

**WASHINGTON COUNTY PLANNING COMMISSION  
WORKSHOP MEETING – October 19, 2009**

The Washington County Planning Commission held a workshop meeting on Wednesday, October 19, 2009, at 1:00 p.m. in the Washington County Administrative Annex, 80 West Baltimore Street, Hagerstown.

Members present were: Chairman George Anikis, Andrew Bowen, Terry Reiber, Sam Ecker, Clint Wiley and Linda Parrish (arrived at 1:15 p.m.). Staff members present were: Planning Director Michael Thompson, Chief Planner Steve Goodrich, Senior Planner Jill Baker, Planners Cody Shaw and Fred Nugent, GIS Technician Meghan Hammond and Administrative Assistant Debra Eckard. Also present was Kathy Kroboth, Department of Permits & Inspections.

**CALL TO ORDER**

Chairman George Anikis called the meeting to order at 1:05 p.m.

**DISCUSSIONS**

**2008 Annual Report**

Mr. Thompson began the meeting by asking Commission members for their comments regarding the 2008 Annual Report, which was presented to the Commission at its regular meeting on Monday, October 5<sup>th</sup>. The State of Maryland requires an annual report to be filed by the Planning Commission each year.

**Motion and Vote:** Mr. Reiber made a motion to accept the 2008 Annual Report and to have the Report submitted to the State of Maryland as presented. Seconded by Mr. Ecker. Unanimously approved.

**Zoning Ordinance Text Amendment**

Ms. Baker presented a proposal for a text amendment to the Zoning Ordinance regarding “administrative adjustments”. In accordance with Article 66B of the Annotated Code of Maryland, “administrative adjustments” are permitted. Ms. Baker explained that “administrative adjustments” are an abbreviated process of the Board of Zoning Appeals handled through the County’s Department of Permits and Inspections. Variances to very limited and very specific bulk requirements would be permitted by the Zoning Administrator and include setback requirements, distance requirements as outlined in Section 4.9, building height, and parking space and parking aisle dimensions. The variance should not exceed a 20% reduction of the unmodified standard. Ms. Baker stated that a notification process would be adopted to notify adjacent and confronting property owners when a variance has been requested. If there is any opposition to a variance request, an administrative adjustment would not be granted and the applicant would be required to file the request with the Board of Zoning Appeals. Ms. Baker explained that decisions of the Zoning Administrator could be appealed and the applicant could continue the process with the Board of Zoning Appeals.

Ms. Baker noted that during a meeting with the County Attorney’s Office, recommendations were made for changes to the proposed document. Staff will continue working with them on the recommendations. Ms. Baker explained that the “administrative adjustments” are not intended to correct problems “after the fact”. Ms. Baker presented samples of the letter used during the notification process and a handout that will be given to applicants explaining the process in detail.

**Discussion:** Mr. Reiber and Mr. Wiley expressed their opinions that the proposed text amendment will be a benefit to the County as well as applicants. Mr. Anikis expressed his concern regarding a proposed use and asked how this type of request would be handled. Ms. Baker explained that uses and intensity would not be covered under this procedure. Mr. Anikis made an inquiry regarding the cost for this process. Ms. Baker stated that staff has proposed a fee of \$75.00, which would be non-refundable. Mr. Anikis asked if a sign could be placed on the property in lieu of sending letters. Ms. Baker stated that the intent is to notify only the closest neighbors that would be impacted by the change. She also noted that placing a sign on the property would add to the costs and could increase the time frame for granting the variance.

**Review of Zoning Ordinance Text Changes for the UGA**

During the October 5<sup>th</sup> regular Planning Commission meeting, copies of the Urban Growth Area Advisory Committee’s (UGAAC) Recommendations for proposed zoning map and text amendments in the Urban Growth Area were distributed to Commission members. The original proposed text changes were Staff’s first draft to implement the recommendations of the Comprehensive Plan adopted in 2002. The same concepts of growth areas and rural areas that had opposite but complimentary land use policies remained throughout the 2002 update. The comprehensive rezoning of the rural area was adopted in 2005. The Urban Growth Area includes the City of Hagerstown, Funkstown and Williamsport. The town growth areas for Boonsboro, Hancock, Smithsburg and Clear Spring will be completed at a later date.

Mr. Goodrich briefly explained the process and materials used to prepare the proposed text and map amendments for the UGA. He cited examples of proposed changes such as requiring traffic data as part of the PUD submittal process and issues regarding hazardous wildlife around the Airport.

Mr. Goodrich stated that the Commission will be using the UGAAC's report, which includes the Staff's proposed text and map amendments. He stressed that the UGAAC's recommendations were submitted directly to the Board of County Commissioners and are not submitted to the Planning Commission for its review or approval. Planning Commission members are encouraged to read the report and may use recommendations from the UGAAC if appropriate. Mr. Goodrich reiterated that the Planning Commission should make recommendations based on the Staff's proposed map and text amendments or the Commission's own proposed changes.

