Mayor and Council
Work Session
November 3, 2026
Agenda

"The City of Hagerstown will inspire an inclusive, business-friendly, and sustainable community with clean, safe, and vibrant neighborhoods."
"The City of Hagerstown shall be a community focused municipality"

The agenda and meeting packet is available at www.hagerstownmd.org/government/agenda

"Never forget: The leaders you choose are the leaders who shape your future and your country." – George Stamatis

EXECUTIVE SESSION

3:30 PM 1. **EXECUTIVE SESSION – Council Chamber, 2nd floor, City Hall**
The Mayor and Council will meet in Open Session only for the purpose of voting to close its meeting to discuss matters that the Open Meetings Act permits it to discuss in Executive/Closed Session

4:00 PM WORK SESSION

4:00 PM 1. Discussion: Town of Smithsburg Water Operations – *Scott Nicewarner, City Administrator and Nancy Hausrath, Director of Utilities*

4:20 PM 2. Review of School Zone Designations – *Jim Bender, City Engineer*

4:35 PM 3. Land Management Code Amendments – *Stephen Bockmiller, Deputy Director for Planning and Zoning Administration*

4:45 PM 4. Additional Documents: Cline Farm Annexation A-2026-01 – *Matt Ross, Planner*

4:50 PM 5. Recovery House Ordinance – *Scott Nicewarner, City Administrator*

5:00 PM 6. Mayor and City Council Meeting Schedule for 2027 – *Mayor and City Councilmembers*

CITY ADMINISTRATOR'S COMMENTS

MAYOR AND COUNCIL COMMENTS

ADJOURN

REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:

EXECUTIVE SESSION – Council Chamber, 2nd floor, City Hall

The Mayor and Council will meet in Open Session only for the purpose of voting to close its meeting to discuss matters that the Open Meetings Act permits it to discuss in Executive/Closed Session

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:
Discussion: Town of Smithsburg Water Operations – *Scott Nicewarner, City Administrator and Nancy Hausrath, Director of Utilities*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name	Description
MEMO_WORK_SESSION_DISCUSSION_SMITHSBURG_WATER_SYSTEM_11032026.pdf	Memo: Smithsburg Water

CITY OF HAGERSTOWN, MARYLAND

Utilities Department
1 Clean Water Circle • Hagerstown, MD 21740
Telephone: 301-739-8577, ext. 650
Website: www.hagerstownmd.org

October 28, 2026

To: Scott Nicewarner, City Administrator

From: Nancy Hausrath, Director of Utilities

Action: Discussion ~ Town of Smithsburg

The Town of Smithsburg approached City staff to discuss future operations for their water system. On August 6, 2026 the City and the Town of Smithsburg met at City Hall and discussed our respective water systems to include capital improvements, user fees, Safe Drinking Water Act compliance, etc.

The City subsequently attended the Smithburg Mayor and Council meeting on October 6, 2026 to further discuss the City assuming ownership of Smithsburg's Water System. The Smithsburg Mayor and Council voted to move forward. Smithsburg staff was authorized to work with City staff to begin drafting the assumption agreement and as well as preparing a due diligence list to help ensure a smooth transfer of operations.

Should the assumption agreement be approved by the City and Smithsburg, the City will assume operations of Smithsburg's potable water system to include all water mains, tanks, the pump station as well as all appurtenances required for the operation and maintenance of the water system. The City will also assume all responsibility for billing meters, billing operations, and customer service.

As background, in May 2006 the City and the Town of Smithsburg entered into an agreement for Smithburg to purchase potable water at the wholesale rate (16% discount on the outside water rate). This agreement automatically renews every 10 years. Smithsburg's allocation/purchased capacity is 260,790 GPD – allocation at the time the contract was enacted was 230,300 GPD.

On September 11th a preliminary meeting was held with Maryland Department of the Environment, Smithsburg and the City to discuss regulatory requirements. Staff will continue to work with MDE to ensure the Emergency Action Plan is updated, Water System Sampling Plans are updated for compliance with all Safe Drinking Water Act requirements (Disinfectant By-Product-2 Rule, Lead and Copper Revised Rule, Revised Total Coliform Rule, etc.). The City's water service population estimate based on MDE data will increase from 92,200 to 94,700 when ownership is transferred – City monitoring and reporting frequency will not change. Sample locations will be added to ensure representative samples are collected throughout the entire combined service area.

Utilities staff will attend the November 3, 2026 Work Session to discuss the work that has been completed to date. Staff will be seeking authorization from the Mayor and City Council to work with Smithsburg staff to begin drafting the assumption agreement for the transfer ownership of the water system, working with Smithsburg Elected Officials and their Legal Counsel to better understand system operations, working with Maryland Department of the Environment regarding regulatory requirements, etc. to allow the City to assume ownership of Smithsburg's water system.

REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:
Review of School Zone Designations – *Jim Bender, City Engineer*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name	Description
School_Zones.pdf	School Zones

CITY OF HAGERSTOWN, MARYLAND

Department of Engineering & Permits

November 3, 2026

TO: Scott Nicewarner, City Administrator

FROM: Jim Bender, City Engineer JVM

RE: School Zones

1. Background

During a recent work session discussion regarding speeding on Potomac Street, the Council indicated that they wanted more information on school zones, and what can be regulated in those zones. The purpose of this memo is to review the pertinent regulations, and discuss any proposed changes to the City Code regarding school zones.

2. Mayor & Council Action Requested

Review this information, and determine whether or not to make changes to any of the school zone provisions in the City Code. If changes are requested, staff will work with the City Attorney to prepare the necessary documents for approval.

3. Discussion

There are two separate sections of the City Code that mention "school zones": Chapter 25 (Drug-Free School Zones), and Chapter 60 (Vehicles and Traffic). While they both establish restrictive zones around existing schools, these chapters are used for different purposes.

