

EXHIBIT 1. SUMMARY. ORDINANCE 2024.01 COMPREHENSIVE REZONING AMENDMENTS TO THE PORT DEPOSIT ZONING CODE

ARTICLE	SECTION	REVISION
ARTICLE 1 PURPOSE AND AUTHORITY	6	Amendments to coordinate with Cecil County for adequate public facilities.
ARTICLE II BASIC DEFINITIONS AND INTERPRETATIONS	12	New definitions added, revised and deleted as needed to update the ordinance.
	16	Amendment to reference designated land use categories as shown on the future land use map in the Comprehensive Plan.
ARTICLE III ADMINISTRATIVE MECHANISMS	20	Clarification on using the revised land use map as adopted in the Comprehensive Plan.
	22	Updated and revised the duties of the Planning Commission.
	29	Updated and revised the duties of the Board of Appeals.
ARTICLE IV DEVELOPMENT APPROVAL	36	Revised to add other permits as required as per local, County, State and Federal law.
	39, 45, 52, and 53	Updated and revised approval requirements for construction permits and general and master development plans.
	60, 61, 62, 63, 64, 65, 66, and 67	Updated and revised language for the submission and processing of special exception applications from Board of Appeals to the Planning Commission.
ARTICLE V APPEALS, VARIANCES AND INTERPRETATIONS	71, 72, 74	Updated and revised language for appeal of Planning Commission decisions, added definition of a variance, and changed approval to the Planning Commission.
ARTICLE VI HEARING PROCEDURES FOR APPEALS AND APPLICATIONS	84	Updated and revised language to delete Board of Appeals decisions on variances and special exceptions.
ARTICLE VIII NONCONFORMING SITUATIONS	102	Updated and revised language for permits for nonconforming property.
	105	Updated and revised language for grandfathered uses in zoning districts.
ARTICLE IX ZONING DISTRICTS	108	Updated and revised zoning district designations as per the future zoning map from the Comprehensive Plan.
	109	Deleted current zoning district designations and descriptions and replaced with new zoning district designations and descriptions.
	116	Updated and revised area for the Historic Overlay District as that area designated by the Town Council.
	126	Deleted Adaptive Reuse and Conversion of Structures.

ARTICLE	SECTION	REVISION
	127	Updated and revised change of use definition.
ARTICLE X PERMISSIBLE USES	169	Updated and revised language for designations in the Table of Permissible Uses.
	171	Updated language for Planning Commission to approve Special Exceptions
	175	Updated and revised Table of Permissible Uses to match the zoning districts as designated in the future land use map in the Comprehensive Plan.
ARTICLE XI SUPPLEMENTARY USE REGULATIONS	176 – 212	Updated and revised zoning conditions of approval as needed based on amendments to the Table of Permissible Uses.
ARTICLE XII DENSITY AND DIMENSIONAL REGULATIONS	226	Updated and revised Schedule of Zone Regulations for the revised zoning districts
ARTICLE XV SIGNS	247	Updated and revised language for sign permits required.
	250, 252, 253, 254, 255, 260, 264, 265, and 266	Updated and revised language for types of signs permitted in zoning districts.
ARTICLE XVII SCREENING, SHADING, FOREST CONSERVATION AND ENVIRONMENTAL STANDARDS	292	Updated the table of required bufferyards.
ARTICLE XVIII STORMWATER MANAGEMENT	319	Rescind current Article and replace with updated and revised language.
ARTICLE XX SUBDIVISION REGULATIONS	1-13, 1-14, VII-1 and VII-8, and VII-9	Amend Zoning Ordinance to add current Subdivision Regulations to this document with updated and revised language.

EXHIBIT 2 – ORDINANCE 2024.01 COMPREHENSIVE REZONING AMENDMENTS TO THE TOWN OF PORT DEPOSIT ZONING ORDINANCE

INSERTED TEXT – ALL CAPITALS AND BOLD
DELETED TEXT – ~~Bold and Strikethrough~~

ARTICLE I PURPOSE AND AUTHORITY

Section 6. Adequate Public Facilities Requirements

1. No concept or plan for a subdivision or other major development shall be approved unless the Planning Commission first determines that adequate facilities are available to support and service the proposed subdivision or major development.
- ~~2. The applicant shall submit with any subdivision concept plan or major development plan sufficient information and data to demonstrate the expected impact on and use of the public facilities by the residents or occupants of the proposed subdivision or major development.~~
2. THE APPLICANT SHALL SUBMIT WITH ANY SUBDIVISION CONCEPT PLAN OF 50 OR MORE RESIDENTIAL UNITS:
 - A. SUFFICIENT INFORMATION AND DATA TO DEMONSTRATE THE EXPECTED IMPACT ON AND USE OF THE PUBLIC FACILITIES BY THE RESIDENTS OR OCCUPANTS OF THE PROPOSED SUBDIVISION OR MAJOR DEVELOPMENT; AND
 - b. THAT IT HAS CONSULTED THE CECIL COUNTY DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES, CECIL COUNTY PUBLIC SCHOOLS, AND MARYLAND STATE HIGHWAY ADMINISTRATION ON THE ADEQUACY OF PUBLIC FACILITIES.

IF CECIL COUNTY ENACTS AN ADEQUATE PUBLIC FACILITIES ORDINANCE, THEN PARAGRAPHS (1) AND (2) OF THIS SECTION SHALL BE OBIATED AND THE PROVISIONS OF SAID ORDINANCE SHALL BE EFFECTIVE WITHIN THE TOWN UNLESS SPECIFICALLY WAIVED OR MODIFIED BY THE PLANNING COMMISSION AS PART OF THE SUBDIVISION APPROVAL PROCESS.

ARTICLE II BASIC DEFINITIONS AND INTERPRETATIONS

Section 12. Definitions of Basic Terms

NEW DEFINITIONS WERE INSERTED FOR:

Accessory Dwelling Unit (ADU)	Certificate of Occupancy	Impervious Surface
Adaptive Reuse	Change of Use	Light Industry
Alternative Energy	Conference Center	Manufactured (Mobile) Home
Bed and Breakfast Home	Data Center	Modular Home
Cannabis Grower	Dept of Public Works	Motel
Cannabis Independent Test Laboratory	Dispensary	Private Club
Cannabis On-site Consumption	Distribution Facility	Redevelopment
Establishment	Group Home	Seasonal Business and/or Use
Cannabis Processor	Halfway House	Service Establishment
Cargo Container	Home Occupation	Short Term Rentals
Cargo Container Maintenance Facility	Hotel	Solar Energy
Cargo Container Storage Facilities	Hydropower	Truck Terminal
		Wind Energy

DEFINITIONS DELETED FOR:

Apartment Hotel	Mobile Home, Class B	Teardown
Apartment House	Motel, Motor Ct	Tourist Court
Bona Fide Intra Family	Non-point Source Pollution	Selection
Boulevard	Non-renewable Resources	Substantial Renovation

Breezeway
Central Median
Clearcutting
Club, Private
Commercial Harvesting
Dwelling, Accessory Apartment
Gallery
Garden Apartments
Manufactured Home

Nursing Care Home
Physiographic Features
Primary Highway
Private Harvesting
Reclamation
Residence, Commercial Apt
Secondary Highway
Selection
Substantial Renovation

Teardown
Thinning
Tourist Court
Tourist Home
Tract
Vendor Operations
Water based Aquaculture
Zoning Parent District

Section 16. Location and Boundaries of Zones

3. Any area annexed to Port Deposit after the date of adoption shall immediately upon such annexation be automatically classified **THE DESIGNATED LAND USE CATEGORY AS SHOWN IN THE FUTURE LAND USE MAP IN THE COMPREHENSIVE PLAN.** ~~in the most nearly comparable zone until a zoning map amendment for such area has been adopted by the Town Council. The Planning Commission shall recommend to the Town Council appropriate zoning for the annexed area within 6 months after the effective date of such annexation.~~

ARTICLE III ADMINISTRATIVE MECHANISMS

Section 20. Quorum and Voting of the Planning Commission

2. All actions of the Planning Commission shall be taken by majority vote **OF THOSE MEMBERS BEING PRESENT,** a quorum **HAVING BEEN ESTABLISHED.** ~~being present.~~

Section 22. Powers and Duties of Planning Commission

1. The Planning Commission may:
 - ~~d. Hear and decide applications for land development, reuse and adaptive conversion of structures, and approve subdivision plats and site development plans.~~
 - ~~e. Make recommendations to the Board of Appeals on special exceptions and special conditions.~~
3. The Planning Commission may delegate authority for review and approval actions to the Town Administrator and/or Zoning Inspector ~~as deemed appropriate~~ **UNLESS OTHERWISE SPECIFIED IN THE ORDINANCE.**
4. The Planning Commission shall:
 - F. HEAR AND DECIDE IN A TIMELY MANNER APPLICATIONS FOR LAND DEVELOPMENT, MINOR AND MAJOR SUBDIVISION PLATS, GENERAL DEVELOPMENT PLANS, SITE DEVELOPMENT PLANS, AND SPECIAL EXCEPTIONS AS PROVIDED FOR IN THIS ORDINANCE.**

Section 29. Powers and Duties of Board of Appeals

- ~~b. Applications for Variances or Special Exceptions as provided for in this ordinance or not otherwise assigned to the Planning Commission,~~
- ~~c. Applications for variances as provided in Section 72, and reuse and adaptive conversion of structures as in Section 126.~~

ARTICLE IV DEVELOPMENT APPROVAL

Section 36. Permits Required

3. In addition to the building permit, the following permits may be required:
 - c. Other Permits. Additional permits, including approvals by other agencies, may be required **SUBJECT TO LOCAL, COUNTY, STATE, OR FEDERAL LAW.**

Section 39. Permit Application Requirements and Procedures

1. Site Plan Review and Approval

- a. Prior to issuing a building permit for construction **OR ALTERATION OR EXPANSION OF A STRUCTURE NOT OTHERWISE IN CONFORMITY WITH THIS ORDINANCE**, ~~expansion or change in use~~, a site plan and supporting documentation shall be submitted to the Planning Commission for its review and approval.
- c. Applicability. All development or land use activities within the town shall require site plan review before being undertaken, except the following:
 - (4) Exterior alterations or additions to existing structures which would not increase the square footage **WHICH WOULD NOT OTHERWISE BE REQUIRED AS IF THE CONSTRUCTION OF A NEW DEVELOPMENT AND THE PROVISIONS OF THIS ORDINANCE ARE OTHERWISE MET IN THE OPINION OF THE ZONING INSPECTOR.** ~~of the existing structure by more than 500 square feet or have a cost value of less than \$10,000.00.~~
 - (10) Adequacy of **VIEWSHEDS TO THE SUSQUEHANNA RIVER**, open space for play areas, informal recreation and the retention of natural areas such as wildlife habitats, wetlands and wooded areas.
2. General Development Plan and Master Plans
 - b. General development plans shall be required as follows:
 - (1) A general development plans shall be required to permit ~~more than one principal structure and its accessory structures on a lot or parcel of land a~~ **MINOR OR MAJOR SUBDIVISION WITHIN A SUBURBAN TRANSITION ZONING DISTRICT.**
 - (2) A general development plan shall be required for development in the **-B & I-, WATERFRONT MIXED USE, OR EMPLOYMENT MIXED USE DISTRICT.**

Section 45. Applications To Be Complete

4. The presumption established by this Ordinance is that all of the information set forth in the Appendix A is necessary to satisfy the requirements of this section. However, it is recognized that each development is unique, and therefore the permit-issuing authority may allow less information or require more information to be submitted according to the needs of the particular case. For applications submitted to the ~~Board of Appeals~~ **PLANNING COMMISSION**, the applicant may rely in the first instance on the recommendations of the Zoning Inspector as to whether more or less information than that set forth in the Appendix A should be submitted.

Section 52. Amendments to and Modifications of Permits

1. Insignificant deviations from the permit (including approved plans) ~~issued by the Board of Appeals or the Zoning Inspector~~ are permissible and the Zoning Inspector may authorize such insignificant deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, the environment or those intended to occupy or use the proposed development.

Section 53. Reconsideration of Board Action

1. Whenever the ~~Board of Appeals~~ **PLANNING COMMISSION** disapproves an application for a special exception permit or a variance, on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the respective Board for a period of not less than one year unless the applicant clearly demonstrates that:
2. Notwithstanding Subsection 1., the ~~Board of Appeals~~ **PLANNING COMMISSION** may at any time consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way from the one previously considered.

