



THE COMMISSIONERS OF THURMONT

615 East Main Street
P.O. Box 17
Thurmont, Maryland 21788
301-271-7313
Fax: 301-271-2155

ORDINANCE 2019-07

AN ORDINANCE TO AMEND

THE CODE OF THE TOWN OF THURMONT, MARYLAND, CHAPTER 133, ENTITLED "ZONING"

WHEREAS, the Charter of the Town of Thurmont requires any Amendment to the Code of the Town of Thurmont be adopted in the form of an ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF THURMONT, MARYLAND, THAT

CHAPTER 133 of The Code of The Town of Thurmont be amended as follows:

See attached Exhibit "A - Corner Lots"

BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on October 8, 2019.

The undersigned hereby certifies that this Ordinance was approved and adopted on the 1st day of October, 2019.

Introduced: 10/1/19
Adopted: 10/8/19
Effective: 10/15/19

ATTEST:

James Humerick
Chief Administrative Officer

THE COMMISSIONERS OF THURMONT

John A. Kinnaird, Mayor

**Town of Thurmont
Planning and Zoning Commission**

RESOLUTION

WHEREAS, Section 2.2.3 of the Thurmont Zoning Ordinance provides that amendments to the Ordinance may originate with the Planning and Zoning Commission (the Commission) and Section 2.1.2 establishes that the Commission shall have the authority to prepare and recommended amendments to the Mayor and Board of Town Commissioners; and

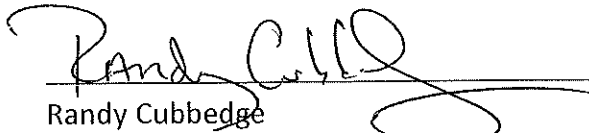
WHEREAS, during multiple meetings on and prior to August 22, 2019 and on September 19, 2019, the Commission investigated, considered and deliberated on text amendments to the Zoning Ordinance, and heard from members of the public and members of the Thurmont Planning and Zoning Commission

WHEREAS, Section 2.2.3C (5) of the Thurmont Zoning Ordinance provides that all amendments to the Ordinance shall be the subject of a public hearing conducted by the Commission; and

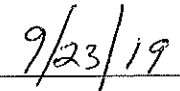
WHEREAS, the Commission conducted a public hearing on September 19, 2019; and

WHEREAS, the Commission, finding that each text amendment attached this Resolution to be in the best interests of the Town of Thurmont did vote in the affirmative on September 19, 2019 to recommend the adoption by the Mayor and Board of Commissioners;

NOW THEREFORE LET IT BE RESOLVED that the Planning and Zoning Commission hereby transmits the attached zoning text amendment to the Mayor and Board of Commissioners with a favorable recommendation and advises adoption.



Randy Cubbedge
Chairman, Planning and Zoning Commission



Date



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Memo

To: Planning & Zoning Commission
From: Kelly Duty, Zoning & Utility Inspector
cc: Jim Humerick, CAO
Date: June 10, 2019
Re: Zoning Ordinance on Corner Lots (2 fronts, 2 sides)

Comments:

At the May 24, 2019 Planning and Zoning Commission meeting, the Commissioners requested staff to collect examples of existing corner lots presenting with two front and two side yards as defined by the Thurmont Zoning Ordinance for their review in amending the Zoning Ordinance.

The current Zoning Ordinance, by definition states there are 2 front and 2 rear yards:

LOT LINES: The lines bounding a lot as herein defined.

Front: The lot line separating the lot from a road. In cases where a lot abuts upon more than one road either line may be considered the front.

Rear: The lot line or lines generally opposite or parallel to the front lot line.

Side: Any lot line other than a front or rear lot line.

Below are 4 different lots within 4 different subdivisions in Town:

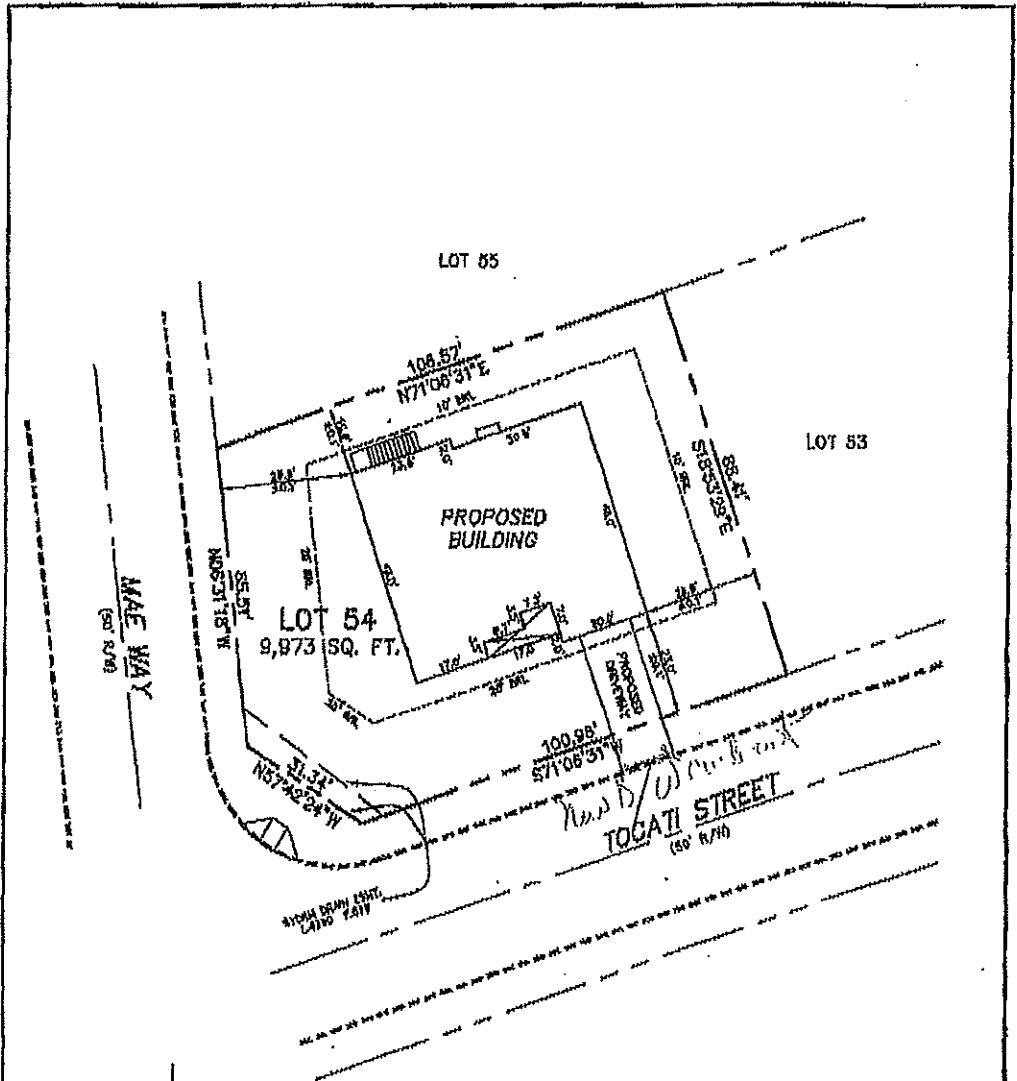
1. Bennett Estates; 117 Bennett Drive; June 1999
2. Pleasant Acres; 74 Pleasant Acres Drive; January 2002
3. Thurmont West; 121 Rouzer Lane; November 1990
4. Jermae Estates; 2 Mae Way; June 2005

The plot plans (attached) speak to the set precedent that corner lots, prior to the 2017 Zoning Ordinance update, had 2 fronts and 2 sides. Should the Planning and Zoning Commission choose not to amend the Zoning Ordinance definition, these lots as well as others, have non-conforming structures, which may create future BOA requests. However, staff recommends amending the zoning ordinance as follows to avoid creating BOA requests:

Amend Section 7.3 Terms and Definitions as follows:

LOT AREA, NET: The total horizontal area included within the rear, side, and front lot or proposed street, including off street automobile parking areas and other accessory uses.

