

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

\*\*\*\*\*

**BE IT RESOLVED, ENACTED AND ORDAINED** by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 17, Zoning, of the Emmitsburg Municipal Code, be amended as follows:

New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in [~~brackets and strike out~~].

Chapter 17.04 - General Provisions

17.04.020 – Definitions

A. {*unchanged*}

B. {*“Agriculture” through “Boarding house” unchanged*}

**“BUFFER AREA” MEANS A STRIP OF LAND WHICH IS PLANTED AND MAINTAINED IN SHRUBS, BUSHES, TREES, GRASS OR OTHER LANDSCAPING MATERIAL AND WITHIN WHICH NO STRUCTURE IS PERMITTED EXCEPT A WALL OR FENCE.**

**“BUFFER YARD” MEANS AN OPEN AREA WHOSE DIMENSIONS MAY EXCEED THE NORMAL BUILDING SETBACK OR YARD REQUIREMENT USED TO PROTECT LOW-DENSITY USES AND ZONING DISTRICTS FROM ADJACENT HIGHER-DENSITY USES AND DISTRICTS.**

{*“Building” through “Junk yard” unchanged*}

**“LANDSCAPE PLAN” MEANS A COMPONENT OF A SUBDIVISION, SITE AND/OR IMPROVEMENT PLAN ON WHICH IS SHOWN PROPOSED LANDSCAPE SPECIES (INCLUDING NUMBER, SPACING, SIZE AT TIME OF PLANTING, AND PLANTING DETAILS); PROPOSALS FOR PROTECTION OF EXISTING VEGETATION DURING AND AFTER CONSTRUCTION; PROPOSED TREATMENT OF HARD AND PERMEABLE SURFACES; PROPOSED DECORATIVE FEATURES, GRADE CHANGES, BUFFERS AND SCREENING DEVICES; AND ANY OTHER INFORMATION THAT CAN REASONABLY BE REQUIRED IN ORDER THAT AN INFORMED DECISION CAN BE MADE BY THE PLANNING COMMISSION.**

{*“Lot” through “Place of worship” unchanged*}

“Plan” means the policies, statements, goals, and interrelated plans for private and public land use, transportation, and community facilities documented in texts and maps which constitute the guide for the area’s future ~~[developer]~~ **DEVELOPMENT**. For the purposes of this definition, the word plan includes general plan, master plan, comprehensive plan, community plan, and the like as adopted in accordance with ~~[Section 3.00 of Article 66B]~~ **THE LAND USE ARTICLE** of the Annotated Code of Maryland.

*“Private club” through “Zoning map” unchanged}*

## Chapter 17.08 - General Regulations

### 17.08.010 – Establishment of Districts.

For the purpose of this title, all land within the town is designated on the zoning map as being in one of the following districts:

- ~~[INST]~~ Institutional (**INST**);
- ~~[R-1]~~ Low Density Residential (**R-1**);
- ~~[R-2]~~ Medium Density Residential (**R-2**);
- ~~[R-3]~~ High Density Residential (**R-3**);
- ~~[R-S]~~ Residential Suburban (**R-S**);
- ~~[VZ]~~ Village Zone (**VZ**);
- ~~[B-1]~~ Neighborhood ~~[Business]~~ **COMMERCIAL (B-1)**;
- ~~[B-2]~~ ~~[Shopping Center]~~ **GENERAL COMMERCIAL (B-2)**;
- ~~[IP-Light]~~ Industrial Park (**I-P**);
- ~~[ORI]~~ Office, Research, Industrial (**ORI**);
- ~~[C-R]~~ Conservation/Recreation (**C-R**).

### 17.08.140 – Off-Street Parking

*{A – H unchanged}*

#### **I. LIGHTING**

- 1. PARKING AREAS, MAIN ENTRANCES, AND EXITS, WHICH ARE OPEN TO THE PUBLIC, SHALL BE LIGHTED TO A MINIMUM AVERAGE OF TWO (2) FOOT-CANDLES AND A MAXIMUM OF SIX (6) FOOT-CANDLES. ALL LIGHTING SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT**

**DOWNWARD AND AWAY FROM ADJOINING PREMISES AND PUBLIC RIGHTS-OF-WAY. LIGHTING PLANS, INCLUDING PHOTOMETRICS AND ALL DETAILS, SHALL BE INCLUDED WITH ALL PLANS.**

- 2. THE PLANNING COMMISSION MAY REQUIRE LIGHTS ALONG PROPOSED STREETS AND AT KEY INTERSECTION LOCATIONS, WHERE DEEMED NECESSARY.**
- 3. ALL LIGHTING SHALL BE DIRECTED DOWNWARD AND INWARD TO THE SITE. PROPOSED CANOPY LIGHTS SHALL BE FULLY RECESSED AND LIGHT FIXTURES WITHIN PARKING COMPOUNDS SHALL BE EQUIPPED WITH CUTOFF SHIELDS.**
- 4. MAXIMUM HEIGHT OF STREET LIGHTS SHALL BE FIFTEEN FEET (15') IN RESIDENTIAL ZONES AND TWENTY FEET (20') IN NON-RESIDENTIAL ZONES;**

