



**TOWN OF PORT DEPOSIT  
ORDINANCE 2020-12**

**AMENDMENT TO ARTICLE XI SUPPLEMENTARY USE REGULATIONS, SECTION 176 ACCESSORY APARTMENTS, SECTION 185 RESIDENTIAL STRUCTURES – SINGLE FAMILY ATTACHED AND MULTIPLE UNITS AND NEW SECTION 185a MULTI-FAMILY DWELLINGS**

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

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

**WHEREAS**, the Port Deposit Planning Commission held an advertised public hearing on Thursday, October 22, 2020 for public comment on these amendments to multiple sections of the Zoning Code; and

**WHEREAS**, the Port Deposit Planning Commission recommended adoption of the proposed amendments to multiple sections of the Zoning Code to the Mayor and Council of the Town of Port Deposit; and

**WHEREAS**, the Mayor and Council of the Town of Port Deposit held an advertised public hearing on Tuesday, December 15, 2020 to receive public comment on the amendments to multiple sections of the Zoning Code.

**NOW, THEREFORE, BE IT HEREBY ORDAINED**, that the Council of the Town of Port Deposit hereby approves and adopts the amendment(s) to Article XI Supplementary Use Regulations, Sections 176 Accessory Apartments, Section 185 Residential Structures – Single Family Attached and Multiple Units and new Section 185a Multi-Family Dwellings as follows (revision/addition – red text and deletions ~~strikethrough text~~):

**ARTICLE XI SUPPLEMENTARY USE REGULATIONS**

~~Section 176. Accessory Apartments~~

~~An accessory apartment located within an existing residence or accessory residential structure may be permitted subject to the following conditions:~~

- ~~1. The owner of the residential dwelling unit in which the accessory apartment is to be located shall occupy at least one of the dwelling units on the premises.~~
- ~~2. An accessory apartment may be located either in the principal dwelling unit or in an accessory building.~~
- ~~3. Apartment size. The minimum floor area for an accessory apartment 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 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 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 in accordance with the conditions stated in 1-6 above.~~

## **Section 176. Accessory Apartments**

Accessory Apartments may be permitted in the R-1, R-M, R-2 and TR Zones provided that:

1. The owner of the residential dwelling unit in which the accessory apartment is to be located shall occupy at least one of the dwelling units on the premises.
2. Only one accessory apartment is permitted on the lot.
3. Apartment size. The minimum floor area for an accessory apartment 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 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 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 in accordance with the conditions stated in 1-6 above.

Accessory Apartment may be permitted in the CBD and C-1 Zones provided that:

1. The accessory apartment is located in the same building as the retail or service establishment.
2. The accessory apartment is not located on the street level.
3. A maximum of two (2) accessory apartments shall be permitted in the same building as the retail or service establishment.
4. Off-street parking shall be provided in accordance with the requirements of Article XVI.

~~Section 185. Residential Structures—Single Family Attached & Multiple Units~~

- ~~1. Townhouses may be permitted provided:
  - ~~a. When more than one single family attached or multi family building is built, no building shall be closer than 25 feet from any other building in the development.~~
  - ~~b. No single family attached or multi family structure shall be constructed at a distance less than twenty (20) feet from an adjoining property line.~~
  - ~~c. When more than one single family attached or multifamily building is constructed, external walkways shall be paved and lighted.~~
  - ~~d. Off street parking and loading spaces shall be provided in accordance with Article XVI.~~
  - ~~e. All areas not utilized for buildings, off street parking or off street loading facilities shall be landscaped and maintained in a suitable manner.~~
  - ~~f. Public water and sewage facilities must be available to serve the development.~~
  - ~~g. The number of dwelling units within the development on the site shall not exceed the maximum number of permitted dwelling units for the zone(s) in which the development is located.~~
  - ~~h. Both sides of rear yards may be screened with a privacy type fence or hedge of 6 feet maximum height and extending not less than fifteen (15) feet from the rear building wall and in the case of interior end units, shall not extend 3 feet forward of the rear building wall.~~
  - ~~i. A minimum of 20 percent of the site shall be maintained in common open space areas exclusive of front, side, or rear yards in a location~~~~

- ~~j. All areas not occupied by buildings, roads, parking areas, service areas, or other required or permitted uses, including open spaces and usable recreation areas shall be landscaped by lawns, trees, shrubs, gardens, or other suitable ground cover.~~
- ~~k. A landscaping plan and a schedule of planting shall be included with the site plan. Landscaping plans shall meet the requirements of the sediment control ordinance and other applicable regulations.~~
- ~~l. No more than six dwelling units shall be contained in a townhouse structure without a setback between structures as specified below.~~
- ~~m. For all single family attached or multi-family building(s) constructed, each building shall adhere to the front setback or build-to requirement of the district in which they (it) are located. Buildings over 2 stories shall observe an additional 5 feet setback for each story over 2 stories.~~
- ~~n. The minimum distance between any two unattached townhouse structures shall be 25 feet. Setback between buildings in Townhouse projects designed in a courtyard fashion may be approved on a case-by-case basis.~~
- ~~o. No townhouse structure shall be closer than 20 feet to any interior driveway or closer than 15 feet to any off-street parking area excluding garages built into an individual townhouse unit.~~
- ~~p. All structures shall comply with all Town, County and State Codes.~~
- ~~q. All public ways or other common facilities within a townhouse cluster shall be maintained by the property owners within the townhouse cluster. Maintenance provisions shall be established as set forth in Article XIII.~~
- ~~r. A public way intended for pedestrian circulation and fire protection shall be provided between abutting rear lot lines.~~
- ~~s. Off-street parking shall be provided in accordance with the provisions of Article XVI of this Ordinance.~~
- ~~Apartment and other multi-family residential units may be permitted provided:~~
  - ~~a. The density shall not exceed the maximum permitted density established for the Zoning District.~~
  - ~~b. A minimum of thirty (30) percent of the total tract area shall be maintained as open area. This required open area shall not be devoted to service driveways, off-street parking, or loading spaces. It is further provided that twenty (20) percent of the above-referenced open area be suitable for usable recreational space and each such recreational space shall be at least 50 feet in the least dimension with a minimum area of 5,000 square feet.~~
  - ~~c. All structures will comply with all Town, County and State codes.~~