Mr. Goodrich introduced members of the UGAAC in attendance at the Workshop meeting (Linda Irvin-Craig, Hank Livelsberger, Jerry Ditto and Mike Armel).

Mr. Goodrich summarized briefly proposed changes to the text of the various zoning districts in the UGA. The proposed changes are as follows:

- Agriculture and Conservation zoning districts - Eliminate from the UGA
- Change the RR (Rural Residential) zoning district to RT (Rural Transitional) zoning district
  - Reduce the lot size to increase density
  - Remove some commercial uses as Special Exception uses
- RS (Residential Suburban) zoning district – Remove some commercial uses from the Special Exception uses, no change in lot size
- RU (Residential Urban) zoning district – generally the same changes as the RS zoning district
- RM (Residential Multi-family) zoning district
  - Improve the design guidelines
  - Limited density to 12 dwelling units (du) per acre (currently 16 du per acre)
- BT (Business Transitional) zoning district – Remove from UGA
- BL (Business Local) zoning district
  - Less intense uses to be permitted – make more “neighborhood-friendly”
  - Improve design guidelines
- BG (Business General) zoning district
  - Better development standards
  - Reduction of impervious surface from 90% to 80%
- IT (Industrial Transitional) zoning district – Eliminate from the UGA
- IR (Industrial Restricted) zoning district – Improved design guidelines
- IG (Industrial General) zoning district – generally unchanged
- Change the PUD (Planned Unit Development) zoning district to Mixed Use Floating Zone, which will have 3 zoning categories – residential, residential/commercial and residential/commercial/ Employment, improve process and design guidelines
- PB (Planned Business) zoning district
  - Improved process
  - Improved design guidelines
- PI (Planned Industrial) zoning district (for industrial parks) – Improve advanced planning and development review process
- HI (Highway Interchange) zoning district – Abandon completely – no longer exists on map
- Change HI-1 (Highway Interchange 1) to HC (Highway Commercial) zoning district – Remove industrial uses
- HI-2 (Highway Interchange 2) zoning district – Eliminate from the UGA
- AP (Airport) zoning district
  - Better describe the Overlay zone that currently exists in the rural area
  - Addition of the Hazardous Wildlife Attractant Management zone
- ORT (Office/Research/Technology) zoning district – No changes
- ERT (Education/Research/Technology) zoning district – A new zone created cooperatively between the Hagerstown Community College staff and the Planning staff.
- ORI (Office/Research/Industry) zoning district – A new zone created by the UGAAC. This is not part of the Staff's proposal.

Mr. Bowen made an inquiry regarding the “grandfathering” of existing uses on property that has its zoning designation changed. Mr. Goodrich stated that the use will be allowed to continue as a non-conforming use. Once the use has stopped for six months or more, it will no longer be permitted in that zoning district. The Zoning Ordinance also allows some uses to expand, but the amount of expansion could be limited to 35%. Mr. Goodrich noted that in most districts lot size requirements have not been changed in order to allow uses to comply.

The Commission began with a review of Article 7 – RR (Rural Residential) zoning district. Staff is proposing to change the title to RT (Residential Transition) to better reflect the intent of the zoning district. The RT district is a transition district from the urban area to the rural area. The “purpose paragraph” has been revised to better describe the purpose of the district. The improved “purpose paragraph” provides more guidance to enable staff to implement requirements on a day to day basis. Staff is proposing to add the following, “All new development in the RT district shall be served by public water and sewer facilities.” Mr. Goodrich noted that this requirement may be difficult to implement “across the board” and Staff is

considering ways to moderate and encourage the requirement as often as possible without preventing development. Mr. Bowen expressed his opinion that a list of special exceptions should be provided when public water and sewer would not be required. He believes the threshold needs to be very high. Mr. Wiley concurred. Mr. Wiley expressed his opinion that exceptions could be made to properties on the fringe of the growth area. Members discussed cost issues for water and sewer connections versus the use of wells and septic areas.

Mr. Goodrich began a discussion of the principal permitted uses in the RR (RT) zoning district. He noted that modifications have been made to Agriculture as a principal permitted use. New animal husbandry facilities are discouraged due to the monetary investments needed for large scale operations and the conflict between urban uses (residential development) and animal husbandry operations. Mr. Goodrich noted that Staff is proposing to define a "large scale" operation and a "small scale" operation. The special exception uses have been modified to remove commercial uses. Mr. Anikis made an inquiry regarding half-way (rehabilitative) houses and where they would be permitted in the County. Mr. Goodrich stated they would not be allowed in the RT zoning district. Mr. Anikis also made an inquiry regarding bed and breakfast operations. Ms. Baker stated that Staff has been discussing owner occupied bed and breakfast facility. Mr. Goodrich stated that bed and breakfasts are a permitted use in the A(R) (Agriculture Rural), EC (Environmental Conservation) and P (Preservation) zoning districts. Mr. Anikis expressed his opinion that bed and breakfasts should be a special exception use if it is owner-occupied. Mr. Goodrich stated that minor changes to the lot area with yard requirements are proposed. The changes will slightly reduce the lot area requirements for single-family and semi-detached dwelling. Related lot width requirements and front yard depths are proposed to encourage more density. Mr. Goodrich briefly reviewed the table for minimum lot area requirements in Section 7.5. There was a brief discussion regarding minimum lot area requirements for schools. Mr. Thompson stated that the State currently does not have any minimum requirements for lot sizes. It was noted that minimum lot requirements for schools has been reduced in the County thereby reducing the amount of land needed for new schools, which would cut costs.

