

Mayor and Council Work Session November 6, 2018 Agenda

*"A diverse, business-friendly, and sustainable community with clean, safe and strong neighborhoods."
"Providing the most efficient and highest-quality services as the municipal location of choice for all
customers."*

“The creation of a thousand forests is in one acorn.” - Ralph Waldo Emerson

EXECUTIVE SESSION

3:15 PM 1. Executive Session

4:00 PM SPECIAL SESSION

1. Approval of an Ordinance: Amending Section 173-5 of the Code of the City of Hagerstown - *Public Exhibitions at Dangerous Elevations*
2. Approval of Change Order for Sidewalk Accessibility

4:00 PM WORK SESSION

4:10 PM 1. Christkindl Event Update

4:20 PM 2. Continued Discussion of Beautification of Railroad Overpasses - *Rodney Tissue, City Engineer*

4:35 PM 3. 2018 Land Management Code Amendments - *Kathleen Maher, Director of Planning and Code*

5:15 PM 4. Administration Goal Setting 2018-2020 - Mayor & Council

CITY ADMINISTRATOR'S COMMENTS

MAYOR AND COUNCIL COMMENTS

ADJOURN

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Executive Session

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Approval of an Ordinance: Amending Section 173-5 of the Code of the City of Hagerstown
- *Public Exhibitions at Dangerous Elevations*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

I hereby move for the Mayor and City Council to approve the attached Ordinance to amend the Code of the City of Hagerstown, Section 173-5, entitled *Public Exhibitions at Dangerous Elevations*. The amendment will enable the Mayor and Council to grant an exception to the prohibition against being engaged or concerned in any show or public exhibition by ropes, chains or apparatus suspended at dangerous elevation above the ground, subject to such restrictions and conditions as the Mayor and Council may impose.

Action Dates:

DATE OF INTRODUCTION:	10/23/2018
DATE OF PASSAGE:	11/6/2018
EFFECTIVE DATE:	12/6/2018

ATTACHMENTS:

File Name

110618_Approval_Ordinance_173-5_Dangerous_Elevations.pdf

Description

Approval of an Ordinance:
Section 173 - Dangerous
Elevations

REQUIRED MOTION

MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND

DATE: November 6, 2018

TOPIC: **Approval of an Ordinance: Amending Section 173-5 of the Code of the City of Hagerstown - *Public Exhibitions at Dangerous Elevations***

Charter Amendment	—
Code Amendment	—
Ordinance	<u>X</u>
Resolution	—
Other	—

MOTION: I hereby move for the Mayor and City Council to approve the attached Ordinance to amend the Code of the City of Hagerstown, Section 173-5, entitled *Public Exhibitions at Dangerous Elevations*. The amendment will enable the Mayor and Council to grant an exception to the prohibition against being engaged or concerned in any show or public exhibition by ropes, chains or apparatus suspended at dangerous elevation above the ground, subject to such restrictions and conditions as the Mayor and Council may impose.

DATE OF INTRODUCTION:	10/23/2018
DATE OF PASSAGE:	11/6/2018
EFFECTIVE DATE:	12/6/2018

CITY OF HAGERSTOWN, MARYLAND

**AN ORDINANCE TO AMEND THE CODE
OF THE CITY OF HAGERSTOWN, SECTION 173-5 THEREOF, ENTITLED
*PUBLIC EXHIBITIONS AT DANGEROUS ELEVATIONS***

RECITALS

WHEREAS, by virtue of State Law and the City Charter, the City of Hagerstown has the authority to protect and preserve the health of the City and its inhabitants; and

WHEREAS, by virtue of State Law and the City Charter, the City of Hagerstown has the authority to regulate amusements; and

WHEREAS, the Mayor and Council desire to amend Section 173-5 of the Code of the City of Hagerstown to include a provision enabling the Mayor and Council to grant an exception to the prohibition against being engaged or concerned in any show or public exhibition by ropes, chains or apparatus suspended at a dangerous elevation above the ground, provided that appropriate restrictions and conditions are required; and

WHEREAS, the Mayor and Council believe it to be in the best interest of its citizens to do so;

NOW, THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Council of the City of Hagerstown, Maryland, as its duly constituted legislative body, as follows:

1. The foregoing recitals are incorporated herein by reference.
2. Chapter 173 of the Code of the City of Hagerstown, § 173-5, is hereby amended to include a provision enabling the Mayor and Council to grant an exception to the prohibition against being engaged or concerned in any show or public exhibition by ropes, chains or apparatus suspended at a dangerous elevation above the ground, provided that appropriate safety measure are instituted:

§ 173-5. Public exhibitions at dangerous elevations.

- A. It shall be unlawful for any person within the corporate limits of the City to be in any manner engaged or concerned in any show or public exhibition by ropes, chains or apparatus suspended at a dangerous elevation above the ground upon any street, alley or square or above a stage or floor if within any building.
- B. *Notwithstanding this provision, upon application or upon its own initiative, the Mayor and Council of the City of Hagerstown may permit any individual or individuals to be engaged or concerned in a show or exhibition by ropes, chains or apparatus suspended at a dangerous elevation, subject to such restrictions and conditions as the Mayor and Council may impose.*

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED THAT this ordinance shall become effective upon the expiration of thirty calendar days following its approval.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

MAYOR AND COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND

Donna K. Spickler, City Clerk

Robert E. Bruchey, II, Mayor

Date of Introduction: October 23, 2018
Date of Passage: November 6, 2018
Effective Date: December 6, 2018

PREPARED BY:
SALVATORE & MORTON, LLC
CITY ATTORNEYS

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Approval of Change Order for Sidewalk Accessibility

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

change_order_for_sidewalk_accessibility.2018.pdf

Description

Approval of Change Order
for Sidewalk Accessibility

REQUIRED MOTION
MAYOR & CITY COUNCIL
HAGERSTOWN, MARYLAND

DATE: November 6, 2018

TOPIC: Approval of Change Order for Sidewalk Accessibility

Charter Amendment	_____
Code Amendment	_____
Ordinance	_____
Resolution	_____
Other	<u> X </u>

MOTION: I hereby move for the approval of additional funding of **\$14,000** in parking funds for the *2018 Sidewalk Accessibility Ramp Contract 18-SA-03* to install ramps and replace entrances along Church Street at the public parking lots. Staff previously approved an additional \$20,000 in CDBG funds to complete accessible ramps along 2018 pavement preservation streets and the two items together exceed the maximum \$25,000 threshold for staff approval.

All work will be completed at the competitively bid contract unit prices.

I further authorize staff to issue the appropriate change orders to the contract.

DATE OF PASSAGE: 11/6/2018



CITY OF HAGERSTOWN, MARYLAND

Department of Parks and Engineering

November 6, 2018

CHANGE ORDER 02

SIDEWALK ACCESSIBILITY RAMPS
CONTRACT 18-SA-03

CONTRACTOR: SCC Corporation
5022 Odell Road
Beltsville, MD 20705

A. CHANGE TO CONTRACT

	<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>COST</u>	<u>TOTAL</u>
1.	Ramp and parking lot entrance replacement shown on Church Street . All work to be done at contract "unit" rates. Invoice separately for this work.	LS	LS	\$14,000.00
	REQUESTED BY: Engineering Department			
	REASON: As requested by Public Works			

NET COST: \$14,000.00

B. COST ESTIMATE:

The original Contract Maximum Amount:	\$103,000.00
Net cost change to Contract from previous Change Orders:	\$20,000.00
The Contract Maximum Amount prior to this Change Order:	\$123,000.00
Net cost change to Contract from this Change Order:	\$14,000.00
The new Contract Maximum Amount including this Change Order:	\$137,000.00

C. ATTACHMENTS:

Plan of work areas

D. TIME IMPACT:

All work shall be completed by December 1, 2018.

E. APPROVAL:

OWNER: CITY OF HAGERSTOWN, MD
1 EAST FRANKLIN STREET
HAGERSTOWN, MD 21740

APPROVED BY:

Rodney A. Tissue, P.E.
City Engineer

CONTRACTOR:

APPROVED BY:

Contractor's authorized representative

Date

c: Dan Poffenberger
Eric Deike

An aerial photograph of a street intersection. A prominent red, yellow, and green striped line is drawn across the road, likely indicating a proposed or existing traffic feature. The line starts near the top right, runs diagonally down towards the bottom left, and then turns left at the intersection. The surrounding area includes a large parking lot filled with cars, several buildings, and a grassy area. The image is oriented vertically, with the street running from top to bottom.



**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Christkindl Event Update

Mayor and City Council Action Required:

Discussion:

At the November 6, 2018 Mayor and City Council work session, staff and volunteers will provide an informational update on Main Street Hagerstown's Christkindl Markt event scheduled for December 1st in University Plaza. Monika Wertman will attend. Monika serves as chair of the Main Street Organization Work Group and is leading the planning group for the Christkindl Markt.

Christkindl Markt is a German Christmas shopping tradition that originated in the streets of Germany. Main Street Hagerstown will be replicating several aspects of a traditional Christkindl Markt in downtown Hagerstown to help usher in the holidays. Specifics about the event include:

What: Christkindl Markt, German Christmas Market

When: Saturday, December 1st 11 a.m. to 5 p.m.

Where: University Plaza, Downtown Hagerstown

Who: Artisan vendors, traditional German foods, musicians, Santa Claus, and kids activities

Background

Main Street Hagerstown is a program of the City Department of Community and Economic Development (DCED). More than 50 volunteers support the program through five Work Teams: 1. Promotions 2. Design 3. Clean, Safe and Green 4. Business Relations and 5. Organization. DCED obtained the State Main Street Designation for Hagerstown in October 2014.

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

110718_Christkindl_Markt.pdf

Description

Main Street Hagerstown's
Christkindl Markt



CITY OF HAGERSTOWN, MARYLAND

Department of Community & Economic Development

TO: Valerie Means, City Administrator

FROM: Amanda Whitmore, Downtown Coordinator

DATE: October 29, 2018

SUBJECT: Main Street Hagerstown's Christkindl Markt

At the November 6, 2018 Mayor and City Council work session, staff and volunteers will provide an informational update on Main Street Hagerstown's Christkindl Markt event scheduled for December 1st in University Plaza. Monika Wertman will attend. Monika serves as chair of the Main Street Organization Work Group and is leading the planning group for the Christkindl Markt.

Christkindl Markt is a German Christmas shopping tradition that originated in the streets of Germany. Main Street Hagerstown will be replicating several aspects of a traditional Christkindl Markt in downtown Hagerstown to help usher in the holidays. Specifics about the event include:

What: Christkindl Markt, German Christmas Market

When: Saturday, December 1st 11 a.m. to 5 p.m.

Where: University Plaza, Downtown Hagerstown

Who: Artisan vendors, traditional German foods, musicians, Santa Claus, and kids activities

Background

Main Street Hagerstown is a program of the City Department of Community and Economic Development (DCED). More than 50 volunteers support the program through five Work Teams: 1. Promotions 2. Design 3. Clean, Safe and Green 4. Business Relations and 5. Organization. DCED obtained the State Main Street Designation for Hagerstown in October 2014.

Attachments: Save the Date Image
Image from 2017 event

c:
Jill Thompson, Director of Community & Economic Development
Christkindl Markt Planning Group

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Continued Discussion of Beautification of Railroad Overpasses - *Rodney Tissue, City Engineer*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

beautification_of_railroad_overpasses.2.2018.pdf

Description

Beautification of Railroad
Overpasses



CITY OF HAGERSTOWN, MARYLAND

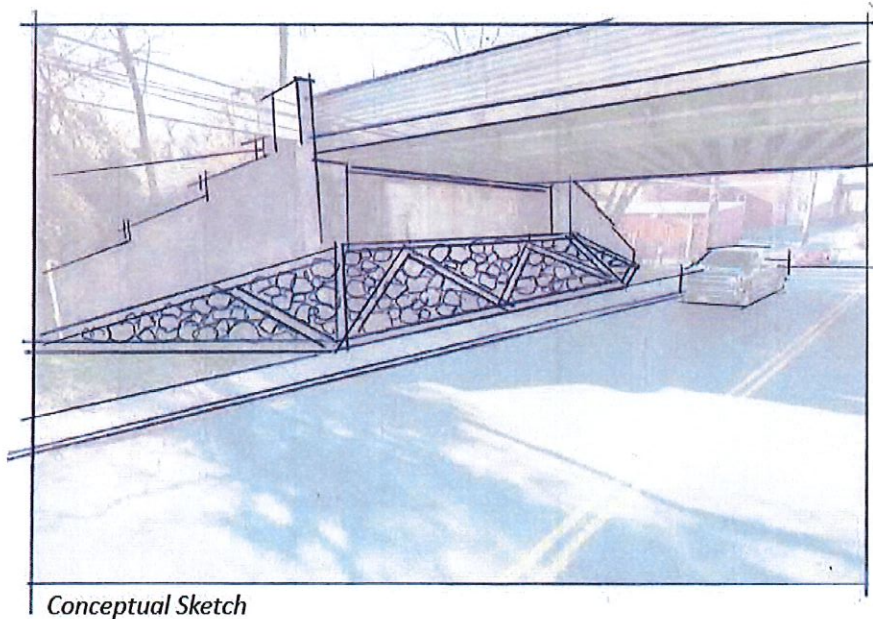
Department of Parks and Engineering

Nov 6, 2018

TO: Valerie Means, City Administrator
FROM: Rodney Tissue, Director, Parks and Engineering *Ren*
SUBJECT: Beautification of Railroad Overpasses

As a follow-up Mayor and Council discussions on October 2 and 16, as requested I obtained prices for two more options of decorative treatments under the Antietam Street bridges:

- **Option 7: Rock placed with timber frames:** The price to fill to create the slope; install weed barrier, timbers and large rock per the sketch below is \$7,000 per bridge. This can be reduced to about \$4,500 per bridge if we eliminate the "zigzag" timbers, and reduce the fill (decrease the slope).



- **Option 8: Precast concrete geometric shapes:** Sources of supply are limited for these concrete shapes. I did find these shapes:



For pricing, I assumed 10 spheres, 6 pyramids and 6 cubes (total for both bridges) and we assumed each piece would need a footing to pin the shape securely. The cost of fabricating the shapes and shipping for both bridges would be a total cost of around \$18,000. We would add another \$4,000 per bridge for installation for a total cost of \$26,000. These could be stained from the factory or painted by the local artist group.

So to summarize all the options and the costs for the Antietam Street bridges:

	Antietam Street (south side only, two bridges, each 40' wide plus sides back to abutment)
Option 1: Ornamental Fence	\$5,000 to \$12,000
Option 2: Mural Panels	\$15,000
Option 3: Decorative Panels	\$20,000 to \$30,000
Option 4: Custom Panels	\$35,000
Option 5: Gabions	\$23,000
Option 6: Dumped Rip Rap Stone	\$6,000
Option 7: Rock placed within timber frames	\$14,000
Option 8: Precast concrete geometric shapes	\$26,000

I would suggest that since we are going to endeavor to do the artistic murals on Franklin and Washington Street, Option 7 would be a reasonably attractive treatment for Antietam Street and the price is one of those lowest for all the options. Work would likely be completed this calendar year.

I also attached the Oct 16 memo for you to reference.

Staff will be available at the workshop to discuss the options.

Attachments: October 16, 2018 memo

Cc: Chief Kifer
Eric Dieke



CITY OF HAGERSTOWN, MARYLAND

Department of Parks and Engineering

October 16, 2018

TO: Valerie Means, City Administrator

FROM: Rodney Tissue, Director, Parks and Engineering 

SUBJECT: Beautification of Railroad Overpasses

As a follow-up to our discussion on October 2, attached are some additional sketches for your consideration for the treatments to the Antietam Street bridges. They include:

- Additional sketches of rock treatments
- Art treatment utilizing concrete shapes as voluntarily submitted by Lesley Whalley, a local artist

I also attached the Oct 2 memo for you to reference.

Staff will be available at the workshop to discuss the options.

*Attachments: October 2, 2018 memo
Additional Sketches of Options*

Cc: Chief Kifer
Eric Dieke



CITY OF HAGERSTOWN, MARYLAND

Department of Parks and Engineering

October 2, 2018

TO: Valerie Means, City Administrator

FROM: Rodney Tissue, Director, Parks and Engineering 

SUBJECT: Beautification of Railroad Overpasses

A. Background:

We were asked to develop ideas to beautify the railroad overpasses on Route 40, Antietam Street, and Church Street. These bridges that are utilized by Norfolk Southern Railroad and CSX Railroad were built in the 1950's as part of the grade separation projection.

B. Mayor and Council Action Requested: Review the various options and provide feedback to staff.

C. Discussion:

The sidewalks under both the Route 40 bridges at Franklin Street and Washington Street are approximately 10-feet wide so half of the sidewalk on both sides could be used for beautification.

The Antietam Street bridges are different from Route 40 in that there is a 15' area of soil between sidewalk and the southern bridge abatement. The north side has a narrow sidewalk. The options below could be placed at the back of sidewalk on the south side as only. Large heavy rock or gabion treatments could also be used at these locations too.

The Church Street bridges are also different from Route 40 in that the sidewalks are much narrower and there is no room to install any of the options.

To provide color LED lighting per the sketches, City Light requires metering and we need to cross the street to light both sides. Therefore we estimate the cost to do this type of lighting at \$30,000 per bridge. A simple, inexpensive option would be to ask City Light to replace all the current wall pack lights with an adequate number of standard LED's. This would brighten the overpasses with a white clean light.

Staff offers the following options (refer to the attached sketches):

- Option 1: Ornamental Fence:** This option includes an ornamental commercial-grade aluminum railing/fence about 6 feet high. A gate would be needed for authorized access. Estimated cost is \$40/LF to \$80/LF for fencing depending on the amount of aesthetic detail. Color to be determined. Time frame for bidding and installation is about 8 weeks.
- Option 2: Mural Panels:** This option includes a square-tube fence frame about 8-foot high and installing hardy board panels on the frame that are covered with murals. This would be a perfect, but large, project for art students because they could paint the panels in the class room and then the City would install the panels in the field. A gate would be needed for authorized access. Estimated cost is \$10/LF for the panels, \$50/LF for the frame and an allowance for art supplies. Time frame for this option would be the longest as it would take months for students to create the murals.

Parks and Recreation Division

351 North Cleveland Avenue • Hagerstown, MD 21740
Ph: 301.739.8577 Ext. 169 • Fax: 301.790.0171

Engineering Division

1 East Franklin Street • Hagerstown, MD 21740-4817
Ph: 301.739.8577 Ext. 125 • Fax: 301-733.2214

3. **Option 3: Sculpture/Decorative Panels:** This option includes finding “*off the shelf*” decorative laser-cut metal panels about six to eight feet high attached to a steel frame. A gate would be needed for authorized access. Estimated cost is between \$150/LF and \$200/LF depending on the material and complexity of design. Time frame for bidding and installation is a few months.
4. **Option 4: Custom Graphic Panels:** This option includes *custom* graphic (wording like “Hagerstown” or a positive message) panels about six or eight feet high. A gate would be needed for authorized access. Estimated cost is \$250/LF for a custom cut graphic. Time frame for bidding and installation is a few months.

The following is an estimate of cost for each option at each bridge. If color lighting is desired for any of the options (or as a stand along option), add \$30,000 per bridge for the lights:

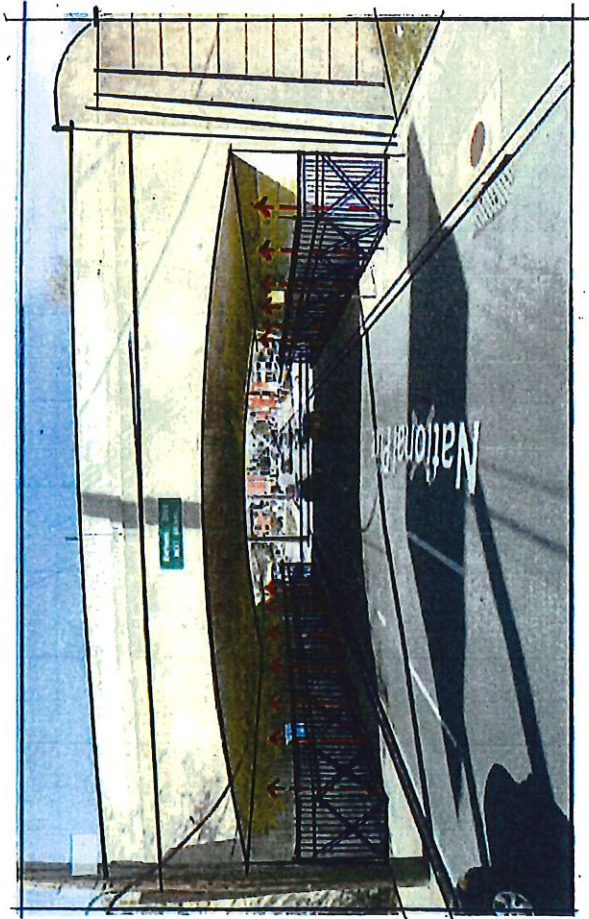
Estimated Cost for Options (<i>Without Color Lighting</i>)			
	Antietam Street (south side only, two bridges, each 40' wide plus sides back to abutment)	Washington Street (both sides, two bridges, one 45' wide and one 40' wide with 15' gap between them)	Franklin Street (both sides, one bridge 75' wide)
Option 1: Ornamental Fence	\$5,000 to \$12,000	\$10,000 to \$19,000	\$7,000 to \$15,000
Option 2: Mural Panels	\$15,000	\$20,000	\$17,000
Option 3: Decorative Panels	\$20,000 to \$30,000	\$35,000 to \$45,000	\$25,000 to \$35,000
Option 4: Custom Panels	\$35,000	\$55,000	\$45,000
Option 5: Gabions	\$23,000	N/A	N/A
Option 6: RipRap Stone	\$6,000	N/A	N/A

Staff will be available at the workshop to discuss the options.

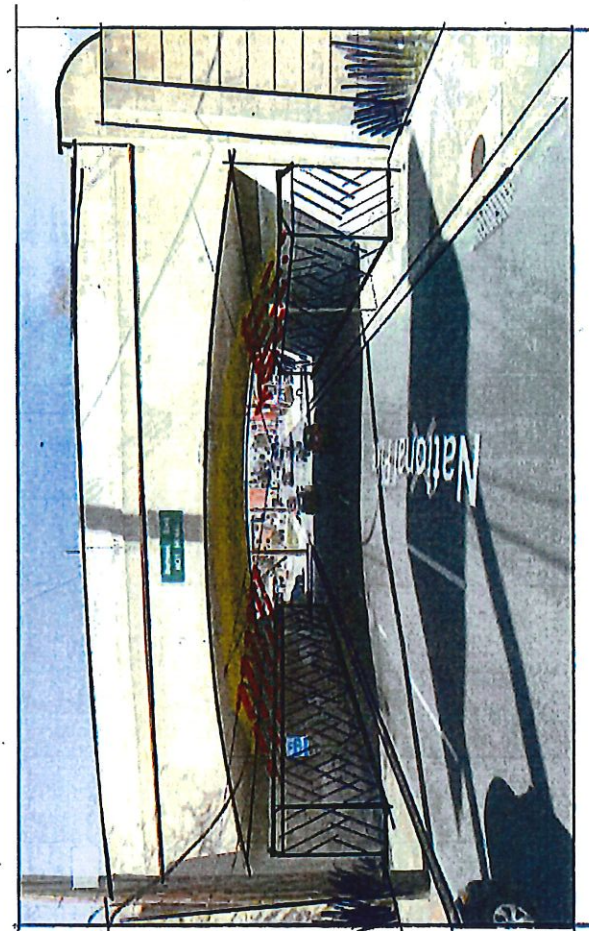
Attachments: Sketches of Options

Cc: Chief Kifer
Eric Dieke
Michael Spiker

CONCEPT - BRIDGE UNDERPASS



1. Ornamental Fence or Barrier- Ground level Uplighting Behind Barrier



2. Mural Panels - Angled Light Bar at Top of Structure

CONCEPT - BRIDGE UNDERPASS



3. Sculptural Barrier - Backlight or Halo Lighting

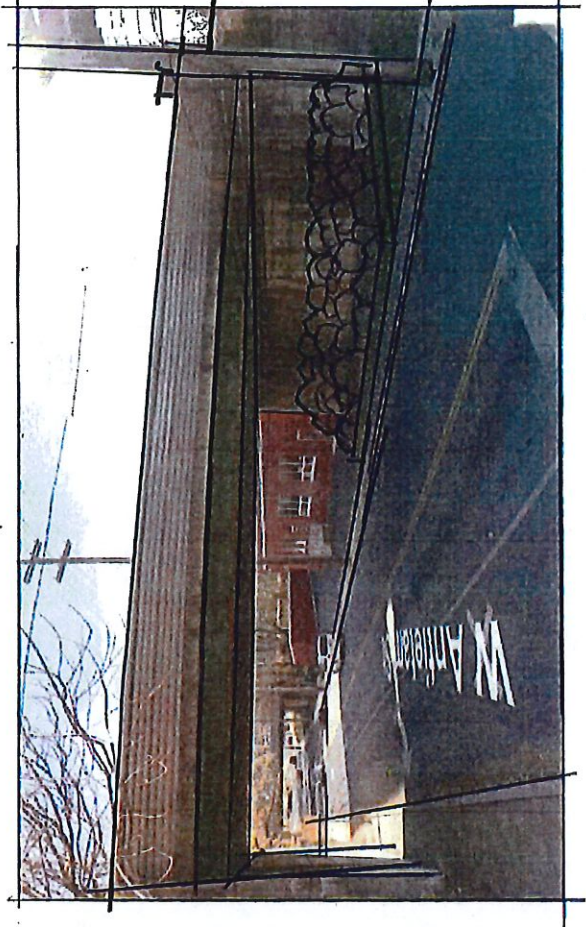


4. Graphic Panels - Backlight

CONCEPT - BRIDGE UNDERPASS

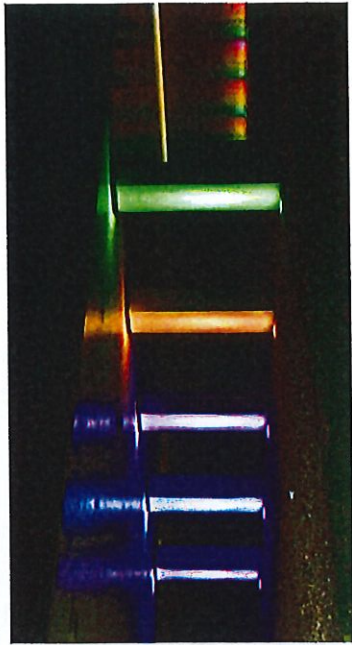
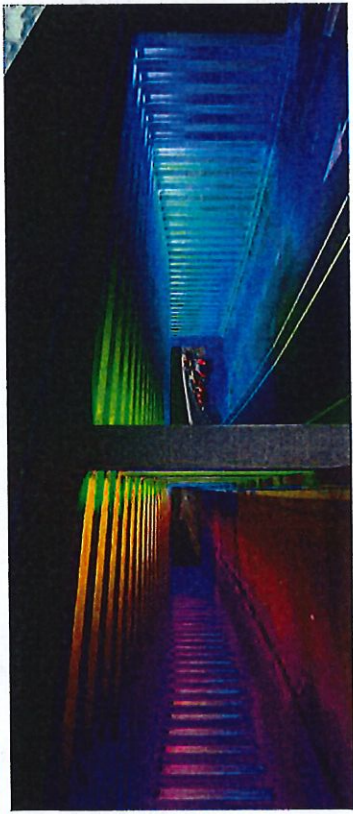
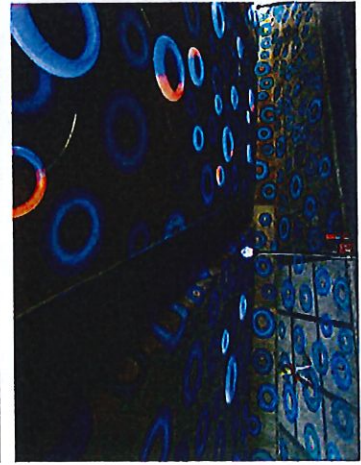
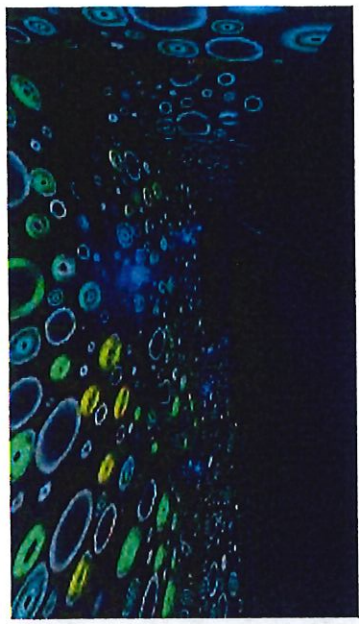


