

AGENDA

WORCESTER COUNTY COMMISSIONERS

Due to the current COVID-19 pandemic, this meeting will be held virtually and can be publicly viewed online via live stream feed at - <https://worcestercountymd.swagit.com/live>

April 21, 2020

Item #

- | | | |
|-----------|--|-----|
| 9:00 AM - | Call to Order | |
| 9:01 - | Presentation of Proclamation Declaring April as Fair Housing Month in Worcester County | 1 |
| 9:05 - | Legislative Session - Introduction of Bill - (Natural Resources - Special Events in Resource Conservation Areas of the Atlantic Coastal Bays Critical Area) | 2 |
| 9:10 - | Vote to Meet In Closed Session | |
| 9:11 - | Closed Session: Discussion regarding hiring a Part-Time Temporary Parks Worker II for Recreation, Parks, Tourism and Economic Development; and performing administrative functions | A-B |
| 9:20 - | Adjourn after closed session | |

AGENDAS ARE SUBJECT TO CHANGE UNTIL THE TIME OF CONVENING



1

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
ROSCOE R. LESLIE
COUNTY ATTORNEY

COMMISSIONERS
JOSEPH M. MITRECIC, PRESIDENT
THEODORE J. ELDER, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
MADISON J. BUNTING, JR.
JAMES C. CHURCH
JOSHUA C. NORDSTROM
DIANA PURNELL

OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

PROCLAMATION

WHEREAS, Since the passage of the Fair Housing Act in 1968, April has been designated as National Fair Housing Month to educate renters, homebuyers, and the public at large that everyone has a right to buy a home, purchase homeowners' insurance, or rent an apartment free from discrimination, and renters with disabilities may request reasonable accommodations, such as a service dog or assigned parking closer to a unit, to use and enjoy their dwellings; and

WHEREAS, illegal barriers to equal opportunity in housing, no matter how subtle, diminish the rights of all; while open, welcoming communities are vibrant and provide residents of all backgrounds with access to quality schools, and increased opportunities for self sufficiency and economic growth; and

WHEREAS, National Fair Housing Month reminds us to adhere to the principal of freedom of choice in housing - to include equal terms and conditions, housing location options, and preference-free advertising - and it is a time to reacquaint ourselves with both our rights and responsibilities under the law.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland do hereby proclaim April as **Fair Housing Month** and endorse the practice and policy of fair housing.

Executed under the Seal of the County of Worcester, State of Maryland, this 21st day of April, in the Year of Our Lord Two Thousand and Twenty.

ATTEST:

FOR THE COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Joseph M. Mitrecic
President



Worcester County
Department of Environmental Programs

2
If Introduced
Bill 20-3 - public hearing
on May 19, 2020

Memorandum

To: Harold L. Higgins, Chief Administrative Officer

From: Robert J. Mitchell, LEHS 
Director, Environmental Programs

Subject: Text Amendment Application – Natural Resources Article, Atlantic Coastal Bays Critical Area
Permit Special Events in Resource Conservation Areas (RCA)

Date: April 13, 2020

The Department is in receipt of a text amendment application submitted by Mr. Mark Cropper seeking to amend the Natural Resources Article to add an additional land use within the Resource Conservation Area (RCA) of the Atlantic Coastal Bays Critical Area located at § NR 3-108. Specifically, the proposed amendment seeks to add an additional land use category, located at § NR 3-108 (d), by adding subsection (d) (10) to include the requested use. The amendment would also add an accompanying definition for Special Events to § NR 3-102 (a).

Mr. Cropper's original request was reviewed internally, and with staff at the Maryland Critical Areas Commission (CAC). We have made changes to the originally requested language which met the applicant's needs and satisfies the intentions and accordance of the RCA in providing this land use opportunity to property owners within this district category.

As indicated, in the attached memorandum from Jenelle Gerthoffer, Natural Resources Administrator, staff has reviewed the proposed amendment and completed a minor revision in communication with the applicant and the CAC.

