

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2020-01	Affected pages in the current LMC: 4-1, 4-143, 4-145	Type: Administrative
Summary: Correct structural error in the number of the two charts in Section Z of the Zoning Ordinance.		
Justification: The outline format alternates between letters and numbers. The two charts in Section Z are lettered A and B. Change this to 1 and 2 for consistency with the rest of the document. No content change.		

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: Chart of Permitted and Special Exception Uses

Chart A 1 USE CHART - AGRICULTURAL TRANSITION AND RESIDENTIAL ZONING DISTRICTS

Chart-B 2 USE CHART – MIXED-USE, COMMERCIAL, INDUSTRIAL AND OVERLAY DISTRICTS.

Blue would also be corrected in references on the table of contents.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2020-02	Affected pages in the current LMC: 4-101	Type: Administrative
Summary: In Land Management Code, V. 3.4, a parking requirement was added for restaurants with no indoor seating. However, it appears to have been inadvertently omitted from subsequent revisions. Add this provision back into the ordinance. The text is the same as previously adopted.		
Justification: Corrects an editorial error.		

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

Subsection 4: Parking Requirements Chart

Use	Required Spaces
Drive in/Walk up restaurant or food service	0.8 parking spaces per employee on largest shift, plus 1 space per 25 square feet of walk-up service counter and outdoor seating areas.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2020-03	Affected pages in the current LMC: 4-35 and 4-156	Type: Administrative
Summary: Make consistent the terms “adult entertainment business” and “adult business” consistent with the definition in Article 3.		
Justification: There are 10 to 12 references to adult entertainment businesses in the zoning ordinance, but two of them do not use the term “entertainment.” In order to ensure all terminology is consistent, add “entertainment” to the two places the term is used. This is a housekeeping amendment.		

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 F: Commercial Zoning Districts
Subsection 2.b Uses

- (9) Performance Standards for Mixed Use Buildings in the CG and CR Zoning Districts:
- (a) and (b) omitted as unchanged.
 - (c) Uses of at-grade floor space shall be limited to, and contain at least two of the following:
 - i. through viii omitted as unchanged
 - ix. Retail and wholesale trade, excluding auto and other motor vehicle dealers, gasoline sales and adult **entertainment** businesses. In the CG District, no single unit shall exceed 75,000 square feet.
 - x. Live-work spaces, provided that the residential portion of the space is located above the work space, and the work use is among those cited in this subsection.
 - xi. Child day care centers.
- Only those uses listed above shall be permitted in mixed-use buildings regardless of whether other uses are listed as a permitted use in the district.
- (d) through (g) omitted as unchanged.

Article 4: Zoning
Section F: Chart of Permitted and Special Exception Uses

Chart B:

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). Regulation of specific trade uses that are found elsewhere in this chart shall prevail. (Ed. Note: See Page 4-146 regarding gasoline sales)

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2020-04	Affected pages in the current LMC: 7-23	Type: Administrative
Summary: The language in the Forest Conservation Ordinance that requires off-site mitigation to be applied at a 2 to 1 ratio is worded in such a way where it is difficult for the reader to understand. Staff proposes to re-word this section. The net result of the content will not change.		
Justification: The Land Management Code should be written in as easy to understand language as possible. Proposal would have to be reviewed by DNR for consistency with state regulations.		

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

Article 7: Forest Conservation

Section H: Sequence, Priorities and Time Requirements for Afforestation and Reforestation.

Subsection 1: Sequence for Afforestation and Reforestation.