5. Stacked Stone Gabions



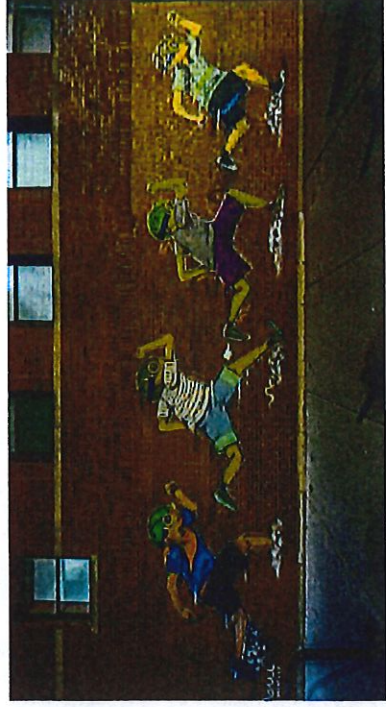
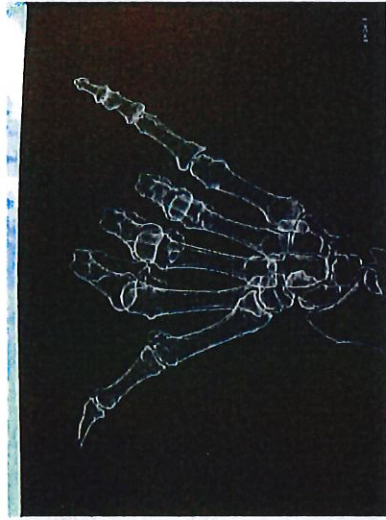
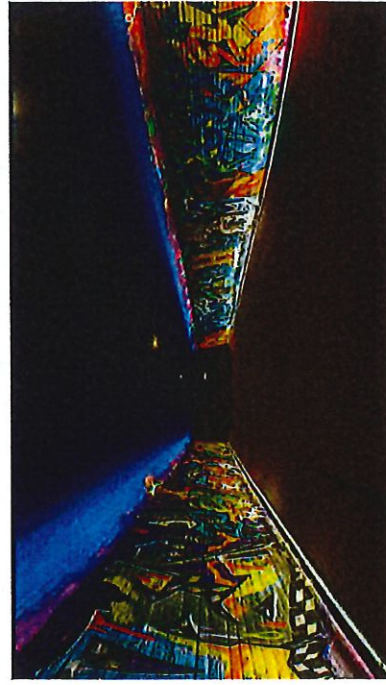
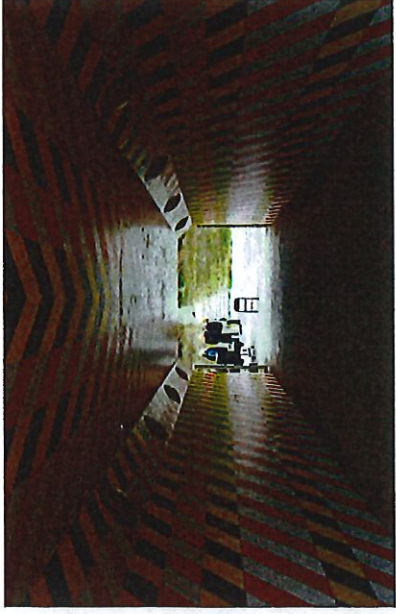
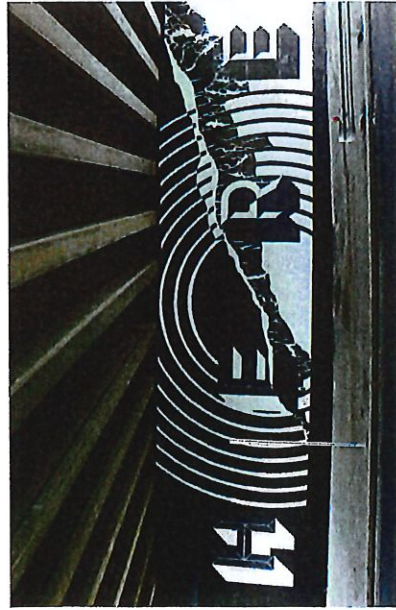
6. Piled Boulders or Stone with Steel Edge

CONCEPT - BRIDGE UNDERPASS



LIGHTING

CONCEPT - BRIDGE UNDERPASS

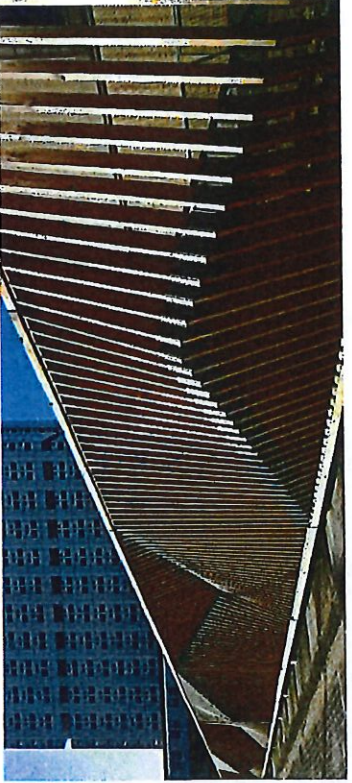
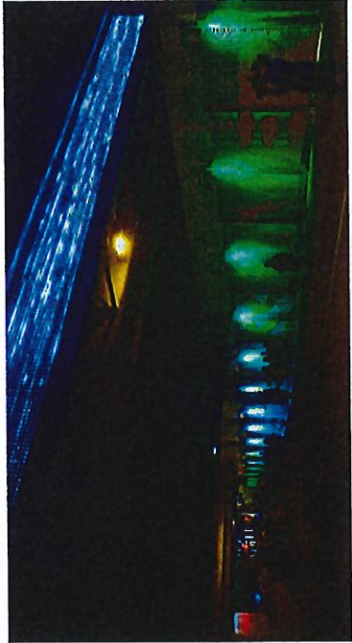
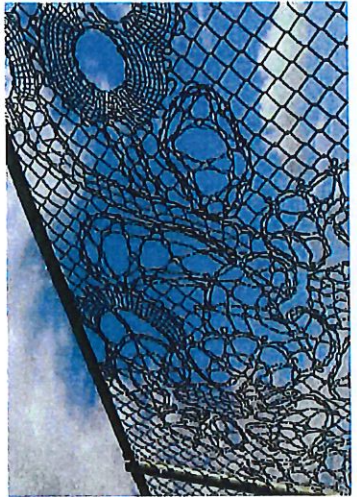
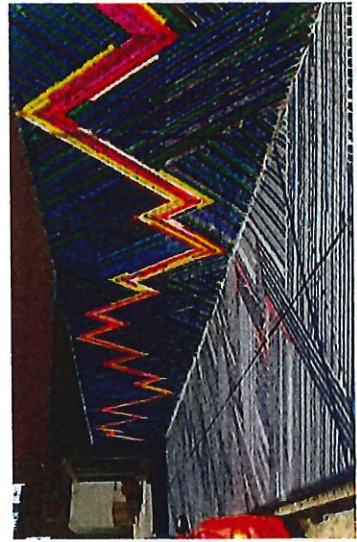
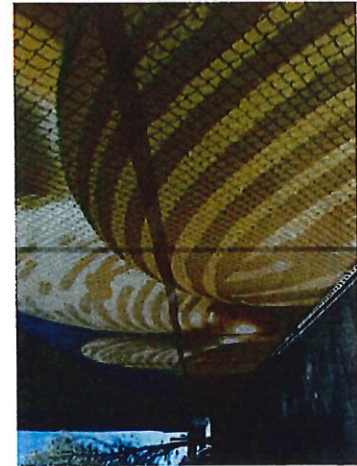


ART/MURAL

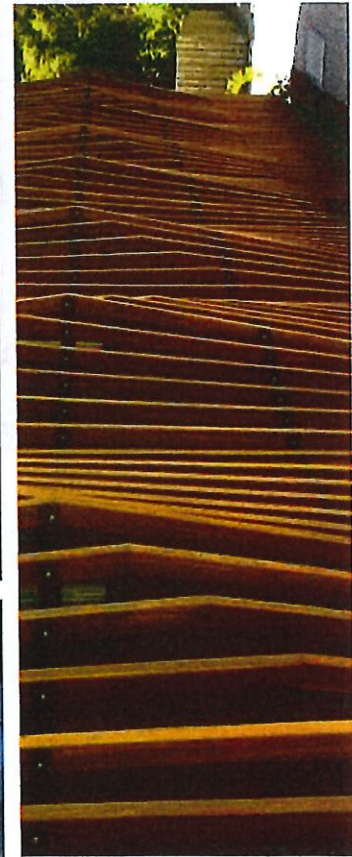
CONCEPT PLANS

MAHAN RYKIEL
ASSOCIATES INC.
September 7, 2018
HAGERSTOWN, MARYLAND

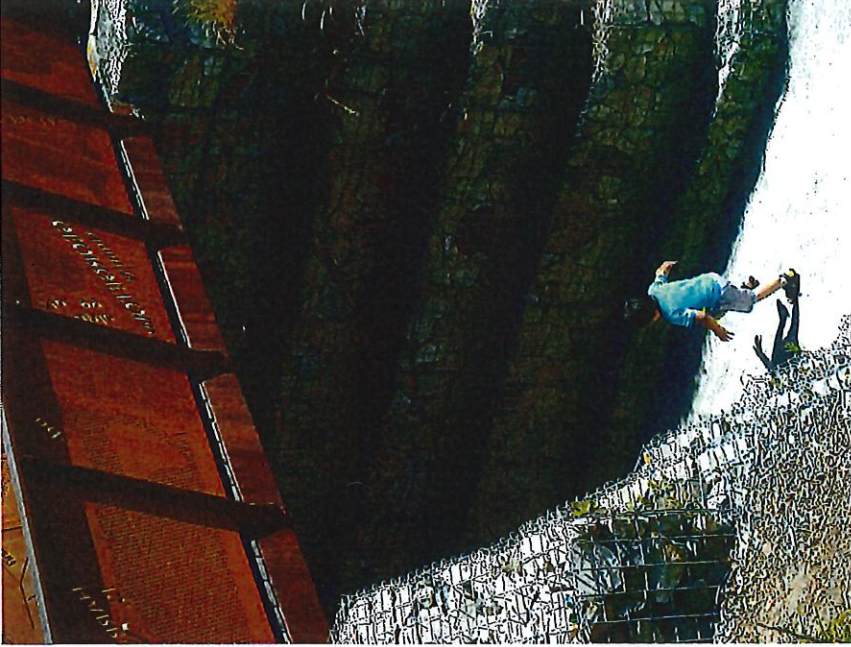
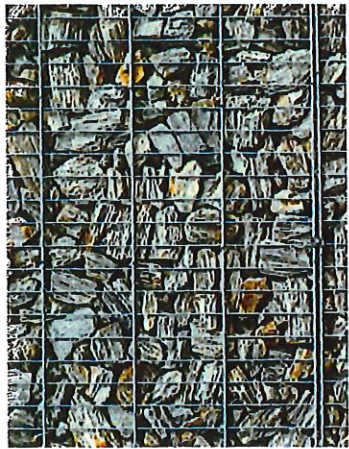
CONCEPT - BRIDGE UNDERPASS



EDGE/BARRIER



CONCEPT - BRIDGE UNDERPASS



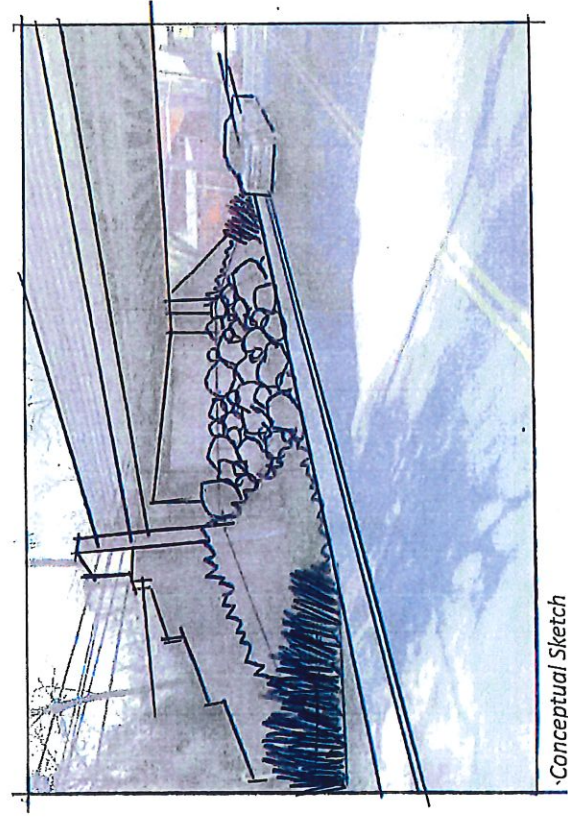
STACKED STONE & GABIONS

MAHAN RYKIEL
ARCHITECTS INC.

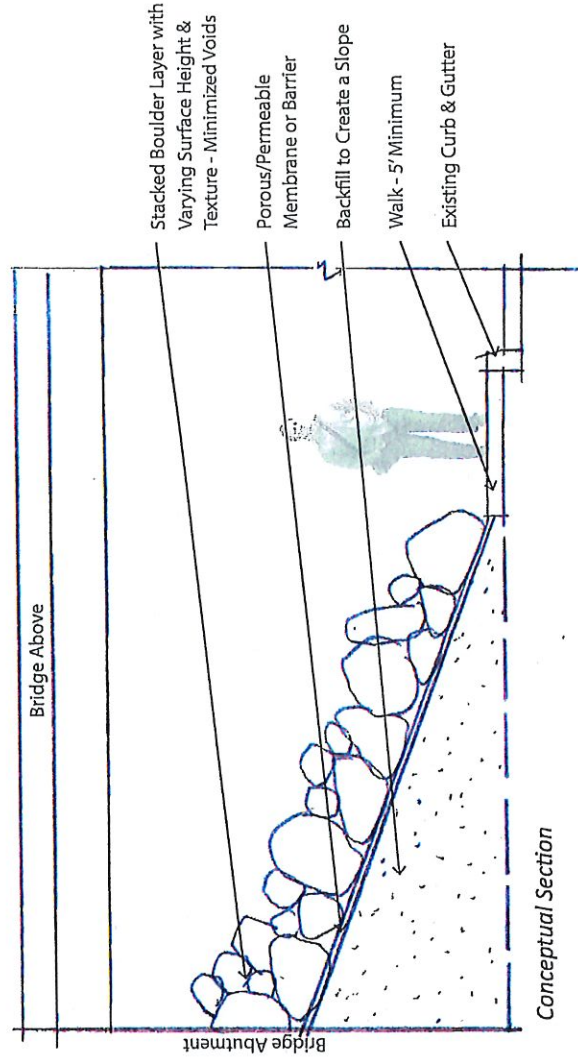
September 7, 2018

HAGERSTOWN, MARYLAND

REVISED CONCEPT - BRIDGE UNDERPASS

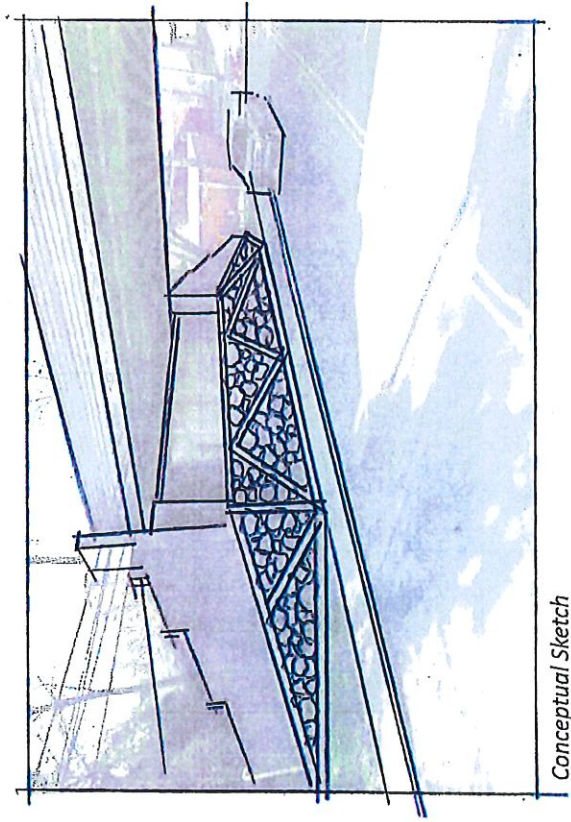


Conceptual Sketch

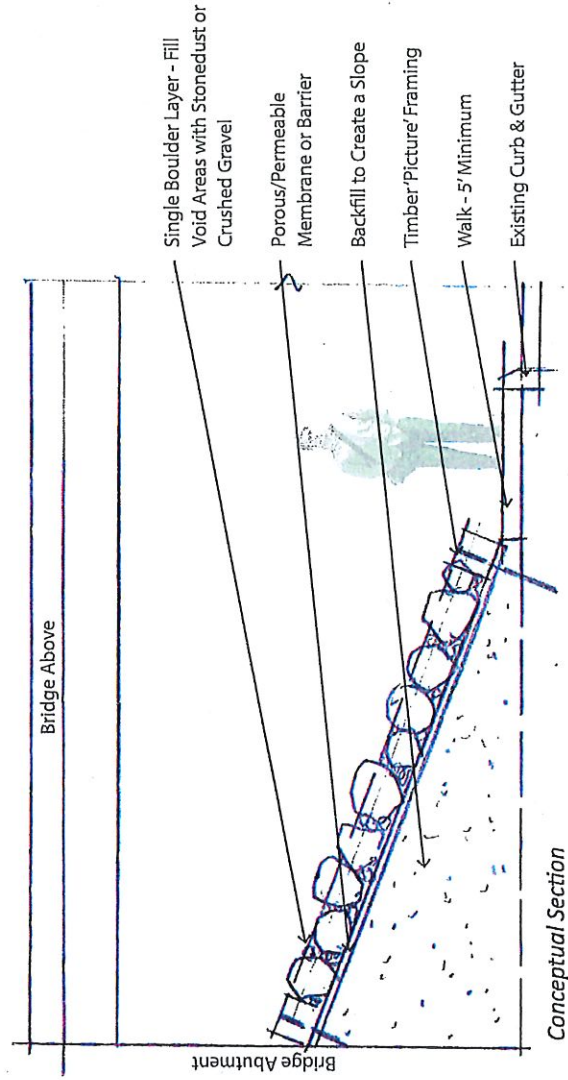


6A. Stacked Boulder Layer with Landscaped Edges
CONCEPT PLANS

REVISED CONCEPT - BRIDGE UNDERPASS



Conceptual Sketch

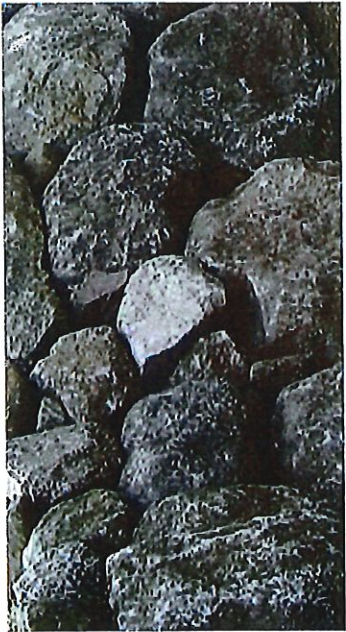
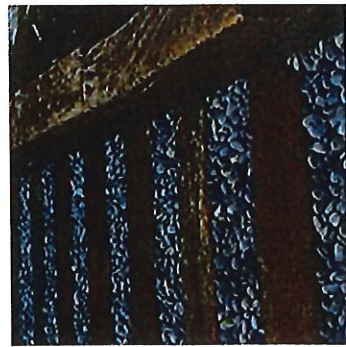


- Single Boulder Layer - Fill Void Areas with Stonedust or Crushed Gravel
- Porous/Permeable Membrane or Barrier
- Backfill to Create a Slope
- Timber 'Picture' Framing
- Walk - 5' Minimum
- Existing Curb & Gutter

6B. Single Boulder Rock Layer Framed in Reclaimed Timbers/Rail Ties

CONCEPT PLANS

REVISED CONCEPT - BRIDGE UNDERPASS



CONSIDERATIONS

Rock/Boulder Material

- Boulder or rock material should be large and heavy enough that they cannot be moved, manipulated, or thrown
- Excessive voids or crevasses between rocks should be minimized to avoid litter collection, rodent habitat, and other items to be hidden or concealed
- Boulders or rock could be placed in an artistic pattern versus traditional 'dumping' or haphazard placement
- Incorporate stone dust or smaller gravel fines to fill void/crevasse areas and create a more uniform base look between the large boulders or rocks (6B)

Timber Material

- Larger timbers (reclaimed or new) or railroad ties are an opportunity to provide a 'frame' to house the rock field areas in a more uniform, structured, architectural, or even sculptural method (6B)
- Timbers would need to be staked/rebarred into new filled areas

Slope/Backfill

- Introduce backfill to create a sloped edge back from the edge of the sidewalk to the bridge abutment providing visual interest and a further deterrent to gathering
- Carry sloped backfill out to edges of the extended abutment for landscaping (B1)

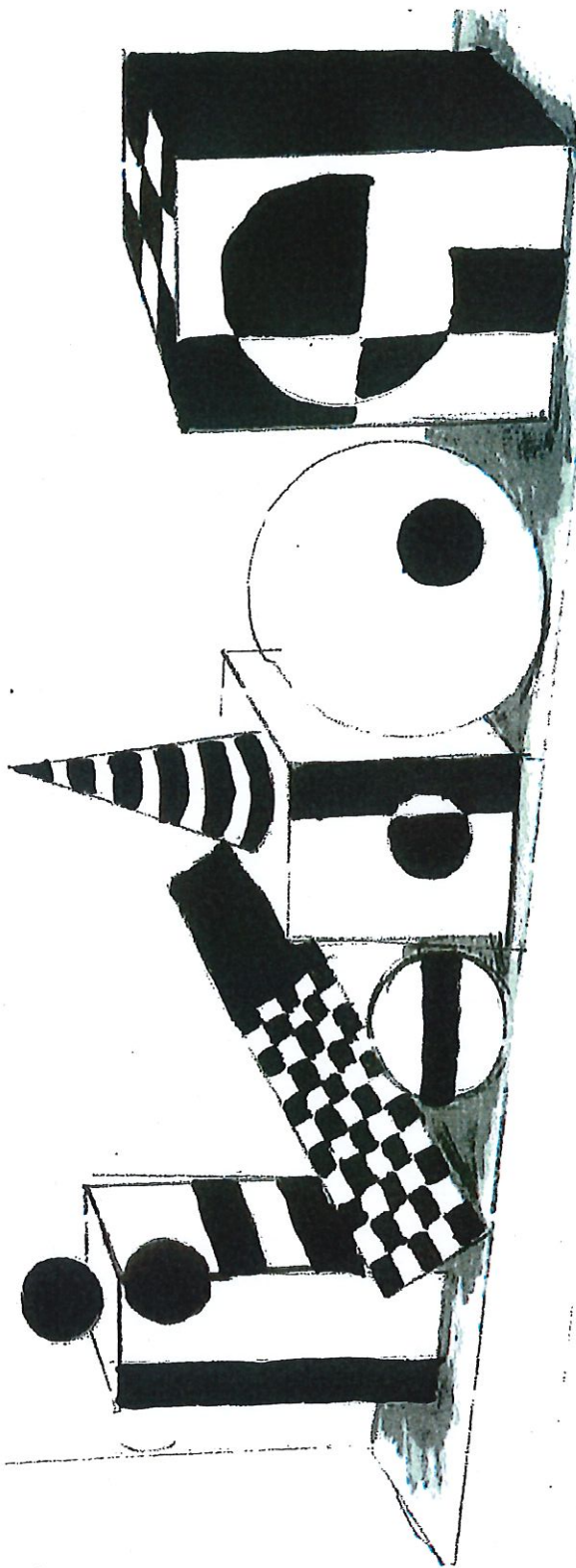
Landscape

- Utilize evergreen shrubs on the upper sloped area immediately adjacent to the bridge abutment as a backdrop (6A)
- Use ornamental grasses or smaller shrubs (lower than the evergreen shrub selection) as foreground material (6A)

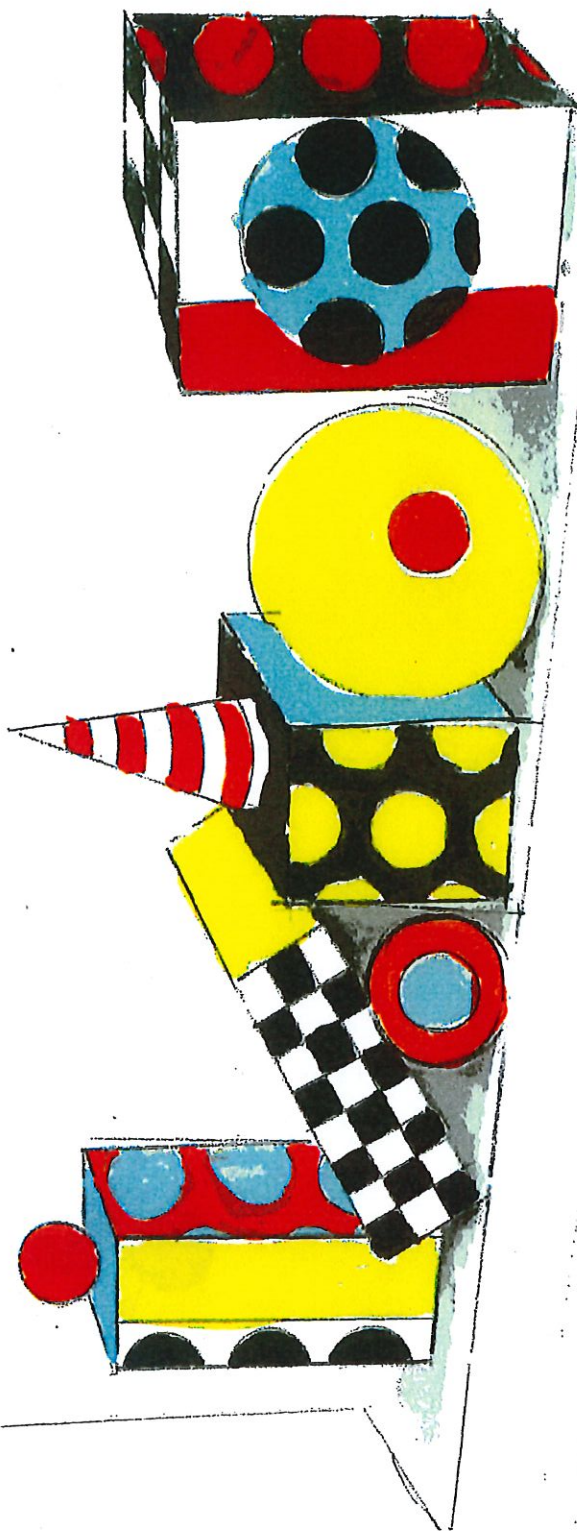
Lighting

- Lighting can be incorporated at the top of the slope with small bollard or post mount treatments to wash light over the rock/stone field area
- Lighting would help to deter wildlife, unwanted gathering, and provide a safer more inviting walkway under the bridge

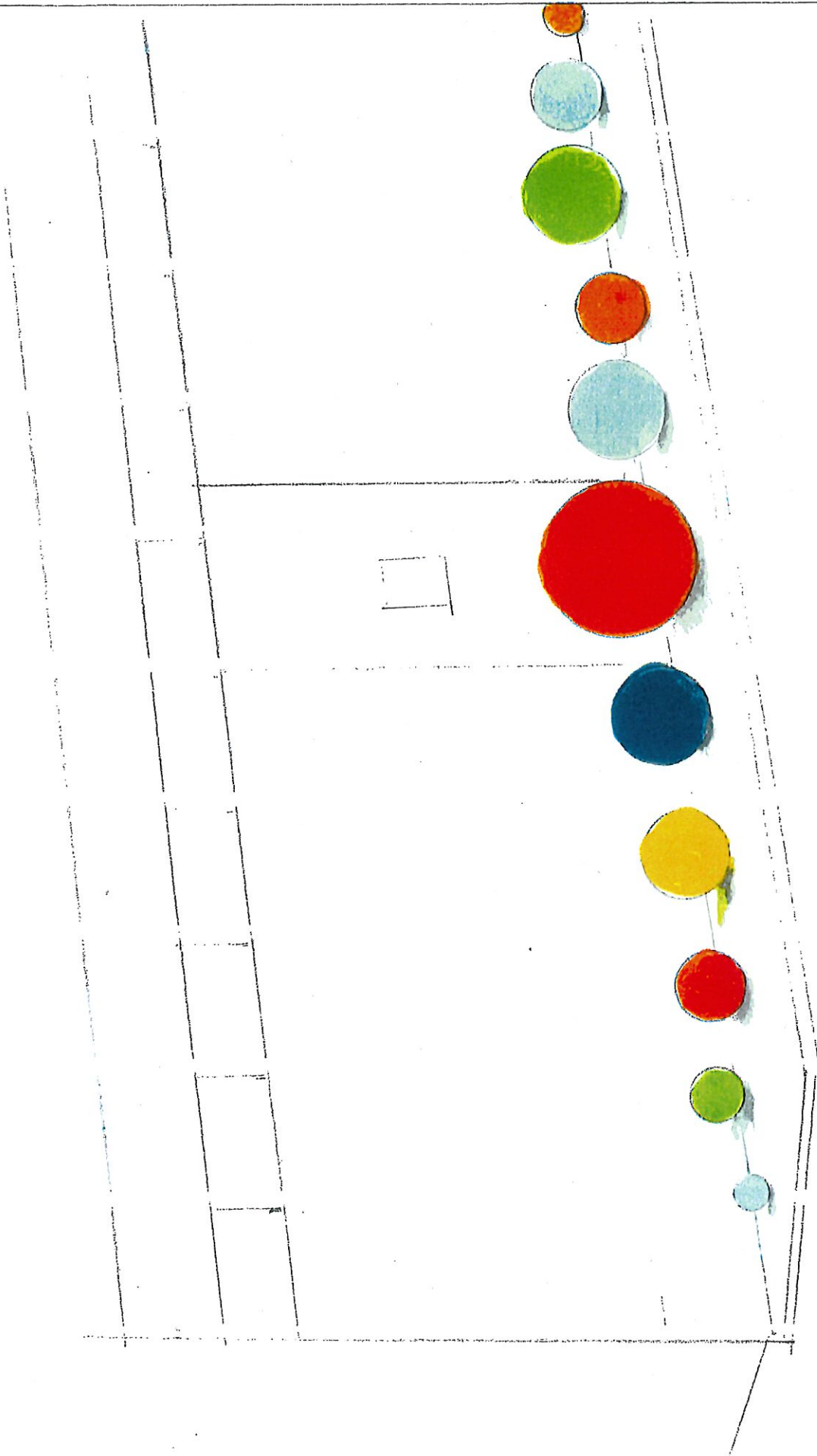
Handwritten signature or mark in the top right corner.



