ORDINANCE NO.2012-01

THE MAYOR AND TOWN COUNCIL OF BOONSBORO

AN ORDINANCE TO AMEND AND ADD CERTAIN PROVISIONS TO THE ZONING ORDINANCE TO REVISE THE PARKING REGULATIONS WITH CHANGES RELATING TO ITS TEXT

WHEREAS, the Town of Boonsboro adopted the Boonsboro Zoning Ordinance on June 2, 1975, which Zoning Ordinance became effective July 1, 1975, and enacted certain amendments to the Ordinance thereafter; and

WHEREAS, the Mayor and Town Council repealed said Zoning Ordinance and enacted the Boonsboro Zoning Ordinance of 1995 on the 5th day of September, 1995, with an effective date of October 2, 1995 (the "**Zoning Ordinance**"); and

WHEREAS, pursuant to a duly advertised public meeting held on _____, 2012, it has been recommended to the Mayor and Town Council by the Boonsboro Planning Commission that certain amendments pertaining to parking should be made to the Zoning Ordinance of 1995; and

WHEREAS, pursuant to Section 1103 of the Zoning Ordinance, the Mayor and Town Council held a public hearing on 5.7.2012 for the purpose of taking testimony on the proposed Text Amendments pursuant to public notice duly given in accordance with Article 66B, Section 4.04 of the Annotated Code of Maryland; and

WHEREAS, following the public hearing, the Mayor and Town Council considered comments received a part of the public hearing; and

WHEREAS, the Mayor and Town Council believe the enactment of the amendments as set forth in the Text Amendment to be in the best interests of the citizens of Boonsboro, Maryland; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that certain provisions of the Zoning Ordinance, as amended, be further amended as follows in **EXHIBIT A** attached hereto and incorporated herein. Note new language/amendments are in **UNDERLINED BOLD** and changes are in [~~strikethrough~~].

ATTEST:

Barbara Rodenhiser, Clerk

BOONSBORO MAYOR AND TOWN COUNCIL:

Charles F. Kauffman, Jr., Mayor

Howard W. Long, Assistant Mayor

Barbara B. Wetzel., Councilmember

Kevin M. Chambers, Councilmember

Natalie J. Mose, Councilmember

Janeen Solberg, Councilmember

Cynthia J. Kauffman, Councilmember

Date of Introduction: April 2, 2012
Date of Passage:
Effective Date:

EXHIBIT A

ARTICLE 6: OFF-STREET PARKING AND LOADING

600 Required Off-Street Parking Space

Off-street parking spaces shall be provided and satisfactorily maintained in accordance with the following provisions for each building or use, which, after the effective date of this Ordinance, is established, erected, enlarged or altered for use for any of the following purposes in any district; for uses not specifically listed, the requirements for the most similar use listed shall be followed:

Use	One (1) off-street parking space required for each:	Plus one (1) off-street parking space required for each:
A. NATURAL RESOURCES AND AGRICULTURAL USES		
1. Agricultural and other full-time employee uses listed in Section 305.A		----
B. RESIDENTIAL USES		
1. Single-family and two-family dwellings	0.5 dwelling unit (2 spaces per unit)	----
2. Multi-family & townhouse units dwellings	0.4 dwelling unit (2.5 spaces per unit)	----
3. Conversions and rooming houses	1 dwelling unit	1 rental unit
4. Home occupations and home professional offices	See 201.40	
C. PUBLIC OR PRIVATE RECREATIONAL USES		
1. Commercial swimming pools	~~[4]~~ 7 persons of total capacity	Employee on duty
2. Private or membership clubs or lodges	3 persons of total capacity	Employee on duty
3. Golf courses	0.25 hole (4 spaces per hole)	Employee on duty
4. Miniature golf	0.5 holes (2 spaces per hole)	Employee on duty
5. Batting cages, golf driving and indoor target	Cage, practice tee or target	Employee on duty

