

**ARTICLE 1
GENERAL PROVISIONS**

- A.** **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 Department.
- B.** **Purpose.** This Chapter is adopted as the revision and reorganization of several existing land use and development regulatory ordinances into a single document.

This Chapter is adopted with the intent that its provisions will:

1. Promote public health, safety and general welfare of the citizens of Hagerstown;
2. Implement the policies of the Comprehensive Plan;
3. Provide a system of land use and development regulations that provides for harmonious use and development of land
4. Regulate and control the division and development of land that enables the City to effectively grow;
5. Provide adequate light and air;
6. Promote the conservation of natural and cultural resources;
7. Facilitate the adequate provisions of transportation, water, sewerage, schools, recreation, soil conservation, landscaping, parks and other public facilities and services.

This Chapter is made with reasonable consideration of, among other things, the character of the City, the suitability of its various areas for particular uses; the desire to protect the value of buildings and encourage orderly development; and the most appropriate use of land throughout the jurisdiction.

- C.** **Mayor and City Council.** The Mayor and City Council have the following powers and duties pursuant to the Annotated Code of Maryland and the Charter of the City of Hagerstown:
1. Render final decisions pertaining to amendments to the Zoning Map of the City of Hagerstown and this Land Management Code.
 2. Adopt the Comprehensive Plan and any amendment thereto.
 3. Appoint members of the Planning Commission, Board of Zoning Appeals and Historic District Commission.
 4. Accept and/or appropriate funds for the expenses of the Planning Commission, Board of Zoning Appeals, Historic District Commission and Planning Department.

5. Exercise all additional authority, power and duties granted by the City Charter and Maryland Law.

D. Authority. This Chapter and its subsequent components are established in accordance with:

1. The applicable provisions of the Charter of the City of Hagerstown.
2. The applicable provisions of Article 66B of the Annotated Code of Maryland.
3. The applicable provisions of Sections 5-1601 through 5-1612, Natural Resources Article, Annotated Code of Maryland, as pertaining to Forest Conservation Programs.
4. Federal Emergency Management Agency, 44 Code of Federal Regulations.

E. Applicability. This Chapter applies to all properties within the corporate limits of the City of Hagerstown, Maryland. Except as hereafter specified, no land, building, structure or premises shall be used, subdivided or altered, and no building or part thereof or other structure shall be located, erected, reconstructed, extended, enlarged, converted or altered except in conformity with the provisions of this Code.

F. Consistency with the Comprehensive Plan. This Chapter and its component parts have been prepared in accordance with, and is generally consistent with goals and policies of the Comprehensive Plan.

G. Coordination with Other Chapters. The use of buildings and land within the City is subject to all other regulations, whether or not such other regulations are specifically referenced in this Chapter. References to other regulations or provisions of this Chapter and Code are for the convenience of the reader. Lack of a cross reference does not mean that other regulations do not apply.

Where the provisions of this Chapter impose greater restrictions than those of any statute, other regulations, or ordinance, the provisions of this Code shall prevail. Where the provisions of any Federal, State or City statute, ordinance or regulation impose greater restrictions than these Regulations, the provisions of such Federal, State or City statute, regulation, or ordinance shall prevail.

H. Interpretation. - Interpretation and application of the provisions of this Chapter shall be regarded as the basic and minimum requirements for the protection of public health, safety, comfort, convenience and general welfare. The meaning of any and all words, terms or phrases in this Chapter shall be construed in accordance with Article 3 of this Chapter.

This Chapter contains numerous graphics, illustrations and drawings in order to assist the reader in understanding and applying the law. However, to the extent that there is any inconsistency between the text of this Chapter and any such graphic, illustration or drawing, the text shall control unless otherwise provided in the specific section.

I. Severability. Should any Article, Section, Subsection, or provision of this Chapter be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the

validity or constitutionality of this Chapter as a whole, or any part thereof other than the part so declared to be invalid or unconstitutional.

- J. Permits and Certificates.** No development 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.
- K. Violations and Enforcement.** Violations and enforcement of this Chapter shall be in accordance with Article 8, and any specific provision of individual Articles of this Chapter.
- L. Uses or Developments Rendered Nonconforming by the Adoption of this Chapter.** This Chapter is the re-codification of four previously existing chapters of the City Code (Zoning, Subdivision, Floodplain Management and Forest Conservation) into a single unified Chapter, with minor content amendments, effective on September 26, 2008. It is the intent that the original effective date of these ordinances shall continue in full force and effect. Should content changes adopted with this re-codification result in zoning, subdivision, flood plain management or forest conservation nonconformity on property, the effective date of this Chapter shall constitute dates of amendment of the affected existing ordinance(s). Any zoning, subdivision, floodplain management or forest conservation plan in process prior to the effective date of this chapter shall be allowed to proceed under the terms of the Ordinances in effect prior to the adoption of this Chapter.

AMENDMENTS TO THE LAND MANAGEMENT CODE

The following content is not part of the adopted Land Management Code, nor should be cited as such. This chart is provided by the Planning Department as a general reference guide to amendments made to the Code for the reader's convenience.

File Number Effective Date	Section(s)	Description
ZT-2008-01 October 23, 2008	4.O.3.e 3.C	Parking space requirements for shopping centers Create definition of "Gross Leasable area".
ZT-2008-03 May 28, 2009	4.U.7.c 4.U.8.b	Expanded authority of Board of Zoning Appeals to hear variances for lot area and lot area per dwelling unit requirements.
ZT-2008-02 June 26, 2009	3.C 4.E 4.F 4.H	Add definitions of "mixed-use building", "mansion apartment house", "stacked apartment units" and "master planned project", and amend definition of "courtyard apartment". Create N-MU, and D-MU Districts Repeal the C-3 District Create the I-MU District

ZT-2009-01 Nov. 26, 2009	3.C 4.F 5.I.5, 6 and 7	Create definition of “dormitory” Comprehensive revision to commercial district regulations Move site plan standards from Article 4, Section F to Article 5.
ZT-2009-03 Jan. 21, 2010	4.J.3 and 4	Create Local Conversion Overlay District.
ZT-2009-02 Feb. 25, 2010	3.C 4.D.2.a 4.D.2.c 4.K.7 4.U.8.a	Create definition of “home workstation” Remove provisions for home occupations Add “home workstation” as an accessory use to residential uses. Creates performance standards for “home workstations”. Removes special exception criteria for home occupations and self-storage mini-warehouses.
ZT-2009-04 July 22, 2010	3.C 4.B.2, 4.D.2, 4.E.2 4.F.2, 4 H.2	Creates three definitions for types of residential care facilities. Amends use charts to delineate where these uses are permitted.
ZT-2010-01 March 24, 2011	3.C 4.K.8	Creates three definitions for wind energy systems and one definition for solar collection systems. Creates regulation for the placement of wind and solar energy collection systems.