The amendment is designed to provide for Special Events to be held on RCA properties within Estate, Agricultural, and Resource Protection zoning districts, provided that such uses are permitted by the terms of the Worcester County Zoning and Subdivision Control Article. Other restrictions would require that lot coverage pertaining to the special event occurs outside the buffer, that a scaled drawing of detailing the zoning site requirements must be submitted with the special exception application, that the scaled drawing must demonstrate how the special event use will

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minimize impacts to natural resources and protect the defined land uses in the RCA, that these activities will be in close proximity to existing structures and are accessory to the principal use of the property, that the use is limited to properties 25 acres or greater in size, that the special events, while not limited in number, shall be allowed only from April 1 to October 31 of the year, and provides that all lot coverage and proposed temporary structures associated with the special event must comply with the Habitat Protection Area requirements.

As noted in Ms. Gerthoffer's memorandum, the RCA is the most restrictive designation within the Critical Area program and is characterized by wetlands, forests, agricultural lands and various other nature dominated environments. The amendment allows a temporary use within this designation that affords visitors to these events the enjoyment and appreciation of the environment in an undeveloped setting.

As reviewed and renovated, Environmental Programs staff gives this amendment a favorable recommendation and finds that the text change is consistent with the intentions and harmony of the RCA while providing for this additional use within the designated RCA portions of Worcester County.

Attached you will find a copy of the entire application package and a draft paper copy of the proposed amendment in Bill form. An electronic version of the draft legislation has been transmitted to your office for your convenience should one of the County Commissioners wish to introduce the amendment at the upcoming legislative session on April 21, 2020. A draft advertisement has similarly been drafted for publication.

Both Ms. Gerthoffer and I will be available to discuss the proposal with you and the County Commissioners at your convenience. In the interim please do not hesitate to contact me should you have any questions or require additional information.

Attachments


cc: Roscoe Leslie
David Bradford
Jenelle Gerthoffer



Worcester County
Department of Environmental Programs
Natural Resources Division

Memorandum

To: Robert Mitchell, Director, Environmental Programs

From: Jenelle Gerthoffer, Natural Resources Administrator 

Subject: Text Amendment for Special Events in the RCA

Date: April 9, 2020

We have received a text amendment request from Mr. Mark Cropper of the law offices of Ayres, Jenkins, Gordy & Almand, P.A. which seeks to amend the Natural Resources Article of the Worcester County Code. The particular portion of the Article of which is the interest of the amendment, is specifically pertaining to the allowable land uses within the Resource Conservation Area (RCA) of the Atlantic Coastal Bays Critical Area located at § NR 3-108. This specific purpose of this amendment proposes to revise and add an additional land use category located at § NR 3-108 (d), Worcester County Code page NR 3: I: 31-32. In addition, a new definition is proposed to be added to § NR 3-102 (a), Worcester County Code page NR 3: I: 6-16.

A. Proposed revised text, addition, or deletion:

Add definition to § NR 3-102 (a) to read:

Special Events - Personal or business social engagements or other activities conducted on a farm where guests assemble for parties, wedding events, birthday or anniversary celebrations, children's parties, corporate and employee appreciation parties, or other similar events for compensation, during which food and beverages may be served to guests and music or other entertainment is allowed.

Add subsection (d)(10) to read:

“(10) Special events shall be permitted in the RCA in the Estate, Agricultural and Resource Protection zoning classifications, subject to the following additional standards:

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A. All lot coverage pertaining to the special events activities, including, but not limited to, temporary structures, temporary tents and otherwise must occur outside the buffer unless the lot coverage existed at the time of special exception application and the provisions of Section NR 3-107(c)(8)(A-D) shall still apply.