- ~~d. All buildings and structures shall be set back from the right of way line of any public street or adjacent property lines taking into consideration existing setbacks in the vicinity of the site, light, air and visibility considerations. This setback shall be exclusively devoted to landscaping and open area and shall not be occupied by any building, structure, or off street parking area.~~
- ~~e. The minimum separation between any two residential structures or principal buildings on the same lot shall be sixteen (16) feet, or the minimum side yard setback for the District.~~
- ~~f. All lot area not occupied by principal and accessory structures, required off street parking and loading, access and circulation facilities, or other required areas shall be landscaped by lawns, trees, shrubs, ground cover, and other appropriate materials. Within the required setback areas, there shall be a landscaped bufferyard meeting Bufferyard Standard B in Article XVII and Appendix B.~~
- ~~g. Signs shall be permitted in accordance with the provisions of Article XV.~~
- ~~h. Off street parking shall be required for each use in accordance with the provisions of Article XVI.~~
- ~~3. Commercial apartments may be permitted in a commercial structure provided:
 
  - ~~— No apartment is situated at the street level and the street level or ground floor of the structure is designed for commercial purposes; and~~
  - ~~— All apartment units meet applicable building and livability codes; and~~
  - ~~— The structure does not exceed the residential height permissible in the Zone District.~~~~

## Section 185. Townhouse Dwellings

Townhouse Dwellings may be permitted in the CBD and TR Zones provided that:

- a. No more than four (4) dwelling units shall be contained in one townhouse building. (See Schedule of Zone Regulations for side-yard setback.)
- b. Off-street parking shall be provided in the rear of the townhouse units including access to garage units.
- c. A minimum of 20 percent of the site shall be maintained in common open space areas, exclusive of front, side or rear yards in a location approved by the Planning Commission.

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

- a. When more than one townhouse building is to be constructed, all townhouse buildings shall be separated by at least 25 feet.
- b. Townhouse buildings shall be setback at least 25 feet from adjoining property lines.

- c. A minimum of 20 percent of the site shall be maintained in common open space areas, exclusive of front, side or rear yards in a location approved by the Planning Commission.
- d. Sidewalks and other means of pedestrian access shall be located throughout the site as approved by the Planning Commission.

### **Section 185a. Multi-Family Dwellings**

Multi-Family Dwellings may be permitted in the R-2 and MC Zones provided that:

- a. A minimum of thirty (30) percent of the total tract area shall be maintained as open area. This required open area shall not be devoted to service driveways, off-street parking, or loading spaces. It is further provided that twenty (20) percent of the above-referenced open area be suitable for usable recreational space and each such recreational space shall be at least 50 feet in the least dimension with a minimum area of 5,000 square feet.
- b. All buildings and structures shall be set back from the right-of-way line of any public street or adjacent property lines taking into consideration existing setbacks in the vicinity of the site, light, air and visibility considerations. This setback shall be exclusively devoted to landscaping and open area and shall not be occupied by any building, structure, or off-street parking area.
- c. The minimum separation between any two residential structures or principal buildings on the same lot shall be sixteen (16) feet, or the minimum side yard setback for the District.
- d. All lot area not occupied by principal and accessory structures, required off-street parking and loading, access and circulation facilities, or other required areas shall be landscaped by lawns, trees, shrubs, ground cover, and other appropriate materials. Within the required setback areas, there shall be a landscaped bufferyard meeting Bufferyard Standard B in Article XVII and Appendix B.

**EFFECTIVE DATE**

Ordinance 2020-12 was adopted on the 5<sup>th</sup> day of January, 2021 and shall take effect on the 25<sup>th</sup> day of January, 2021 as per Article III, Section 309 of the Charter of the Town of Port Deposit, and shall be published at least once in a newspaper having general circulation within the Town of Port Deposit.

ADOPTED: January 5, 2021

EFFECTIVE DATE: January 25, 2021

**IN WITNESS WHEREOF**, we have set our hands and seals, and adopted Ordinance 2020-12 this 5<sup>th</sup> Day of January, 2021.

Affirmative 4

Absent 0

Negative 0

Abstained 0


**THE TOWN OF PORT DEPOSIT**  
By The Mayor and Town Council:

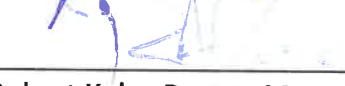
**ATTEST:**

  
\_\_\_\_\_  
Town Administrator

  
\_\_\_\_\_  
Christopher Broomell, Council

  
\_\_\_\_\_  
Kevin Brown, Council

  
\_\_\_\_\_  
Wayne L. Tome, Sr., Mayor

  
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Robert Kuhs, Deputy Mayor

  
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Thomas Knight, Council