Drug-Free School Zones

Under Maryland law, it is illegal for a person to "manufacture, distribute, or possess with an intent to distribute" dangerous controlled substances. The "Drug-Free School Zone" designation increases the penalties for drug-related crimes that are committed within 1,000 feet of a school property, and these penalties apply year-round, whether or not the school is in session. As shown on the attached sheet, the penalties are severe, especially for repeat offenses.

The City has already established Drug-Free zones around the schools within City limits, and "Drug Free School Zone" street signs are posted at the 1,000 foot boundaries from schools. These zones are shown on the attached map, which is the official record of the zones; staff discovered that Jonathan Hager Elementary had been inadvertently left off of the map, so a revised map is being prepared, and will be attached to an ordinance that will be presented for the Council's consideration at their regular session meeting.

School Zones and Speed Limits

The school zones discussed in Chapter 60 of the City Code serve a different purpose. By formally creating these zones, the City has the ability under State law to install speed monitoring systems (i.e. speed cameras) near these schools. The City Code has a list of the schools in the City, and specifies the distance from each school to the end of the speed zone. Whether a speeding violation is documented by an automated monitoring system or a law enforcement officer, the fines for speeding in that zone can be doubled.

During the previous work session discussion of speeding on Potomac Street, staff indicated that the current school zone for the Barbara Ingram School for the Arts (BISFA) is defined as "200 yards on W. Washington Street west of Potomac Street, and 200 yards on S. Potomac Street south of Washington Street". Staff recommends that the school zone be expanded to include 200 yards on N. Potomac Street north of Washington Street. This would place the boundary of the zone near Franklin Street, and provide a larger buffer area from BISFA where increased fines could be levied.

The City has also received a request from the Potomac Center on Marshall Street to increase the size of the existing school zone at the Marshall Street School to encompass the driveway entrance to the Potomac Center. The entrance to the Potomac Center is near an existing hump in the roadway, and the sight distance is somewhat limited. By expanding the Marshall Street school zone from 200 yards to 300 yards, the school zone would extend beyond the Potomac Center's entrance. Staff feels that this is a reasonable request given the topographic conditions in that area.

attachments: Drug-Free School Zone penalties
Drug-Free School Zone map
School Zone speeding regulations

Maryland Drug-Free School Zone Penalties

Under **Maryland Criminal Law § 5-627**, violating a drug-free school zone is a **separate felony offense** that carries severe, escalating penalties distinct from the underlying drug charge. [1, 2]

Statutory Penalties

The exact penalties depend entirely on whether the individual has prior convictions under this specific statute:

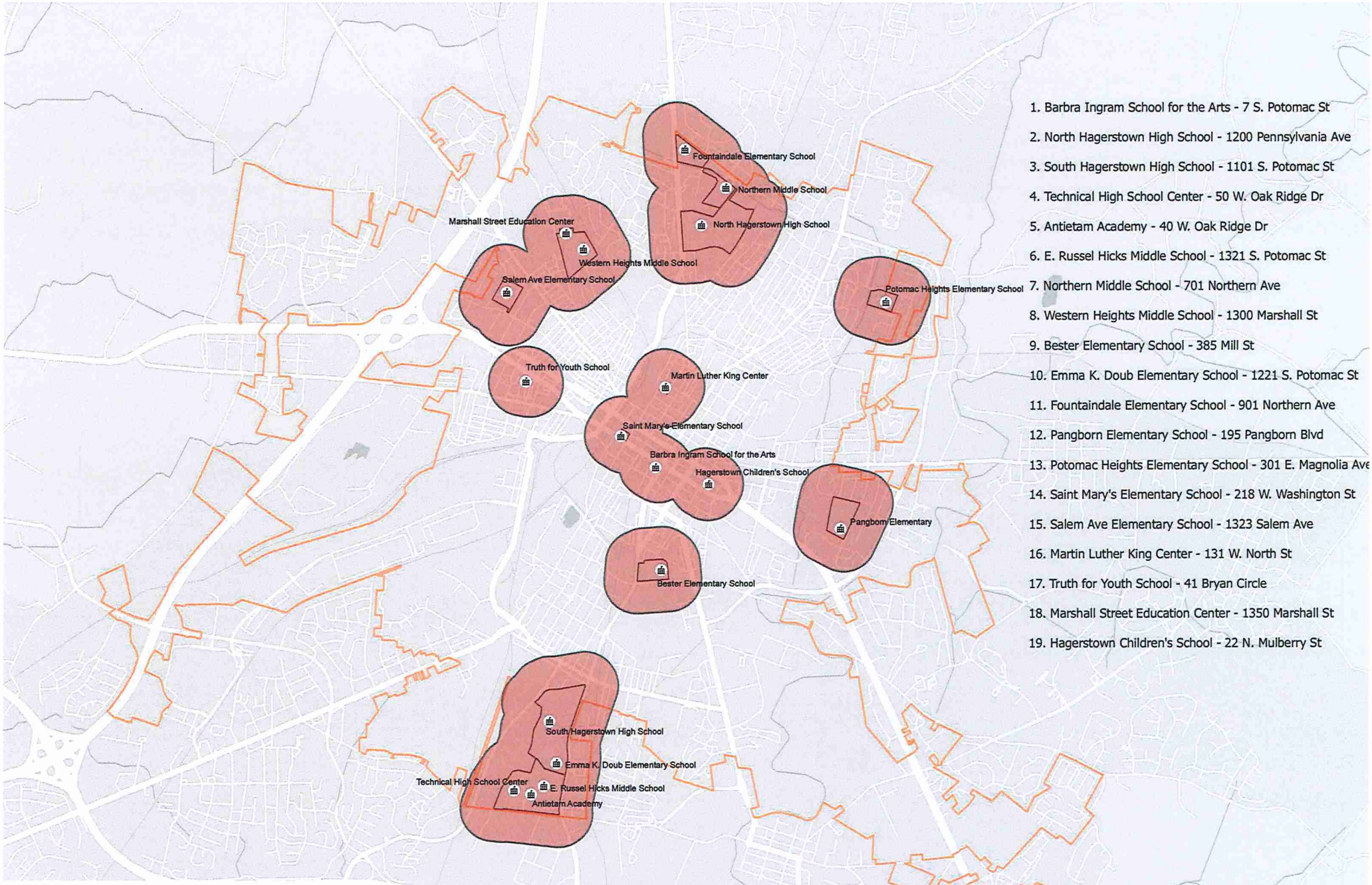
- **First-Time Violation:** A maximum of **20 years in prison**, a fine of up to **$20,000**, or both.
- **Subsequent Violations:** A prison sentence ranging from **5 to 40 years**, a fine of up to **$40,000**, or both. [1]