Section 60. Application for Special Exception

Such application for special exception shall be filed with and **ON A FORM PRESCRIBED BY** the Zoning Inspector or Town Administrator. ~~on a form prescribed by the Planning Commission.~~ The application shall be accompanied by the application fee, such plans and/or data as necessary, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed use will conform to the standards hereinafter set forth. Such application

ONCE DETERMINED COMPLETE BY THE Zoning Inspector, SHALL BE SUBMITTED to the Planning Commission **WITHIN 15 DAYS OF RECEIPT OF THE APPLICATION BY THE ZONING INSPECTOR.** ~~for recommendation to the Board of Appeals for review within 45 days of receipt of the application.~~ The **PLANNING COMMISSION or Board of Appeals** shall, within 60 days of receipt of application from the Zoning Inspector, render a decision on the application, **EXCEPT THAT THE APPLICANT MAY WAIVE THE 60-DAY LIMITATIONS FOR A TIME NOT TO EXCEED 60 ADDITIONAL DAYS AT HIS OR HER DISCRETION.**

Section 61. Hearing on Application

1. The ~~Board of Appeals~~ **PLANNING COMMISSION** shall hold a public hearing on each application for a special exception at such time and place as shall be established by the ~~Board of Appeals~~ **PLANNING COMMISSION**. The hearing shall be conducted and a record of such proceedings shall be preserved in such a manner as the ~~Board of Appeals~~ **PLANNING COMMISSION** shall, by rule, prescribe from time to time.

Section 62. RESERVED Authorization

~~For each application for a special exception, the Board of Appeals shall normally, within 90 days of receipt of the application, conduct its public hearing and report its findings and decisions, including the stipulations or additional conditions and guarantees deemed necessary for the protection of the public interest.~~

Section 63. Standards - General

No special exception ~~or variance~~ shall be approved by the ~~Board of Appeals~~ **PLANNING COMMISSION or Board of Appeals BEING SO DESIGNATED BY THIS ORDINANCE** unless such ~~Board~~ **PLANNING COMMISSION** shall find:

4. That adequate utilities, water, sewer or septic system, access roads, **INGRESS OR EGRESS FROM PUBLIC ROADS**, storm drainage and/or other necessary public facilities and improvements have been or are being provided.
- ~~5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.~~
7. Conditions and Guarantees. Prior to the granting of any special exception, the **PLANNING COMMISSION or Board of Appeals BEING SO DESIGNATED BY THIS ORDINANCE FOR DISPOSITION OF THE APPLICATION** ~~Board of Appeals~~ shall **MAY** stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Article XII. In all cases in which special exceptions are granted, the **PLANNING COMMISSION or Board of Appeals BEING SO DESIGNATED BY THIS ORDINANCE FOR DISPOSITION OF THE APPLICATION** ~~Board of Appeals~~ shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such proof shall **BE PROVIDED BY THE ZONING INSPECTOR** ~~be filed with the board~~ **WITHIN 30 DAYS OF REQUEST** ~~on or before March 15 of each year.~~ The first filing shall not be made unless and until at least 12 months have elapsed since the date of the grant of the special exception.

Section 64. Effect of Denial of a Special Exception

No application for a special exception (conditional use) which has been denied wholly or in part by the **PLANNING COMMISSION OR Board of Appeals** shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the **PLANNING COMMISSION OR BOARD OF APPEALS BEING SO DESIGNATED BY THIS ORDINANCE FOR DISPOSITION OF THE APPLICATION.**

Section 65. Complaints

Notice of complaints received by any representative of the Town concerning the operation of any special exceptions shall be transmitted promptly to the **ZONING INSPECTOR** ~~Board~~ which shall take appropriate action as provided by law. The complainant shall be notified of the action taken.

Section 66. Revocation

1. Failure to Comply with Conditions. Whenever ~~the Board~~ **PLANNING COMMISSION** shall find, in case of any permit heretofore or hereafter granted pursuant to the provisions of this Article that any of the terms, conditions, or restrictions upon which such permit was granted are not being complied with, the ~~PLANNING COMMISSION or Board of Appeals~~ **BEING SO DESIGNATED BY THIS ORDINANCE FOR DISPOSITION OF THE APPLICATION**, ~~Board is authorized~~ after due notice to all parties concerned and granting full opportunity for a public hearing, to suspend or revoke such permit or take other action as it deems necessary to ensure compliance. The Board is authorized to request and obtain investigations and reports as to compliance from such Town or state agencies or administrative officers as may be appropriate.
2. Abandonment, etc. Whenever the ~~Board~~ **PLANNING COMMISSION** shall determine that a special exception appears to have been abandoned, that an approved special exception is not initiated within one year after the date of approval, that its annual proof referred to above has not been filed within 45 days of its due date, or that all of the terms and conditions of its grant are not being complied with, the Zoning Inspector shall notify the ~~board~~ **PLANNING COMMISSION** and the Town attorney's office. Upon receipts of notice of such determination by the ~~Board~~ **PLANNING COMMISSION**, the ~~board~~ **PLANNING COMMISSION** shall issue an order to show cause why such special exception should not be revoked. Notice thereof shall be given to the party to whom the special exception has been granted and to all parties who would be entitled to receive notice of a new application for special exception concerning the property. The applicant shall have 60 days from the date of written notice of expiration to file an appeal of said notice.

Section 67. Standards for Specific Special Exceptions

Certain buildings, structures, and uses of land developed as special exceptions are of such substantially different character from other special exceptions that they require specific and additional standards to guide the decision of the ~~Board of Appeals~~ **PLANNING COMMISSION**. See Article XI for minimum standards for special exceptions.

ARTICLE V APPEALS, VARIANCES, INTERPRETATIONS

Section 71. Appeals

6. An appeal from any final order or decision of the ~~Planning Commission or~~ Board of Appeals shall be taken to the Circuit Court in the manner provided by law of Maryland and particularly Land Use Article of the Maryland Annotated Code. The appeal must be filed within 30 days after the date of the decision or order appealed.

Section 72. Variances

A VARIANCE IS A MODIFICATION ONLY OF DENSITY, BULK OR AREA REQUIREMENTS IN THE PORT DEPOSIT ZONING ORDINANCE WHERE SUCH MODIFICATIONS WILL NOT BE CONTRARY TO THE PUBLIC INTEREST AND WHERE OWING TO CONDITIONS PECULIAR TO THE PROPERTY, AND NOT THE RESULTS OF ANY ACTION TAKEN BY THE APPLICANT, A LITERAL ENFORCEMENT OF THE ORDINANCE WOULD RESULT IN UNNECESSARY HARDSHIP.

1. An application for a variance shall be submitted to the ~~Board of Appeals~~ **PLANNING COMMISSION** by filing a copy of the application with the Zoning Inspector in the Town office. Applications shall be handled in the same manner as applications for zoning permits and special exceptions in conformity with the provisions of Sections 45, 46, and 47. When the subject property or structure is located in the Critical Area, a copy of the application shall be provided to the Critical Area Commission.
2. A variance may be granted by the ~~Board of Appeals~~ **PLANNING COMMISSION** if it concludes that strict enforcement of the ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that:
3. The following provisions shall apply to requests for a variance in the Critical Area Overlay:
 - a. Applicability. The ~~Board of Appeals~~ **PLANNING COMMISSION** has established provisions where,

owing to special features of a site or other circumstances, implementation of its program or a literal enforcement of provisions within the program would result in unwarranted hardship to an applicant, a Critical Area Program variance may be obtained. In considering an application for a variance, the ~~Board of Appeals~~ **PLANNING COMMISSION** shall presume that the specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of Natural Resources Article, Title 8 Subtitle 18, COMAR Title 27, and the requirements for the Critical Area Program contained in this Ordinance. The provisions for granting such a variance shall include evidence submitted by the applicant that the following standards are met:

- b. Applications for a variance will be made in writing to the ~~Board of Appeals~~ **PLANNING COMMISSION** with a copy provided to the Critical Area Commission.
- c. Process. After hearing an application for a Critical Area variance, the ~~Board of Appeals~~ **PLANNING COMMISSION** shall make written findings reflecting analysis of each standard. The ~~Board of Appeals~~ **PLANNING COMMISSION** shall follow its established procedures for advertising and notification of affected land owners. The applicant has the burden of proof and the burden of persuasion to overcome the presumption of nonconformance established in paragraph (a) above. The Zoning Inspector shall notify the Critical Area Commission of the ~~Board's~~ **PLANNING COMMISSION'S** findings and decision to grant or deny the variance request.
- d. Findings. Based on competent and substantial evidence, the ~~Board of Appeals~~ **PLANNING COMMISSION** shall make written findings as to whether the applicant has overcome the presumption of nonconformance as established in paragraph (a) above. With due regard for the person's technical competence, and specialized knowledge, the written findings may be based on evidence introduced and testimony presented by:
- e. Conditions and Mitigation. The ~~Board of Appeals~~ **PLANNING COMMISSION** may impose conditions on the use or development of a property which is granted a variance as it may find reasonable to ensure that the spirit and intent of the Critical Area Program is maintained including, but not limited to the following:

Section 74. Requests to Be Heard Expediently

The Board of Appeals shall hear and decide all appeals, ~~variance requests~~, and requests for interpretations as ~~expeditiously as possible~~ **within 45 days of being filed with the Zoning Inspector**, consistent with the need to follow regularly established agenda procedures, provide notice in accordance with Article VI, and obtain the necessary information to make sound decisions.

ARTICLE VI HEARING PROCEDURES FOR APPEALS AND APPLICATIONS

Section 84. Written Decision

1. Any decision made by the Board of Appeals regarding an appeal ~~or variance or issuance or revocation of a special exception~~ shall be reduced to writing and served upon the applicant or appellant and all other persons who make a written request for a copy.

ARTICLE VIII NONCONFORMING SITUATIONS

Section 102. Change in Use of Property Where a Nonconforming Situation Exists

2. If the intended change in use is to a principal use that is permissible in the district where the property is located, and all of the other requirements of this ordinance applicable to that use can be complied with, permission to make the change must be obtained ~~in the same manner as permission to make the initial use of a vacant lot.~~ **FROM THE ZONING INSPECTOR**. Once conformity with this ordinance is achieved, the property may not revert to its nonconforming status.
4. If the intended change in use is to another principal use that is also nonconforming, then the change is permissible if the Planning Commission approves the change. ~~and the Zoning Inspector issues a zoning~~

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~~certificate authorizing the change.~~ The Zoning Inspector ~~may~~ **SHALL** issue the permit if the Planning Commission finds, in addition to other findings that may be required by this ordinance, that:

Section 105. Grandfathered

THE TOWN SHALL PERMIT THE CONTINUATION, BUT NOT NECESSARILY THE INTENSIFICATION OR EXPANSION, OF ANY USE IN EXISTENCE ON THE DATE OF PROGRAM APPROVAL MAY BE PERMITTED, UNLESS THE USE HAS BEEN ABANDONED FOR MORE THAN ONE YEAR OR IS OTHERWISE RESTRICTED BY EXISTING MUNICIPAL ORDINANCES. ~~The Town shall apply the standards of this Ordinance that exist at the time a zoning certificate, building, sign and other permits are issued and remain valid as per Article IV, Section 50 of this Ordinance.~~

ARTICLE IX ZONING DISTRICTS

Section 108. Districts Established

The incorporated area of the Town of Port Deposit shall be divided into (7) general zoning districts:

ST – SUBURBAN TRANSITION RESIDENTIAL DISTRICT

RM – HIGH DENSITY RESIDENTIAL -DISTRICT

~~MC – Marine Commercial~~

~~TR – Town Residential~~

~~MC – Marine Commercial~~

~~TR – Town Residential District~~

CCD – COMMUNITY CORE DISTRICT

WMU – WATERFRONT MIXED USE

EMU – EMPLOYMENT MIXED USE

B&I- Business & Industrial Employment District

OS – PARKS, RECREATION, AND OPEN SPACE

Section 109. General Districts Purpose

~~1. R-1 Single Family Residential District~~

~~The purpose of the R-1 Single Family Residential district is to provide for low density single-family residential development of town-scale character, together with such public buildings, schools, churches, public recreational facilities and accessory apartment uses, as may be necessary or are normally compatible with residential surroundings. The regulations are intended to provide for a pleasant, quiet, hazard-free residential environment permitting residential and related uses.~~

~~2. RM Single Family District~~

~~The purpose of the RM, Single Family District is similar to that of the R-1 that is to create and maintain stable residential neighborhoods. In addition, this district specifically provides for affordable housing alternatives, namely manufactured homes, in areas where the impact this type of housing on the historic character of the Town are minimized.~~

~~3. TR Town Residential District~~

~~The purpose of the TR, Town Residential District is to conserve the low-density, residential character of the Town, and preserve the integrity of existing neighborhoods, while providing for low impact neighborhood commercial uses and accessory apartments. Commercial uses, such as ground floor retail and small offices that are compatible in scale and support residential needs of the community are permitted and encouraged in the district.~~

~~4. R-2 Mixed-Use Residential~~

~~The purpose of the R-2, Mixed-Use Residential District is to provide for higher density residential development. Town homes, multi-family residences, and accessory apartments are encouraged in this district. Limited neighborhood commercial uses are permitted. The purpose of the Mixed-Use Residential district is to make the best use of existing infrastructure such as roads, water, and sewer.~~

~~5. Central Business District~~

~~The purpose of the Central Business District is to provide and maintain a concentration of retail and office development and redevelopment within the Central Business District of the Town with reduced off-street~~

parking requirements in recognition of the practical difficulty of providing off-street parking in the central business district, and in recognition of the collective responsibility to provide off-street parking for smaller establishments.

