

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
AND ZONING MAP OF THE CITY OF HAGERSTOWN**

WHEREAS; pursuant to the provisions of Article 4, Zoning, of the Land Management Code of the City of Hagerstown, Maryland, an application for rezoning and zoning map reclassification was made by **EKLUND FAMILY, L.L.C.**;

WHEREAS; said application for zoning classification and amendment to the Zoning Map and Zoning Ordinance is known and designated as Case No. ZM-2021-01;

WHEREAS; the Mayor and City Council, as the duly constituted legislative body for the City held a Public Hearing in compliance with said Ordinance on March 22, 2022, wherein the Applicants and the general public were given an opportunity to fully present evidence and information pertinent to the request for zoning classification amendment and amendment to the Zoning Ordinance;

WHEREAS; the Mayor and City Council, prior to and subsequent thereto, have complied with all of the provisions of the General Laws of the State of Maryland and the Zoning Ordinance for the City of Hagerstown;

WHEREAS; said Mayor and City Council do find and determine in this case, based on said Public Hearing and the evidence presented therein, and having considered all of the criteria as set forth by the laws of the State of Maryland and the Zoning Ordinance, did on May 24, 2022, take formal action to approve the Local Conversion District Overlay for the property designated as **4 CYPRESS STREET**, Hagerstown, Maryland.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council for Hagerstown, Maryland, that the Zoning Reclassification and Zoning Map Amendment requesting Case No. ZM-2021-01 for a Local Conversion District Overlay and is hereby granted pursuant to the conditions and requirements set forth in the Opinion and Findings of Fact, attached hereto as **Exhibit A** and incorporated herein by reference.

WITNESS:

MAYOR AND CITY COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND



Donna K. Spickler, City Clerk

By: 

Emily Keller, Mayor

PUBLIC HEARING: 03/22/2022
DATE OF INTRODUCTION: 04/26/2022
DATE OF PASSAGE: 05/24/2022
EFFECTIVE DATE: 06/24/2022

**EXHIBIT "A" ZONING
RECLASSIFICATION APPLICATION NO. ZM-2021-01**

Applicant: Eklund Family, L.L.C.
Location: 4 Cypress Street
Hagerstown, Maryland 21740

OPINION AND FINDINGS OF FACTS

The foregoing matter was heard at Public Hearing by the Mayor and City Council on March 22, 2022, in accordance with the provisions of the Zoning Ordinance for the City of Hagerstown, Maryland.

FINDINGS OF FACT

The property which is the subject of the proposed map amendment is located at 4 Cypress Street. The proposal was filed by the owner of the property. The tract consists of 0.227 acres. The property currently contains a mixed-use building which was constructed prior to 1977. The owner represented to the Mayor and City Council that it is the owner's intent to continue the use of one dwelling unit and reuse the existing office space for additional commercial uses.

The proposal is in accordance with the provisions for a Local Conversion District as set forth in the Land Management Code, Article 4, Zoning, including the following:

1. A Local Conversion District Overlay is permitted in the underlying zoning district of RMOD (Residential Moderate Density);
2. The building was constructed and configured for mixed-use prior to 1977;
3. The building will be re-occupied as last occupied with 1 dwelling unit and 1 commercial space. The commercial space may be occupied by:
 - Professional offices;
 - Administrative support offices;
 - Business and professional offices;

- Ambulatory health care services; and
 - Scientific and technical services.
4. The building is oriented toward Cypress Street and has additional frontage on Potomac Avenue, both public streets;
 5. The total land area of the subject parcel is approximately 9904 square feet, which is below the maximum square footage allowed of 20,000 square feet of land area;
 6. No additions to the building are proposed;
 7. Outdoor vending machines are prohibited and none are proposed; and
 8. Outdoor storage is not allowed, with the exception of display of merchandise at convenience and grocery stores if historically a part of a use on the subject property which is not applicable in this case.

The Local Conversion District Overlay was designed to allow the adaptive reuse of pre-1977 commercial and mixed-use buildings embedded in residential districts on small lots, provided they are reviewed individually so that the proposal is complimentary to the residential nature of the area in which it is located. This site was analyzed for this application and the following conditions were approved and endorsed by the Planning Commission:

1. Modifications to the building shall be in accordance with the proposal; and
2. Additional parking shall be provided to accommodate the new commercial use and will require a site plan.

CONCLUSION

Therefore, the Mayor and City Council find that those matters contained in the staff analysis and presented by the applicants at the Public Hearing on March 22, 2022, to be true and accurate, and that all procedural requirements prerequisite to approval of the Local Conversion District Overlay by

this Body have been met. The Mayor and City Council find as a matter of fact that the proposal generally does not violate the spirit and intent of the Zoning Ordinance. We further find that the approval of the proposed Local Conversion District Overlay modification will not materially or adversely affect adjoining properties provided that the two (2) enumerated conditions are adhered to.

MAYOR AND COUNCIL FOR THE
CITY OF HAGERSTOWN, MARYLAND

By: 

Emily Keller, Mayor