B. A scaled drawing of the site showing the location of the proposed structures and demonstrating the site requirements in Section ZS 1-203(c)(21) for special events, including any temporary structures, temporary tents and temporary parking spaces must be submitted with the special exception application. The scaled drawing must demonstrate how the special event use will minimize impacts to natural resources and protects the defined land uses in the RCA found in this chapter and must also depict the requirements listed under Section NR 3-109(d)(1).

c) Provisions pertaining to lot coverage and clearing limits in the RCA contained in this chapter apply to special event activities. Special event activities shall be in close proximity to existing structures and facilities on the property to minimize adverse impacts to natural resources and are accessory to the principal use of the property.

d) This use is limited to only properties that are 25 acres or greater in size and the special events shall be allowed only from April 1 – October 31 of the year, but there shall be no limit on the number of special events that are allowed during this time period.

e) All lot coverage and proposed temporary structures associated with the special event must comply with Habitat Protection Areas, per NR 3-120. This includes protection of the one hundred foot buffer, threatened and endangered species and species in need of conservation, plant and wildlife habitat protection area including non-tidal wetlands, and anadromous fish propagation waters.

B. Reasons as to why the text amendment or text change is necessary and therefore requested:

To permit Special Events within the Resource Conservation Areas located in the Atlantic Coastal Bays Critical Area. The applicant believes that Special Events in this area are supportive of the spirit and intent of the Resource Conservation Areas, and their location within these Resource Conservation Areas should be promoted.

As you are aware, the Resource Conservation Area (RCA) designation within the Critical Area program is the most restrictive and is characterized by wetlands, forests, agricultural lands and various other nature dominated environments. Development, redevelopment, and land use activities occurring within this designation shall take place in a manner to conserve, protect, and enhance ecological values of the Critical Area as well as maintain and support agriculture, forestry, aquaculture, and fishery activities.

Upon original receipt of this request, staff conducted a thorough review of the amendment as well as forwarding to the State Critical Area Commission (CAC) staff for preliminary review and comment. Upon receipt of CAC comments which recommended some minor language additions and modifications, staff has since worked diligently with the applicant to further tailor this request to arrive at an amicable amendment as to which version has been presently provided.

Staff gives a favorable recommendation to this current version of the text amendment as the temporary use is consistent with the intentions and harmony of the RCA while also allowing for the enjoyment and scenic appreciation of the environment by allowing the permitting of Special Events within this designation.

As per NR 3-110, proposals for all amendments and refinements, other than those for growth allocations, shall be reviewed and acted upon by the County Commissioners but shall first be referred to the Department for review and subsequent recommendation. It is important to mention that these types of amendments and refinements are not required to go before the Planning Commission prior to going to the County Commissioners. This amendment will require a minimum of one public hearing to be held as well as circulation of the proposed hearing time and location within local newspapers. Upon approval of the bill associated with this amendment, it will then be forwarded to the CAC for final determination and approval.

If you have any further questions please let me know. I will make myself available the day that this will be presented to the Commissioners in the event any questions are raised.

Attachments: Text Amendment Request dated January 21, 2020 from Mark Cropper, esquire.



Worcester County Commissioners
Worcester County Government Center
Once West Market Street, Room 1103
Snow Hill, MD 21863

Copy: Bob Mitchell
to process
FYI - Ed Tucker
Sally McMahon
Rosalee Leshiz

PETITION FOR AMENDMENT TO OFFICIAL TEXT
OF THE NATURAL RESOURCES ARTICLE

(Office Use Only - Please Do Not Write In This Space)

Date Received by Office of the County Commissioners: _____

Date Received by Department of Environmental Programs: _____

- I. Application – Proposals for any amendment or refinement to the Natural Resources Article may be made by any interested person who is a resident of Worcester County, a taxpayer therein, or by any governmental agency of the County. Check applicable status below.

A. Resident of Worcester County: _____X_____

B. Taxpayer of Worcester County: _____X_____

C. Governmental Agency: _____
(Name of Agency)

II. Proposed Change to Text of the Natural Resources Article.

A. Section Number: Land & Water Resources Article, Subtitle I, Atlantic Coastal Bays Critical Area, Sections NR 3-102 and NR 3-108(d)(10)

B. Page Number: NR 3:I:14 and NR 3:I:32

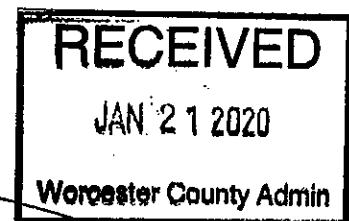
C. Proposed revised text, addition or deletion:
See attached Exhibit "A".

