

ORDINANCE NO. 21-07

Introduced by: Alton Hardee, Jr., Commissioner

AN ORDINANCE OF THE TOWN OF QUEENSTOWN TO AMEND SECTION 8 OF THE QUEENSTOWN ZONING ORDINANCE TO INCLUDE SPECIFIC DEFINITIONS AND TO AMEND SECTION 67 OF THE QUEENSTOWN ZONING ORDINANCE TO PERMIT THE STORAGE AND PARKING OF ONE RECREATIONAL VEHICLE AND EQUIPMENT PROVIDED CERTAIN SETBACK AND SIZE REQUIREMENTS ARE MET

WHEREAS, pursuant to Md. Code Ann. Local Government § 5-213, the Commissioners of Queenstown have the authority to adopt regulations concerning zoning; and

WHEREAS, Md. Code Ann. Land Use Article § 4-202 authorizes municipalities to adopt zoning regulations as it determines are in the public health, safety and welfare; and

WHEREAS, the Queenstown Planning Commission has recommended that certain changes be made to the Queenstown Zoning Ordinance, specifically—to permit the parking or storage of not more than one recreational vehicle and one piece of recreational equipment or a utility trailer which may not exceed 35 feet in length, provided that they are at least 3 feet from the property line, and in the case of side yard storage, are also situated at least 10 feet to the rear of a lateral projection of the front foundation of the building; and

WHEREAS, on September 1, 2021, the Queenstown Planning Commission considered the text proposed in Ordinance No. 21-07 and made a favorable recommendation to the Queenstown Commissioners to approve the text contained in Ordinance No. 21-07; and

WHEREAS, on Nov. 17, 2021, the Queenstown Commissioners held a public hearing on Ordinance No. 21-07 and have determined that it is desirable and in the public interest to make certain amendments to the Zoning Ordinance as recommended by the Queenstown Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF QUEENSTOWN AS FOLLOWS:

Section 1. Article II, Section 8 of Queenstown Zoning Ordinance is hereby amended to include the following definitions:

RECREATIONAL EQUIPMENT - Boats and boat trailers, personal watercraft, and watercraft trailers (e.g., a jet ski), pick-up campers or coaches (designated to be mounted on motor

vehicles), motorized dwelling, tent trailers, racing, and recreational cars and/or motorcycles not licensed for use on public streets and highways, and similar devices or structures, and cases or boxes used for transporting recreational equipment.

UTILITY TRAILER – *A non-motorized vehicle that is designed to be towed by a vehicle and is used to transport materials, goods or equipment.*

Section 2. Article VII, Section 67 of Queenstown Zoning Ordinance is hereby amended as follows:

§ 67. Accessory uses regulations.

A. General regulations.

The general regulations of this subsection apply to all accessory uses and structures unless otherwise expressly stated.

1. Accessory uses and structures are permitted in connection with lawfully established principal uses.
2. The Planning Commission is authorized to determine when a use, building or structure meets the criteria of an accessory use or accessory structure. In order to classify a use or structure as “accessory” the Planning Commission must determine that the use or structure:
 - a. is subordinate and clearly incidental to the principal structure or principal use served in terms of area and function;
 - b. provides a necessary function for or contributes to the comfort, safety or convenience of occupants of the principal use; and
 - c. is customarily found in association with the subject principal use or principal structure.
3. Time of Construction and Establishment
 - a. Accessory uses may be established only after the principal use of the property is in place.
 - b. Accessory buildings may be established in conjunction with or after the principal building. They may not be established before the principal building is in place.

B. Accessory uses in residential districts and the TC Town Center District shall be permitted as follows:

1. Accessory utility buildings of one hundred fifty (150) square feet or less as accessory structures may be located in the side or rear yards.
2. Private garage.
3. The keeping of small animals, insects, reptiles, fish or birds (not poultry), but only for personal enjoyment or household use and not as a business.
4. Private swimming pools and game courts, lighted or unlighted, for use of occupants and their guests in a single family dwelling.
5. Community recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities may be located within neighborhoods and communities with an organized community association responsible for maintenance.
6. Accessory off-street parking, open or enclosed space, for one (1) commercial vehicle of not more than 15,000 pounds gross vehicle weight and used by the occupant of a dwelling shall be permitted as an accessory use.
7. Storage of crab pots, fish nets and other waterman's apparatus.

