in the **RMOD, RMED, RH and RO and CC-MU** Districts shall be permitted only under the following conditions:
 - (a). The building was constructed prior to October 1, 1956;
 - (b). The building shall be at least 4,000 square feet in area; and
 - (c). The number of units is limited to one per 1,000 square feet of floor area as reflected on Department of Assessments and Taxation assessment records **as of (insert effective date of ordinance). Additions shall not be permitted to the dwelling for the intent of increasing the potential number of dwelling units.**
 - (d). ~~Except in the CC-MU Zoning District, the property shall be located in a locally designated historic district or in a designated landmark.~~
 - ~~(e).~~ **(d).** All new residential units shall comply with the requirements of Section K.18.

-
- ~~(f).~~ (e). Off-street parking shall be provided in accordance with Section O of this Article. The Board of Zoning Appeals shall not grant a variance to this requirement. ~~The parking shall be on the subject property or on an adjacent property under perpetual and permanent legal obligation to continue to provide that parking unless and until the apartment building on the subject property is discontinued.~~
- (2). Mansion House over-under flats in existing residential buildings in the ~~RMOD, RMED, RH and RO and CC-MU~~ Districts shall be permitted only under the following conditions:
- (a). The building was constructed prior to October 1, 1956; and
 - (b). The building shall be at least three stories above grade in height, not including attics; and
 - (c). The area of the building shall be at least 2,500 square feet of floor area as reflected on Department of Assessments and Taxation assessment records ~~as of (insert effective date of ordinance). Additions shall not be permitted to the dwelling for the intent of increasing the potential number of dwelling units,~~ and
 - (d). The interior space of the building shall be so configured that the entirety of each floor shall be used for one dwelling unit (except for interior stair towers and landings); and
 - (e). One dwelling unit is permitted for each floor of the building (not to include basements); and
 - (f). All new residential units shall comply with the requirements of Section K.18.
 - (g). Off-street parking shall be provided in accordance with Section O of this Article. The Board of Zoning Appeals shall not grant a variance to this requirement. ~~The parking shall be on the subject property or on an adjacent property under perpetual and permanent legal obligation to continue to provide that parking unless and until the apartment building on the subject property is discontinued.~~
 - (h). ~~Over-under flats shall only be permitted in the RMED District when the property is also located in a locally designated historic district.~~

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2026-26	Is this a new issue or one previously discussed?	---
Version: 1	Is this new text proposed since last discussion in need of initial review?	---
Endorsed by the Planning Commission	Is this revised text in need of confirmation that it conforms to prior editorial direction?	---
Summary: Create language that permits “accessory dwelling units” as defined and required by the Code of Maryland.		
Justification: In 2025, the state legislature passed a bill that the Governor signed into law that requires local jurisdictions to amend ordinances that permit “accessory dwelling units” as define in state law, on properties that are improved with a single-family detached dwelling unit. This proposal attempts to comply with the law, but to go no further than that which is required by statute. This provision applies only to properties with single-family dwellings. It does not apply to properties that are semi-detached or are already a two-family dwelling, townhouses or apartment buildings. There are some situational limitations as well.		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Article 3 (Definitions)

Page 3-3

Amend existing definition of “accessory building, use or structure” as follows:

ACCESSORY BUILDING, USE OR STRUCTURE –

1. As pertains to Article 4, **and except as defined as an “accessory dwelling unit” below**, a use or structure on the same lot or adjacent lot under the same ownership with and of a nature customarily incidental and subordinate to the principal use or structure. Typically, an accessory use occupies not more than 25% of the space occupied by the principal use and its permitted accessory uses. (*Zoning*)
2. **Content unchanged.**

New definition:

ACCESSORY DWELLING UNIT – A secondary dwelling unit that is 1) on the same lot, parcel or tract as a primary single-family detached dwelling unit and 2) not greater than 75% of the size of the subordinate in use to the primary single-family detached dwelling unit. An accessory dwelling unit may be a separate detached accessory structure, attached as an addition to the primary single-family detached dwelling unit or within an existing modified single-family detached dwelling. Location of accessory dwelling units are subject to certain design, code compliance and locational requirements stated in Article 4. (*Zoning*)

This proposal enumerates the limitations the Code of Maryland permits local jurisdictions to place on such uses.