~~Development/redevelopment in this district shall be compatible with the existing historic, aesthetic, and pedestrian character of the downtown area in terms of scale and design. Upper-story residential uses and accessory apartments are also appropriate in this district in order to support ground-floor commercial uses in commercial structures.~~

~~It is the general intent of the Central Business District to:~~

~~a. Promote revitalization in the Central Business District by encouraging the re-use of existing historic structures and facilitating new development on vacant, bypassed and underutilized land where such development is found to be compatible with the existing neighborhood.~~

~~b. Encourage efficient use of land and public services.~~

~~c. Stimulate economic investment and development.~~

~~d. Provide developers and property owners flexibility so that they can achieve high quality design and develop infill projects that contribute to the Central Business District.~~

~~e. Maintain a high quality neighborhood compatible with the historic community environment.~~

~~f. Improve approval certainty for infill development by providing clear development standards.~~

~~g. Encourage compact development that is pedestrian-scaled.~~

~~The district standards encourage appropriate development of properties with design standards that promote compatible infill and redevelopment.~~

~~6. C-1 Town Commercial District~~

~~The purpose of the Town Commercial District is to provide areas with good access to main highways for development of commercial businesses and services serving the community and the region.~~

~~7. MC Marine Commercial District~~

~~The purpose of Maritime Commercial is to insure the orderly and efficient use of the waters and water oriented land use of the Town of Port Deposit, through the provision of a uniform method of regulating marinas and related water oriented commercial uses in order to minimize the adverse impacts of intensive water oriented land uses and concentrations of watercraft and vehicles on navigation, the environment and the health, safety and welfare of the general public. The district provides for such uses as marinas, piers, launching ramps, yacht clubs, dry and wet storage of seaworthy watercraft, service, sales and repairs of watercraft and accessories, waterfront residential uses, and waterfront commercial uses. It is also the intent of this district to maximize public waterfront access.~~

1. ST - SUBURBAN TRANSITION RESIDENTIAL DISTRICT

a. INTENT - THE INTENT OF THE SUBURBAN TRANSITION RESIDENTIAL DISTRICT IS TO PROVIDE OPPORTUNITIES FOR MEDIUM DENSITY GROWTH AND ACTS AS A TRANSITIONAL ZONE BETWEEN HIGHER DENSITY ZONES AND LOWER DENSITY ZONES. SCHOOLS, CHURCHES, AND PUBLIC FACILITIES ARE PERMITTED, AS MAY BE NECESSARY OF COMPATIBILITY WITH RESIDENTIAL SURROUNDINGS.

b. USES – SEE SECTION 175

c. DEVELOPMENT STANDARDS SEE SECTION 226

d. PARKING STANDARDS – SEE SECTION 271

2. RM – HIGH DENSITY RESIDENTIAL

a. INTENT - THE INTENT OF THE HIGH DENSITY RESIDENTIAL ZONE IS TO PROVIDE OPPORTUNITIES FOR HIGH DENSITY DEVELOPMENT WITH A MIX OF HOUSING TYPES INCLUDING SINGLE FAMILY, DUPLEX AND SEMI-DETACHED, TOWNHOUSE AND APARTMENTS. RESIDENTIAL DEVELOPMENTS SHOULD PROVIDE PEDESTRIAN AND BICYCLE LINKAGES BETWEEN ONE ANOTHER AND PROVIDE A WELL DESIGNED, COMPACT, PEDESTRIAN ORIENTED COMMUNITY WITH USABLE OPEN SPACE AND CONVENIENT TRAVEL CONNECTIONS BETWEEN ADJACENT AND NEARBY DEVELOPMENTS.

- b. **USES – SEE SECTION 175**
 - c. **DEVELOPMENT STANDARDS IN ADDITION TO SECTION 226, SEE SECTION 186**
 - d. **PARKING STANDARDS – SEE SECTION 271**
- 3. CCD - COMMUNITY CORE DISTRICT**
- a. **INTENT - THE INTENT OF THE COMMUNITY CORE DISTRICT IS TO PROVIDE AND MAINTAIN A CONCENTRATION OF COMMERCIAL ACTIVITY THAT STIMULATES ECONOMIC INVESTMENT AND DEVELOPMENT. THE COMMUNITY CORE DISTRICT PROMOTES REVITALIZATION BY ENCOURAGING THE RE-USE OF EXISTING HISTORIC STRUCTURES AND FACILITATING NEW DEVELOPMENT ON VACANT, BYPASSED AND UNDERUTILIZED LAND WHERE SUCH DEVELOPMENT IS FOUND TO BE COMPATIBLE WITH THE EXISTING NEIGHBORHOOD. DEVELOPMENT IN THIS DISTRICT SHALL BE COMPATIBLE WITH THE EXISTING HISTORIC, AESTHETIC, AND PEDESTRIAN CHARACTER OF THE DOWNTOWN AREA IN TERMS OF SCALE AND DESIGN.**
 - b. **USES – SEE SECTION 175**
 - c. **DEVELOPMENT STANDARDS – SEE SECTION 226**
 - d. **PARKING STANDARDS – SEE SECTION 271**
- 4. WMU - WATERFRONT MIXED USE**
- a. **INTENT - THE INTENT OF THE WATERFRONT MIXED USE DISTRICT IS TO PROVIDE SMALL SCALE RESIDENTIAL AND SMALL-SCALE COMMERCIAL USES; ALLOWING ADDITIONAL DEVELOPMENT WHILE RESTORING THE SCENIC SUSQUEHANNA VIEWSHED, AND ACCESS THERETO.**
 - b. **USES – SEE SECTION 175**
 - c. **DEVELOPMENT STANDARDS, In addition to the requirements of Section 226, a development in the Waterfront Mixed Use District shall provide:**
 - (1) **AN UNOBSTRUCTED VIEW CORRIDOR BETWEEN BUILDINGS OF NOT LESS THAN 60 40 FEET FROM MD 2272 TO THE SUSQUEHANNA RIVER.**
 - (2) **A PUBLIC WALKWAY (PAVED OR BOARDWALK) OF NOT LESS THAN ~~12~~ 10 FEET WIDE WHERE THE GROUND FLOOR IS COMMERCIAL AND NOT LESS THAN 6 FEET WIDE WHERE THE GROUND FLOOR IS RESIDENTIAL ALONG THE WATERFRONT AND BETWEEN BUILDINGS DEDICATED IN PERPETUAL EASEMENT TO THE TOWN.**
 - d. **PARKING STANDARDS – SEE SECTION 271**
- 5. EMU - Employment Mixed Use**
- a. **INTENT. THE INTENT OF THE EMPLOYMENT MIXED USE ZONE IS TO PROVIDE A LOCATION FOR OFFICE, COMMERCIAL, BUSINESS, INDUSTRIAL, AND RESIDENTIAL DEVELOPMENT ALONG MARYLAND ROUTE 275. THE EMU ZONE PROVIDES A FRAMEWORK FOR DEVELOPMENT TO OCCUR WHILE ALLOWING MAXIMUM FLEXIBILITY TO ACCOMMODATE ECONOMIC CHANGES IN THE MARKETPLACE.**
 - b. **USES – SEE SECTION 175**
 - c. **DEVELOPMENT STANDARDS – SEE SECTION 226**
 - d. **PARKING STANDARDS – SEE SECTION 271**
- 6. OS – PARKS, RECREATION AND OPEN SPACE**
- a. **INTENT - THE INTENT OF THE PARKS, RECREATION, AND OPEN SPACE ZONE IS TO ENCOURAGE THE PRESERVATION AND DEVELOPMENT OF OPEN SPACE AND RECREATIONAL RESOURCES THAT MEET THE NEEDS OF PORT DEPOSIT AND REFLECTS THE TOWN'S NATURAL AND HISTORIC QUALITIES, INCLUDING WATERFRONT CONNECTIONS.**
 - b. **USES – SEE SECTION 175**
 - c. **DEVELOPMENT STANDARDS – SEE SECTION 226**
 - d. **PARKING STANDARDS – SEE SECTION 271**

7. B & I Business and Industrial Employment District

- a. 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 COMMERCIAL** and 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~~ **PLANNING COMMISSION** process for uses which are consistent with the zone, but require extra review and scrutiny to determine their compatibility with 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.
- b. Performance Standards - If, in the opinion of the Zoning Inspector, 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 Inspector shall refer the proposed use to the ~~Board of Appeals~~ **PLANNING COMMISSION**. The ~~Board~~ **PLANNING COMMISSION** shall determine if any of these conditions would or would not be created by the proposed use. If the ~~Board~~ **PLANNING COMMISSION** 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~~ **PLANNING COMMISSION** 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.

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.~~

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.~~

- d. Uses Prohibited - The uses prohibited below include, but are not limited to:
(11) RECREATIONAL USES.

Part III Historic Overlay District

Section 116. Definitions

5. Historic OVERLAY District shall mean a significant concentration, linkage, or continuity of sites, structures, or objects united historically, architecturally, archeologically, or culturally by plan or physical development. A historic district shall include all property within its boundaries as defined and designated by the Mayor and Town Council. Historic District areas are shown on the official map series of Port Deposit **MEAN THAT AREA DESIGNATED BY THE TOWN COUNCIL AS MEETING THE REQUIREMENTS OF THIS CHAPTER.**

Section 126. RESERVED Adaptive Reuse and Conversion of Structures

~~The Board of Appeals may grant a special exception, adaptive reuse and conversion of use of a historic structure provided:~~

- ~~1. The structure proposed for an adaptive reuse or conversion of use is located in a historic district;~~
- ~~2. The proposed use of the structure is recommended for approval by the Planning Commission~~
- ~~3. It is shown that exterior changes to the site structure will be minimized; extensions or enlargement of any historic structure and accessory structures may not exceed 25 percent of the gross floor area of each individual building above that which existed at the time of the adoption of these regulations. Enlargements shall be designed in keeping with the character of the building;~~

- ~~4. Landscaping is in keeping with character of the building;~~
- ~~5. The site must have access to a public street or road;~~
- ~~6. The use is complimentary to the character of the structure; and~~
- ~~7. The number of dwellings shall not exceed the density permitted in the district which the structure is located.~~

Section 127. CHANGE OF USE

NO USE SHALL BE CHANGED TO A MORE INTENSIVE USE, EVEN IF THE CHANGE OF USE IS PERMITTED IN THE ZONING DISTRICT, WITHOUT REVIEW OF PROPOSED CHANGE BY THE PLANNING COMMISSION AND ISSUANCE OF A ZONING CERTIFICATE.

ARTICLE X PERMISSIBLE USES

Section 169. Use of the Designations P, PC, SE and SC in the Table of Permissible Uses

1. When used in connection with a particular use in the Table of Permissible Uses:
 - a. "P" - the letter "P" means that the use is permissible in the indicated zone with a zoning permit issued by the Zoning Inspector. ~~When used in connection with a particular use in the Table of Permissible Uses;~~
 - b. "PC" - the letters "PC" means that the use is permissible in the indicated zone with a zoning certificate issued by the Zoning Inspector provided the conditions stipulated in Article XI are met;
 - c. ~~"SC" - the letters "SC" mean the conditions of approval stipulated in Article XII for the proposed use must be met and a special exception permit must be obtained from the Board of Appeals;~~
 - d. "SE" - the letters "SE" mean a special exception permit must be obtained from the ~~Board of Appeals.~~ **PLANNING COMMISSION.**

Section 171. Permissible Uses and Specific Exclusions

1. No building or tract of land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or tract of land shall be located, with the exception of the following:
 - a. Uses lawfully existing on the effective date of this Ordinance.
 - b. Special exceptions ~~recommended~~ **APPROVED** by the Planning Commission ~~and approved by the Board of Appeals,~~ in accordance with the provisions of Article IV, Part II of this Ordinance.