**17.08.160 – [~~Obstructions to vision at intersections prohibited~~] CLEAR SIGHT TRIANGLE, SIGHT DISTANCE.**

~~[On any corner lot in all districts there shall be no obstruction to traffic visibility within thirty five (35) feet of the intersection of the two street property lines of the corner lot, or the street right of way lines, whichever is more restrictive.]~~

- A. IN A CLEAR SIGHT TRIANGLE, NO WALK, FENCE, SIGN, OR OTHER STRUCTURE SHALL BE ERECTED OR ALTERED AND NO HEDGE, TREE, SHRUB, OR OTHER GROWTH SHALL BE MAINTAINED OR PERMITTED BETWEEN THREE (3) AND EIGHT (8) FEET ABOVE GRADE, WHICH MAY CAUSE DANGER BY OBSCURING THE SIGHT LINES.**
- B. A CLEAR SIGHT TRIANGLE SHALL BE MAINTAINED AT ALL INTERSECTIONS OF STREETS WITH STREETS, DRIVEWAYS WITH STREETS, AND PRIVATE ROADS WITH STREETS, WITHIN WHICH NO STRUCTURE OR GROWING MATERIAL SHALL EXCEED A HEIGHT OF THREE FEET (3') ABOVE THE GRADE OF THE STREET, DRIVEWAY, OR ROAD, AND NO BRANCH OF A TREE OR SIGN OF ANY KIND SHALL BE LOWER THAN NINE FEET (9') ABOVE THE GRADE OF THE STREET, DRIVEWAY, OR ROAD. THE CLEAR SIGHT TRIANGLE SHALL BE:
  - 1. SEVENTY-FIVE FEET (75') MEASURED ALONG THE CENTER LINES OF INTERSECTING STREETS.**
  - 2. FORTY FEET (40') MEASURED ALONG THE CENTER LINE OF A PRIVATE DRIVEWAY OR PRIVATE ROAD AND THE INTERSECTED STREET.****

**17.08.220 - GENERAL BUFFER REGULATIONS**

- A. THE TOWN OF EMMITSBURG RECOGNIZES THAT THE PROCESSES OF DEVELOPMENT CAN ALTER NATURAL TOPOGRAPHY AND VEGETATION, AS WELL AS CAUSE OTHER NEGATIVE EFFECTS. THE TOWN ALSO RECOGNIZES THAT DEVELOPMENT CREATES IMPERVIOUS COVER, VEHICULAR TRAFFIC,**

**ARTIFICIAL LIGHT, INCREASES IN AIR TEMPERATURE, ACCELERATED RUNOFF, EROSION, SEDIMENTATION, GLARE, NOISE, AND INCOMPATIBLE USES OF LAND, WHICH CAN NEGATIVELY AFFECT THE COMMUNITY'S ECOLOGICAL BALANCE, VISUAL CHARACTER, AS WELL AS COMMUNITY-WIDE LIVABILITY. THE TOWN INTENDS TO PROTECT AND ENHANCE ITS ECONOMIC BASE, QUALITY OF LIFE, AND COMMUNITY CHARACTER BY ENCOURAGING QUALITY DEVELOPMENT. RECOGNIZING THAT THE TOWN OF EMMITSBURG'S COMPREHENSIVE PLAN PROMOTES THE PROTECTION OF HEALTH, SAFETY, AND WELFARE OF THE PUBLIC AND ENCOURAGES QUALITY DEVELOPMENT, THIS SECTION IS ADOPTED IN ORDER TO: 1) AID AND STABILIZE THE ECOLOGICAL BALANCE OF THE ENVIRONMENT IN THE TOWN; 2) PROVIDE BUFFERS BETWEEN USES OF DIFFERENT CHARACTER AND INTENSITY; 3) ENHANCE THE TOWN'S GENERAL APPEARANCE; 4) SAFEGUARD AND ENHANCE PROPERTY VALUES; 5) PROTECT PUBLIC AND PRIVATE INVESTMENTS; 6) CONSERVE ENERGY; AND 7) PROTECT NATURAL AREAS THEREBY PROVIDING NATURAL HABITATS FOR WILDLIFE.**

