



**TOWN OF PORT DEPOSIT
ORDINANCE 2020-08**

**AMENDMENT TO THE PORT DEPOSIT ZONING CODE, ARTICLE XI SUPPLEMENTAL USE REGULATIONS,
SECTION 211 FESTIVALS, EVENTS OF PUBLIC INTEREST OR SPECIAL EVENTS, OCCASIONAL OUTDOOR**

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, August 27, 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, October 6, 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 amendment(s) to Article XI Supplemental Use Regulations, Section 211 Festivals, Events of Public Interest or Special Events, Occasional as follows (revision/addition – **red text** and deletions ~~strikethrough text~~):

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

Occasional outdoor festivals 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 provided:

1. The proposed site shall be of sufficient size to accommodate the use without adversely affecting adjacent land uses.

~~2. No temporary sanitary facility or trash receptacle may be located within 200 feet of an existing dwelling; no tent shall be located within 250 feet of an existing dwelling. For events with 200 or more people, separate recycling receptacles shall be provided as required in the Cecil County Recycling Plan.~~

~~3.~~ **2. A site plan or drawing to scale shall accompany the application for a public event or seasonal business and/or use that clearly shows the location of displays, trailers, tents, tables/chairs, stage, parking, etc., and shall accurately depict the standards of this section.**

~~4. Non-recurring festivals or events shall not exceed seven days in any 12 consecutive months.~~

~~5. Seasonal business uses shall not exceed a total of 90 days in any 12 consecutive months.~~

~~1.~~ **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 and 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. A maximum continuous sound level of 60 db and a maximum peak sound level of 75 db shall not be exceeded adjacent to land used for residential purposes, and operations shall cease not later than 11:30 PM.**

~~6.~~ **4. Activity areas shall be at least 500 feet from a residential district. Outdoor activities for public festivals and events, events of public interest, including temporary sanitary facilities and trash receptacles, may not be located within 50 feet of a residential district and shall not block an entrance or exit of an adjoining property.**

~~7.~~ **5. For events with 200 or more people, separate recycling receptacles shall be provided as required in the Cecil County Recycling Plan.**

6. Non-recurring festivals or events shall not exceed seven days in any 12 consecutive months.

7. Seasonal businesses or uses shall not exceed a maximum six (6) months per year.

8. Vehicular access shall be derived only from an arterial or major collector.

✓ 9. In cases where it is deemed necessary, the Mayor and Council may require the applicant to post a bond to ensure compliance with the conditions of the conditional-use permit.

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. These requirements shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

11. Applications for a festival or event in Marina Park that requires park amenities (boat launch, parking, fishing, playground, etc.) to be closed to the public shall be approved by the Mayor and Council.

~~11.12.~~ Applicant is solely responsible for compliance with all applicable provisions of applicable State, County and Municipal law required for the use permitted.

~~12.13.~~ Applications and permits issued pursuant to this Section are subject to terms and conditions printed on application and permit forms approved and adopted by the Mayor and Town Council from time to time by resolution.

EFFECTIVE DATE

Ordinance 2020-08 was adopted on the 6th day of October, 2020 and shall take effect on the 26th day of October, 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: _____ October 6, 2020 _____

EFFECTIVE DATE: _____ October 26, 2020 _____

IN WITNESS WHEREOF, we have set our hands and seals, and adopted Ordinance 2020-08 this 6th Day of October, 2020.

Affirmative _____

Absent _____

Negative _____

Abstained _____

THE TOWN OF PORT DEPOSIT

By The Mayor and Town Council:

ATTEST:

Town Administrator

Wayne L. Tome, Sr., Mayor

Christopher Broomell, Council

Robert Kuhs, Deputy Mayor

Kevin Brown, Council

Thomas Knight, Council