III. Reasons for Requesting Text Change.

A. Please list reasons or other information as to why the proposed text change is necessary and therefore requested:
See attached Exhibit "B".

IV. Signature of Applicants

Signature: _____



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Printed Name of Applicant:

Mark Spencer Cropper

Mailing Address: 6200 Coastal Highway, Suite 200, Ocean City, MD 21842

Phone Number: (410) 723-1400

Email: mcropper@ajgalaw.com

Date: January 17, 2020

V. Signature of Attorney

Signature: 

Printed Name of Attorney:

Mark Spencer Cropper

Mailing Address: 6200 Coastal Highway, Suite 200, Ocean City, MD 21842

Phone Number: (410) 723-1400

Email: mcropper@ajgalaw.com

Date: January 17, 2020

VI. General Information Relating to the Text Change Process.

A. Applications for text amendments or refinements shall be addressed to and filed with the Office of the County Commissioners. Applications shall only be accepted from January 1 to January 30 and July 1 to July 31 of each calendar year. The required filing fee must accompany the application.

B. Procedure for Text Amendments - All amendments other than requests for growth allocation shall be reviewed and acted upon by the County Commissioners but shall first be referred to the Department for review. The Department shall review the application in a reasonable period of time as determined by the County Commissioners and forward a report and recommendation to the County Commissioners. If after receipt of the Department's recommendation, no County Commissioner is willing to introduce the proposed amendment as a bill, it need not be considered. If one or more County Commissioners does introduce the proposed amendment as a bill, the County Commissioners shall hold at least one public hearing in relation to the proposed amendment, at which parties and interested citizens shall have an opportunity to be heard. At least fifteen days notice of the time and place of such hearing and the nature of the proposed amendment shall be published in an official paper or a paper of general circulation in the County in accordance with the provisions of § ZS 1-114 of the Worcester County Zoning Ordinance.

Exhibit "A"
ATTACHMENT TO PETITION FOR AMENDMENT OF OFFICIAL TEXT

LAND AND WATER RESOURCES ARTICLE, SUBTITLE I, ATLANTIC COASTAL BAYS CRITICAL AREA,
SECTION NR 3-102 shall include a definition of "Special Events" as "Personal or business social engagements or other activities conducted on a farm where guests assemble for parties, wedding events, birthday or anniversary celebrations, children's parties, corporate and employee appreciation parties, or other similar events for compensation, during which food and beverages may be served to guests and music or other entertainment is allowed.

LAND AND WATER RESOURCES ARTICLE, SUBTITLE I, ATLANTIC COASTAL BAYS CRITICAL AREA,
SECTION NR 3-108(D)(10), add the following as Section NR 3-108(d)(10),

(10) Special events shall be permitted in the RCA in the Estate, Agricultural and Resource Protection zoning classifications, subject to the following additional standards:

- a) All lot coverage pertaining to the special events activities, including, but not limited to, temporary structures, temporary tents and otherwise must occur outside the buffer unless the lot coverage existed at the time of special exception application and the provisions of Section NR 3-107(c)(8)(A-D) shall still apply.
- b) A scaled drawing of the site showing the location of the proposed structures and demonstrating the site requirements in Section ZS 1-203(c)(21) for special events, including any temporary structures, temporary tents and temporary parking spaces must be submitted with the special exception application. The scaled drawing must demonstrate how the special event use will minimize impacts to natural resources and protects the defined land uses in the RCA found in this chapter and must also depict the requirements listed under Section NR 3-109(d)(1).
- c) Provisions pertaining to lot coverage and clearing limits in the RCA contained in this chapter apply to special event activities. Special event activities shall be in close proximity to existing

structures and facilities on the property to minimize adverse impacts to natural resources and are accessory to the principal use of the property.