Use	One (1) off-street parking space required for each:	Plus one (1) off-street parking space required for each:
ranges		
C. PUBLIC OR PRIVATE RECREATIONAL USES (CONT'D)		
6. Amusement center, billiard hall, bingo parlor, health club, gymnasium	100 square feet of gross floor area	Employee on duty
7. Indoor/outdoor commercial racquet clubs or courts	0.33 courts (3 spaces per court) plus 1 per 3 users at design capacity	Employee on duty
8. Indoor/outdoor riding stables	2 stables plus 1 per 3 users at design capacity	Employee on duty
9. Bowling alleys	~~[0.2 lanes (5 spaces per lane)]~~ **3 spaces per lane**	Full-time employee on duty
10. Theaters, auditoriums, stadiums	3 seats (bench capacity computed at 1 seat for each 20 inches)	Two employees on duty
11. Skating rinks	100 square feet of skating area	Two employees on duty Two employees on duty
12. Recreational establishments other than those listed above	80 square feet of floor space and/or as determined by extent of outdoor use	
D. INSTITUTIONAL AND EDUCATIONAL USES		
1. Churches or other places of worship	4 seats (bench capacity computed at one seat for each 20 inches	Two employees on duty
2. Licensed hospitals, nursing homes and the list as listed in 305.D.29 and 30	3 patient beds	Visiting doctors plus one space for each two employees on duty
3. Meeting or assembly halls for fraternal or civic organizations	3 persons of total capacity	Employee on duty

Use	One (1) off-street parking space required for each:	Plus one (1) off-street parking space required for each:
D. INSTITUTIONAL AND EDUCATIONAL USES (CONT'D)		
4. Community centers	~~[250]~~ **400**square feet of gross floor area used by the public	Two employees on duty
5. Libraries and museums	400 square feet of gross floor area used by the public	Two employees on duty
6. Governmental office buildings	200 square feet of gross floor area used by the public	Employee on duty
7. Fire and rescue stations	Emergency motor vehicle	Employee on duty
8. Child day care	10 children	Employee on duty
9. Elementary and middle schools	Employee on duty	3 Seats in auditoriums and other places of assembly
10. High schools and colleges	Employee on duty	2 students aged 16 years or older
11. Trade and professional schools	Employee on duty	1 student
E. RETAIL AND COMMERCIAL SERVICES USES		
1. Automobile servicing and/or repair	~~[1/4 service bay (4 spaces per bay) plus .5 spaces per fueling station]~~ **2 per bay**	Employee on duty
2. Small engine and related equipment repair	200 square feet of gross floor area	Employee on duty

Use	One (1) off-street parking space required for each:	Plus one (1) off-street parking space required for each:
E. RETAIL AND COMMERCIAL SERVICES USES(CONT'D)		
3. Automobile, truck, farm equipment, recreational vehicles, and mobile home sales and service	500 square feet of enclosed sales, 1 per 2500 square feet of open sales plus 2 spaces per service bay	Employee on duty
4. Furniture and appliance stores	1000 square feet of sales floor plus 1 space per company vehicle	Employee on duty
5. Building materials and supplies stores	400 square feet of sales floor plus 1 space per 1000 square feet of warehousing area	Employee on duty
6. Business service and professional offices	200 sq. ft. of gross floor area	Employee on duty
7. Professional office for medical, dental and veterinarian	~~[0.25 practitioner]~~ 4 spaces per practitioner	Employee on duty
8. ~~[Retail stores, business and local convenience centers]~~ **Commercial Retail Sales**	~~[150 sq. ft. of area used for serving customers]~~	~~[Employee on duty]~~
A. Less than,2000 square feet floor area	**350 square feet net floor area**	**Employee on duty**
B. Freestanding and Greater than 2000 sq. ft. floor area	**5.5 spaces per 1000 square feet of net floor area**	**Employee on duty**
9. Funeral homes	50 sq.ft. of gross floor area used by the public plus 1 space per company vehicle	Full-time non-resident employee on duty
10. Greenhouses and nurseries and other outdoor retail	1000 square feet of lot or floor area used for display purposes	Employee on duty Employee on duty

