

TOWN COUNCIL STAFF REPORT: ORDINANCE AMENDMENT

PUBLIC HEARING: TUESDAY, MARCH 7TH, 2023

SMITHFIELD ZONING ORDINANCE ARTICLE 2.P.15.:

Portable Storage Containers

At the Tuesday, January 10th, 2023 Planning Commission meeting, Town Staff were tasked with updating Section P.15 of Article 2 of the Smithfield Zoning Ordinance. The Planning Commission agreed they would like it to read “twenty-one (21) days of automatic approval for a portable moving container, then the applicant would need a zoning permit waiver for an additional forty-five (45) day approval.” The remaining language in the Ordinance would continue as currently written.

Section P.15 of Article 2 currently states:

15. Portable storage units are considered temporary accessory structures. Portable storage units are permitted for use for a maximum of sixty (60) days with a zoning waiver after which time a zoning permit must be obtained for up to an additional ninety (90) days of use, based upon a legitimate need for further use having been determined by the Zoning Administrator. If additional time is needed beyond what is permitted above, an appeal to the Planning Commission must be made in order to obtain the approval for further use. The Planning Commission shall have the option to attach conditions to the extended use thereof. Portable storage units can be placed in required front or side yard setback areas but cannot be placed in any right-of-way area. The use of portable storage units can be revoked by the town, whether or not previously permitted, if it is determined by the Zoning Administrator that the use or location constitutes a nuisance or a sight distance hazard. A temporary accessory structure shall not be located on any environmentally sensitive lands (RPAs) or wetlands.

15. Portable storage units are considered temporary accessory structures **and are permissible on properties for twenty-one (21) days. After the twenty-one (21) days,** portable storage units are permitted for use for a maximum of ~~sixty (60)~~ **forty-five (45)** days with a zoning waiver after which time a zoning permit must be obtained for up to an additional ninety (90) days of use, based upon a legitimate need for further use having been determined by the Zoning Administrator. If additional time is needed beyond what is permitted above, an appeal to the Planning Commission must be made in order to obtain the approval for further use. The Planning Commission shall have the option to attach conditions to the extended use thereof. Portable storage units can be placed in required front or side yard setback areas but cannot be placed in any right-of-way area. The use of portable storage units can be revoked by the town, whether or not previously permitted, if it is determined by the Zoning Administrator that the use or location constitutes a nuisance or a sight distance hazard. A temporary accessory structure shall not be located on any environmentally sensitive lands (RPAs) or wetlands.

At the Tuesday, February 14th, 2023, Planning Commission favorably recommended this text amendment to Town Council.

Town staff recommend a robust discussion and agreement on finalized language.

For convenience, redlined versions of the Smithfield Zoning Ordinance follow this staff report.

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