



**TOWN OF PORT DEPOSIT
ORDINANCE 2020-01
CREATION OF B & I EMPLOYMENT ZONING DISTRICT**

WHEREAS, the Mayor and Council of the Town of Port Deposit may exercise the power conferred upon them by Article III, Section 309 of the Charter of the Town of Port Deposit to pass ordinances or by-laws to enable them to better promote and preserve the public health, safety and welfare of the residents of the town; and

WHEREAS, as per Article V, 501 (50) of the Charter, the Mayor and Council has the authority to exercise the powers as to planning and zoning, conferred upon municipal corporations generally in The Land Use Article of the Maryland Annotated Code; and

WHEREAS, due to change in circumstances, character and nature of the area known as the former Bainbridge Naval Training Center, the current Special Zoning District entitled BX Bainbridge Mixed Use District is no longer compatible or an appropriate means by which to promote the orderly development of this area for the best interests of the citizens of Port Deposit; and

WHEREAS, in order to permit needed business and industrial development for the Town and promote the orderly and effective development of the former Bainbridge Naval Training Center area, a new zoning district entitled B & I Employment District has been developed; and

WHEREAS, the Port Deposit Planning Commission held an advertised public hearing on Wednesday, January 29, 2020 for public comment of the proposed B & I Employment Zoning District; and

WHEREAS, the Port Deposit Planning Commission recommended that the Mayor and Council of Port Deposit adopt the proposed B & I Employment Zoning District; and

WHEREAS, pursuant to the requirements of State law and the Port Deposit Zoning Code, the Mayor and Council of the Town of Port Deposit held an advertised public hearing on Tuesday, February 18, 2020 to receive public comment on the proposed B & I Employment Zoning District.

NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Mayor and Council of the Town of Port Deposit, upon considering all comments and the record of this matter, hereby adopt the proposed the B & I Employment Zoning District as follows:

Item 1. Section 109. General Districts, 8. Of the Zoning Code of the Town of Port Deposit shall be added as follows:

8. B & I Business and Industrial Employment District

1. Intent.

The intent of the B & I Employment District is to provide locations for warehouse storage, distribution and fulfillment center, business/professional offices, research and development, and certain light industrial uses similar thereto which require large areas, truck traffic, and are of an intensity that is not compatible with dense zones and residential areas. For the most part, these industrial activities include the processing or assembly of previously processed materials. This district also provides for various special exception uses subject to the Board of Appeals process for uses which are consistent with the zone, but require extra review and scrutiny to determine their compatibility that the neighborhood and any conditions that must be placed on the use to ensure its harmony with the neighboring properties and community. This zone is intended to permit less outwardly intensive uses, activities and establishments similar to those listed in Section 6.

2. Performance Standards

If, in the opinion of the Zoning Administrator, any proposed industrial use could create a fire hazard, carcinogenic, radiation or health hazard, emit smoke, noise, odor or dust or could produce other results that could be obnoxious or detrimental to other properties either because of the productive process or the suitability of the site, the Zoning Administrator shall refer the proposed use to the Board of Appeals. The Board shall determine if any of these conditions would or would not be created by the proposed use. If the Board determines that any of these conditions would be created it shall require assurances, by means of special design of the structure or processing procedures or equipment, that the detrimental conditions will not be created. The Board may require the posting of sufficient bond, with corporate surety, or such other assurances that it may deem satisfactory to guarantee that those conditions will not be created or, if created, will be eliminated.

3. General Requirements.

In determining whether to approve or disapprove a major site plan or subdivision in the B & I Employment District, the Planning Commission shall consider the following:

- a. The impact of the proposed development on existing or planned public services, facilities, and infrastructure;

- b. The impact of the operation of the proposal on the surrounding area with special consideration to neighboring residential uses or zoning;
- c. The effect and/or influence the proposal might have on the health, safety, and welfare of the residents and employees of the neighborhood.

Modifications to the Town of Port Deposit standards and requirements will be considered by the Planning Commission on a case by case basis dependent upon the site plan and related operations information presented during the process.

