ORDINANCE NO. 2019-04

THE MAYOR AND TOWN COUNCIL OF BOONSBORO

AN ORDINANCE TO AMEND AND ADD CERTAIN PROVISIONS TO THE ZONING ORDINANCE TO ALLOW FOR STORAGE CONTAINERS AS TEMPORARY USES 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WHEREAS, the Mayor and Town Council repealed said Zoning Ordinance and enacted the Boonsboro Zoning Ordinance of 1995 on the 5th day of September, 1995, with an effective date of October 2, 1995 (the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 September 24, 2019, it has been recommended to the Mayor and Town Council by the Boonsboro Planning Commission that certain amendments pertaining to Temporary Storage Containers 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 December 9, 2019 for the purpose of taking testimony on the proposed Text Amendments pursuant to public notice duly given in accordance with the Land Use Article of the Annotated Code of Maryland; and

WHEREAS, following the public hearing, the Mayor and Town Council considered comments received as 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:

_____
Heather Slough, Town Clerk

BOONSBORO MAYOR AND TOWN COUNCIL:

_____
Howard W. Long, Mayor

_____
Rickard Byrd, Assistant Mayor

_____
Marilee Kerns, Councilmember

_____
Anthony Nally, Councilmember

_____
Terri Hollingshead, Councilmember

_____
Ray Hanson, Councilmember

_____
Rick Weaver, Councilmember

Date of Introduction: October 28, 2019
Date of Passage:
Effective Date:

	MR	RR	SR	TR	TC	GC	NC	EC
305.G.83. Accessory uses, including:	SE	SE	SE	SE	P	N	SE	N
f. Temporary Portable Storage Containers, see provisions of Section 901.C.	**T**	**T**	**T**	**T**	**T**	**T**	**T**	**T**

201.93 Temporary Structure or Use

Any structure or use, as set forth in Section 201.76 and 201.79 respectively, that is temporary in nature as defined within the permitting and approval process for said structure or use.

201.94 Temporary Portable Storage Containers

A container fabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, shipping containers, storage units, or other portable structures that are placed on private property and used for storage of items, including, but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials and merchandise.

Section 305. Page 3-5.
T – Temporary Use

Section 901 Zoning Permits
C. Temporary Use Zoning Permit

i. Authorization of Temporary Uses.
The Zoning Administrator shall have the authority to authorize a temporary use of land through an approved zoning permit or approved town building permit, in any district, for a period not exceeding sixty (60) days, provided the land shall be entirely cleared of such use within five (5) days after such temporary authority expires.

ii. Extensions
Up to two extensions of the temporary uses may be granted by the Zoning Administrator for periods not exceeding sixty (60) days each, up to a maximum limit of one hundred eighty (180) days. The extension(s) may be approved by the Zoning Administrator upon written request as long as there are no modifications of the use and that no complaints regarding the temporary use have been received. Requests for extension of a temporary use that involve any use modification or that have been subject of a complaint will be forwarded by the Zoning Administrator to the Planning Commission for approval.

iii. Criteria for Approval.

A temporary use may be approved if the Zoning Administrator determines that:

a. The use is of such a nature that it will not adversely affect adjacent properties.

b. The use does not require significant or permanent changes to the existing topography vegetation, structures or other site features, and will be returned to a better condition upon expiration of the use.

c. The use complies with existing regulations as set forth in Article 4 in the Zoning Ordinance.

iv. Hardship

a. In the event of an emergency, including, but not limited to, fire, flooding, etc., the temporary use may be established prior to issuance of the Temporary Use Zoning Permit.

b. The Zoning Administrator shall have the authority to waive permit fees for Hardships as set forth in Section 901. C. iv.

c. The Zoning Administrator shall have the authority to grant an additional Extension for Hardships, as set forth in Section 901. C. ii., upon written request to the Zoning Administrator and upon approval of an additional Extension (for Hardship) by the Planning Commission.

v. Exemptions.

a. Government-Owned public properties are exempt from Section 901. C.