- A. **LOT, CORNER:** A lot abutting upon two (2) or more roads at their intersection or upon two parts of the same road, and in either case forming an interior angle less than one hundred thirty-five (135) degrees. **A LOT CONSISTING OF TWO (2) FRONT AND TWO (2) SIDE LOT LINES.**
- B. **LOT, DEPTH OF:** The average distance between the front lot line and the rear lot line.
- C. **LOT, DOUBLE FRONTAGE:** A lot having frontage on two (2) non-intersecting roads.
- D. **LOT, FRONT OF:** The side or sides of interior lot which abut a street, a corner lot shall be deemed normally to front upon the street on which it has the least dimension.
- E. **LOT FRONTAGE, Minimum at Building Line:** The least permissible width of a lot measured horizontally along the building line.
- F. **LOT FRONTAGE, Minimum at Front Lot Line:** The least permissible width of a lot measured horizontally along the front lot line.
- G. **LOT WIDTH:** The width of the lot measured at right angles to its centerline.
- H. **LOT LINES:** The lines bounding a lot as herein defined.
 - Front: The lot line separating the lot from a road. In cases where a lot abuts upon more than one road either line may be considered the front.
 - Rear: The lot line or lines generally opposite or parallel to the front lot line., **EXCEPT CORNER LOTS WHERE THERE ARE TWO (2) FRONT AND TWO (2) SIDE LOT LINES.**
 - Side: Any lot line other than a front or rear lot line.



7/8/05 Karl Gordon Proff

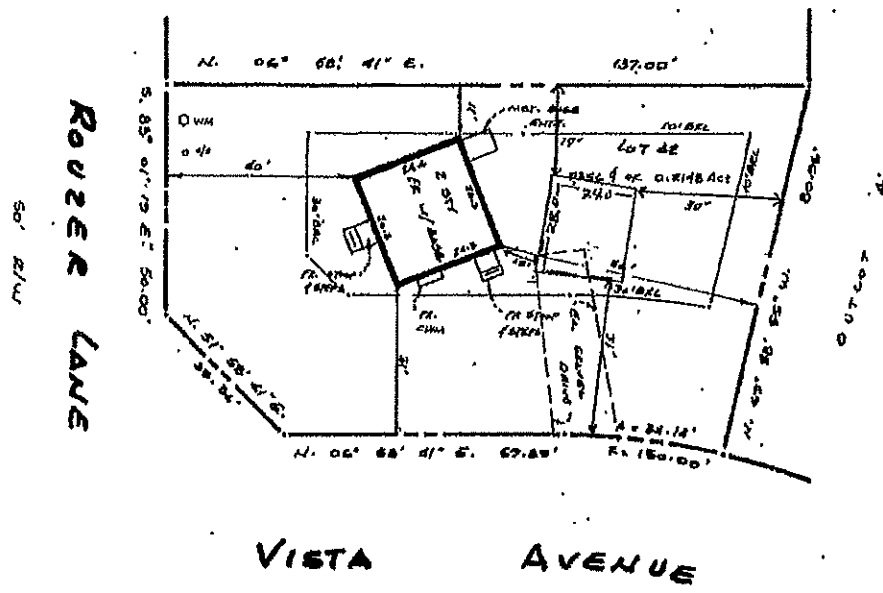
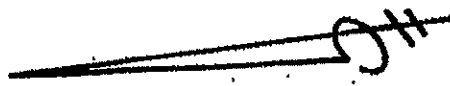
PLOT PLAN
 PROPOSED STRUCTURE LOCATION
 LOT 54, SECTION II
JERMAE ESTATES
 PLAT BOOK 76 PAGE 78
 FOR

DAN RYAN BUILDERS
 THURMONT ELECTION DISTRICT No.15
 TOWN OF THURMONT
 FREDERICK COUNTY, MARYLAND
 SCALE 1"=30' JUNE, 2005

CATOCTIN MOUNTAIN SURVEYS, INC.
 8423 HORNETS NEST ROAD
 EMMITSBURG, MD 21727
 (301) 447-3344 FAX: (301) 447-2444

C:\GIS\PROJ\PLANS\JERMAE\PL15\JERMAE.PLT

PLAT NOTES: A 6" EASEMENT FOR UTILITIES, DRAINAGE & CABLE TV IS RESERVED ALONG SIDE LOT LINES (6' ON EITHER SIDE FOR INTERIOR LOT LINES) AND 10' AT THE FRONT AND REAR LOT LINES.