4. Definitions

Cargo Container – An enclosed, reusable vessel (with doors for loading and unloading), designed without an axle or wheels, which was originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and/or designed for or capable of being mounted or moved by trains, trucks, ships or other modes of transportation. This definition shall also include box-like containers used for storage of personal or business items. The definition shall not include sheds.

Cargo Container Maintenance Facility – Any business that engages in the maintenance and repair of cargo containers, not located within a storage facility that removes the containers from the chassis. This may include facilities or operations engaged in the conversion of cargo containers for secondary use or sale.

Cargo Container Storage Facilities – Any site which the principal use is the movement, storage on a non-permanent basis, staging or redistribution of cargo containers.

Data Center - A use where digital information is processed, transferred, and/or stored, occupying 10,000 square feet or more, where the majority of space is occupied by computers, servers, telecommunications and related equipment (including supporting equipment).

Distribution Facility - An establishment that distributes and stores goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

Light Industry - Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building.

Offices - Offices for the use of physicians, optometrists, dentists, attorneys, architects, surveyors, engineers, insurance agents, accountants, stockbrokers, commodity brokers, real estate brokers, general services and employment agencies.

Power Generating Facilities - Power generating facilities may be permitted as a Special Exception provided that the power is generated solely from solar, wind, natural gas, or water power sources.

Truck Terminal – A structure or land used or intended to be used primarily to accommodate the transfer of goods or chattels from trucks or truck trailers to other trucks or truck trailers or to vehicles of other types in order to facilitate the transportation of such goods or chattels or for truck or truck-trailer parking or storage. The term “Truck Terminal” includes facilities for the storage of cargo-shipping containers designed to be mounted on chassis for part or all of their transport.

Warehouse - A structure in which goods, materials, or other items are stored for compensation for a period of time pending transfer or sale.

5. Uses

- a. Cargo container maintenance or storage facility.
- b. Data centers.
- c. Building and structures related to electric power, gas transmission & telecommunications, or distribution thereof may be permitted as a Special Exception.
- d. Light Industry, as defined.
- e. Offices.
- f. Power generating facilities may be permitted as a Special Exception provided that the power is generated solely from solar, wind, natural gas, or water power sources.
- g. Truck Terminal.
- h. Warehouse.
- i. Distribution Facility.

6. Uses Prohibited

The uses prohibited below include, but are not limited to:

- a. Residential dwellings.
- b. Manufacturing uses involving asphalt, hot mix, asphalt bituminous concrete, charcoal, and fuel briquettes.
- c. Manufacturing uses involving primary production of the following products from raw materials: chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, plastic and synthetic resins,

pyroxylin, rayon yarn, and hydrochloric, nitric, phosphoric, picric, and sulphuric acids; coal, coke, and tar products, including gas manufacturing; explosives; synthetic fertilizers; gelatin, glue, and size (animal); linoleum and oil cloth; matches; paint, varnishes, and turpentine; rubber (natural and synthetic); soaps, including fat rendering; and starch.

- d. The following processes: nitrating of cotton or other materials; magnesium foundry; reduction, refining, smelting, and alloying of metal or metal ores; refining secondary aluminum; refining petroleum products, such as gasoline, kerosene, naphtha, and lubricating oil; distillation of wood or bones; and chemical reduction and processing of wood pulp and fiber, including papermill operations and recycling centers.
- e. Operations involving stockyards and slaughterhouses.
- f. Storage of explosives.
- g. Quarries, stone crushers, screening plants, and storage of quarry screenings, accessory to such uses.
- h. Junkyards, automobile dismantling plants or storage of used parts of automobiles or other machines or vehicles or of dismantled or junked automobiles.
- i. Rubble or sanitary landfill
- j. Accessory uses shall not be permitted without a principal use.

