



**TOWN OF PORT DEPOSIT
PLANNING COMMISSION
RESOLUTION 05-2020**

**AMENDMENTS TO ARTICLE X, PERMISSIBLE USES, SECTION 175,
181, 198 AND 205 OF THE PORT DEPOSIT ZONING CODE**

**A RESOLUTION BY THE PORT DEPOSIT PLANNING COMMISSION
RECOMMENDING APPROVAL BY THE MAYOR AND COUNCIL OF PORT DEPOSIT
OF VARIOUS AMENDMENTS TO THE PORT DEPOSIT ZONING CODE**

WHEREAS, Article III, Section 22 of the Port Deposit Zoning Code permits the Port Deposit Planning Commission to review and make recommendations on amendments to the Port Deposit Zoning Code; and

WHEREAS, after giving required public notice in a newspaper of general circulation, the Planning Commission conducted a public hearing on May 28, 2020 to receive public comment related to the proposed amendments to the zoning code; and

WHEREAS, The Planning Commission after considering all comments received during public hearing process and the record of this matter, believes it is in the best interest of the Town of Port Deposit for the Mayor and Town Council of Port Deposit to adopt the proposed amendments to the zoning code.

NOW, THEREFORE BE IT RESOLVED THAT, the Port Deposit Planning Commission hereby recommends that the Mayor and Council of the Town of Port Deposit adopt the amendments to the zoning code as follows (amendments/additions – **red text** and deletions are ~~strike through text~~):

Section 175. Table of Permissible Uses

P – Permissible Use; PC – Permitted with Conditions as designated in Article XI; SC – Special Exception and meet conditions in Article XII; SE – Special Exception from BOA.

		ZONING DISTRICTS – SECTION 108									
SECTION	DESCRIPTION	R-1	RM	R-2	TR	CBD	C-1	MC	B&I		
	AGRICULTURAL USES										
	Agriculture										
	Commercial Stables						P				
	Forestry						P				
193	Nursery, Commercial										SE
193	Greenhouse - on premise sales permitted										SE
187	Kennel, Commercial										SE
	RESIDENTIAL										
	Dwelling – Detached	P	P	P	P	P	P	P			
	Dwelling - Manufactured Home - Double-wide		P								
	Dwelling - Manufactured Home - Single Wide		P								
185	Dwelling - Single-Family Attached			PC	PC	PC	PC	PC			
185	Dwelling – Duplex			PC	PC	PC	PC	PC			
185	Dwelling - Semi-Detached			PC	PC	PC	PC	PC			
176	Accessory Apartment within a principal dwelling	PC	PC	PC	PC	PC	PC	PC			
185	Dwelling - Multi-Family			P				PC			
185	Dwelling - Townhouse			P				PC			
185	Dwelling - Apartment			PC		PC		PC			
184	Home Occupation			SE	SE	SE	SE	SE	SE	SE	
185	Commercial Apartment (mixed use commercial and residential)					PC	PC	PC	PC	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

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		ZONING DISTRICTS – SECTION 108									
SECTION	DESCRIPTION	R-1	RM	R-2	TR	CBD	C-1	MC	B&I		
180	Child and Elderly Day Care Center						SE				
180	- Child or Elderly Day Care Center, Family (Less than 9 children) or elderly persons)						SE				
180	- Child or Elderly Day Care Center, (More than 9 children) or elderly persons)										SE
	Continuing Care Retirement Community (CCRC)										
	MISCELLANEOUS ROOMS FOR RENT SITUATIONS										
179	Boarding House, Tourist homes	P	P	P	P	P	P	P			
	Bed and breakfast, Country Inn	PC	PC	PC	PC	PC	PC	PC			
	Conference Center										
183	Hotel, Motel, Inn, Apartment Hotel, Conference Center					PC	PC	PC			SE
	INSTITUTIONAL										
	Schools, Public	SE	SE	SE	SE	SE	SE	SE			
201	Educational Institutions, Private	PC	PC	PC	PC	PC	PC	PC			
	House of Worship	SE	SE	SE	SE	SE	P	P			
	Libraries, museums	SE	SE	SE	SE	PC	PC	PC			
202	Social, Fraternal Clubs and Lodges, Philanthropic Institutions	SE	SE	SE	SE	P	P	P			
	Medical Facilities										SE
206	Hospitals and Clinics, greater than 10,000 square feet										SE
189	Clinics, less than 10,000 square feet										SE
	Public buildings and structures of the cultural and administrative type	P	P	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										SE
	Retirement housing complex/ Institutional Continuing Care Retirement Facilities										SE
	Veteran Cemetery										SE

