

ORDINANCE NO. ORD-2026-15

AN ORDINANCE TO AMEND THE ZONING MAP
FOR WASHINGTON COUNTY, MARYLAND
(RZ-26-003)

Pursuant to the provisions of Section 7A.0 *et seq.* of the Zoning Ordinance for Washington County, Maryland (*Zoning Ordinance*), Michael Godinez, the Applicant, has petitioned the Board of County Commissioners of Washington County, Maryland (*Board*), seeking to rezone 0.72 acres from Residential Multi-Family (RM) to Highway Interchange (HI).

The matter has been designated as Case No. RZ-26-003.

This application was reviewed by the Planning Commission, and the Planning Commission recommended that the application be approved.

The Board has considered all information presented at the public hearing conducted on July 21, 2026, and the recommendation of the Planning Commission. The Board has made factual findings and conclusions of law that are set forth in the attached Decision. The findings of fact and conclusions of law are incorporated herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of County Commissioners of Washington County, Maryland, that the property which is the subject of Case No. RZ-26-003 be, and hereby are, designated as Highway Interchange (HI).

IT IS FURTHER ENACTED AND ORDAINED that the official Zoning Map for Washington County be, and hereby is, amended accordingly. The Director of Planning and Zoning shall cause the Zoning Map to be amended pursuant to this Ordinance.

Adopted and effective this 21st day of July, 2026.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND


Dawn L. Marcus, Clerk

BY: 
John F. Barr, President

Approved as to form and
legal sufficiency:


Zachary J. Kieffer
County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740

BEFORE THE
BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

DECISION
Rezoning Case RZ-26-003

Property Owner:	Tracy Greene, FB Real Estate, LLC
Applicant:	Michael Godinez
Requested Zoning Change:	RM – Residential, Multifamily, Transition to HI – Highway Interchange
Property:	18132 and 18128 Maugans Avenue (the “Property”)

An application to rezone the properties located at 18128 and 18132 Maugans Avenue in Hagerstown, MD from a Residential Multi Family (RM) designation to a Highway Interchange (HI) designation was submitted on February 19, 2026. Pursuant to Md. Code Ann., Land Use § 4-204 and Washington County Zoning Ordinance (the “Zoning Ordinance”) § 27.3, the Board of County Commissioners of Washington County, acting upon the Applicant’s Request, makes findings of fact with respect to the matters set forth in the Zoning Ordinance. We also consider the recommendation of the Planning Commission which was made in this case, the present and future transportation patterns, the relationship of the proposed reclassification to the Comprehensive Plan, and whether there has been convincing demonstration that the proposed rezoning would be appropriate and logical for the subject property. After considering the recommendation of the Planning Commission and hearing evidence presented by the Applicant at a Public Hearing on July 21, 2026, the Board will grant the requested zoning map amendment and makes the following Decision, which adopts the findings of the Staff Report and Planning Commission, as well as the Applicant’s arguments.

“Change or Mistake Rule”

When rezonings are not part of a comprehensive rezoning by the governing body, individual map amendments (aka piecemeal rezonings) are under an obligation to meet the test of the “Change or Mistake” Rule. Land Use §4-204(b). The Rule requires proof by the applicant that there has been either: a substantial change in the character in the neighborhood since the last comprehensive zoning plan (2012), or a mistake in designating the existing zoning classification.

As part of the evaluation to determine whether the applicant has proven whether there has been either a change or mistake in the zoning of a parcel, the Maryland Annotated Code Land Use Article § 4-204(b)(1) and the Washington County Zoning Ordinance state that the local legislative body is required to make findings of fact on at least six different criteria in order to ensure that a consistent evaluation of each case is provided. Those criteria include:

- 1) population change; 2) the availability of public facilities; 3) present and future transportation patterns; 4) compatibility with existing and proposed development for the area; 5) the recommendation of the planning commission; and 6) the relationship of the proposed amendment to the local jurisdiction's Comprehensive Plan.*

Even when the change or mistake has been sufficiently sustained, it merely allows the local governing body the authority to change the zoning; it does not require the change. The new zone must be shown to be appropriate and logical for the location and consistent with the County's Comprehensive Plan.

Criteria Analysis

Location:

The proposed rezoning site is two parcels located on the northern side of Maugans Avenue, approximately .30 miles northwest of Interstate 81. The total acreage of the parcels that are the subject of this rezoning is 0.72 acres.

Population Analysis

The Property is located within the Maugansville Election District (#13). As shown in the table in the Planning Commission Staff Report, the population in this district has grown 19% over the thirty-year period (0.63% per year) while the County has grown 21.6% (0.72% per year). Maugansville Election District saw the highest percentage of growth between the years 2000-2010 at 8.0%.

Availability of Public Facilities: Water and Sewer

The adopted Water and Sewerage Plan for the County establishes the policies and recommendations for public water and sewer infrastructure to help guide

development in a manner that helps promote healthy and adequate service to citizens. By its own decree, the purpose of the Washington County Sewerage Plan is "...to provide for the continued health and well-being of Washington Countians and our downstream neighbors..."¹. This is achieved through implementing recommendations within the County Comprehensive Plan and the Water and Sewerage Plan to provide for services in a timely and efficient manner and by establishing an inventory of existing and programmed services.

A. Water

W1-Existing Service (City of Hagerstown)

The Property is served by existing (W-1) public water facilities as they are located within the Urban Growth Area. This area has water service provided by the City of Hagerstown which also owns the distribution system. The surrounding area is also designated W-1 and served by the City.

