

AN ORDINANCE TO AMEND  
TITLE 17  
OF THE CODE OF EMMITSBURG  
ENTITLED  
ZONING

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BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Town of Emmitsburg, Maryland that Chapter 17.36.040 of the Emmitsburg Municipal Code be, and it hereby is, amended as follows:

The amended section of this regulation reads as follows with new language designated by being in **BOLD CAPITAL LETTERS**, and language being deleted designated by being ~~stricken through~~.

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**17.36.040 Off-street parking and loading.**

**A. THE OFF-STREET PARKING REQUIREMENTS IN THIS SECTION SHALL BE WAIVED FOR ANY EXISTING COMMERCIAL/NON-RESIDENTIAL USE AND/OR ANY COMMERCIAL/NON-RESIDENTIAL USE BEING ESTABLISHED IN AN EXISTING BUILDING SO LONG AS THAT BUILDING IS NOT BEING ENLARGED IN ANY WAY. THIS WAIVING OF OFF-STREET PARKING REQUIREMENTS REFERS ONLY TO COMMERCIAL/NON-RESIDENTIAL USES AND DOES NOT INCLUDE AND/OR AFFECT ANY RESIDENTIAL USES.**

~~A. Each new commercial business in existing building in the VZ district shall provide one off-street parking area for every two persons operating the business. Minimum of one space per business.~~

**B. EXISTING ON-SITE PARKING AT AN EXISTING COMMERCIAL/NON-RESIDENTIAL FACILITY MAY NOT BE DECREASED IF DOING SO WOULD CREATE OR INCREASE NON-CONFORMANCE WITH THE REQUIREMENTS OF PARAGRAPH D.**

~~B. Each new commercial building in the VZ district shall provide one off-street parking space for each two hundred (200) square feet of floor space for customer service.~~

C. A bituminous concrete or concrete surfaced off-street automobile parking area shall be provided on any lot on which any of the prescribed uses are established. Such space shall be provided with safe vehicular access to a street or alley. For purposes of computing, each space shall not be less than nine feet wide, nor less than twenty (20) feet long. Such parking shall not be located in the front yards of any structure within fifty (50) feet of a residential district. ~~The following are minimum requirements for specific uses:~~

**D. THE FOLLOWING ARE MINIMUM REQUIREMENTS FOR SPECIFIC USES:**

1. ~~For~~ **RESIDENTIAL USES:**  
~~One~~ **SINGLE**-family Dwellings. Two spaces. ~~on the lot must be provided:~~

~~For~~Lodging Houses. **TWO SPACES PER THE PRIMARY DWELLING PLUS 1 FOR EACH GUEST ROOM OR BOARDING UNIT**~~One space on the lot per bedroom;~~

~~For~~Town Houses and Multifamily Dwellings. Two off-street spaces for each dwelling unit;

**2. COMMERCIAL BUILDING ERECTED ON A NEW SITE, OR EXPANDED, IN THE VZ DISTRICT SHALL PROVIDE ONE OFF-STREET PARKING SPACE FOR EACH THREE HUNDRED (300) SQUARE FEET OF FLOOR SPACE USED FOR CUSTOMER SERVICE.**

~~3.2. Churches~~**PLACE OF WORSHIP** Erected on ~~new sites~~, or expanded. One parking space on the lot for each ten seats in the main ~~auditorium~~ **WORSHIP/ASSEMBLY ROOM**. ~~but existing churches and additions to or enlargements of churches existing at the time of passage of the ordinance codified in this title shall be exempt from this requirement;~~

~~4.3. For New~~ Places of Public Assembly, ~~not existing at the date of enactment of this title, including~~ **SUCH AS** auditoriums and theaters, one parking space for each four seats provided;

~~5.4. For~~ Hospitals. One parking space for each hospital bed.

~~6.5. For New~~ Institutions, Clubs, Lodges and Other Public and Semi-Public Buildings, **ERECTED ON NEW SITE OR EXPANDED**. Ten spaces for each one thousand (1,000) square feet of floor area.

~~E.D.~~ The foregoing requirements are subject to the following general rules and exceptions:

1. In the VZ district, parking space may be provided on a separate lot if within five hundred (500) feet of ~~a~~**THE** building, and two or more lot owners may join together in the provision of this parking space;
2. Existing buildings not complying with off-street parking requirements may be remodeled, repaired and structurally altered, but any enlargement, except as otherwise exempted above, must provide the required parking space for such enlargement. (Refer to subsection **S B AND C** of this section);
3. Off-street loading shall conform to Section 17.08.150;
4. In the VZ district, public and semi-public buildings which provide critical emergency services (fire, police, and ambulance services), may be remodeled, repaired, structurally altered, or enlarged. Any enlargement which does not provide required off-street parking shall be subject to the approval of the Emmitsburg planning commission as demonstrated on the required site plan, and shall be limited to the facility's ability to provide emergency services only; ~~Specifically I.E.,~~ space for administration, living quarters, and vehicle housing. Enlargements for any other purposes other than those prescribed above shall be required to provide the required off-street parking for the enlargement.

~~5. The aforementioned off-street parking requirements shall be waived for any existing commercial use and/or any commercial use being established in an existing building so long as that building is not being enlarged in any way. This waiving of off-street parking requirements refers only to commercial uses and does not include and/or affect any residential uses.~~

(Ord. 07-14 § 1: Ord. 07-04: Ord. 05-01 § 1: prior code Art. XI (Art. V-A § (part))  
(Ord. No. 09-02, 3-2-09)

This Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners pass the Ordinance over the veto of the Mayor.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2010 by a vote of \_\_\_\_\_ for,  
\_\_\_\_\_ against, \_\_\_\_\_ absent, and \_\_\_\_\_ abstain.

ATTEST: EMMITSBURG BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Donna Des Pres, Town Clerk Christopher Staiger, President

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\_\_\_\_\_ APPROVED \_\_\_\_\_ VETOED

this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

MAYOR

\_\_\_\_\_  
James Hoover, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Date: \_\_\_\_\_  
Donna Des Pres, Town Clerk