Handwritten signature or mark in the top right corner.



10
15
20



**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

2018 Land Management Code Amendments - *Kathleen Maher, Director of Planning and Code*

Mayor and City Council Action Required:

Review of proposed amendment package in preparation for public hearing on November 27.

Discussion:

The 2018 package of Land Management Code amendments includes many recommendations that are minor in nature and others that are more substantive. Those provisions that are the most substantive will have a separate memo to explain the proposal. Included in the Mayor and Council packet for the November 6 work session are three memos with the proposed amendments attached and the powerpoint for the November 27 hearing. The first memo is an overview and description of most of the amendments. The second memo provides an explanation of the Fair Housing assessment that was done of the code and the recommendations to amend the code to bring certain housing and service provisions more into alignment with Federal and State Fair Housing direction and State Code requirements for local zoning approval of group homes. The third memo provides an explanation of the proposed amendments to the code's Sign provisions intended to bring the code into alignment with a recent Supreme Court ruling on signs.

Financial Impact:

Recommendation:

Motion:

Action Dates:

October 24 - Planning Commission recommendation

November 6 - Mayor and Council discussion

November 27 - public hearing

ATTACHMENTS:

File Name

MCC_LMC_Text_Amendments_Overview_10_31_18.docx

MCC_LMC_Text_Amendments_Fair_Housing_10_30_18.docx

MCC_LMC_Text_Amendments_Signs_10_31_18.docx

Description

2018 LMC
Amendments
- Overview
Memo

2018 LMC
Amendments
- Fair
Housing

2018 LMC
Amendments
- Signs
2018 LMC

2018_LMC_package_Grouped_in_Themes_10_24_18_FINAL_DRAFT_FOR_HEARING.docx	Amendments - All but Signs
2018_LMC_package_Sign_Revisions_10_24_18_FINAL_DRAFT_FOR_HEARING.docx	2018 LMC Amendments - Signs
Signs_Amendments_clean_copy_10_31_18.docx	2018 LMC Amendments - Signs - Clean Version
2018_Update_to_Hagerstown_Land_Management_Code_Present_11_27_18.pptx	2018 LMC Amendments - powerpoint



CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

MEMORANDUM

TO: Valerie Means, City Administrator

FROM: Kathleen A. Maher, Director of Planning & Code Administration
Stephen R. Bockmiller, Zoning Administrator/Development Review Planner

DATE: October 31, 2018

SUBJECT: 2018 LMC Text Amendments

The Planning Commission finalized their review of the proposed 2018 text amendments to the Land Management Code at their October 24 meeting. The Commission recommended approval of the package and forwarded it for review by the Mayor and City Council. The 2018 LMC Text Amendments package includes a variety of recommendations which we are going to explain in three distinct memos:

1. This introductory memo with explanation of the majority of the proposed amendments;
2. A memo on the Fair Housing Assessment conducted of the LMC and the recommended amendments to bring the code better into alignment with FHA standards and State Code requirements; and
3. A memo on the proposed amendments to the Sign provisions in the LMC to bring the code into better alignment with a recent Supreme Court ruling on regulation of temporary signs and sign content in general.

Staff will explain the proposed 2018 LMC Amendments at the Mayor and City Council's November 6 work session. The following is an overview of the majority of the proposed amendments.

Proposed 2018 LMC Amendments

A wide range of minor and more substantial changes to the code are proposed with the intention of better serving a public purpose or to clarify existing sections of the code. To help organize the proposal and put similar items together, all of the proposed amendments have been grouped under the following headings:

1. **Protecting neighborhood character and enhancing safety in our community.** Most substantive change would be inclusion of Crime Prevention Through Environmental Design (CPTED) principles in development standards for site plans.
2. **Increasing housing choices and diversity.** Substantive changes in this category are the addition of Rooming Houses to the code and modification of how Group Homes are permitted.

- a. The **Group Homes** proposed is explained in the Fair Housing memo and will be presented on November 6 if time permits.
 - b. The proposed **Rooming House** proposal is intended to provide a safety net for households that are on the verge of homelessness with development parameters to protect the safety of the residents and the quality of life of the surrounding community:
 - i. Meet Fire Code and Property Maintenance Code requirements for density and amenities;
 - ii. Provide 24-hour per day on-site supervisor representing the owner;
 - iii. Allow by right in RH, RO, CG, and outside the Smart Growth A&E District portion of the CC-MU.
 - iv. Maximum of 16 rooming units, except for possibility of increased number of units in the CG zone with a special exception from the Board of Zoning Appeals; and
 - v. Off-street parking requirement.
3. **Expanding economic opportunity and permitting greater flexibility in the code.**
 - a. Add new uses of Distillery Pub, Wine Pub, and Multi-purpose Arena for Sporting Events, Entertainment, and other Assemble Events;
 - b. Provide greater flexibility for Brew Pubs, Artist Studios, Photography Studios, Conversion Districts, retail and restaurants in the POM district, and uses in shopping center that have separation requirements;
 - c. Extend period for approval of site plan to match new Soil Conservation District provisions;
 - d. Ease threshold for minimum work completed to maintain PUD approval; and
 - e. Expand upon Planning Commission's waiver provisions in development review.
4. **Setting clear expectations for the public and investors.** A large number of amendments proposed which are fairly minor changes but provide more clarity. Perhaps the most substantive changes:
 - a. Require each new dwelling be located on its own lot, including new apartment buildings, and
 - b. Establish minimum square footage requirements for dwellings anywhere in the city that is consistent with the existing minimum requirement for apartments in the CC-MU zone.
5. **Improving resiliency from environmental hazards.** Proposed changes add more clarity on Floodplain Management requirements with most substantive changes being the requirement that public and private streets, driveways, alleys, and parking areas have driving surfaces above the base flood elevation, unless otherwise approved by the BZA.
6. **Providing suitable locations for social and medical services and at intensities consistent with surrounding neighborhoods.** This proposal is explained in the Fair Housing memo and will be presented on November 6 if time permits.
7. **Streamlining the process and clean-ups to the code.** A large number of minor changes

to correct terminology, expand upon definitions, provide greater clarity on requirements, remove unnecessary requirements, and fix oversights from prior amendments. Perhaps the most substantive changes involve the Forest Conservation Ordinance:

- a. Increase non-compliance penalty fee to 50 cents per square foot so it is higher than the existing fee-in-lieu of planting fee of 30 cents per square foot;
 - b. Create provision for Planning Commission to review Forest Conservation plans for County projects proposing tree conservation or planting easements within the city.
8. **Updating the on-premise Sign regulations.** This proposal is explained in the Signs memo and will be presented on November 6 if time permits.

Process for Review and Action

The full package of recommended amendments is attached. Staff have begun the advertisement process for a public hearing at the Mayor and City Council's November 27 regular meeting. A powerpoint presentation for the hearing is attached. Following the hearing, a work session will be scheduled to go over any public input received and to deliberate on the proposed package. Amendments would then be adopted through an ordinance process.

Attachments

- C: Planning staff
 Jill Thompson, Director, DCED
 Jon Kerns, DCED
 Jenn Keefer, City Attorney



CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

MEMORANDUM

TO: Valerie Means, City Administrator

FROM: Kathleen A. Maher, Director of Planning & Code Administration 

DATE: October 31, 2018

SUBJECT: LMC Text Amendments – Fair Housing Assessment and Amendment Recommendations

As part of the 2018 Land Management Code text review and amendment package, staff undertook a 'Fair Housing' assessment of the LMC to determine if there were provisions that needed to be adjusted to be better in alignment with Federal and State provisions regarding protected classes and local code regulations. Staff and the Planning Commission deliberated on the issues involved, sought public input and gained input from one area provider, and finalized the recommendations that follow in this memo.

Fair Housing Assessment

Federal Fair Housing laws and a 2015 Supreme Court ruling prohibit practices in employment, housing, and other areas that adversely affect one group of people of a protected characteristic more than another. The Supreme Court referred to this as having a 'disparate impact.' The Federal Fair Housing Act of 1968, with 1988 amendment, identifies the following seven protected classes: race, color, religion, national origin, sex, disability (which includes mental, physical, recovering alcoholics, and recovering drug addicts), and familial status (families with children under 18). Maryland added three additional protected classes: marital status, gender identification, and sexual orientation, except in cases of rooms or units for rent in a dwelling where owner occupies a unit as their principal residence. It is prohibited to make housing or services unavailable or denied for protected classes, or to create special provisions only affecting protecting classes that might be considered as having a disparate impact. According to a law session speaker at the New Orleans American Planning Association conference this year, where most lawsuits arise today are in situations of discrimination against or disparate impact upon disabled populations.

The Health Article of the State Code includes specifications on how local zoning must treat group homes for disabled populations. For small group homes or halfway houses for up to 9 residents, the facility shall be treated as a single-family home and be allowed anywhere single-family homes are allowed. For large group homes or halfway houses for 10-16 residents, the facility shall be treated as a multi-family residence and be allowed where such densities are

allowed. Group homes and halfway homes shall not be subject to special exception approval processes if such processes are not required for single-family or multi-family homes in those districts.

Recommendations to Bring LMC more into Alignment with FHA Considerations and State Code Requirements

1. **Delete** the following land use categories and associated definitions –
 - a. ‘Transitional residential facilities with in-house professional care for up to three transitional residents being treated for substance abuse issues’ (page 3-38 and 4-135)
 - b. ‘Residential facilities with in-house professional care for up to three residents with mental and/or physical disabilities’ (page 3-32 and 4-135)
 - c. ‘Social assistance – services for the elderly and persons with disabilities’ (page 4-133)
2. **Create new zoning district – Institutional (INST) zone.** This zone would be used to identify locations in the city where large-scale institutional uses are present and where additional institutional uses would be permissible. Examples of large-scale institutional uses include public school campuses, large hospital and nursing home properties, recreational facilities with fields, parks, professional ball stadiums, cemeteries. Most of these types of properties are currently zoned RMOD or RMED, which gives a false sense of the magnitude of the moderate-medium density residential zoning in the city. Allow following uses: hospitals, nursing homes, assisted living facilities, other medical uses, public administration uses, community centers and museums, schools, churches, cemeteries, parks, stadiums, recreational facilities, adult day care. Rezone appropriate properties in the comprehensive rezoning process.
3. **Modify where Hospitals and Nursing Homes are allowed** – remove RMOD and RMED (now use Institutional zone instead), add by right in CR, allow nursing homes by right (P) in RH, continue to allow hospitals as special exception (SE) in RH, continue to allow both by right (P) in CG, POM, and I-MU, and allow both by right (P) in new INST. (page 4-134) Require minimum of one acre lot size for nursing homes in RH. Minimum 5 acre lot already required for hospitals in residential zones. *Existing facilities that fall under this classification – Western Maryland Hospital, Julia Manor, Coffman, Hagerstown Healthcare, and Ravenwood Nursing Center.*
4. **Delete ‘Residential Care Facility for the Elderly’ and replace with ‘Assisted Living Facility.’** Modify definition of ‘Assisted Living Facility ~~for the Elderly and/or Disabled~~’ to be more neutral in content – ‘a residential care facility for 10 or more persons licensed by Maryland Department of Health that provides housing and supportive services, supervision, personalized assistance, and/or health-related services to meet the needs of residents who are unable to perform or need assistance in performing activities of daily living.’ (page 3-6) Allow where Nursing Homes are allowed with same minimum one acre lot requirement in RH. *Existing facilities that would fall under this classification*

- *Broadmore, Greenfield, Ravenwood Assisted Living, Holly Place, Turning Point Veterans Home, etc.*

5. **Add 'Rehabilitation Center'** with definition of 'an in-patient rehabilitation center with specialized therapeutic programs to assist patients achieve the necessary functional independence to return home, usually following an acute medical or surgical hospitalization, including detox for substance addiction.' Allow where Nursing Homes and Assisted Living Facilities are allowed with same minimum one acre lot requirement in RH. Existing facilities that would fall under this classification – *Julia Manor, W House Treatment Facility, Wells House Treatment Facility, etc.*
6. **Add 'Group Home, Halfway House, and Alternative Living Unit'** with definition of 'a dwelling unit licensed by the State of Maryland in which individuals with disabilities may be provided care or treatment in a homelike environment. The Health Article of the Code of the State of Maryland provides specific parameters for these different types of congregate housing which may result in smaller numbers of residents for specific facilities and those requirements will supersede this ordinance. For the purposes of administering the Land Management Code and consistent with State Code provisions, the following maximums shall apply: 1) An alternative living unit accommodates up to 3 residents and is deemed a single-family residence and is allowed where single-family homes are allowed; 2) a small group home or halfway house accommodates up to 9 residents and is deemed to be a single-family residence and is allowed where single-family homes are allowed; and 3) a large group home or halfway house accommodates 10-16 residents and is deemed to be a multi-family residence and is allowed where multi-family residences are allowed.' *Existing providers that would fall under this classification - ARC homes, Turning Point homes, Oxford House sober houses, W-House halfway homes, Wells House halfway homes, etc.*
7. **Add 'Outpatient Substance Abuse Centers, including disbursement of addiction treatment drugs'** and define as 'medical office for counselling and treatment of substance abuse, which may include disbursement of addiction treatment drugs.' Allow where hospitals and nursing homes are allowed, and require location on a property that is large enough to accommodate clients on-site if the facility distributes daily dosages of addiction treatment drugs. *Existing facilities that would fall under this classification - Phoenix Health Center, Serenity Treatment Center, etc.*
8. **Add 'Adult Day Care with Vocational Center'** and define as 'a facility providing day care for functionally impaired adults in a protective setting for periods of less than 24 hours per day which includes a vocational center for its clients.' Allow where light assembly is permitted: CC-MU (SE), POM (SE), I-MU (SE), IR (P), IG (P), and Conversion District (P). 'Adult Day Care' without vocational center would still be allowed by right in N-MU, CC-MU, CG, CR, POM, IR, and I-MU and as special exception in RMOD, RMED, RH, RO, CL, and Conversion district. *Existing facilities that would fall under this classification – ARC and Goodwill.*

9. **Add ‘Continuing Care Retirement Community, on minimum tract size of 20 acres’** with definition of ‘a retirement community with accommodations for independent living, assisted living and nursing home care, offering residents a continuum of care. All of the dwelling units and care facilities are typically owned by the provider. As a campus environment of varying levels of ‘step up’ care or living, dwelling units for independent living within the campus shall not be required to be on individual fee-simple lots.’ Allow by right in RH, INST, and PUD zones. *Existing facilities that would fall under this classification – Ravenwood Lutheran Village.*

Proposed Use Chart Changes – Article 4, Section Z

Residential Zones and Residential Mixed-Use Zones

Use	RMOD	RMED	RH	RO	CC-MU	N-MU	PUD
Hospitals, including psychiatric, substance abuse and specialty hospitals	SE	SE	SE	SE	P		
Nursing Homes, residential care facility for the elderly , Assisted Living Facility & Rehabilitation Center	SE	SE	SE P	P	P		
Alternative Living Unit, Small Group Homes, Small Halfway House	P	P	P	P	P	P	P
Large Group Home, Large Halfway House			P		P	P	
Large Group Home or Halfway House – only if PUD development contains multi-family dwellings							P
Large Group Home or Halfway House – only in pre-1956 apartment buildings	P	P					
Large Group Home or Halfway House – only in Mansion House Apartment buildings		P		P			
Outpatient Substance Abuse Centers, including disbursement of addiction treatment drugs			P				
Adult Day Care with Vocational Center					SE		
Continuing Care Retirement Community, on minimum tract size of 20 acres			P				P

Commercial and Other Mixed-Use Zones

Use	CL	CG	CR	POM	Instit (new)
Hospital, including psychiatric, substance abuse and specialty hospitals	SE	P	P (new)	P	P (new)
Nursing Home, residential care facility for the elderly ,	SE	P	P	P	P

<i>Assisted Living Facility & Rehabilitation Center</i>			(new)		(new)
<i>Alternative Living Unit, Small Group Homes, Small Halfway House</i>	P				
<i>Large Group Home, Large Halfway House</i>	P				
<i>Outpatient Substance Abuse Centers, including disbursement of addiction treatment drugs</i>		P	P	P	P
<i>Adult Day Care with Vocational Center</i>				SE	
<i>Continuing Care Retirement Community, on minimum tract size of 20 acres</i>					P

Industrial Zones and Conversion Districts

Use	I-MU	IR	IG	Conv. & LC
Hospital, including psychiatric, substance abuse and specialty hospitals	P			
Nursing Home, residential care facility for the elderly, <i>Assisted Living Facility & Rehabilitation Center</i>	P			
<i>Outpatient Substance Abuse Centers, including disbursement of addiction treatment drugs</i>	P			
<i>Large Group Home, Large Halfway House</i>				P
<i>Adult Day Care with Vocational Center</i>	SE	P	P	P

Proposed Parking Chart Changes – Article 4, Section O

Use	Required Spaces
<i>Group quarters, including rooming/boarding houses, dormitories alternative living unit, group home, or halfway house</i>	<i>One space per employee on largest shift plus one space for each sleeping room or one space for each two beds, whichever is greater.</i>
Hospitals, including psychiatric, substance abuse and specialty hospitals	One space per 1,000 gross square feet plus visitor parking as determined by the Planning Commission. 4 spaces per bed.
Nursing Homes, Assisted Living Facility, and Rehabilitation Center	One space per 400 square feet of floor space. One space for every 4 beds plus one space per employee on largest shift
<i>Outpatient Substance Abuse Centers, including disbursement of addiction treatment drugs</i>	<i>The greater of four spaces per practitioner or one space per 200 square feet of net floor area. For any use established after the adoption of this provision, when by the conduct of the use large numbers of clients will arrive on site at the same time for regular administration of addiction treatment medications, the provider shall demonstrate to the Zoning Administrator that there is adequate parking supply to serve their clients.</i>



CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

MEMORANDUM

TO: Valerie Means, City Administrator

FROM: Stephen R. Bockmiller, AICP
Development Review Planner/Zoning Administrator

SUBJECT: Proposed Overhaul of Zoning Ordinance Section on Signs to Achieve Consistency with Recent Supreme Court Decision

DATE: October 31, 2018

Attached herewith is one of three packages of materials associated with the 2018 package of amendments to the Land Management Code (Section 140 of the City Code). This package rewrites Article 4 (Zoning) Section I (Graphics). This section sets the zoning regulations for the installation of signs within the City's several zoning districts.

A recent U.S. Supreme Court decision (*Reed v. Town of Gilbert, Arizona*) has caused jurisdictions all across the country to re-evaluate how content is considered within their sign codes, and Hagerstown was no exception. This was further complicated by the vague nature of the direction provided by the Court.

Concluding that no jurisdiction knows better than the one that argued its case before the Supreme Court, staff modeled this draft on Gilbert's, adjusting it for structure to fit within the Land Management Code.

Given that these proposals make major content and structural changes to our existing provisions, making the normal editing format very busy and potentially confusing, you are provided this proposal in two formats:

1. The proposal in editing format – differentiating between existing text to stay, new text, and text to be removed, and
2. A final “camera ready” version so the reader can more easily understand its structure and content upon final adoption, removing material to be removed to reduce confusion.

If you have any questions, please contact me at your convenience.

Attachment: 1

Copy: Kathleen A. Maher, AICP, Director, PCAD

LAND MANAGEMENT CODE

2018 COMPREHENSIVE UPDATE PROPOSALS

October 24, 2018

Introduction and narrative in normal black type.
Existing text to be unchanged in normal blue type.
~~Existing text to be deleted in normal blue strikeout.~~
Proposed new text in blue bold italics.

The various proposed amendments are categorized under the following themes:

1. Protecting neighborhood character and enhancing safety in our community
 2. Increasing housing choices and diversity
 3. Expanding economic opportunity and permitting greater flexibility in the code
 4. Setting clear expectations for the public and investors
 5. Improving resiliency from environmental hazards
 6. Providing suitable locations for social and medical services at intensities consistent with the character and density of the surrounding neighborhoods
 7. Streamlining the process and clean-ups to the code
 8. Updating Sign regulations to be consistent with Supreme Court direction
-

The following are the proposed 2018 Land Management Code amendments:

1. Protecting neighborhood character and enhancing safety in our community

- 1.1 Require a pedestrian sidewalk from front doors of buildings to public sidewalks along streets.

Article 5. Subdivision and Land Development

I. Site Plan Standards.

4. Landscaping Plan and Parking Area Design Requirements.

h. Parking Design and Landscape Standards.

- (10) Every off-street parking area shall be developed and maintained in accordance with the following requirements:

- (d) Pedestrian walkways and sidewalks shall be provided to and from all paved parking areas and shall be designed to serve on-site principally permitted uses and accessory uses for which there is pedestrian demand. Such walkways and sidewalks shall be protected from vehicular overhang and movement by curbs or other method approved by the City Engineer. Security lighting within the aforementioned pedestrian areas used at night shall be illuminated at a level not less than 0.5 candle power. Upon review of the area to be illuminated, if it is classified as a Special Security area by the City, an increased level of illumination may be considered and studied.

- (e) *Pedestrian walkways and sidewalks shall be provided between public sidewalks along public streets and the main pedestrian entrance of buildings or units of buildings.*

- (f) ~~(e)~~ In order to allow for the passing of handicapped pedestrians and wheelchairs, pedestrian walkways shall be five feet in width.

- 1.2 Define and regulate campgrounds.

Article 3. Definitions (new definition)

***CAMPING/CAMPGROUND** – An area used for transient occupancy by camping, usually but not always in tents, camp trailers, travel trailers, or similar movable or temporary sleeping quarters of any kind. (Zoning)*

Article 4 - Zoning

Section Z - Land Use Chart

Camping and Campgrounds

Permitted district(s): ***AT*** only by special exception.

- 1.3 The Police Department request that the Planning Commission incorporate Crime Prevention Through Environmental Design (CPTED) standards into the site plan design standards in the Land Management Code.

Article 5 – Subdivision and Land Development

Section I - Site Design Standards

12. Crime Prevention Through Environmental Design Principles

All commercial and residential development should be designed to incorporate CPTED principles as a means of reducing opportunities for criminal activity to occur. Simple measures can be taken that will provide greater visibility through natural surveillance onto public spaces and areas, controlled access to private areas, and creating a sense of ownership of space. Through such measures, the built environment can be designed and managed to make it an undesirable place for criminal activity. Site engineers and building architects should consider the following CPTED design strategies when developing site plans and architectural plans for commercial and residential development in Hagerstown:

- a. Allow natural observation from public and neighboring areas by orienting the building entrance towards the street, making landscape and fence materials near entrances and parking lots visibly permeable, and locating open space areas near streets or other areas visible to the public;*
- b. Prepare a lighting plan in accordance with Illuminating Engineering Society of America Standards and ensure that parking lots, pedestrian routes and building entrance areas are well lit;*
- c. Avoid blind corners and hidden recesses along pathways and beside building entrances;*
- d. Avoid placement of large trees, garages, utility structures, fences, and gutters next to second story windows or balconies;*
- e. Limb up trees and keep shrubs to 24 inches or lower around play areas and within street edge and driveway edge buffer areas to allow visibility into the site from public areas;*
- f. Where large expanses of parking are proposed, provide surveillance such as security cameras.*

- 1.4 Amendments to control the potential for proliferation of front yard parking pads when they can be to the side or rear of a dwelling.

Article 4. Zoning

O. Off-Street Parking Requirements

1. Purpose and Applicability

- d. Off-Street Yard Parking for Residential Development*** ~~Front Yards Not to Be Dominated by Vehicle Parking~~

On all existing improved residential ~~properties~~ *lots* and *lots in* new residential development, *the following off-street parking design requirements shall apply:*

- (1) parking areas shall be solid paved surfaces or permeable pavers;*

- (2) *rear yard parking garages or parking pads are the preferred off-street parking system;*
- (3) *driveways accessing the lot from a front or side street, driveways shall be one vehicle in width; accessed off of a front or side street. This shall not preclude driveways of sufficient depth to contain multiple vehicles or access to rear yard parking pads or garages.*
- (4) *driveways serving front-loaded garages from front and/or side streets shall be permitted to be as wide as the garage; two vehicles in width when constructed to access a front-loaded two-car garage.*
- (5) *for lots without garages and without the ability to provide rear yard parking, front yard parking pads or turn-arounds of single-vehicle-width driveways shall be permissible provided the parking area does not exceed 50% of the front yard area.*

Article 5 – Subdivision and Land Development

G. Required Improvements in Subdivisions

7. Driveway Entrances, and Sidewalks and Off-Street Yard Parking

At the end of the paragraph add – *For all subdivided residential lots, the following off-street parking design requirements shall apply:*

- (1) *parking areas shall be solid paved surfaces or permeable pavers;*
- (2) *rear yard parking garages or parking pads are the preferred off-street parking system;*
- (3) *driveways accessing the lot from a front or side street shall be one vehicle in width;*
- (4) *driveways serving front-loaded garages from front and/or side streets shall be permitted to be as wide as the garage;*
- (5) *for lots without garages and without the ability to provide rear yard parking, front yard parking pads or turn-arounds of single-vehicle-width driveways shall be permissible provided the parking area does not exceed 50% of the front yard area.*

- 1.5 Create process by which the zoning administrator may revoke a zoning certificate. Other jurisdictions have such procedures and this can be helpful in enforcement activities.

Article 1. General Provisions

J. Permits and Certificates.

No development shall occur on any property within the City until the applicable permits, approvals and certificates for such activity or development have been issued and approved by the officials with the authority to approve the same. *The Zoning Administrator shall have the authority to revoke an issued zoning certificate or zoning approval of a building permit in accordance with Article 4, Section S.1.g.*

Article 2. Authoritative Boards and Review Agencies

E. Zoning Administrator and Administration of this Chapter.

2. No Approval Unless in Conformance with this Chapter.

All departments, divisions, officials and public employees of the City of Hagerstown which are vested with the duty or authority to issue permits or licenses shall issue no permit or license for any use, building or purpose if the same would be in conflict with the provisions of this Chapter. *The Zoning Administrator shall have the authority to revoke an issued zoning certificate or zoning approval of a building permit in accordance with Article 4, Section S.1.g.*

Article 4. Zoning

S. Zoning Permit and Site Plan Requirements.

1. Zoning Permits

g. Zoning Permit Revocation.

A zoning certificate (including zoning approval of a building permit) may be revoked by the Zoning Administrator if the recipient of the certificate fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Chapter, the list of permitted uses as found in Section Z of this Article, an approved site plan, or any other requirement lawfully imposed in connection with the issuance of the zoning certificate or zoning approval of the building permit.

The Zoning Administrator shall provide the recipient of the zoning certificate or other zoning approval ten (10) days of notice of intent to revoke the certificate and shall inform the recipient of the alleged reasons for the revocation. Such notice is not required if, in the opinion of the Zoning Administrator, the violation is an immediate threat to property or public safety. If the certificate is revoked, the Zoning Administrator shall provide the holder of the zoning certificate a written statement of the decision and the reason therefore. The holder may appeal such decision to the Board of Zoning Appeals in accordance with the procedures for administrative appeal.

Article 8. Appeals, Violations and Penalties

A. General Provisions and Penalties

7. *Revocation of Zoning Approval.*

Per Article 1, Section J and Article 2, Section E.2, the Zoning Administrator shall have the authority to revoke a zoning certificate or other zoning approval in accordance with the requirements of Article 4, Section S.1.g.

2. Increasing housing choices and diversity

- 2.1 Adjust the building size and area per dwelling unit requirements for mansion house apartments and consider a second form of similar division to allow entire floors of buildings to be used as “over-under” flats.