Critical Sentencing Enhancements

- **Mandatory Minimums:** For a subsequent offense, the 5-year minimum prison sentence is **mandatory**. The court is legally prohibited from suspending this 5-year minimum, and the individual is **not eligible for parole** during this initial 5-year period. [1]
- **Consecutive Sentencing:** By law, any sentence handed down under § 5-627 **must be served consecutively** (stacked on top of) to the sentence given for the underlying drug crime. For example, if a person is convicted under § 5-602 for possession with intent to distribute and § 5-627 for doing so near a school, the two prison sentences cannot be served at the same time. [1]

Overview of Penalties Under § 5-627

Offense Level	Jail/Prison Term	Maximum Fine	Parole / Suspension Rules
First Offense	Up to 20 years	$20,000	Eligible for standard parole and suspended sentences.
Subsequent Offense	5 to 40 years	$40,000	**5-year mandatory minimum**; no suspension, no parole during those 5 years.
All Offenses	Must run *consecutively* to the underlying drug charge.	—	Applied regardless of whether school was active or empty.



1. Barbra Ingram School for the Arts - 7 S. Potomac St
2. North Hagerstown High School - 1200 Pennsylvania Ave
3. South Hagerstown High School - 1101 S. Potomac St
4. Technical High School Center - 50 W. Oak Ridge Dr
5. Antietam Academy - 40 W. Oak Ridge Dr
6. E. Russel Hicks Middle School - 1321 S. Potomac St
7. Northern Middle School - 701 Northern Ave
8. Western Heights Middle School - 1300 Marshall St
9. Bester Elementary School - 385 Mill St
10. Emma K. Doub Elementary School - 1221 S. Potomac St
11. Fountaindale Elementary School - 901 Northern Ave
12. Pangborn Elementary School - 195 Pangborn Blvd
13. Potomac Heights Elementary School - 301 E. Magnolia Ave
14. Saint Mary's Elementary School - 218 W. Washington St
15. Salem Ave Elementary School - 1323 Salem Ave
16. Martin Luther King Center - 131 W. North St
17. Truth for Youth School - 41 Bryan Circle
18. Marshall Street Education Center - 1350 Marshall St
19. Hagerstown Children's School - 22 N. Mulberry St

Map Projection: NAD 1983 StatePlane Maryland FIPS 1900 (US Feet)
Data Source: City of Hagerstown, 2024
Prepared by: Rylee Ely, GIS Coordinator, 2/29/2024
Project Location: 73-045 - M:\Drafting\DWGS\73-000\73-045 Drug Free Zones\GIS\Drug Free Zones 2024

0 0.5 1 Mile

Hagerstown ENGINEERING

Note:

The buffers illustrate an approximate location of Drug Free Zones.

Drug Free Zones created by applying a 1,000 foot buffer around the individual parcel.

Some locations are outside the City of Hagerstown, Corporate limits. The 1,000 foot buffer crossed the Corporate boundary.

City of Hagerstown, MD
Tuesday, October 27, 2026

Chapter 60. Vehicles and Traffic

Article III. Traffic Control Devices

§ 60-17. Speed-monitoring systems in school zones.

[Added 1-31-2012 by Ord. No. O-11-26]

A. The City of Hagerstown hereby adopts § **21-809** of the Transportation Article of the Annotated Code of Maryland, hereinafter "the Law," and incorporates the terms thereof into this section except as modified herein.

B. That the City of Hagerstown Police Department is authorized to implement the use of speed-monitoring systems within school zones pursuant to the Law.

C. That reasonable notice be provided by newspaper and on the City website of the enactment of this section as required by the Law.

D. That pursuant to Subsection (b)(v) of the Law that for at least 30 days after the monitoring system is placed that a violation be enforced only by the issuance of a warning.

E. That pursuant to Subsection (b)(vii) of the Law if unmanned stationary speed-monitoring systems are to be used that the appropriate notices and signs indicating their use be provided in accordance with the provisions of the Law and that their operation be limited to the period 6:00 a.m. to 8:00 p.m., Monday through Friday, as provided in the Law and that appropriate training of the operators and calibration of the system be provided as required in the Law.

F. The City Council shall establish by separate ordinance school zones and maximum speed limits where not already established by the State Highway Administration pursuant to § 21-803.1 of the Transportation Article.

G. The City Police shall be the operators of the speed monitoring system but may enter into an agreement with a contractor to supply and maintain the equipment.

H. That Subsection (c)(2) of the Law is hereby amended to read as follows:

> (c)(2) A civil penalty is established of $40 per violation, subject, however, to a discount of $5 if paid within seven days of the issuance of the citation or subject to an additional late fee of $20 if paid more than 30 days after the issuance of the citation.