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SECTION	DESCRIPTION	ZONING DISTRICTS – SECTION 108										
		R-1	RM	R-2	TR	CBD	C-1	MC	B&I			
	RECREATION, AMUSEMENT, ENTERTAINMENT											
	Indoor recreation Facilities					P	P	P				SE
	Theatre – Indoor					P	P	P				SE
	Coliseums, Stadiums											SE
	Privately owned outdoor golf courses and country clubs, swimming or tennis clubs not constructed as part of some residential development											SE
	Privately owned outdoor golf courses and country clubs swimming or tennis clubs approved as part of some residential development											SE
	Campgrounds, Recreational Vehicle Parks											SE
	Amusement Parks											SE
203	Golf Courses, Country Club											SE
204	Golf Driving Range, not part of a golf course											SE
	Golf-Miniature											SE
197	Swimming Pool, Commercial							SE				SE
205	Swimming Pool, Community											
	EMERGENCY SERVICES PUBLIC AND SEMI-PUBLIC FACILITIES											
	Fire Stations without assembly hall	P	P	P	P	P	P	P	P	P	P	P
	Fire Station with Assembly Hall	P	P	P	P	P	P	P	P	P	P	P
	Rescue squad, ambulance service	P	P	P	P	P	P	P	P	P	P	P
	Police Station	P	P	P	P	P	P	P	P	P	P	P
	PUBLIC AND SEMI-PUBLIC FACILITIES											
	Post office											
	Post Office Local											
	Post Office Regional	P	P	P	P	P	P	P	P	P	P	P
	Helicopter Facilities											SE

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		ZONING DISTRICTS – SECTION 108									
SECTION	DESCRIPTION	R-1	RM	R-2	TR	CBD	C-1	M	C	B&I	
	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 (water and wastewater)	P	P	P	P	P	P	P		P	
	Electric power, gas transmission & telecommunications buildings and structures									SE	
	Overhead Electric Power Transmission of >69,000										
208	Communication Tower, Antenna or Communications Tower Greater Than 50 Feet in Height and Associated Substation	SE	SE	SE	SE	SE	SE	SE		SE	
209	Public Utilities, Public Utility Buildings and Structures	SE	SE	SE	SE	SE	SE	SE		SE	
210	Satellite Dish Antennas or Receive-only Earth Stations	PC	PC	PC	PC	PC	PC	PC		SE	
	COMMERCIAL –SERVICE										
	Service establishments				P	P	P	P			
	Clothes cleaning establishments				SE	P	P	P			
	Office Buildings				P	P	P	P		P	
190	Banks, Drive-In					PC	PC	PC			
	Business services					P	P	P			
	Health Club					P	P	P			
192	Funeral Parlors, Undertaking Establishments, or Mortuaries					PC	PC	PC			
187	Animal Boarding Places, Kennel and Veterinary Hospitals				SE						
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	P			
	Retail Establishments, equal to or greater than 3,500 sf GFA				SE	P	P	P			

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ZONING DISTRICTS – SECTION 108									
SECTION	DESCRIPTION	R-1	RM	R-2	TR	CBD	C-1	M	B&I
	Alcoholic Beverage Sales/Liquor Stores					P	P	P	
	Antique Shops					P	P	P	
	Wholesale sales and establishments				PC		P		
196	Shopping Center						PC		
	Restaurant, Standard				SE	P	P	P	
	Restaurant, Carry-out, Delivery					P	P	P	
191	Restaurant, Drive-thru or fast food								
	Tavern, Pub, Bar, dance hall, nightclub, cocktail lounge					P	P	P	
195	Pet Shop					PC	PC		
198	Adult-Oriented Commercial Enterprises, Message Parlors, Tattoo Shops, Etc.								
	MOTOR VEHICLE-RELATED SALES AND SERVICE OPERATIONS								
	Motor Vehicle Sales						P		
188	Motor Vehicle Filling Station						P		
	Motor Vehicle Rental						P		
	Motor Vehicle Repair and Maintenance						P		
	Car Wash						P		
	Commercial parking lot or facilities					P	P	P	
	INDUSTRIAL								
	Light Manufacturing								P
	Light Industry								P
	Betting Facility								
	Winery			P			P		SE
	Warehouse								P
	Mini-Storage								SE
	Research and Development Facilities								P
	Data Center								P

Cargo Container Maintenance & Storage Facility										P
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ZONING DISTRICTS – SECTION 108										
SECTION	DESCRIPTION	R-1	RM	R-2	TR	CBD	C-1	M	C	B&I
	Truck Terminal									P
	Distribution Facility									P
	Recycling Facility									P
	Flexible Use									P
	Brewery									P
	Micro Brewery					P	P			
	Distillery					SE	SE			
	Micro Distillery					SE	SE			
194	MARINA, INCLUDING BOAT SALES AND REPAIR AND BOAT RENTAL									
194	Marinas and marina uses								PC	
	Wet storage and temporary docking of seaworthy craft or watercraft awaiting repairs at commercial piers, buoys or other similar facilities								PC	
	Rental of watercraft								PC	
	Maintenance and repairs of watercraft								PC	
	Launching ramps								PC	
	Yacht and sailing clubs								PC	
	Dry docks, marine railways, travel lifts, forklifts, hoists, water lifts and other similar facilities								PC	
	Covered storage of seaworthy watercraft and watercraft awaiting repairs								PC	
	Sales of watercraft, marine engines and watercraft trailers								PC	
	Marine fuel sales								PC	
	Sail making and sail repair								PC	
	Facilities for the manufacturing and storage of natural ice								PC	
	Covered facilities for wet storage of seaworthy watercraft								PC	