Article 4. Zoning

D. Residential Districts

5. Minimum Lot area, Locational, Lot Width and Yard (Setback) Requirements.

g. **Stacked and Mansion Apartment Developments and Over-Under Flats.**

- (1) Mansion house apartments in existing buildings in locally designated historic districts in the RMED, RO and CC-MU Districts shall be permitted only under the following conditions:
- ~~(1) (a)~~ (a) The building was constructed prior to October 1, 1956;
 - ~~(2) (b)~~ (b) The building shall be at least ~~4,500~~ **4,000** square feet in area; and
 - ~~(3) (c)~~ (c) The number of units is limited to one per ~~4,500~~ **1,000** square feet of floor area as reflected on Department of Assessments and Taxation assessment records.
 - (4) (d) Except in the CC-MU Zoning District, the property shall be located in a locally designated historic district or in a designated landmark.
 - ~~(5) (e)~~ (e) ~~In the CC-MU Zoning District, these provisions shall be in addition to the minimum requirements for the size of units, based on number of bedrooms, found in Subsection E.6.a.~~ **Units created meet the following minimum square footage area requirements:**
 - Efficiency Unit: 500 square feet.**
 - One-bedroom Unit: 650 square feet.**
 - Two-bedroom Unit: 800 square feet.**
 - Three-bedroom Unit: 1,000 square feet.** (Structure would also be affected by proposal 4.11 (see proposal)
 - (f) **Off-street parking shall be provided in accordance with Section O of this Article. The Board of Zoning Appeals shall not grant a variance to this requirement.**

- (2) *Mansion House over-under flats in existing residential buildings in the RMED, RO and CC-MU District shall be permitted only under the following conditions:*
- (a) *The building was constructed prior to October 1, 1956; and*
 - (b) *The building shall be at least three stories above grade in height, not including attics; and*
 - (c) *The area of the building shall be at least 2,500 square feet of floor area as reflected on Department of Assessments and Taxation assessment records, and*
 - (d) *The interior space of the building shall be so configured that the entirety of each floor shall be used for one dwelling unit (except for interior stair towers and landings); and*
 - (e) *One dwelling unit is permitted for each floor of the building (not to include basements); and*
 - (e) *Units created meet the following minimum ~~square footage~~ area requirements:*
 - Efficiency Unit: 500 square feet.*
 - One-bedroom Unit: 650 square feet.*
 - Two-bedroom Unit: 800 square feet.*
 - Three-bedroom Unit: 1,000 square feet.* (Structure would also be affected by proposal 4.11 (see proposal)
 - (f) *Off-street parking shall be provided in accordance with Section O of this Article. The Board of Zoning Appeals shall not grant a variance to this requirement.*
 - (g) *Over-under flats shall only be permitted in the RMED District when the property is also located in a locally-designated historic district.*

Article 4 (Zoning)

Section D (Residential Districts)

Subsection 5 (Minimum Lot Area, Locational, Lot Width and Yard (Setback) Requirements)

Amend setback and lot area chart as follows:

Mansion Apartments in Existing Buildings (with 1 unit per ~~1,500~~ **1,000** gross square feet of floor area of the building) **and Mansion Over-Under Flats in Existing Buildings**

Article 4 (Zoning)

Section Z (Land Use Chart)

Use	RMED	RO	CC-MU
<i>Mansion House Over-Under Flats, subject to the requirements of Section D.5.g(2)</i>	P	P	P

Article 4 (Zoning)

Section O (Off-Street Parking Requirements)

Subsection O.4 (Required Number of Parking Spaces)

Apartment dwellings

Two spaces per unit, *except for mansion house apartment over-under flats, which shall provide 1.5 spaces per unit.* If over 25 units....

- 2.2 Amend the text to allow vacant storefront space in non-conforming mixed-use buildings to be re-used as one dwelling unit, with Special Exception approval of the Board of Zoning Appeals.

4. Zoning

Section M. Maintenance, Expansion, Expiration, Confirmation and Change of Non-conforming Uses

12. *Expansion of Nonconforming Residential Uses in Non-conforming Mixed-use Building. A valid and legal nonconforming mixed-use structure in any residential district where mixed-use structures are not permissible may convert the vacant ground floor commercial space to a single residential unit. Such a proposal shall be subject to review and approval of the Board of Zoning Appeals through the process set forth in the change or expansion of a nonconforming use, which shall specifically find that the proposal is not detrimental to the local community and the general welfare.*

The Board of Zoning Appeals application shall include exterior building elevations illustrating how the commercial front shall be renovated to convert the appearance of the commercial area to residential in appearance consistent with the architectural design and appearance of the rest of the structure.

Should the Board of Zoning Appeals approve the application, the exterior modifications shall be completed in accordance with the approval provided by the Board, including any conditions of approval that may be required.

- 2.3 Amend the text to allow Rooming Houses. Delete definition of Boarding or Rooming House and add new definition of Rooming House. Add use to Article 4, Section Z and Section K, and add parking requirements to Article 4, Section O:

Article 3 - Definitions

ROOMING HOUSE – *a facility with sleeping rooms to rent which contains shared bathroom and kitchen facilities in common areas of the facility for use of the residents. (Zoning)*

Article 4 – Zoning

Section Z. Chart of Permitted and Special Exception Uses

Use	RH	RO	CC-MU	CG
<i>Rooming House in existing buildings, subject to conditions in Sec. K.18</i>	<i>P</i>	<i>P</i>		<i>P</i>
<i>Rooming House in existing buildings outside the Smart Growth A&E District, subject to conditions in Sec. K.18</i>			<i>P</i>	
<i>Rooming House in existing buildings, over 16 rooming units, subject to conditions in Section K.18</i>				<i>SE</i>

Article 4 – Zoning

Section K. Supplementary Regulations

18. Rooming Houses.

Rooming Houses shall be permitted in existing buildings in zones identified in Section Z provided the facility complies with the following conditions:

- a. *Maximum of 16 rooming units per rooming house property, except a greater of number units may be possible in the CG district if approved by Special Exception by the Board of Zoning Appeals;*
- b. *Maximum of 3 residents per rooming unit;*
- c. *Minimum size of rooming units based on occupancy:*
 - i. *Minimum of 150 square feet for one person;*
 - ii. *Minimum of 200 square feet for two persons;*
 - iii. *Minimum of 320 square feet for three persons;*

- d. Minimum of one bathroom containing at least one toilet, at least one sink and at least one bathtub or shower per four rooming units and not more than one flight of stairs between rooming units and bathroom;*
- e. Cooking shall not be permitted in rooming units;*
- f. Minimum of one kitchen per rooming house in a common area of the facility;*
- g. 24-hour per day on-site supervisor representing the owner;*
- h. Meets off-street parking requirements for Group Quarters. The Board of Zoning Appeals shall not have the authority to grant a variance to this requirement.*

Section O, Off-Street Parking Requirements

Use	Required Spaces
<i>Group quarters, including rooming houses, dormitories, alternative living units, group homes, or halfway houses</i>	<i>One space per employee on largest shift plus one space for each sleeping room or one space for each two beds, whichever is greater.</i>

- 2.4 Modify how the code handles housing for disabled populations which may include in-house professional care-giver. Intent is to bring code into better alignment with Federal and State fair housing goals for protected classes and State Code provisions regarding local zoning approval of group homes. Maximum occupancy levels for each structure shall be determined by the Fire Marshal and Chief Code Official. Off-street parking requirements shall be as proposed for Rooming Houses.

Delete ‘residential facilities with in-house professional care for up to three residents with mental and/or physical disabilities’ from Article 3 and Article 4, Section Z.

Add ‘Group Home, Halfway House, and Alternative Living Unit’ to Article 3 and Article 4, Section Z as follows:

Article 3, Definitions

Group Home, Halfway House, and Alternative Living Unit – a dwelling unit licensed with the State of Maryland in which individuals with disabilities may be provided care or treatment in a homelike environment. The Health Article of the Code of the State of Maryland provides specific parameters for these different types of congregate housing which may result in smaller numbers of residents for specific facilities and those requirements will supersede this ordinance. For the purposes of administering the Land Management Code and consistent with State code provisions, the following maximums shall apply:

- 1. An alternative living unit accommodates up to 3 residents and is deemed a single-family residence and is allowed where single-family homes are allowed.*
- 2. A small group home or halfway house accommodates up to 9 residents and is deemed to be a single-family residence and is allowed where single-family homes are allowed.*
- 3. A large group home or halfway house accommodates 10-16 residents and is deemed to be a multi-family residence and is allowed where multi-family residences are allowed.*

Article 4, Zoning, Section Z, Chart of Permitted and Special Exception Uses

Use	RMOD	RMED	RH	RO	N-MU	CC-MU	CL	C & LC	PUD
-----	------	------	----	----	------	-------	----	--------	-----

<i>Alternative Living Unit, Small Group Home, Small Halfway House</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Large Group Home or Large Halfway House</i>			<i>P</i>		<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	
<i>Large Group Home or Large Halfway House – only if PUD development contains multi-family dwelling units</i>									<i>P</i>
<i>Large Group Home or Large Halfway House – only in pre-1956 apartment buildings</i>	<i>P</i>								
<i>Large Group Home or Large Halfway House – only in Mansion House apartment buildings</i>		<i>P</i>		<i>P</i>					

3. Expanding economic opportunity and permitting greater flexibility in the code

- 3.1 Permit photographers and artist studios in industrial districts, since they are service uses and/or, in a way, light manufacturing or assembly and not inconsistent with those districts, and also because the LMC already allows artist live-work space in industrial districts.

Article 4. Zoning

Z. Use Chart (listed districts are only those that are proposed to be added. None are to be removed.)

Photography Studios.

Artist Studios *N-MU* *CC-MU* *CL* *CG* *CR* *I-MU* *IR* *IG* *Conversion* *LC*

- 3.2 Revise the definition of Brewpub to remove the ending clause ‘as an accessory activity.’

Article 3 – Definitions.

BREW PUB – A pub or restaurant that brews beer on the premises, ~~as an accessory activity.~~ (Zoning)

- 3.3 Add Distillery Pub and Wine Pub to use chart in same districts as Brew Pub and add definitions for each:

Article 3 - Definitions

DISTILLERY PUB – a pub or restaurant that manufactures alcoholic spirits, such as rum, vodka, gin, etc., on the premises. (Zoning)

WINE PUB – a pub or restaurant that manufactures wine on the premises. (Zoning)

Article 4 – Zoning, Section Z – Chart of Permitted and Special Exception Uses.

Use	N-MU	CC-MU	CL	CG	CR	Conv
Drinking Places and Brew Pubs, <i>Distillery Pubs, and Wine Pubs</i> within the Smart Growth A&E District.		<i>P</i>				

Drinking Places and Brew Pubs, <i>Distillery Pubs, and Wine Pubs</i> outside the Smart Growth A&E District	SE		SE	P	P	SE
--	----	--	----	---	---	----

- 3.4 Modify the way use separation distances are measured for multi-use properties such as shopping centers.

Article 4. Zoning, Section A. General Provisions

11. Measuring distances between Land Uses. Unless otherwise stated in this Article, when measuring required minimum distances between certain uses, that distance shall be measured on a straight line from the nearest point of the units of land on which the uses occupy. *For single-use properties, the distance is measured on a straight line from the nearest point of the property boundaries between the uses. See below illustration. For multi-use properties, such as shopping centers, that distance shall be measured on a straight line from the nearest point of the land or building unit occupied by the use on the multi-use property.* If any part of the ~~two properties land or building units~~ are less than the required distance, the proposed new use will not comply with the distance requirement between uses. [Administrative Note: see illustration on page 4-6.]

- 3.5 The following amendments widen the potential for reuse of POM zoned structures.

Article 4. Zoning

Section F. Commercial Zoning Districts

Subsection 2. Uses

b. Performance Standards

(5) Uses identified in the POM District....

(a) Not exceed 25% of the gross floor area of the building (*except restaurants*)

(b) not exceed in the aggregate 20% of the gross floor area of a *group of adjacent buildings under common ownership or a group of buildings designed and approved as a unified development or business park*, as designated on the approved site plan(s) *or subdivision development plan*.

(c) No change.

(d) Retail ~~and restaurant~~ uses shall not be the sole occupant of a structure.

(e) No change.

- 3.6 Change the “construction prior to” date in the Conversion and Local Conversion Districts from 1956 to 1977, and allow this provision in large, one-story structures.

Article 4. Zoning.

J. Overlay Zones.

2. Conversion District.

a. Purpose.

The purposes of this district are to stimulate the adaptive reuse of existing, nonresidential, multistory *and large, one-story* structures, to maintain and increase the City's assessable base, to expand business and employment opportunities, and to protect residential neighborhoods from excessive traffic odors, fumes, noise, and light. The Conversion District provides an alternative development concept for underutilized structures while protecting the general health, safety, welfare, and aesthetics through the commitment to an approved development concept plan. Such structures must be in existence prior to *March 7, 1977* ~~October 1, 1956~~.

Article 4. Zoning.

J. Overlay Zones.

3. Local Conversion District.

e. General Requirements.

- (2) The development shall be for an existing, nonresidential or mixed use structure, constructed before **March 7, 1977** ~~October 1, 1956~~, in which all proposed uses will be contained, except:

- 3.7 Include “wedding chapel” in with descriptions of religious sanctuaries.

Article 4. Zoning.

Z – Use Chart (“Use” column)

Religious sanctuaries (8131) (church, synagogue, mosque, **wedding chapel** etc.) with traditional accessory uses, provided all setback, parking and other regulations are met without variance or waiver and reuse of existing structures comply with setbacks.

- 3.8 Adjust the standard by which the vesting of a PUD plan is accomplished, since the existing vesting definition of a Planned Unit Development is overly restrictive.

Article 4. Zoning

J. Overlay Zones

1. Planned Unit Developments (PUD)

e. General Requirements for a Planned Unit Development

- (5) The owners or developers must indicate that they plan to begin construction of the development within three years after final approval. If construction does not begin within three years, the zoning of the site shall revert to its previous classification unless a time extension is requested by the developer and agreed to by the Planning Commission. If an appeal is pending on approval of a PUD, the three year clock will not start until the conclusion of the appeal process. For the purposes of this section, construction shall mean the complete sub-grade grading of **fifty percent (50%)** of all streets, construction of primary storm water management facilities and the connection of all required utilities to the PUD tract, ***unless some alternative definition is incorporated by the Mayor and City Council into the Ordinance rezoning the property to include a PUD Overlay.***

- 3.9 Increase the approval and renewal period for plans from two to three years to match changes made by the Soil Conservation District. Amendments to Chapters 209 (ESD), 213 (Stormwater Management) and 216 (Streets and Sidewalks) will also be necessary.

Article 4. Zoning

S. Zoning Permit and Site Plan Requirements.

2. Site Plan Requirements and Duration.

d. Expiration.

A site plan shall be considered void if the required permits are not secured and substantial construction accomplished within two years of the date the site plan is approved. ***A site plan shall expire in three years, unless re-approved by the Planning Commission and relevant agencies.***

Article 5. Subdivision and Land Development

C. Subdivision of Land Procedure.

6. Development Plan Approval.

c. Signature and Effective Period of Plan.

If the Planning Commission approves the Development Plan, approval of the Development Plan shall be noted by the Zoning Administrator signing and retaining as many copies as he or she may determine to be necessary for public use and record after any outstanding issues or conditions of approval are resolved by the applicant. The Zoning Administrator shall distribute signed copies to relevant agencies as set forth by Office policy. The Zoning Administrator may sign as many copies as the applicant deems necessary for their purposes. Approval of a Development Plan shall in no way constitute approval of the Final Plat.

Development Plan approval shall be effective for a period of ~~two~~ *three* years, and such additional *three year* periods as may be specifically approved in writing by the Commission.

Article 5. Subdivision and Land Development.

1. Site Plan Standards.

2. Site Plan Submission Procedure.

g. Expiration.

~~A site plan shall expire if the required permits are not secured and substantial construction accomplished within two years of the date the site plan is approved.~~ *Site plan approval shall be effective for a period of three years, and such additional three year periods as may be specifically approved in writing by the Commission.*

3.10 Provide more flexibility in the design waiver provisions for the Planning Commission.

Article 5. Subdivision and Land Development

Section A. General Provisions

6. Modification.

Where the Commission finds that ~~extraordinary~~ *unnecessary* hardships may result from strict compliance with these Regulations, or where the Commission finds that *modification of these standards is in the public interest or in the interest in achieving the best quality of development design quality*, or *protects* environmentally sensitive features worthy of preservation *that will otherwise be damaged or be* destroyed, it may vary the ~~Regulations~~ *provisions found in Sections E and G of this Article*, so that substantial justice may be done and the public interest secured, provided that such modification will not have the effect of nullifying the intent and purpose of these Regulations.

~~A modification may be granted where the hardship is created by the physical character of the property, including irregular dimensions and topography, or by other extraordinary situation or condition of such property, or by the use or development of property immediately adjacent thereto. Personal or self-inflicted hardship shall not be considered as grounds for the issuance of a modification.~~

The applicant must establish that the request will meet one or more of the following conditions:

- (a) *Avoid an undue hardship that was not self-created and that results from the peculiar and uncommon conditions of the property;*
- (b) *Avoid a clearly unreasonable requirement that would not serve any valid public purpose;*
- (c) *Allow an alternative standard that is clearly proven by the applicant to provide equal or better results;*
- (d) *Allow a layout or improvements that would clearly be more in the public interest than what would occur if the modification were not granted;*
- (e) *Remove a requirement that is not appropriate, especially because of the small size of the proposed subdivision; or*
- (f) A modification may also be granted where necessary for preservation of environmentally sensitive features.

Where a modification is granted, the Commission may attach such conditions and safeguards as are deemed necessary to protect general public interest or the character of the neighborhood, and may require a guarantee or bond to assure compliance.

3.11 Add 'Multi-purpose arenas for sporting events, entertainment, and other assembly events' and delete 'promoters of performing arts, sports or similar events with or without facilities' and modifying where the use is permitted as follows:

Article 4, Zoning

Section Z, Chart of Permitted and Special Exception Uses

Use	CC-MU	CG	CR	INST	IR	IG	PUD
Promoters of performing arts, sports and similar events with or without facilities	P				P	P	
<i>Multi-purpose arenas for sporting events, entertainment, and other assembly events</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>			<i>P</i>

4. Setting clear expectations for the public and investors

- 4.1 Insertion of clarification language relating to public improvements not needing certain variance actions.

Article 4. Zoning

U. Board of Zoning Appeals - Applications, Notice, Powers and Duties.

10. Variance Exception for Public Improvements.

~~There are occasions in a case~~ where the City of Hagerstown, Washington County Commissioners or the State of Maryland ~~may enter enters~~ into an arrangement to purchase part of a property in the furtherance of public interest (street right-of-way, park land, public building, etc.). ~~When and~~ the land remaining to the owner is less than minimum lot standards for the district in which it is located, ~~or~~ a building is left closer to a property line than would otherwise be permitted ~~by setback requirements, reduction of parking spaces below current minimum standards, or the development would no longer comply with other bulk requirements of this Article (or be driven further into noncompliance)~~, the property owner nor the City, County or State shall be required to apply for and obtain variances for the proposed subdivision of that land.

- 4.2 Improve parking design by requiring concrete or asphalt paving of parking areas in front of and on side of buildings and any parking area that is available to the general public.

Article 5. Subdivision and Land Development.

I. Site Plan Standards.

4. Landscaping Plan and Parking Area Design Requirements.

h. Parking Design and Landscape Standards.

- (10) Every off-street parking area shall be developed and maintained in accordance with the following requirements:

- (a) All off-street parking areas shall be paved with a stable, dust-free surface conforming to City standards or other method approved by the City Engineer. *Any new commercial or residential driveway and/or parking area shall be improved with Asphalt, concrete, or similar solid (non-gravel) method approved by the City Engineer. When:*
- (1) *located to the front or side of an existing or proposed use;*
 - (2) *adjacent to a public street right of way, or*
 - (3) *the parking area is intended for the use of the public visiting such location.*

- 4.3 Minor correction to the use chart that clarifies that apartments are permitted in existing and new buildings subject to performance requirements in Section F (Commercial Districts).

Article 4. Zoning

Section Z. Use Chart

Dwelling, ~~new construction~~ mansion house apartment and stacked apartments, *both new construction and conversion of existing buildings*, subject to minimum lot area requirements and criteria in Subsection F.5.b.

Note: Only column filled is CL.

- 4.4 Change a reference to “minor site plans” to “minor subdivisions” in Article 5.

Article 5. Subdivision and Land Development.

I. Site Plan Standards.

4. Landscaping Plan and Parking Area Design Requirements.

b. Applicability.

These standards shall apply to any development or redevelopment proposals requiring approval by the Planning Commission (or by staff in the case of administrative approvals). Improvements associated with single-family residences, simplified plats, and minor ~~site plans~~ **subdivisions** are exempt.

- 4.5 Add language clarifying that a nonconforming use cannot be expanded to another property.

Article 4. Zoning

M. Maintenance, Expansion, Expiration, Confirmation and Change of Nonconforming Uses.

5. Change and Expansion of Nonconforming Use.

Structural alterations of a building or structure or the use of a parcel, lot or tract of land which does not conform to the provisions of this article shall be allowed only if the building or structure to be altered or the parcel, lot or tract of land to be used is in conformance with the requirements of the zoning district in which it is located.

However, upon application, the Board of Zoning Appeals may approve the structural alteration of a building or structure or the use of a parcel, lot or tract of land which is not in conformance with the provisions of this article. The cumulative effect of the alteration(s) or extension(s) shall not exceed 35% of those existing buildings or structures and parcels devoted to a nonconforming use. The 35% maximum shall be applied to new buildings and additions as related to the cumulative existing area of buildings and shall be applied to new uses of land as related to the cumulative existing area used for the specific purpose of the expansion. Parking, landscaping and other areas shall not be included in determining the 35% maximum of building and land use expansion areas, however parking areas may be enlarged by up to the same 35% figure in order to provide additional parking for the enlarged use.

No nonconforming use shall be enlarged, expanded or extended to an adjacent property on which no part of the nonconforming use is located.

- 4.6 Add language that prohibits accessory structures in front of the front façade of a dwelling.

Article 4. Zoning.

D. Residential Zoning Districts.

5. Minimum Lot area, Locational, Lot Width and Yard (Setback) Requirements.

The minimum lot area, lot width and yard (setbacks) requirements for residential districts shall be as stated in the following chart. Yards shall be measured and determined in accordance with the standards set forth in Subsection K.6 of this Article.

- a. Bulk Requirements Chart and Regulations. See chart on following page.
- b. Detached Garages and Accessory Buildings.
Private detached accessory buildings cumulatively totaling not over 900 square feet.
No detached accessory building shall be located forward of the primary front façade of any dwelling. The Board of Zoning Appeals shall not grant a variance to this requirement.

- 4.7 Modify definition of Earth Tone for clarity in its application in the Subdivision and Land Development Ordinance (SALDO) (Article 5).

Article 3 - Definitions

EARTH TONE – a color scheme ~~that draws from a color palette of browns, tans, greys, greens, oranges, whites and reds. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in soil, moss, trees and rocks. Many earth tones originate from clay earth pigments of muted tones~~ **of natural colors found in soil, sand, moss, trees and rocks, such as shades of umber, ochre, and sienna, cream, olive and slate. (SALDO)**

Modify the SALDO Site Plan Standards for Architectural Design of Commercial Development to allow ‘brighter colors may be used sparingly to accent architectural features and for signage.’

*Article 5 (Subdivision and Land Development)**Section I,**Subsection 6 (4) (b).*

(b) The commercial building or shopping center (including buildings located on out lots) shall be constructed of high-quality natural materials finished in low reflectance, earth tone colors and finishes. Materials may include brick, wood, stone, tinted textured concrete masonry units, architectural concrete block or other material approved by the Planning Commission. **Brighter colors may be used sparingly to accent architectural features and for signage.**

- 4.8 Modify provisions for stealth-design freestanding Wireless Communication Facilities to include language regarding height provisions and to require the ‘fall zone’ setback as is required for non-stealth towers.

*Article 4. Zoning,**Section Q. Wireless Communication Facilities (WCF)**Subsection 4. Development Standards*

b. WCF, attached, or With Support Structure, of Stealth Design in Any Zoning District.

(2) Height. ~~There are no height restrictions.~~ **A wireless communications facility constructed in a stealth application in accordance with this section shall be subject to the same height limitation as would apply to the building or structure if it were not being used to contain a telecommunications facility, unless a variance is approved by the Board of Zoning Appeals.**

(3) Setback. The setback requirement is the same as for the underlying zoning district; **unless the stealth structure is a disguised tower or pole, camouflaged as something such as a tree, flagpole or other item not subject to a height or setback limitation imposed by this Ordinance, in which case the tower shall be setback a minimum distance from any property line equal to 125% of the proposed tower height.**

- 4.9 Require that each new dwelling be located on its own lot. The City Council requested that the Commission review this issue. This will require all future dwelling buildings to be on their own lot, with the possibility of individual ownership. The only circumstances that this would impact development of condominium units in any appreciable way is that it would preclude the creation of townhouse condominiums.

*4. Zoning**Z. Use Chart*

One dwelling, single-family detached, **per lot**, subject to minimum lot requirements.

One dwelling, two family, **per lot**, subject to minimum lot requirements.

One dwelling, semi-detached, **per lot**, subject to minimum lot requirements.

One dwelling, townhouse, **per lot**, subject to minimum lot requirements.

One dwelling, new construction mansion house apartment building, *per lot*, subject to minimum lot area requirements.

One dwelling, stacked apartment building, *per lot*, subject to minimum lot area requirements.

Article 5 (Subdivision and Land Development)

Section E (Subdivision Design Principles and Standards)

Subsection 2, new item “s”:

s. One Dwelling Structure Per Lot.

The Zoning Ordinance, in most cases, limits lots to containing no more than one dwelling structure per lot. This shall not preclude condominium subdivision when applicable. Consult the applicable sections of Article 4.

Renumber existing s (Open Space) and t (Rear Yards of Townhomes) according.

- 4.10 Increase minimum tract size required for a Planned Unit Development (PUD). With the various use mix, roadway, setback, open space and forest conservation requirements that are placed on them, it is extremely difficult to design a PUD in a 5 acre area and have a quality result.

Article 4. Zoning

Section J. Overlay Zones

Subsection 1. Planned Unit Developments (PUD).

b. Location

The PUD District may be established in the RMOD, RMED, RH, ~~CL~~, CG and CR Districts. The area proposed to be zoned as a PUD District shall have an area of at least ~~five (5) acres~~ *twenty (20) acres*.

However, the City shall not be precluded from considering amendments to PUD Districts that do not meet this requirement which existed before the adoption of this 20 acre minimum area requirement. The tract shall front on at least one public street that is rated by the City Engineer as a collector roadway or higher.

- 4.11 Expand the current requirement for minimum floor area requirements for dwelling units (implied to be apartment units) in certain districts, to be a uniform requirement for dwelling units of all types in all places within the city where dwelling units are permitted. Insert New Section K.18 as follows. Since some districts permit “live/work space” we also added the PEP standards for minimum square footage for those type uses as well.

Article 4. Zoning

Section K. Supplementary Regulations.

New Subsection 18. Minimum Size of Dwelling Units.

18. Minimum Size of Dwelling Units.

Effective (insert effective date of amendment), every new dwelling unit of any type created or constructed within the City of Hagerstown shall comply with the following minimum requirements for finished living area:

<i>Efficiency Unit:</i>	<i>500 square feet.</i>
<i>One-bedroom Unit:</i>	<i>650 square feet.</i>
<i>Two-bedroom Unit:</i>	<i>800 square feet.</i>
<i>Three-or-more bedroom Unit:</i>	<i>1,000 square feet.</i>
<i>Efficiency Unit with live/work space:</i>	<i>1,000 square feet.</i>
<i>One-bedroom Unit with live/work space:</i>	<i>1,300 square feet.</i>

Two-bedroom Unit with live/work space: 1,600 square feet.
Three-or-more bedroom Unit with live/work space: 2,000 square feet.

Since this would be a city-wide standard, the existing references to this requirement in the CC-MU, N-MU and CL Districts would be removed from Section E.6.a and F.5.b would be removed and replaced as follows (numbered accordingly):

All new residential units shall comply with the requirements of Section K.18.

The following provisions will be added to Section B (AT District), D (Residential Districts), H (Industrial Districts), J (Overlay Zoning Districts):

Article 4. Zoning
 Section B: AT (Agricultural Transition) Zoning District
 New Subsection 6. (Minimum Size of Dwelling Units)

- 6. Minimum Size of Dwelling Units.**
All new residential units shall comply with the requirements of Section K.18.

Article 4. Zoning.
 Section D. Residential Districts
 New Subsection 6. Minimum Size of Dwelling Units

- 6. Minimum Size of Dwelling Units.**
All new residential units, including those in cluster developments, shall comply with the requirements of Section K.18.

Renumber the subsection on Cluster Developments from #6 to #7.

Article 4. Zoning.
 Section H. Industrial Districts
 New Section 9. Minimum Size of Dwelling Units.

- 9. Minimum Size of Dwelling Units.**
All new residential units, including those in cluster developments, shall comply with the requirements of Section K.18.

Renumber existing #9 (Street Graphics) to #10.

Article 4. Zoning
 Section J. Overlay Districts
 Subsection 1 (Planned Unit Development), new subsection i(3):

- (3) Minimum Size of Dwelling Units.**
All new residential units, including those in cluster developments, shall comply with the requirements of Section K.18.

Article 4. Zoning
 Section J. Overlay Districts
 Subsection 2 (Conversion Overlay), new subsection k

- k. Minimum Size of Dwelling Units.
All new residential units, including those in cluster developments, shall comply with the requirements of Section K.18.*

Article 4. Zoning

Section J. Overlay Districts

Subsection 3 (Local Conversion Overlay), new subsection i(7):

- (7). Minimum Size of Dwelling Units.
All new residential units, including those in cluster developments, shall comply with the requirements of Section K.18.*

5. Improving resiliency from environmental hazards

- 5.1 Clarify the intent of the Floodplain Management Ordinance in regard to “subdivision access roads” and to increase performance standards for construction of roads, streets and driveways in floodplain areas.

Article 6. Floodplain Management Ordinance.