I. The immobilizing and impounding provisions of § **60-9** of the Hagerstown City Code apply to a failure to pay citations under this section.

§ 60-18. School zones.

[Added 1-31-2012 by Ord. No. O-12-01]

A. The City of Hagerstown pursuant to § 21-803.1(a)(2)(ii) may establish school zones for the purpose of regulating maximum speed limits in such areas.

B. The City of Hagerstown does hereby designate the following school zones within the City:

(1) Northern Avenue within 200 yards of Fountaindale Elementary (901 Northern Avenue) and Northern Middle (701 Northern Avenue), 200 yards each direction.

(2) Pennsylvania Avenue within 200 yards of Fountaindale Elementary or North Hagerstown High (1200 Pennsylvania Avenue), 200 yards each direction.

(3) South Potomac Street within 200 yards of Bester Elementary (30 East Memorial Boulevard).

(4) Memorial Boulevard for 200 yards east of Potomac Street.

(5) South Potomac Street within 200 yards each direction of Emma K Daub Elementary (1121 South Potomac Street).

(6) Salem Avenue within 200 yards of Delaware Lane.

(7) Washington Avenue within 200 yards of Alexander Street.

(8) Franklin Street within 200 yards of Winter Street.

(9) Marshall Street within 200 yards each direction of Western Heights (1300 Marshall Street) or the Marshall Street School 200 yards each direction (1350 Marshall Street).

(10) Pangborn Boulevard within 200 yards of Pangborn Elementary (195 Pangborn Boulevard).

(11) Washington Street 200 yards west from Potomac Street.

(12) South Potomac Street 200 yards south of Washington Street.

(13) Oak Ridge Drive within 200 yards each direction of the Washington County Technical School (50 West Oak Ridge Drive) or the Antietam Academy.

(14) Hagers Crossing Drive within 200 yards of Jonathan Hager Elementary School (12615 Sedgwick Way).
[Added 2-21-2017 by Ord. No. O-17-01]

C. All distances which name schools would be measured from the property line of the school property.

D. All distances involving streets would be measured from the center line of the street.

E. To the extent that the State Highway Administration has already established school zones or establishes them in the future with respect to the above-mentioned schools which are different from those designated above, such State Highway Administration designations shall control.

F. Appropriate signage designating the school zones shall be erected pursuant to the Transportation Article of the Annotated Code of Maryland and the guidelines for school zones as established by the State Highway Administration.

G. In accordance with § **21-809(b)(1)(v)** of the Transportation Article of the Annotated Code of Maryland, this ordinance must provide that when a speed monitoring system is placed in a location where one had not previously been moved or placed, the City may not issue a citation until signage has been installed in accordance with § 21-809 of said Article, and for at least 15 calendar days after said signage is installed.
[Added 2-21-2017 by Ord. No. O-17-01]

REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:
Land Management Code Amendments – *Stephen Bockmiller, Deputy Director for Planning and Zoning Administration*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name	Description
2026_1103_WS_Discussion_Following_Tabled_Adoption_Annual_Package_of_LMC_Amendments.pdf	Discussion Following Tabled Adoption Annual Package of Land Management Code Amendments

MEMORANDUM

TO: Scott Nicewarner, City Administrator

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

DATE: October 30, 2026

SUBJECT: ZT-2026-02 – 2026 Annual Package of Land Management Code Amendments
Tabled Adoption for Further Discussion

Staff will attend the November 3, 2026 worksession to follow up on questions regarding the currently pending package of Land Management Code text amendments.

Adoption of the amendments package was tabled by the Mayor and City Council at the October 27 meeting when a council member had follow up questions regarding some of the contents. It is my understanding that these questions focus predominantly on the proposed new regulations regarding accessory dwelling units (ADUs), however I will be prepared to discuss any of the provisions that the Council desires to discuss.

Please note that the ADU provision is pending to address a State code amendment from the 2025 session that required local jurisdictions to adopt zoning regulations permitting ADUs under certain conditions. The Code directed that these provisions be in place by October 1, 2026. However there is no stated penalty in the Code for not meeting that deadline and it is our understanding that there are other jurisdictions also still working through their adoption process.

The package of amendments is attached.

REQUIRED MOTION

MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

DATE: **November 10, 2026**

TOPIC: **Approval of an Ordinance: Amend the City Code by Repealing and Re-enacting Chapter 140, the Land Management Code to Incorporate An Annual Program of Amendments**

Charter Amendment	
Code Amendment	
Ordinance	**X**
Resolution	
Other	

MOTION: I hereby move that the Mayor and City Council approve an ordinance to amend the City Code by repealing and re-enacting Chapter 140, Land Management Code. The re-enacted Land Management Code includes a collection of annual revisions for 2025 and 2026 finalized by the Mayor and City Council. This re-enacted version of the Land Management Code shall be known as version 3.13.

DATE OF INTRODUCTION: 09/22/2026
DATE OF PASSAGE: 11/10/2026
EFFECTIVE DATE: 12/10/2026

CITY OF HAGERSTOWN, MARYLAND

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HAGERSTOWN, BY REPEALING AND RE-ENACTING CHAPTER 140, LAND MANAGEMENT CODE, TO INCORPORATE A PACKAGE OF ANNUAL REVISIONS FOR 2025-2026.

