TOWN OF PORT DEPOSIT
ORDINANCE 2020-05

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

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, May 28, 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, June 16, 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 adopts and approves the proposed amendments to multiple sections of the Port Deposit Zoning Code, as follows follows (amendments/additions – **red text** and deletions are ~~strikethrough 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						**P**		
	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	
185	Dwelling – Duplex			PC	PC	PC		PC	
185	Dwelling - Semi-Detached			PC	PC	PC		PC	
176	Accessory Apartment within a principal dwelling	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	P	P	SE	
185	Commercial Apartment (mixed use commercial and residential)					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								
	Boarding House, Tourist homes	P	P	P	P	P	P	P	
179	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	P	P	P	
	Libraries, museums	SE	SE	SE	PC	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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		ZONING DISTRICTS – SECTION 108							
SECTION	**DESCRIPTION**	**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**
	Fire Station with Assembly Hall	P	P	P	P	P	P	P	**P**
	Rescue squad, ambulance service	P	P	P	P	P	P	P	**P**
	Police Station	P	P	P	P	P	P	P	**P**
	~~**PUBLIC AND SEMI-PUBLIC FACILITIES**~~								
	~~Post office~~								
	Post Office Local	P	P	P	P	P	P	P	**P**
	Post Office Regional						P		**P**
	Helicopter Facilities								**SE**

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SECTION	**DESCRIPTION**	**R-1**	**RM**	**R-2**	**TR**	**CBD**	**C-1**	**MC**	**B&I**
	TRANSPORATION ~~ransportation~~								
	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	P	
	Health Club					P	P	P	
192	Funeral Parlors, Undertaking Establishments, or Mortuaries					PC	PC	PC	
1~~87~~	~~Animal Boarding Places, Kennel and Veterinary Hospitals~~			S~~E~~					
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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	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, Massage 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
	~~Bottling 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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SECTION	**DESCRIPTION**	**R-1**	**RM**	**R-2**	**TR**	**CBD**	**C-1**	**MC**	**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	
	Pile driving and marine construction operations							PC	
	Construction of watercraft less than 65 feet							PC	

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	Outside storage related to the marina operation							PC	
	MISCELLANEOUS USE								
	Accessory Structures and Uses customarily associated with principle uses	PC	PC	PC	PC	PC	PC	PC	**P**
213	Temporary buildings and structures	PC	PC	PC	PC	PC	PC	PC	**P**
211	Festivals, Events of Public Interest or Special Events, Occasional, Outdoor	PC	PC	PC	PC	PC	PC	PC	
212	Storage of Recreational Vehicles, Detached Caps, Boats, and Boat Trailers	PC	PC	PC	PC	PC	PC	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.~~

EFFECTIVE DATE

Ordinance 2020-05 was adopted on the 7th day of July, 2020 and shall take effect on the 27th day of July, 2020 as per Article III, Section 309 of the Charter of the Town of Port Deposit, and shall be published at least once in a newspaper having general circulation within the Town of Port Deposit.

ADOPTED: July 7, 2020

EFFECTIVE DATE: July 27, 2020

IN WITNESS WHEREOF, we have set our hands and seals, and adopted Ordinance 2020-05 this 7th Day of July, 2020.

Affirmative 4

Negative 0

Absent 0

Abstained 0

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

ATTEST:

Town Administrator

Wayne L. Tome, Sr., Mayor

Robert Kuhs, Deputy Mayor

Christopher Broomell, Council

Kevin Brown, Council

Thomas Knight, Council