

Ordinance 2023-04

**AN ORDINANCE AMENDING AND REVISING
THE ZONING ORDINANCE OF THE TOWN OF KEEDYSVILLE, TO AMEND *Zoning
and Use Regulations, Section 305, Table of Use Regulations and Article 2, Definitions,
Temporary Portable Storage Containers***

Recital

Pursuant to the *Zoning Ordinance for the Town of Keedysville*, the Mayor and Council through the Zoning Administrator and Planning Commission initiated Amendments to *The Zoning Ordinance* **TO AMEND THE ZONING ORDINANCE OF THE TOWN OF KEEDYSVILLE, TO AMEND *Zoning and Use Regulations, Section 305, Table of Use Regulations and Article 2, Definitions, Temporary Portable Storage Containers*** as more specifically set forth in **Exhibit A** which is incorporated herein by reference. The various agencies, including the Planning Commission and the Mayor and Council, being the duly constituted legislative body of the Town of Keedysville, have complied with all of the provisions of the aforementioned *Zoning Ordinance*. The Mayor and Council, as it's duly constituted legislative body, for the Town of Keedysville, Maryland, held a Public Hearing in compliance with the *Zoning Ordinance* on September 6, 2023.

The Mayor and Council do find, based on the testimony and evidence presented at the Public Hearing, and having considered all of the criteria set forth by the Laws of the State of Maryland and the *Zoning Ordinance*, that the proposed text amendments to the *Zoning Ordinance* would be appropriate and logical.

The Mayor and Council make Findings of Fact which are attached hereto and incorporated herein as **Attachment "B"** and entitled, *Opinion and Findings of Fact*. The Mayor and Council further find as a matter of fact, and a matter of law, that the Amendments to the text of the *Zoning Ordinance* as requested would be consistent with the *Comprehensive Plan of the Town of Keedysville* and not contrary to proper planning and/or the purpose and intent of the *Zoning Ordinance* for the Town of Keedysville, Maryland.

NOW, THEREFORE, be it **RESOLVED, ENACTED, and ORDAINED** that in accordance with the aforementioned *Opinion and Findings of Fact*, **THE ZONING ORDINANCE OF THE TOWN OF KEEDYSVILLE** as set forth in **Exhibit A** which is incorporated herein by reference be and is hereby adopted thereby amending the *Zoning Ordinance for the Town of Keedysville* accordingly; and be it further

RESOLVED, ENACTED and ORDAINED that all other provisions of said *Zoning Ordinance* shall remain in full force and effect.

Liber 14 Folio 0046
Acts, Ordinances, Resolutions- Town
Clerk of the Circuit Clerk
Washington County

**MAYOR AND COUNCIL OF THE TOWN
OF KEEDYSVILLE, MARYLAND**

Witness and Attest as to
Corporate Seal

Lisa Riner

Lisa Riner, Town Administrator

By: _____

Kenneth Lord
Kenneth Lord, Mayor

Date of Introduction: September 6, 2023
Date of Passage: October 4, 2023
Effective Date: October 24, 2023

Record and Return to:

Ms. Lisa Riner
Town Administrator
Town of Keedysville
P. O. 359
Keedysville, MD 21756

NOV - 2 2023

Ordinance Amending Zoning.Temp.Stor.Containers..10.03.2023

EXHIBIT A

ARTICLE 3: ZONING DISTRICTS AND USE REGULATIONS

305 Table of Uses	SR	TR	NC
7. Temporary Portable Storage Containers	A	A	A

ARTICLE 2: DEFINITIONS

240A. Temporary Portable Storage Container

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 for the storage of items, including, but not limited to, clothing, equipment, goods, household or office fixtures or furnishings and merchandise. A Temporary Portable Storage Container shall not be considered a permanent accessory structure and shall be subject to the permit requirements set forth herein. Roll-offs and/or dumpsters for the temporary collection of trash or garbage are not permitted. Roll-offs and/or dumpsters for the temporary collection and/or disposal of construction, demolition, home clean-out and/or similar debris shall be controlled and regulated by building permits and/or separate regulations. Under no circumstances shall a Temporary Portable Storage Container be considered a shed or permanent accessory structure.

Permit Requirements and Criteria

Permit. No Temporary Portable Storage Container shall be permitted within Town Limits without the issuance of a Zoning Permit. The Zoning Administrator shall have the authority to issue permits for the use and placement of Temporary Portable Storage Containers in accordance with the requirements and criteria set forth herein.

Time. The initial period of time for a Permit issued hereunder shall expire 60 days after its issuance. The Permittee shall have no more than 5 days from the expiration date, or any extension thereunder, to remove the Temporary Portable Storage Container from the premises. Upon written request by the Permittee, the Zoning Administrator shall have the authority to grant 2 successive 60-day extensions not to exceed a total maximum limit of 180 days. The Zoning Administrator shall have the authority to decline a requested extension if the Permittee or any user of the Container has failed to comply with the provisions hereunder or any other Ordinances or Regulations of the Town of Keedysville.

