

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 17.04.020 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~~.

17.04.020 - Definitions.

A. For the purpose of this title certain terms or words used herein shall be interpreted as follows: Words used in the present tense include the future. All words in the singular include the plural and all words in the plural include the singular. The word "shall" is mandatory and not directory. The word "used" includes "designed, intended, or arranged to be used."

B. Definitions.

~~"Accessory use" means a one-story use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.~~

"Agriculture" means the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, fish culture, animal and poultry husbandry; provided, that the above uses shall not include the business of garbage feeding of hogs, fur farms or the raising of animals for use in medical or other tests or experiments.

"Building" means a structure having one or more stories and a roof, designed primarily for the permanent shelter, support or enclosure of persons, animals or property of any kind.

~~"Building, accessory" means a building subordinate to, and located on the same lot which a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or common roof to the main building.~~ **MEANS A BUILDING DETACHED FROM A PRINCIPAL BUILDING LOCATED ON THE SAME LOT AND CUSTOMARILY INCIDENTAL AND SUBORDINATE TO THE PRINCIPAL BUILDING OR USE.**

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"Structure" means an assembly of materials forming a construction for occupancy or use, including among others, buildings, stadiums, gospel and circus tents, reviewing stands, platforms, staging, observation towers, radio and television, broadcasting towers,

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water tanks, trestles, open sheds, coal bins, shelters, fences, walls, signs, power line towers, pipelines, railroad tracks and poles.

**"STRUCTURE, ACCESSORY" MEANS A STRUCTURE DETACHED FROM A PRINCIPAL BUILDING LOCATED ON THE SAME LOT AND CUSTOMARILY INCIDENTAL AND SUBORDINATE TO THE PRINCIPAL BUILDING OR USE.**

"Use" means the principal purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is or may be used, occupied or maintained.

"Use, accessory" means a use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the **LOT OR** main building or lot. **AND LOCATED ON THE SAME LOT WITH THE PRINCIPAL USE.**

"Use, special exception" means a use which may be permitted in a district through the granting by the board of appeals of a special exception, as defined in Article 66B **THE LAND USE CODE, DIVISION I** of the Annotated Code of Maryland, upon a finding by the board that it meets specified conditions.

**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 3rd day of October, 2016 by a vote of 5 for, 0 against, 0 absent, and 0 abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS

By: Amy Nail  
Amy Nail, Recording Secretary

Timothy O'Donnell  
Timothy O'Donnell, President

APPROVED  VETOED

this 3rd day of October, 2016.

Donald N. Briggs  
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: \_\_\_\_\_

\_\_\_\_\_  
Cathy Willets, Town Manager (interim)