Section 175. Table of Permissible Uses

SECTION	DESCRIPTION	ST	R-2 RM	GBD CCD	MC WMU	EMU	OS	B&I
	AGRICULTURAL USES							
	Agriculture						SE	SE
	Aquaculture						SE	P
	Land-Based Aquaculture							P
	Commercial Stables						SE	SE
	Farmers Market			P			P	
	Forestry							
193	Nursery, Commercial							SE
193	Greenhouse - on premise sales permitted							SE
187	Kennel, Commercial							SE
	RESIDENTIAL							
	Dwelling – Detached	P	P	P	P	P		
	Dwelling -- Manufactured (Mobile) Home --Double-wide	PC				P		
	Dwelling -- Manufactured Home --Single Wide Modular Home	P PC	P			P		
185	Dwelling - Townhouse	PC	PC	PC	PC	P		
	Dwelling – Duplex	P	P	P		P		
	Dwelling - Semi-Detached	P	P	P		P		
176	Accessory Dwelling Unit Dwelling Unit--Accessory Apartment	PC	PC	PC		P		
185a	Dwelling Unit - Multi-Family	PC	PC	PC	PC	PC		
184	Home Occupation	PC SE	PC SE	PC	PC SE	PC		
186	Special Design Standards		**					
	HOMES EMPHASIZING SPECIAL SERVICES, TREATMENT, OR SUPERVISION AND RESIDENTIAL ELDERLY CARE							
181	Group Homes, Halfway House, Assisted Living Facilities							SE
181	- less than 9 people							SE
181	- more than 9 but less than 16 people							SE
180	Child Day Care Center			SE	PC	SE		SE

SECTION	DESCRIPTION	ST	R-2 RM	GBD CCD	MC WMU	EMU	OS	B&I
180	Child Day Care Center, (Less than 9 children)				SE	S		
180	- Child Day Care Center, (More than 9 children)			SE	PG	SE		SE
180	Child Care Institution					SE		
	MISCELLANEOUS ROOMS FOR RENT SITUATIONS							
	Boarding House, Tourist homes	P	P	PC	P	PC		
179	Bed and breakfast, Country Inn	PC	PC	PC	P			
183	Hotel Motel, Inn, Apartment Hotel, Conference Center			PC	PC	PC		P
183	Motel				PC	PC		P
183	Conference Center			PC	PC	PC		P
182	Short-Term Rentals			PC	PC	PC		P
	INSTITUTIONAL	PC	PC	PC	PC	PC		
	Schools, Public	SE	SE	SE	SE	SE		
201	Educational Institutions, Private	PC	PC	PC	PC	PC		
	House of Worship	SE	SE	P	SE P	SE		
	Libraries, museums	SE	SE	SE	SE	SE		
202	Social, Fraternal Clubs and Lodges, Philanthropic Institutions	SE PC	SE PC	P	PC	PC		
206	Hospitals and Clinics, greater than 10,000 square feet							SE
189	Clinics, less than 10,000 square feet				PG	PC		SE
	Public buildings and structures of the cultural and administrative type	P	P	P	P	P		SE
	Rest homes and nursing homes and other institutions for human care and treatment of non-contagious diseases, Assisted Living Facilities	P	P			P		SE
207	Nursing care, intermediate care homes					P		SE
	Retirement housing complex/Continuing Care Retirement Facilities				SE PG	P		SE
	Veteran Cemetery							SE
	RECREATION, AMUSEMENT, ENTERTAINMENT							
	Indoor recreation Facilities			P	P			SE
	Theatre -- Indoor			P	P	P		SE
	Coliseums, Stadiums							SE

SECTION	DESCRIPTION	ST	R-2 RM	CBD CCD	MC WMU	EMU	OS	B&I
	Privately owned outdoor golf courses and country clubs, swimming or tennis clubs not constructed as part of some residential development							SE
203	Privately owned outdoor golf courses, and country clubs, private clubs and swimming or tennis clubs approved as part of some residential development				PC			SE
178	Camping and Recreational Vehicle Parking		PC				SE	SE
	Amusement Parks							SE
203	Golf Courses, Country Clubs and Private Clubs							SE
204	Golf Driving Range, not part of a golf course							SE
	Golf-Miniature				PC			SE
197	Swimming Pool, Commercial			SE	PC			SE
	PUBLIC AND SEMIPUBLIC FACILITIES							
	Fire Stations without assembly hall	P	P	P	P	P		P
	Fire Station with Assembly Hall	P	P	P	P	P		P
	Rescue squad, ambulance service	P	P	P	P	P		P
	Police Station	P	P	P	P	P		P
	Post Office Local	P	P	P	P	P		P
	Post Office Regional							P
	Helicopter Facilities							SE
	TRANSPORTATION							
	Train station			P	P	P		SE
	Bus Depot			P	P	P		SE
	Park and Ride Facilities			P	P	P		SE
	UTILITIES							
	Neighborhood Essential Service	P	P	P	P PC	P		P
	Electric power, gas transmission & telecommunications buildings and structures							SE P
208	Communication Tower, Antenna or Communications Tower Greater Than 50 Feet in Height and Associated Substation	SE	SE	SE	SE	SE		SE P

SECTION	DESCRIPTION	ST	R-2 RM	GBD CCD	MAG WMU	EMU	OS	B&I
209	Public Utilities, Public Utility Buildings and Structures	SE	SE	SE	SE	SE		SE P
210	Satellite Dish Antennas or Receive-only Earth Stations	PC	PC	PC	PC SE	PC		SE
	COMMERCIAL –SERVICE							
	Service establishments			P	P	P		
	Clothes cleaning establishments			P SE	PG	SE		PC
	Office Buildings			P	SE PG	P		P
190	Banks, Drive-In			PC	PC	P		
	Business services			P	P	P		
	Health Club			P	SE PG	P		P
192	Funeral Parlors, Undertaking Establishments, or Mortuaries			PC	PG	PC		
198	Adult Oriented Commercial Enterprises, Massage Parlors, Tattoo Shops, Etc.							SE
	COMMERCIAL - RETAIL AND WHOLESALE							
	Retail Establishments							
	Retail Establishments, less than 3,500 sf GFA			P	P	P		SE
	Retail Establishments, equal to or greater than 3,500 sf GFA			P SE	P SE	P		SE
	Alcoholic Beverage Sales/Liquor Stores			P	P	P		P
	Antique Shops			P	SE P			
	Wholesale sales and establishments							SE
196	Shopping Center				P	P		
	Restaurant, Standard			SE P	P	P		P
	Restaurant, Carry-out, Delivery			P	P	P		P
191	Restaurant, Drive-thru or fast food					P		P
	Tavern, Pub, Bar, dance hall, nightclub, cocktail lounge			P	P	P		P
195	Pet Shop			PC	PC	PC		
	MOTOR VEHICLE-RELATED SALES AND SERVICE OPERATIONS							
	Motor Vehicle Sales			SE		P		
188	Motor Vehicle Filling Station	PG SE	PG SE	PG SE		PC		PC

SECTION	DESCRIPTION	ST	R-2 RM	CBD CCD	MC WMU	EMU	OS	B&I
	Motor Vehicle Rental			SE		P		SE
	Motor Vehicle Repair and Maintenance			SE		P		SE
	Car Wash			SE		P		SE
	Commercial parking lot or facilities			P	PC	P		SE
	INDUSTRIAL							
	CARGO CONTAINER MAINTENANCE AND/OR STORAGE FACILITIES							
	Light Manufacturing							P
	Light Industry							P
	Winery		P					SE
	Warehouse							P
	Mini-Storage							SE
	Research and Development Facilities							P
	Data Center							P
	Cargo Container Maintenance & Storage Facility							P
	Truck Terminal							P
	Distribution Facility							P
	Micro Brewery			P	P G			P
	Micro Distillery			SE	SE PG			P
	Alternative Energy Production including Solar, Hydro, and Wind Energy							SE
194	MARINA, INCLUDING BOAT SALES AND REPAIR AND BOAT RENTAL							
194	Marinas and marina uses				SE PG			
	Wet storage and temporary docking of seaworthy craft or watercraft awaiting repairs at commercial piers, buoys or other similar facilities				SE PG			
	Rental of watercraft				SE PG			
	Maintenance and repairs of watercraft				PG			SE
	Launching ramps				SE PG			
	Yacht and sailing clubs				SE PG			

SECTION	DESCRIPTION	ST	R-2 RM	CBD CCD	MG WMU	EMU	OS	B&I
	Dry docks, marine railways, travel lifts, forklifts, hoists, water lifts and other similar facilities				PG			
	Covered storage of seaworthy watercraft and watercraft awaiting repairs				PG			
	Sales of watercraft, marine engines and watercraft trailers				PG			SE
	Marine fuel sales				PC			
	Sail making and sail repair				PG			SE
	Facilities for the manufacturing and storage of natural ice				PG			SE
	Covered facilities for wet storage of seaworthy watercraft				PG			
	Pile driving and marine construction operations				PG			
	Construction of watercraft less than 65 feet				PG			SE
	Outside storage related to the marina operation				SE PG			SE
199A	CANNABIS GROWER							SE
199B	CANNABIS PROCESSOR							SE
	CANNABIS INDEPENDENT TESTING LABORATORY							SE
199C	DISPENSARY							SE
199D	CANNABIS ON-SITE CONSUMPTION ESTABLISHMENT							SE
	MISCELLANEOUS USE							SE
	Accessory Structures and Uses customarily associated with principle uses	PC	PC	PC	PC	PC		P
213	Temporary buildings and structures	PC	PC	PC	PC	PC		P
211	Festivals, Events of Public Interest or Special Events, Occasional, Outdoor	PG SE	PG SE	PC	PC	PC	PC	
212	Storage of Recreational Vehicles, Detached Caps, Boats, and Boat Trailers	PG	PG	PG	PG	PG		PC

ARTICLE XI SUPPLEMENTARY USE REGULATIONS

Section 176. ~~Accessory Apartments~~ ACCESSORY DWELLING UNITS

~~Accessory Apartments~~ ACCESSORY DWELLING UNITS may be permitted in the ST, RM, AND CCD ZONES ~~R-1, R-M, R-2 and TR~~ PROVIDED THAT THE FOLLOWING CONDITIONS ARE MET:

1. The owner of the residential dwelling unit in which the ~~accessory apartment~~ ACCESSORY DWELLING UNIT is to be located shall occupy at least one of the dwelling units on the premises.
2. Only one ~~accessory apartment~~ ACCESSORY DWELLING UNIT is permitted on the lot.
3. Apartment size. The minimum floor area for an ~~accessory apartment~~ ACCESSORY DWELLING UNIT within a principal dwelling shall be 600 square feet but in no case shall it exceed 30 percent of the gross floor area of the dwelling in which it is located. For ~~accessory apartments~~ ACCESSORY DWELLING UNITS located in accessory buildings, the minimum floor area shall also be 600 square feet, there shall be no more than 2 bedrooms in the apartment and the apartment shall occupy less than 50 percent of the structure.
4. Exterior appearance. If an ~~accessory apartment~~ ACCESSORY DWELLING UNIT is located in the principal dwelling building, the entry to such unit and its design shall be such that, to the degree reasonably feasible, the appearance of the building will remain as a single-family residential structure and that no external entrance that faces a road or street will be added.
5. Off-street parking. Off-street parking shall be provided in accordance with the standards and requirements of Article XVI.
6. The owner is required to file for a Zoning Certificate with the Zoning Inspector and the Zoning Inspector must approve the Zoning Certificate for the ~~accessory apartment~~ ACCESSORY DWELLING UNIT in accordance with the conditions stated in 1-6 above.

Accessory ~~Apartment~~ dwelling units may be permitted in the ~~CBD CCD and C-1~~ Zone provided that:

1. The ~~accessory apartment~~ ACCESSORY DWELLING UNIT is located in the same building as the retail or service establishment.
2. The ~~accessory apartment~~ ACCESSORY DWELLING UNIT is not located on the street level.
3. A maximum of two (2) ~~accessory apartments~~ ACCESSORY DWELLING UNITS shall be permitted in the same building as the retail or service establishment.

Section 178. Camping and Recreational Vehicle Parking

Special Exception – Property in the B&I District and OS districts ~~must go through the Special Exception process~~ MAY BE APPROVED BY THE PLANNING COMMISSION for camping and recreational vehicle parking use if following conditions are met:

- ~~1. Property being considered for camping or recreational vehicle parking use in the R2 District must be a minimum of two (2) acres;~~
- ~~2. Camping and recreational vehicle parking use must be approved by the Planning Commission and the property owner issued a Zoning Certificate by the Town of Port Deposit;~~

Section 179. Bed and Breakfasts ~~and Country Inns~~

Bed and breakfasts ~~and country inns~~ may be permitted subject to the following standards:

SECTION 182. SHORT-TERM RENTALS ~~RESERVED~~

182A. SHORT-TERM RENTALS LICENSES, HOST REQUIREMENTS

182B. ISSUANCE AND RENEWAL OF LICENSES FOR HOSTS

182C. ENFORCEMENT AND PENALTIES

Section 183. Hotels, Motels, ~~Inns~~ CONFERENCE CENTERS

A hotel, motel, ~~inn, convention~~ CONFERENCE center, and similar businesses or institutions providing overnight accommodations may be permitted subject to the following conditions:

Section 184. Home Occupations

Home occupations are the accessory use of a residence involving the conduct of an art or profession, the offering of a service, the conduct of a business, or the production of handicrafts on a residential site. The use is incidental land secondary to the use of the dwelling for residential purposes, and shall not change the character of the residential use or adversely affect the uses permitted in the residential district of which it is a part. Home occupations within the context of the definition of home occupations provided in this Ordinance shall require a special exception from the ~~Board of Appeals~~ **PLANNING COMMISSION** subject to the following:

10. The home occupation shall not employ any nonresident employees **FOR GREATER THAN 40 HOURS PER MONTH.**
15. The following uses would not be appropriate as home occupations and shall not be permitted:
 - m. **ANY PROPOSED USE REGULATIONS BY THE MARYLAND CANNABIS ADMINISTRATION OR IS A DISPENSARY SHALL NOT BE CONSIDERED AS A HOME OCCUPATION AND IS SUBJECT TO THE DESIGN REGULATIONS FOR THE SPECIFIC USE DELINEATED IN THIS ORDINANCE.**

Section 185. Townhouse Dwellings

Townhouse Dwellings may be permitted in the ~~TR-ST AND CBD CCD ZONES~~ provided that:

Townhouse Dwellings may be permitted in the ~~R-2 RM and MC WMU~~ Zones provided that:

1. When more than one townhouse building is to be constructed, all townhouse buildings shall be separated by at least 25 feet, **UNLESS OTHERWISE PROVIDED FOR HEREIN.**

Section 185A. Multi-Family Dwellings

Multi-Family Dwellings may be permitted in the ~~R-2, MC RM, CCD, WMU, AND EMU~~ Zones provided that: A minimum of thirty (30) percent of the total tract area shall be maintained as open area.