- a. **Sequence.** After techniques for retaining existing forest on the site have been exhausted, the preferred sequence for afforestation and reforestation, as determined by this Article, is as follows:
 - (1) Forest creation in accordance with a forest conservation plan using one or more of the following:
 - (a) Transplanted or nursery stock,
 - (b) Whip and seedling stock, or
 - (c) Natural regeneration where it can be adequately shown to meet the objective of the State Forest Conservation Technical Manual;
 - (2) Planting street trees for afforestation or reforestation with a mature canopy coverage may be granted full credit as a mitigation technique;
 - (3) Acquisition of an off-site protection easement on existing forested areas not currently protected in perpetuity as a mitigation technique, ~~in which case the afforestation or reforestation credit granted may not exceed 50% of the area of forest cover protected;~~ **provided that two square feet of off-site existing forest is protected by easement for every one square foot of obligation toward compliance with this Ordinance is being met.**
 - (4) When all other options, both on-site and off-site, have been exhausted, landscaping as a mitigation technique conducted under an approved landscaping plan that establishes a forest at least 35 feet wide and covering at least 2,500 square feet of area.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2020-05	Affected pages in current LMC: 3-34, 4-102 and 4-152	Type: Policy
Summary: Include provisions for small scale breweries, distilleries and wineries.		
Justification: Economic development and tourism. Update our zoning ordinance to be competitive with surrounding jurisdictions which have fostered clusters of such uses in their urban areas.		

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

Article 3: Definitions

SMALL SCALE BREWERY, DISTILLERY, WINERY - an establishment 15,000 square feet or less in building area whose purpose is the production, storage, distillation, manufacturing, processing, distribution and wholesale and retail sale of beer, liquor, wine, mead, and/or hard cider made from produce grown or produced off-site and for tours, tastings, on-premise consumption of the products, and sales for carry-out. The use may include transient food trucks to support the tasting room activity. Such establishments shall be in compliance with any and all local and state liquor laws and licensing requirements and health department regulations, and shall possess any and all licenses which may be required by Washington County, the City of Hagerstown, and/or the State of Maryland. (*Zoning*)

Article 4: Zoning

Section O: Off Street Parking

Subsection 4: Chart of Parking Requirements

Use	Requirement
Small scale brewery, distillery or winery	1 space per 50 gross square feet of tasting room or similar public spaces, and for the manufacturing and/or warehousing area, the greater of one space per employee on the maximum working shift or one space per 1,000 gross square feet.

Article 4: Zoning

Section Z: Chart of Permitted and Special Exception Uses (blank means not permitted)

Use	N-MU	CC-MU	CL	CG	CR	POM	INST	I-MU	IR	IG	C	LC	PUD-V	PUD-R
Small Scale Brewery, Distillery, Winery; 15,000 gross square feet or less in building area, with or without outdoor tables and no outdoor speaker system.		P									P			
Small Scale Brewery, Distillery, Winery; 15,000 gross square feet or less in building area, in industrial buildings built before October 1, 1956, with or without outdoor tables and no outdoor speaker systems.				SE		SE			SE	SE				

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2020-06	Affected pages in current LMC: Multiple beginning at 4-148	Type: Policy
Summary: Add certain permitted uses to the CG, CR, CC-MU and IR Zoning Districts		
Justification: Proposals result from discussions with a developer of CG owned property.		
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: Chart of Permitted and Special Exception Uses

Use	CC-MU	CG	CR	IR
Adult day care with vocational centers	SE	P		P
Carpet and upholstery cleaning services (56174).		P		P
Visual and performing arts studios.	P	P	P	P
Performing arts companies (7111).	P	P		
Medical and diagnostic laboratories (6215).	P	P	P	
Commercial and private membership outdoor swimming pools, provided the pool meets distance requirements cited in Subsection D.5.j.		P		
Gambling establishments as defined, permitted, regulated and licensed by the State of Maryland, including casinos, sports betting parlors and similar facilities.	P	P		

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2020-07	Affected pages in current LMC: 4-101 and 4-102	Type: Policy
Summary: Lower the parking requirements for warehouse uses, and clarify the means of calculating area of a manufacturing use.		
Justification: In reviewing our parking requirements, Hagerstown’s expectations of warehousing uses appear to be higher than average. Associated office parking made consistent with office uses.		
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
Subsection 4: Parking Requirement Chart

