

CITY OF HAGERSTOWN, MARYLAND

**AN ORDINANCE TO AMEND THE CODE
OF THE CITY OF HAGERSTOWN TO REVISE CHAPTER 140, *LAND
MANAGEMENT CODE***

RECITALS

WHEREAS, by virtue of State Law and 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 has recommended amendments to the *Land Management Code* to provide more flexibility for small-scale breweries, distilleries, and wineries while providing opportunity for neighbor input for larger facilities; and

WHEREAS, the Mayor and Council find it in the best interests of the citizens to move forward with the following amendment ahead of action on the Planning Commission's forwarded package of proposed amendments and to revise Chapter 140 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 foregoing recitals be and are incorporated herein as if restated verbatim.
2. The Code of the City of Hagerstown is hereby amended to revise Chapter 140, *Land Management Code*, as follows:
 - Modify the definition of Small-Scale Breweries, Wineries, and Distilleries to 25,000 square feet;
 - Remove the prohibition on outdoor speaker systems for Small-Scale Breweries, Wineries, and Distilleries; and
 - Amend the Chart of Permitted and Special Exception Uses in Section Z of Article 4, Zoning Ordinance, to permit Small-Scale Breweries, Wineries, and Distilleries up to 25,000 square feet by Special Exception in CC-MU and C zoning districts and in CG,

0-21-15


POM, IR, and IG zoning districts in industrial buildings built before October 1, 1956.

Please see attached exhibits.

3. This amendment to the Code of the City of Hagerstown shall become effective immediately upon the effective date of this Enacting Ordinance.

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



Donna Spickler, City Clerk

MAYOR AND COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND



Emily Keller, Mayor

DATE OF INTRODUCTION: 9/28/21
DATE OF PASSAGE: 10/26/21
EFFECTIVE DATE: 11/26/21

0-21-15

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2021-02	Is this a new issue or one previously discussed?	Previous
Version: 2	Is this new text proposed since last discussion in need of initial review?	
	Is this revised text in need of confirmation that it conforms to prior editorial direction?	
Summary: Minor changes to 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. Expand maximum floor area.		

Article 3: Definitions

SMALL SCALE BREWERY, DISTILLERY, WINERY - an establishment 25,000_sq.ft. 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 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 license which may be required by Washington County, the City of Hagerstown, and/or the State of Maryland. (*Zoning*)

Article 4: Zoning

Section Z: Chart of Permitted and Special Exception Uses

STAFF NOTE: See next page for use chart revisions.

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.		P									P			
Small Scale Brewery, Distillery, Winery; 25,000 gross square feet or less in building area, with or without outdoor tables.		SE									SE			
Small Scale Brewery, Distillery, Winery; 25,000 gross square feet or less in building area, in industrial buildings built before October 1, 1956, with or without outdoor tables.				SE		SE			SE	SE				