SECTION 186 Special Design Standards – ~~R-2 MIXED-USE RESIDENTIAL~~ RM HIGH DENSITY RESIDENTIAL

Following requirements, standards and guidelines shall apply to existing parcels of record that are ten (10) acres or more and located in the **RM HIGH DENSITY RESIDENTIAL DISTRICT: ~~R-2 Mixed-Use Residential District.~~**

c. Residential Unit Mix

THE FOLLOWING RESIDENTIAL MIX STANDARDS SHALL APPLY:

- (1) **AT A MINIMUM, EACH DEVELOPMENT SHALL HAVE AT LEAST 3 UNIT TYPES; WITH NEITHER APARTMENTS NOR SINGLE FAMILY DWELLING UNITS EXCEEDING 50% OF THE TOTAL UNIT COUNT.**
- (2) **EACH PHASE OF A PROPOSED PROJECT SHALL HAVE AT LEAST 3 UNIT TYPES; WITH NEITHER APARTMENTS NOR SINGLE FAMILY DWELLING UNITS EXCEEDING 50% OF THE TOTAL UNIT COUNT.**
- (3) **THE PLANNING COMMISSION MAY VARY THIS PHASE REQUIREMENT IF SATISFIED THAT AT BUILD-OUT 3 OF 5 UNIT TYPES ARE INCLUDED IN THE OVERALL PROJECT AND THE OVERALL PROJECT.**

UNIT TYPE	MINIMUM PERCENTAGE	MAXIMUM PERCENTAGE
Detached Single Family Dwelling	50	80
Two Family Dwelling	10	40
Townhouse	5	40
Multi-family	5	40
Apartment	5	20

- ~~5. At a minimum each development shall have at least three (3) of the five (5) unit types. Each phase of a proposed project shall have at least three (3) of the five (5) unit types. The Planning Commission may vary this phase requirement if satisfied that at build-out three of five unit types are included in the overall project.~~

Section 194. Marinas & Other Permitted Uses - Marine Commercial WATERFRONT MIXED USE DISTRICT

Marinas and other permitted uses in the ~~Marine Commercial~~ Waterfront Mixed Use District shall be subject to the following:

- ~~1. Dry storage of seaworthy watercraft, watercraft awaiting repairs and licensed watercraft trailers is permitted provided lanes of sufficient width are maintained between watercraft to accommodate fire and emergency equipment, as required by the State Fire Marshal.~~
- ~~2. Covered dry storage of seaworthy watercraft may not exceed 10,000 square feet for a one (1) acre and may not exceed 10,000 square feet plus 7,500 square feet for each acre, or part of an acre, by which the site exceeds one (1) acre, for a site larger than one (1) acre. All dry storage shall be set back at least twenty-five (25) feet from side property lines. Outside storage is limited to fifty (50) percent of the total lot area.~~
1. ~~The minimum lot size for a new marina shall be one-half (½) acre above the mean high water line.~~ THE MINIMUM LOT SIZE FOR A NEW MARINA ABOVE THE MEAN HIGH WATER LINE SHALL BE ONE-HALF ACRE. Each lot shall have a minimum width at the waterfront of one hundred (100) feet. Lot width at the waterfront shall be measured along a straight line drawn between the points at which the side property lines intersect the mean high water line. In cases where a lot is bound on more than one side by water, separate waterfront widths for each side may be calculated, and their totals shall measure not less than one hundred (100) feet.

Section 198. Adult Oriented Commercial Enterprises, Massage Parlors, Etc.

~~Adult Oriented Commercial enterprises and services shall include the following:~~

- ~~1. Adult bookstores and/or adult entertainment centers~~
- ~~2. Escort Services and/or Escort Agencies~~
- ~~3. Tattoo Studios/Body Piercing Studios and/or Branding Studios~~
- ~~4. Pawnbrokers and/or Pawnshops~~
- ~~5. Palm Readers/Fortune Tellers and/or Soothsayer~~
- ~~6. Smoke Lounge, Smoking Shop or Smoke Shop~~
- ~~7. Gun Shop~~

Section 199A. ~~Reserved~~ CANNABIS GROWER

- 1. A CANNABIS GROWER FACILITY MAY BE PERMITTED AS A SPECIAL EXCEPTION IN THE B&I ZONE PROVIDED:**
 - a. THE MINIMUM SITE AREA SHALL BE TEN (10) ACRES.**
 - b. STRUCTURES ERECTED OR TO BE USED SHALL BE AT LEAST 100 FEET FROM ANY PROPERTY LINE**
 - c. THE CUMULATIVE TOTAL OF STRUCTURES IS LIMITED TO 300,000 SQUARE FEET.**
 - d. USES SHALL BE CONFINED TO A STRUCTURE.**
 - e. A MAJOR SITE PLAN MUST BE APPROVED BY THE DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES.**
 - f. A CANNABIS GROWING FACILITY MAY NOT BE LOCATED WITHIN A 1-MILE RADIUS OF ANOTHER CANNABIS GROWING FACILITY.**
 - g. ACCESS FROM AN ARTERIAL OR COLLECTOR ROAD IS PROHIBITED. ACCESS MUST BE FROM AN INTERNAL ROAD SERVICING THE B&I SITE**
 - h. OFF-STREET PARKING SHALL BE 100 FEET FROM ANY PROPERTY LINE**
 - i. A BUFFERYARD MEETING THE BUFFERYARD E STANDARD SHALL BE REQUIRED:**
 - (1) FROM ALL ROADS.**
 - (2) FROM CONTIGUOUS RESIDENTIAL USES OR ZONING DISTRICTS.**
 - j. A FACILITY THAT IS LICENSED AS BOTH A MEDICAL CANNABIS GROWER AND A MEDICAL CANNABIS PROCESSOR MAY BE CO-LOCATED IN THE SAME STRUCTURE.**
 - k. SIGNAGE**
 - 1. ONLY ONE ON-SITE SIGN LIMITED TO DISPLAYING THE FOLLOWING INFORMATION:**
 - (a) NAME OF BUSINESS; LOGOGRAM OF BUSINESS; AND BUSINESS' ADDRESS, HOURS OF OPERATION AND CONTACT INFORMATION. OTHER THAN THE FOREGOING INFORMATION, NO ADVERTISING FOR CANNABIS OR CANNABIS PRODUCTS SHALL BE DISPLAYED ON ANY SIGN IN A PUBLICLY VISIBLE LOCATION. THE ALLOWABLE TOTAL SIGN AREA OF THIS SIGN SHALL NOT EXCEED A MAXIMUM SIZE OF 100 SQUARE FEET.**
 - (1) THE MAXIMUM HEIGHT OF THE SIGN SHALL BE EIGHT (8) FEET AS MEASURED FROM WHERE THE SIGN MEETS THE GROUND.**
 - (2) ANY SIGN REQUIRED BY LAW OR REQUIRED OR RECOMMENDED BY A GOVERNMENT AGENCY OR UTILITY COMPANY, IS ALLOWED.**
 - (3) ANY SIGN OR SIGNS IDENTIFYING THAT THE PREMISES ARE PROTECTED BY A SECURITY**
 - (4) COMPANY IS ALLOWED, AND THE AGGREGATE AREA OF SUCH SIGNS IS LIMITED TO 3 SQUARE FEET.**
 - (6) ANY SIGN, INCLUDING TEMPORARY SIGNAGE, SHALL BE IN CONFORMANCE OF THESE PROVISIONS AND ARTICLE XIII BY THE 90TH DAY THESE PROVISIONS ARE EFFECTIVE.**
 - (7) A COPY OF THE LICENSE ISSUED BY THE MARYLAND CANNABIS ADMINISTRATION SHALL BE SUBMITTED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.**

SECTION 199B. CANNABIS PROCESSOR & CANNABIS INDEPENDENT TESTING LABORATORY

- 1. A CANNABIS PROCESSOR FACILITY MAY BE PERMITTED AS A SPECIAL EXCEPTION IN THE B&I ZONES PROVIDED:**
 - a. THE MINIMUM SITE AREA SHALL BE FIVE (5) ACRES.**
 - b. STRUCTURES ERECTED OR TO BE USED SHALL BE AT LEAST 100 FEET FROM ANY PROPERTY LINE**
 - c. THE CUMULATIVE TOTAL OF STRUCTURES IS LIMITED TO 50,000 SQUARE FEET.**
 - d. USES SHALL BE CONFINED TO A STRUCTURE.**
 - e. A MAJOR SITE PLAN MUST BE APPROVED BY THE DEPARTMENT OF LAND USE AND**

DEVELOPMENT SERVICES. FACILITIES SHALL BE LOCATED AT LEAST TWO THOUSAND, FIVE HUNDRED (2,500) FEET FROM ANOTHER CANNABIS PROCESSING FACILITY.

- f. ACCESS FROM AN ARTERIAL OR COLLECTOR ROAD IS PROHIBITED. ACCESS MUST BE FROM AN INTERNAL ROAD SERVICING THE B&I SITE.
- g. OFF-STREET PARKING SHALL BE 100 FEET FROM ANY PROPERTY LINE.
- h. A BUFFERYARD MEETING THE BUFFERYARD E STANDARD SHALL BE REQUIRED:
 - (1) FROM ALL ROADS.
 - (2) FROM CONTIGUOUS RESIDENTIAL USES OR ZONING DISTRICTS.

2. SIGNAGE

- a. ONLY ONE ON-SITE SIGN LIMITED TO DISPLAYING THE FOLLOWING INFORMATION: NAME OF BUSINESS; LOGOGRAM OF BUSINESS; AND BUSINESS' ADDRESS, HOURS OF OPERATION AND CONTACT INFORMATION. OTHER THAN THE FOREGOING INFORMATION, NO ADVERTISING FOR CANNABIS OR CANNABIS PRODUCTS SHALL BE DISPLAYED ON ANY SIGN IN A PUBLICLY VISIBLE LOCATION. THE ALLOWABLE TOTAL SIGN AREA OF THIS SIGN SHALL NOT EXCEED A MAXIMUM SIZE OF 64 SQUARE FEET
 - (1) THE MAXIMUM HEIGHT OF THE SIGN SHALL BE EIGHT (8) FEET AS MEASURED FROM WHERE THE SIGN MEETS THE GROUND.
 - (2) ANY SIGN REQUIRED BY LAW OR REQUIRED OR RECOMMENDED BY A GOVERNMENT AGENCY OR UTILITY COMPANY, IS ALLOWED.
 - (3) ANY SIGN OR SIGNS IDENTIFYING THAT THE PREMISES ARE PROTECTED BY A SECURITY COMPANY IS ALLOWED, AND THE AGGREGATE AREA OF SUCH SIGNS IS LIMITED TO 3 SQUARE FEET.
 - (4) ANY SIGN, INCLUDING TEMPORARY SIGNAGE, SHALL BE IN CONFORMANCE OF THESE PROVISIONS AND ARTICLE XIII BY THE 90TH DAY THESE PROVISIONS ARE EFFECTIVE.
- b. A COPY OF THE LICENSE ISSUED BY THE MARYLAND CANNABIS ADMINISTRATION SHALL BE SUBMITTED PRIOR TO ISSUANCE OF A BUILDING PERMIT.

SECTION 199C DISPENSARY

- 1. A DISPENSARY MAY BE PERMITTED AS A SPECIAL EXCEPTION IN THE B&I ZONE PROVIDED:
 - a. DISPENSARIES SHALL BE EQUALLY DISTRIBUTED AMONG THE COUNCILMANIC DISTRICTS. EACH DISTRICT SHALL HAVE AN EQUAL AMOUNT OF DISPENSARIES PRIOR TO THE ALLOWANCE OF AN ADDITIONAL NUMBER DISPENSARIES FOR EACH COUNCILMANIC DISTRICT.
 - b. THE MINIMUM SITE AREA SHALL BE ONE (1) ACRE.
 - c. THERE SHALL BE ONLY ONE STRUCTURE LOCATED ON SITE AND THE DISPENSARY SHALL BE THE ONLY USE WITHIN THE STRUCTURE. THE USE OF THE PROPERTY FOR MULTIPLE TENANTS OR USES IS PROHIBITED.
 - d. STRUCTURES ERECTED OR TO BE USED SHALL BE AT LEAST 75 FEET FROM ANY PROPERTY LINE.
 - e. THE STRUCTURE IS LIMITED TO 10,000 SQUARE FEET.
 - f. DISPENSARY USE SHALL BE CONFINED TO A STRUCTURE.
 - g. RESERVED AREAS OF WASTE STORAGE SHALL NOT BE GREATER THAN 200 SQUARE FEET IN A SELF-ENCLOSED AREA THAT SHALL BE SECURED FROM TAMPERING AND LOCKED WHEN NOT IN USE.
 - h. SPECIAL EXCEPTIONS FOR THIS USE MAY NOT EXCEED THREE YEARS, SUBJECT TO RENEWAL.
 - i. A MAJOR SITE PLAN MUST BE APPROVED BY THE DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES.
- 2. FACILITIES SHALL BE LOCATED:
 - a. AT LEAST ONE-THOUSAND FEET (1,000) FEET FROM A DWELLING, PLAYGROUND, RECREATION

CENTER, LIBRARY, PUBLIC PARK, PRE-EXISTING PRIMARY OR SECONDARY SCHOOL IN THE STATE, OR LICENSED DAY CARE CENTER OR REGISTERED FAMILY CHILD CARE HOME UNDER TITLE 9.5 OF MD. EDUCATION CODE ANN., OR ANY MUNICIPAL CORPORATE LIMITS.