Criteria for Approval (Site Requirements)

A permit for a Temporary Portable Storage Container shall only be issued if the Zoning Administrator determines:

- a. The use is of such a nature that it will not adversely affect adjacent properties.
- b. The unit will not occupy the front yard of the premises.
- c. The placement and use shall not require significant or permanent changes to the existing topography, vegetation, structures or other site features. Upon removal of the Container the Permittee shall return the property to the same or better condition as existed prior to its placement and use.
- d. The use complies with existing regulations and ordinances and property line setbacks as set forth in Article 4 of this *Zoning Ordinance*.
- e. The unit will be placed on a property already containing, occupied and/or improved by an existing principal building.

Placement

Temporary Portable Storage Containers shall not be placed or located on a public street or way.

Hardship

In the event of an emergency, including, but not limited to fire, flooding, etc., the unit may be established prior to issuance of the required Zoning Permit and/or the Zoning Administrator may waive the requirements of this Ordinance to the extent necessary.

Exemptions

Town owned/municipal owned properties shall be exempt.

EXHIBIT B

**OPINION AND FINDINGS OF FACT
REGARDING PROPOSED AMENDMENTS TO THE *TOWN OF KEEDYSVILLE*
ZONING ORDINANCE PERTAINING TO TEMPORARY PORTABLE STORA**

The foregoing matter was heard at Public Hearing by the Mayor and Council for the Town of Keedysville, Maryland, on September 6, 2023 in accordance with the provisions of the *Zoning Ordinance for the Town of Keedysville*.

The Mayor and Council have considered all of the criteria as set forth in the *Zoning Ordinance* as well as the *Annotated Code of Maryland*.

The Mayor and Council for the Town of Keedysville, in accordance therewith, find that the requested text amendments attached hereto as **Exhibit "A"** which are incorporated herein by reference are consistent with the *Comprehensive Plan* as well as the purpose and intent of the *Zoning Ordinance*.

The testimony and evidence taken at the Hearing demonstrates and establishes that due to a concern regarding the use and placement of Temporary Storage Containers within Town limits based upon complaints to and inquiries through the Zoning Administrator, it has become apparent that more specificity in the *Zoning Ordinance* regarding the use and placement of Temporary Portable Storage Containers is necessary. After study, review and recommendation of the Planning Commission, an amendment to the *Zoning Ordinance* was initiated and a Public Hearing on the proposed amendments was held on September 6, 2023 was held. In particular, the Staff together with the Planning Commission determined that more specificity regarding the Definition of Temporary Portable Storage Container was necessary and that specific permit requirements and criteria need to be established in the *Town of Keedysville Zoning Ordinance*. The specific amendments, revisions and additions are set forth in Exhibit A which was introduced and discussed at the time of the Public Hearing. The purpose of the proposed amendments is to define and clarify the use, placement permitting of Temporary Storage Containers in SR, TR, and NC Zoning Districts.

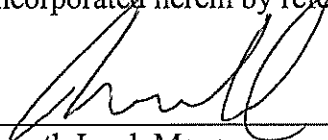
Justin Holder testified in opposition to the proposed amendments claiming inadequate notice. He also asserted that the proposed amendments are arbitrary and capricious, constitute spot zoning and do not conform with the Town's *Comprehensive Plan*. Mr. Holder asserted that property owners should have the ability to use their properties as they see fit. The Mayor and Council, based upon the record that the Notice requirements of the *Zoning Ordinance* have been met, find that adequate notice was given. In addition, the Mayor and Council find that there is no merit to any of the other defenses asserted.

Gary Gordon testified that he was concerned that the 180-day time limit was too long and urged the Council to consider 120 days. Eric Matson also appeared.

The Mayor and Council find that the proposed change to the *Zoning Ordinance* is appropriate and logical. In particular, the amendments are necessary to provide certainty regarding the use and placement of Temporary Portable Storage Containers within Town limits. Based upon a prior complaint and concerns raised that the permanent use of these types of containers is not appropriate or desirable on a long-term basis within the Town limits. To promote the orderly, regulated and controlled temporary use of Temporary Portable Storage Containers on a short-term basis, the Planning Commission has recommended the proposed amendments. The Mayor and Council find that the proposed regulations are reasonable and intended to protect the general safety, health and welfare of the citizenry of the Town as well as the overall historic aesthetics of the Town. The proposed amendments the goals of the Town articulated in the Comprehensive Plan. Toward that end the amendments set and define the parameters relating to this type of use to prevent them from going unmonitored, unregulated and unchecked.

The Mayor and Council further find that the proposed amendments/addition to the *Zoning Ordinance* are compatible with existing and proposed uses in SR, TR and NC Zoning Districts. The discussions of the Mayor and Council, the recommendations, testimony and written submittals and the recommendation of the Planning Commission are incorporated and adopted by the Mayor and Council herein by reference to the extent that they are consistent with the Mayor and Council *Findings* set forth in this Opinion as well as those set forth on the record at the Public Hearing.

