



## **THE TOWN OF PORT DEPOSIT, MARYLAND**

### **ORDINANCE NO. 2024-01**

#### **COMPREHENSIVE REZONING AMENDMENTS TO THE PORT DEPOSIT ZONING ORDINANCE**

**AN ORDINANCE TO COMPREHENSIVELY AMEND THE ZONING ORDINANCE OF THE TOWN OF PORT DEPOSIT TO CONFORM WITH THE NEWLY ADOPTED 2023 COMPREHENSIVE PLAN.**

**WHEREAS**, in accordance with Section 18, *et seq.* of the Zoning Ordinance of the Town of Port Deposit, the Port Deposit Planning Commission ("the Commission") is charged with exercising all powers, functions, and duties provided for in Land Use Article ("LU"), Section 2-101, *et seq.*; and

**WHEREAS**, pursuant to LU, Section 3-101, *et seq.*, the Commission reviewed the existing Comprehensive Plan ("the Plan") and the Zoning Map ("the Map") for the Town of Port Deposit for the purpose of revising or amending the Plan or Map, as necessary; and

**WHEREAS**, the Commission, in accordance with its powers and duties conferred by law, following study of population growth, land use, roads, agriculture, the economy, water and sewage, open space, schools, and community facilities, as well as other additional elements of importance to the development of the Town and the general welfare of its citizens, held public hearings, duly advertised, on proposed revisions to the existing Plan and Map; and

**WHEREAS**, as a part of the Commission's work on the Comprehensive Plan, the Commission drafted and recommended the passage of a significant revision to the Town's Zoning Ordinance, that included the renaming of the zoning districts within the Town, revisions to the purposes of and types of uses permitted in each zone, and the redrawing of zoning district boundaries in the Town; and

**WHEREAS**, following such hearings, the Commission voted to recommend revisions and

amendments to the Plan and Map, and thereby the aforementioned changes to the Zoning Ordinance and zoning districts, and, in conjunction therewith, recommend the zoning classification for certain parcels of land as shown on the Map be changed to be consistent with the revised Plan; and

**WHEREAS**, the Mayor and Town Council of the Town of Port Deposit advertised and held public hearings to receive comments on the recommended changes to the Plan and to the Map as required by law; and

**WHEREAS**, on January 7, 2024, the Mayor and Town Council approved the adoption of the 2023 Comprehensive (“Master”) Plan to include the Comprehensive Plan proposed zoning of properties within the Town limits; and

**WHEREAS**, on March 5, 2024, the Town Council introduced this Ordinance No. 2024-1 providing for the significant revisions to the Town Zoning Ordinance and zoning districts as called for in the approved 2023 Comprehensive Plan, and also introduced Ordinance 2024-2 for the purpose of comprehensively and legislatively rezoning properties within the Town in conformity with the approved Comprehensive Plan and pursuant to LU, Section 4-204 and the Town Zoning Ordinance 334 referred both ordinances to the Planning Commission for recommendations; and

**WHEREAS**, on March 28, 2024, the Planning Commission took up Ordinances 2024-1 and 2024-2, upon due notice and notice by U.S. Mail to property owners whose properties are proposed to be rezoned, held and public hearing and, consistent with the approved 2023 Comprehensive Plan, recommended that both ordinances be enacted by the Council; and

**WHEREAS**, pursuant to LU, Sections 4-203(b) and 4-204(a), (b)(5), upon due notice as required therein and under the Town Code, as well as upon notice by U.S. Mail to the property owners whose properties are proposed to be rezoned, a public hearing was held by the Town Council on April 2, 2024 on both ordinances 2024-1 and 2024-2, with opportunity for public comment; and

**WHEREAS**, pursuant to LU, Section 4-204 and the Town Zoning Ordinance, Section 334b, in approving the 2023 Comprehensive Plan, and before enactment of this Ordinance 2024-2, the Town Council made findings with respect to population change, adequacy of public facilities, present and future transportation patterns, compatibility with existing and proposed

development for the area, the recommendations of the Planning Commission, relation to the Comprehensive Plan, fiscal impact upon Town government, and the suitability of the property in question to the uses permitted under the existing and proposed zoning classifications; and

**WHEREAS**, having considered the recommendations of the Commission, public comments and recommendations, including with opportunity for public comment by property owners whose properties are due to be rezoned, and input from other applicable governmental agencies (including but not limited to Cecil County) if applicable, the Council has determined it to be in the best interest of the citizens of the Town, and consistent with the Town's recently adopted 2023 Comprehensive Plan, pursuant to the Town Zoning Ordinance, Section 336, to adopt and enact the amendments to the Town's Zoning Ordinance set forth herein, consistent with the adopted 2023 Comprehensive Master Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF PORT DEPOSIT:**

Section One: The Town's Zoning Ordinance be and is hereby repealed and reenacted with amendments as summarized in the table attached hereto as Exhibit 1, and as specifically reflected in the mark ups attached hereto as Exhibit 2, with deleted provisions stricken out, and added new language in bold and capitalized.

**BE IT ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID**, that this Ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Introduced this 5<sup>th</sup> day of March, 2024.

Enacted this 2<sup>nd</sup> day of April, 2024 by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed.

Approved this 2<sup>nd</sup> day of April, 2024.

**ATTEST:**

\_\_\_\_\_  
Vicky Rinkerman, Town Administrator

\_\_\_\_\_  
Wayne Tome, Jr., Mayor

\_\_\_\_\_  
Kevin Brown, Deputy Mayor/Councilmember

\_\_\_\_\_  
Daniel Berlin, Councilmember

\_\_\_\_\_  
Tom Knight, Councilmember

\_\_\_\_\_  
Randa Thiele, Councilmember

**REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICENCY.**

This \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Thomas V. McCarron, Town Attorney