7. Standards

The following standards will apply to this zoning district and are subject to approval by the Planning Commission. The Planning Commission may impose additional standards due to the nature and location of the proposed use to preserve and protect the character and safety of the Community. Consideration for flexibility within the below provided standards may be considered by the Planning Commission on a case by case basis:

- a. There is no outdoor storage. All goods and equipment must be in a fully enclosed building, storage container or truck trailer and cannot be stacked.
- b. The minimum parcel size shall be five (5 acres).
- c. The minimum building setbacks are:
 - (1) Building setback shall be three hundred (300) feet from a State highway unless a screening plan is approved by the Planning Commission.
 - (2) Front, side and rear setbacks shall be fifty (50) feet when adjacent to a business or industrial zone.

- (3) Setbacks for parking areas shall be thirty (30) feet from all roadways.
- d. The maximum building coverage of the entire parcel is fifty (50) percent.
 - e. The maximum height of the buildings shall be seventy-five (75) feet when adjacent to a business or industrial zone and maximum building height shall be fifty-five (55) feet when adjacent to a residential zone unless additional height is approved by the Planning Commission.
 - f. All new distribution utility lines shall be underground except relocation of existing lines. Overhead pole distribution utility lines may be approved by the Planning Commission.
 - g. Any building façade visible from adjacent properties or public streets shall incorporate a differentiation that breaks the mass of the façade every two-hundred fifty (250) feet, except for office buildings which shall be every one hundred (100) feet, by changes in at least two of the following design elements, but no more than three: building height, building step-back or recesses (minimum two and half feet), fenestration, materials, pattern, texture, color, or use of accent materials to be approved by the Planning Commission.
 - h. All ground level and rooftop mechanical equipment and all electrical equipment, electrical yards, or electrical switching stations shall be screened from adjacent properties and public streets by one of the following: solid fencing, parapet walls, landscaping buffer or other screening to be approved by the Planning Commission.
 - i. Pedestrian Plan shall be approved by the Planning Commission.

8. Parking standards

- a. Truck terminals, warehouse and distribution facilities - one (1) space for each two hundred fifty (250) square feet of office area and one (1) space for each two (2) employees in the largest shift, or one (1) space per ten thousand (10,000) square feet of gross floor area, whichever is greater.

9. Additional Standards

- a. Additional Standards, including but not limited to, Article XIV Utilities, Article XV Signs, Article XVI Parking and Article XVII Screening, Shading, Forest Conservation and Environment shall be applicable as stated in Zoning Code of the Town, or as otherwise determined by the Planning Commission based on the nature and intensity of the use.
- b. Modifications to these standards will be considered by the Planning Commission on a case by case basis dependent upon the site plan related information presented.

EFFECTIVE DATE

Ordinance 2020-01 was adopted on the 18th day of February, 2020 and shall take effect on the 9th day of March, 2020 as per Article III, Section 309 of the Charter of the Town of Port Deposit, and shall be published at least once in a newspaper having general circulation within the Town of Port Deposit.

ADOPTED: February 18, 2020

EFFECTIVE DATE: March 9, 2020

IN WITNESS WHEREOF, we have set our hands and seals, and adopted Ordinance 2020-01 this
18th Day of February, 2020.

Affirmative 3

Absent 1

Negative 0

Abstained _____

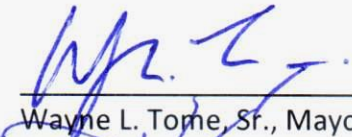
THE TOWN OF PORT DEPOSIT

By The Mayor and Town Council:

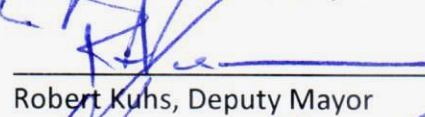
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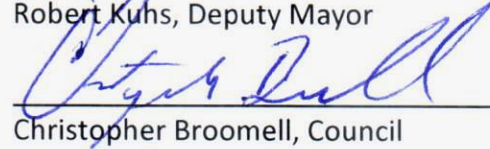
Town Administrator



Wayne L. Tome, Sr., Mayor



Robert Kuhs, Deputy Mayor



Christopher Broomell, Council

ABSENT

Kevin Brown, Council



Thomas Knight, Council