Use	One (1) off-street parking space required for each:	Plus one (1) off-street parking space required for each:
11. Hotels and motels	Rental room or suite plus parking figured separately for banquet meeting rooms, and restaurants	Employee on duty
12. Personal service businesses	200 sq. ft. of floor area used for service customers	
E. RETAIL AND COMMERCIAL SERVICES USES (CONT'D)		
13. Restaurants, drive-in restaurants, taverns, lounges, night clubs	50 sq. ft. of [~~gross floor area~~] **of customer floor space**	Employee on duty
14. Self-service	2 Washing-drying or dry-cleaning machine	Two full-time employee on duty
15. Shopping centers and malls	[~~167 sq. ft. of retail sales~~] ~~area (6 spaces per 1,000 sq. ft)~~] **5 per 1000 square feet of gross floor area**	-----
16. Warehouse Clubs and Superstores	**Min: 1/250 sf Max: 1/150 sf**	
F. MANUFACTURING AND INDUSTRIAL		
1. Wholesaling and warehousing	[~~350 sq. ft. of office and customer-service floor area~~] **1500 square feet of Gross Floor Area and 1 per 350 square feet of office or sales**	Employee on duty
2. Manufacturing and industrial uses as listed in Section 305.F	1.5 Employees on duty	Company vehicle used in the business

601 General Regulations Applying to Required Off-Street Parking Facilities

A. Existing Parking - Structures and uses in existence at the effective date this Ordinance shall not be subject to the requirements of this Article so long as the kind or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirement.

B. Alteration in Use - Whenever a building is altered or enlarged in floor area, number of employees, number of dwellings, seating capacity or otherwise to create a need, based upon the requirements of Section 600, for an increase of ten percent (10%) or more in the number of existing parking spaces, the number of additional spaces to be provided shall be based upon the incremental change or enlargement.

C. Conflict with Other Uses - No parking area shall be used for any other use that interferes with its availability for the parking need it is required to serve.

D. Continuing Character of Obligation - All required parking facilities shall be provided and maintained so long as the use which the facilities were designed to serve still exists. Off-street parking facilities shall not be reduced in total extent except when such reduction is in conformity with the requirements of this Article in conjunction with a change in the nature of the use.

E. **[~~Joint Use~~] Sharing of Parking Facilities**

1. **The Planning Commission may approve the sharing of parking facilities between one or more uses based upon a detailed parking study provided by the developer(s). The parking study shall demonstrate the number of spaces needed based upon: the type and intensity of all uses sharing the facility, the peak hours of usage, hours of operation for each use, number of employees for each use, and the type of vehicular traffic using the facility. Changes in any of the conditions evaluated as part of the parking study after final plan approval may require re-approval of the plans by the Planning Commisison.**

   If a shared parking facility is approved, the following conditions must be met:

   i. **The uses must either be located on the same property or off-site parking facilities may be shared when located within 500 feet of the major point of pedestrian access for each use sharing the parking facilitiy.**
   ii. **Adequate pedestrian access that is compliant with State and Federal accessibility code requirements must be provided from the parking area to each major point of pedestrian access for each user of the shared parking area.**
   iii. **The number of spaces needed shall be determined by the Planning Commission. All other requirements outlined in this Article shall also be met.**
   iv. **Perpetual joint use parking easement shall be signed by all participating members and recorded a the Office of The Clerk of Circuit Court for Washington County. A copy of the recorded document shall be submitted to the Planning Staff prior to final site plan approval.**

[~~1. Two or more uses may provide for required parking in a common parking lot; the total number of spaces in such lot shall not be less than the sum of the spaces required for each use individually, unless such lot is provided as specified in subsection E.(2), as follows.~~]

2. Up to fifty percent (50%) of the parking spaces required for (a) theaters, auditoriums, bowling alleys, or private clubs, and up to one hundred percent (100%) of the parking spaces required for churches or meeting halls, may be provided collectively and used jointly by (b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (a); provided, however, that a written agreement assuring the continued availability of such parking areas shall be properly drawn and executed by the parties concerned, approved as to legal sufficiency by the Town Attorney, and filed with the application for the zoning permit.

