

TOWN OF ROCK HALL, MARYLAND

ORDINANCE No. 2014-05

AN ORDINANCE concerning

Chapter 225 (Zoning) of the Code of the Town of Rock Hall, Maryland

ZONING TEXT AMENDMENT
(Parking Requirements)

FOR THE PURPOSES of amending Article VIII (Off Street Parking and Off Street Loading), Section 3 (Joint Use and Off-Site Facilities: Parking) by providing that, where an increase in the number of parking spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more structures or establishments, the required spaces may be located and maintained at a distance not to exceed 500 feet from an institutional structure or other nonresidential structure served; amending Article VIII, Section 9 (Modifications to Parking and Loading Requirements) by permitting as an adjustment to the parking and loading requirements the location of off-street parking areas on property adjacent to or less than 500 feet from the premises on which parking areas are required by Article VIII, subject to certain conditions; and amending Article VIII, Section 9 by providing for a waiver of the off-street parking requirement in the C-3 (Town Center Commercial) District, provided that evidence is presented that adequate public parking is available within a reasonable distance; providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to the Zoning Ordinance of the Town of Rock Hall.

RECITALS

WHEREAS, the current Zoning Ordinance of the Town of Rock Hall, codified as Chapter 225 of the Code of the Town of Rock Hall (the “Zoning Ordinance”), was enacted by the Council of the Town of Rock Hall (the “Council”) in October 1994 as Ordinance No. 94-08; and

WHEREAS, pursuant to Md. Code Ann., Land Use § 4-204(a), the Council are authorized to amend or repeal the Town’s zoning regulations and boundaries; and

WHEREAS, on April 9, 2014, during a public meeting, a motion was made by the Planning Commission of the Town of Rock Hall (the “Planning Commission”) recommending that the Council pursue a Zoning Text Amendment for the purpose of providing greater flexibility in parking standards in the Town of Rock Hall (the “Town”), specifically in the Town Center District; and

WHEREAS, pursuant to Article XI, Section 1.C.1 of the Zoning Ordinance, the Planning Commission held a public hearing on May 14, 2014 concerning the proposed zoning text amendments; and

WHEREAS, pursuant to Article XI, Section 1.A. of the Zoning Ordinance, by letter dated May 16, 2014 to the Council, the Planning Commission unanimously and formally recommended that the Council amend Article VIII (Off Street Parking and Off Street Loading), Section 3 (Joint Use and Off-Site Facilities: Parking) by providing that, where an increase in the number of parking spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more structures or establishments, the required spaces may be located and maintained at a distance not to exceed 500 feet from an institutional structure or other nonresidential structure served; amend Article VIII, Section 9 (Modifications to Parking and Loading Requirements) by permitting as an adjustment to the parking and loading requirements the location of off-street parking areas on property adjacent to or less than 500 feet from the premises on which parking areas are required by Article VIII, subject to certain conditions; and amend Article VIII, Section 9 by providing for a waiver of the off-street parking requirement in the C-3 (Town Center Commercial) District, provided that evidence is presented that adequate public parking is available within a reasonable distance; and

WHEREAS, the Planning Commission based its recommendation on its finding that the proposed amendments address a public need to provide greater flexibility in the application of parking standards in all districts, and specifically in the C-3 (Town Center Commercial) District; and

WHEREAS, the Planning Commission also found that the proposed amendments are consistent with the goals and strategies of the Comprehensive Plan to provide parking that meets the needs of local businesses but does not disrupt the traditional small-town streetscape, investigate the provision of additional semi-public parking in the Main Street area, develop parking standards for new development, and develop and encourage the use of alternative transportation modes; and

WHEREAS, the Council held a public hearing on July 10, 2014 concerning the proposed text amendments to Article VIII, Sections 3.A and 9.A of the Zoning Ordinance and solicited public comment concerning the same; and

WHEREAS, based in part upon the public comments from the July 10, 2014 public hearing and any written comments submitted, the Council has determined that it is in the best interests of and consistent with the health, safety, and welfare of the citizens of Rock Hall to amend Article VIII, Sections 3.A and 9.A of the Zoning Ordinance as recommended by the Planning Commission and as set forth herein.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of Town of Rock Hall that:

SECTION 1. Chapter 225 (Zoning) of the Code of the Town of Rock Hall be and it is hereby amended as follows:

~~ARTICLE VII. GENERAL SIGN REGULATIONS.~~

ARTICLE VIII. OFF STREET PARKING AND OFF STREET LOADING.

Section 3. Joint Use and Off-Site Facilities: Parking.

- A. All parking spaces required herein shall be located on the same lot with the structure or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more structures or establishments, the required spaces may be located and maintained at a distance not to exceed [~~three hundred (300)~~] **five hundred (500)** feet from an institutional structure or other nonresidential structure served.

Section 9. Modifications to Parking and Loading Requirements

- A. To promote the usefulness of these regulations as instruments for interpretation, application and adjustment and to supply the necessary elasticity to their efficient operation, special adjustments in the parking and loading requirements are permitted by the terms of these regulations. The following are permitted as adjustments if the Planning Commission finds that, in its opinion, such adjustments will not substantially affect adversely the uses of adjacent and neighboring property:
1. The location of off-street parking areas on property adjacent to or less than [~~three hundred (300)~~] **five hundred (500)** feet distant from the premises on which parking areas are required by the parking regulations of Article VIII where difficulties are encountered in locating such parking areas on the premises and where the purpose of these regulations to relieve congestion in the streets would best be served by permitting such parking off the premises. All other conditions of Section 3. of this Article shall be met.
 2. A reduction of twenty percent (20%) in the parking and loading requirements in any District, whenever the character or use of the structure is such as to make unnecessary the full provision of parking or loading facilities.
 3. A reduction of twenty percent (20%) in the loading space requirements, where adequate community loading facilities are provided.
 4. A reduction of loading space requirements for uses which contain less than ten thousand (10,000) square feet of floor area, where construction of existing structures, problems of access or size of lot make impractical the provision of required loading space.
 5. **A waiver of the off-street parking requirement in the C-3 (Town Center Commercial) District if evidence is presented that adequate public parking is available within a reasonable distance.**

SECTION 2. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 3. In this Ordinance, unless a section of the code is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out and enclosed in brackets. Language added after the date of introduction is in bold, italicized font and language deleted after the date of introduction is crossed out with a double strikethrough.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

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This Ordinance was introduced at a public meeting of the Council of the Town of Rock Hall, held on the **12th day of June, 2014** and having been reviewed and considered for final action after a public hearing held on the **10th day of July, 2014**, was duly passed and enacted on the **10th day of July, 2014**.

AND BE IT FURTHER ENACTED BY THE COUNCIL OF THE TOWN OF ROCK HALL, MARYLAND, that this Ordinance shall become effective on the **31st day of July, 2014**.

VOTE

Robert E. Willis, Mayor

YEAS_____

Brian L. Jones, Council Vice President

NAYS_____

ABSTAINING_____

Olin B. Price, Councilmember

Susan A. Francis, Councilmember

Brian S. Nesspor, Councilmember

Approved as to form:

Charles D. MacLeod, Town Attorney

Date of Introduction: **June 12, 2014**
Date of Public Hearing: **July 10, 2014**
Date of Enactment: **July 10, 2014**
Effective Date: **July 31, 2014**