22. Design, Code Compliance and Locational Requirements for Accessory Dwelling Units.

Accessory dwelling units, as defined by Article 3, shall be permitted on all properties in the City of Hagerstown located in zoning districts that permit single-family detached dwellings by right and contain one existing single-family detached dwelling. This provision shall not apply to properties containing nonconforming use single-family detached dwellings in commercial and industrial zoning districts that do not permit single-family or two-family dwellings. This provision does not apply to lots in residential zoning districts which do not front an improved public street and are unimproved or currently improved with a single-family detached dwelling, as this is prohibited elsewhere in this Chapter. Development of an accessory dwelling unit shall comply with the following requirements:

- a. The accessory dwelling unit is permitted either in an existing or new accessory structure or within or as an addition to an existing single-family detached dwelling. It shall not exceed 75% of the size (in floor area) of the existing single-family detached dwelling on the property, whether attached or detached from that dwelling.
- b. When an accessory dwelling unit is proposed within an existing accessory structure noncompliant with accessory structure setbacks, the accessory dwelling unit may occupy such a structure if the structure was constructed in compliance with applicable setbacks when built.
- c. When proposed within a proposed accessory structure to be built, the building shall comply at a minimum with the applicable accessory structure side and rear setback requirements for the district in which it will be located. Such accessory dwelling unit shall comply with accessory structure height limitations for the district in which it is located as well as the maximum cumulative area of accessory buildings permitted in the zoning district.
- d. When proposed as an addition to an existing single-family detached dwelling, the addition shall comply with required side and rear yard setbacks required of a single-family detached dwelling. When an existing single-family detached dwelling does not comply with current side or rear yard setbacks, the addition may be permitted to also not comply with required single-family detached dwelling setbacks provided that the addition encroaches no farther into the required setback than the existing dwelling and the addition, for the purposes of building code expectations, is at least 3 feet from that property line.
- e. The accessory dwelling unit shall comply with all applicable building, fire and housing codes and utilities policies adopted and administered by the City of Hagerstown without waiver. Review and approval of building and site improvements are subject to the jurisdiction of the

Historic District Commission when the property is located in an area designated on the Zoning Map as under the review authority of that Commission.

- f. No accessory dwelling unit shall be constructed in an accessory building when the only vehicular access to the new dwelling unit is via an alley. On-site parking shall be configured to allow for unobstructed driveway access from a public street to the accessory building.
- g. Parties constructing an accessory dwelling unit are not required to provide additional on-lot parking.

The following are necessary cross-references directing the reader to Section K.22.

Article 4 (Zoning)
Section B (AT Zoning District)
Subsection 2 (Uses)
Page 4-9

New Section c. Applies to the only district in this section.

c. Accessory Dwelling Units.

One accessory dwelling unit, as defined in Article 3 and regulated by Subsection K.22 of this Article, is permitted in the AT Zoning District on a property containing one single-family detached dwelling.

Article 4 (Zoning)
Section D (Residential Zoning Districts)
Subsection 2 (Uses)
Page 4-13

New Section c. Applies to all districts in this section.

c. Accessory Dwelling Units.

One accessory dwelling unit, as defined in Article 3 and regulated by Subsection K.22 of this Article, is permitted on a property containing one single-family detached dwelling.

Article 4 (Zoning)
Section E (Mixed Use Districts)
Subsection 2 (Uses)
Page 4-28

New Section c, renumber existing Section c to d. Applies to both districts in this section.

c. Accessory Dwelling Units.

One accessory dwelling unit, as defined in Article 3 and regulated by Subsection K.22 of this Article, is permitted on a property containing one single-family detached dwelling.

~~e.~~ **d. Accessory Uses.**

Article 4 (Zoning)
Section F (Commercial Districts)
Subsection 2 (Uses)
Page 4-40

New Section d, renumber existing Section d to e. It applies only to the CL District in this section as it is the only district in this section that permits single-family dwellings.

d. Accessory Dwelling Units.

One accessory dwelling unit, as defined in Article 3 and regulated by Subsection K.22 of this Article, is permitted in the CL Zoning District on a property containing one single-family detached dwelling.

~~d.~~ **e. Accessory Uses.**

This provision is not included in Section H (Industrial District) because single family detached dwellings are not permitted in any of the industrial districts.

Article 4 (Zoning)
Section J (Overlay Zones)
Subsection 1 (Planned Unit Developments)
Page 4-62

New Subsection (3) to J.1.c.

c. Principal Permitted Uses and Special Exception Uses, In Accordance With Section S (Site Plan Requirements).

- (1) All uses in these districts shall be permitted, permitted by special exception in accordance with general and specific performance criteria found in Subsection U.7.a, or not permitted as enumerated in Section Z of this Article.
- (2) A PUD District shall be a mixed-use area and shall contain a mixture of residential types and commercial uses. Residential types shall be mixed among each other and not segregated into housing type pods. Mixing of commercial and residential uses in mixed use buildings and in compatible adjacency is a defining element of a PUD-R development.
- (3) One accessory dwelling unit, as defined in Article 3 and regulated by Subsection K.22 of this Article, is permitted on a property containing one single-family detached dwelling.