

ORDINANCE NO. 2008- 02

THE MAYOR AND TOWN COUNCIL OF BOONSBORO

AN ORDINANCE TO AMEND AND ADD CERTAIN PROVISIONS TO THE ZONING  
ORDINANCE FOR BOONSBORO, MARYLAND FOR AGE-QUALIFIED  
TOWNHOUSES AND TO RENACT SAID ORDINANCE  
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WHEREAS, the Mayor and Town Council repealed said Zoning Ordinance and enacted the Boonsboro Zoning Ordinance of 1995 on the 5<sup>th</sup> day of September, 1995, with an effective date of October 2, 1995 (the "Zoning Ordinance"); and

WHEREAS, a text amendment petition was submitted to the Mayor and Town Council by \_\_\_\_\_ requesting that the Zoning Ordinance be amended in Case No. ZT08-01 (the "Text Amendment Petition"); and

WHEREAS, in accordance with Section 1101A. of the Zoning Ordinance, the Mayor and Town Council referred the Text Amendment Petition to the Boonsboro Planning Commission for review and recommendation; and

WHEREAS, pursuant to a duly advertised public meeting on the Text Amendment Petition held on MAY 5, 2008, it has been recommended to the Mayor and Town Council by the Boonsboro Planning Commission that certain amendments 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 May 5, 2008 for the purpose of taking testimony on the Text Amendment Petition 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 Petition to be in the best interests of the citizens of Boonsboro, Maryland; and

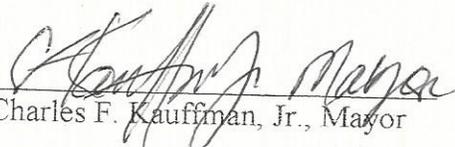
NOW, THEREFORE, BE IT ORDAINED AND ENACTED that certain provisions of the

Zoning Ordinance, as amended, be further amended as follows in **EXHIBIT A** attached hereto and incorporated herein. Note new language/amendments are in **BOLD CAPITALIZATION** and changes are in [underlined brackets].

ATTEST:

MAYOR AND TOWN COUNCIL

\_\_\_\_\_  
Barbara Rodenhiser, Clerk

  
Charles F. Kauffman, Jr., Mayor

DATE OF INTRODUCTION  
DATE OF PASSAGE:  
EFFECTIVE DATE:

April 7	2008
May 5	2008
MAY 30	2008

NEW SECTION 201.4 A.

**“AGE QUALIFIED TOWNHOUSE”:** A SINGLE-STORY, SINGLE-FAMILY ATTACHED DWELLING UNIT RESTRICTED FOR OCCUPANCY BY PERSONS 55 YEARS OF AGE OR OLDER AS SPECIFIED BY THE FAIR HOUSING ACT IN ORDER TO QUALIFY FOR AN EXEMPTION FROM THE PROHIBITION AGAINST FAMILIAL STATUS DISCRIMINATION BASED UPON THE EXCLUSION OF CHILDREN AS RESIDENTS. AN AGE QUALIFIED TOWNHOUSE (OR A DEVELOPMENT OF AGE QUALIFIED TOWNHOUSES) SHALL BE SUBJECT TO A DECLARATION OF PROTECTIVE COVENANTS THAT COMPLIES WITH THE FAIR HOUSING ACT AND IS RECORDED AMONG THE WASHINGTON COUNTY LAND RECORDS. THE DECLARATION OF PROTECTIVE COVENANTS AND ANY SUBSEQUENT AMENDMENT THERETO MUST BE APPROVED BY THE PLANNING COMMISSION. THE DECLARATION OF PROTECTIVE COVENANTS SHALL ENSURE THAT THE AGE QUALIFIED TOWNHOUSE DEVELOPMENT IS LIMITED TO HOUSING FOR OLDER PERSONS AND THAT APPROPRIATE ENFORCEMENT MECHANISMS ARE IN PLACE TO ENFORCE THE AGE RESTRICTION AND ALSO ENSURE COMPLIANCE WITH THE REQUIREMENTS TO QUALIFY AS HOUSING FOR OLDER PERSONS UNDER THE FAIR HOUSING ACT. PRIMARY RESPONSIBILITY FOR THE ENFORCEMENT OF THE DECLARATION OF PROTECTIVE COVENANTS SHALL BE IMPOSED ON THE HOMEOWNERS ASSOCIATION FOR THE DEVELOPMENT. AGE QUALIFIED TOWNHOUSES MAY BE DEVELOPED AND OWNED UNDER A CONDOMINIUM REGIME.