Use	Required Spaces
Warehouses or wholesale establishments	One space per 1,500 2,000 square feet gross floor space and one space for each 350 200 square feet net floor area of office or sales floor space.
Manufacturing plant	The greater of one space per employee on maximum working shift or one space per each 1,000 square feet gross floor area and one space for each 350 200 square feet net floor area of office space or sales floor space

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2020-08	Affected pages in current LMC: 4-75	Type: Policy
Summary:	Create an exemption to the requirement that side and rear yard fences comply with front yard fence limitations when the side street or street to the rear is a collector road or higher. This requirement will not apply with the adjoining collector or higher road is outside the municipal boundary.	
Justification:	Staff received a privacy fence application for a lot in Hagers Crossing that backs to McDade Road. McDade Road is outside of the municipal boundary (the back yard property line is the city boundary for this lot). It is a collector roadway. We checked with the county and they have no comparable requirement. Therefore, staff approved the fence. This request codifies the previously made interpretation of the Ordinance. In these very few cases, it serves no purpose to hold such situations to City standards when the adjoining street is not in the City if the County has no comparable expectation.	

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.b (Fences and Walls – Height and Setback)

(1) Residential Districts and Residential Uses in Mixed Use Districts.

- (a) When a residential property in a residential zoning district fronts more than one public street, the frontage on the side street and/or street to the rear shall be treated as a side or rear setback for the purpose of fence location, provided the fence is not installed closer to the principal frontage along the side street than the rear façade of the dwelling.

This provision shall not apply when the side street or street to the rear is of a higher functional classification than the principal frontage, as determined by the City Engineer, **and the adjoining street is located within the municipal boundary**. In such cases, the front yard fence limitations shall continue to apply. [Ed. Note: See drawing on page 4-72.]

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2020-09	Affected pages in current LMC: 4-20 and 4-21	Type: Policy
Summary: Permit the reuse of existing buildings on lots in residential districts to be used for storage without complying with setback or design standards.		
Justification: This provision was written for construction on existing vacant lots in residential districts that do not front public streets. We experienced one such situation where there is a nonconforming/noncomplying garage/commercial building existing on the property and discovered a need to address this with text.		

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

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

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 front on an existing paved alley;
- (2) ~~The~~ **New construction of a garage or construction of an addition to an existing garage** shall not ~~exceed~~ **result in a building exceeding** 900 square feet in area;
- (3) ~~The~~ **New construction of a garage or construction of an addition to an existing garage** shall not exceed one story in height;
- (4) ~~The~~ **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 ~~on~~ **in** the garage, **nor attract persons other than the tenant**;
- (6) No outdoor storage of any kind is permitted; ~~and~~
- (7) ~~The~~ **No garage or addition to an existing garage** shall ~~not~~ be constructed closer than five feet to any property line or alley right of way.

This wording is proposed to make the bulk provisions applicable to new construction on vacant lots and construction of additions.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2020-10	Affected pages in current LMC: 4-13 and 4-14	Type: Policy
Summary: Adjustments to the new provision regarding large accessory buildings on large lots adopted in 2019.		
Justification: Now that we have been through an application for one of these and applied it in a real-world situation, staff have discovered a few minor adjustments that should be made to the existing adopted text to clarify that garages over 900 square feet and more than 1 story constructed on lots over 20,000 square feet cannot be used by non-residents of the property, and provide clarification language that emphasizes that the use of those of 900 square feet or less (permitted on a properties in the residential districts) is for storage only.		

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
Subsection 2.c: Uses – Accessory Uses

c. Accessory Uses.