VISTA AVENUE

50' R/W

PLANS APPROVED
 BY: *Jan Jacobs*
 DATE: 7-8-94

LOCATION OF HOUSE

LOT 42, PLAT 2

THURMONT WEST

121 ROUZER LANE

THURMONT ELECTION DISTRICT No. 15

FREDERICK COUNTY, MARYLAND



Thomas, Moore & Associates, Inc.
 LAND SURVEYORS - CONSULTANTS
 128-B WEST PATRICK STREET
 FREDERICK, MARYLAND 21701
 (301) 698-9788

SCALE: 1" = 30'
 REFERENCE PB. 12 P. 124
 DRAWN BY: C. THOMAS
 CHECKED BY: N. MOORE

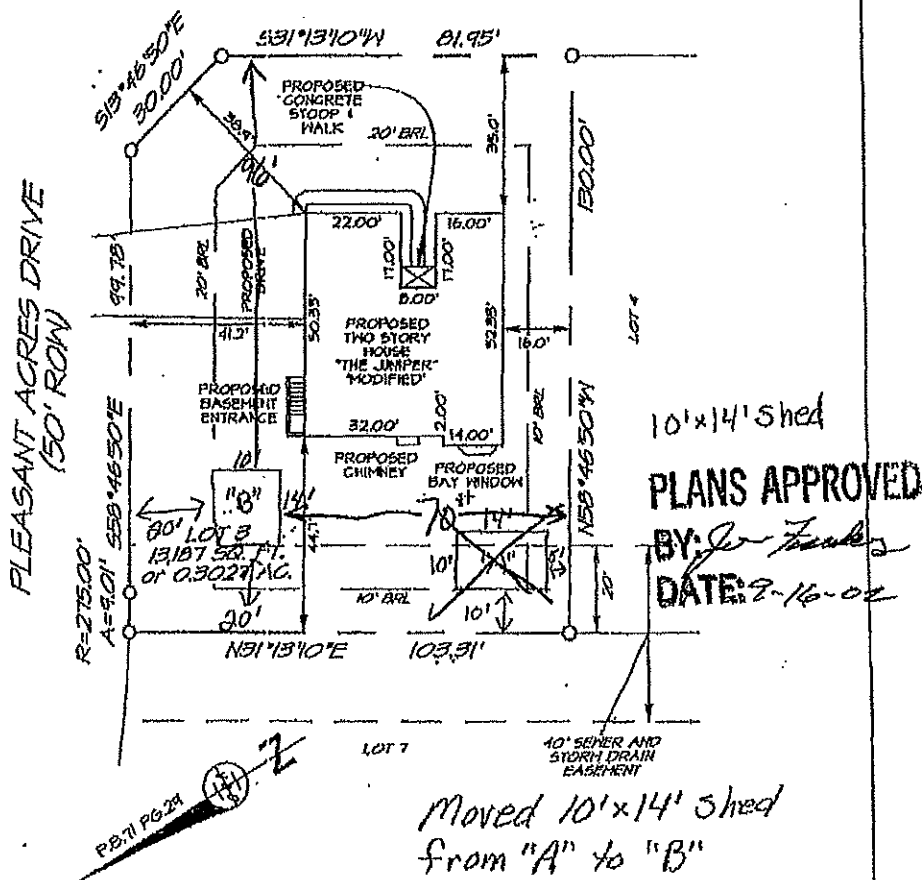
JOB NO. 0466
 HSE. LOC. 7-28-91
 WALL CHECK 4-24-91
 PLOT PLAN 11-6-90

I hereby declare that the property is in accordance with the Plat of Subdivision and/or Record Deed in the Frederick County Land Records. All visible improvements and encroachments, if any, have been located by accepted field standards.

N.I.F.P. Flood Zone C Community Panel No. 240091-0001-B Panel Date Sept. 28, 1979

- PLOT PLAN OPTIONS:**
- 2' BUMP-OUT ON GARAGE SIDE HOUSE
 - 4' BUMP-OUT ON FRONT GARAGE
 - SIDE LOAD GARAGE
 - STONE FRONT
 - GAS FIREPLACE
 - BAY WINDOW ON BREAKFAST NOOK
 - FULL BASEMENT AREA

APPLES CHURCH ROAD
(60' ROW)



10'x14' shed
PLANS APPROVED
BY: *[Signature]*
DATE: 2-16-02

Moved 10'x14' shed
from "A" to "B"

**PLOT PLAN
LOCATION DRAWING**
Lot 3, Section One, Plat One
PLEASANT ACRES
#74 Pleasant Acres Drive
Town of Thurmont
Thurmont Election District #15
Frederick County, Maryland

SCALE: 1" = 30' JANUARY 2002

Gary Castle & Associates
Land Surveyors

300 W. Patrick Street Frederick, Maryland 21701
Phone: (301)668-0575 ~ Fax: (301)668-0507



REFERENCES: PB.71, Pg.24

JOB: 1643-003