- B. WHERE BUFFER YARDS AND SCREEN PLANTING AREAS ARE REQUIRED IN THIS SECTION, THEY SHALL BE PROVIDED WITHIN THE YARD SETBACKS PRESCRIBED IN THE APPLICABLE ZONING DISTRICTS. AND IN ACCORDANCE WITH THE REQUIREMENTS CONTAINED IN THIS SECTION, GENERAL BUFFER REGULATIONS, HEREIN, AND TITLE 16.**
- C. WHERE BUFFER YARDS AND SCREEN PLANTING AREAS ARE REQUIRED IN THIS SECTION, A LANDSCAPE PLAN FOR THE ENTIRE TRACT SHALL BE REQUIRED. THE DEVELOPER SHALL RETAIN A LANDSCAPE ARCHITECT LICENSED BY THE STATE OF MARYLAND TO COMPLETE SUCH A PLAN TO ENSURE THE PROPER SPECIES, USE, ARRANGEMENT OF PLANT MATERIALS, AND INSTALLATION. ALL AREAS OF THE DEVELOPMENT NOT COVERED BY IMPERVIOUS SURFACES SHALL BE LANDSCAPED AND MAINTAINED WITH SUITABLE GROUND COVER AND PLANTS.**
- 1. THE PLAN SHALL INDICATE THE EXTENT TO WHICH EXISTING VEGETATION WILL BE PRESERVED FOR LANDSCAPING PURPOSES.**
  - 2. WHERE DEEMED NECESSARY BY THE PLANNING COMMISSION, EARTHEN BERMS SHALL BE INCORPORATED INTO THE LANDSCAPING PLAN ALONG PUBLIC STREET FRONTAGE AND ALONG PROPERTY LINES ABUTTING EXISTING DWELLINGS IN ACCORDANCE WITH TITLE 16.**
  - 3. LANDSCAPED AREAS SHALL BE CONTINUALLY MAINTAINED BY THE LANDOWNER. CARE, GROOMING, AND REPLACEMENT OF PLANTS SHALL BE INCLUDED AS PART OF THE REQUIRED MAINTENANCE. FAILURE TO ADEQUATELY MAINTAIN LANDSCAPED AREAS SHALL BE SUBJECT TO A CITATION ISSUED BY THE TOWN.**
  - 4. IN ADDITION TO LANDSCAPE ELEMENTS, THE PLAN SHALL INCLUDE THE LAYOUT OF WALKWAYS, LIGHTING, AND RECREATION AREAS THROUGHOUT THE DEVELOPMENT FOR THE SAFETY AND SECURITY**

**OF THE PEOPLE. THE LAYOUT AND DESIGN OF PEDESTRIAN-LEVEL STREET LIGHTING SHALL BE PROVIDED THROUGHOUT THE DEVELOPMENT AND PARKING AREAS.**

- 5. PARKING AREAS SHALL BE ADEQUATELY LANDSCAPED IN ORDER TO PROVIDE SHADE, TO SCREEN VEHICLES FROM PUBLIC STREETS, TO REDUCE GLARE AND NOISE WITHIN THE DEVELOPMENT ITSELF AND SHALL BE DESIGNED IN ACCORDANCE WITH TITLE 16.**
- D. ANY NONRESIDENTIAL USE ADJOINING A RESIDENTIAL USE IN ANY ZONE SHALL MEET THE FOLLOWING BUFFER YARD TYPE AND WIDTH REQUIREMENTS, UNLESS OTHERWISE PROVIDED IN THIS SECTION. THE BUFFER YARD SHALL EXTEND THE ENTIRE LENGTH OR WIDTH OF THE PROPERTY LINE OF THE ADJOINING ZONE OR LOT.**

**BUFFER YARD REQUIREMENTS**

<b>BUFFER YARD TYPE</b>	<b>NONRESIDENTIAL OR MIXED-USE DISTRICT</b>	<b>MINIMUM BUFFER YARD WIDTH (FEET)</b>
<b>1</b>	<b>VILLAGE ZONE (VZ)</b>	<b>15</b>
<b>1</b>	<b>NEIGHBORHOOD COMMERCIAL (B-1)</b>	<b>25</b>
<b>2</b>	<b>GENERAL COMMERCIAL (B-2); INSTITUTIONAL (INST);</b>	<b>25</b>
<b>3</b>	<b>INDUSTRIAL PARK (I-P); OFFICE, RESEARCH, INDUSTRIAL (ORI)</b>	<b>30</b>