Therefore, the Mayor and Council find that the *Zoning Ordinance* should be amended in accordance with **Exhibit "A"** which is incorporated herein by reference.



Kenneth Lord, Mayor

Exhibit B

Send Certification to:

Ms. Lisa Riner, Town Administrator
Town of Keedysville
Town Hall
P. O. Box 359
Keedysville, MD 21756

Liber 14 Folio 0052
Acts, Ordinances, Resolutions- Town
Clerk of the Circuit Clerk
Washington County

LR - Government
Instrument 0.00
Agency Name: Town of
Keedysville
Instrument List:
Agreement / Easement
Describe Other:
Ref:

=====
Total: 0.00
11/01/2023 10:50
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Washington
County/CC04.03.01 -
Register 01

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Washington County, Maryland**

Kevin R. Tucker, Clerk
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Hagerstown, MD 21740
301-790-7991

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Recording Fee _____
County Transfer Tax _____
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State Transfer Tax _____
Non-Resident Tax _____
TOTAL _____

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The Herald-Mail

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Lisa Riner
Town Of Keedysville
PO BOX 359
KEEDYSVILLE MD 21756

STATE OF MARYLAND, COUNTY OF WASHINGTON

The Herald-Mail is a daily newspaper of general circulation, printed in the English language and published in the City of Hagerstown in said County and State, and that annexed hereto is a copy of a certain order taken from said newspaper in which the order was published.

Published in the issue dated:
08/16/2023

Sworn to and subscribed before on 08/16/2023

Notice
Notice is hereby given by the Mayor and Council of the Town of Keedysville, as its duly constituted legislative body, that a Public Hearing will be held in Council Chambers, Town Hall, on September 6, 2023, starting at 6:45 P.M. The hearing is being scheduled pursuant to the provisions of the Annotated Code of Maryland and the Charter of the Town of Keedysville, to consider whether or not to introduce, pass and make effective a proposed Ordinance:

1. An Ordinance regulating Short Term Rentals within the Town (B&B's).
2. An ordinance regulating the use of Temporary Storage Containers within the town.

A complete copy of said proposed budget is on file in the Office of the Town Administrator, Town Hall, Keedysville, Maryland. Same may be copied or inspected in that office and it is incorporated herein by reference and made a part hereof for convenience and economy. Pursuant to the Maryland Open Meetings Law, notice is hereby given that the deliberations of the Mayor and Council are open to the public. The intent is that the determination will be made at the Regular Meeting to be held on a later date. Individuals requiring special accommodations are requested to contact Lisa Riner at (301) 432-5795. Any person desiring a stenographic transcript shall be responsible for supplying a competent stenographer at their expense.

Town of Keedysville,
Maryland
By: Mayor and Council
Lisa Riner
Town Administrator
9116932 8/16/23

Legal Clerk

Notary, State of WI, County of Brown

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Town Of Keedysville
PO BOX 359
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STATE OF MARYLAND, COUNTY OF WASHINGTON

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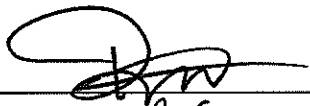
Published in the issue dated:
10/12/2023

Sworn to and subscribed before on 10/12/2023

NOTICE OF PASSAGE

Notice is hereby given by the Mayor and Council of the Town of Keedysville, Maryland, a Municipal Corporation, existing under and by virtue of the Laws of the State of Maryland that pursuant to and in accordance with the powers contained in the Charter of the Town of Keedysville as adopted and subsequently amended and in accordance with and pursuant to the provisions of the powers vested in the Town under the Annotated Code of Maryland, its Charter and the Town of Keedysville Zoning Ordinance, the said Mayor and Council as the legislative body for the Town, at a duly constituted meeting of the Mayor and Council, on October 4, 2023 passed an Ordinance entitled An Ordinance Amending and Revising the Zoning Ordinance of the Town of Keedysville, To Amend Zoning and Use Regulations, Section 305, Table of Use Regulations and Article 2, Definitions, Temporary Portable Storage Containers. For purposes of economy, the entire Ordinance is on file in Keedysville Town Hall and is incorporated herein by reference and made a part hereto.

The effective date of said Ordinance shall be October 24, 2023.
MAYOR AND COUNCIL OF
THE TOWN
OF KEEDYSVILLE,
MARYLAND
10/12/23 9388224



Legal Clerk



Notary, State of WI, County of Brown

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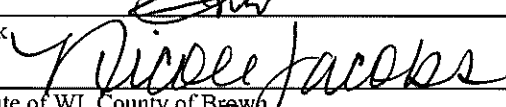
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MAYOR AND COUNCIL OF
THE TOWN
OF KEEDYSVILLE,
MARYLAND
10/19/23 9418020



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Notary, State of WI, County of Brown
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