



**TOWN OF PORT DEPOSIT  
ORDINANCE 2021-04**

**A ORDINANCE TO ARTICLE XI SUPPLEMENTAL USE REGULATIONS, SECTION 211 OCCASIONAL FESTIVALS, EVENTS OF PUBLIC INTEREST OR SPECIAL EVENTS, SEASONAL BUSINESS AND/OR USE OF THE TOWN ZONING CODE TO ALLOW THE MAYOR AND TOWN COUNCIL TO IMPOSE ADDITIONAL CONDITIONS BY RESOLUTION ON THE ISSUANCE OF A PARTICULAR PERMIT FOR OCCASIONAL FESTIVALS, EVENTS OF PUBLIC INTEREST OR SPECIAL EVENTS, SEASONAL BUSINESS AND/OR USE.**

**WHEREAS**, Section 211 of the Town Zoning Code allows “[o]ccasional 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” upon the issuance of a permit subject to certain conditions set forth in Section 211; and

**WHEREAS**, this ordinance proposes to add a subsection to Section 211 that would give the Mayor and Town Council flexibility to address specific applications for a permit by authorizing the Mayor and Council to impose additional conditions to the issuance of specific Section 211 permits.

**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, April 22<sup>nd</sup>, 2021 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, May 4, 2021 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, Section 211 as follows (revision/addition – red text and deletions strikethrough text):

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. 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, stages, parking, etc., and shall accurately depict the standards of this section.
  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 or 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.
  4. 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.
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5. For events of 200 or more people, separate recycling receptacles shall be provided as required in the Cecil County Recycling Plan. Vehicular access shall be derived only from an arterial or major collector.
  6. Non-recurring festivals or events shall not exceed seven (7) days in any 12 consecutive months.
  7. Seasonal businesses or uses shall not exceed a maximum six (6) months per years.
  8. Vehicular access shall be derived only from an arteria 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.
12. Applicant is solely responsible for compliance with all applicable provisions of applicable State, County, and Municipal law required for the use permitted.
13. Applications and permits issued pursuant to this Section are subject to terms and conditions printed on applications and permit forms approved and adopted by the Mayor and Town Council from time to time by Resolution.
14. The Mayor and Council may by Resolution add other restrictions and conditions for seasonal permits as deemed necessary on a case-by-case basis.

#### **EFFECTIVE DATE**

Ordinance 2021-02 was introduced on the 4<sup>th</sup> day of May, 2021 and adopted on the 18<sup>th</sup> day of May, 2021 and shall take effect on the 7<sup>th</sup> day of June, 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.

INTRODUCED: April 20, 2021

PUBLIC HEARING: May 4, 2021

ADOPTED: May 18, 2021

EFFECTIVE DATE: June 7, 2021

**IN WITNESS WHEREOF**, we have set our hands and seals, and adopted Ordinance 2021-04 this 18<sup>th</sup> day of May, 2021.

Affirmative \_\_\_\_\_ Absent \_\_\_\_\_

Negative \_\_\_\_\_ Abstained \_\_\_\_\_

**ATTEST:**

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Town Administrator

**THE TOWN OF PORT DEPOSIT**

By The Mayor and Town Council:

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Robert Kuhs, Mayor

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Kevin Brown, Deputy Mayor

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Daniel Berlin, Council

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Thomas Knight, Council

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William Baron, Council