- E. ANY LOT USED FOR OTHER THAN A SINGLE-FAMILY DETACHED OR SEMI-DETACHED RESIDENCE IN A RESIDENTIAL OR MIXED-USE ZONE AND ABUTTING AN EXISTING OR PLANNED SINGLE-FAMILY DETACHED OR SEMI-DETACHED RESIDENCE SHALL MEET THE REQUIREMENTS FOR BUFFER YARD TYPE 1, UNLESS OTHERWISE PROVIDED IN THIS SECTION.**
- F. SCREENING IN THE BUFFER YARDS SHALL BE IN ACCORDANCE WITH TITLE 16, AS RELATED TO BUFFER YARD TYPES.**
- G. ALL BUFFER YARDS SHALL MEET THE FOLLOWING REQUIREMENTS:**
- 1. NO BUFFER YARD OR PART THEREOF SHALL BE USED FOR PARKING, STORAGE, LOADING, OR UNLOADING.**
  - 2. BUFFER YARDS MAY BE PLACED WITHIN ANY REQUIRED BUILDING SETBACK AREA.**
  - 3. BUFFER YARDS MAY BE CROSSED BY ACCESS ROADS, SERVICE DRIVES, OR EASEMENTS WITHIN A MAXIMUM WIDTH OF THIRTY-FIVE FEET (35'), PROVIDED THAT THE CENTER LINE OF ROAD, DRIVE, OR EASEMENT CROSSES THE LOT LINE AND BUFFER YARD AT NOT LESS THAN SEVENTY-FIVE DEGREES (75°); HOWEVER, NO TURNING OR**

**MANEUVERING OF VEHICLES SHALL BE PERMITTED IN THE BUFFER AREA.**

- 4. BUFFER YARDS SHALL EXTEND FOR THE ENTIRE LENGTH OF THE PROPERTY LINE ADJOINING THE RESIDENTIAL PROPERTY OR DISTRICT.**
  - 5. ALL SCREENING MATERIALS AND LANDSCAPING SHALL NOT ENCROACH UPON THE ADJOINING PROPERTY LINE AT FULL MATURITY.**
- H. THE BUFFER YARD FOR ANY NONRESIDENTIAL USE SEPARATED FROM A RESIDENTIAL USE BY A PUBLIC ROAD SHALL BE REDUCED BY ONE FOOT FOR EVERY TWO FEET OF THE DISTANCE BETWEEN THE PROPERTY LINE FOR WHICH THE BUFFER YARD IS REQUIRED AND THE CENTERLINE OF THE PUBLIC ROAD BUT BY NOT LESS THAN ½ OF THE ORIGINAL BUFFER.**

**17.08.230 - GENERAL LIGHTING REGULATIONS.**

- A. OUTDOOR LIGHTING. WHERE LIGHT FIXTURES ARE INSTALLED TO PROVIDE EXTERIOR ILLUMINATION, EXCLUDING OVERHEAD STREET LIGHTING AND WARNING, EMERGENCY, OR TRAFFIC SIGNALS, THE FOLLOWING RESTRICTIONS SHALL APPLY. THESE STANDARDS WILL APPLY TO ALL USES (EXCEPT SINGLE-FAMILY DWELLINGS).**
- 1. ALL OUTDOOR LIGHTING, WHETHER OR NOT REQUIRED BY THIS SECTION, SHALL HAVE INTENSITIES AND UNIFORM RATIOS IN ACCORDANCE WITH THE CURRENT RECOMMENDED PRACTICES OF THE ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA (IESNA), AS CONTAINED IN THE IESNA LIGHTING HANDBOOK.**
  - 2. ALL FUTURE AMENDMENTS TO THE RECOMMENDED PRACTICES OF THE IESNA SHALL BE MADE A PART OF THIS SECTION WITHOUT FURTHER ACTION BY THE MAYOR AND BOARD OF COMMISSIONERS.**
  - 3. STREET LIGHTING FIXTURES, WHEN REQUIRED FOR SAFETY CONSIDERATIONS, MAY BE CONTROLLED BY PHOTOCELLS FOR DUSK TO DAWN OPERATION.**
  - 4. THE LIGHTING FROM ANY LUMINARY SHALL BE SHADED, SHIELDED, OR DIRECTED TO PREVENT DIRECT LIGHT FROM BEING DISTRIBUTED BEYOND AN ANGLE OF 35° FROM A VERTICAL PLANE ONTO ADJACENT PROPERTIES AND/OR SURROUNDING AREAS. UNSHIELDED LIGHTING IS NOT PERMITTED, EXCEPT FOR TEMPORARY HOLIDAY LIGHTING.**
  - 5. LIGHTING SHALL BE DESIGNED SO THAT GLARE OR DIRECT ILLUMINATION DOES NOT EXCEED ONE FOOT-CANDLE BEYOND THE PROPERTY LINE ON WHICH THE LIGHTING ORIGINATES.**