F. Mixed Uses - Where a permitted use contains or includes more than one of the types of uses identified in Section 600, the number of parking spaces required shall be the sum of the computed requirements for the separate types of uses.

G. Location of Parking Spaces - Required off-street parking spaces shall be on the same lot or premises with the principal use served, or where this requirement cannot be met, within four hundred (400) feet walking distance of the principal use. A written agreement assuring the continued availability of such parking areas shall be properly drawn and executed by the parties concerned, approved as to legal sufficiency by the town attorney, and filed with the application for the zoning permit.

H. Fractional Spaces - Where the computation of required parking spaces results in a fractional number, only the fraction of one-half or more shall be counted as one

I. Drive Thru/In Facilities – [~~At no time shall vehicular traffic utilizing the drive thru/in facilities of a commercial establishment interfere with the traffic flow pattern or decrease the design capacity of the off-street parking area serving the commercial establishment. In addition, at no time shall the aforementioned vehicular traffic interfere with the function or decrease the capacity of any public street.~~]
In addition ot the parking spaces requiring in the Section, uses with drive-up/drive thru facilities shall provide on-site spaces sufficient for vehicles queuing to be served by or otherwise waiting to do business at the facility.

- **i. Off-site queuing is prohibited.**
- **ii. Each space that is provided for queuing shall be at least 20 feet in length and 9 feet in width.**
- **iii. These spaces shall not interfere with, block, or prevent the use or operation of parking spaces, parking aisles, access drives, or entrances.**
- **iv. The following uses shall provide the adequate on-site space for queuing (these spaces are in addition to the space at the transaction point):**
  - **a. Banks/Financial Institutions: 3 spaces per drive-up/drive-thru station including Automated Teller Machine Stations**
  - **b. Car Wash: 3 spaces per washing station, 2 per drying station, and 1 space per vacuum/detailing station**
  - **c. Gas Station: 1 space per side, per gas pump**
  - **d. Pharmacy or Drug Store: 3 spaces per station**
  - **e. Restaurant: 6 spaces per station, 4 of which must be located in the area approaching the order board**
  - **f. Other uses not specifically listed that offer drive-up/drive-thru services shall provide queuing spaces as determined by the Zoning Administrator based on the most similar use(s) listed above.**

J. TC Parking Exemption - Commercial uses located within the town center-zoning district are exempt from the off-street parking criteria of section 600.

K. Landscaping and Buffer Area – [~~In addition to specific requirements of this ordinance, the Planning Commission may require effective vegetative screening or by such other device as may be deemed appropriate in areas between off-street parking and/or loading areas and adjacent properties. In all cases screening shall be continuously maintained~~] **Landscaping and Buffers shall meet the requirements of Ordinance 2009-04, an amendment to the Land Subdivision Regulations.**

L. Modifications- The Board of Zoning Appeal may reduce the number of required off-street parking spaced upon a finding that sufficient spaces open to the public are available within five hundred (500) feet to meet the intent of this section.

201.89 Gross Floor Area: The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of the exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor to ceiling height is equal to or less than seven (7) feet.

201.90 Net Floor Area - That portion of any building, improvements, or use of land which is included in rental areas or normally used as a part of the quarters of any owner or tenant of such premises. Areas commonly excluded in the calculation of Net Floor Area may include entry halls or foyers; elevator shafts; stairways; janitor, electrical, or maintenance rooms; public restrooms, etc. Common areas open to the public shall be included in the calculation of parking space requirements.