RECITALS

WHEREAS, by virtue of the Land Use Article of the Annotated Code of Maryland the City Charter, the City of Hagerstown regulates land use within the City; and

WHEREAS, the Mayor and Council have a responsibility to promote public health, safety and general welfare of the citizens of Hagerstown; and

WHEREAS, the Mayor and Council have a responsibility to implement the policies of the Comprehensive Plan and provide a system of land use and development regulations that provides for harmonious use and development of land; and

WHEREAS, the Planning Commission have recommended a package of amendments to the Land Management Code to better protect our neighborhoods and facilitate desirable use and development of land within the City of Hagerstown; and

WHEREAS, upon discussion with City staff and review during a public hearing process, the Mayor and Council find it in the best interests of the citizens to revise Chapter 140 to incorporate a package of twenty-five revisions for 2025-2026, as hereafter described;

NOW, THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Council of the City of Hagerstown, Maryland, as it's duly constituted legislative body, as follows:

1. The Code of the City of Hagerstown be and is hereby amended by deleting and repealing Chapter 140, Land Management Code, version 3.12, as revised.

2. The Code of the City of Hagerstown be and is hereby amended by adding thereto a new chapter, to replace Chapter 140 hereinabove repealed, to be Chapter 140, Land Management Code, to read as follows:

(See Attached Text of Chapter 140)

3. This ordinance shall become effective immediately upon the effective date of this Enacting Ordinance.

4. This revised and amended code in its entirety shall be known as version 3.13.

5. Staff is authorized to review this text and verify that all cross-referencing and outline structure that appeared in the version repealed is unaffected, and where cross-references carried forward from the repealed version are found to be affected, correct affected references without affecting content of the Chapter.

Effect on penalty, forfeiture, or liability

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

Purposes for which Ordinance shall remain in effect

(b) This repealed, repealed and reenacted, or amended Ordinance 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) judgment, decree, decision or order that imposes, inflicts, or declares the penalty, forfeiture, right, or liability.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Enacting Ordinance shall become effective upon the expiration of thirty (30) calendar days following its approval.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

MAYOR AND COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND

_____

Donna Spickler, City Clerk

_____

William McIntire, Mayor

Date of Introduction: September 22, 2026

Date of Passage: November 10, 2026

Effective Date: December 10, 2026

2026 LAND MANAGEMENT CODE AMENDMENT PROPOSALS

ZT-2026-02
Annual Comprehensive Updates Package

RESULTING FROM MAYOR AND CITY COUNCIL HEARING HELD ON AUGUST 25, 2026
AND DIRECTED BY THE ELECTED BODY TO INTRODUCE VIA ORDINANCE ON SEPTEMBER 8, 2026

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.

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

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: 2 **Edits directed by Council**	**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 or parts of developments of limited scale under the following conditions:

a. The developer can demonstrate to the Planning Commission's satisfaction that designing the development or part of 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 form 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.

REMOVED AT THE DIRECTION OF THE MAYOR AND CITY COUNCIL.

TO BE RE-EVALUATED AND UPDATES PRESENTED IN THE NEXT ANNUAL PACKAGE.

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)*

Article 4 (Zoning)
Section K (Supplementary Regulations)
New Subsection 22 (Accessory Dwelling Units
Page 4-94

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.

REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:
Additional Documents: Cline Farm Annexation A-2026-01 – *Matt Ross, Planner*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name	Description
2026_1103_WS_Completion_of_File_for_A-2026-01_Cline_Farm.pdf	Completion of File for A-2026-01 Cline Farm

Hagerstown
PLANNING & ECONOMIC DEVELOPMENT

MEMORANDUM

TO: Scott Nicewarner, City Administrator

FROM: Matthew Ross, Planner I

DATE: November 3, 2026

SUBJECT: Completing the File – A-2026-01 – Cline Farm

Staff will meet with the Mayor and City Council on November 3 to brief the body on an additional step necessary to complete the annexation file for the Cline Farm.

It has come to our attention that when the Annexation Resolution was introduced on April 28, 2026, the City's frequent practice of having a formal presentation of the petition by the applicant and the mayor signing a certification indicating that the signatures of property owners had consented as a specific act in public session did not occur, except that the introduced annexation resolution contained a recital stating that the necessary consents were provided as the staff had documented. The Annexation Plan was approved, followed by introduction of the Resolution of Annexation. Per advice of counsel, the City's practice of having the mayor affix his signature in a formal or ministerial act in a meeting is not required by the letter of State law.

Section 4-404 of the Local Government Article requires consent of at least 25% of the owners of property in the area subject to the petition be provided. Before the introduction of the resolution on April 28, 2026, written consent was obtained from all 11 individuals who share in the ownership of the property and 11 letters of consent have been part of the official record since.

The property is owned by the eleven children of John W. Cline, deceased, whose estate closed in 1971. In his will, he left the property to his 11 children. Jerry A. Cline became the primary name on the annexation application form as a "family representative," rather than trying to affix 11 separate signatures to the application form. However, before the resolution was scheduled for introduction, staff required authorized signatures of all 11 children be provided. This was completed on March 16, 2026. The City has had in its possession and entered into the record the authorization of all of the 11 owners of the property prior to introducing the annexation resolution on April 28, 2026 with confirmed consent of 100% of the joint property owners in the record.

With the Council's approval, although public ceremony is not required by statute, in the interest of public transparency, a motion will be placed on the Mayor and City Council's November 10 agenda to formalize the acceptance of the petition and affirms the March, 2026 receipt of 100% consent of property owners prior to introduction of the resolution. The Mayor should sign the provided verification form at that time.

Attached herewith is:

1) A motion to affirm receipt of consent,
2) A verification form identifying all 11 property owners and the date they signed their individual letters of consent,
3) Copies of each of the 11 letters of consent and
4) The Maryland Department of Assessments and Taxation report on this property stating its assessed value.