6. **ILLUMINATED SIGNAGE SHALL BE IN ACCORDANCE WITH CHAPTER 17.38.**
7. **SUCH LIGHTING ON PRIVATE, RESIDENTIAL, COMMERCIAL, INDUSTRIAL, MUNICIPAL, RECREATIONAL, OR INSTITUTIONAL PROPERTY SHALL BE AIMED, LOCATED, DESIGNED, FITTED, AND MAINTAINED SO AS NOT TO PRESENT A HAZARD TO DRIVERS OR PEDESTRIANS BY IMPAIRING THEIR ABILITY TO SAFELY TRAVERSE (I.E., DISABLING GLARE).**
8. **POLE-MOUNTED LAMPS SHALL BE PLACED DIRECTLY ABOVE THE AREA TO BE ILLUMINATED AND SHIELDED AT THE TOP AND SIDES OR POSITIONED NEAR THE PERIMETER OF A PROPERTY AND AIMED TOWARD THE AREA REQUIRING ILLUMINATION, SUBJECT TO APPLICABLE YARD SETBACK PROVISIONS.**
9. **VEGETATION SCREENS SHALL NOT BE EMPLOYED TO SERVE AS THE PRIMARY MEANS FOR CONTROLLING GLARE. RATHER, GLARE CONTROL SHALL BE ACHIEVED PRIMARILY USING SUCH MEANS AS CUTOFF FIXTURES, SHIELDS AND BAFFLES, AND APPROPRIATE APPLICATION OF MOUNTAIN HEIGHT, WATTAGE, AIMING ANGLE, FIXTURE PLACEMENT, ETC.**
10. **THE INSTALLATION OR ERECTION OF ANY LIGHTING, WHICH MAY BE CONFUSED WITH WARNING SIGNALS, EMERGENCY SIGNALS, OR TRAFFIC SIGNALS, SHALL NOT BE PERMITTED.**
11. **LIGHTING OF PARKING LOTS SHALL BE IN ACCORDANCE WITH §17.08.140.I. OR, IF APPLICABLE, §17.36.040.F.**
12. **LIGHTING FIXTURES SHALL BE MAINTAINED TO ALWAYS MEET THE REQUIREMENTS OF THIS SECTION.**
13. **ANY LIGHTING FIXTURE EXISTING ON THE EFFECTIVE DATE OF THIS SECTION, WHICH DOES NOT CONFORM TO THE REQUIREMENTS OF THIS SECTION, SHALL BE CONSIDERED A LAWFUL, NONCONFORMING LIGHTING FIXTURE. A NONCONFORMING LIGHTING FIXTURE SHALL BE MADE TO CONFORM WITH THE REQUIREMENTS OF THIS SECTION WHEN SUCH FIXTURE IS REPLACED, RELOCATED, OR REPAIRED.**

**17.08.240 – UNENCLOSED STORAGE.**

- A. **OUTDOOR STOCKPILING. IN ALL ZONES, NO OUTDOOR STOCKPILING OF ANY MATERIAL IS PERMITTED IN THE FRONT YARD.**
- B. **DUMPSTERS. ALL PERMANENT TRASH DUMPSTERS SHALL BE LOCATED WITHIN A SIDE OR REAR YARD, SCREENED FROM ADJOINING ROADS AND PROPERTIES, AND COMPLETELY ENCLOSED WITHIN A SIGHT-TIGHT MASONRY OR FENCED ENCLOSURE EQUIPPED WITH A SELF-LATCHING DOOR**

**OR GATE. DUMPSTERS SHALL BE SCREENED IN ACCORDANCE WITH §16.16.110.B.6.**

- C. DOMESTIC COMPOSTS. THE PLACEMENT OF FRAMED ENCLOSURE COMPOSTS AS AN ACCESSORY RESIDENTIAL USE IS PERMITTED, SUBJECT TO ALL ACCESSORY USE SETBACKS. ONLY WASTE MATERIALS FROM THE RESIDENTIAL SITE SHALL BE DEPOSITED WITHIN THE COMPOST AND IN NO CASE SHALL MEAT, OR MEAT BY-PRODUCTS, BE COMPOSTED. ALL COMPOSTS SHALL BE PROPERLY MAINTAINED SO AS NOT TO BECOME A NUISANCE TO NEARBY PROPERTIES.**

Chapter 17.16. – Planning [~~and Zoning~~] Commission.

17.16.020 – Meeting of the Board.

- A. [~~Quarterly~~] Schedule. The Planning Commission shall hold meetings [~~quarterly;~~] in January[~~;~~] [~~April, July, October, or~~] **AND** [~~more often~~] as the Planning Commission's duties require. If there is business before the Planning Commission, meetings shall be held monthly until such business has been completed.

{*B – F unchanged*}

G. Order of Business. The order of business shall be as follows:

1. [~~Disposition of minutes~~] **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. [~~Opening statement by Chairman to audience~~] **OPENING**
4. [~~Old business (refer to agenda)~~] **REVIEW AND APPROVAL OF MINUTES**
5. [~~New business (refer to agenda)~~] **PUBLIC COMMENT**
6. **REVIEW AND CONSIDERATION OF AGENDA ITEMS:**
  - A. **OLD BUSINESS**
  - B. **NEW BUSINESS**
7. **OTHER BUSINESS**
8. **ADJOURNMENT**

Chapter 17.20 - Commercial Districts

17.20.010 - Intent

- A. [~~B-1~~] Neighborhood [~~Business~~] **COMMERCIAL (B-1)** District. The B-1 district is intended to permit a limited number of retail and service providers in close proximity to residential uses. This district is intended to encourage the provision of small, safe, attractive, and well located shopping areas amendable to pedestrian use, in a manner that will make them compatible with adjacent residential areas.