C. Requirements in All Special Flood Hazard Areas.

2. Subdivision Proposals and Development *Site Plan* Proposals.

a. In all flood zones:

- (1) Subdivision proposals and ~~development~~ *site plan* proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.
- (2) Subdivision proposals and ~~development~~ *site plan* proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (3) Subdivision proposals and ~~development~~ *site plan* proposals shall have adequate drainage paths provided to reduce exposure to flood hazards and to guide floodwaters around and away from proposed structures.
- (4) Subdivision proposals and ~~development~~ *site plan* proposals containing at least five lots or at least five acres, whichever is the lesser, that are wholly or partially in flood hazard areas where base flood elevation data are not provided by the Floodplain Administrator or available from other sources, shall be supported by determinations of base flood elevations as required in Subsection B.5 of these regulations.
- (5) ~~Subdivision access roads~~ *Public and private streets designed and constructed as part of the subdivision review process* shall have the driving surface at or above the base flood elevation *plus one foot*.
- (6) *Private streets, driveways, alleys, other vehicular access and motor vehicle parking areas designed and constructed as part of the site plan review process shall have the driving surface at or above the base flood elevation, unless a variance to the provisions of this Ordinance is approved by the Board of Zoning Appeals.*

b. In special flood hazard areas of non-tidal waters of the State:

- (1) Subdivision proposals shall be laid out such that proposed building pads are located outside of the special flood hazard area and any portion of platted lots that include land areas that are below the base flood elevation shall be used for other purposes, deed restricted, or otherwise protected to preserve it as open space.
- (2) ~~Subdivision access roads~~ *Public and private streets designed and constructed as part of the subdivision review process* shall have the driving surface at or above the base flood elevation *plus one foot*.
- (3) *Private streets, driveways, alleys, other vehicular access and motor vehicle parking areas designed and constructed as part of the site plan review process shall have the driving surface at or above the base flood elevation, unless a variance to the provisions of this Ordinance is approved by the Board of Zoning Appeals.*

6. Providing suitable locations for social and medical services at intensities consistent with the character and density of the surrounding neighborhoods.

- 6.1 Add new Institutional (INST) zoning district to the code. The purpose of the proposed new zoning district is to provide locations, most already existing, for large-scale institutional uses to serve the community. Currently large school campuses and medical campuses exist in the city on RMOD and RMED zoned properties and the code allows new such uses to be developed on any RMOD and RMED zoned land with a special exception from the Board of Zoning Appeals. It is proposed to rezone these RMOD- and RMED-zoned large school and medical campuses in the next comprehensive rezoning to INST and then modify the use chart in Article 4, Zoning, to modify where hospitals and nursing homes are permitted for consistency with the new zone and how other similar uses are permitted in the code.

The following are the proposed changes to Section F and Section Z in Article 4 to create the INST district and to identify permitted uses in the zone.

Article 4, Zoning

Section F, Commercial Zoning Districts

1. Purpose

- e. *INST (Institutional). To provide locations for institutional uses to serve the community. Examples of existing large-scale institutional uses include public school campuses, hospital and nursing home properties, recreational facilities with fields, parks, professional ball stadiums, cemeteries, etc.*

4. Height Limitations.

a. Height Limitation Chart

	CL	CG	CR	POM	<i>INST</i>
Height	2 stories or 35 feet	3 stories or 50 feet <i>60 feet</i>	60 feet	100 feet	<i>60 feet</i>

b. Special Exceptions for Height

	CG	CR	<i>POM</i>	<i>INST</i>
--	----	----	------------	-------------

Maximum Permitted Height by Special Exception	6 stories or 90 feet	150 feet	<i>6 stories or 90 feet</i>	<i>6 stories or 90 feet</i>
---	----------------------	----------	-----------------------------	-----------------------------

5. Minimum Lot Area, Lot Width and Yard (Setback) Requirements

a. Bulk Requirements Chart

Commercial District Dimension Dimensional Requirements for All Buildings Measured in Feet					
Zoning District	Front Yard Depth	Rear Yard Depth	Minimum Aggregate Width of Side Yards	Minimum Width of Side Yards	Number of Side Yards Required
CL	15	30	20	10***	2
CG	15	30	20	10***	0
CR	25	50*/**	40	20*	2
POM	15	25****	20	10****	2
INST	15	25****	20	10****	2

Notes: * 100 feet when adjoining a residential district
 ** 20 feet when a pad site adjoins a CR development
 *** 25 when adjoining a residential district
 **** where adjoining a residential district, the setback shall be one foot for each of building height, but not less than 35 feet

Article 4, Zoning

Section Z, Chart of Permitted and Special Exception Uses

Use	CG	POM	INST
Ambulance Services, fire protection, and police protection	P	P	P
Adult Day Care Services	P	P	P
Cemetery, columbarium and mausoleum for humans (not pet cemeteries) and crematoriums			P
Community Centers, including but not limited to cultural, civic, and educational centers	P		P
Continuing Care Retirement Community, on a minimum tract size of 20 acres			P
Fitness and Recreational sports centers	P	P#	P
Libraries	P		P
Commercial and private membership outdoor swimming pools, provided the pool meets the distance requirements cited in Section D.5.j.			P
Museums, except zoological parks	P		P
Primary and secondary schools, public and private, provided all setback, parking and other regulations are met without variance	P	P	P
Primary and secondary schools, public and private, for which setback, parking and other regulations cannot be met without variance	SE	SE	SE
Colleges, universities, trade and commercial schools, except primary and secondary schools	P	P	P
Private parks, playgrounds and community gardens			P
Public Administration, except correctional institutions publicly managed and privately managed	P	P	P
Public parks	P	P	P
Multi-purpose arenas for sporting events, entertainment, and other assembly events	P		P

Hospitals, including psychiatric, substance abuse and specialty hospitals	P	P	<i>P</i>
Ambulatory Health care services, with exception of outpatient substance abuse centers	P	P	<i>P</i>
<i>Outpatients Substance Abuse Centers, including disbursement of addiction treatment drugs– 500 foot separation from other centers and 1,000 foot separation from schools</i>	<i>P</i>	<i>P</i>	<i>P</i>
Nursing Homes, <i>Assisted Living Facilities, and Rehabilitation Centers</i>	P	P	<i>P</i>
Promoters of Performing arts, sports and similar events with or without facilities			<i>P</i>
Religious Sanctuaries with traditional accessory uses, provided all setback, parking and other regulations are met without variance or waiver and reuse of existing structures comply with setbacks.	P		<i>P</i>
Religious Sanctuaries other than those described in previous line, or not meeting all site design requirements	P		<i>P</i>
Temporary Contractor Staging facility, subject to provisions in Subsection K.13	P	P	<i>P</i>
Temporary Uses, subject to provisions in Section R	P	P	<i>P</i>

The addition of the new INST zone will require companion changes to distribute the zone where appropriate in the other sections of Article 4 and Article 5. The following are the proposed changes:

Article 4, Zoning

Section A, General Provisions – add INST to list of zoning districts in Subsection 12(a).

Article 4, Zoning

Section I, Graphics – add INST to POM row in dimensions charts for freestanding and wall-mounted graphics – Subsection 4, a and b.

Article 4, Zoning

Section J, Overlay Zoning Districts – add INST to Subsection 2 (b) for Conversion Districts.

Article 4, Zoning

Section K, Supplementary Regulations – add INST and POM to list of districts in Subsection 17, Outdoor Storage of Inventory, Merchandise and Supplies.

Article 4, Zoning

Section Q, Wireless Communications Facilities (WCF) – add INST to list of districts in Subsection 4.f.(2)(b) and to POM row in height maximum chart in (3). In addition, add POM and I-MU to Subsection 4.f.(2)(b).

Article 5, Subdivision and Land Development Ordinance (SALDO)

Section I, Site Plan Standards

Subsection 4.j. – add INST to POM row in buffer landscape standards chart.

Subsection 6.b. – add INST column to all design and performance standard charts and use POM standard.

Subsection 11 – add INST to list of districts for buffering of outdoor storage.

- 6.2 Modify how the code handles hospitals and nursing homes. Intent is to remove RMOD and RMED as permitted locations for such uses, since the new INST zone would incorporate the existing large RMOD/RMED parcels that currently contain hospitals and nursing homes and small parcels or mid-neighborhood parcels would not be suitable for such high intensity uses.

Article 4, Zoning

Section Z, Chart of Permitted and Special Exception Uses

Use	AT	RMOD	RMED	RH	RO	N-MU	CC-MU	CL
Hospitals, including psychiatric, substance abuse and specialty hospitals		SE	SE	SE	SE		P	SE
Nursing Homes and residential care facility for the elderly <i>Assisted Living Facilities</i>		SE	SE	SE <i>P</i>	P		P	SE

Use	CG	CR	POM	<i>INST</i>	I-MU	IR	IG	Conv	LC	PUD
Hospitals, including psychiatric, substance abuse and specialty hospitals	P	P	P	P	P					
Nursing Homes and residential care facility for the elderly <i>Assisted Living Facilities</i>	P	P	P	P	P					

- 6.3 Modify how the code handles social and medical services for disabled populations. Intent is to bring code into better alignment with Federal and State laws for protected classes. Proposed new medical services would be allowed where nursing homes are allowed and vocational centers would be allowed where light assembly is allowed. Maximum occupancy levels for assisted living facilities and rehabilitation centers shall be determined by the Fire Marshal and Chief Code Official.

Delete ‘transitional residential facilities with in-house professional care for up to three transitional residents being treated for substance abuse issues’ from Article 3 and Article 4, Section M and Article 4, Section Z.

Delete ‘residential care facility for the elderly’ and ‘social assistance – services for the elderly and persons with disabilities’ from Article 4, Section Z.

Delete ‘assisted living facility for the elderly and/or disabled’ in Article 3.

Add ‘*assisted living facility*’ and ‘*rehabilitation center*’ and ‘*outpatient substance abuse centers, including disbursement of addiction treatment drugs*’ and ‘*adult day care with vocational centers*’ to Article 3 and Article 4, Section D, Section M, Section O, and Section Z as follows:

Article 3, Definitions

Assisted Living Facility – a residential care facility for 10 or more persons licensed by Maryland Department of Health that provides housing and supportive services, supervision, personalized

assistance, and/or health-related services to meet the needs of residents who are unable to perform or need assistance in performing activities of daily living.

Rehabilitation Center – an in-patient rehabilitation center with specialized therapeutic programs to assist patients achieve the necessary functional independence to return home, usually following an acute medical or surgical hospitalization, including detox for substance addiction.

Outpatient Substance Abuse Center, including disbursement of addiction treatment drugs – an outpatient medical office for counselling and treatment of substance abuse, which may include disbursement of addiction treatment drugs.

Adult Day Care with Vocational Center – a facility providing day care for functionally impaired adults in a protective setting for periods of less than 24 hours per day which includes a vocational center for its clients.

Article 4, Section D, Residential Zoning Districts

5. Minimum Lot area, Locational, Lot Width, and Yard (Setback) Requirements.

Add the following to the chart:

	Lot Area	Lot Width	Lot Area Per DWU	Front Yard Depth	Rear Yard Depth	Min. Aggreg. Width of Side Yards	Min. Width of Side Yards	Number of Side Yards Required
<i>Nursing home, Assisted Living Facility, and Rehabilitation Center</i>	<i>1 acre</i>	<i>N/A</i>	<i>N/A</i>	<i>25 ft</i>	<i>50 ft</i>	<i>20 ft</i>	<i>10 ft</i>	<i>2</i>

Article 4, Section M, Maintenance, Expansion, Expiration, Confirmation and Change of Non-conforming Uses

Subsection 7, Change of Non-conforming Use to Another Use.

... The Board of Zoning Appeals is prohibited from changing a nonconforming use to any of the following uses:

- ~~i. Transitional Housing for Persons being Treated with Substance Abuse Issues~~
- i. *Nursing Home*
- j. *Outpatient Substance Abuse Centers, including disbursement of addiction treatment drugs*
- k. *Hospitals, including psychiatric, substance abuse and specialty hospitals*
- l. *Assisted Living Facility*
- m. *Rehabilitation Center*

Article 4, Section O, Off-Street Parking Requirements

Use	Required Spaces
Assisted Living Facility	One space for every three <i>four</i> beds plus one space per employee on largest shift
Nursing Homes	One space per 400 square feet of floor space <i>One space for every four beds plus one space per employee on largest shift</i>

Hospitals	One space per 1,000 gross square feet plus visitor parking as determined by the Planning Commission 4 spaces per bed.
<i>Rehabilitation Center</i>	<i>One space for every four beds plus one space per employee on largest shift</i>
<i>Outpatient Substance Abuse Centers, including disbursement of addiction treatment drugs</i>	<i>The greater of four spaces per practitioner or one space per 200 square feet of net floor area. For any use established after the adoption of this provision, when by the conduct of the use large numbers of clients will arrive on site at the same time for regular administration of addiction treatment medications, the provider shall demonstrate to the Zoning Administrator that there is adequate parking supply to serve their clients.</i>

Article 4, Section Z, Chart of Permitted and Special Exception Uses

Use	RH	RO	N-MU	CC-MU	CL	CG	CR	POM	INST
Nursing Home, <i>Assisted Living Facility, and Rehabilitation Center</i>	SE <i>P</i>	<i>P</i>		<i>P</i>	SE	P	<i>P</i>	P	<i>P</i>
<i>Outpatient Substance Abuse Centers, including disbursement of addiction treatment drugs</i>						<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Adult day care with vocational center</i>				<i>SE</i>				<i>SE</i>	

Use	I-MU	IR	IG	Conv
Nursing Home, <i>Assisted Living Facility, and Rehabilitation Center</i>	P			
<i>Outpatient Substance Abuse Centers, including disbursement of addiction treatment drugs</i>	<i>P</i>			
<i>Adult day care with vocational center</i>	<i>SE</i>	<i>P</i>	<i>P</i>	<i>P</i>

- 6.4 Add ‘Continuing Care Retirement Community’ to Article 3 and Article 4, Section Z as follows:

Article 3, Definitions

Continuing Care Retirement Community – a retirement community with accommodations for independent living, assisted living and nursing home care, offering residents a continuum of care. All of the dwelling units and care facilities are typically owned by the provider. As a campus environment of varying levels of “step up” care or living, dwelling units for independent living within the campus shall not be required to be on individual fee-simple lots.

Article 4, Zoning

Section Z, Chart of Permitted and Special Exception Uses

Use	RH	INST	PUD
<i>Continuing Care Retirement Community, on minimum tract size of 20 acres</i>	<i>P</i>	<i>P</i>	<i>P</i>

7. Streamlining the process and clean-ups to the code

- 7.1 Remove the requirement for the zoning map to be recorded in the land records of the courthouse. Justification: This has never been done to our knowledge and is not required by State law.

Article 4. Zoning

A. General Provisions

8. Establishment of Districts, Filing of Map and Ordinance.

- a. Districts. The city is hereby divided into zones, or districts, as shown on the official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter.
- b. **Map and Ordinance.** The official Zoning Ordinance and Map shall be filed in the office of the City Clerk for the City of Hagerstown, Maryland, among the official records *of the City.* ~~and shall be recorded among the plat records in the office of the Clerk of the Circuit Court for Washington County, Maryland, and among the Acts, ordinances and resolutions (incorporated towns) in the office of the Clerk of the Circuit Court for Washington County, Maryland.~~

- 7.2 Add ‘or she’ or ‘or her’ to any reference to the administrator of the ordinance, City Administrator, chairman, or property owner where currently only “he” or “his” are used.

Article 4, Zoning

Section T, Historic Review – add ‘or her’ to 4.c.(2)(c)

Section U, Board of Zoning Appeals – Applications, Notice, Powers and Duties – add ‘or her’ to 1.d. and 3; add ‘or she’ to 4.a

Article 5, Subdivision and Land Development Ordinance (SALDO)

Section H, Required Dedication of Expanded and Planned Street Right-of-Way – add ‘or her’ to 1.

- 7.3 Change references to “preliminary development plan” to “development plan” to be consistent with the standard labels the City uses, and to be consistent with Article 5.

Article 7. Forest Conservation

C. Forest Stand Delineation.

1. Criteria.

- a. When Submitted. A forest stand delineation shall be submitted before ~~preliminary~~ subdivision *development plan* ~~plat~~ or site plan approval, and before the issuance of any grading permit, sediment control plan approval or any other permit is issued for a regulated activity.

Article 7. Forest Conservation.

D. Forest Conservation Plan.

2. Preliminary Forest Conservation Plan.

- a. Qualified Professional. A preliminary forest conservation plan shall be prepared by a licensed forester, a licensed landscape architect, or a qualified professional who meets the requirements stated in COMAR 08.19.06.01B.
- b. Components. A preliminary forest conservation plan shall be submitted with the ~~preliminary plan of~~ subdivision *development plan* or plan for a regulated activity and shall be considered complete if it includes the following components: Editor’s note: components omitted.
- c. When Submitted. The review of the preliminary forest conservation plan shall be concurrent with the review of the ~~preliminary~~ site plan *or subdivision development plan.*

- 7.4 Increase the Forest Conservation noncompliance penalty from 30 cents per square foot to 50 cents per square foot. Justification: Fee in lieu is now greater than the penalty rate. Should be the opposite. Amount has not been increased since the Ordinance was adopted.

Article 7. Forest Conservation.

A. General Provisions.

3. Application, Exemption and Declaration of Intent.

c. Declaration of Intent.

- (4) The Planning and Code Administration Department may require a person failing to file a declaration of intent or found in noncompliance with a declaration of intent to:
- (a) meet the retention, afforestation and reforestation requirements established in this Article;
 - (b) pay a noncompliance fee of ~~\$0.30~~ **\$0.50** per square foot of forest cut or cleared under the declaration of intent;

- 7.5 Change the term “graphic” to “sign” in the Article 3 and 4. Justification: Use of term ‘graphic’ is too confusing and most in the industry use the term ‘sign.’

- 7.6 Amend the definitions of “triplex” and “quadraplex” in Article 3 to reduce confusion with the definition of “townhouse”.

Article 3. Definitions

DWELLING, TRIPLEX – A building containing three dwelling units arranged or designed each with its own outside entrance and each separated by a party wall or walls extending vertically from the ground to the roof. *Unlike townhouses, which also permit structures with as few as three units, triplex dwellings may be arranged in quadrants, dividing a rectangular or square shaped building, whereas townhouses are arranged side-by-side. Triplexes are referred to only in provisions for cluster subdivisions. Blocks of three-unit townhouses shall not be interpreted as triplex dwellings in zoning districts where townhouses are permitted. (Zoning)*

DWELLING, QUADRAPLEX – A building containing four dwelling units, each with its own outside entrance and each separated by a party wall or walls extending vertically from the ground to the roof. *Unlike townhouses, which also permit structures with as few as four units, quadraplex dwellings may be arranged in quadrants, dividing a rectangular or square shaped building, whereas townhouses are arranged side-by-side. Quadraplexes are referred to only in provisions for cluster subdivisions. Blocks of four-unit townhouse buildings shall not be interpreted as quadraplex dwellings in zoning districts where townhouses are permitted (Zoning)*

- 7.7 Create signature block templates for planning staff signature of development plans, sketch plans and site plans in the appendix of Article 5.

Article 5. Subdivision and Land Development
Appendix

Sketch Plan:

Reviewed by the Hagerstown Planning Commission on (insert date) and authorized to proceed to development plan or site plan phase of review, subject to any conditions set forth in the minutes of the

Planning Commission and reflected in notations here-on. Review at this stage of development is conceptual. As such, approval of a sketch plan does not convey any vesting rights. The City of Hagerstown and other review agencies reserve the right to raise issues or concerns not detected in this sketch plan review.

FOR THE HAGERSTOWN PLANNING COMMISSION

Date

(Insert Name)

Planning and Code Administration Department

Development Plan:

Certificate of Approval. The Development Plan for Subdivision shown hereon complies with the Subdivision and Land Development Ordinance for the City of Hagerstown, Maryland, and other applicable provisions of the Land management Code, with the exception of such variances, if any, as noted on this Plat and in the minutes of the Hagerstown Planning Commission and/or Board of Zoning Appeals. This approval is valid for three years from date of signature, and may be renewed by the Planning Commission in accordance with the provisions of the Land Management Code. This plan shall be void should requisite permits not be obtained and substantial construction occur within two years of the date of signature.

All work shall be in accordance with this plan. Should the developer find need to deviate from this approved plan, the developer shall contact Planning staff for a determination whether the work is minor and can be approved by staff, or if the work is substantial enough to require revised plans and possible re-approval by the Planning Commission.

FOR THE HAGERSTOWN PLANNING COMMISSION

Date

(Insert Name)

Planning and Code Administration Department

Site Plan:

Certificate of Approval. The site plan shown hereon complies with the Subdivision and Land Development Ordinance for the City of Hagerstown, Maryland, and other applicable provisions of the Land management Code, with the exception of such waivers or variances, if any, as noted on this Plat and in the minutes of the Hagerstown Planning Commission and/or Board of Zoning Appeals. This approval is valid for three years from date of signature, and may be renewed by the Planning Commission in accordance with the provisions of the Land Management Code. This plan shall be void should requisite permits not be obtained and substantial construction occur within three years of the date of signature.

All work shall be in accordance with this plan. Should the developer find need to deviate from this approved plan, the developer shall contact Planning staff for a determination whether the work is minor and can be approved by staff, or if the work is substantial enough to require revised plans and possible re-approval by the Planning Commission.

FOR THE HAGERSTOWN PLANNING COMMISSION

Date

(Insert Name)

Planning and Code Administration Department

- 7.8 Require PDF plans of the final approved site plans, and of final as-built conditions.

Article 5. Subdivision and Land Development

I. Site Plan Standards

2. Site Plan Submission Procedure

New subsection h:

h. *PDFs of Plans Required.*

The developer shall provide to the City electronic PDF copies (or other format acceptable to the City) of the plans as approved by the Planning Commission, and upon completion of the project, such copies of as built conditions as may be required by the City.

h. i. **Properties in Violation at Time of Application or Processing.**

- 7.9 Provide more direct reference to the landscaping standards found in Article 5, Section I regarding landscaping of fences adjacent to public streets.

Article 4. Zoning

K. Supplementary Regulations

1. Fences and Walls

c. Buffers Required When Adjacent to Public Streets.

Fences or walls constructed in a commercial or industrial district adjacent to a public street shall provide a perimeter roadside buffer in accordance with Section S of this Article and Article 5, Section I.4.h(8). , and the appropriate buffer shall be located outside the perimeter of the fence. The Planning Commission has the authority to reduce or eliminate the buffer requirement outside of the fence based on individual and unique circumstances.

- 7.10 Cross reference the requirements of the site plan standards to improvements proposed as part of a development plan.

Article 5. Subdivision and Land Development

E. Subdivision Design Principles and Standards

2. Street Layout and *Subdivision* Designu. *Applicable Use of Site Plan Standards*

When a subdivision development plan serves as a site plan for improvements to lots, the applicable provisions of Section I shall be applied to the design of such improvements and incorporated into the development plan.

- 7.11 Correct notation editing errors for RO and POM uses in use chart. This corrects past editorial error.

Article 4. Zoning

Z. Use Chart

Administrative Support Services -

Add asterisk after the P in the RO District column

Hair Nail and Skin Care Stores -

Add hashtag after the P in the POM District column

- 7.12 Add car rental facilities to the design standards for car sales facilities. Justification: Add reference to rentals in performance criteria implied in the use chart.

Article 4. Zoning

F. Commercial Zoning Districts

2. Uses

b. Performance Standards

(8) An automobile and/or truck sales and/or *rental* facility shall:

(a) No change.

- (b) No change.
- (c) No change.
- (d) No change.
- (e) Add to the end *Automobile and/or truck rental, and the sale of recreational vehicles and/or boats shall not be permitted in the CL District.*
- (f) No change.

- 7.13 The terms “sketch plan” and “concept plan” are used throughout the Code interchangeably. Review the entire Land Management Code and make references to sketch plans apply only to the development review process and concept plan as only an exhibit in a zoning or rezoning application.

Article 3, Definitions

MASTER PLANNED PROJECT – change ‘concept plan’ to ‘sketch plan’

CONCEPT PLAN – a preliminary concept plan of the proposed development or use showing the developer’s desires in regard to the future development or use of land for consideration during review of a proposed rezoning, overlay district, or special exception. (Zoning)

SKETCH PLAN – add (Zoning and) to existing end reference to applicable article.

Article 4, Zoning

Section E, Mixed Use Districts – change ‘concept plan’ to ‘sketch plan’ in Subsection 10.i.

Section J, Overlay Zoning Districts – change ‘sketch plan’ to ‘concept plan’ in Subsection f (1).

- 7.14 Minor clarification of a section title to emphasize that bulk requirements in this section include maximums.

Article 4, Zoning,

Section E, Mixed Use Districts

5. Minimum *and Maximum* Bulk Requirements Chart

- 7.15 Minor clarification of the charts for thresholds of afforestation and conservation to align with State Code. In comparing our Ordinance with the State model, the State model calls out medium density residential areas separately. This has never been carried separately in our ordinance, but it is advisable to be seamless with the State model ordinance.

Article 7, Forest Conservation,

Section F, Afforestation

Subsection 1.a. Threshold Ratios. (Text omitted. Change only to chart).

	Category of Use	Afforestation Threshold Percentage
(1)	Agricultural and resource areas	20%
(2)	<i>Medium density residential areas</i>	20%
(2) (3)	Institutional development areas	15%
(3) (4)	High-density residential areas	15%
(4) (5)	Mixed-use and planned unit development areas	15%
(5) (6)	Commercial and industrial use areas	15%

Article 7, Forest Conservation,

Section G – Reforestation

Subsection 1.b. Reforestation for Cutting Below Threshold. (Text omitted. Change only to chart).

	Category of Use	Conservation Threshold Percentage
(1)	Agricultural and resource areas	50%
(2)	<i>Medium density residential areas</i>	<i>25%</i>
(2) (3)	Institutional development areas	20%
(3) (4)	High-density residential areas	20%
(4) (5)	Mixed-use and planned unit development areas	15%
(5) (6)	Commercial and industrial use areas	15%

These changes have been presented to the Maryland Department of Natural Resources, and they have provided their concurrence that these changes are consistent with State Law.

- 7.16 Clarify the use chart use of NAICS code that automobile sales includes new and used cars, trucks, RVs, boats, motorcycles, snowmobiles and similar vehicles. NAICS reference currently refers only to new car sales.

Article 4 (Zoning),
Section Z (Use Chart)

Use
Automobile and truck sales, subject to performance standards found in Subsection F.2.b(8) (441110) , <i>(4411 & 4412)</i> , including <i>motor vehicle</i> rental or leasing when a principal use. Storage of <i>for-sale inventory and</i> rental fleets shall be calculated separate from <i>requirements for</i> customer and employee parking.

- 7.17 Provide direction on what the buffer landscape standard should be when a property is adjacent to the municipal boundary and County zoned property.

Article 5 (Subdivision and Land Development),
Section I (Site Plan Standards),
Subsection 2.j (Buffer Landscape Standards):

Add an asterisk note after the header “Adjacent Zoning:” that states:

When adjacent to the municipal boundary, apply the City’s zoning district that is comparable to the adjacent zoning outside of the municipal boundary.

- 7.18 Restructure the fence regulations in the Zoning Ordinance for clarity. There are sections below that were unchanged, but were moved around within this structure to accomplish a more logical flow.

Article 4 (Zoning)
Section K (Supplementary Regulations)
Subsection 1 (Fences and Walls)

1. Fences and Walls.

No fence or wall shall be constructed without first securing a zoning certificate from the Planning and Code Administration Department. The applicant shall submit a plan for the fence for review of the zoning certificate application. *The following standards shall apply:*

a. Visibility at Intersections. (NOTE: Expanding outline format. Assigning “a” is new.)

With respect to corner lots, no fence, wall, gateway, ornamental structure, hedge, shrubbery and other fixtures, construction or planting shall exceed three (3) feet in height in either direction back from the street corner (measured from the intersection of the street rights of ways) for a distance of 25 feet. This restriction applies to all corner lots in all zoning districts where front yards are required, in height above the elevation of the nearest curb on a corner lot in all districts where front yards are required for a distance of 25 feet along both the front and side lot lines, measured from the point of intersection of the intersecting lot lines.

b. Height and Setback. (NOTE: Expanding outline format. Assigning “b” is new.)

The following maximum height limitation shall be applied to fences that may be located within building setbacks. [ADMINISTRATIVE NOTE: The letters in each box shown in parentheses correspond to notes and requirements in subsections shown below and on the following two pages.]

District	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Residential Zoning Districts [ADMINISTRATIVE NOTE: see illustration on next page] Not provided in this package.	3 feet (a) b(1)	6 feet (a)-(h) b(1) and b(4)	6 feet (a)-(h) b(1) and b(4)
Residential Uses in a Mixed-Use District	3 feet (a) b(1)	6 feet (a)-(h) b(1) and b(4)	6 feet (a)-(h) b(1) and b(4)
Commercial Zoning Districts	Not Permitted (e) c.2	8 feet (b) c(1)	8 feet (b) c(1)
Commercial and Industrial uses in a Mixed-Use District	Not Permitted (e) c.2	8 feet (b) c(1)	8 feet (b) c(1)
Industrial Zoning Districts, Including the I-MU District	10 feet (e) c.2	10 feet (b) c(1)	10 feet (b) c(1)

a. (1) Residential Districts and Residential Uses in Mixed Use Districts.

