

Douglas S. Wright, Jr., chair, called the meeting to order at 4:04 p.m., on Wednesday, May 2, 2012, in the Conference Room, Fourth Floor, City Hall. Also present were commission members M. Brubaker, D. Gysberts, J. Stone, R. Thomas, and J. Wheeler. The following staff members were present: S. Bockmiller, Development Planner/Zoning Administrator; A. Rohrbaugh, Planner; and D. Calhoun, Secretary.

SPECIAL MEETING

Land Management Code - Review of Second Draft

Following up from the last meeting, Mr. Bockmiller informed the commission that he spoke to the City Attorney regarding the definition of "Owner." The City Attorney strongly advised against using the proposed language; therefore, there will be no change to the definition. Second, regarding the question about whether the Zoning Administrator should be able to make administrative amendments to the zoning map, the City Attorney believes the proposed language is sufficient to allow the Zoning Administrator to make administrative corrections to the zoning map. Instances where administrative changes might be necessary include interpretations of the location of zoning lines or minor amendments in the case of a split zoning. The commission recommended no change to the proposed language.

Article 4 - Zoning Ordinance:

Discussion began with Section K, "Supplementary Regulations" on page 4-79.

- Page 4-80, a, second paragraph - Delete the word "required" in the middle of the sixth line.
- Page 4-82 - The printing error on the graphics will be corrected.
- Page 4-83, 9 - The length of time that a POD can be located on a site was changed to 30 days instead of 14 days.
- Page 4-84, 11 - Staff added language prohibiting farm animals within the City limits. As clarification, Mr. Bockmiller stated that the amendment is aimed at "kept" vs. "wild" animals. There was discussion about the possibility of the City bringing back equestrian activities at Fairgrounds Park. Mr. Bockmiller believed that this would not be a violation since the animals are not being permanently kept at the Fairgrounds. However, if the City began boarding horses at Fairgrounds Park it would become an issue.
- Page 4-87, 13 - Language was added regarding temporary contractor staging areas. At the request of the commission, additional language will be added about requiring a letter of authorization from the property owner as part of the application. (Mr. Stone arrived.)

- Page 4-91, 4, b - Staff was directed to clean up and simplify this language. Mr. Bockmiller entered it as new material in the Use Chart. There has been a recent proliferation of bailbonds offices downtown. Staff added them to the Zoning Ordinance in an attempt to spread them out and amortize them like adult businesses (bailbonds offices cannot locate within 500 feet of Public Square and specified distances are required between them). Several commission members were opposed to limiting bailbonds offices. Mr. Stone felt it is logical to allow them near a court. Staff stated that many bailbonds now work out of their cars and use their cell phones. The only purpose for a storefront is for advertising. Nonconforming bailbonds offices would be subject to amortization. Under the proposed regulations, bailbonds offices would be permitted in the C2, POM, I-MU, IR and IG zoning districts. Ms. Wheeler stated that she has heard complaints about and noticed the proliferation of bailbonds offices. Staff stated that the proposed language has been discussed all the way up the management chain in City Hall. Mr. Wright said the the result could be empty stores, but he is not convinced it is a good reason to pursue this amendment. He felt it was a slippery slope: first adult businesses, now bailbonds offices. What's next? Mr. Bockmiller asked that the language remain for the public hearing. Mr. Wright said to strike it and if the Mayor and Council wants to put it back in, they can. Mr. Bockmiller suggested as an alternative that bailbonds offices be a permitted use in CCMU with a prohibition within 500 feet of Public Square. A majority of commission members were agreeable with that compromise.
- Page 4-97, b, (2) - Delete the italicized staff note.
- Section Q, Wireless Communications - Staff was directed to delete references to "Staff-Approved Site Plan" and change to "Minor Site Plan."
- Page 4-114, 2, a, (1) - Add "or" at the end of the fourth line. Staff was asked to look at this section again to simplify it.
- Page 4-115 (2) - The last words in the last line should be "Subsection (1) above" rather than "Sec. S."
- Page 4-120, b - Add wording that visibility from public ways includes parks and public spaces but does not include alleys.
- Page 4-137 - Simplify the first paragraph.
- Page 4-143 - The page reference for the key is wrong; it should be page 4-141.
- Page 4-147 - switch P from I-MU to IG
- Page 4-155 - There was a question as to why tattoo parlors and pawn shops are not permitted uses in the CCMU. Most commission members agreed that these uses are not undesirable. Staff recommended that pawn shops continue to be prohibited in the CCMU since they tend to be a problem for the Police Department. Mr. Rohrbaugh noted that tattoo parlors are prohibited inside the Revitalization Area. The commission also asked that the reference to Section F.2.b.4. be deleted in this line on the chart and on Page 4-41, delete "and 'Other Personal Care' Businesses."

- Page 4-160 - Add bus stations as a permitted use in the CCMU, as long as they meet the criteria listed.

Article 5 - Subdivision and Land Development Ordinance

Mr. Bockmiller pointed out that most of the changes involved moving items out of Article 4 that pertain to design standards.

- Page 5-29, 2, s - Mr. Stone stated that Washington County's ordinance contains minimum requirements for open space, where as the City requires more open space. It was Mr. Stone's belief that it should be the opposite. Cities should be less concerned with open space than counties. Mr. Bockmiller stated that staff is indifferent. Mr. Brubaker said the commission should take into consideration the quality of life for City residents. Mr. Bockmiller recommended eliminating the last two lines in the chart on page 5-32. The commission was agreeable to that change.
- Page 5-51, 1, a - In the first paragraph, change the threshold for site plans from 200 square feet to 500 square feet.
- Page 5-51, 1, a - In the second paragraph, third line, insert "of"; in the fourth line, strike "staff-approved" and insert "minor"; and in the fifth line, after "(2)," insert "b below" before "when in his or her judgement . . ."
- Page 5-52, 2 - Remove staff note from the heading.
- Page 5-71 - A photograph of a Food Lion on the Eastern Shore will be added as an illustration.
- Page 5-65 - Crepe Myrtle is an understory tree, not a canopy tree.
- Page 5-79, 7, a - There was consensus among commission members to leave this paragraph as written and leave it up to staff and the commission to exercise reasonable discretion.

Article 8 - Appeals, Violations and Penalties:

This section is more consolidated. Mr. Stone will review the changes and meet with staff.

Article 7 - Forest Conservation

No changes to the Forest Conservation Ordinance.

Article 6 - Floodplain Management

The state of Maryland has provided a new model ordinance. There are a few items that are variables that the state has given local jurisdictions discretion to decide for themselves on how to

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interpret. One such item is whether the City wants to require that buildings be built a foot higher than the base flood elevation. The definition would remain the same, just the built height requirement would change. The commission recommended leaving the built height at one foot.

In addition, staff will compare the existing definitions with the proposed definitions. As a result, some changes may be necessary to the definitions section. Staff also noted that the existing floodplain areas will be revised, most likely reduced in size.

The model ordinance has two alternatives for the definition of historic structures. The commission decided to use the first definition.

Staff requested permission to advertise the Land Management Code revisions for a public review meeting at the end of May.

MOTION: (Gysberts/Wheeler) I move we direct staff to proceed to public hearing.
DISCUSSION: None.
ACTION: APPROVED (ABSTAIN - Brubaker)

Adjourn: It was moved and seconded that the meeting adjourn at 6:05 p.m.

5/30/2012
Date

DC Calhoun
Debra C. Calhoun - Secretary