B. Sewer

W-1 Existing Service (County)

The Property is served by existing (W-1) public sewerage facilities within the Urban Growth Area. The County owns the collection system and handles the effluent treatment at the Conococheague Wastewater Treatment Plant. Nearly all adjacent properties are also designated W-1 and served by the same treatment facility.

C. Fire and Emergency Services

The Property is located within the service area of the Maugansville Goodwill Volunteer Fire Company. Their station is located approximately 0.4 miles away from the Property; Community Rescue Service provides the nearest emergency rescue services, located 0.3 miles away.

D. Schools

¹ Washington County, Maryland Water and Sewerage Plan 2009 Update, Page I-2

The requested zoning classification, Highway Interchange (HI), does not permit residential development. Therefore, there would be no school capacity mitigation requirements for pupil generation under the County's Adequate Public Facilities Ordinance.

Present and Future Transportation Patterns

A. Road Access

The Property is located on Maugans Avenue. Maugans Avenue is functionally classified as Urban Minor Arterial.

B. Traffic Volume

The County's Division of Engineering collected single day traffic counts at five locations in the vicinity of the site in 2016 and 2022.

As shown in the table in the Planning Commission Staff Report, the highest traffic volume was recorded on Maugans Avenue with 9,847 vehicles, ~850' east of the rezoning site. The second highest volume was recorded at the intersection of Shawley Drive and Maugans Avenue with 2,532 vehicles. All but two locations recorded an increase in traffic volume between 2016 and 2020.

C. Future Road Improvements

According to a review of short- and long-term transportation planning documents, there is a project currently slated to occur in the immediate vicinity of the subject parcel on County, state or federal roads.

Improvements to the I-81 interchange at Maugans Avenue east of the site is identified in both the Hagerstown Eastern Panhandle Metropolitan Planning Organization's Long Range Transportation Plan (LRTP) and the Highways Plan of Washington County's Comprehensive Plan in the Transportation Chapter. According to the LRTP, the work will not be completed before the 2027-2035 time frame.

D. Public Transportation

This area is served by Route 443 of the County Commuter. Route 443 travels between the Washington County Transit Center in Hagerstown and the town of Williamsport. The route operates six days per week, between Monday and Saturday.

Compatibility with Existing and Proposed Development in the Area

A. Zoning

The Property is currently zoned Residential Multifamily (RM) and are requesting to change to Highway Interchange (HI). The purpose of the HI zoning district is:

*"to provide suitable locations for commercial activities or light industrial land uses that serve highway travelers, provide goods and services to a regional population, or uses that have a need to be located near the interstate highway system to facilitate access by a large number of employees, or the receipt or shipment of goods by highway vehicles. In addition to providing accessible locations, the Highway Interchange District is intended to protect the safe and efficient operation of the interchange and to promote its visual attractiveness..."*²

The HI Zoning District does not define its own individual permitted uses. The district instead pulls permitted uses from the BL, BG, PB, and ORT districts as well as IR with the exception of heliports and Commercial Communications Towers. The applicant for this rezoning did not state their intended use.

B. Land Use in the Vicinity

The proximity of the major transportation interchange influences the nature of the land use in the area. The portion of Maugans Avenue that the Property is on includes a mix of residential and commercial uses. The Seneca Ridge development sits directly north of the subject parcels, containing a mixture of single and multifamily structures.

There are a large number of commercial businesses on Maugans Avenue. Allegheny AG, United Auto Workers Union, and a commercial building to house seven businesses are located in the immediate vicinity of the subject parcels. The

² Washington County Zoning Ordinance, Article 19

west side of Maugans Avenue is predominantly devoted to commercial use. Maugansville lies just west of the rezoning site. Holsinger's Meat Market and Maugansville Creamery give way to residential land use.

C. Historic Resources.

Another important component of compatibility is the location of historic structures on and around the parcels being proposed for rezoning. According to the Washington County Historic Sites Survey there are zero existing historic sites located within an approximately ½ mile radius of the proposed rezoning area.

Relationship of the Proposed Change to the Adopted Plan for the County:

The purpose of a Comprehensive Plan is to evaluate the needs of the community and balance the different types of growth to create a harmony between different land uses. In general, this is accomplished through evaluation of existing conditions, projections of future conditions, and creation of a generalized land use plan that promotes compatibility while maintaining the health, safety, and welfare of the general public.

The Property is located in the sub-policy area High Density Residential. The Comprehensive Plan offers the following definition for this policy area:

*"High Density Residential areas are located in close proximity to existing urban cores. Residential uses associated with this area include single-family and two-family residences, triplexes, quadplexes, townhouses, and multi-family structures."*³

Discussion

The property in question is located on the left side of Maugans Avenue. As discussed above, this side of Magens Avenue is dominated by large commercial developments. At the time that these parcels were zoned as RM commercial development in the area was limited. This has changed. The current makeup of the area directly surrounding these parcels is now dominated by commercial developments. Additionally, all Maugans Avenue parcels located on the west side of I-81, with the sole exceptions of the two subject parcels, are zoned HI. This

³ 2040 Washington County, Maryland Comprehensive Plan, 14-22

means that the subject parcels are both physically and functionally isolated from any other property zoned RM. This leads the Board to believe that a mistake was made in the original zoning designation.

CONCLUSION

Based on the information provided by the Applicants in the initial application, further analysis by Staff and the recommendation of the Planning Commission, the Board of County Commissioners believes that there is sufficient evidence submitted to meet the burden for this Board to find both a substantial change and a mistake in rezoning the Properties to RM and support the application of HI – Highway Interchange to the subject area.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY,
MARYLAND



Dawn L. Marcus, Clerk

BY:



John F. Barr, President

Approved as to form and legal sufficiency:



Victor Scarpelli
Assistant County Attorney