- d) This use is limited to only properties that are 25 acres or greater in size and the special events shall be allowed only from April 1 – October 31 of the year, but there shall be no limit on the number of special events that are allowed during this time period.
- e) All lot coverage and proposed temporary structures associated with the special event must comply with Habitat Protection Areas, per NR 3-120. This includes protection of the one hundred foot buffer, threatened and endangered species and species in need of conservation, plant and wildlife habitat protection area including non-tidal wetlands, and anadromous fish propagation waters.

caused by the development in excess of that which would have come from the site if it were in its predevelopment state.

- C. Stormwater management measures shall be consistent with the requirements of Environment Article 4-201 et seq., Annotated Code of Maryland, as may be amended from time to time.

§ NR 3-108. Resource Conservation Areas.

- (a) Description. Resource Conservation Areas are areas characterized by nature-dominated environments (including, but not limited to, wetlands, forests, abandoned fields) and resource-utilization activities (including, but not limited to, agriculture, forestry, fisheries activities or aquaculture). At the time of the initial mapping, these areas shall have at least one of the following features:
- (1) Existing density is less than one dwelling unit per five acres; or
 - (2) The dominant land use is in agriculture, wetland, forest, barren land, surface water and/or open space.
- (b) General requirements. In addition to the one-hundred-foot buffer, the Atlantic Coastal Bays Critical Area Law hereby incorporates the following requirements for Resource Conservation Areas. New or expanded development or redevelopment in these areas shall take place in such a way as to:
- (1) Conserve, protect and enhance the overall ecological values of the Atlantic Coastal Bays Critical Area, its biological productivity and its diversity;
 - (2) Provide adequate breeding, feeding and wintering habitats for those wildlife populations that require the Atlantic coastal bays, their tributaries or coastal habitats in order to sustain populations of those species;
 - (3) Conserve the land and water resource base that is necessary to maintain and support land uses such as agriculture, forestry, fisheries activities and aquaculture; and
 - (4) Conserve the existing developed woodlands and forests for the water quality benefits that they provide.
- (c) Development standards. The following criteria apply for Resource Conservation Areas:
- (1) Land use management practices shall be consistent with the policies and criteria for the habitat protection area section, the agricultural section, and the forest and woodlands protection section of this Subtitle.⁷
 - (2) Agricultural and conservation easements shall be encouraged in Resource Conservation Areas.

7. Editor's Note: See § NR 3-120, Habitat protection, § NR 3-119, Agriculture, and § NR 3-116, Forest and woodland protection.

- (3) Land within the Resource Conservation Area may be developed for residential uses at a density not to exceed one dwelling unit per twenty acres. Within this limit of overall density, minimum lot sizes shall be as prescribed by the terms of the Zoning and Subdivision Control Article. Such mechanisms as cluster development, maximum lot size provisions and/or additional means to maintain the land area necessary to support the protective uses will be encouraged by the County Commissioners and implemented as necessary.
- (4) Existing industrial and commercial facilities, including those that directly support agriculture, forestry, aquaculture or residential development shall be allowed in Resource Conservation Areas.
- (5) New commercial, industrial, and institutional uses shall not be permitted in Resource Conservation Areas. Additional land may not be zoned or used for industrial, commercial, or institutional development except as provided by § NR 3-108(d) and § NR 3-112 below. Non-industrial activities which support surface mining, agriculture and forestry may be established or expanded, provided they conform with the other requirements of this Subtitle.
- (6) The Department shall ensure that the overall acreage of forest and woodland within the Resource Conservation Areas does not decrease.
- (7) Development activity within the Resource Conservation Areas shall be consistent with the requirements for Limited Development Areas in this Subtitle as specified in § NR 3-107 hereof.
- (8) Nothing in this section shall limit the ability of a participant in the Agricultural Easement Program to convey real property impressed with such an easement to family members, provided that no such conveyance will result in a density greater than one dwelling unit per twenty acres.
- (9) In calculating the one-dwelling-unit-per-twenty-acre density of development that is permitted on a parcel located within the Resource Conservation Area, the Department may permit the area of any private wetlands located on the property to be included under the following conditions:
 - A. The density of development on the upland portion of the parcel may not exceed one dwelling unit per eight acres; and
 - B. The area of private wetlands shall be estimated on the basis of vegetative information as designated on the state wetlands maps or by private survey approved by the Department and the State Department of Environment.
- (10) In consideration of additional dwelling units per lot or parcel as part of the primary dwelling unit the County shall adhere to the following: **[Added 9-21-2004 by Bill No. 04-6]**
 - A. Within a Resource Conservation Area, the County may consider one additional dwelling unit per lot or parcel as part of the primary dwelling unit for the purpose of the density calculation under this subsection if the additional dwelling unit meets either of the following sets of conditions:

1. The additional dwelling unit is located within the primary dwelling unit or its entire perimeter is within one hundred feet of the primary dwelling unit, it does not exceed nine hundred square feet in total enclosed area, and it is served by the same sewage disposal system as the primary dwelling unit; or
 2. The additional dwelling unit is located within the primary dwelling unit, is built so that its construction does not increase the amount of impervious surface already attributed to the primary dwelling unit, and it is served by the same sewage disposal system as the primary dwelling unit.
- B. An additional dwelling unit meeting all the criteria of this section that is separate from the primary dwelling unit may not be subdivided or conveyed separately from the primary dwelling unit.
- C. The provisions of this section apply to density calculations only and may not be construed to authorize the County to grant a variance, unless the variance is granted in accordance with the requirements and standards in this Subtitle for variances in the Atlantic Coastal Bays Critical Area.
- D. The County shall maintain records of all building permits issued under this section for additional dwelling units considered part of a primary dwelling unit and shall provide this information on a quarterly basis to the Critical Area Commission.

(d) Land use in the Resource Conservation Area. In addition to the uses specified above, certain nonresidential uses may be permitted in Resource Conservation Areas if permitted by the terms of the Zoning and Subdivision Control Article and if it is determined by the Department that the proposed use is one of the following:

- (1) A home occupation as an accessory use on a property used for residential purposes and as provided for in the County's Zoning Ordinance;
- (2) A golf course, excluding principal buildings and/or structures such as the clubhouse, pro-shop, parking lot, etc.;
- (3) A cemetery that is an accessory use to a church existing as of June 1, 2002 if impervious surfaces are limited to twenty thousand square feet or 15% of the site, whichever is less;
- (4) A bed-and-breakfast facility located in a residential structure existing as of June 1, 2002, and where meals are prepared only for guests staying at the facility;
- (5) A gun club or skeet shooting range or similar use, excluding main buildings and/or structures, such as a clubhouse, snack bar, etc.;
- (6) A day-care facility in a dwelling where the operators live on the premises and there are no more than eight children;
- (7) A group home or assisted living facility with no more than eight residents;

- (8) A public or private non-commercial dock or pier and passive recreational areas.
[Added 3-17-2015 by Bill No. 15-1]

A. Dock or pier and passive recreational areas may include:

1. Floating platforms for the launching and retrieval of non-motorized watercraft;
2. A pervious storage structure for non-motorized watercraft not to exceed twenty thousand square feet in area; and
3. Passive recreation such as walking, hiking, bicycle paths and trails, wildlife observation areas, and picnic areas.

B. Dock or pier and passive recreational areas may not include principal uses and structures or accessory uses and structures including but not limited to: gazebos, pavilions, clubhouses, restrooms, and parking areas.

C. Lot coverage shall be limited to fifteen percent of the site.

- (9) An office and/or establishment utilized by a nonprofit environmental conservation and land preservation organization, subject to the following: [Added 4-19-2016 by Bill No. 16-3]

A. Organizations shall maintain a non-profit and/or tax-exempt status; and

B. The total use area shall not exceed twenty thousand square feet in area. Areas of passive recreation such as walking, hiking, bicycle paths and trails, wildlife observation areas, and picnic areas shall not be subject to this limitation.

