

**ORDINANCE NO. 2020-07**

**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**WHEREAS**, the Mayor and Town Council repealed said Zoning Ordinance and enacted the Boonsboro Zoning Ordinance of 1995 on the 5<sup>th</sup> 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 August 10, 2020, 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 to ensure that the placement of such temporary structures is in compliance with the zoning ordinance, to prevent undesirable uses for such temporary structures, and to promote public health, safety, and general welfare; and

**WHEREAS**, pursuant to Section 1103 of the Zoning Ordinance, the Mayor and Town Council held a public hearing on April 13, 2020 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:

BOONSBORO MAYOR AND TOWN COUNCIL:

\_\_\_\_\_  
Heather Slough, Town Clerk

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Howard W. Long, Mayor

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Rickard Byrd, Assistant Mayor

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Marilee Kerns, Councilmember

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Anthony Nally, Councilmember

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Terri Hollingshead, Councilmember

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Ray Hanson, Councilmember

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Rick Weaver, Councilmember

Date of Introduction: July 13<sup>th</sup>, 2020

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
<b>f. <u>Temporary Portable Storage Containers</u></b>	<b><u>P</u></b>							

**201.2 Accessory Use or Building**

A subordinate use or building customarily or intended to be incidental to, and located on the same lot occupied by a principal use or building. The term Accessory Building includes but is not limited to private garages, garden or barn, private playhouse, private greenhouse, private swimming pool, patios, decks, **sheds, and temporary portable storage containers.**

**201.93 Temporary Portable Storage Containers**

**Definition B. : 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. Such a temporary portable storage container shall not be considered a permanent accessory structure.**

i. Permit Required

The Zoning Administrator shall have the authority to authorize temporary portable storage containers through an approved zoning 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 permit expires.

ii. Permit 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 for an individual property per calendar year. 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 unit have been received. Requests for extension of a permit 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 (Site Requirements).

A temporary portable storage container 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. Units may be placed in driveways, prepared surfaces, side yards, or rear yards. Unless requested via the hardship provision, units must not occupy front yards.
- c. 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.
- d. The use complies with existing regulations and property line setbacks as set forth in Article 4 in the Zoning Ordinance.
- e. Units can only be placed on properties already occupied by an existing principal building.

iv. Hardship

- a. In the event of an emergency, including, but not limited to, fire, flooding, etc., the unit may be established prior to issuance of the Zoning Permit.
- b. The Zoning Administrator shall have the authority to waive permit fees for Hardships.
- c. The Zoning Administrator shall have the authority to grant additional extensions for Hardships upon written request to the Zoning Administrator and upon approval of an additional Extension (for Hardship) by the Planning Commission.

v. Exemptions.

- a. Town-Owned (Municipal) public properties are exempt from Section 901. C.