

**Planning Commission
MINUTES – Special Meeting**

**September 5, 2018
City of Hagerstown, Maryland**

Douglas S. Wright, Jr., chair, opened the meeting at 7:03 p.m., on Wednesday, September 5, 2018, in the Conference Room, Fourth Floor, City Hall. Also present were commission members J. Stone, R. Thomas, and J. Wheeler. The following staff members were present: K. Maher, Director of Planning and Code Administration Department; S. Bockmiller, Development Planner/Zoning Administrator; M. Flick, Planner; and D. Calhoun, Secretary.

SPECIAL MEETING

Roll Call.

Mr. Wright noted that commission members Stone, Thomas, and Wheeler were present.

Land Management Text Amendments.

(The packet material is in the meeting file.)

Amendment 2.16 (from Policy Inquiry 3.2): Based on the discussion on August 29 staff re-wrote Article 4, Zoning, Section M.12. to add Board of Zoning Appeals review of the exterior building elevations as part of the special exception application for expansions of nonconforming residential uses in a nonconforming mixed-use building. Mr. Bockmiller pointed out that this section is written so that a building must be a valid, nonconforming use (not an expired nonconforming use). Planning Commission members agreed that expired nonconforming uses should not fall under this provision.

Commission members had no concerns with staff's re-write.

Amendment 2.22 (Page 21 of the handout dated August 31): Based on the commission's concerns at the August 29 meeting, staff made adjustments to Amendment 2.22 to make a distinction between Assisted-Living Facilities and Rehabilitation Centers. Overall commission members agreed that staff's revisions addressed the concerns from the last meeting. "Continuing Care Retirement Community" should be allowed in the INST and RH zones and anywhere a PUD would be permitted. As an aside, Mr. Wright noted that there are many uses being proposed for the POM (Professional Office Mixed) District which are large land uses such as primary/secondary schools, public parks, hospitals. This amendment would allow large uses to use land that could otherwise be developed with modern office buildings. Mr. Stone believed that recreational facilities should be allowed everywhere to encourage green space and recreation.

Staff noted that POM uses will come back for review in future text amendments.

Article 4, Section O, Off-Street Parking (page 22 of August 31 memo): Staff suggested requiring ½ space per bed; Mr. Wright stated that the parking requirements need to cover the largest shift plus an additional requirement for visitors. Commission members settled on covering the largest shift and adding one space per four beds. This would apply to nursing homes, resident rehab centers, and nursing homes.

Article 4, Section Z (page 23 of August 31 memo): Continuing Care Retirement Communities should be permitted by right in an RH zone. Mr. Bockmiller questioned independent living cottages, duplexes and/or quadraplexes and how the requirement for every dwelling to be on its own lot would apply. Commission members advised that there should be a distinction between other housing-type uses and “active adult” communities.

Amendment 1.34 (Page 28-29 of Text Amendment Package): The fence regulations section was restructured for clarity. The only change is to allow vinyl fences in front yards. Planning Commission members were agreeable to allowing vinyl fences in the front yard; however, Mr. Bockmiller will look into the different gauges of vinyl fencing.

Tiny Houses: This is a new amendment to the package. Staff suggested using universal standards for minimum square footage. This would prevent people from developing an undersized lot with a tiny house. The Building Code is being modified to allow tiny homes but the Zoning Ordinance is silent on them. Commission members agreed with staff and stated that the Zoning Ordinance should be consistent with the Building Code.

Graphics Package:

Change “graphics” to “signs” throughout the section. A definition must be created to differentiate them from graphics (which are elements of signs).

Page 3, Section 2.b.: Correct the numbering issue.

Page 5, Section 4.b.: In the first line add “nonresidential” before “occupants.”

Page 8, Section 6.a.: The paragraph after the chart at the top of the page should be moved to the Off-Premises Sign Ordinance. Staff will reach out to the local political parties and the Board of Realtors to make them aware of this change since this change will affect the size of signs that can be placed on properties. Otherwise the commission had no changes to this amendment.

Page 8, Section 6.b.: This amendment would limit the size of signs to 100 square feet per public street frontage. Mr. Bockmiller will add language to cover real estate signs for vacant tracts. Commission members were okay with this amendment.

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Page 9, Section 6.h.: This was added to address amortization of nonconforming signs. Permanent signs would be grandfathered; temporary signs would have to come into compliance within 180 days. Vacation Bible School signs would technically be considered off-premise signs and would not be regulated under the Zoning Ordinance.

The public review meeting for the 2018 Land Management Code Text Amendments package will be held at the commission's September 26 meeting.

Adjourn. It was moved and seconded that the meeting adjourn (9:10 p.m.)

9/26/2018

Approved



Debra C. Calhoun - Secretary