Copy: Jill Thompson, Director of Planning and Economic Development
Stephen R. Bockmiller, AICP, Deputy Director for Planning and Zoning Administration
Doug Reaser, Economic Development Manager
Ann Rotz, City Attorney
Kevin Best, Special Counsel for Annexation

REQUIRED MOTION

MAYOR AND CITY COUNCIL

HAGERSTOWN, MARYLAND

DATE: **November 10, 2026**

TOPIC: **Completing File – A-2026-01: Cline Farm.**

Charter Amendment	
Code Amendment	
Ordinance	
Resolution	
Other	X

MOTION: I hereby move for the Mayor and City Council to ratify the prior acceptance of the petition for annexation for Annexation Case A-2026-01 from the 11 owners in common (Cline siblings) and to concur and approve the Mayor's signing the attached Verification Form.

DATE OF PASSAGE: 11/10/26

EFFECTIVE DATE: 11/10/26

VERIFICATION

I HEREBY CERTIFY that I have verified the signatures contained on the Petition for annexation dated January 13, 2026, and as supplemented with separate signatures by individuals with partial ownership for the property described and shown in said Petition of Annexation which is attached hereto; supplemental signatures being summarized below, and I do hereby certify that they are the true and correct signatures of said persons and I further certify, pursuant to Maryland Code, Local Government Article 4-404 that the Petition in fact is signed by owners of not less than twenty-five percent (25%) of the assessed valuation of the real property located in the area proposed to be annexed and who are registered voters in the Washington County Election District in which the area to be annexed is located.

The assessed valuation of the real property referred to herein as of January 1, 2025 is four hundred, thirty-one thousand, one hundred and 00/100 dollars ($431,100).

WITNESS my hand and seal this 10th day of November, 2026.

_____
City Clerk

_____
Mayor

Partial Owner:	Supplemental authorized signature dated:
Loretta Lynn Moser	March 11, 2026
Barbara Ann Rubeck	March 12, 2026
Gloria Jean Jacques	March 12, 2026
Delores Jane Krasowski	March 12, 2026
Mae Marie Dixon	March 12, 2026
Victor Leon Cline	March 12, 2026
Lance Eugene Cline	March 12, 2026
Wayne Douglas Cline	March 12, 2026
Mickie Louise Weller	March 13, 2026
Jerry Allen Cline	March 13, 2026
Terry Lee Cline	March 16, 2026

CONSENT TO PETITION FOR ANNEXATION TO THE CITY OF HAGERSTOWN

I, Loretta Lynn Moser print or type full legal name here, am one of several owners of the property known as "the Cline Farm", being 36.78 acres more or less and located on the east and west sides of Eastern Boulevard and north of Jefferson Boulevard in Washington County, Maryland.

I am aware of an application filed by Jerry Cline on behalf of the several owners of the property to annex this property into the corporate limits of the City of Hagerstown. The petition is identified in city records as file A-2026-01.

By signing this form, I do provide my consent as a property owner to this petition for annexation and this page should be entered into the record and included in the petition as documentation of my consent.

Signed this 11 day of March, 2026.

Loretta Lynn Moser

Signature

Loretta Lynn Moser

Printed Name

[redacted]

Mailing Address

[redacted]

Telephone Number

[redacted]

Email

CONSENT TO PETITION FOR ANNEXATION TO THE CITY OF HAGERSTOWN

I, Barbara Ann Rubeck print or type full legal name here, am one of several owners of the property known as "the Cline Farm", being 36.78 acres more or less and located on the east and west sides of Eastern Boulevard and north of Jefferson Boulevard in Washington County, Maryland.

I am aware of an application filed by Jerry Cline on behalf of the several owners of the property to annex this property into the corporate limits of the City of Hagerstown. The petition is identified in city records as file A-2026-01.

By signing this form, I do provide my consent as a property owner to this petition for annexation and this page should be entered into the record and included in the petition as documentation of my consent.

Signed this 12th day of March, 2026.

Barbara Ann Rubeck

Signature

Barbara Ann Rubeck

Printed Name

941 Linwood Rd
Hag. MD 21740

Mailing Address

301-800-3326

Telephone Number

rubeckb@icloud.com

Email

CONSENT TO PETITION FOR ANNEXATION TO THE CITY OF HAGERSTOWN

I, Gloria Jean Jacques print or type full legal name here, am one of several owners of the property known as "the Cline Farm", being 36.78 acres more or less and located on the east and west sides of Eastern Boulevard and north of Jefferson Boulevard in Washington County, Maryland.

I am aware of an application filed by Jerry Cline on behalf of the several owners of the property to annex this property into the corporate limits of the City of Hagerstown. The petition is identified in city records as file A-2026-01.

By signing this form, I do provide my consent as a property owner to this petition for annexation and this page should be entered into the record and included in the petition as documentation of my consent.

Signed this 12th day of March, 2026.

Gloria Jean Jacques
Signature

Gloria Jean Jacques
Printed Name

13037 Jacques Lane
Smithsburg, MD 21783
Mailing Address

301-824-3970
Telephone Number

Email

CONSENT TO PETITION FOR ANNEXATION TO THE CITY OF HAGERSTOWN

I, Delores Jane Krasowski print or type full legal name here, am one of several owners of the property known as "the Cline Farm", being 36.78 acres more or less and located on the east and west sides of Eastern Boulevard and north of Jefferson Boulevard in Washington County, Maryland.

I am aware of an application filed by Jerry Cline on behalf of the several owners of the property to annex this property into the corporate limits of the City of Hagerstown. The petition is identified in city records as file A-2026-01.

By signing this form, I do provide my consent as a property owner to this petition for annexation and this page should be entered into the record and included in the petition as documentation of my consent.

Signed this 12th day of March, 2026.

Delores Jane Krasowski

Signature

Delores Jane Krasowski

Printed Name

105 Greenwood Dr.
Hagerstown, MD 21740

Mailing Address

301-733-6584

Telephone Number

Email

CONSENT TO PETITION FOR ANNEXATION TO THE CITY OF HAGERSTOWN

I, Mae Marie Dixon print or type full legal name here, am one of several owners of the property known as "the Cline Farm", being 36.78 acres more or less and located on the east and west sides of Eastern Boulevard and north of Jefferson Boulevard in Washington County, Maryland.