Section 181. Group Home, Halfway House, Assisted Living Facilities

A group home, halfway house or assisted living facility for less than 9 individuals may be permitted in the **B & I District** ~~BX District~~. A group home, halfway house or assisted living facility for more than 9 but less than 16 individuals may be permitted as a Special Exception by the Board of Appeals in the **B & I District** ~~BX district~~ subject to the following:

1. The facility must be licensed by the State of Maryland and complies with and continues to comply will all applicable Federal, State and local laws and regulations.
2. The facility shall comply with following minimum requirements unless Federal, State or County laws or regulations require a higher standard:
 - a. a minimum of 80 square feet of functional space shall be provided for single occupancy and 120 square feet for double occupancy rooms;
 - b. no more than two residents may share a room;
 - c. facilities previously licensed as domiciliary care homes must provide a minimum of 70 and 120 square feet for single and double occupancy, respectively;
 - d. buildings must provide at least one toilet for every four occupants and larger buildings must also have at least one toilet on each floor; and
 - e. showers/baths must be available for every eight occupants.
3. Facilities not complying with current State laws and regulations shall be found to be in violation of the terms of the special exception and shall cease to operate;
4. That such use will not constitute a nuisance because of noise, vehicle traffic or parking, number of residents, or any other type of physical activity;
5. That such use will not, when considered in combination with other existing group homes in the neighborhood, result in an excessive concentration of similar uses in the same general neighborhood of the proposed use; and
6. That the site to be used as a group residential facility for children provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for.
7. The Planning Commission may prescribe specific conditions determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.
8. The project shall be designed to provide a transition near the periphery of the site, either with open space areas and landscaping or by designing the buildings near the periphery to be harmonious in density and type with the surrounding neighborhood.

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
9. Bail Bondsman and Bail Bond Offices

An adult oriented enterprise(s) or service(s) may be permitted by the Board of Appeals as a Special Exception in the **B & I Employment District** ~~Bainbridge Mixed Use (BX) district~~ provided:

1. That no such establishment shall be located nearer than 1500 feet to any principal structure used as a hospital, house of worship or school;
2. That no such establishment shall be located nearer than 1,000 feet to any principal structure used as another Adult Bookstore, Adult Entertainment Center, Gun Shop, Escort Service, Escort Agency, Massage Parlor, Tattoo Studio, Body Piercing Studio, Branding Studio, Pawnbroker, Pawnshop, Palm Reader, Fortune-Teller and/or Soothsayer.
3. That no such establishment shall be located within 500 feet to any principal structure used as a residence.

Section 205. ——— Swimming Pools, Community

~~——— A community swimming pool may be permitted upon a finding that such use will not adversely affect the present character or future development of the surrounding residential community and that such use of land will conform to the following minimum requirements:~~

- ~~1. ——— The swimming pool, including the apron and any buildings, shall not at any point be closer than 75 feet to the nearest property line nor closer than 125 feet to any existing single family or two family dwelling, provided that where the lot upon which it is located abuts a railroad right of way, publicly owned land or land in a commercial or industrial zone such pool may be constructed not less than 25 feet at any point from such railroad right of way, publicly owned land, or commercial or industrial zone. Any buildings erected on the site of any such pool shall comply with the yard requirements of the zone in which the pool is located.~~
- ~~2. ——— A public water supply shall be available and shall be used for the pool. A private supply of water for the pool may be permitted if use of a private supply of water will not adversely affect the water supply of the community.~~
- ~~3. ——— When the lot on which any such pool is located abuts the rear or side lot line of, or is across the street from, any land in a residential zone, other than publicly owned land, a wall, fence, or shrubbery shall be erected or planted so as to substantially screen such pool from view from the nearest property of such land in a residential zone.~~
- ~~4. Special conditions deemed necessary to safeguard the general community interest and welfare, such as provisions for off street parking, additional fencing or planting or other landscaping, additional setback from property lines, location and arrangement of lighting and other reasonable requirements, including a showing of financial responsibility by the applicant, may be required by the Board as a requisite to the grant of a special exception.~~

Affirmative	<u> 3 </u>	Absent	<u> 2 </u>
Negative	<u> 0 </u>	Abstained	<u> 0 </u>

READ AND PASSED THIS 28th day of May, 2020.

ATTEST/WITNESS:

Vicky Rinkerman
Vicky Rinkerman, Town Administrator

PLANNING COMMISSION
Jeff Heck
Jeff Heck, Chair