- b. AT LEAST ONE THOUSAND FIVE HUNDRED FEET (1,500) FROM ANOTHER CANNABIS DISPENSARY
- c. THE DISTANCE REQUIREMENTS UNDER SUBPARAGRAPH A. DO NOT APPLY TO A DISPENSARY THAT WAS PROPERLY ZONED AND OPERATING PRIOR TO JULY 1, 2023 IN ACCORDANCE WITH MD. ALCOHOLIC BEVERAGES AND CANNABIS CODE ANN. §36-410 (D).
- d. ACCESS SHALL BE FROM AN ARTERIAL ROAD OR INTERNAL ROAD SERVICING THE B&I SITE.
- e. A BUFFERYARD MEETING THE BUFFERYARD D STANDARD SHALL BE REQUIRED:
 - (1) FROM ALL ROADS.
 - (2) FROM CONTIGUOUS RESIDENTIAL USES OR ZONING DISTRICTS.

3. SIGNAGE

- a. ONLY ONE ON-SITE SIGN LIMITED TO DISPLAYING THE FOLLOWING INFORMATION: NAME OF BUSINESS; LOGOGRAM OF BUSINESS; AND BUSINESS' ADDRESS, HOURS OF OPERATION AND CONTACT INFORMATION. OTHER THAN THE FOREGOING INFORMATION, NO ADVERTISING FOR CANNABIS OR CANNABIS PRODUCTS SHALL BE DISPLAYED ON ANY SIGN IN A PUBLICLY VISIBLE LOCATION. THE ALLOWABLE TOTAL SIGN AREA OF THIS SIGN SHALL NOT EXCEED A MAXIMUM SIZE OF 40 SQUARE FEET.
 - b. THE MAXIMUM HEIGHT OF THE SIGN SHALL BE EIGHT (8) FEET AS MEASURED FROM WHERE THE SIGN MEETS THE GROUND.
 - c. ANY SIGN REQUIRED BY LAW OR REQUIRED OR RECOMMENDED BY A GOVERNMENT AGENCY OR UTILITY COMPANY, IS ALLOWED.
 - d. ANY SIGN OR SIGNS IDENTIFYING THAT THE PREMISES ARE PROTECTED BY A SECURITY COMPANY IS ALLOWED, AND THE AGGREGATE AREA OF SUCH SIGNS IS LIMITED TO 3 SQUARE FEET.
 - e. ANY SIGN, INCLUDING TEMPORARY SIGNAGE, SHALL BE IN CONFORMANCE OF THESE PROVISIONS AND ARTICLE XIII BY THE 90TH DAY THESE PROVISIONS ARE EFFECTIVE.
 - f. PARKING SHALL BE AT LEAST 50 FEET FROM ANY PROPERTY LINE.
4. A COPY OF THE LICENSE ISSUED BY THE MARYLAND CANNABIS ADMINISTRATION SHALL BE SUBMITTED PRIOR TO ISSUANCE OF A BUILDING PERMIT.

SECTION 199DCANNABIS ON-SITE CONSUMPTION ESTABLISHMENT

A CANNABIS ON-SITE CONSUMPTION FACILITY IS PROHIBITED IN PORT DEPOSIT

Section 206. Hospitals, Clinics and Other Medical Treatment Facilities

Hospitals, clinics in excess of 10,000 square feet, and other medical treatment facilities may be permitted by special exception subject to the following:

- 1. A lot or parcel or tract of land to be used for a hospital or sanitarium building may be allowed, upon a finding by the ~~Board of Appeals~~ **PLANNING COMMISSION** such use will not constitute a nuisance because of noise, traffic, or number of people being cared for; that such use will not affect adversely the present character or future development of the surrounding residential community; and, if the lot, parcel, or tract of land on which the buildings to be used by such institution are located, conforms to the following minimum area, frontage, and setback requirements, off-street parking, green area requirements, and building height limit:
 - g. Building height limit as determined by the ~~Board of Appeals~~ **PLANNING COMMISSION**, but in no case more than 100 feet.

Section 209. Public Utility Buildings and Public Utility Structures

In any zone, a public utility building or public utility structure not otherwise permitted, including radio and television broadcasting stations and towers (but not including electric power transmission or distribution lines carrying in excess of 69,000 volts, may be permitted as a Special Exception by the ~~Board of Appeals~~ **PLANNING COMMISSION** provided:

Section 211. Occasional Festivals, Events of Public Interest or Special Events, Seasonal Business and/or Use

Occasional outdoor festivals, events of public interest, seasonal business use and/or special events, including, but not limited to horse shows, carnivals, dog shows, arts and crafts shows, music festivals, etc., and seasonal business or use may be permitted in ~~any district~~ **the ST, RM, CCD, EMU, WMU, AND OS DISTRICTS** provided:

3. Outdoor activities for public events and seasonal businesses and/or uses shall be located and conducted in a manner that shall not disturb adjacent property owners or land uses, or create excessive or offensive noise, fumes, odor, lighting, or trash, etc. All outdoor activities and operations shall end by 10:00 p.m., **EXCEPT IN THE OS ZONE WHERE THE ACTIVITIES MAY CONTINUE UNTIL 12:00 AM WITH THE APPROVAL OF THE TOWN ADMINISTRATOR.**
- ~~6. Vehicular access shall be derived only from an arterial or major collector.~~
8. Vehicular access shall be derived only from an arterial or major collector **UNLESS OTHERWISE APPROVED BY THE TOWN ADMINISTRATOR.**
10. If the permit application requests the Town to provide extraordinary services or equipment or it is otherwise determined that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the Town a fee sufficient to reimburse the Town for the costs of these services, **SUCH AMOUNT TO BE SET BY THE TOWN COUNCIL.** These requirements shall not apply if the event has been anticipated in the **TOWN'S** budget ~~process~~ and sufficient funds have been included in the budget to cover the costs incurred.

Section 212. Storage of Recreational Vehicles, Detached Caps, Boats and Boat Trailers

3. ~~Such vehicle may be stored on a specially marked parking area of a multi-family rental or condominium unit for residents only. Such areas must be screened from adjacent off-site uses as required by the Planning Commission.~~
3. A recreational vehicle may be parked on any portion of a residential or mixed commercial property for a period not more than ~~24~~ **48 CONSECUTIVE HOURS NOT MORE THAN ONCE PER MONTH.** ~~hours during loading or unloading only.~~

Section 226. Schedule of Zone Regulations

Districts	Minimum Lot Criteria				MINIMUM GROUND FLOOR AREA	Road Frontage (feet)	Minimum Yard Requirements (feet)			Max. Height		Density/ Intensity	Min. Open Space	Min. Tract Size
	Area (sq. ft.)	Per DU. (sq. ft.)	Width (feet) [1]	Depth (feet)			Front	Side [2]	Rear	Water side (feet) Max 3 stories	Cliff side (feet) Max 4 stories			
R-1 ST	9,000	9,000	50	100		50	[6]	0-5	3	35	55	4	0.20	na
Detached Dwelling	8,000	8,000	40	80	1,000	40	[6]	0-5	3	35	55	4	0.20	na
Semi-Detached Dwelling	8,000	4,000	50	100	800	50	[6]	0-5	3	35	55	4.5	0.20	
Duplex Dwelling	9,000	4,500	40	80	800	40	[6]	0-5	3	35	55	4.5	0.20	
Townhouse Dwelling	1,800	1,800	18	80	800		[6]	0-5	3	35	55	4.5	0.20	
R-2	9,000	9,000	50	100		50	[6]	0-5	3	35	55	4	0.20	na
RM														
Detached Dwelling	5,000	5,000	40	80	1,000	40	[6]	0-5	3	35	55	4.5	0.20	na
Semi-Detached Dwelling	8,000	4,000	50	100	800	50	[6]	0-5	3	35	55	4.5	0.20	
Duplex Dwelling	8,000	4,000	40	80	800	40	[6]	0-5	3	35	55	4.5	0.20	
Townhouse Dwelling	1,500	1,500	18	80	800		[6]	0-5	3	35	55	4.5	0.20	
Multi-Family Dwelling	8,000	na	50	100	800	50	[6]	0-5	3	35	55	6	0.30	
CBD CCD														
Residential														
Detached Dwelling	5,000	5,000	40	80	1,000	40	[6]	0-5	3	35	55	6	0.20	na
Semi-Detached Dwelling	8,000	4,000	50	100	800	50	[6]	0-5	3	35	55	6	0.20	
Duplex Dwelling	8,000	4,000	40	80	800	40	[6]	0-5	3	35	55	4.5	0.20	
Townhouse Dwelling	1,080	1,080	16	60	800		[6]	0-5	3	35	55	4.5	0.20	

Districts	Minimum Lot Criteria				GROUND FLOOR AREA / UNIT (Sq.ft)	Road Frontage (feet)	Minimum Yard Requirements (feet)			Max. Height		Density/ Intensity	Min.Op en Space	Min.Tract Size
	Area (sq. ft.)	Per DU. (sq. ft.)	Width (feet) [1]	Depth (feet)			Front	Side [2]	Rear	Water side (feet) Max 3 stories	Cliff side (feet) Max 4 stories			
Multi-Family Dwelling	8,000	na	50	100		50	[6]	0-5	3	42	na	18	0.30	(acres)
Non-residential C-1	na	na	na	na	na	na	[6]					na		na
Detached Dwelling	5,000	5,000	18	40		40	[6]	0-5	3	na	55	6	na	na
Non-residential	na	na	na	na	na	na						na		na
MAC WMU														
Residential														
Townhouse Dwelling	1,500	1,500	18	80	800		[6]	0-5	3	42	na	12	0.20	
Multi-Family Dwelling	8,000	na	50	100	800	50	[6]	0-5	3	42	na	18	0.30	
Non-residential	21,780	na	100		na		[6]			42	na	0		na
EMU														
Residential														
Dwelling Detached	8,000	8,000	40	80	1,000	40	[6]	0-5	3	35	55	4	0.20	na
Semi-Detached Dwelling	8,000	4,000	50	100	800	50	[6]	0-5	3	35	55	4.5	0.20	
Duplex Dwelling	9,000	4,500	40	80	800	40	[6]	0-5	3	35	55	4.5	0.20	
Townhouse Dwelling	1,800	1,800	18	80	800		[6]	0-5	3	35	55	4.5	0.20	
Multi-Family Dwelling	8,000	na	50	100	800	50	[6]	0-5	3	35	55	6	0.30	
Non-residential					na									
B&I	See Section 109. 8.													

Notes on Table:

- [1] Lot width measured at mean high water mark
- [2] Dimension for one side yard, two (2) required.
- [3] Water side properties are southeast and Cliff side properties are northeast of MD222/Main Street in the Historic District.
- [4] Maximum 3 stories on water side properties.

[5] Maximum 4 stories on cliff side properties

[6] See Section 219.2.b.

Definitions:

Open Space Ratio (OS) - The proportion of a site consisting of open space calculated using the gross site area.

Landscape Ratio (LSR) -The ratio derived by dividing the area of landscaped surface by the gross site area.

Floor Area Ratio (FAR) - An intensity measured as a ratio derived by dividing the total floor area of a building by the gross site area.

DU - Dwelling Unit

ARTICLE XV SIGNS

Section 247. Sign Permit Required

1. No person shall erect a sign ~~or billboard~~ within the Town and no person shall repair, alter, relocate or maintain any existing sign ~~or billboard~~ within the Town unless and until a permit for such sign ~~or billboard~~ has been issued by the Zoning Inspector.
- ~~3. No sign permit may be issued by the Zoning Inspector until a Certification of Appropriateness has been issued by the Historic Area Commission.~~

Section 250. Wall Signs

WALL SIGN - ANY SIGN NOT INCLUDING A MARQUEE SIGN OR NAMEPLATE SIGN ERECTED AGAINST THE WALL OF ANY BUILDING OR DISPLAYED WITH THE EXPOSED FACE THEREOF IN A PLANE PARALLEL TO THE PLANE OF THE WALL. WALL SIGNS SHALL INCLUDE ANY BUSINESS OR ADVERTISING MATTER PAINTED DIRECTLY UPON ANY WALL. FOR THE PURPOSES OF THIS ORDINANCE, THE DEFINITION OF WALL SIGN SHALL INCLUDE ANY SIGN ERECTED, CONSTRUCTED OR MAINTAINED UPON OR OVER THE ROOF OF ANY BUILDING PROVIDED THAT THE MAXIMUM HEIGHT OF THE SIGN SHALL NOT EXCEED THE HIGHEST POINT OF THE SUPPORTING ROOF.

