

**Planning Commission  
MINUTES – Special Meeting**

**February 6, 2019  
City of Hagerstown, Maryland**

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Douglas S. Wright, Jr., chair, opened the meeting at 7:00 p.m., on Wednesday, February 6, 2019, in the Conference Room, Fourth Floor, City Hall. Also present were commission members C. Davis, S. McIntire, C. Ploscaru, 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**

Mr. Wright announced that the Maryland Planning Commissioners Association will be sponsoring a free workshop in Hagerstown on March 29. The seminar will be held at the University of Maryland System-Hagerstown campus between 10:00 a.m. and 3:00 p.m. A light lunch will be served to attendees and education sessions will include: “Nuts and Bolts” of being a planning commissioner; ethics; an overview of resources available online for planning commission members; and networking opportunities. A mailer will be sent out next week.

**Roll Call.**

All commission members were present

**Approval of Minutes:**

**December 19, 2018 –Regular Meeting.**

**MOTION:** (Wheeler/Thomas) I’ll move approval of the minutes.

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

**January 9, 2019 –Regular Meeting.**

**MOTION:** (McIntire/Wheeler) I’ll move approval of the minutes of January 9, 2019.

**DISCUSSION:** None.

**ACTION:** APPROVED (Unanimous)

**Development Review:**

None.

**Planning Commission Business:**

**Land Management Code Amendments:**

*Input on Proposed Temporary Sign Changes.* (See supporting documentation in meeting file.) Representatives from PenMar Association of Realtors and the Washington County Republican Central Committee provided suggestions and comments concerning the language in the packet that was remanded back to the commission by the Mayor and Council.

By way of background for the commission’s guests, the chair explained why the City must revise its regulations for signage so it will be in compliance with the United States Supreme Court decision (Reed v. Town of Gilbert [“Gilbert”]). As a result of “Gilbert” signs cannot be regulated based on content or message. Hagerstown’s current sign regulations are not “Gilbert” compliant; Mr. Bockmiller noted that there are currently nine exemptions that permit temporary signs based on content. However, the proposed text amendments overhaul the regulations regarding temporary signs based on the Town of Gilbert’s language.

Nancy Allen, Michael Draper, and Michael Stanford presented PenMar Association of Realtors suggestions for changes to the language. As realtors they are in business to market properties and to do that, adequate signage is critical. PenMar provided the following input:

- Section 2.4. – Delete the prohibition on “flying banners, blade signs, signs that use fans or natural wind or air movement to generate movement” and also delete the existing prohibition on “streamers, pennants, and similar products.”
- Section 2.8. – Delete the prohibition on glass entry doors being completely covered by signage. The current requirements state that 100% of glass doors be left clear; the proposed amendment reduces that requirement to 50%. The intent of this prohibition is for safety concerns; however, since solid doors are permitted commission members also questioned the reason behind this requirement.
- Section 6.a. – Increase the maximum allowable size for temporary signs in residential districts from six square feet to 12 square feet and from six feet tall to seven feet tall.

- Section 6.a. – Increase the maximum allowable height for temporary signs in commercial and nonresidential uses in residential districts from six feet to 10 feet.
- Section 6.a. – Increase the length of time allowed for temporary signs for events from one day (the day of the event) to five days for an open house and 14 days for other events (such as auctions) to promote activity in advance of the event.
- Section 6.c. – Delete the proposed limitation of no more than one temporary banner sign per parcel or use and use a cumulative square footage limitation instead.
- Section 6.c. – Double the square footage sizes proposed for temporary banner signs.
- Section 6.c. – Increase the amount of time allowed to remove temporary banners from one day to seven days.
- Section 6.c. – Remove “permit required” proposal for temporary sign banners. Staff noted that some banners require a building permit. The applicable code would determine whether a permit is necessary.
- Section 6.c. – Delete the proposed prohibition on fluorescent colors for temporary sign banners.

Randy Leatherman of the Washington County Republican Central Committee stated that there should be no limitation on the number of political candidate signs a property owner can have on their property, citing Free Speech concerns. He was opposed to the proposed cap on the length of time signs can be placed (120 days). Political candidates need at least 180 days based on election cycles. He was not condoning signs that are inappropriately placed such as in rights-of-way or where they create a hazard by blocking sight distances.

Staff noted that the discussion points raised at this meeting need to be presented to the Mayor and Council on February 12. Those present at this meeting will be kept informed of what is being considered by the Mayor and Council. In order to keep the package of amendments on track, Planning Commission members were in favor of extracting the temporary sign language from the package of amendments to allow for further research. Mr. Bockmiller will reach out to one of the attorneys who has been giving seminars on this issue to see what they have seen as examples in other jurisdictions.

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**MOTION:** (Stone/Thomas) I move that we go forward with the amendments without the temporary sign amendments.

**DISCUSSION:** None.

**ACTION:** APPROVED (ABSTAIN - McIntire)

*Group Homes.* (See supporting documentation in meeting file.)

Proposal 2.3 – Request to eliminate the 24-hour on-site supervision requirement and the requirement for off-street parking. The Mayor and Council are considering dropping these requirements from the proposed text amendments. Most commission members expressed support for dropping the 24-hour on-site supervision requirement because of the expense. Ms. Wheeler pointed out that the nature of this type of housing situation is different because of sharing issues (bathroom, kitchen, living room). The potential for conflict among residents could be greater which is why the commission added the on-site supervision requirement.

Commission members agreed to recommend a cap of 16 rooming house units for zoning districts other than CG. In the CG zoning district rooming houses could have more than 16 units but only after obtaining a special exception from the Board of Zoning Appeals and on-site supervision. Facilities with fewer than 16 rooms would not be required to have on-site supervision.

Concerning the off-street parking requirement, the Mayor and Council believe it would be too onerous to require off-street parking. Commission members were not in favor of eliminating the off-street parking requirement.

**Adjourn.** It was moved and seconded that the meeting adjourn (9:05 p.m.)

2/27/2019

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Approved



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Debra C. Calhoun - Secretary