The following accessory structures and uses shall be permitted in residential zoning districts:

- (1) Private detached garages and accessory buildings (such as garden sheds, pool houses, craft studios, “she sheds” and “man caves”, but not including dwellings), subject to limitations in Subsections **D.2.c(4)**, D.4 and D.5.b, below. Such accessory garage or building shall not be used as a dwelling or for sleeping purposes.
- (2) and (3) omitted as unchanged.
- (4) Use of detached accessory residential garages **of 900 gross square feet or less in floor area** by non-residents of the property, provided:
 - (a) The use shall be limited to parking of vehicles and personal storage that does not involve generation of noise from the garage **or attract persons other than the tenant**, and shall not be used for storage for any commercial or institutional purpose, and
 - (b) Two off-street parking spaces are provided for each dwelling on the subject property for each non-owner-occupied dwelling on the property.

(5) and (6) omitted as unchanged.

Someone should not be permitted to utilize the two-story, up to 1,800 square foot new provision on larger lots for the purpose of renting it out to non-residents. An 1,800 square foot building is a lot of use and storage to allow a non-resident of the property to use in residential neighborhoods.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2020-11	Affected pages in current LMC: 4-87	Type: Policy
Summary: Codify an interpretation previously made by the zoning administrator that allows minor deviation to the minimum square foot requirement for new dwelling units when retrofitting existing buildings.		
Justification: When dealing with the revitalization of existing buildings to add dwelling units, staff finds it necessary to have some flexibility when applying this standard. Existing buildings have non-flexible physical barriers, such as size and shape of a floor, locations of load bearing columns and load bearing walls, natural locations for corridors, etc. For example, in the case of the rehabilitation of the Hamilton Hotel, staff allowed 2 or 3 units to be modestly smaller than the minimum requirement, knowing that most of the units in the building exceeded.... and in some cases significantly exceeded, their required minimum floor areas.		

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: Supplementary Regulations

18. Minimum Size of Dwelling Units.

Effective April 24, 2020, except as approved by the Board of Zoning Appeals as part of an approved change of a nonconforming use or otherwise unless specifically exempted elsewhere in this Article, every new dwelling unit of any type created or constructed within the City of Hagerstown shall comply with the following minimum requirements for finished living area:

Efficiency Unit:	400 square feet.
One-bedroom Unit:	500 square feet.
Two-bedroom Unit:	650 square feet.
Three-or-more bedroom Unit:	900 square feet.
Efficiency Unit with live/work space:	800 square feet.
One-bedroom Unit with live/work space:	1,000 square feet.
Two-bedroom Unit with live/work space:	1,300 square feet.
Three-or-more bedroom Unit with live/work space:	1,800 square feet.

When units are being created in existing buildings, and the existing configuration of the structure makes it difficult, awkward or impossible to meet these minimum requirements, the Zoning Administrator may approve minor variations from these standards.

The portion of a live/work space used for residential purposes shall meet the minimum square footage requirement for the same type of unit that does not include work space.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2020-12	Affected pages in current LMC: (1) 4-19, 4-20 and 5-52, (2) none, (3) 4-87, (4) 4-94, (5) 4-133, and (6) 4-135 and 5-50	Type: Policy
Summary: Consolidate all references to buffer widths into Article 5, making them subject to waiver deviation. There are six places in the zoning ordinance where buffers are mentioned and each are addressed here. In some cases, no change is necessary. Affected pages for each of the six items are listed above.		
Justification: Most references to the specifics of buffers are found in Article 5. Of the few that remain in Article 4, some have language that allows the Planning Commission to reduce or alter them. The provision in Article 4, Section U.7.c (BZA authority to grant variances) includes “buffer width requirements of this article”, but not the composition of the buffer. This implements a proposal to consolidate all content regulation of buffers into Article 5, leaving decisions on their application (or waiver thereto) to the Planning Commission and generally eliminating the BZA’s role in considering variances to buffer requirements.		

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

1. Buffers for Mobile Home Parks. Text to be removed from Article 4 and moved to Article 5.

Article 4: Zoning
Section D.5.h: Mobile Homes

Subsections (1) through (3) are unchanged.