- (a) When a residential property in a residential zoning district fronts more than one public street, ~~the~~ the frontage on ~~a~~ the side street and/or street to the rear shall be treated as a side or rear setback for the purpose of fence location, provided that the fence is not located ~~installed~~ closer to the principal frontage along the side street than the rear façade of the dwelling.

This provision shall not apply when the side street or street to the rear is of a higher functional classification than the principal frontage, as determined by the City Engineer. *In such cases, the front yard fence limitations shall continue to apply.* (Administrative note: See illustration to be provided).

- (b) Front yard fences shall be constructed only of decorative metal, wood picket, *vinyl picket* or composite picket construction, with the spaces between the pickets being at least as wide as the pickets.
- (c) Chain link, wire, ~~vinyl~~, paddock, and post and rail fences are specifically prohibited in front yards. *within 25 feet of a street right of way.* On residential properties, chain link fencing shall be limited to no more than four

feet in height in side and rear yards. Barbed wire fences are prohibited. The Board of Zoning Appeals shall not grant variances to the requirements of this paragraph.

(2) Entrance Features.

Fences or walls which serve as entrance features to subdivisions or developments shall be limited to four feet in height.

(3) Specialty Features.

Specialty fences of a specific and unique purpose, typically not associated with a property boundary, may exceed the height limits of a particular zoning district, subject to Planning Commission approval of the fencing plan as part of the Site Plan or Subdivision Plan approval. Fences of this type may include, but are not limited to, those associated with athletic fields, tennis courts, swimming pools, commercial and industrial storage areas, *fencing surrounding telecommunications facilities*, and noise attenuation walls.

(4) When Adjacent to More Intense Uses.

(a) When a property in a residential or mixed-use zoning district used for residential purposes adjoins a CG, CR, POM, INST or I-MU district or adjoins a non-conforming commercial or industrial use similar in character to what would be permitted in the CG, CR, POM, *INST* or I-MU District, the fence in a side or rear yard may be eight feet in height. No landscaping outside the fence shall be required.

(b) When a property in a residential or mixed-use zoning district used for residential purposes adjoins an IR or IG zoned property or adjoins a non-conforming commercial or industrial use similar in character to what would be permitted in the IR or IG Districts, the fence in the side or rear yard may be ten feet in height. No landscaping outside of the fence shall be required. Such fence shall comply with the required front yard setback.

(5) Setbacks for Retaining Walls.

See subsection e, below.

c. Buffers.

~~b.~~ (1) When Adjacent to Less Intense Districts.

~~Where a property~~ *When properties* in the commercial, mixed use or industrial districts is adjacent to a residential district (and in industrial districts when the property is adjacent to a commercial or mixed use district), landscaping shall be provided in accordance with Section S of this Article and Article 5, Section I, ~~and the~~ *The* appropriate buffer shall be located outside the perimeter of the fence. The Planning Commission has the authority to reduce or eliminate the buffer requirement outside of the fence based on individual and unique circumstances.

~~e.~~ (2) Buffers Required When Adjacent to Public Streets.

Fences or walls constructed in a commercial or industrial district adjacent to a public street shall provide a perimeter roadside buffer in accordance with Section S of this Article and Article 5, Section I, ~~and the~~ **The** appropriate buffer shall be located outside the perimeter of the fence. The Planning Commission has the authority to reduce or eliminate the buffer requirement outside of the fence based on individual and unique circumstances. NOTE: Illustration to be provided.

~~f. d.~~ **Construction Standards and Materials.**

Fences shall be constructed of materials specifically designed and manufactured for fencing purposes.

- (1) *Fences shall be constructed of materials specifically designed and manufactured for fencing purposes.*
- ~~(1)~~ (2) Barbed wire is not permitted in or adjacent to residential, mixed use and commercial districts. Barbed wire fences are permitted in industrial districts provided the barbed wire is installed on top of a fence that is at least six feet in height.
- ~~(2)~~ (3) See Subsection K.1.a of this section regarding limitations on materials for fences in front yards in residential districts.
- ~~(3)~~ (4) The finished side of any fence shall face outward towards surrounding public street rights-of-way, public parks and public school properties.

~~g. e.~~ **~~Safety Fences on Retaining Walls.~~ Retaining Walls and Safety Fences Thereon.**

- (1) **Setbacks.** In order to ensure that a retaining wall can be maintained or repaired without trespass onto adjacent property, when a retaining wall is constructed on a property that contains or is planned to contain a use other than a single-family dwelling, single-family semi-detached dwelling or two-family dwelling, and the wall faces away from the property, the wall shall be set back as follows:

Wall height:	24 to 48 inches above adjacent grade:	3 feet.
	More than 48 inches above adjacent grade	6 feet.

- (2) *Safety Fences on Retaining Walls. The provisions of this subsection regarding fences shall not ~~apply~~ be applied to those installed above retaining walls that are without integral safety railings or where safety railings are set back from the top of the wall by a minimum of three feet. However, safety railings made of fence materials shall comply with limitations on materials found in this subsection.*

- 7.19 Update the name of the relevant section of the State Code pertaining to annexations, which was revised in recent years.

Article 4 (Zoning)
 Section A (General Provisions)
 Subsection 13 (Newly Annexed Areas)
 13. **Newly Annexed Areas.**

- a. **Shall Be Assigned Zoning Classification.** All areas annexed to the City of Hagerstown after the effective date of this Ordinance shall be zoned in accordance with

the applicable resolution pertaining thereto as duly adopted by the Mayor and Council in accordance with the then applicable provisions of the Annotated Code of the Public General Laws of Maryland, ~~Article 23A entitled, "Corporations—Municipal, Section 19, Annexation."~~ *Local Government Article, Subsection 4-401 through 4-416 (Annexation).*

- 7.20 Create provisions for the Planning Commission to review and approve the commitment of land in City jurisdiction to meet the retention or reforestation needs of County or State forest conservation plans, and to require Planning Commission review of plans for public work that will clear City-approved forest conservation areas.

Article 7. Forest Conservation

Section A. General Provisions

Subsection 3. Application, Exemption ~~and~~ Declaration of Intent *and Consideration of Non-City Forest Conservation Plans affecting Lands Within City Jurisdiction.*

d: Consideration of Non-City Forest Conservation Plans affecting Lands Within City Jurisdiction.

- (1) *When a development that is outside of the City is proposed to include dedication of lands within the corporate limits of the City of Hagerstown for forest conservation retention or reforestation, the plan shall be submitted to the Hagerstown Planning Commission for review and approval. The Planning Commission may reject the proposal if it finds that the proposal will interfere with the logical development of the balance of the property or surrounding lands, will not be the highest and best use of land, will be inconsistent with the policies and goals of the Hagerstown Comprehensive Plan, or it will remove from potential development lands the City views as valuable for economic development purposes. The Planning Commission may solicit the comments and opinions of adjacent property owners, the Department of Community and Economic Development and any other agency or organization the Commission identifies as having potential pertinent views on the proposal. Should the Commission approve such a plan, it may impose conditions necessary to protect the public interest from the City's perspective.*
- (2) *Should the County or State propose a public works project that will impact a property that is subject to a City-approved forest conservation plan, the new plan shall be submitted to the Hagerstown Planning Commission for review and approval. The plan shall contain proposals to offset any forest conservation measures lost by the proposal. Should the Planning Commission approve the proposal, the forest conservation plan file for the subject property shall be updated to reflect the approved change.*

- 7.21 Add definition for "private street" to make clear distinction from the driveway of an apartment complex and a driveway through a shopping center that serves as a frontage road. The prohibition on Private Streets would remain.

Article 3. Definitions

STREET, PRIVATE – A street privately owned and maintained that is used as the principal means of access to abutting lot or lots or more than two dwellings on a lot which a private way is exclusively located. The driveway network within a commercial development (including those traversing multiple properties with shared access and maintenance responsibilities), driveways through parking lots and driveways through multiple family dwelling developments shall not be considered a private street. (Zoning and Floodplain)

- 7.22 Add a new third sub-definition to the existing definition of “Adult Entertainment Business” to include live performance venues and regulate this use the same as other adult uses within the existing limitations of the Ordinance.

Article 3 – Definitions,
Definition of “Adult Entertainment Business”:

3. *A theater, concert hall, auditorium, or similar establishment characterized by activities which involve “specified sexual activities” and/or “specified anatomical areas” (as defined by this Article) engaged in by performers in live performances. (Zoning)*

- 7.23 In review of appropriate locations for Group Homes, Halfway Houses, and Alternative Living Units, staff discovered some errors and oversights from prior amendments on how the Use Chart in Article 4, Section Z handles the distribution of residential uses and mixed-use buildings. The follow proposal makes the appropriate corrections.

Article 4, Zoning
Section Z, Chart of Permitted Uses and Special Exception Uses

	RMED	RO	RH	CC-MU	N-MU	CL	C	LC	PUD
Mixed-Use Buildings of Commercial & Residential Uses		P	SE	P@	P@	P	P	P	P
Dwelling, Single-family, subject to minimum lot requirements	P	P	P	P@	P@	P	P	P	
Dwelling, Two-family, subject to minimum lot requirements	P	P	P	P@	P@	P	P	P	
Dwelling, townhouse, subject to minimum lot requirements	P	P	P	P@	P@		P		
Dwelling, mansion house apartments in an existing building, subject to performance requirements cited in Subsection D.5.g.	P*	P*		P*					
Dwelling, new construction mansion house apartment, subject to minimum lot area requirements		P		P@	P@	P	P	P	

8. Updating Sign regulations to be consistent with Supreme Court direction

SECTION 3 – SIGNS – see attached

9. Comprehensive Code Review and Correction of Cross Referencing

The breadth of the changes proposed in this package has the potential to create cross-referencing disconnects. In an Ordinance to Adopt, the Mayor and Council will need to direct Staff to make non-substantive corrections and changes to existing cross-references to ensure these changes do not create disconnects in the continuity and cross referencing of the document.

LAND MANAGEMENT CODE

2018 COMPREHENSIVE UPDATE PROPOSALS

REVISION OF SIGNS SECTION

October 24, 2018

Introduction and narrative in normal black type.
Existing text to be unchanged in normal blue type.
~~Existing text to be deleted in normal blue strikeout.~~
Proposed new text in blue bold italics.

This proposal is for the comprehensive revision of Section I of the Zoning Article to address recent legal decisions on sign regulations that are based on content, and to make other “housekeeping” adjustments to this Section.

Justification: It appears that the City’s regulations on signage would not withstand a legal challenge on the basis of a recent United States Supreme Court decision (*Reed v. Town of Gilbert, Arizona*). Code Enforcement has not been enforcing our regulations on temporary signage until we can adopt “Gilbert-compliant” revisions.

The amendments proposed herein are mostly drawn from Gilbert’s amendments to their own sign code after having lost a defense of their previously existing ordinance in the U.S. Supreme Court. A one sentence summary of the decision could be described as “regulation of signage can focus on size, number, and other non-message issues, but cannot in any substantial way address content.” A sign in someone’s front yard saying “protect the First Amendment” must be treated the same as a real estate sign posted advertising the property for sale. The Town of Gilbert’s new sign code is extensive (about 50 pages). Hagerstown does not have the resources to administer a 50-page sign code. The below suggested amendments are a consolidation of their adopted changes to fit within Hagerstown’s needs and ordinance structure.

At the Commission’s direction, all references to ‘graphics’ shall be changed to ‘signs.’

Article 4. Zoning
I - ~~Graphics~~. ***Signs.***

New Subsection 1 – Purpose and Intent

It is the purpose of this Section to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this Section are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the secondary effects of signs that may adversely impact aesthetics and traffic and pedestrian safety. These signs regulations are designed to serve substantial governmental interests such as traffic safety, enhancement of the beauty of the landscape and the unique character of the City’s commercial, mixed-use and residential areas, protect and increase property values within the City, protect the general public from damage and injury which may be caused by the faulty and uncontrolled construction of signs and to safeguard pedestrians and motorists of the City from damage or injury caused by the distractions and obstructions which are caused by improperly situated signs.

In order to preserve and promote the City of Hagerstown as a desirable community in which to live, visit, work, play and do business, a pleasing, visually attractive and safe environment is of foremost importance. The regulation of signs within the City is a highly contributive means by which to achieve this desired end. Further it continues to be the purpose of this Section to promote optimum conditions for serving signs owners’ needs and respecting their rights to identification while balancing the aesthetic and safety interests of the community. The regulation of signs within the City of Hagerstown is necessary and in the

public interest, and these regulations have been prepared with the intent of enhancing the visual environment of the City and promoting its continued well-being, and are intended more specifically to address:

- a. Aesthetics. Maintain and enhance the unique character, aesthetic environment, and quality of the City of Hagerstown, that will attract commerce, businesses, economic development, residents and visitors; to preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts of the City; and to assure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs.*
- b. Traffic and Pedestrian Safety. Maintain and improve traffic and pedestrian safety through properly located signs; to regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians;*
- c. Economic Development. Promote economic development and the value of non-residential properties, through sensitivity to surrounding land uses and maintaining an attractive community appearance.*
- d. Effective Communication. Encourage signs which are clear and legible; to encourage the effective use of signs as a means of communication;*
- e. Zoning District Considerations and Historical Character. Encourage and allow signs that are appropriate to the zoning district in which they are located and to protect and enhance the historical character of the City's commercial and residential historic district through compliance with adopted design guidelines for work in those historic districts;*
- f. Identification of Goods and Services. Aid the public and private sectors in effectively identifying the location of goods and services;*
- g. Compatibility with Surroundings. Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to signs clutter or that conceal or obstruct adjacent land uses or signs; to preclude signs from conflicting with the principal permitted use of the site and adjoining sites; and to minimize the possible adverse effect of signs on nearby public and private property;*
- h. Reduction of Visual Clutter. Reduce visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;*
- i. Property Values. Protect property values by precluding, to the maximum extent possible, sign types that create a nuisance to the occupancy or use of other properties as a result of their physical characteristics such as their size (area), height, number, illumination and movement; and to protect property values by ensuring that the number of signs are in harmony with buildings, neighborhoods, and conforming signs in the area;*
- j. Enforcement. Enable the fair and consistent enforcement of these signs regulations; and to provide standards regarding the non-communicative aspects of signs, which are consistent with local, county, state and federal law.*

4.2. Minimum Standards, Prohibitions and Applicability.

- a. Minimum Standards.** (no changes to this subsection except for changing ‘graphics’ to ‘signs.’)
- b. Prohibitions.**

The following types of signs are not permitted:

- (1) Animation, bare bulbs, or flashing illumination or imagery. All lighting shall be steady, stationary, and/or shielded light sources directed solely onto the message.

The prohibition of bare-bulbs shall not prohibit the use of decorative neon tube lighting used:

- (a) in straight sections used only to highlight architectural features (and such use shall not be counted toward sign area), and/or
- (b) when formed into shapes with the intended use of signage (and such use shall be counted toward sign area).

- (2) Roof-mounted ~~graphics~~ **signs** and temporary portable ~~street-graphics~~ **signs**, except as permitted in Subsection 3.b(2) below.

- (3) Temporary ~~graphics~~ **signs**, except as enumerated in Subsection 6, below.

- (4) Streamers, pennants, ***flying banners, blade signs, signs that use fans or natural wind or air movement to generate movement***, and similar products are prohibited.

Moved to become section h of the Temporary Signs section. Renumber (5) through (9) here as (4) through (8).

- (5) ~~Graphics~~ **Signs** on or attached to stationary equipment, such as vehicles, trailers, storage containers, etc., when ~~signing~~ ***conveying information or a message*** is the apparent principle use of the equipment on either a temporary or permanent basis.

- (6) ~~Graphics~~ **Signs** placed in the public street or alley right-of-way of the City of Hagerstown, unless approved by the City of Hagerstown under Chapter 216, Streets and Sidewalks, of the Code. This provision does not apply to portable non-illuminated, changeable message board signs for businesses located in buildings with zero setback, as described in Subsection ~~23~~.b(2) below.

- (7) ~~Graphics~~ **Signs** positioned so that it obstructs traffic visibility along streets as determined by the City Engineer.

- (8) Window ~~graphics~~ **signs** applied to the surface of a glass door that create a solid background ***over more than 50% of the glass surface*** which prevents views into occupied ~~storefront~~ ***commercial or institutional*** space.

- (9) ~~Graphics~~ **Signs** for Home Workstations, ***which by definition are accessory residential uses***.

- c. **Off-Premise Signs.** This section of Article 4 does not apply to ~~graphics~~ **signs** advertising products or businesses located off the premises where the ~~graphic~~ **sign** is located, commonly known as billboards or off-premise signs. Such ~~graphics~~ **signs** are regulated under Chapter 204, Signs.

2. 3. Measuring ~~Graphics~~ Signs and Building Frontages.

- a. **Procedures for Measuring ~~Graphics~~ Signs.**

Channel letter ~~graphics~~ **signs** (individual or raceway mounted): measure around outside edge of letters, but do not include descenders of letters. Logos shall be included in measurements for area maximums.

b. ~~Graphics~~ **Signs Excluded From Maximum Area Requirements.**

- (1) Window ~~graphics~~ **signs**. *When the property is located in a historic district or is a landmark property, see additional standards that are contained in the duly adopted Design Guidelines approved by the Historic District Commission and the Mayor and City Council.*
- (2) Portable non-illuminated, changeable message board ~~graphics~~ **signs** for street level ~~businesses~~ **occupants and uses**, provided:
 - i. The ~~graphic~~ **sign** must be placed within the vicinity of the entry door to the ~~storefront~~ **use and occupied space**;
 - ii. The ~~graphic~~ **sign** shall be taken in when the business **or use** is closed;
 - iii. The maximum size for these ~~graphics~~ **signs** is 6 square feet per side;
 - iv. The ~~graphics~~ **signs** shall be limited to one per business **or use**.
- (3) Wall-mounted directory ~~graphics~~ **signs** for multiple ~~tenant~~ **use** buildings, provided:
 - i. ~~Graphics~~ **Signs** shall be located beside the entry door;
 - ii. The maximum size for directory ~~graphics~~ **signs** is 12 square feet.
- (4) Entrance, exit, and other parking lot directional ~~graphics~~ **signs** along internal road or driveway networks of development.
- (5) Cornerstones not of an advertising nature built into or attached to a wall of a building.
- (6) Historic interpretive markers, *up to three per building or parcel, each not exceeding 6 square feet in area, and designed and constructed on the template used by the City of Hagerstown.*
- ~~(7) Subdivision or development identification signs.~~
- ~~(8)~~ (7) Government ~~graphics~~ **signs**: ~~Graphics~~ **Signs** of any size or shape erected by or under the direction of any governmental body or agency in any location for the purpose of promotion, identification, direction, safety, or convenience of the public. *However, unless pre-empted by State or Federal law, such signs are subject to review and approval by the Historic District Commission when located in a historic district or landmark overlay zoning district.*
- ~~(9)~~ (8) Theater Marquees in the CC-MU District: Historically, the theaters in the CC-MU district had **large** marquees projecting over the sidewalk to promote the **theater and the** theater's upcoming events. As marquee graphics are a character defining feature of downtown theaters and are crucial to their success, *and to the success of uses occupying historic former theaters which are character defining features of the Downtown Historic District*, the continued use of theater marquees in the CC-MU is a public goal. In order to allow that tradition to continue, approval of any new theater marquee and associated ~~graphics~~ **signs and any replacement or reconstruction of a marquee to serve the needs of a use reoccupying a building formerly used as a theater** will be by the Historic District Commission on a case by case basis considering *the historic nature of an existing building or, in the case of a new theater building*, the historic precedent for such signs in the downtown historic district.
- ~~(10)~~ (9) **Gasoline Price Signs As Required by Maryland Law**: *Maryland law requires the price of gasoline be posted on properties where it is sold, and sets minimum standards for such posting. Signs posting the price of gasoline shall not be included in the calculation of permitted sign area up to the minimum required by State Law. That which exceeds the minimum area required by State Law shall be included in the calculation of sign area.*

~~The minimum size and required posting of graphics informing the public of gasoline sales prices in accordance with Maryland law shall not be calculated for the purpose of maximum graphic area. That which exceeds the minimum required by Maryland law shall be included in the maximum graphic area.~~

(10) *Building or house address number sign, as may be required by City Code for emergency services purposes.*

c. **Procedures for Measuring Building Frontage.** Staff note: no change.

3. 4. **Maximum Number of ~~Graphics~~ Signs Permitted.**

- a. **Maximum Number of Signs.** No limitation on number of wall-mounted ~~graphics~~ **signs** provided ~~square footage of total~~ **the total area of all wall-mounted signs** falls within maximums prescribed for that district.
- b. **Multiple Occupant Buildings.** If ~~a~~ building contains multiple ~~tenants~~ **non-residential occupants** (e.g., office buildings, downtown commercial buildings), total wall mounted ~~graphic~~ **sign** area is limited to formula prescribed for the entire building (e.g., if cap for building is 30 square feet, the total for all signs must add up to 30 or less square feet in area).
- c. **Freestanding ~~Graphics~~ Signs.** No more than one freestanding ~~graphic~~ **sign** installation per building or shopping center per each street or highway on which the building has frontage. Each pad site in a shopping centers (correct plural reference) shall be permitted one freestanding ~~graphic~~ **sign** installation.

4. 5. **~~Graphic~~ Dimensional and Design Requirements for Signs.**

Site plan applicants are required to present a Program for ~~Graphics~~ **Signs** as part of a required site plan that integrates the design of ~~graphics~~ **signs** with the design of the building (and/or development) on which they will be displayed and with the surrounding area. An office park may display no more than one freestanding ~~graphic~~ **sign** to identify the park at each exit and entrance. The style, color and materials of ~~graphics~~ **signs** shall be consistent with other ~~graphics~~ **signs** on the property and with the main structure.

Regardless of whether a signs installation is part of a project that requires a site plan, dimensional and design requirements are as follows:

a. **Freestanding ~~Graphics~~ Signs.**

Zoning District	Maximum Height (feet)	Maximum Area (square feet)	Maximum area per installation for commercially zoned sections of Dual Highway, Wesel Boulevard and Potomac Avenue north of Northern Avenue (square feet)
RMOD, RMED, RH*	10	36 for buildings set back 25 feet or less from the street, 48 for buildings set back more than 25 feet from the street.	NA
RO*, N-MU, CC-MU, CL, C, LC	10	40	NA
CG, CR, POM	30	100, <i>however the maximum area per installation for commercially zoned sections of Dual Highway, Wesel Boulevard and Potomac</i>	150

		<i>Avenue north of Northern Avenue shall not exceed 150.</i>	
AT, I-MU	10	100	NA
IR, IG	30	100	NA

* For permitted non-residential uses (excluding home workstations)

All permit applications for freestanding signs shall include a plan for landscaping the base of the sign, which shall include, but is not limited to, low lying shrubs, flower and other plantings. Such plantings shall be maintained and kept in presentable condition. Failure to maintain landscaping as approved as part of the permit for the sign shall constitute a violation of this Article.

b. **Flush, Wall-Mounted ~~Graphics~~ Signs.**

Zoning District	Maximum Cumulative Area 50 feet or less of building or strip store frontage (square feet)	Maximum Cumulative Area More than 50 feet of building or strip store frontage (square feet)
RMOD, RMED, RH*	1 per each linear foot of building frontage	1.5 per linear foot of building frontage
RO*, N-MU, CC- MU, CL, C, LC	1 per each linear foot of building frontage	1 per linear foot of building frontage
CG, CR, POM, IR, IG, I-MU, AT	1.5 per linear foot of building frontage	2 per linear foot of building frontage

* For permitted non-residential uses (excluding home workstations)

c. **Projecting ~~Graphics~~ Signs.** No ~~graphic~~ **sign** shall project more than 52 inches from the building wall or within two feet of the curb line. Dimensional and Design Requirements are as follows for all zoning districts, including non-residential uses in RH and RO Districts (not home workstations):

Maximum area for storefront or strip store tenant occupant	8 square feet
Maximum area for single-user building and for upper floor tenants occupant in multi-use buildings	No more than one 36-square foot vertically oriented sign per building frontage
Minimum vertical clearance	8 feet
Maximum vertical clearance	Below the second floor for storefront tenants occupants and below the roof line for upper floor tenants occupants and single-user buildings

d. *Each dwelling unit may have one (1) permanent wall or freestanding sign not to exceed three (3) square feet in size and not to exceed two (2) feet in height if placed as a freestanding sign. Such sign shall not be used as an off-premise sign as described herein and regulated in Chapter 204 of the City Code, nor shall be used to identify the presence of a residential accessory use home occupation.*

d. e. **Secondary Changeable Copy/Image ~~Graphics~~ Signs.**

- (1) For freestanding ~~graphic~~ **sign** installations, secondary changeable copy/image ~~graphics~~ **signs** shall be located on the same base as the primary freestanding ~~graphic~~ **sign**.

- (2) Shall be subject to the total area maximums identified in the preceding subsections for ~~graphics~~ **signs**.
- (3) ~~Graphics~~ **Signs** which automatically change messages or copy electronically must be set to maintain the image for a minimum of ten seconds in residential districts and six seconds in all other districts. In the residential districts, such ~~graphics~~ **signs** shall be locked in a single image between the hours of 10:00 p.m. and 6:00 a.m. **Message changing shall be instantaneous. Also, see prohibitions in Subsection 2.b(1) above regarding flashing and animation.**
- (4) All digital ~~graphics~~ **signs** shall be equipped with automatic dimming capabilities that adjust the brightness to the ambient light at all times of the day and night.

5. 6. Temporary ~~Graphics~~ **Signs**.

The following requirements shall be applied to temporary signs. These regulations shall be applied separately from and in addition to more permanent signs as described in Subsection 4 above. Temporary ~~graphics~~ **signs** shall be non-illuminated and limited to the following types:

- a. ~~Construction graphics, which identify the architects, engineers, contractors and other individuals or firms involved with the construction occurring on the premises on which the graphic is displayed. Such graphics shall be removed upon issuance of a certificate of occupancy for the development.~~
- b. ~~Real estate graphics, advertising the sale, rental or lease of the premises or part of the premises on which the graphic is displayed. Such graphics shall be removed upon execution of a lease or contract of sale.~~
- c. ~~Political and social graphics announcing the candidates seeking public political office or other information pertinent thereto, or related to a ballot initiative, or promoting a social or political viewpoint.~~
- d. ~~Graphics advertising only the name, date, time and place of any bona fide fair, festival, bazaar or similar event, when conducted by a public agency or for the benefit of any civic, fraternal, religious or charitable cause; provided that all such graphics shall be posted no earlier than 30 days before the event and removed within 24 hours after the last day of the event to which they pertain. Such graphics shall not be posted on exclusively residential use properties unless the event is occurring on that property. Such graphics may contain the logo(s) of event sponsor(s).~~
- ~~e. Building mounted grand opening graphics for uses permitted by Section Z of this Article, provided that such graphics shall not be displayed more than one time for up to 10 days.~~
- f. ~~Seasonal decorations that serve no advertising purpose other than celebrating the holiday or observance.~~
- g. ~~Change of business name banners/hoods/covers over existing building mounted and freestanding graphics, while new graphics are being manufactured provided that such graphic or graphics shall not be displayed for more than eight weeks and shall not exceed the permitted graphic area for that site, subject to an approved building or zoning permit.~~
- h. ~~Yard sale graphics on properties containing legal residential uses, provided that such graphics shall be displayed only up to eight days before and on the day of the event and only on the property holding the event. The maximum graphic area shall be eight square feet.~~

- i. ~~Graphics for approved temporary businesses, subject to size limitations for that district, provided that all such graphics shall be removed when the temporary business approval expires.~~

a. *General Criteria for Temporary Signs.*

A temporary sign is unlawful if it does not meet the criteria established for the zoning district in which the temporary sign is located, as set forth and described in this subsection. However, these general criteria and limitations do not apply to portable non-illuminated, changeable message board signs, banner signs, flying banner signs, flags and umbrella signs which are separately regulated or prohibited elsewhere in this section.

<i>General Criteria for Temporary Signs</i>		
<i>Zoning District</i>	<i>RMOD, RMED, RH, RO and residential uses in PUD Development</i>	<i>All other zoning districts and non-residential uses in the RMOD, RMED, RH and RO zoning districts and commercial areas of PUD Development</i>
<i>Maximum number of signs per parcel</i>	<i>3</i>	<i>3</i>
<i>Maximum area of each sign</i>	<i>6 square feet</i>	<i>32 square feet</i>
<i>Height maximum for a freestanding sign</i>	<i>6 feet</i>	<i>6 feet</i>
<i>Height maximum for a wall sign (inclusive of a window sign)</i>	<i>6 feet</i>	<i>15 feet</i>
<i>Minimum setback from right of way</i>	<i>None, but shall be kept out of public rights of way.</i>	<i>None, but shall be kept out of public rights of way.</i>

Each residential use with at least one principal structure may place up to six offsite temporary signs on private property for the purpose of directing the public to a residential activity (e.g. real estate open house, garage/yard sale, estate sale). Said signs shall be displayed only during the hours that the residence is open for public inspection and shall not exceed 6 sq. ft. in area per graphic. The permission of the property owner shall be obtained before placing such signs.