2. No wall sign shall exceed **24 SQUARE FEET** in area and shall be safely and adequately attached to such buildings.

Section 252. BILLBOARD SIGNS

BILLBOARD SIGNS SHALL NOT BE PERMITTED.

Section 253. WINDOW SIGNS

SIGNS INSIDE WINDOWS AND DOORS WHICH ARE VISIBLE FROM ANY RIGHT-OF-WAY MAY NOT COVER MORE THAN 15% OF THE WINDOW OR DOOR AND MAY NOT INCLUDE ANY DIGITAL OR ELECTRONIC CHANGING DISPLAY.

Section 254. Sign Illumination and Illuminated Signs; Flashing Signs Prohibited

1. Goose neck reflectors and lights shall be permitted on ground signs, roof signs, wall signs, post signs and marquee signs; provided, that the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare on the street or adjacent property.
ILLUMINATION BY LED LIGHTING IS PROHIBITED.

Section 255. Off-Site or Off-Premises Signs

No off-site or off-premises sign, as defined by this Article, shall be erected within the Town for **ADVERTISING OFF-SITE AND OFF-PREMISES BUSINESSES, OR PROVIDE PUBLIC ANNOUNCEMENTS**, except upon property which has been zoned for such purpose.

Section 260. Miscellaneous Requirements

5. **NON-COMMERCIAL MURALS AND PUBLIC ART ARE NOT CLASSIFIED AS SIGNS AND THEREFORE DO NOT REQUIRE A SIGN PERMIT.**

Section 264. Permitted Signs

1. Signs permitted in the Residential Zones ~~R-1, RM, and R-2~~ ST, and RM ~~-2~~ shall be limited to the following:
2. ~~Sign permitted in the R-1, RM, and R-2 Districts are also permitted in the TR, CBD and C-1 districts.~~ **SIGNS PERMITTED IN THE R-1, ST AND R-2 RM DISTRICTS ARE ALSO PERMITTED IN THE CCD. THE FOLLOWING**

ON-SITE SIGNS ARE ALSO PERMITTED:

- ~~c. One indirectly lit flat sign, not projecting more than nine (9) inches from the side of a building. The sign area is not to exceed one (1) foot of area per linear foot of street frontage or sixty (60) square feet, whichever is less.~~
- c. ONE INDIRECTLY LIT WALL SIGN, NOT EXTENDING BEYOND THE BUILDING LINE MORE THAN EIGHTEEN (18) INCHES; EXCEPT, THAT IF THE SIGN IS ILLUMINATED THE LIGHT REFLECTORS MAY PROJECT SIX (6) FEET BEYOND THE BUILDING LINE AND NOT EXCEEDING 24 SQUARE FEET IN AREA AND SHALL BE SAFETY AND ADEQUATELY ATTACHED TO SUCH BUILDINGS.**
- 3. In the B&I Zone on-site signs are permitted pertaining to the businesses conducted on the property, in conformance with a Master Signage Plan approved by the Planning Commission.
- ~~2. In the B&I Zone off-site signs may be permitted as a Special Exception by the Board of Appeals provided:
 - ~~a. The off-site sign is approved by the Planning Commission as part of a Master Signage Plan;~~
 - ~~b. The sign is not nearer than one hundred (100') feet to any residentially zoned property;~~
 - ~~c. The sign is not closer than twenty five (25') feet to any property line;~~
 - ~~d. The sign is not illuminated;~~
 - ~~e. The sign does not arise above the roof level of any buildings surrounding it; and~~
 - ~~f. The sign is does not exceed one hundred (100) square feet in total size, which size shall include both the front and back of the message areas.~~~~

Section 265. Prohibited Signs

- 1. ANY BILLBOARD OR SIGN WHICH IS PORTRAYED INFORMATION WHICH DIRECTS ATTENTION TO A BUSINESS COMMODITY, SERVICE OR ENTERTAINMENT NOT NECESSARILY RELATED TO THE OTHER USES PERMITTED ON THE PREMISES UPON WHICH THE STRUCTURE IS LOCATED, INCLUDING ANY OFF-SITE/OFF-PREMISES ADVERTISING AND/OR ANY TYPE OF ANNOUNCEMENTS, NOT INCLUDING PAINTED WALLS. SIGNS CONTAINING GRAFFITI OR OBSCENITY
- 2. SIGNS CONTAINING GRAFFITI OR OBSCENITY
- 3. SIGN MESSAGES PAINTED DIRECTLY ONTO THE SURFACE OF A BUILDING OR STRUCTURE OTHER THAN A SIGN.
- 4. ANY DISCERNIBLE ADVERTISING FOR CANNABIS, CANNABIS PRODUCTS, OR CANNABIS APPURTENANCES IN A PUBLICLY VISIBLE LOCATION. SALES OF ACCESSORY ITEMS

Section 266. TEMPORARY SIGNS Banners, Pennants and Special Event Signs

ARTICLE XVII SCREENING, SHADING, FOREST CONSERVATION and ENVIRONMENTAL STANDARDS
Section 292. Tables of Required Bufferyards

REQUIRED BUFFERYARDS BETWEEN ADJACENT ZONING DISTRICTS								
	R-1	RM	R-2	TR ST	GDB CCD	C-1	MC WMU	B&I
R-1	--	B	B	--	B	C	E	
RM	B	B	C	B	B	C	E	E
R-2	B	C	--	B	B	C	E	
TR-ST	B	B	B	A	B	C	D	E
GDB-CCD	B	B	B	B	A	C	D	E
WMU		B		D	D		B	E

REQUIRED STREET BUFFERS	FUNCTIONAL CLASSIFICATION		
ZONING DISTRICTS	ARTERIAL	COLLECTOR	LOCAL
New Residential	D	C	B
Residential, built areas	na	na	na
New Commercial (C-1)	C	C	C

ARTICLE XVIII STORMWATER MANAGEMENT

Section 319. Purposes and Authority

RESCIND AND REPLACE WITH THE FOLLOWING:

1. THE PURPOSE OF THIS ORDINANCE IS TO PROTECT, MAINTAIN, AND ENHANCE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE BY ESTABLISHING MINIMUM REQUIREMENTS AND PROCEDURES TO CONTROL THE ADVERSE IMPACTS ASSOCIATED WITH INCREASED STORMWATER RUNOFF. PROPER MANAGEMENT OF STORMWATER RUNOFF WILL MINIMIZE DAMAGE TO PUBLIC AND PRIVATE PROPERTY, REDUCE THE EFFECTS OF DEVELOPMENT ON LAND AND STREAM CHANNEL EROSION, ASSIST IN THE ATTAINMENT AND MAINTENANCE OF WATER QUALITY STANDARDS, REDUCE LOCAL FLOODING, AND MAINTAIN AFTER DEVELOPMENT, AS MUCH AS POSSIBLE, THE PRE-DEVELOPMENT RUNOFF CHARACTERISTICS.
2. THE PROVISIONS OF THIS ORDINANCE PURSUANT TO THE ENVIRONMENT ARTICLE, ANNOTATE CODE OF MARYLAND, ARE ADOPTED UNDER THE AUTHORITY OF THE TOWN OF PORT DEPOSIT AND SHALL APPLY TO ALL DEVELOPMENT OCCURRING WITHIN THE INCORPORATED AREA OF PORT DEPOSIT. THE APPLICATION OF THIS ORDINANCE AND THE PROVISIONS EXPRESSED HEREIN SHALL BE THE MINIMUM STORMWATER MANAGEMENT REQUIREMENTS AND SHALL NOT BE DEEMED A LIMITATION OR REPEAL OF ANY OTHER POWERS GRANTED BY STATE STATUTE. THE TOWN OF PORT DEPOSIT OR ITS DESIGNATED REPRESENTATIVE SHALL BE RESPONSIBLE FOR THE COORDINATION AND ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE.
3. SCOPE-NO PERSON SHALL DEVELOP ANY LAND FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OR INSTITUTIONAL USES WITHOUT HAVING PROVIDED FOR APPROPRIATE STORMWATER MANAGEMENT MEASURES THAT CONTROL OR MANAGE RUNOFF FROM SUCH DEVELOPMENTS, EXCEPT AS PROVIDED WITHIN THIS SECTION.
4. EXCEPT AS OTHERWISE PROVIDED HEREIN, ALL MATTERS RELATING TO STORMWATER MANAGEMENT SHALL BE GOVERNED BY CHAPTER 325 OF THE CECIL COUNTY CODE
5. EXEMPTIONS-THE FOLLOWING CATEGORIES OF DEVELOPMENT AND DEVELOPMENT ACTIVITIES ARE

EXEMPTED FROM THE REQUIREMENTS OF PROVIDING STORMWATER MANAGEMENT. THIS DOES NOT EXEMPT THE DEVELOPER FROM PROVIDING AN ADEQUATE STORMWATER DRAINAGE SYSTEM OR MEETING THE REQUIREMENTS OF THE PORT DEPOSIT CRITICAL AREA PROGRAM AND ASSOCIATED ORDINANCES.

6. ALL AGRICULTURAL LAND MANAGEMENT PRACTICES RECOGNIZED BY THE CECIL COUNTY SOIL CONSERVATION DISTRICT AND CONSISTENT WITH THE PORT DEPOSIT CRITICAL AREA PROGRAM IN THE CRITICAL AREA OVERLAY ZONE.
7. ALL DEVELOPMENTS INVOLVING NO MORE THAN 5,000 SQUARE FEET OF DISTURBED AREA AND NOT WITHIN THE BUFFER AREA OF THE CRITICAL AREA OVERLAY ZONE, SUBJECT TO THE PROVISIONS CONCERNING SUBSEQUENT ADDITIONS.
8. ADDITIONS OR MODIFICATIONS TO EXISTING SINGLE FAMILY DETACHED RESIDENTIAL STRUCTURES PROVIDED THEY ARE NOT LOCATED WITHIN THE BUFFER AREA OF THE CRITICAL AREA OVERLAY ZONE.
9. LAND DEVELOPMENT ACTIVITIES, DETERMINED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, WILL BE REGULATED UNDER SPECIFIC STATE LAWS, WHICH PROVIDE FOR MANAGING STORMWATER RUNOFF, SUCH AS ROADS AND OTHER INFRASTRUCTURE.
10. RESIDENTIAL DEVELOPMENT LOCATED OUTSIDE THE COUNTY'S CRITICAL AREA OVERLAY ZONE CONSISTING OF SINGLE-FAMILY HOUSES, EACH ON A LOT OF 2 ACRES OR GREATER.
11. WAIVERS- AT THE RECOMMENDATION OF THE DEPARTMENT OF PUBLIC WORKS, THE PLANNING COMMISSION MAY GRANT A WAIVER OF THE STORMWATER MANAGEMENT REQUIREMENTS FOR INDIVIDUAL DEVELOPMENTS PROVIDED THAT A WRITTEN REQUEST IS SUBMITTED BY THE APPLICANT CONTAINING DESCRIPTIONS, DRAWINGS, AND ANY OTHER INFORMATION NECESSARY TO EVALUATE THE PROPOSED DEVELOPMENT. A SEPARATE WRITTEN WAIVER REQUEST SHALL BE DETERMINED IF THE APPLICANT CAN CONCLUSIVELY DEMONSTRATE THAT:
 - A. THE PROPOSED DEVELOPMENT WILL NOT GENERATE MORE THAN A 10% INCREASE IN THE TWO YEAR PRE-DEVELOPMENT PEAK DISCHARGE RATE AND WILL NOT CAUSE AN ADVERSE IMPACT ON THE RECEIVING WETLAND, WATERCOURSE, OR WATERBODY; OR
 - B. A SITE IS SURROUNDED COMPLETELY BY EXISTING DEVELOPED AREAS, WHICH ARE SERVED BY AN EXISTING NETWORK OF PUBLIC STORM DRAINAGE SYSTEMS OF ADEQUATE CAPACITY TO ACCOMMODATE RUNOFF FROM THE ADDITIONAL DEVELOPMENT; OR
 - C. PROVISIONS THAT CONTROL DIRECT OUTFALL TO TIDEWATER ARE PROVIDED WHEN THE FIRST ½ INCH OF RAINFALL IS MANAGED ACCORDING TO INFILTRATION STANDARDS AND SPECIFICATIONS PROMULGATED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.
12. COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, AND MINOR SUBDIVISION RESIDENTIAL DEVELOPMENT (AS DEFINED IN THE PORT DEPOSIT SUBDIVISION REGULATIONS) OR A SINGLE FAMILY DWELLING, WHICH MEETS ALL THE FOLLOWING CRITERIA:
 - A. THE SITE IS ENTIRELY OUTSIDE THE CRITICAL AREA;
 - B. IMPERVIOUS SURFACES, INCLUDING GRAVEL ROADS AND PARKING LOTS, WILL NOT BE INCREASED BY MORE THAN 10,000 SQUARE FEET; AND TOTAL SITE IMPERVIOUSNESS AFTER DEVELOPMENT WILL NOT EXCEED 10%;
 - C. SITE DEVELOPMENT WILL INVOLVE THE CLEARING OF NO MORE THAN ONE ACRE OF WOODED AREA;
 - D. RUNOFF FROM THE PROPOSED DEVELOPMENT WILL NOT CAUSE AN ADVERSE IMPACT ON ADJACENT PROPERTIES, RECEIVING WETLAND, WATERCOURSE, OR WATER BODY.
13. HOWEVER, ANY DEVELOPER WITH A PROJECT LOCATED IN THE CRITICAL AREA RECEIVING A WAIVER OF ON- SITE STORMWATER MANAGEMENT QUANTITATIVE CONTROL SHALL NOT BE RELIEVED OF THE RESPONSIBILITY OF PROVIDING STORMWATER MANAGEMENT FOR QUALITATIVE CONTROL. IN

ORDER TO REDUCE OR ELIMINATE POLLUTANTS FROM THE FIRST FLUSH RUNOFF EVENT, THE DEVELOPER SHALL DEMONSTRATE THAT SUCH REQUIRED MEASURES WILL BE PROVIDED. IF THE PROPOSED DEVELOPMENT ACTIVITY IS LOCATED IN THE INTENSELY DEVELOPED AREA OF THE CRITICAL AREA OVERLAY ZONE, THEN THE DEVELOPER MUST DEMONSTRATE THAT THE POLLUTANT LOADING FROM THE SITE WILL BE REDUCED BY 10%. HOWEVER, IF IT CAN BE DEMONSTRATED THAT TOPOGRAPHY PREVENTS RUNOFF FROM EITHER DIRECTLY OR INDIRECTLY ENTERING TIDAL WATERS, THEN THE 10% POLLUTION REDUCTION SHALL NOT BE REQUIRED.