- (4) A heavy landscape buffer, **as described in Article 5, Subsection I.4.j(1), dominated by evergreen plantings**, shall be installed in ~~an area not less than 20 feet in width in~~ all areas subject to the setback requirement in (2)(a) above. **(NOTE: All project boundary lines and street rights of way)**

Article 5: Subdivision and Land Development
Section: I.4.j: Site Plan Standards – Landscaping Plan and Parking Area Design Requirements

- j. Buffer Landscape Standards

Buffer chart is unchanged.

(1) Residential Buffers.

Whenever multi-family, mansion house, two- family, semi-detached or townhouse residential dwelling units are proposed, the Planning Commission may require screening in accordance with the following standards:

Trees per 100 feet of buffer yard	2 canopy and 3 evergreen and/or understory
Shrubs per 100 feet of buffer yard	10 shrubs

If more than 20 trees are required, no more than 60% shall be of any one type.

When developing a mobile home park, a heavy landscape buffer, as required by Article 4, Section D.5.h(4) shall be installed along all project boundaries and street rights of way. This buffer shall be dominated by evergreen plantings and shall be installed in an area not less than 20 feet in width.

2. **Buffers for fencing of Commercial and Industrial properties. This is sufficiently cross referenced to Planning Commission authority. No change is proposed to Article 4 or Article 5.**

Article 4: Zoning
Subsection K.1.c: Supplementary - Fences

c. Buffers.

- (1) When Adjacent to Less Intense Districts.

When properties in the commercial, mixed use or industrial districts are adjacent to a residential district (and in industrial districts when the property is adjacent to a commercial or mixed use district), landscaping shall be provided in accordance with Section S of this Article and Article 5, Section I. The appropriate buffer shall be located outside the perimeter of the fence. The Planning Commission has the authority to reduce or eliminate the buffer requirement outside of the fence based on individual and unique circumstances.

- (2) Buffers Required When Adjacent to Public Streets.

Fences or walls constructed in a commercial or industrial district adjacent to a public street shall provide a perimeter roadside buffer in accordance with Section S of this Article and Article 5, Section I.4.h(8). The appropriate buffer shall be located outside the perimeter of the fence. The Planning Commission has the authority to reduce or eliminate the buffer requirement outside of the fence based on individual and unique circumstances.

3. **Screening/buffering of outdoor storage of merchandise. This is redundantly cross-referenced with Article 5. This change makes its administration dominant under Article 5, making it open to waiver from the Planning Commission. The change is only to Article 4. No change to Article 5 is necessary.**

Article 4: Zoning
Subsection K: Supplementary Regulations

17. **Outdoor Storage of Inventory, Merchandise and Supplies.**

~~All Outdoor storage of inventory, merchandise and supplies in the CL, CG, CR, POM, INST, IR, IG, IMU, and Conversion Districts shall, at a minimum, be located at least 10 feet from adjacent property lines and street rights of way, and buffered in accordance with the provisions of the section pertaining to the buffering of parking areas.~~

All outdoor storage of inventory, merchandise and supplies shall be in accordance with Article 5, Section I.13. This provision shall also be applied to properties and uses where a site plan is not required for a new or expanded use which introduces outdoor storage to an area, regardless of whether a site plan is required for the proposed use.

- 4. Buffering of on-site redevelopment of nonconforming uses. All change is in Article 4 in this proposal. No change to Article 5 is needed to implement this.**

Article 4: Zoning

Subsection M: Nonconforming Uses

10. On-Site Redevelopment of a Nonconforming Use.

When a structure or facility containing a valid and legal nonconforming use has deteriorated or aged to a point that renovation or rehabilitation is not practical, it may be reconstructed on the subject property at a location that is not the existing footprint of the building or improvements, provided that the proposed redevelopment complies with all setback, ~~landscaping buffer~~ and parking requirements of this ~~Chapter~~ **Article and the landscaping buffer requirements of Article 5. The Planning Commission may consider requests for waivers to this request for appropriate cause.** Architectural renderings of the proposed redevelopment and a signage plan shall be included in the application and improvements shall be constructed in accordance with those plans.