201.30. Dwelling. A building or portion thereof arranged or designed to provide one or more dwelling units.

E. Single-Family Attached (“Townhouse”) Dwelling. A portion of a building designed for and occupied exclusively as a residence for only one family and having (1) only one dwelling unit from ground to roof, (2) two points of independent outside access, (3) at least two other dwellings built in conjunction therewith, with (4) any portion of one or two walls in common with an adjoining dwelling shall extend without opening from the cellar floor to the highest point of the roof along the dividing lot line **(EXCEPT FOR AGE QUALIFIED TOWNHOUSES DEVELOPED AND OWNED UNDER A CONDOMINIUM REGIME).**

304. Legislative Intent and Purposes of Zoning Districts

A. As an aid in interpreting the provisions of Section 305, the Mayor and Council hereby states in summary the purposes for which the various zoning districts are established, and their intentions regarding the types of uses which should be permitted to further the objectives of the adopted Comprehensive Development Plan.

3. Suburban Residential District- This district provides for suburban-type residential subdivision development in areas of similar existing development and where natural features of the land and capacities of utility, street or other service systems may require this type of development. Development is thus permitted at moderate density consistent with the State health standards and the residential areas are protected from the intrusion of incompatible non-residential uses. **“AGE QUALIFIED TOWNHOUSES” OR “AGE QUALIFIED TOWNHOUSE DEVELOPMENTS” AS DEFINED IN SECTION 201.4 A. SHALL BE PERMITTED IN THIS DISTRICT SUBJECT TO CERTAIN CONDITIONS AND REQUIREMENTS. AGE QUALIFIED TOWNHOUSE DEVELOPMENTS SHALL BE PERMITTED BY RIGHT WITH A DENSITY OF NO GREATER THAN FIVE (5) DWELLING UNITS PER GROSS ACRE. AGE QUALIFIED TOWNHOUSES SHALL ONLY BE LOCATED IN AN AREA THAT WILL BE SERVED BY BOTH PUBLIC WATER AND SEWER WITHIN A DESIGNATED GROWTH AREA.**

305. Table of Use Regulations

B. Residential Uses

<b>17. AGE QUALIFIED TOWNHOUSES</b>	<b>MR</b>	<b>RR</b>	<b>SR</b>	<b>TR</b>	<b>TC</b>	<b>GC</b>	<b>NC</b>	<b>EC</b>
	<b>P</b>	<b>N</b>	<b>P</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>

401. Table of Dimensional Requirements for Principal Uses

Use	Zoning District	Minimum Total Lot or Land Area Per Use (sq. ft.)	Minimum Lot or Land Area Per Dwelling Unit (sq. ft.)	Minimum Lot Width (feet)	Minimum Yard Width (feet)		
					Front	Side	Rear
A. <u>Residential Uses</u>							
<b>9. AGE QUALIFIED TOWNHOUSES</b>	<b>SR</b>	<b>N/A</b>	<b>8,700</b>	<b>20</b>	<b>20</b>	<b>15</b>	<b>30</b>
	<b>MR</b>	<b>12,000</b>	<b>4,000</b>	<b>20</b>	<b>25</b>	<b>15</b>	<b>30</b>

514. Standards of Maximum Density for Residential Uses

A. maximum density requirements specified within Table 5.1 are expressed in dwelling units per gross acre. Planned density refers to the density levels as established on the Comprehensive Plan of the Town.

Table 5.1

Zoning District	Maximum Density	Planned Density
SR	3.5*	Low/Med

**\*EXCEPT FOR AGE QUALIFIED TOWNHOUSE DEVELOPMENTS WHERE THE  
MAXIMUM DENSITY IS 5 UNITS PER ACRE**