B. ~~[B-2]~~ General ~~[Business]~~ **COMMERCIAL (B-2)** District. The B-2 district is intended to accommodate retail, service, office, entertainment, and limited manufacturing/assembly. It is intended that stores and other facilities will be developed in an attractive and convenient manner with particular attention paid to the safety of pedestrian access and the protection of adjoining residential areas. It is essential that this district have vehicular accessibility from both the central community and the region and that safe and adequate off-street parking and loading are provided.

17.20.020 – Uses permitted in the ~~[B-1]~~ Neighborhood ~~[Business]~~ **COMMERCIAL (B-1)** District.

Permitted uses in the ~~[B-1]~~ Neighborhood ~~[Business]~~ **COMMERCIAL (B-1)** District are as follows:

*{A – F unchanged}*

G. Business and advertising signs ~~[, public building signs or bulletin boards when attached to a building pertaining to the use of the property on which the sign is located, provided that they meet the requirements of Chapter 15.16. A monument sign is allowed; however, it must meet the requirements of Section 15.16.030 I and L]~~ **IN ACCORDANCE WITH CHAPTER 17.38.**

H. *{unchanged}*

17.20.030 – Uses permitted in the ~~[B-2]~~ General ~~[business]~~ **COMMERCIAL (B-2)** District.

Any use permitted in the ~~[B-1]~~ General ~~[business]~~ **COMMERCIAL (B-2)** District ~~[and signs, which shall be permitted only in accordance with the specifications of this section,]~~ as well as the following uses:

*{A – R unchanged}*

S. Business and advertising signs ~~[, public building signs or bulletin boards providing that they meet the requirements of chapter 15.16]~~ **IN ACCORDANCE WITH CHAPTER 17.38.**

17.20.060 – Required lot area, lot width, and yards in commercial districts.

Required lot area, lot width, and yards in commercial districts are as follows:

	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Front Yard Depth (Feet)	Each Side Yard (Feet)	Rear Yard Depth (Feet)
<del>[B-1]</del> Neighborhood <del>[Business]</del> <b>COMMERCIAL District (B-1)</b>	Not Specified	Not Specified	25	10; 35 where it adjoins residential district	25; 35 where it adjoins residential district
<del>[B-2]</del> General <del>[Business]</del> <b>COMMERCIAL District (B-2)</b>	Not Specified	Not Specified	25	10	25

17.20.090 – Commercial District Buffer.

- ~~A. A six foot tall, solid fence will be installed and maintained along the property boundary abutting the residential zoning district.~~
- ~~B. A. Landscaping, **BUFFER YARDS, AND SCREENING** will be installed and maintained **IN ACCORDANCE WITH §16.16.110 AND §17.08.220, AS AMENDED.** [to screen parking areas so as not to be visible from roads within the adjacent residential zoning district.]~~
- ~~C. The Planning Commission may waive the requirements of this section during the site plan process only for properties in the Neighborhood Commercial (B-1) zoning district if it is determined that the proposed use of the commercial property would not cause detriment to the neighboring residential properties.~~

Chapter 17.24 – [~~I-P~~] Industrial **PARK** District (**I-P**) and [~~ORI~~] Office, Research, Industrial (**ORI**) District

17.24.020 – Uses permitted in the [~~I-P light~~] Industrial **PARK** District (**I-P**).

Uses permitted in the [~~I-P light~~] Industrial **PARK** District (**I-P**) are as follows:

{*A – D unchanged*}

17.24.040 – Uses permitted in the [~~ORI~~] Office, Research, Industrial (**ORI**) District.

Uses permitted in the [~~ORI~~] Office, Research, Industrial (**ORI**) District are as follows:

{*A – D unchanged*}

- E. Restaurants and other office support commercial uses in connection with an approved office/industrial use. Any such restaurant or office support commercial use shall be limited to fifty (50) percent of the gross floor area of the first floor of any office/industrial building and no such uses may be wholly contained within a separate freestanding building. [~~No signs advertising any such restaurant or commercial use shall be constructed or placed so as to be visible from any public road, except for internal roads within the ORI development];~~

{*F & G unchanged*}

Chapter 17.28 – [~~INST~~] Institutional (**INST**) District\*

{*§17.28.010 – §17.28.050 unchanged*}

Chapter 17.30 – [~~C-R~~] Conservation-Recreation (**C-R**) District

17.30.050 – Accessory Uses.