Such a proposal shall be subject to review and approval by the Board of Zoning Appeals through the process set forth in the change or expansion of a nonconforming use, which shall specifically find that the proposal is not detrimental to the local community and the general welfare.

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- 5. Removal of the Board of Zoning Appeals' authority to grant variances to buffer requirements. These changes and cross referencing will place all authority for buffer reductions, changes and elimination with the Planning Commission. No change to Article 5 is needed.**

Article 4: Zoning

Subsection U: Board of Zoning Appeals

7. Interpretations, Special Exceptions and Variances.

No change to a and b.

- c. Variances. The Board of Zoning Appeals is empowered to authorize upon appeal applications for a variance filed by a person or persons with a contractual or proprietary interest in the property. The Board may only authorize a variance from height, lot width, lot area, lot area per dwelling unit, setback requirements, parking space requirements **and** sign area, ~~and buffer width~~ requirements of this Article. A variance shall be granted only upon specific findings made by the Board that each of the criteria for variances found in Subsection U.8.b are met.

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- 6. Five foot parking buffer for bed and breakfast inns in special exception specific use criteria. Changes are proposed to Article 4, with the content moved to Article 5.**

Article 4: Zoning

Section U.8.a : Board of Zoning Appeals

- (7) Specific Special Exception Criteria for Certain Uses. The following special exception uses shall be subject to the following specific use standards. The Board of Zoning Appeals shall not approve a special exception unless the use complies with these requirements, and shall not grant a variance to the following standards.
- (a) Fitness & Recreational Sports Centers (71394), provided that: **(unchanged)**
 - (b) Bed and breakfast inns in an existing structure (721191):
 - (i) There shall be no exterior evidence that a building is being used for any purpose other than a residence, except for one permitted sign of no more than two square feet.
 - (ii) Off-street parking shall be provided; one space per guest room. In no case shall parking be provided in a front yard. ~~All parking area must be adequately screened with a minimum five-foot landscaped buffer.~~ **See Article 5, Section I.4.h(10)(a) for buffer parking buffer requirements.**
 - (iii) A site plan shall be submitted and approved by the Planning Commission prior to the issuance of the zoning certificate.

Article 5: Subdivision and Land Development
Section: I.4.h Parking Design and Landscape Standards

Subsections 1 through 9 are unchanged.

- (10) Every off-street parking area shall be developed and maintained in accordance with the following requirements:
- (a) All off-street parking areas shall be paved with a stable, dust-free surface conforming to City standards or other method approved by the City Engineer. Any new commercial or residential driveway and/or parking area shall be improved with asphalt, concrete, or similar solid (non- gravel) method approved by the City Engineer, when:
 - (i) Located to the front or side of an existing or proposed use;
 - (ii) Adjacent to a public street right of way, ~~or~~ ;
 - (iii) The parking area is intended for the use of the public visiting such location; **or**
 - (iv) **The parking area is intended for a bed and breakfast inn in a residential zoning district per special exception approved by the Board of Zoning Appeals, in which case the parking shall adequately screened with a minimum five foot landscaped buffer.**

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2020-13	Affected pages in current LMC: 5-15	Type: Policy
Summary: Clarify language about deadlines for planning commission review and approval.		
Justification: Language is vague and implies zoning regulation is a negotiation. This proposal clarifies the 30-day rule and eliminates the language that implies negotiation of use.		

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 C: Subdivision of Land Procedure

14. Final Plat Approval.

The Commission shall approve or disapprove the Final Plat, if all requirements of ~~these Subdivision Regulations~~ **this Article** have been complied with **(including approval of any waivers thereto by the Planning Commission)** within 30 days after the submission thereof **by the Planning and Code Administration Department** to the Commission; ~~. Otherwise~~ such Final Plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Commission upon demand.

