

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

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**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; Section 17.28.10, 17.28.020, 17.28.040, and 17.28.050 of the Emmitsburg Municipal Code, be amended as follows:

The amended section of this regulation reads as follows with new wording indicated in **BOLD, CAPITAL** letters and deleted words in ~~strike-out~~.

Chapter 17.28 --~~OS OPEN SPACE DISTRICT~~ **INST INSTITUTIONAL DISTRICT**  
Sections:

17.28.010 - Purpose of provisions.

The open space **INSTITUTIONAL** district is intended to **ACCOMMODATE CIVIC, EDUCATIONAL, AND CULTURAL USES, SUCH AS LIBRARIES, MEETING HALLS, SCHOOLS, FIRE AND RESCUE STATIONS, POST OFFICES, GOVERNMENT BUILDINGS, MEMORIALS, AMPHITHEATERS, MUSEUMS, PLACES OF WORSHIP, AND SIMILAR FACILITIES.** ~~open space for its natural beauty and recreational value. It is also intended to preserve natural resources, prevent erosion, pollution, silting, and safeguard the health, safety and welfare of persons and property by limiting development on excessive slopes, on flood plains, on poorly drained lands, or on other areas where protection against natural dangers to life and property, or the lack of such protection would prove costly to members of the community.~~

17.28.020 - Uses permitted in the district.

Uses permitted in the ~~OS~~ **INSTITUTIONAL** district are as follows:

- A. Farms, tree and plant nurseries;
- B. ~~Parks, playgrounds, golf courses, public and private recreational uses, and Cemeteries;~~
- C. Game, wildlife, and nature study preserves and reservations;
- D. Schools and churches, and other public buildings, and those accessory uses commonly associated with them, such as retreats and conferences;
- E. Flood control, water protection works, sewage treatment plants, and other municipal public works;
- F. Nursing homes.
- G. Senior housing utilizing buildings in existence as of September 1, 2010.

17.28.030 - Reserved.

17.28.040 - Required lot area, lot width and yards in ~~open-space district~~ **INSTITUTIONAL DISTRICT.**

Required lot area, lot width and yards in the ~~OS INST~~ **INST** district are as follows, except as specified in paragraph F., nursing homes, and paragraph G., senior housing:

- A. Minimum area: Not specified;
- B. Front yard: Fifty (50) feet;
- C. Rear yard: Fifty (50) feet;
- D. Side yard: Fifteen (15) feet;
- E. For structure higher than twenty-five (25) feet, the yard requirements shall be as follows:
  - 1. All yards: between the foundation and the nearest lot line, a distance of 2.5 times the height of the structure shall be maintained.
- F. Nursing homes shall comply with the following standards:
  - 1. Minimum lot area: Five acres;
  - 2. Minimum lot width: Two hundred (200) feet;
  - 3. Minimum front yard: One hundred (100) feet;
  - 4. Minimum rear yard: One hundred (100) feet;
  - 5. Minimum side yard: Fifty (50) feet;
  - 6. Maximum height: Fifty (50) feet or five stories;
  - 7. Maximum lot area per bed of five thousand (5,000) square feet.
- G. Senior housing in existing buildings.
  - 1. [Minimum Original Lot Size.] Minimum original lot size for consideration under this provision is fifty (50) acres, which must be contiguous and under one ownership, and situated entirely within the corporate boundaries of Emmitsburg, Maryland.
  - 2. Yield Plan. A boundary survey and/or a record plat, prepared by a surveyor licensed to practice in the state of Maryland, must be submitted to the town. The town will use this plan to make its unit yield count determination.
  - 3. Unit Count Determination. Each unit will require a minimum gross area of 1.44 acres of land.
  - 4. Minimum Lot Size. The minimum lot size for any new lot created to site the herein noted senior housing will be a minimum of 2.0 acres, plus two thousand (2,000) square feet per unit. This must be a freestanding lot of record and must be reviewed and approved by the town of Emmitsburg and must be recorded in the land records of Frederick County, Maryland.

5. Minimum Building Restriction Lines.

Front:	25 ft.
Side:	15 ft.
Rear:	25 ft.

However, a lot may have up to two zero building restriction lines if those sides of the lot are passing through the previously existing building. If this option is utilized, all remaining building restriction lines must be a minimum of twenty-five (25) feet.

6. Parking. Parking must be provided on the lot created for the senior housing and will be provided at the rate of two (2) spaces per unit.
7. Public Services/Infrastructure. The units created hereby will have to be metered and serviced independently of the original building or any part thereof, if only part of the original building is being used for the senior housing.
8. Public Access. The lot created for this purpose must have clear unobstructed access to a public road, as determined by the Town of Emmitsburg.
9. Site Plan Requirements. A standard site plan, per Town of Emmitsburg standards and regulations, must be submitted to the Town of Emmitsburg for review and approval.

17.28.050 - Accessory uses.

In the  $\text{OS}$  **INSTITUTIONAL** district, accessory uses are as follows:

- A. General Signs. See Chapter 15.16.

**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 1<sup>st</sup> day of February, 2016 by a vote of 5 for, 0 against, 0 absent, and 0 abstain.

ATTEST:

By: Cathy Willets  
Cathy Willets, Town Clerk

EMMITSBURG BOARD OF COMMISSIONERS

Timothy O'Donnell  
Timothy O'Donnell, President

MAYOR

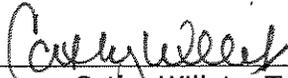
APPROVED  VETOED

this 1<sup>st</sup> day of February, 2016.

  
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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: 02-15-16

  
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Cathy Willets, Town Clerk