In the C-R District, accessory uses are as follows:

- A. [~~General~~] Signs. [~~See Chapter 15.16~~] **IN ACCORDANCE WITH CHAPTER 17.38.**

Chapter 17.32 – R-1, R-2, R-3, & R-S Residential Districts

17.32.030 – Uses permitted in the R-1 District (low density).

*{A – D unchanged}*

E. *{1 – 3 unchanged}*

4. [~~One freestanding sign shall be permitted not to exceed ten (10) square feet. One sign attached to the building shall be permitted not to exceed eight (8) square feet.~~] **BUSINESS AND ADVERTISING SIGNS SHALL BE IN ACCORDANCE WITH CHAPTER 17.38.**

*{5 unchanged}*

*{F – H unchanged}*

Chapter 17.36 – Village Zone (VZ)

17.36.040 – Off-Street Parking and Loading.

*{A – E unchanged}*

**F. LIGHTING**

1. **PARKING AREAS, MAIN ENTRANCES, AND EXISTS WHICH ARE OPEN TO THE PUBLIC SHALL BE LIGHTED TO A MINIMUM AVERAGE OF TWO (2) FOOT-CANDLES AND A MAXIMUM OF SIX (6) FOOT-CANDLES. ALL LIGHTING SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT DOWNWARD AND AWAY FROM ADJOINING PREMISES AND PUBLIC RIGHTS-OF-WAY. LIGHTING PLANS, INCLUDING PHOTOMETRICS AND ALL DETAILS, SHALL BE INCLUDED WITH ALL PLANS.**
2. **THE PLANNING COMMISSION MAY REQUIRE LIGHTS ALONG PROPOSED STREETS AND AT KEY INTERSECTION LOCATIONS, WHERE DEEMED NECESSARY.**
3. **ALL LIGHTING SHALL BE DIRECTED DOWNWARD AND INWARD TO THE SITE. PROPOSED CANOPY LIGHTS SHALL BE FULLY RECESSED AND LIGHT FIXTURES WITHIN PARKING COMPOUNDS SHALL BE EQUIPPED WITH CUTOFF SHIELDS.**
4. **MAXIMUM HEIGHT OF STREET LIGHTS SHALL BE FIFTEEN FEET (15’).**

17.36.080 – Signs

[~~The B-1 and village zone section of Chapter 15.16 shall generally apply, as well as such other applicable sections of Chapter 15.16 as the context may require.~~] **SIGNS SHALL BE PERMITTED IN ACCORDANCE WITH CHAPTER 17.38.**

Chapter 17.38 – Sign Code

17.38.090 – Regulations by sign type – Limited duration signs.

{A unchanged}

B. Size and number.

{1 unchanged}

2. Residential zones:

a. *Large limited duration sign.* One large limited duration sign is permitted per property so long as the property is greater than five acres in size and has at least four hundred (400) feet of street frontage or has more than ten thousand (10,000) square feet of floor area.

(1) Type:

- i. Freestanding sign.
- ii. Window sign.
- iii. Wall sign.

b. *Small limited duration sign.* ~~One small limited duration sign is permitted per property.~~

{C - D unchanged}

E. Summary table for limited duration signs:

	Limited Duration Signs	
	Non-Residential Districts	Residential Districts
Large Limited Duration Signs (max area 16 sq. ft.)	<u>Number:</u> 1 per property; 2 if property is 5+ acres with 400+ ft. of street frontage or has > 10,000 sq. ft. of floor area. <u>Height:</u> maximum 8 ft.	<u>Number:</u> 1 per property; 2 if property is 5+ acres with 400+ ft. of street frontage or has > 10,000 sq. ft. of floor area. <u>Height:</u> maximum 8 ft.
Small Limited Duration signs (max area 6 sq. ft.)	<u>Number:</u> 1 per property; 2 if property is 5+ acres with 400+ ft. of street frontage or has > 10,000 sq. ft. of floor area. <u>Height:</u> maximum 6 ft.	<del><u>Number:</u> 1 per property.</del> <u>Height:</u> maximum 6 ft.

17.38.100 – Regulations by sign type – Temporary signs.

{A – B unchanged}

C. Size and Number.

{1 unchanged}

2. Residential districts:

a. *Large temporary signs.* One large temporary sign is permitted per residential property so long as the property is greater than five acres in size and has at least four hundred (400) feet of street frontage or has more than ten thousand (10,000) square feet of floor area.

(1) Type:

- i. Freestanding.