The applicant may waive the 30-day limitation and consent to an extension of such period.

- a. Approval of the Final Plat shall be noted by the signing of the Certificate of Approval by the Chairman of the Commission.
- b. If the Commission disapproves the Final Plat, it shall set forth the reasons for disapproval in its records and provide the applicant with written notification of such reasons.

Every Final Plat approved by the Commission shall, by virtue of such approval, be deemed to be an amendment of or an addition to or a detail of the Comprehensive Plan and a part thereof.

~~The Commission shall have the power to agree with applicant upon use, height, area or bulk requirements or restrictions which are designed to promote the purposes of the Zoning Ordinance of the City of Hagerstown. Such requirements or restrictions shall be stated upon the Final Plat prior to the approval and recording thereof and shall have the same force of law and be enforceable in the same manner and with the same sanctions and penalties and subject to the same power of amendment or repeal as though set out as part of the Zoning Ordinance and Zoning Map of the City of Hagerstown.~~

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2020-14	Affected pages in current LMC: 5-50	Type: Policy
Summary: Set standard paving thickness for parking and driveways. The depths proposed are suggested by the City Engineer.		
Justification: Recent text amendments required certain driving and parking areas to be paved with a permanent surface (not gravel). However, no standard pavement thickness was prescribed. This proposal sets standards. They will be in Article 5, so if a developer wants to propose something different, they can use the design waiver process for consideration.		

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: Site Plan Standards

Subsection 4: Landscaping Plan and Parking Area Design Requirements.

h. Parking Design and Landscape Standards.

1 through 9 omitted as unchanged.

- (10) Every off-street parking area shall be developed and maintained in accordance with the following requirements:
 - (a) All off-street parking areas shall be paved with a stable, dust-free surface conforming to City standards or other method approved by the City Engineer. Any new commercial or residential driveway and/or parking area shall be improved with Asphalt, concrete, or similar solid (non- gravel) method approved by the City Engineer, when:
 - (i) Located to the front or side of an existing or proposed use;
 - (ii) Adjacent to a public street right of way, or
 - (iii) The parking area is intended for the use of the public visiting such location.

Asphalt paving of such areas shall be 3 inches in thickness. Concrete paving of such areas shall be 6 inches in thickness.

(b) through (f) omitted as unchanged.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2020-15	Affected pages in current LMC:	Type: Administrative
Summary: Updating references to comprehensive plans regarding effective dates. Separate the existing single paragraph into three paragraphs (and adding a fourth) to improve the ability of readers to understand it. Add reference to the 2020 Comprehensive Zoning Plan.		
Justification: Housekeeping		

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 A: General Provisions

14. Effective Date of Adoption. This Article was adopted as Chapter 68 (Zoning) by the Mayor and City Council, effective March 7, 1977, and subsequently amended. **(new paragraph break)**

Effective September 26, 2008, this Article was reformatted for structural purposes with minor amendments and incorporated into this Chapter. It shall be interpreted to be the Ordinance as adopted on March 7, 1977 and subsequently amended. **(new paragraph break)**

The Comprehensive Zoning plan implementing the policies of the 2008 Comprehensive Plan was implemented in several stages. This Article shall be interpreted that any use made nonconforming by any of the several map amendments part of ~~this~~ **the 2008-2010** Comprehensive Zoning Plan shall have an effective date of nonconformity of the last ~~amending~~ **amendment** of the map for this process, being November 10, 2010.

The 2020 Comprehensive Zoning Plan implemented the policies of the 2018 Comprehensive Plan, known as “VisionHagerstown 2035.” The map amendments that implemented the policies of this Plan became effective on July 23, 2020, and those uses rendered nonconforming by these map amendments shall have an effective date of nonconformity on that date.