- b. *Construction and Development Projects and the Sale of Unimproved Tracts of Two Acres or Greater Intended for Development. Signs associated with a construction project or residential development or subdivision, which identify the architects, engineers, contractors and other individuals or firms involved with the construction, and/or marketing agents associated with selling or leasing the premises under development shall be permitted on the premises. Also, signs placed on an unimproved tract that is for sale with the intent or potential for development shall also be permitted under this section. Such signs shall be removed upon issuance of a certificate of occupancy for the development. Signs advertising the tract for sale shall be removed upon settlement of the sale. Requirements are as follows:*
- | | |
|---|--|
| <i>Maximum Sign Area:</i> | <i>100 square feet per public street frontage</i> |
| <i>Minimum Distance from Rights of Way:</i> | <i>None</i> |
| <i>Lighting or Illumination Permitted:</i> | <i>No</i> |
| <i>Permitted in Public Rights of Way:</i> | <i>No, unless a license agreement is issued by the Department of Parks and Engineering</i> |
| <i>Movement or Animation Permitted:</i> | <i>No</i> |

- c. *Temporary Banner Signs. Banner Signs are permitted in all zoning districts, but may be placed in residential zoning districts only in conjunction with non-residential uses. Banner signs are unlawful if they do not meet the criteria and limitations set forth in the following table: NOTE: This implies on-site only.*

<i>Temporary Banner Signs</i>	
<i>Maximum Number of Banner Signs Per Parcel or Use</i>	<i>One</i>
<i>Maximum Sign Area</i>	<i>Occupancies: Up to 5,000 sq. ft. - 40 square feet 5,001 sq. ft. to 15,000 sq. ft. – 80 square feet 15,001 sq. ft. to 50,000 sq. ft. – 120 square feet Greater than 50,001 sq. ft. – 180 square feet</i>
<i>Sign Height Maximum if displayed as a Freestanding Sign</i>	<i>8 feet</i>
<i>Minimum Sign Setback if displayed as a Freestanding Signs</i>	<i>3 feet</i>
<i>Minimum Spacing from any Other Sign (Temporary Sign or a Permanent Sign)</i>	<i>15 feet</i>
<i>Permit Required</i>	<i>As determined by Permits Office</i>
<i>Incorporation of Florescent Color or Exhibition of Florescence Allowed</i>	<i>No</i>
<i>Allowed on Public Sidewalk / Right of Way</i>	<i>No</i>
<i>Allowed within a Sight Visibility Triangle at an intersection (two streets or a driveway and a street)</i>	<i>No</i>
<i>Duration</i>	<i>No more than 120 days per year in the aggregate for all temporary banners.</i>
<i>Duration Allowed After Conclusion of an Event if the Sign Pertains to an Event</i>	<i>1 day</i>
<i>Lighting or Illumination Allowed</i>	<i>No</i>
<i>Movement Allowed</i>	<i>No</i>

- d. *Sign Walkers. It is the intent of this Ordinance not to regulate the use of sign walkers.*
- e. *Umbrella Signs. It is the intent of this Ordinance not to regulate the use of signs on umbrellas used in outdoor dining areas that are not in the public street right of way. Any use of the public ways for such purposes are subject to the authority of the Department of Parks and Engineering.*
- f. *Flags. Unless otherwise required by Maryland law or specified in this Section, a flag flown from a flagpole, bracket or stanchion conveying a commercial or corporate message shall not exceed twenty-four (24) square feet. The flag shall not require a permit or zoning certificate, however requirements for obtaining building permits may apply to the pole, bracket or stanchion.*
- g. *Offsite Temporary Signs on Private Property. Offsite temporary signs are permitted in all zoning districts on unimproved lots or parcels of 1 acre or more subject to the following:*
- | | |
|--|-----------------------|
| <i>Maximum Number of Signs Per Parcel:</i> | <i>one</i> |
| <i>Minimum Size of Unimproved Parcel Required:</i> | <i>one acre</i> |
| <i>Maximum Sign Height:</i> | <i>8 feet</i> |
| <i>Maximum Sign Area:</i> | <i>32 square feet</i> |
| <i>Minimum Distance from Public Rights of Way:</i> | <i>10 feet</i> |
| <i>Minimum Distance from Any other Sign:</i> | <i>100 feet</i> |

*Maximum Duration:**One year**Lighting, Animation or Movement Permitted:**No*

- h.* Temporary ~~graphics~~ **signs** not permitted in ~~this~~ Subsection ~~5~~ shall be removed within 180 days of ~~October 30, 2015~~. Staff note: Insert date of the adoption of this amendment. *[ADMINISTRATIVE NOTE: This date is April 27, 2016.* Staff note: insert date 180 days after the adoption of this amendment]

6. 7. Graduated Progress to Conformity and Prohibition of Electronic Message Boards on Nonconforming Freestanding ~~Graphics~~ Signs.

- a. Upon application, the Zoning Administrator may approve a replacement ~~graphic~~ **sign** unit on an existing freestanding ~~graphic~~ **sign** structure that contains multiple ~~graphics~~ **signs** exceeding the total permitted ~~graphic~~ **sign** area, provided that the new ~~graphic~~ **sign** does not exceed a proportionate share of the total permitted ~~graphic~~ **sign** area for the number of businesses on the property. When replaced later, existing ~~graphics~~ **signs** for other users on a property shall comply with this standard. When completed and all existing ~~graphics~~ **signs** are ultimately replaced, the collective area of the new ~~graphic~~ **sign** units shall not exceed the total permitted ~~graphic~~ **sign** area.
- b. No electronic ~~graphic~~ **sign** shall be added to an existing nonconforming freestanding graphic structure.

DRAFT AS IT WOULD APPEAR AS FINAL PRODUCT

I. Signs.

1. Purpose and Intent

It is the purpose of this Section to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this Section are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the secondary effects of signs that may adversely impact aesthetics and traffic and pedestrian safety. These signs regulations are designed to serve substantial governmental interests such as traffic safety, enhancement of the beauty of the landscape and the unique character of the City's commercial, mixed-use and residential areas, protect and increase property values within the City, protect the general public from damage and injury which may be caused by the faulty and uncontrolled construction of signs and to safeguard pedestrians and motorists of the City from damage or injury caused by the distractions and obstructions which are caused by improperly situated signs.

In order to preserve and promote the City of Hagerstown as a desirable community in which to live, visit, work, play and do business, a pleasing, visually attractive and safe environment is of foremost importance. The regulation of signs within the City is a highly contributive means by which to achieve this desired end. Further it continues to be the purpose of this Section to promote optimum conditions for serving signs owners' needs and respecting their rights to identification while balancing the aesthetic and safety interests of the community. The regulation of signs within the City of Hagerstown is necessary and in the public interest, and these regulations have been prepared with the intent of enhancing the visual environment of the City and promoting its continued well-being, and are intended more specifically to address:

- a. **Aesthetics.** Maintain and enhance the unique character, aesthetic environment, and quality of the City of Hagerstown, that will attract commerce, businesses, economic development, residents and visitors; to preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts of the City; and to assure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs.
- b. **Traffic and Pedestrian Safety.** Maintain and improve traffic and pedestrian safety through properly located signs; to regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians;
- c. **Economic Development.** Promote economic development and the value of non-residential properties, through sensitivity to surrounding land uses and maintaining an attractive community appearance.
- d. **Effective Communication.** Encourage signs which are clear and legible; to encourage the effective use of signs as a means of communication;
- e. **Zoning District Considerations and Historical Character.** Encourage and allow signs that are appropriate to the zoning district in which they are located and to protect and enhance the historical character of the City's commercial and residential historic district through compliance with adopted design guidelines for work in those historic districts;

- f. **Identification of Goods and Services.** Aid the public and private sectors in effectively identifying the location of goods and services;
- g. **Compatibility with Surroundings.** Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to signs clutter or that conceal or obstruct adjacent land uses or signs; to preclude signs from conflicting with the principal permitted use of the site and adjoining sites; and to minimize the possible adverse effect of signs on nearby public and private property;
- h. **Reduction of Visual Clutter.** Reduce visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
- i. **Property Values.** Protect property values by precluding, to the maximum extent possible, sign types that create a nuisance to the occupancy or use of other properties as a result of their physical characteristics such as their size (area), height, number, illumination and movement; and to protect property values by ensuring that the number of signs are in harmony with buildings, neighborhoods, and conforming signs in the area;
- j. **Enforcement.** Enable the fair and consistent enforcement of these signs regulations; and to provide standards regarding the non-communicative aspects of signs, which are consistent with local, county, state and federal law.

2. **Minimum Standards, Prohibitions and Applicability.**

a. **Minimum Standards.**

- (1) All graphics shall be designed, constructed and installed with permanent materials and finishes (except for temporary graphics permitted in Subsection 5 below).
- (2) Temporary graphics, such as but not limited to vinyl banners, shall not be used as permanent or ongoing principal graphics.
- (3) All graphics shall be maintained in good repair, properly painted and maintained in a skillful and reasonable manner.
- (4) Graphics advertising a business that has been out of operation for more than 30 days shall be removed.

b. **Prohibitions.**

The following types of signs are not permitted:

- (1) Animation, bare bulbs, or flashing illumination or imagery. All lighting shall be steady, stationary, and/or shielded light sources directed solely onto the message.

The prohibition of bare-bulbs shall not prohibit the use of decorative neon tube lighting used:

- (a) in straight sections used only to highlight architectural features (and such use shall not be counted toward sign area), and/or
 - (b) when formed into shapes with the intended use of signage (and such use shall be counted toward sign area).
- (2) Roof-mounted signs and temporary portable signs, except as permitted in Subsection 3.b(2) below.
- (3) Temporary signs, except as enumerated in Subsection 6, below.
- (4) Streamers, pennants, flying banners, blade signs, signs that use fans or natural wind or air movement to generate movement, and similar products are prohibited.
- (5) Signs on or attached to stationary equipment, such as vehicles, trailers, storage containers, etc., when conveying information or a message is the apparent principle use of the equipment on either a temporary or permanent basis.
- (6) Signs placed in the public street or alley right-of-way of the City of Hagerstown, unless approved by the City of Hagerstown under Chapter 216, Streets and Sidewalks, of the Code. This provision does not apply to portable non-illuminated, changeable message board signs for businesses located in buildings with zero setback, as described in Subsection 3.b(2) below.
- (7) Signs positioned so that it obstructs traffic visibility along streets as determined by the City Engineer.
- (8) Window signs applied to the surface of a glass door that create a solid background over more than 50% of the glass surface which prevents views into occupied commercial or institutional space.
- (9) Signs for Home Workstations, which by definition are accessory residential uses.

c. **Off-Premise Signs.**

This section of Article 4 does not apply to signs advertising products or businesses located off the premises where the sign is located, commonly known as billboards or off-premise signs. Such signs are regulated under Chapter 204, Signs.

3. Measuring Signs and Building Frontages.**a. Procedures for Measuring Signs.**

Channel letter signs (individual or raceway mounted): measure around outside edge of letters, but do not include descenders of letters. Logos shall be included in measurements for area maximums.

b. Signs Excluded From Maximum Area Requirements.

- (1) Window signs. When the property is located in a historic district or is a landmark property, see additional standards that are contained in the duly adopted Design Guidelines approved by the Historic District Commission and the Mayor and City Council.
- (2) Portable non-illuminated, changeable message board signs for street level occupants and uses, provided:
 - i. The sign must be placed within the vicinity of the entry door to the use and occupied space;
 - ii. The sign shall be taken in when the business or use is closed;
 - iii. The maximum size for these signs is 6 square feet per side;
 - iv. The signs shall be limited to one per business or use.
- (3) Wall-mounted directory signs for multiple use buildings, provided:
 - i. Signs shall be located beside the entry door;
 - ii. The maximum size for directory signs is 12 square feet.
- (4) Entrance, exit, and other parking lot directional signs along internal road or driveway networks of development.
- (5) Cornerstones not of an advertising nature built into or attached to a wall of a building.
- (6) Historic interpretive markers, up to three per building or parcel, each not exceeding 6 square feet in area, and designed and constructed on the template used by the City of Hagerstown.
- (7) Government signs: Signs of any size or shape erected by or under the direction of any governmental body or agency in any location for the purpose of promotion, identification, direction, safety, or convenience of the public. However, unless pre-empted by State or Federal law, such signs are subject to review and approval by the Historic District Commission when located in a historic district or landmark overlay zoning district.
- (8) Theater Marquees in the CC-MU District: Historically, the theaters in the CC-MU district had large marquees projecting over the sidewalk to promote the theater and the theater's upcoming events. As marquee graphics are a character defining feature of downtown theaters and are crucial to their success, and to the success of uses occupying historic former theaters which are character defining features of the Downtown

Historic District, the continued use of theater marquees in the CC-MU is a public goal. In order to allow that tradition to continue, approval of any new theater marquee and associated signs and any replacement or reconstruction of a marquee to serve the needs of a use reoccupying a building formerly used as a theater will be by the Historic District Commission on a case by case basis considering the historic nature of an existing building or, in the case of a new theater building, the historic precedent for such signs in the downtown historic district.

- (9) Gasoline Price Signs as Required by Maryland Law: Maryland law requires the price of gasoline be posted on properties where it is sold, and sets minimum standards for such posting. Signs posting the price of gasoline shall not be included in the calculation of permitted sign area up to the minimum required by State Law. That which exceeds the minimum area required by State Law shall be included in the calculation of sign area.
- (10) Building or house address number sign, as may be required by City Code for emergency services purposes.

c. Procedures for Measuring Building Frontage.

- (1) Sign area calculations are based on width of front entrance wall.
- (2) For downtown storefront and other strip store tenants: measure width of occupant space on front entrance wall.
- (3) For two-sided storefronts (display windows and customer entry doors on two sides): measure width of occupant space on both front entrance walls.
- (4) For buildings or occupant spaces that front on two or more public streets:
 - i. Front entrance wall: measure width as prescribed for that district;
 - ii. Secondary walls on public streets: 30% of width of front entrance wall.
- (5) For buildings containing multiple tenants (office buildings, upper floors of downtown storefront buildings): measure width of building on front entrance wall. If building has customer entrances on more than one wall, measure width of each entrance wall.

4. Maximum Number of Signs Permitted.

a. Maximum Number of Signs.

No limitation on number of wall-mounted signs provided the total area of all wall-mounted signs falls within maximums prescribed for that district.

b. **Multiple Occupant Buildings.**

If a building contains multiple non-residential occupants (e.g., office buildings, downtown commercial buildings), total wall mounted sign area is limited to formula prescribed for the entire building (e.g., if cap for building is 30 square feet, the total for all signs must add up to 30 or less square feet in area).

c. **Freestanding Signs.**

No more than one freestanding sign installation per building or shopping center per each street or highway on which the building has frontage. Each pad site in a shopping center shall be permitted one freestanding sign installation.

5. **Dimensional and Design Requirements for Signs.**

Site plan applicants are required to present a Program for Signs as part of a required site plan that integrates the design of signs with the design of the building (and/or development) on which they will be displayed and with the surrounding area. An office park may display no more than one freestanding sign to identify the park at each exit and entrance. The style, color and materials of signs shall be consistent with other signs on the property and with the main structure.

Regardless of whether a signs installation is part of a project that requires a site plan, dimensional and design requirements are as follows:

a. **Freestanding Signs.**

Zoning District	Maximum Height (feet)	Maximum Area (square feet)
RMOD, RMED, RH*	10	36 for buildings set back 25 feet or less from the street, 48 for buildings set back more than 25 feet from the street.
RO*, N-MU, CC-MU, CL, C, LC	10	40
CG, CR, POM	30	100, however the maximum area per installation for commercially zoned sections of Dual Highway, Wesel Boulevard and Potomac Avenue north of Northern Avenue shall not exceed 150.
AT, I-MU	10	100
IR, IG	30	100

* For permitted non-residential uses (excluding home workstations)

All permit applications for freestanding signs shall include a plan for landscaping the base of the sign, which shall include, but is not limited to, low lying shrubs, flower and other plantings. Such plantings shall be maintained and kept in presentable condition. Failure to maintain landscaping as approved as part of the permit for the sign shall constitute a violation of this Article.

b. **Flush, Wall-Mounted Signs.**

Zoning District	Maximum Cumulative Area 50 feet or less of building or strip store frontage (square feet)	Maximum Cumulative Area More than 50 feet of building or strip store frontage (square feet)
RMOD, RMED, RH*	1 per each linear foot of building frontage	1.5 per linear foot of building frontage
RO*, N-MU, CC- MU, CL, C, LC	1 per each linear foot of building frontage	1 per linear foot of building frontage
CG, CR, POM, IR, IG, I-MU, AT	1.5 per linear foot of building frontage	2 per linear foot of building frontage

* For permitted non-residential uses (excluding home workstations)

c. **Projecting Signs.**

No sign shall project more than 52 inches from the building wall or within two feet of the curb line. Dimensional and Design Requirements are as follows for all zoning districts, including non-residential uses in RH and RO Districts (not home workstations):

Maximum area for storefront or strip store occupant	8 square feet
Maximum area for single-user building and for upper floor occupant in multi-use buildings	No more than one 36-square foot vertically oriented sign per building frontage
Minimum vertical clearance	8 feet
Maximum vertical clearance	Below the second floor for storefront occupants and below the roof line for upper floor occupants and single- user buildings

d. **Signs for Dwellings.**

Each dwelling unit may have one (1) permanent wall or freestanding sign not to exceed three (3) square feet in size and not to exceed two (2) feet in height if placed as a freestanding sign. Such sign shall not be used as an off-premise sign as described herein and regulated in Chapter 204 of the City Code, nor shall be used to identify the presence of a residential accessory use home occupation.

e. **Secondary Changeable Copy/Image Signs.**

- (1) For freestanding sign installations, secondary changeable copy/image signs shall be located on the same base as the primary freestanding sign.
- (2) Shall be subject to the total area maximums identified in the preceding subsections for signs.
- (3) Signs which automatically change messages or copy electronically must be set to maintain the image for a minimum of ten seconds in residential districts and six seconds in all other districts. In the residential districts,

such signs shall be locked in a single image between the hours of 10:00 p.m. and 6:00 a.m. Message changing shall be instantaneous. Also, see prohibitions in Subsection 2.b(1) above regarding flashing and animation.

- (4) All digital signs shall be equipped with automatic dimming capabilities that adjust the brightness to the ambient light at all times of the day and night.

6. Temporary Signs.

The following requirements shall be applied to temporary signs. These regulations shall be applied separately from and in addition to more permanent signs as described in Subsection 4 above. Temporary signs shall be non-illuminated and limited to the following types:

a. General Criteria for Temporary Signs.

A temporary sign is unlawful if it does not meet the criteria established for the zoning district in which the temporary sign is located, as set forth and described in this subsection. However, these general criteria and limitations do not apply to portable non-illuminated, changeable message board signs, banner signs, flying banner signs, flags and umbrella signs which are separately regulated or prohibited elsewhere in this section.

General Criteria for Temporary Signs		
Zoning District	RMOD, RMED, RH, RO and residential uses in PUD Development	All other zoning districts and non-residential uses in the RMOD, RMED, RH and RO zoning districts and commercial areas of PUD Development
Maximum number of signs per parcel	3	3
Maximum area of each sign	6 square feet	32 square feet
Height maximum for a freestanding sign	6 feet	6 feet
Height maximum for a wall sign (inclusive of a window sign)	6 feet	15 feet
Minimum setback from right of way	None, but shall be kept out of public rights of way.	None, but shall be kept out of public rights of way.

Each residential use with at least one principal structure may place up to six offsite temporary signs on private property for the purpose of directing the public to a residential activity (e.g. real estate open house, garage/yard sale, estate sale). Said signs shall be displayed only during the hours that the residence is open for public inspection and shall not exceed 6 sq. ft. in area per graphic. The permission of the property owner shall be obtained before placing such signs.

b. Construction and Development Projects and the Sale of Unimproved Tracts of Two Acres or Greater Intended for Development.

Signs associated with a construction project or residential development or subdivision, which identify the architects, engineers, contractors and other individuals or firms involved with the construction, and/or marketing agents associated with selling or leasing the premises under development shall be permitted on the premises. Also, signs placed on an unimproved tract that is for sale with the intent or potential for development shall also be permitted under this section. Such signs shall be removed upon issuance of a certificate of occupancy for the development. Signs advertising the tract for sale shall be removed upon settlement of the sale. Requirements are as follows:

Maximum Sign Area:	100 square feet per public street frontage
Minimum Distance from Rights of Way:	None
Lighting or Illumination Permitted:	No
Permitted in Public Rights of Way:	No, unless a license agreement is issued by the Department of Parks and Engineering
Movement or Animation Permitted:	No

c. **Temporary Banner Signs.**

Banner Signs are permitted in all zoning districts, but may be placed in residential zoning districts only in conjunction with non-residential uses. Banner signs are unlawful if they do not meet the criteria and limitations set forth in the following table:

Temporary Banner Signs	
Maximum Number of Banner Signs Per Parcel or Use	One
Maximum Sign Area	Occupancies: Up to 5,000 sq. ft. - 40 square feet 5,001 sq. ft. to 15,000 sq. ft. – 80 square feet 15,001 sq. ft. to 50,000 sq. ft. – 120 square feet Greater than 50,001 sq. ft. – 180 square feet
Sign Height Maximum if displayed as a Freestanding Sign	8 feet
Minimum Sign Setback if displayed as a Freestanding Signs	3 feet
Minimum Spacing from any Other Sign (Temporary Sign or a Permanent Sign)	15 feet
Permit Required	As determined by Permits Office
Incorporation of Florescent Color or Exhibition of Florescence Allowed	No
Allowed on Public Sidewalk / Right of Way	No
Allowed within a Sight Visibility Triangle at an intersection (two streets or a driveway and a street)	No
Duration	No more than 120 days per year in the aggregate for all temporary banners.
Duration Allowed After Conclusion of an Event if the Sign Pertains to an Event	1 day
Lighting or Illumination Allowed	No
Movement Allowed	No

d. **Sign Walkers.**

It is the intent of this Ordinance not to regulate the use of sign walkers.

e. **Umbrella Signs.**

It is the intent of this Ordinance not to regulate the use of signs on umbrellas used in outdoor dining areas that are not in the public street right of way. Any use of the public ways for such purposes are subject to the authority of the Department of Parks and Engineering.

f. **Flags.**

Unless otherwise required by Maryland law or specified in this Section, a flag flown from a flagpole, bracket or stanchion conveying a commercial or corporate message shall not exceed twenty-four (24) square feet. The flag shall not require a permit or zoning certificate, however requirements for obtaining building permits may apply to the pole, bracket or stanchion.

g. **Offsite Temporary Signs on Private Property.**

Off-site temporary signs are permitted in all zoning districts on unimproved lots or parcels of 1 acre or more subject to the following:

Maximum Number of Signs Per Parcel:	one
Minimum Size of Unimproved Parcel Required:	one acre
Maximum Sign Height:	8 feet
Maximum Sign Area:	32 square feet
Minimum Distance from Public Rights of Way:	10 feet
Minimum Distance from Any other Sign:	100 feet
Maximum Duration:	One year
Lighting, Animation or Movement Permitted:	No

h. **Amortization.**

Temporary signs not permitted in this Subsection shall be removed within 180 days of (Insert date of the adoption of this amendment). *[ADMINISTRATIVE NOTE: This date is (insert date 180 days after the adoption of this amendment)]*

7. **Graduated Progress to Conformity and Prohibition of Electronic Message Boards on Nonconforming Freestanding Signs.**

a. **Graduated Compliance.**

Upon application, the Zoning Administrator may approve a replacement sign unit on an existing freestanding sign structure that contains multiple signs exceeding the total permitted sign area, provided that the new sign does not exceed a proportionate share of the total permitted sign area for the number of businesses on the property. When replaced later, existing signs for other users on a property shall comply with this standard. When completed and all existing signs are

ultimately replaced, the collective area of the new sign units shall not exceed the total permitted sign area.

b. Exception.

No electronic sign shall be added to an existing nonconforming freestanding graphic structure.

2018 Update to Hagerstown Land Management Code

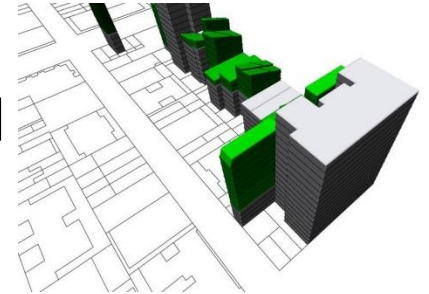
Mayor and Council Public Hearing
November 27, 2018



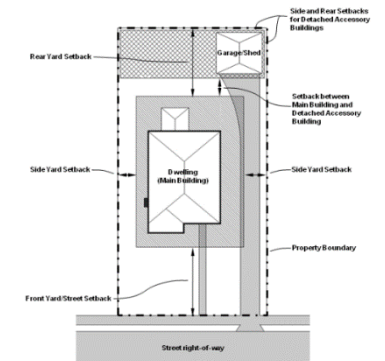


What is the Land Management Code?

- The City's regulations regarding zoning, subdivision and land development, floodplain management, and forest conservation.
- The Planning office staff administer this code on a day-to-day basis to make sure that business and residential uses go in appropriate places and that existing uses do not exceed what is permissible for their location.
- The Planning Commission works with staff on (1) review and approval of plans for development using the standards in the code and input from outside agencies, & (2) consideration of changes to the code or rezonings.
- The Board of Zoning Appeals reviews requests for a Variance to the rules of the zoning provisions or for approval of Special Exception uses. The Board also reviews appeals of decisions of the Zoning Administrator.



Setback and Yard Requirements





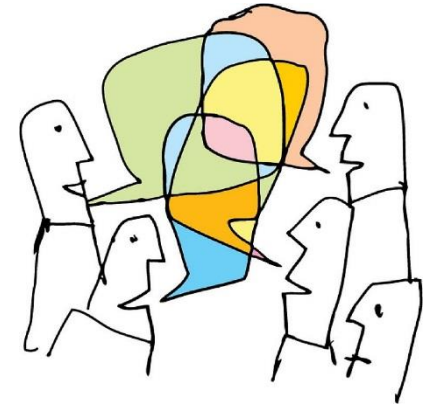
What is the Land Management Code?

- The Historic District Commission reviews changes to the exterior of buildings and properties in the city's four historic districts.
- The Mayor and City Council review recommendations from the Planning Commission for changes to the code or for rezonings. Approval is by the Mayor and Council.



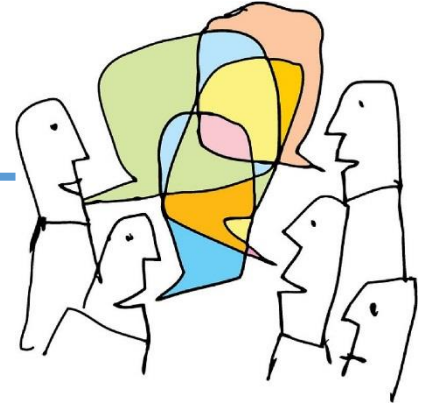
How are changes made to the Code?

- Every year, Planning staff review inquiries, requests and concerns that have arisen over the prior year, and present a proposed package of amendments for the Planning Commission's review.
- Once the Commission finalizes the appropriate City-initiated amendments, the Commission holds a public review meeting to gain citizen input.
- Following the hearing, the Commission reviews the input and forwards a recommendation to the Mayor and Council – **which occurred on October 24.**
- Staff present the Planning Commission's recommendations to the Mayor and Council and then a public hearing is scheduled.



How are changes made to the Code?

- Following the public hearing, the Mayor and Council determine the validity of what has been presented, make changes as appropriate, and then pass an ordinance to amend the code.
- If a citizen wishes to seek a specific amendment to the code outside the City-initiated process, an application is reviewed by the Planning Commission and the same process of public hearings and Mayor and Council action begins as it would with City-initiated amendments.



What changes are proposed for 2018?



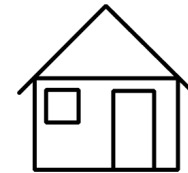
➤ A wide range of minor and more substantial changes to the code intended to serve a public purpose or to clarify existing sections of the code.

➤ All have been grouped under the following themes:

- Protecting neighborhood character and enhancing safety in our community;



- Increasing housing choices and diversity;



- Expanding economic opportunity and permitting greater flexibility in the code;



- Setting clear expectations for the public and investors;



What changes are proposed for 2018?

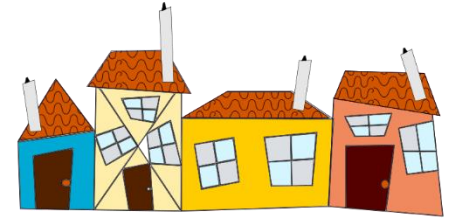


➤ All of the proposed amendments have been grouped under the following subject areas (cont'd):

- Improving resiliency from environmental hazards;
- Providing suitable locations for social and medical services and at intensities consistent with surrounding neighborhoods;
- Streamlining the process and clean-ups to the code;
- Updating the on-premise Sign regulations.



Protecting Neighborhood Character and Enhancing Safety in our Community



- Require a **sidewalk between public sidewalk and entrance doors** for commercial development and apartment complexes.
- Define ***camping and campgrounds*** and only allow in AT (Agricultural Transition) zone.
- Require inclusion of **Crime Prevention Through Environmental Design (CPTED)** principles in new development.
 - Allow natural observation from public and neighboring areas; adequate lighting; avoid places for people to hide; avoid placement of features that would allow climbing into the building; security cameras for large parking lots.