C. Storage and parking of recreational vehicles, recreational equipment, and utility trailers, not part of an approved commercial use, subject to the following:

1. ***Not more than one (1) recreational vehicle and one (1) piece of either recreational equipment or a utility trailer may be parked or stored in the rear or side yard of any lot in a residential zoning district, provided that they are at least three (3) feet from the property line, and in the case of side yard storage, provided that they are at least three (3) feet from the property line and are situated at least ten (10) feet to the rear of a lateral projection of the front foundation of the building. The recreational vehicle, recreational equipment, or utility trailer may not exceed 35 feet in length. For this provision, one piece of recreational equipment is equal to a single non-motor vehicle with no more than one (1) watercraft, personal watercraft, or specialty prop-crafts. Two personal watercraft (e.g., jet skis) on a single watercraft trailer may be treated as a single piece of recreational equipment.***
2. ***Recreational vehicles, recreational equipment, and utility trailers may not be parked or stored in a required front yard. However, one recreational vehicle, one piece of recreational equipment, or one utility trailer may be parked in the front yard if:***

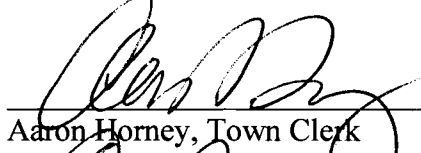
- a. *setback at least three (3) feet from any side lot line,*
 - b. *located on a driveway, and*
 - c. *does not intrude into the public right-of-way or obstruct a sidewalk.*
3. *The Planning Commission may approve alternative parking or storage arrangements if it finds there is no reasonable access to the building side yards or rear yards because of topography or other physical conditions on the site. However, not more than one recreational or utility vehicle parking shall be permitted in the front setback.*
4. *Storage or parking of recreational vehicles, recreational equipment, or utility trailer in or on the public right-of-way is prohibited.*
5. *Recreational vehicles, recreational equipment, and utility trailers stored or parked in residential zoning districts must be owned by the owner or occupant of the subject property.*
6. *All recreational vehicles, recreational equipment, and utility trailers, intended for highway use, must be properly licensed and ready for highway use.*
7. *No recreational vehicle, equipment, or utility trailer may have its wheels removed or be affixed to the ground to prevent immediate removal.*
8. *No parked or stored recreational vehicle, recreational equipment, or utility trailer may be used for living, sleeping, or business purposes.*
9. *Such vehicles may be stored in a specially marked parking area for residents only in a multi-family rental or condominium unit development. Such areas must be screened from adjacent off-site uses as required by the Planning Commission.*

Section 3. Unless specifically amended as set forth above, all other provisions of the Queenstown Zoning Ordinance shall remain unchanged.

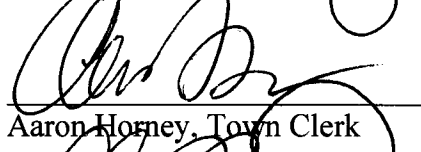
Section 4. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Commissioners of Queenstown hereby declare that they would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

ORDAINED, APPROVED, AND PASSED by the Town Commissioners for the Town of Queenstown on this 17th day of November, 2021.

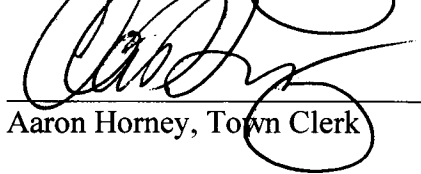
WITNESS:



Aaron Horney, Town Clerk

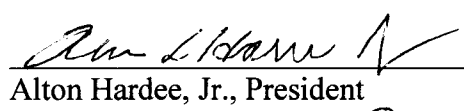


Aaron Horney, Town Clerk

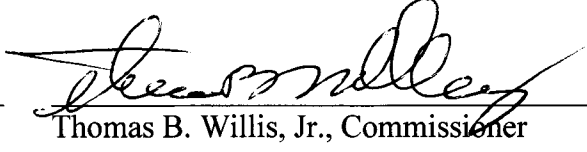


Aaron Horney, Town Clerk

TOWN COMMISSIONERS FOR THE
TOWN OF QUEENSTOWN:



Alton Hardee, Jr., President



Thomas B. Willis, Jr., Commissioner



Bryon Callahan, Commissioner

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Bold, italicized text = added text