

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

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Town of Emmitsburg, Maryland that Chapter 17.32.110 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~~.

17.32.110 Accessory uses **AND STRUCTURES**.

In residential districts, accessory uses **AND STRUCTURES** are as follows: ~~A. Unattached~~ **DETACHED** one story accessory uses (such as a private garage, a private swimming pool, and a garden or tool shed). **ACCESSORY STRUCTURES** shall remain six feet from the side and rear lot lines, or in the case of a swimming pool, a distance equal to the maximum depth of the pool. ~~Unattached-DETACHED~~ means, not connected to the principal structure. (Ord. 92-9 § 1 (part): prior code Art. XI (Art. V § 8.0))

IN THE CASE OF A DETACHED GARAGE OR CAR CANOPY, WHERE THE LOT WIDTH EXISTING AS OF SEPTEMBER 1, 2011, IS THIRTY (30) FEET OR LESS, A SPECIAL EXCEPTION MAY BE GRANTED BY THE BOARD OF APPEALS, PROVIDED THE GARAGE OR CAR CANOPY MAINTAINS A DISTANCE OF AT LEAST SIX FEET FROM ONE SIDE LOT LINE, SIX FEET FROM THE REAR PROPERTY LINE, AND THE PROPERTY OWNER HAS SUBMITTED A DEVELOPMENT PLAN APPROVED BY THE BOARD OF APPEALS. REQUIRED ELEMENTS OF THE SPECIAL EXCEPTION APPLICATION ARE:

1. **APPLICATION FORM AND REQUIRED FEE.**
2. **A SURVEY OF THE PROPERTY IN QUESTION, PREPARED BY A SURVEYOR LICENSED IN THE STATE OF MARYLAND, CLEARLY DELINEATING ALL OF THE FOLLOWING:**
 - A. **THE LOCATION OF THE PRINCIPAL STRUCTURE ON THE LOT AND ALL ACCESSORY STRUCTURES**
 - B. **THE LOCATION AND EXTENT OF ANY AND ALL EASEMENTS ON THE PROPERTY INCLUDING THE 6 FOOT UTILITY EASEMENT TO BE ABANDONED.**
 - C. **THE NAMES OF THE ABUTTING PROPERTY OWNERS**

- D. THE PERCENTAGE OF COVERAGE ON THE LOT OCCUPIED BY ALL STRUCTURES AT THE TIME OF COMPLETION OF THE GARAGE.
3. IN THE COURSE OF REVIEW OF THE APPLICATION THE APPLICANT MUST:
- A. DEMONSTRATE A HARDSHIP BASED ON THE INABILITY TO CONSTRUCT THE GARAGE IN CONFORMANCE WITH THE REQUIREMENTS OF THE ORDINANCE AS WRITTEN.
 - B. DEMONSTRATE THAT THE CONSTRUCTION OF THE GARAGE WILL NOT REDUCE SIGHT DISTANCE ON ANY PUBLIC RIGHT OF WAY.
 - C. DEMONSTRATE THAT THE CONSTRUCTION OF THE GARAGE WILL NOT ADVERSELY AFFECT THE ABILITY TO DELIVER EMERGENCY SERVICES TO THE SITE.
 - D. DEMONSTRATE THAT THE CONSTRUCTION OF THE GARAGE WILL NOT INJURE AN ABUTTING PROPERTY OWNER. APPLICANT IS REQUIRED TO NOTIFY EACH ABUTTING PROPERTY OWNER BY CERTIFIED MAIL, AND PROVIDE RECEIPTS OF SUCH MAILING AS PART OF THE APPLICATION.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that 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 _____, 2011, by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS

By: _____
Donna Des Pres, Town Clerk

Christopher Staiger, President

_____ APPROVED _____ VETOED

this _____ day of _____, 2011.

Donald N. Briggs, 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