



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