I am aware of an application filed by Jerry Cline on behalf of the several owners of the property to annex this property into the corporate limits of the City of Hagerstown. The petition is identified in city records as file A-2026-01.

By signing this form, I do provide my consent as a property owner to this petition for annexation and this page should be entered into the record and included in the petition as documentation of my consent.

Signed this 12 day of March, 2026.

Mae Marie Dixon
Signature

Mae Marie Dixon
Printed Name

194 Constant Run Rd
Great Cacapon, WV 25422
Mailing Address

304-947-7745
Telephone Number

None
Email

CONSENT TO PETITION FOR ANNEXATION TO THE CITY OF HAGERSTOWN

I, Victor Leon Cline print or type full legal name here, am one of several owners of the property known as "the Cline Farm", being 36.78 acres more or less and located on the east and west sides of Eastern Boulevard and north of Jefferson Boulevard in Washington County, Maryland.

I am aware of an application filed by Jerry Cline on behalf of the several owners of the property to annex this property into the corporate limits of the City of Hagerstown. The petition is identified in city records as file A-2026-01.

By signing this form, I do provide my consent as a property owner to this petition for annexation and this page should be entered into the record and included in the petition as documentation of my consent.

Signed this 12 day of March, 2026.

Victor Cline
Signature

Victor Leon Cline
Printed Name

375 Pangborn Blvd
Hagerstown MD 21742
Mailing Address

240-217-6452
Telephone Number

Victorcline1960@gmail.com
Email

CONSENT TO PETITION FOR ANNEXATION TO THE CITY OF HAGERSTOWN

I, Lance Eugene Cline print or type full legal name here, am one of several owners of the property known as "the Cline Farm", being 36.78 acres more or less and located on the east and west sides of Eastern Boulevard and north of Jefferson Boulevard in Washington County, Maryland.

I am aware of an application filed by Jerry Cline on behalf of the several owners of the property to annex this property into the corporate limits of the City of Hagerstown. The petition is identified in city records as file A-2026-01.

By signing this form, I do provide my consent as a property owner to this petition for annexation and this page should be entered into the record and included in the petition as documentation of my consent.

Signed this 12th day of March, 2026.

Lance eugene cline
Signature

Lance Eugene Cline.
Printed Name

1088-JEFFERSON BLVD
HAGERSTOWN MD 21742
Mailing Address

240-217-5103
Telephone Number

Email

CONSENT TO PETITION FOR ANNEXATION TO THE CITY OF HAGERSTOWN

I, Wayne Douglas Cline print or type full legal name here, am one of several owners of the property known as "the Cline Farm", being 36.78 acres more or less and located on the east and west sides of Eastern Boulevard and north of Jefferson Boulevard in Washington County, Maryland.

I am aware of an application filed by Jerry Cline on behalf of the several owners of the property to annex this property into the corporate limits of the City of Hagerstown. The petition is identified in city records as file A-2026-01.

By signing this form, I do provide my consent as a property owner to this petition for annexation and this page should be entered into the record and included in the petition as documentation of my consent.

Signed this 12th day of March, 2026.

Wayne Douglas Cline
Signature

Wayne Douglas Cline
Printed Name

12427 HUYETT LN.
HAGERSTOWN MD. 21740
Mailing Address

240-850-8443
Telephone Number

Email

CONSENT TO PETITION FOR ANNEXATION TO THE CITY OF HAGERSTOWN

I, Mickie Louise Weller print or type full legal name here, am one of several owners of the property known as "the Cline Farm", being 36.78 acres more or less and located on the east and west sides of Eastern Boulevard and north of Jefferson Boulevard in Washington County, Maryland.

I am aware of an application filed by Jerry Cline on behalf of the several owners of the property to annex this property into the corporate limits of the City of Hagerstown. The petition is identified in city records as file A-2026-01.

By signing this form, I do provide my consent as a property owner to this petition for annexation and this page should be entered into the record and included in the petition as documentation of my consent.

Signed this 13 day of March, 2026.

Mickie Louise Weller
Signature

Mickie Louise Weller
Printed Name

470 Pine Acres lane
Berkeley Springs WV 25411
Mailing Address

301-988-6705
Telephone Number

Email

CONSENT TO PETITION FOR ANNEXATION TO THE CITY OF HAGERSTOWN

I, Jerry Allen Cline print or type full legal name here, am one of several owners of the property known as "the Cline Farm", being 36.78 acres more or less and located on the east and west sides of Eastern Boulevard and north of Jefferson Boulevard in Washington County, Maryland.

I am aware of an application filed by Jerry Cline on behalf of the several owners of the property to annex this property into the corporate limits of the City of Hagerstown. The petition is identified in city records as file A-2026-01.

By signing this form, I do provide my consent as a property owner to this petition for annexation and this page should be entered into the record and included in the petition as documentation of my consent.

Signed this 13 day of March, 2026.

Jerry Allen Cline

Signature

Jerry Allen Cline

Printed Name

365 Dangborn Blvd
Hagerstown MD. 21742

Mailing Address

240-520-0169

Telephone Number

Email

CONSENT TO PETITION FOR ANNEXATION TO THE CITY OF HAGERSTOWN

I, Terry Lee Cline print or type full legal name here, am one of several owners of the property known as "the Cline Farm", being 36.78 acres more or less and located on the east and west sides of Eastern Boulevard and north of Jefferson Boulevard in Washington County, Maryland.

I am aware of an application filed by Jerry Cline on behalf of the several owners of the property to annex this property into the corporate limits of the City of Hagerstown. The petition is identified in city records as file A-2026-01.