Add new
subsection
(10)

§ NR 3-109. Implementation of the Atlantic Coastal Bays Critical Area provisions.

- (a) Regulated activities and applicability. It shall be unlawful to pursue any new, expanded or intensified activities within the Atlantic Coastal Bays Critical Area, such as development or redevelopment, grading, clearing, sediment and erosion control, timber harvesting, shoreline erosion control, installation of a septic system and drain field, operation of a waste collection or disposal facility, operation of a commercial or private marina or other water-related commercial or industrial operation (whether public or private), mining (whether surface or sub-surface) or quarrying, farming or other agriculturally-related activities, without first obtaining approval by the Department after review under the provisions of this Subtitle.
- (b) Responsible agency. All applications for such County permits and licenses that are issued by the County shall be made to the pertinent department. The Department shall make available to all agencies involved in overseeing regulated activities a set of maps showing the location so that these agencies may identify affected properties subject to said referrals. Applications for timber harvesting shall be reviewed by the Department of Natural Resources through the District Forestry Board. Applications for mining and quarrying shall be reviewed by the Department and appropriate State agencies.

BY:
INTRODUCED:

A BILL ENTITLED

DRAFT

AN ACT Concerning

Natural Resources - Special Events in Resource Conservation Areas

For the purpose of authorizing the offices or establishments utilized by environmental, conservation, land preservation, and other similar natural resource based nonprofit organizations within Resource Conservation Areas of the Atlantic Coastal Bays Critical Area Program.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § NR 3-102(a) of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a definition of the term "special events" to read as follows:

SPECIAL EVENTS — Personal or business social engagements or other activities conducted on a farm where guests assemble for parties, wedding events, birthday or anniversary celebrations, children's parties, corporate and employee appreciation parties, or other similar events for compensation, during which food and beverages may be served to guests and music or other entertainment is allowed.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § NR 3-108(d) of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new subsection § NR 1-308(d)(10) to read as follows:

- (10) Special events in an Estate, Agricultural or Resource Protection zoning district as defined in the Worcester County Zoning Ordinance, subject to the following additional standards:
 - A. All lot coverage pertaining to the special events activities, including, but not limited to, temporary structures, temporary tents and otherwise must occur outside the buffer unless the lot coverage existed at the time of special exception application and the provisions of Section NR 3-107(c)(8)(A-D) shall still apply.
 - B. A scaled drawing of the site showing the location of the proposed structures and demonstrating the site requirements for special events in accordance with the provisions of Section ZS 1-203(c)(21) of the County Zoning Ordinance, as from time to time amended, including any temporary structures, temporary tents and temporary parking spaces must be submitted with the special exception application. The scaled drawing must demonstrate how the special event use will minimize impacts to natural resources and protect the defined land uses in the Resource Conservation Area found in this chapter and must also depict the site plan requirements in accordance with the provisions of Section NR 3-109(d)(1) hereof.

DRAFT

- C. Provisions pertaining to lot coverage and clearing limits in the Resource Conservation Area contained in this chapter apply to special event activities. Special event activities shall be in close proximity to existing structures and facilities on the property to minimize adverse impacts to natural resources and are accessory to the principal use of the property.
- D. This use is limited to only properties that are twenty five acres or greater in size and the special events shall be allowed only during the period of April 1 through October 31 of each calendar year, however there shall be no limit on the number of special events that are allowed during this time period.
- E. All lot coverage and proposed temporary structures associated with the special event must comply with Habitat Protection Areas in accordance with the provisions of Section NR 3-120 hereof. This includes protection of the one hundred foot buffer, threatened and endangered species and species in need of conservation, plant and wildlife habitat protection areas including non-tidal wetlands, and anadromous fish propagation waters.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

PASSED this _____ day of _____, 2020.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Joseph M. Mitrecic, President

Theodore J. Elder, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Joshua C. Nordstrom

Diana Purnell