Mr. Wiley suggested that bike trails or lanes should be added to the requirements as well as sidewalks in the UGA. Ms. Baker noted that the County is currently in the process of drafting new road standards based on lot size requirements. Requirements would include sidewalks, road widths, on-street and off-street parking, street trees, etc. There was a brief discussion that these requirements should be carried over in all residential zoning districts, not just the RM zoning district as currently proposed.

- **Consensus:** The Planning Commission recommends strict adherence to the requirement for public water and sewer with a concise list of exceptions.
- **Consensus:** Requirements for sidewalks and bicycle lanes should be required in all residential zoning districts.
- **Consensus:** Owner-occupied bed and breakfast facilities should be allowed in the RS (RT) zoning district as a special exception use.
- **Consensus:** Staff needs to define "large-scale" and "small scale" animal husbandry facilities.

Mr. Goodrich began reviewing Article 8 – RS (Residential Suburban) District zone. He noted that the purpose statement has been improved to provide a better description and reflect the intent of the RS zone. The principal permitted uses listed in Section 8.1 are currently allowed. The commercial uses have been eliminated as special exception uses in the RS district. Mr. Goodrich noted that the proposed front yard depth requirements were recommended by the UGAAC. The lot size requirements are not proposed to be changed. There was a brief discussion regarding the front yard depth requirements. Staff does not support the proposed changes to the front yard depth. Mr. Thompson noted that a smaller front yard depth causes problems for parking of larger vehicles that block the sidewalks or parking more than one vehicle in the driveway.

- The Commission recommended that public water and sewer shall be required in this zoning district and there would be no exceptions.

The Commission began its review of Article 9 – RU (Residential Urban). Mr. Goodrich briefly noted the proposed changes. He noted the proposed lot area requirements recommended by the UGAAC. Two minor corrections were pointed out: the spelling of the word incidental on page 2 (Section 9.3) and consistency in the wording for the public water and sewer requirements. There was a brief discussion regarding "home occupations", which has been clearly defined in the Zoning Ordinance. Ms. Baker noted there are several restrictions that apply to "home occupations". Ms. Parrish made an inquiry regarding the change from one and one-half (1 ½) stories to two (2) stories as recommended by the UGAAC. Mr. Goodrich explained there is not a definition for half-stories in the building code, which is creating problems for administering the Ordinance. Staff is not opposed to the recommendation to eliminate half-stories. Staff is in fact proposing to recommend the elimination of all references to stories and refer to height by feet only in the Ordinance. Ms. Baker stated that recent text amendments have been adopted that defines building height by feet.

Mr. Goodrich began a review of Article 10 – RM (Residential, Multi-Family) zoning district. He noted that the permitted density has been reduced from the current 16 dwelling units (du) per acre allowed for apartments to proposed 12 du per acre for all multi-family uses. The following reasons were given to support the recommendation: the Comprehensive Plan recommends reducing the density in this zoning district, there has never been a request for development using 16 du per acre, and Staff believes that 12 du/acre is more appropriate in the County to reduce competition with development in the City of Hagerstown. Ms. Parrish questioned the increase to a four story building with a limitation of 12 units. Mr.

Goodrich reiterated that Staff is proposing to eliminate stories from the Ordinance and measure the height in feet. There was a brief discussion regarding the reduction in the dwelling units per acre and other requirements that must be met. Ms. Parrish expressed her opinion that the UGA is intended for growth. She believes that the increase in the height restrictions could encourage more dwelling units per acre; therefore, the County should not reduce the number of dwelling units per acre. Mr. Reiber expressed his concern with Staff's recommendation with townhouses and condominiums as examples. There was a brief discussion regarding smaller building footprints thereby reducing density and increasing green space. Mr. Reiber expressed his opinion that in the future, the four-story, 50-foot limitation will become a problem especially on apartment complexes.

- **Consensus:** The Planning Commission agrees with Staff's proposal of 12 dwelling units per acre.

In conclusion, Mr. Goodrich asked Commission members to consider the concept of a residential zoning district in the UGA for single-family dwellings only as recommended by the Comprehensive Plan. This concept will be discussed during the next Workshop meeting.

#### **FUTURE MEETINGS**

1. Monday, November 16, 2009, 3:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street
2. Monday, November 23, 2009, 3:00 p.m., Washington County Administrative Annex, 80 West Baltimore Street

#### **ADJOURNMENT**

The Chairman adjourned the meeting at 3:25 p.m.

Respectfully submitted,

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George Anikis, Chairman