By signing this form, I do provide my consent as a property owner to this petition for annexation and this page should be entered into the record and included in the petition as documentation of my consent.

Signed this 16 day of March, 2026.

Terry L Cline

Signature

Terry Lee Cline

Printed Name

301 Eastern Blvd North
Hagerstown MD 21742

Mailing Address

240-291-7428

Telephone Number

Email

Real Property Data Search ( )
Search Result for WASHINGTON COUNTY

Search Tax Maps | **No Ground Rent Redemption on File** | **No Ground Rent Registration on File**

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Number: **District -** 18 **Account Identifier -** 003341

Owner Information

Owner Name:	CLINE JOHN W	**Use:**	AGRICULTURAL
		Principal Residence:	NO
Mailing Address:	C/O HAROLD CLINE 1140 JEFFERSON BLVD HAGERSTOWN MD 21742-5038	**Deed Reference:**	/06956/ 00524

Location & Structure Information

Premises Address:	1140 JEFFERSON BLVD HAGERSTOWN 21742-0000	**Legal Description:**	36.37 ACRES 1140 JEFFERSON BLVD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0038	0020	0153	18020211.22	0000				2025	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1850	4,238 SF		36.3700 AC	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements	Pending Permit
2	YES	STANDARD UNIT	BRICK/ STUCCO	3	2 full			None

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2025	As of 07/01/2026	As of 07/01/2027
Land:	117,100	117,100		
Improvements	190,300	314,000		
Total:	307,400	431,100	389,867	431,100
Preferential Land:	17,100	17,100		

Transfer Information

Seller: CLINE JOHN W	**Date:** 03/17/2022	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /06956/ 00524	**Deed2:**
Seller:	**Date:**	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /00229/ 00442	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2026	07/01/2027
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:
Recovery House Ordinance – *Scott Nicewarner, City Administrator*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name	Description
Recovery_House_2026_MC_Memo.pdf	Memo: Recovery House Ordinance

CITY OF HAGERSTOWN, MARYLAND

Scott Nicewarner
City Administrator
One East Franklin Street • Hagerstown, MD 21740
E-mail: snicewarner@hagerstownmd.org
Telephone: 301.766.4168 • TDD: 301.797.6617 • Website: www.hagerstownmd.org

October 28, 2026

TO: Mayor and Council

FROM: Scott Nicewarner, City Administrator

RE: Recovery House Registration / Regulation

The Mayor and Council have expressed interest in looking into the introduction of an ordinance that would regulate "recovery houses" in the City of Hagerstown. Currently, recovery houses are not required to be certified by the State of Maryland. Recovery houses will become State-certified if they want to be eligible to receive State money. There are many more, however, that operate without that certification and receive other forms of funding through advertising themselves as a recovery space.

There are several regulations established at the State level that should be considered before entering into an ordinance introduction. The three that are most relevant are (1) Maryland recovery residence certification law, (2) Maryland group-home and zoning protections, and (3) Federal Fair Housing Act and reasonable accommodation.

COMAR 10.63.08 addresses certification requirements and includes exemptions for certain residence based upon their charter. Local registration should not duplicate or contradict this process. Maryland law also restricts certain special zoning procedures for qualifying halfway houses and group homes. The law also preserves local regulatory authority only to the extent local requirements do not authorize discriminatory housing practices. Lastly, the Fair Housing Act protections may apply to people recovering from substance use disorders. Any ordinance should not automatically exclude people from reasonable accommodation due to a past substance disorder or impose rules based on stereotypes about recovery residences.

Staff will be present to discuss the Council's direction on moving forward with an ordinance and what that ordinance may contain.

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REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:
Mayor and City Council Meeting Schedule for 2027 – *Mayor and City Councilmembers*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name	Description
2027_Mayor_Council_Meeting_Schedule.pdf	Mayor/Council 2027 Meeting Schedule

CITY OF HAGERSTOWN, MARYLAND

One East Franklin Street • Hagerstown, MD 21740
Telephone: 301.739.8577 • TDD: 301.797.6617 • Website: www.hagerstownmd.org

2027 MAYOR & CITY COUNCIL MEETING SCHEDULE

The following meeting schedule for calendar year 2027 has been established by the Hagerstown Mayor & City Council.

All meeting dates are subject to change.

JANUARY	**5**	**No Meeting**
	12	Work Session
	19	Work Session
	26	**Regular Session**
	27	Day in Annapolis
FEBRUARY	2	Work Session
	9	Work Session
	16	Work Session
	23	**Regular Session**
MARCH	2	Work Session
	9	Work Session
	16	Work Session
	23	**Regular Session**
	30	**No Meeting**
APRIL	6	Work Session
	13	Work Session
	20	Work Session
	27	**Regular Session**
MAY	4	Work Session
	11	Work Session
	18	Work Session
	25	**Regular Session**
JUNE	**1**	**No Meeting**
	8	Work Session
	15	Work Session
	22	**Regular Session**
	29	*MML Summer Conference in Ocean City June 27-30, 2026*
JULY	**6**	**No Meeting**
	13	Work Session
	20	Work Session
	27	**Regular Session**
AUGUST	3	Work Session
	10	Work Session
	17	Work Session
	24	**Regular Session**
	31	**No Meeting**
SEPTEMBER	**7**	**No Meeting**
	14	Work Session
	21	Work Session
	28	**Regular Session**
OCTOBER	5	Work Session
	12	Work Session
	19	Work Session
	26	**Regular Session**
NOVEMBER	2	Work Session
	9	Work Session
	16	Work Session
	23	**Regular Session**
	30	**No Meeting**
DECEMBER	7	Work Session
	14	Work Session
	21	**Regular Session**
	28	**No Meeting**