14. THE PROCESS FOR DETERMINING THE POLLUTANT LOADING REDUCTION SHALL BE OUTLINED BY THE CRITICAL AREAS COMMISSION AND THE MARYLAND OFFICE OF ENVIRONMENTAL PROGRAMS IN, "A FRAMEWORK FOR EVALUATION OF COMPLIANCE WITH THE 10% RULE IN THE CRITICAL AREA," (APRIL, 1987) OR A COMPARABLE METHODOLOGY AS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS.
15. WAIVER OF THE REQUIREMENTS OF THIS SECTION DO NOT RELIEVE THE DEVELOPER OF THE GENERAL OBLIGATION TO MANAGE AND MITIGATE STORMWATER MANAGEMENT. A WAIVER APPROVED BY THE PLANNING COMMISSION MUST INCLUDE A PLAN TO BE IMPLEMENTED BY THE DEVELOPER PRIOR TO THE ISSUANCE OF A CERTIFICATION OF OCCUPANCY THAT:
 - a. IS LOCATED WITHIN THE TOWN OF PORT DEPOSIT;
 - b. TREATS NOT LESS THAN 150% OF THE STORMWATER QUALITY OR QUANTITY REQUIREMENTS OTHERWISE REQUIRED BY THIS ORDINANCE; AND
 - c. IS SUBJECT TO THE SAME INSPECTION AND MAINTENANCE REQUIREMENTS AS IF THE STORMWATER MANAGEMENT BEEN PROVIDED; OR,
 - d. PROVIDES A FEE-IN-LIEU PAYMENT TO THE TOWN FOR THE DESIGN, CONSTRUCTION, OR MAINTENANCE OF OTHER STORMWATER MANAGEMENT FACILITIES, STREAM RESTORATION PROJECTS, OR SIMILAR PROJECTS DETERMINED BY THE TOWN. UNLESS OTHERWISE SET BY RESOLUTION OF THE TOWN COUNCIL, THE FEE IN LIEU PAYMENT SHALL BE EQUAL TO 150% OF THAT SET BY CECIL COUNTY.
16. MONEY COLLECTED AS FEES IN LIEU UNDER THIS SUBSECTION SHALL BE DEPOSITED IN A SEPARATE ACCOUNT AND SHALL BE SPECIFIED TO BE USED ONLY TO FUND THE INVESTIGATION, DESIGN, CONSTRUCTION AND/OR MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES AND/OR FOR STREAM RESTORATION PROJECTS.

ADDED SUBDIVISION REGULATIONS TO THE ZONING ORDINANCE WITH THE FOLLOWING AMENDMENTS:

ARTICLE XX SUBDIVISION REGULATIONS

SECTION I GENERAL PROVISIONS.

Section 1-13 Appeals.

Any person aggrieved by the action of the Planning Commission pursuant to this Ordinance may appeal directly to ~~the Circuit Court of Cecil County.~~ **THE BOARD OF APPEALS.**

Section 1-14 Amendments.

3. Upon receipt of the recommendation of the Planning Commission, the Town Council shall hold a public hearing. ~~Notice of the hearing shall comply with the requirements of Article 25, Section 3(r), Annotated Code of Maryland.~~

Section VII-1 Comprehensive Plan and Land Use Ordinances.

1. All subdivisions shall conform with the standards, intent and purpose of the Comprehensive Plan of the Town of Port Deposit and with the Town of Port Deposit's Floodplain, ~~Forest Conservation~~, and Zoning Ordinances; Subdivisions Regulations; and Critical Area Program.
2. **ALL SUBDIVISIONS SHALL CONFORM WITH THE STANDARDS, INTENT AND PURPOSE OF CECIL COUNTY'S FOREST CONSERVATION ORDINANCE.**

Section VII-8 Floodplain Development and Natural Resources Protection

4. New subdivisions shall be designed to comply with the tree and forested areas protection provisions of the current Maryland Forest Conservation Act and the ~~Town's~~ **COUNTY'S** Forest Conservation Ordinance.

Section VII-9 Critical Area Standards.

5. The Subdivider shall be required to identify stormwater management practices appropriate to site development which achieve the following standards:
 - ~~a. In areas designated as an Intensely Developed Area on the Town of Port Deposit Official Critical Area Map the Subdivider shall demonstrate that the best management practices for stormwater assure a ten (10%) percent reduction of pre-development pollutant loadings (see Stormwater Management Ordinance for computation methodology). If these practices do not reduce pollutant loadings by at least ten (10%) percent below the level of pollution on the site prior to development, then offsets as determined by the Planning Commission shall be provided that produce pollutant loadings equivalent to at least ten (10%) percent below the predevelopment levels;~~
- ~~(1) In LDA's and RCA's roads and utilities serving lots shall be located to avoid disturbance to Habitat Protection areas. When no alternative exists and such infrastructure must cross or be located in Habitat Protection Area the developer shall demonstrate how impacts to Habitats have been minimized and that no feasible alternative location for such infrastructure exists.~~
- ~~(2) In LDA's and RCA's all roads, bridges, lots or other development which cross or are located adjacent to tributary streams in the Critical Area shall:~~
 - ~~(a) Designed in a manner to prevent increases in flood frequency and severity.~~
 - ~~(b) Provide for the retention of natural streambed substrate.~~
 - ~~(c) Minimize adverse impacts to water quality and stormwater runoff.~~
 - ~~(d) Retain existing tree canopy in the Buffer adjacent to tributary streams.~~
- ~~(3) Lots and open space areas shall be located and designed to the extent practical to provide for maintenance of existing site wildlife and plant habitats and continuity with those on adjacent sites. Existing wildlife corridors shall be identified on proposed development plats. When wildlife corridors exist or are proposed they shall include any existing Habitat Protection Areas and connect large forested areas on or adjacent to the site.~~
- ~~(4) Impervious surfaces in subdivisions located in Limited Development Area (LDA) of the Town of Port Deposit Critical Area shall be limited in accordance with the provisions specified in the Town's Critical Area Program.~~
- ~~(5) Development on slopes greater than fifteen (15%) percent shall be prohibited unless such development is demonstrated to be the only effective way to maintain or improve slope stability.~~
- ~~(6) No clearing or grading is permitted in the Buffer except as provided in the Town's Critical Area Program.~~
- ~~(7) Land to be subdivided shall be designed and improved in reasonable conformity to existing topography, in order to minimize grading, cut and fill, and to retain, insofar as possible, the~~

~~natural contours, minimize stormwater run-off and conserve the natural cover and soil. No soil, sand or gravel shall be removed from any lots shown on any subdivision plat, except in accordance with the provisions of the approved Sediment Control Plan.~~

- ~~(8) Subdivision and development in the Town of Port Deposit Critical Area are encouraged to increase natural vegetation on the development site.~~
- ~~(9) Subdivisions located in Limited Development Areas (LDA's) and Resource Conservation Areas (RCA's) are required to meet the following minimum standards for forest and developed woodlands. Forest and developed woodlands as defined by the Town of Port Deposit Critical Area Program shall be created or protected in accordance with the following:~~

- ~~(1) When no forest exists on the site, at least fifteen (15%) percent of the gross site area shall be afforested. The location of the afforested area should be designed to reinforce protection to site habitats or provide~~

~~connections between forested areas when they are present on adjacent sites.~~

- ~~(2) When forests or developed woodland exists on the site and proposed development requires the cutting or clearing of trees, areas proposed for clearing shall be identified on the proposed development plan. The developer shall submit plans for development and areas to be cleared to the Maryland Resource Conservation Service for comments and recommendations and shall transmit comments to the Town of Port Deposit Planning and Zoning office. A grading permit shall be issued prior to any clearing or cutting associated with proposed development. In addition, cutting or clearing which is associated with development shall be subject to the following limits and replacement conditions:~~

- ~~(a) All forests cleared or developed shall be replaced on not less than an equal area basis either on the site or on another site approved by the Planning Commission except that if clearing on a fully forested lot is limited to a development pad of ten thousand (10,000) square feet or less and cleared areas are reforested to the extent possible, the forest shall be considered a developed woodland and no replacement required.~~
- ~~(b) No more than twenty (20%) percent of the forested or developed woodland within the site proposed for development may be removed (except as provided in (c) below) and the remaining eighty (80%) percent shall be maintained as forest cover through the use of appropriate instruments (e.g., recorded restrictive covenants). Removal of forest or developed woodland cover in the Buffer is prohibited.~~
- ~~(c) Clearing of forest or developed woodlands up to twenty (20%) percent shall be replaced on an area basis of one (1) to one (1). A developer may propose clearing up to thirty (30%) percent of the forest or development woodland on a site, but the trees removed in excess of twenty (20%) percent must be replaced at the rate of one and one half (1.5) times the amount removed either on the site or on another site approved by the Planning Commission.~~
- ~~(d) If more than thirty (30%) percent of the forest on a site is cleared, the forest is required to be replanted at three (3) times the total areal extent of the cleared forest.~~
- ~~(e) All reforestation and/or afforestation shall be included in a planting plan.~~
- ~~(f) Forest which have been cleared before obtaining a grading permit shall be replanted at three (3) times the areal extent of the cleared forest.~~

ARTICLE VII ADEQUATE FACILITIES.

Section VII-1 General.

- ~~(1) Unless specifically indicated otherwise, the provisions of this Article shall apply to all subdivisions and site plans.~~
- ~~(2) The Planning Commission shall review all subdivisions to determine whether existing or planned public facilities are adequate to serve the needs of the subdivision. If the Planning~~

~~Commission determines that public facilities are not adequate, it may deny Preliminary Plat approval or may condition the Preliminary Plat approval on a requirement that adequate public facilities be available prior to Final Plat approval.~~

- ~~(3) Public facilities which may be considered by the Planning Commission under this Article include, but shall not be limited to: roads, drainage, schools, police, fire and emergency services, solid waste collection and disposal, and water supply and sewerage.~~

~~Section VII-4 Schools~~

- ~~1. Schools serving the area in which the subdivision is located shall have adequate capacity to meet the educational needs of the residents of the subdivision.~~
- ~~2. The Cecil County Board of Education shall be consulted regarding the adequacy of school facilities.~~

~~Section VII-5 Police, Fire Protection and Emergency Services.~~

- ~~(1) Police, fire protection and emergency services and facilities for the area in which the subdivision is located shall be adequate to protect the lives and property of the residents of the subdivision.~~
- ~~(2) Where it deems necessary, the Planning Commission shall request an evaluation from the appropriate authority as to the adequacy of the fire protection and emergency services and facilities.~~

~~Section VII-6 Solid Waste.~~

- ~~(1) Solid waste collection facilities serving the area in which the subdivision is located shall be adequate to handle the additional waste generated by the residents of the subdivision.~~
- ~~(2) If solid waste collection facilities are determined to be inadequate, the Planning Commission may require the Subdivider to provide the necessary facilities, or to arrange for private collection services.~~

~~Section VII-7 Water Supply and Sewerage.~~

- ~~(1) Public water supply and sewerage services for the area in which the subdivision is located shall be adequate and available to handle the additional usage generated by the subdivision.~~
- ~~(2) Since public water supply and sewerage capacities are limited and difficult to expand, the Planning Commission shall allocate, existing excess capacities in accordance with the Town's policies, interests and priorities. The Planning Commission shall request an evaluation and recommendation from the appropriate authorities as to the adequacy and availability of public water and sewer services.~~