Protecting Neighborhood Character and Enhancing Safety in our Community

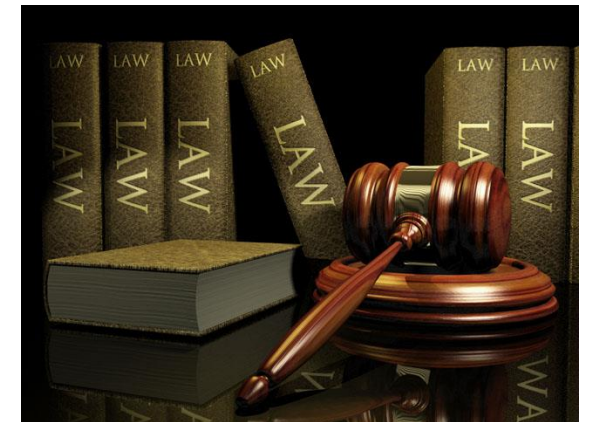


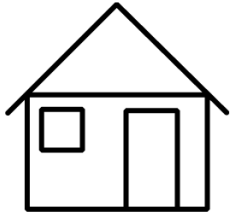
➤ **Design standards for parking in the yards of residential development.**

- Solid paved surface or permeable pavers; rear yard preferred; front yard driveways only one car width wide or width of garage; front yard parking pads must be 50% or less of front yard area.



➤ Allow Zoning Administrator to **revoke zoning approval** if the owner does not develop, maintain or use the property as approved. Any continuation without bringing property into compliance will be a zoning violation and subject to fines.



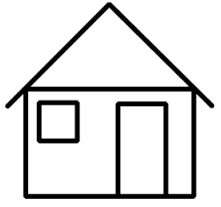


Increasing housing choices and diversity



- Allow ***Mansion House Apartments*** in smaller pre-1956 buildings in historic districts in RMED, RO, and CC-MU zones.
 - Reduce from minimum of 4,500 sq.ft. to 4,000 sq.ft. for eligible buildings.
 - Reduce from one/1,500 sq.ft. to one/1,000 sq.ft. for formula for determining number of allowed units.
- Allow **non-conforming mixed-use buildings** with vacant storefront to convert storefront to one dwelling unit if approved by Board of Zoning Appeals.



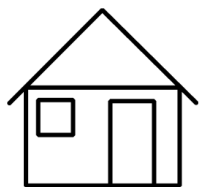


Increasing housing choices and diversity



- **Redefine *Rooming House* and allow in existing buildings** under certain conditions in RH, RO, CG, and outside *Smart Growth A&E District* portion of CC-MU.
- Facilities must meet Fire Code and Property Maintenance Code requirements which are defined in the amendment.
 - Must include 24-hour per day on-site supervisor representing the owner.
 - Maximum of 16 rooming units, except may be more in CG zone with Special Exception from BZA.
 - Off-street parking requirement – 1 space per employee on largest shift and 1 space per sleeping room or 1 space per 2 beds.





Increasing housing choices and diversity



➤ Define *Group Home, Halfway House, and Alternative Living Unit* and allow in the following zoning districts, as specified by State Code:

- **Alternative Living Unit - Up to 3 residents** – allowed where single-family homes are allowed – RMOD, RMED, RH, RO, N-MU, CC-MU, CL, and PUD;
- **Small Group Home or Halfway House - 4-9 residents** – also allowed where single-family homes are allowed;
- **Large Group Home or Halfway House – 10-16 residents** –allowed where multi-family homes are allowed – RH, N-MU, CC-MU, CL, LC, C, and under certain conditions in RMOD, RMED, RO and PUD.
- **Off-street parking requirement** - 1 space per employee on largest shift and 1 space per sleeping room or 1 space per 2 beds.



➤ Delete *Residential Facilities with in-house professional care for up to three residents with mental and/or physical disabilities* and replace with new terminology outlined above.



Expanding economic opportunity and permitting greater flexibility in the code



- Allow **Artist Studios** in N-MU, CC-MU, CL, CG, CR, I-MU, IR, IG, Conversion district, and Local Conversion district.
- Allow **Photography Studios** in I-MU, IR, IG and Conversion district.
- Change definition of **Brew Pub** to remove the requirement that brewing be an accessory activity. Allow **Distillery Pubs** and **Wine Pubs** where Brew Pubs are allowed.
- Modify how **separation of use requirements** are measured for multi-use properties such as shopping centers. Instead of measuring property line to property line, it would be occupied space to occupied space.



Expanding economic opportunity and permitting greater flexibility in the code



- Provide more flexibility in **POM district** for determining **maximum percentage of occupied space allowed for restaurant, retail, etc.**, in office parks.
- Allow **Conversion District and Local Conversion District** overlays on eligible properties if building was built prior to **1977**, rather than 1956.
- Amend *religious sanctuary* to include **wedding chapel**.
- Reduce percentage of construction that has to be underway to **prevent a PUD approval from expiring**. At least 50%.



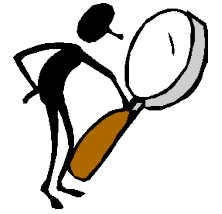
Expanding economic opportunity and permitting greater flexibility in the code



- **Extend site plan approval period** from 2 years to 3 years before it expires if construction did not occur.
- **Expand upon the waiver provisions** granted to the Planning Commission when reviewing subdivisions:
 - unnecessary hardship may result; or
 - in public interest; or
 - achieve best quality development; or
 - protect environmentally sensitive feature.
- Add ***Multi-purpose arena for sporting events, entertainment, and other assembly events*** and allow in CC-MU, CG, CR, INST, and PUD.



Setting clear expectations for the public and investors



- When **land is purchased or donated for public improvements** – variance not required for remainder of parcel if it falls below code requirements.



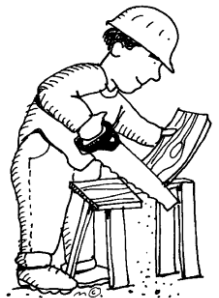
- Any **new parking approved under a site plan** must be asphalt, concrete or similar solid surface if located in front or side yard, adjacent to public street, or for use by public.



- Allow **apartment buildings in CL district** in existing and new buildings.

- **Non-conforming uses** cannot be expanded to another property.

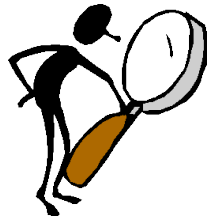
**NO
TRESPASSING**



- **Detached accessory buildings** (sheds, garages) shall not be located in front of the primary structure.



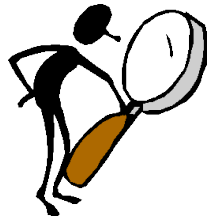
Setting clear expectations for the public and investors



- Modified definition of ***earth tone*** for clarity; and where buildings are required to be restricted to earth tones, allow sparing use of brighter colors to accent architectural features and for signage.
- Require ***stealth-designed* cell towers** to meet setback requirements of non-stealth design towers.
- Require **each dwelling to be located on its own lot** and each apartment building to be on its own lot.
- Require minimum of **20 acres for a PUD**, instead of 5 acres. This ensures enough land to create a new neighborhood with a mixture of dwelling types, commercial uses, and open space amenities.



Setting clear expectations for the public and investors



➤ Require **all dwelling units to meet minimum square footage requirements** currently required for apartments in mixed-use zoning districts:

- 500 sq.ft. for an efficiency dwelling (open floor plan)
- 650 sq.ft. for a one-bedroom dwelling
- 800 sq.ft. for a two-bedroom dwelling
- 1,000 sq.ft. for a three-or-more-bedroom dwelling



➤ For **Live-Work units require larger size** to accommodate combination of uses:

- 1,000 sq.ft. for efficiency
- 1,300 sq.ft. for one-bedroom
- 1,600 sq.ft. for two-bedroom
- 2,000 sq.ft. for three-or-more-bedrooms



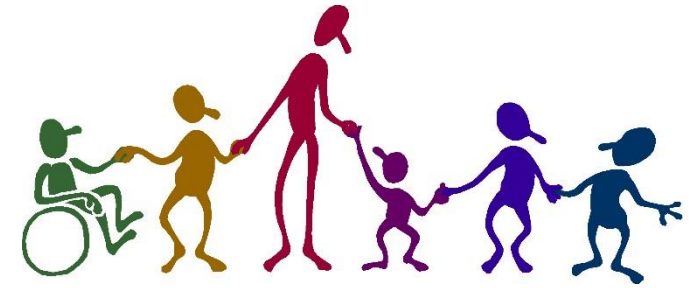
Improving resiliency from environmental hazards



- Make it clear that **site plans – not just subdivisions** - must meet the **floodplain management** requirements.
- Require **public and private streets** designed and constructed as part of a subdivision to have the driving surface **above the base flood elevation by at least one foot**.
- Require **private streets, driveways, alleys, other vehicular access and parking areas**, designed and constructed as part of a site plan, to have the driving surface **above the base flood elevation**, unless approved otherwise by the Board of Zoning Appeals.



Providing suitable locations for social and medical services at intensities consistent with the character and density of surrounding neighborhoods

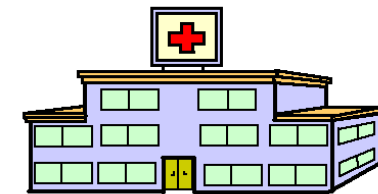


➤ Create new Institutional (INST) zone.

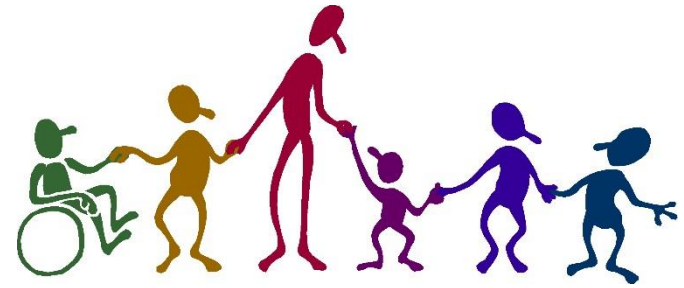
- provide locations for institutional uses to serve the community;
- Building height limitations would match the CG district and setbacks would match the POM district;
- A variety of public institution types of uses would be permitted in the zone, such as schools, community centers, parks, hospitals, nursing homes, etc.



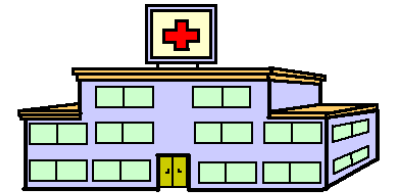
➤ In future Comprehensive Rezoning - rezone large-scale institutional areas in the RMOD and RMED zones to INST.



Providing suitable locations for social and medical services at intensities consistent with the character and density of surrounding neighborhoods



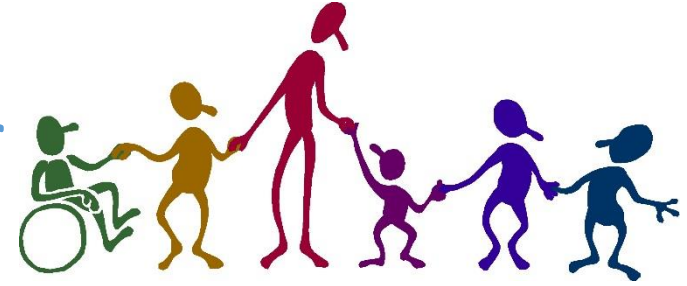
- **Modify locations where *Hospitals* and *Nursing Homes* are permitted** to remove from RMOD, RMED, RO, CC-MU, and CL, and allow in RH, CG, CR, POM, INST, and I-MU.



- **Modify definition of *Assisted Living Facility* and create definition of *Rehabilitation Center* – allow where *Nursing Homes* are allowed.**
 - **Delete** *Transitional Residential Facilities with in-house professional care for up to three transitional residents being treated for substance abuse issues* and **replace with *Rehabilitation Center*.**
 - **Delete** *Residential Care Facility for the elderly’ and Assisted Living Facility for the elderly and/or disabled* and **replace with *Assisted Living Facility*.**



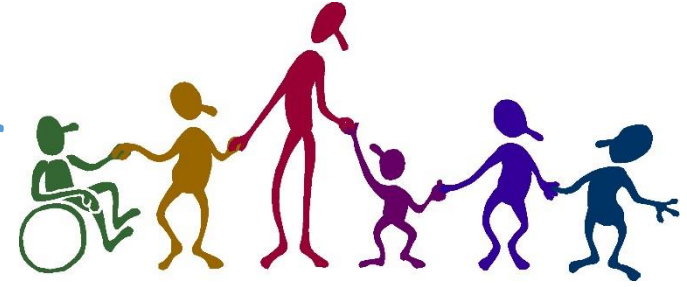
Providing suitable locations for social and medical services at intensities consistent with the character and density of surrounding neighborhoods



- Create definition for ***Outpatient Substance Abuse Center*** and allow where ***Nursing Homes*** are.
- Create definition for ***Adult Day Care with Vocational Center*** and allow where light assembly is permitted.
 - **Delete Social Assistance** – services for elderly and persons with disabilities and replace with new ***Adult Day Care with Vocational Center***.



Providing suitable locations for social and medical services at intensities consistent with the character and density of surrounding neighborhoods



➤ Create definition for ***Continuing Care Retirement Community*** – a retirement community with accommodations for independent living, assisted and nursing home care, offering residents a continuum of care. All of the dwelling units are typically owned by the provider.

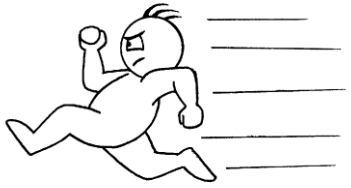


- Allow on a minimum **20-acre tract** in **RH, INST** and **PUD overlay zones**.



shutterstock · 208216783





Streamlining the process and clean-ups to the code



- **Remove requirement** for zoning map to be **recorded in Court House**. Not a State requirement.
- Add **“or she” or “or her”** to any references to “or he” or “or him.”
- Change references to ***preliminary development plan*** to ***development plan***.
- Increase **non-compliance penalty** in Forest Conservation code from 30 cents to 50 cents per square foot. Penalty should be greater than the fee-in-lieu of planting amount.
- **Change *graphic* to *sign*** since this term is more commonly used by the public and in the industry.



shutterstock - 123985057





Streamlining the process and clean-ups to the code



- Amend definition of ***triplex*** and ***quadraplex*** to reduce confusion with definition of *townhouse*.
- Create **signature block templates** for Planning staff signature on development plans, sketch plans, and site plans; and require pdf plans of final approved site plans and of final as-built conditions.
- Provide more direct reference to the landscaping standards regarding **landscaping of fences** adjacent to streets.
- **Cross reference** requirements for site plan standards to improvements proposed as part of a development plan.





Streamlining the process and clean-ups to the code



- Correct **notation editing errors** for RO and POM uses in in the use chart.
- Add ***car rental facilities*** to the design standards for *car sales facilities*.
- Correct references to ***sketch plan*** and ***concept plan*** throughout the code.
- Make it clear that in the **Mixed-Use District** there are minimum and maximum setback, area, and height requirements.
- Clarify use chart to make it clear that **auto sales** includes new and used cars, etc.



shutterstock · 123985057

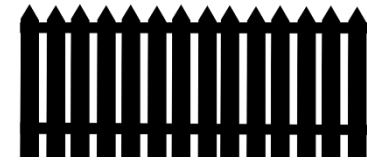


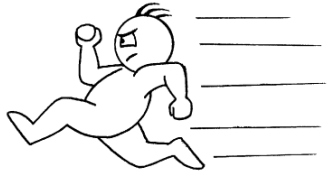


Streamlining the process and clean-ups to the code



- Add ***medium density residential areas*** with threshold percentage of 20% to Afforestation and Reforestation charts in the **Forest Conservation code** to be consistent with State code.
- Add **buffer landscape standard for development adjacent to municipal boundary** – apply City zone that is comparable to County zone outside the boundary to determine buffer requirement.
- Rearrange **Fence standards** section for better clarity.
- Create provision for Planning Commission to review plan to add **Forest Conservation areas** inside the city for a project developing outside the city.





Streamlining the process and clean-ups to the code

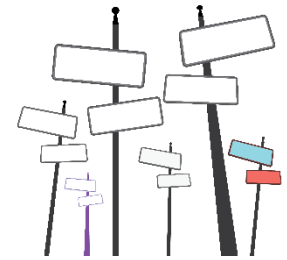


- Create definition for ***private street*** to make distinction with ***driveway***. No change to prohibition on private streets.
- Add ***live performance theaters*** engaged in **adult entertainment** to definition of *adult entertainment business*.
- Correct reference to minor site plan and change to **minor subdivision** as type of improvements that are exempt from landscaping and parking area design requirements.
- Correct use chart's distribution of residential uses and mixed-use buildings in CC-MU, N-MU, RO, C, LC, and PUD – oversight from prior amendments.





Update Signs Provisions



- The purpose of the update:
 - some minor clean-ups and clarifications; and
 - make adjustments to provisions to reflect direction from *Reed v. Town of Gilbert* Supreme Court decision on signs.
- The Gilbert case focused on the exemption for certain types of signs based on their content or message and determined that intended content or message could not be used to exempt or prohibit signs.
- The proposed update to the City of Hagerstown's provisions are modeled on the amendments the Town of Gilbert adopted following the Court's decision.

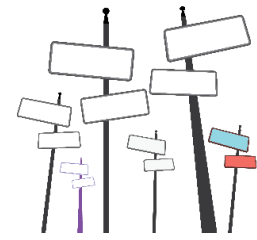


shutterstock · 123985057



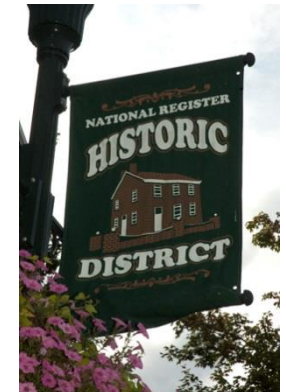


Update Signs Provisions



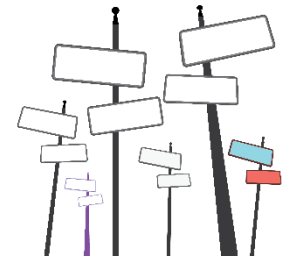
➤ Clean-ups or Clarifications:

- **Prohibited Temporary Signs** are pennants, streamers and similar products, such as *flying banners, blade signs, signs that use fans or natural wind or air movement to generate movement*;
- Modify prohibition of solid background window signs on doors to state *such signs must not cover more than 50% of the glass surface*;
- Refer to **Historic District Commission's guidelines** for review of signs in historic districts; clarify review is required for government signs in historic districts;





Update Signs Provisions

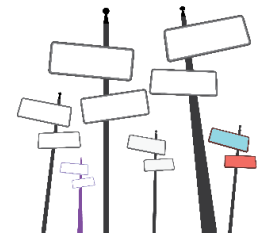


- Establish a maximum of no more than **three historic interpretive markers** per building or parcel;
- Further clarification of *Theater Marquee* and *Gasoline Price* signs;
- Exempt **street number addressing** from sign area maximums;
- Clarify that **sign area maximums apply to all projects**, not just ones that need a site plan; and
- Require **landscape plan for freestanding signs**;





Update Signs Provisions



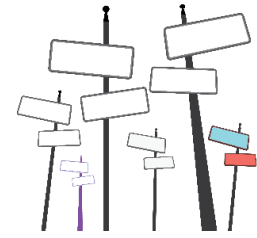
➤ Changes to Address Supreme Court Decision

- Create more detailed **Purpose and Intent** section to justify the types of regulations in place:
 - Promote public health, safety and general welfare by regulating secondary effects of signs that may have a negative impact on aesthetic goals and traffic safety.
- **Allow each dwelling unit to have one permanent sign** provided it is not a commercial advertisement for a home occupation or an off-premise activity;





Update Signs Provisions

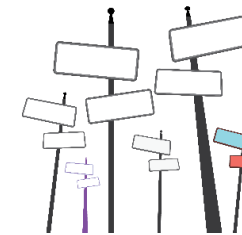


- Complete revision of **Permitted Temporary Signs** section:
 - Temporary signs allowed on **residential zoned properties**:
 - 3 signs,
 - 6 sq.ft. maximum per sign for dwellings,
 - 32 sq.ft. maximum for non-residential enterprises.
 - Temporary **construction and development signs**:
 - maximum of 100 sq.ft. total of such signs per public street frontage.





Update Signs Provisions



- Complete revision of **Permitted Temporary Signs** section:
 - Temporary **banner signs for commercial activities**:
 - 1 sign,
 - size dependent upon size of store/office – 40 sq.ft. sign for 5,000 sq.ft. or smaller store; 80 sq.ft. for 5,001-15,000 sq.ft. store; 120 sq.ft. for 15,001-50,000 sq.ft. store; 180 sq.ft. for 50,001 sq.ft. or larger store.
 - **Off-site temporary signs** permitted in any zoning district:
 - 1 sign,
 - minimum of one-acre parcel,
 - 32 sq.ft. maximum size of sign,
 - One-year time limit.



2018 Update to Land Management Code

Next Steps:

1. Following the public hearing on November 27, Mayor and Council review input from the public at a future meeting and proposed amendments are finalized.
2. Mayor and City Council introduce and later approve an ordinance to amend the code. Approved ordinance goes into effect 30 days after approval. The code is now amended.



Questions or Input?

- www.hagerstownmd.org – Planning & Zoning
- planning@hagerstownmd.org
- (301) 739-8577, ext. 138



**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Administration Goal Setting 2018-2020 - Mayor & Council

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Goal_Setting.pdf

Description

Goal Setting



CITY OF HAGERSTOWN, MARYLAND

Valerie A. Means

City Administrator

One East Franklin Street • Hagerstown, MD 21740

E-mail: vmeans@hagerstownmd.org

Telephone: 301.766.4168 • TDD: 301.797.6617

October 16, 2018

To: Mayor and City Council

From: Valerie A. Means, City Administrator

Subject: **Administration Goal Setting 2018-2020**

At the September 13, 2018 goal setting work session much was accomplished. I thank you for your time and that of the Department Heads in working together to establish your draft strategic plan and goals for the remainder of your term.

At the October 16, 2018 work session the plan is to review the included draft document that was developed based upon the decisions and directions that were made at the Sept. 13th meeting. This document was created based upon staff notes from the goal setting meeting. The document is laid out in the form of stating the vision, the mission and core values first. Then we took all the ideas, action items and decisions from the retreat discussions and placed them into broader categories as goals and priorities and listed them according to where they fit. Also added were any current topics that staff is working on where we have been given direction to move forward at recent Mayor and Council work sessions. The Goals and Priorities are not listed in any particular order except as to where we believe the public has expressed levels of importance historically.

This is clearly your document and of course you may change it in any way you wish. You may have changed some of your ideas from Sept 13th or perhaps have others that you would want to discuss and possibly add or delete. The plan is for you to review this draft at the October 16th work session and to finalize the draft and then to formally adopt the finalized plan by Motion at your October 23, 2018 Regular Session. Of course if you believe you need more time we can certainly accommodate that and work towards a November adoption if you desire.

Staff will be present at the October 16 work session to assist.



Mayor and Council's Goals and Priorities 2018 –2020.

VISION: The City of Hagerstown will promote a diverse, business-friendly, and sustainable community with clean, safe and strong neighborhoods.

MISSION: The City of Hagerstown shall be the model provider of the most efficient and highest quality customer services to be known as the municipal location of choice for all.

CORE VALUES:

Health, public safety and welfare; Government transparency; providing the highest quality customer service for internal and external customers ; creative, progressive Government; neighborhood protection; excellence and continuous improvement; partnerships and stakeholder feedback; Budget Stabilization; Reversing negative image perception by controlling image management.

GOALS AND PRIORITIES:

NEIGHBORHOODS REVITALIZATION & SUSTAINABILITY

The citizens of Hagerstown experience a high quality of life in their neighborhood.

- Create a Strategic Demolition Plan with funding model
- Identify and prioritize blighted structures and rehabilitation of these parcels to allow placement back on the real property tax roll.
- Sustaining and improving Planning, Code and zoning policies and laws for continued Neighborhood protections
- Promote neighborhood-based services and citizen engagement by defining neighborhood boundaries and identities and also by expanding Neighborhoods 1st programming.
- Continue to improve conditions in neighborhoods by working with owners, tenants and investors utilizing the Rental Facilities and Vacant Structures programs.

PUBLIC SAFETY

The City of Hagerstown ensures that all who live, work, and play in the City of Hagerstown are safe.

- Within budget support the manpower and capital needs of the City Police, Fire, Code and Public Works Departments
- Focus attention and resources to Retention and Recruitment in the Police Department
- Sustain a focus for the City Fire System and the all hazards mission
- Work with State delegation and community stakeholders to develop legislation and programs to address gangs, violence, drug activity and juvenile crimes.
- Continue focus on the opioid epidemic through partnering with community stakeholders and through the continuing opioid litigation.

PUBLIC FACILITIES AND INFRASTRUCTURE

The City of Hagerstown establishes and maintains quality services and infrastructure that support residents and business in a cost-effective manner.

- Planning for construction of a third parking deck in the Urban Improvement Project area and incorporate new technologies that provide and promote a more customer-oriented parking experience throughout the City owned parking facilities and lots.
- Implementation of Stormwater Management Plan and possible fee structure to abide by the new National Pollutant Discharge Elimination System (NPDES) permit regulations.
- Support current improvement plan to the Breichner Water Plant, Edgemont Reservoir and surrounding watershed properties.
- Using the data from an updated street Pavement Condition Survey, make future pavement maintenance decisions and continue to seek restored funding of Highway User Revenue

Mayor and Council's Goals and Priorities 2018 –2020.

ECONOMIC DEVELOPMENT

The City of Hagerstown has a diverse, business-friendly economy that supports the community's needs.

- Implement the Community's City Center Plan to promote economic development and strong neighborhoods in our core concentrating resources on the following catalyst projects
 - **Catalyst Project #1** - Select a developer to construct new Class-A offices on the Central Parking Lot.
 - **Catalyst Project #2** - Work with public and private partners to support the expansion of Maryland Theatre programming and facilities.
 - **Catalyst Project #3** - Work in support of USMH to expand academic program offerings and facilities, including student housing.
 - **Catalyst Project #5** - Construct a multi-use trail linking the Arts & Entertainment District with City Park and the WCMFA.
 - **Catalyst Project #6:** Expanded Downtown Arts/Events Programming
 - **Catalyst Project #8:** Expanded and Targeted Home Ownership Support
- Explore creation of a City Economic Development Board.
- Continued support of the partners of the Urban Improvement Project including the City's focus on the Plaza portion
- Review of Pre-annexation agreements and continue to explore new possibilities for annexation opportunities
- Continued marketing of City owned properties to the private sector and attracting tenants to available space in City-owned property and managing lease agreements and lease renewals.
- Business Retention, Expansion and Attraction. Work with existing and prospective businesses and investors to retain, expand and attract jobs and investment in Hagerstown.
- Continued administration of incentive programs including the new Invest Hagerstown Grant.

BUDGET STABILIZATION

The City of Hagerstown will strive for continuous improvement of fiscally responsible decision making on both sides of the Budget equation.

- Study the possibility of City wide Payment in Lieu of taxes (PILOTS) for real property exempt parcels.
- Grow assessable base (see Neighborhood Revitalization & Sustainability)
- Promote improvements to the State tax assessment and appeals process
- Continue to strive for the most efficient management of departmental resources and expense controls
- Evaluate the future structure and delivery of City services within the availability of our community's financial resources and in response to the needs of Hagerstown's residents and businesses.
- Continued review of Fiscal policies and make recommendations for any changes
- Continue work on the new Utility Rate structures for Water, Wastewater and Electric

PARKS & RECREATION FOR ACTIVE/HEALTHY LIVING

The City of Hagerstown supports a rich, social and culturally vibrant community.

- Construct a Splash Pad ideally along the Hagerstown Cultural Trail
- Continue to develop and expand programs through the Parks & Recreation Division to increase active, healthy living of citizens.
- Continue to develop programs that add public art throughout City neighborhoods, parks and public gathering places on an annual basis.

Mayor and Council's Goals and Priorities 2018 –2020.

INNOVATIVE / PROGRESSIVE GOVERNMENT

The City of Hagerstown is committed to employee development, excellence in services, and adapting to meet the needs of the community and the organization.

- Full Service / 24 hour access to City services through implementation of customer kiosks in the Downtown area.
- Provide ability for application for all types of City permits online, 24x7 access.
- Charter and City Code amendment review. (Possible creation of Ad-Hoc committee)
- High focus on Customer service innovations to enhance the customer service experience.
- Human Resource technology focus on ways to automate or streamline routine tasks in order to shift time and staff resources from transactional administrative work to more strategic focuses.

COMMUNITY PROMOTION / PRIDE

The City of Hagerstown will take the lead of improving our Community Image by releasing factual, timely and transparent messaging.

- Creation of an Image/Marketing Plan with creation of creative hash tag identifier
- Taking image management and enhancement messaging outside of Hagerstown and Washington County
- Utilize all means of media outlets and partners to promote our messaging including our own studio and help of organizations such as MML, trade shows, Professional conferences, Chamber etc.

ECONOMIC DEVELOPMENT THROUGH SPORTS AND TOURISM

The City of Hagerstown will be creative and diversify opportunities for Economic Development through nontraditional means.

- Indoor Sportsplex RFP
- Multi-use Stadium Complex Study through the MD Stadium Authority

CITIZEN-BASED GOVERNMENT

The City of Hagerstown believes in an ethical and financially responsible government, while supporting an engaged citizenry to make the community more than the sum of its parts.

- Promote awareness and understanding of the City's finances through accessible and easy-to-use data presentations.
- Grow the Hagerstown Strong Program - a volunteer outreach group pairing volunteers with government staff. Continue to support the Main Street Program and those volunteer groups
- Grow a foundation of active and engaged residents to serve on various City boards and commissions.
- Improve access to City website information for mobile device users.