- ii. Window sign.
- iii. Wall sign.
- iv. Banner sign.
- (2) *Area:*
  - i. Each large temporary freestanding, window, or wall sign shall have a maximum area of sixteen (16) square feet.
  - ii. Each large temporary banner shall have a maximum area of thirty-two (32) square feet.
- (3) *Height:*
  - i. Large temporary signs that are freestanding shall have a maximum height of eight feet.
  - ii. Banners shall hang at a height no greater than twenty-four (24) feet.
- b. *Small temporary signs.* [~~One small temporary sign is permitted per residential property.~~]
  - (1) *Type:*
    - i. Freestanding sign.
    - ii. Window sign.
    - iii. Wall sign.
    - iv. Banner.
  - (2) *Area.* Each small temporary sign shall have a maximum area of six square feet.
  - (3) *Height.* Small temporary signs shall have a maximum height of six feet.

{D - H unchanged}

I. *Summary table for temporary signs:*

	Temporary Signs	
	Non-Residential Districts	Residential Districts
Large Temporary Signs (max area 32 sq. ft. For banner, 16 sq. ft. for all other signs)	<u>Number:</u> 1 per property; 2 if property is 5+ acres with 400+ ft. of street frontage, or has > 10,000 sq. ft. of floor area. <u>Height:</u> Ground: maximum 8 ft. Banner: maximum 24 ft.	<u>Number:</u> 1 per property if property is 5+ acres with 400+ ft. of street frontage or has > 10,000 sq. ft. of floor area. <u>Height:</u> Ground: maximum 8 ft. Banner: maximum 24 ft.
Small Temporary Signs (max area 6 sq. ft.)	<u>Number:</u> 1 per property; 2 if property is 5+ acres with 400+ ft. of street frontage, or has > 10,000 sq. ft. of floor area. <u>Height:</u> maximum 6 ft.	<del><u>Number:</u> 1 per property.</del> <u>Height:</u> maximum 6 ft.

Chapter 17.40 – Exceptions and Modifications

17.40.010 – Lot of record.

When a lot, which is an official lot of record at the time of adoption of the ordinance codified in this title does not comply with the area, yard, or other requirements of this title, an application may be submitted to the Board of Appeals for a variance from the terms of this title in accordance with the procedure [~~outlines~~] **OUTLINED** in Chapter [~~17.44~~] **17.12**. Such a lot may be used as a building site; provided, however, that the yard and other requirements of the district are complied with as closely as possible [~~in the opinion of~~] **AS DETERMINED** by the Board of Appeals.

17.40.020 – Allowable projections of structures into yards and other exceptions to yard requirements.

- A. Architectural features of buildings such as window sills, cornices, roof overhangs, and unenclosed porches, open fire escapes, fireproof outside stairways, chimneys, and flues may project into the required yard not more than six feet (**6'**). Decks (or unenclosed porches) may extend a maximum of [~~ten~~] **FIFTEEN** feet (**15'**) into the required rear yard and deck or steps a maximum of six feet (**6'**) into the required side yard.
- B. Steps connecting a deck with the ground may extend beyond the [~~ten~~] **FIFTEEN** [~~feet~~] **FEET** (**15'**) projection allowed for the deck but shall be a minimum of ten feet (**10'**) from the rear lot line. All decks must maintain a two [~~feet~~] **FEET** (**2'**) distance from a party or common wall and a side property line.

17.40.040 – Allowable projections of business structures into yards.

Signs, awnings, **AND** canopies [~~,-marquees~~] as attached to and part of a building may project into the front yard in the commercial district only.

Chapter 17.48 – Enforcement and Penalties

17.48.040 – Site plan required.

- A. *{unchanged}*
- B. A site plan shall be required for the following uses:
  - 1. *{unchanged}*
  - 2. [~~Rural Reserve District. Common open space development. Conditional uses;~~] **VILLAGE ZONE. MULTIFAMILY DWELLINGS WITH FIVE (5) OR MORE UNITS. NEWLY CONSTRUCTED NON-RESIDENTIAL STRUCTURES. USES PERMITTED BY SPECIAL EXCEPTION;**
  - 3. *{unchanged}*
  - 4. B-1, B-2, [~~HS,~~] I-P, and ORI Districts. All uses.  
*{unchanged}*

17.48.050 – Site Plan Requirements.

- A. {*unchanged*}
- B. {*1-12 unchanged*}

**13. LIGHTING PLAN.**

**C. SITE PLAN FEES ARE TO BE ESTABLISHED FROM TIME TO TIME BY POLICY, RESOLUTION, OR ORDINANCE BY THE TOWN AND SHALL BE PAID AT THE TIME OF 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 passes the Ordinance over the veto of the Mayor.

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2020

by a vote of \_\_\_\_\_ for, \_\_\_\_\_ against, \_\_\_\_\_ absent, and \_\_\_\_\_ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

\_\_\_\_\_  
Madeline Shaw, Town Clerk

\_\_\_\_\_  
Clifford Sweeney, President

**MAYOR**

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

this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
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.

Madeline Shaw, Town Clerk  
Date: