

WORCESTER COUNTY PLANNING COMMISSION AGENDA
Thursday April 6, 2023

Worcester County Government Center, Room 1102, One West Market St.
Snow Hill, Maryland 21863

- I. **Call to Order** (1:00 p.m.)

- II. **Administrative Matters** (1:00 p.m. est.)
 - A. Review and Approval of Minutes – February 2, 2023
 - B. Board of Zoning Appeals Agenda – April 13, 2023
 - C. Board of Zoning Appeals Special Meeting Agenda – April 19, 2023
 - D. Technical Review Committee Agenda – April 12, 2023

- III. **Draft Land Preservation, Parks and Recreation Plan**
Public Hearing

- IV. **Rezoning**
Case No. 441 – Tax Map 26, Parcel 445, Lot 1B, 3.29 acres, C-2 General Commercial District to R-4 General Residential District, located on the easterly side of Stephen Decatur Highway, approximately 450 feet south of Sunset Avenue, Ocean 8 Group, LLC, Property Owner and Hugh Cropper, IV, Attorney

- V. **Text Amendment**
Revise §ZS 1-202(c)(42) - Separation Distances for Commercial Non-Agricultural Functions in Agricultural Structures and Lands in the A-2 Agricultural District, Mark S. Cropper, Applicant and Attorney

- VI. **Miscellaneous**
 - A. Planning Commission TRC representative discussion.
 - B. Update to the Comprehensive Plan Public Engagement Program.

- VII. **Adjournment**

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – February 2, 2023**

Meeting Date: February 2, 2023

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Jerry Barbierri, Chair
Mary Knight, Secretary
Ken Church
Marlene Ott
Betty Smith

Staff

Jennifer Keener, Director, DRP
Kristen M. Tremblay, Zoning Administrator
Stu White, DRP Specialist
Roscoe Leslie, County Attorney
Bob Mitchell, Director, Environmental Programs

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes, January 5, 2023

As the first item of business, the Planning Commission reviewed the minutes of the January 5, 2023 meeting.

A motion was made by Ms. Knight, seconded by Mr. Wells, and carried unanimously.

B. Board of Zoning Appeals Agenda, February 9, 2023

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for February 9, 2023. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

C. Technical Review Committee Agenda, February 8, 2023

As the next item of business, the Planning Commission reviewed the agenda for the Technical Review Committee meeting scheduled for February 8, 2023. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Committee.

III. § ZS 1-325 Site Plan Review

A. Salt Life Park – Major site plan/land development plan review

As the next item of business, the Planning Commission reviewed the site plan for the proposed expansion of a manufactured home park including 34 lots and associated open space, located on the southerly side of Old Bridge Road (MD Route 707), approximately

**WORCESTER COUNTY PLANNING COMMISSION
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435 feet east of Greenridge Lane Road, Tax Map 26, Parcels 191 and 193, District 10, R-4 General Residential District, Mark Odachowski, owner / R.D. Hand & Associates, Applicant & Planner.

Present for the review were Hugh Cropper, IV and Mark Odachowski. Mr. Cropper introduced himself and Mr. Odachowski to the Planning Commission members. Mr. Odachowski described the existing portion of the park as being dilapidated and described his history of revitalizing the area. He further elaborated on the need for affordable housing in the area. He explained that the new section will be a long term rental, with a 50 and older community. He explained that the lots in the new section are larger compared to the old section, making it a possibility to install double wide manufactured homes as well.

Mr. Cropper added that the required 34 EDU's have been obtained from the Mystic Harbor Sanitary District. He also stated that there are a small number of minor outstanding Code requirements that needed to be addressed and is working with Department Staff to correct them.

Following the discussion, a motion was made by Mr. Church, seconded by Ms. Knight, and carried unanimously to approve the proposal with the condition that all outstanding Code requirements are corrected.

B. Salt Grass Point Farm LLC, –Major Site Plan Review

As the next item of business, the Planning Commission reviewed the site plan for the proposed construction of eight (8) buildings containing 75,018 square feet of mini storage and an associated office, with a proposed two (2) lot subdivision, located at the easterly side of Stephen Decatur Highway (MD Route 611), approximately 410 feet south of Snug Harbor Road, Tax Map 33, Parcels 136, District 10, C-2 General Commercial District, Salt Grass Farms, LLC., Owner and R.D. Hand & Associates, Applicant and Planner.

Present for the review were Hugh Cropper, Frank Lynch, and Emily Demarco. Mr. Cropper presented the project to the Planning Commission. He explained that the project went through Planning Commission review and was approved on February 4, 2021. He explained that the approval is set to expire on February 4, 2023 and he was seeking to re-approve the project. He stated that the project has not changed at all since the 2021 submittal. He indicated that the project may not be moving forward but would like to maintain the one (1) EDU allocation required for it.

Following the discussion, a motion was made by Ms. Knight, seconded by Ms. Ott, and carried unanimously to approve the site plan as proposed.

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IV. Residential Planned Communities § ZS 1-315

A. Sea Oaks Village – Preliminary Plat

As the next item of business, the Planning Commission reviewed the Preliminary Plat of Phase 2 of Sea Oaks Village, consisting of 76 townhome units and active recreation courts. Located on the west side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road on Sea Oaks Lane, Tax Map 26, Parcel 274, Lot 3A, R-3 Multifamily Residential, Tax District 10, Sea Oaks, LLC, owner / Carpenter Engineering, LLC, engineer.

Present for the review were Hugh Cropper, IV, Steven Murphy, and Frank Lynch. Mr. Cropper presented the proposal to the Planning Commission. He explained that all water and sewer EDU's have been obtained. He stated that the project is in compliance with all Zoning, RPC, and Forestry requirements. He added that permits will be required for the necessary wetlands crossings. Mr. Barbierrri questioned Mr. Cropper whether the swimming pool had been constructed, to which he replied that it had and that it was in operation most of the season. Ms. Ott questioned if there were any road name changes, to which Mr. Cropper replied that no changes have been made since the Step II review.

Following the discussion, a motion was made by Ms. Knight, seconded by Ms. Ott, and carried unanimously to approve the site plan as proposed.

B. The Refuge at Windmill Creek – Step 1 Concept Plan Review

As the next item of business, the Planning Commission reviewed a request for establishment of the RPC Floating Zone – Proposed 90 single-family lot subdivision Located on the northwest side of Beauchamp Road, north of Racetrack Road (MD Route 589), Tax Map 15, Parcels 127 and 259, Tax District 3, R-1 Rural residential and RP Resource Protection Districts, The Refuge at Windmill Creek, LLC, owner/ Carpenter Engineering, LLC, engineer.

Frank Lynch was present for the review. Mr. Lynch introduced the project to the Planning Commission. He stated that the project had been previously approved by the Planning Commission but the approval had expired. He added that the sewer and water utilities as well as the Stormwater Management are currently under construction.

Mr. Barbierrri questioned the Planning Commission Members on whether they should continue the review in the absence of representation by either the owner or site developer. Mr. Church stated that he was not comfortable with continuing.

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Following the discussion, a motion was made by Mr. Church, seconded by Ms. Knight, and carried unanimously to postpone the review until proper representation was available to attend the meeting.

V. Beech Tree Place – Major Subdivision

As the next item of business, the Planning Commission reviewed a proposed nine (9) lot single family major subdivision located at the northeast corner of Stephen Decatur Highway and Snug Harbor Road, Tax Map 33, Parcel 298, Lot 22A, Tax District 10, R-2 Suburban Residential District, Magnolia Court, LLC, owner / Carpenter Engineering, LLC, engineer.

Mitch Parker and Frank Lynch were available for the review. Mr. Parker presented the proposal to the Planning Commission. He stated that the design is straightforward and that the layout was predicated on the preservation of a historic Beech tree on the property. Mr. Church questioned whether the buildings would be concept homes or spec homes. Mr. Parker replied that spec homes are a possibility and that the homes would be moderately sized and that there would be no mobile homes. Mr. Barbierri addressed the road design and the comments made in the Staff Report. Mr. Parker replied that the original design was for a private lane, but later it was decided to develop it to County standards and subsequently turn it over to for County maintenance.

Following the discussion, a motion was made by Ms. Ott, seconded by Mr. Wells, and carried unanimously to approve the site plan as proposed.

VI. Miscellaneous

As the next item of business, Ms. Knight expressed concern regarding Emergency Services involvement in the planning and review phases of proposed projects which may have an impact on local infrastructure. She wanted to be assured that local Fire Companies and EMS needs were considered during this process. Mr. Barbierri stated that the Fire Marshal's Office is involved during the Technical Review phase of the projects and has communication with local Fire Departments regarding any potential issues during their monthly meetings.

VII. Adjourn – A motion to adjourn was made by Ms. Ott and seconded by Ms. Smith.

Mary Knight, Secretary

Stuart White, DRP Specialist

**NOTICE OF PUBLIC HEARING
WORCESTER COUNTY
BOARD OF ZONING APPEALS
AGENDA**

THURSDAY APRIL 13, 2023

Pursuant to the provisions of the Worcester County Zoning Ordinance, notice is hereby given that a public hearing will be held in-person before the Board of Zoning Appeals for Worcester County, in the Board Room (Room 1102) on the first floor of the Worcester County Government Center, One West Market Street, Snow Hill, Maryland.

6:30 p.m.

Case No. 23-19, on the lands of John Willett, requesting an after-the-fact variance to the rear yard setback from 30 feet to 28.6 feet (to encroach 1.4 feet) for an open deck in the R-2 Suburban Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-206(b)(2) & ZS 1-305 located at 3 Knight Terrace, Tax Map 21, Parcel 224, Section 10, Lot 1262, Tax District 3, Worcester County, Maryland.

6:35 p.m.

Case No. 23-34, on the lands of Brett Costello, requesting a variance to the rear yard setback from 30 feet to 12.8 feet (to encroach 17.2 feet) for an extension of an existing deck in the R-3 Multifamily Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-207(b)(2) and ZS 1-305 located at 86 Lookout Point, Tax Map 16, Parcel 41, Section 4, Lot 85, Tax District 3, Worcester County, Maryland.

6:40 p.m.

Case No. 23-35, on the lands of Leslie Steele, requesting a variance to the rear yard setback from 50 feet to 30 feet (to encroach 20 feet) for a proposed single family dwelling in the R-1 Rural Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-205(b)(2) and ZS 1-305 located on Mason Road, about 2,461 feet south of the intersection with Orchard Road, Tax Map 41, Parcel 58, Block B, Lot 9, Tax District 3, Worcester County, Maryland.

6:45 p.m.

Case No. 23-32, on the lands of Charles Shorley, requesting a variance to the rear yard setback from 50 feet to 28 feet (to encroach 22 feet) for a proposed deck addition in the R-1 Rural Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-205(b)(2) and ZS 1-305 located at 10128 Silver Point Lane, Tax Map 26, Parcel 234, Tax District 10, Worcester County, Maryland.

6:50 p.m.

Case No. 23-31, on the lands of Julie Langan, requesting an after-the-fact special exception to allow an 8 foot tall fence in a rear yard in the R-1 Rural Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-205(b)(2) and ZS 1-305(k)(3)B, located at 10651 Piney Island Drive, Tax Map 15, Parcel 218, Lot 25, Tax District 5, Worcester County, Maryland.

6:55 p.m.

Case No. 23-33, on the lands of Franklin Berterman, requesting a variance to the front yard setback from 40 feet to the property line to 29.25 feet (to encroach 10.75 feet) for a proposed front covered porch in the R-1 Rural Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-205(b)(2) and ZS 1-305 located at 12290 Dixie Drive, Tax Map 10, Parcel 177, Lot 31, Tax District 5, Worcester County, Maryland.

7:00 p.m.

Case No. 23-18, on the application of Dylan Drew, on the lands of Robert Miller, requesting a variance to the rear yard setback from 30 feet to 23.26 feet (to encroach 6.74 feet) for a proposed deck extension in the R-3 Multi-family Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-207(b)(2) and ZS 1-305 located at 177 Teal Circle, Tax Map 16, Parcel 41, Section 4, Lot 276, Tax District 3, Worcester County, Maryland

7:05 p.m.

Case No. 23-37, on the application of Charles Holland, on the lands of Berlin Land, LLC, requesting a special exception to allow an 8 foot tall fence around a dumpster in a front yard setback in the C-3 Highway Commercial District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-305 and ZS 1-325 located at 11407 Samuel Bowen Blvd, Tax Map 26, Parcel 455, Lot 3B, Tax District 3, Worcester County, Maryland

7:10 p.m.

Case No. 23-8, on the lands of Robert Bradley, requesting a variance to reduce the Atlantic Coastal Bays Critical Area buffer from 100 feet to 35 feet (to encroach 65 feet), associated with a proposed fence, pursuant to Zoning Code §§ ZS 1-116(m) and ZS 1-305 and Natural Resources Code §§ 3-104(c)(4) and NR 3-111, located at 12422 Collins Road, Tax Map 9, Parcel 275, Lot 2, Tax District 5, Worcester County, Maryland.

7:15 p.m.

Case No. 23-9, on the lands of Stephanie Shockley, requesting a variance to reduce the Atlantic Coastal Bays Critical Area buffer from 100 feet to 72.5 feet (to encroach 27.5 feet), associated with the construction of a single-family dwelling, pursuant to Zoning Code §§ ZS 1-116(m)(1) and Natural Resources Code §§ 3-104(c)(4) and NR 3-111, located on Pheasant Road, about 1,140 feet south of Assateague Road, Tax Map 32, Parcel 353, Lot 2, Tax District 3, Worcester County, Maryland.

7:20 p.m.

Case No. 23-20, on the application of Eric Jones, on the lands of John Houk, requesting a modification to extend a waterfront structure in excess of the quarter distance of the water body width of 18.5 feet by 2 feet for a proposed platform and boatlift extending 20.5 feet channelward, pursuant to Zoning Code §§ ZS 1-116(m)(1) and Natural Resources Code §§ NR 2-102(e)(1), located at 2 Drake Drive, Tax Map 16, Parcel 42, Section 5, Lots 154 & 155, Tax District 3, Worcester County, Maryland

**NOTICE OF PUBLIC HEARING
WORCESTER COUNTY
BOARD OF ZONING APPEALS
AGENDA**

WEDNESDAY APRIL 19, 2023

Pursuant to the provisions of the Worcester County Zoning Ordinance, notice is hereby given that a public hearing will be held in-person before the Board of Zoning Appeals for Worcester County, in the Board Room (Room 1102) on the first floor of the Worcester County Government Center, One West Market Street, Snow Hill, Maryland.

6:30 p.m.

Case No. 23-16, on the application of Mark Cropper, on the lands of Gregory Tate, requesting a variance to the Atlantic Coastal Bays Critical Area regulations to exceed the allowable 100 foot tidal wetland crossing by 495 feet for a proposed 3 foot by 595 foot walkway over tidal wetlands and a modification to extend a waterfront structure in excess of 125 feet by 85 feet for a proposed pier and platform extending a total of 210 feet channelward, pursuant to Zoning Code §§ ZS 1-116(n)(3) and Natural Resources Code §§ NR 3-125(b)(1) and NR 2-102(e)(1), located on Riggin Ridge Road about 560 feet north of Center Drive, Tax Map 22, Parcel 397, Block 8, Lot 15B, Tax District 10, Worcester County, Maryland.

6:35 p.m.

Case No. 23-36, on the application of Mark Cropper, on the lands of Cynthia Shoemaker, requesting a special exception to allow a mosque in the A-2 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-202(c)(29), ZS 1-305 and ZS 1-325 located at 12262 Eagles Nest Road, Tax Map 33, Parcel 118, Tax District 10, Worcester County, Maryland

6:40 p.m.

Case No. 23-10, on the application of Kristina Watkowski, on the lands of Peter Souritzidis, requesting a variance to reduce the Atlantic Coastal Bays Critical Area buffer from 100 feet to 25 feet (to encroach 75 feet), associated with the construction of a single-family dwelling, pursuant to Zoning Code §§ ZS 1-116(n)(3) and Natural Resources Code §§ 3-104(c)(4) and NR 3-111, located on Savanna Court about 396 feet north west of Heathland Drive, Tax Map 17, Parcel 1, Lot 78, Tax District 5, Worcester County, Maryland.

6:45 p.m.

Case No. 23-38, on the application of Hugh Cropper, IV, on the lands of Sea Squared, LLC, requesting a special exception to allow a storage yard and buildings for storage of watercraft and recreational vehicles in the A-2 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-202(c)(12), ZS 1-305 and ZS 1-325 located at 11206 Five-L Drive, Tax Map 21, Parcel 261, Lot 7, Tax District 3, Worcester County, Maryland.

6:50 p.m.

Case No. 23-22, on the application of Kristina Watkowski, on the lands of SunTRS Castaways, LLC, requesting a variance to the front yard setback from 10 feet to 4 feet (to encroach 6 feet) and a variance to the rear yard setback from 5 feet to 1.8 feet (to encroach 3.2 feet) for a proposed replacement park model in a rental campground in the A-2 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-202(c)(18), ZS 1-

305 and ZS 1-318. located at 12550 Eagles Nest Road, Tax Map 33, Parcel 33, Site 309, Tax District 10, Worcester County, Maryland.

6:52 p.m.

Case No. 23-23, on the application of Kristina Watkowski, on the lands of SunTRS Castaways, LLC, requesting a variance to the rear yard setback from 5 feet to 1.2 feet (to encroach 3.8 feet) for a proposed replacement park model in a rental campground in the A-2 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-202(c)(18), ZS 1-305 and ZS 1-318. located at 12550 Eagles Nest Road, Tax Map 33, Parcel 33, Site 310, Tax District 10, Worcester County, Maryland.

6:54 p.m.

Case No. 23-24, on the application of Kristina Watkowski, on the lands of SunTRS Castaways, LLC, requesting a variance to the front yard setback from 10 feet to 3 feet (to encroach 7 feet) and a variance to the rear yard setback from 5 feet to 2.5 feet (to encroach 2.5 feet) for a proposed replacement park model in a rental campground in the A-2 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-202(c)(18), ZS 1-305 and ZS 1-318. located at 12550 Eagles Nest Road, Tax Map 33, Parcel 33, Site 311, Tax District 10, Worcester County, Maryland.

6:56 p.m.

Case No. 23-25, on the application of Kristina Watkowski, on the lands of SunTRS Castaways, LLC, requesting a variance to the front yard setback from 10 feet to 3 feet (to encroach 7 feet) and a variance to the rear yard setback from 5 feet to 2.1 feet (to encroach 2.9 feet) for a proposed replacement park model in a rental campground in the A-2 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-202(c)(18), ZS 1-305 and ZS 1-318. located at 12550 Eagles Nest Road, Tax Map 33, Parcel 33, Site 312 Tax District 10, Worcester County, Maryland.

6:58 p.m.

Case No. 23-26 on the application of Kristina Watkowski, on the lands of SunTRS Castaways, LLC, requesting a variance to the front yard setback from 10 feet to 3 feet (to encroach 7 feet) and a variance to the rear yard setback from 5 feet to 1.8 feet (to encroach 3.2 feet) for a proposed replacement park model in a rental campground in the A-2 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-202(c)(18), ZS 1-305 and ZS 1-318. located at 12550 Eagles Nest Road, Tax Map 33, Parcel 33, Site 313, Tax District 10, Worcester County, Maryland.

7:00 p.m.

Case No. 23-27, on the application of Kristina Watkowski, on the lands of SunTRS Castaways, LLC, requesting a variance to the front yard setback from 10 feet to 3 feet (to encroach 7 feet) and a rear yard setback from 5 feet to 1.5 feet (to encroach 3.5 feet) for a proposed replacement park model in a rental campground in the A-2 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-202(c)(18), ZS 1-305 and ZS 1-318. located at 12550 Eagles Nest Road, Tax Map 33, Parcel 33, Site 314, Tax District 10, Worcester County, Maryland.

7:02 p.m.

Case No. 23-28, on the application of Kristina Watkowski, on the lands of SunTRS Castaways, LLC, requesting a variance to the front yard setback from 10 feet to 3 feet (to encroach 7 feet) and a variance to the rear yard setback from 5 feet to 1.2 feet (to encroach 3.8 feet) for a proposed replacement park model in a rental campground in the A-2 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-202(c)(18), ZS 1-305 and ZS 1-318. located at 12550 Eagles Nest Road, Tax Map 33, Parcel 33, Site 315, Tax District 10, Worcester County, Maryland.

7:04 p.m.

Case No. 23-29, on the application of Kristina Watkowski, on the lands of SunTRS Castaways, LLC, requesting a variance to the front yard setback from 10 feet to 3 feet (to encroach 7 feet) and a variance to the rear yard setback from 5 feet to 1 foot (to encroach 4 feet) for a proposed replacement park model in a rental campground in the A-2 Agricultural District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-202(c)(18), ZS 1-305 and ZS 1-318. located at 12550 Eagles Nest Road, Tax Map 33, Parcel 33, Site 316, Tax District 10, Worcester County, Maryland.

**WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE
AGENDA**

Wednesday, April 12, 2023 at 1:00 p.m.

**Worcester County Government Center, Room 1102, One West Market St. Snow Hill,
Maryland 21863**

- I. **Call to Order**

- II. **Decatur Professional Building - Sketch Plan Review**
Proposed 15,000 SF retail / service establishment building divided into (6) 2,500 SF units.
Located on the northern corner of the intersection between Sea Oaks Lane and MD Route 611
(Stephen Decatur Highway), Ocean City, MD, Tax Map 26, Parcel 274, Tax District 10, C-2
General Commercial District, Glenn Prettyman, owner / Chesapeake Land Planning, planner.

- III. **Adjourn**



DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1306
SNOW HILL, MARYLAND 21863
TEL: 410.632.1220 / FAX: 410.632.2012

AGRICULTURAL PRESERVATION
CONSERVATION PROGRAM
WATER & SEWER PLANNING
SHORELINE COMMISSION

WELL & SEPTIC
NATURAL RESOURCES
PLUMBING & GAS
COMMUNITY HYGIENE

Memorandum

TO: Worcester County Planning Commission
FROM: Katherine Munson, Planner V *KM*
SUBJECT: DRAFT Land Preservation, Parks and Recreation Plan, Public Hearing
DATE: February 28, 2023

Attached please find the draft *2022 Worcester County Land Preservation, Parks and Recreation Plan*.

We are submitting this for your review in advance of the public hearing that is scheduled for Thursday, April 6, 2023 at 1:05 PM (during your regularly scheduled meeting time). The purpose of the public hearing is to accept additional feedback from the public on this plan prior to your recommendations to the county commissioners regarding the document.

This document is a collaboration of the Department of Parks & Recreation and Environmental Programs Department.

Natural Resources Article § 5-905 (b)(2) requires that each county and Baltimore City submit a *Land Preservation, Parks, and Recreation Plan* every five years to the Departments of Natural Resources and Planning. This is a prerequisite for county participation in Program Open Space.

The plan includes:

- General overview of county geography, current population and population trends, and protected lands
- Updated inventory of current Parks and Recreation amenities and programming



PRESS RELEASE

Worcester County Government ♦ Phone (410) 632-1194 ♦ Fax (410) 632-3131

TO: Local Media
FROM: Worcester County Commissioners
DATE: February 28, 2023
FOR RELEASE: Immediately
TOPIC: Worcester County to Host Public Hearing April 6 on Land Preservation, Parks, and Recreation Plan
CONTACT: Public Information Officer Kim Moses at (410) 632-1194 or Planner V Katherine Munson at 410-632-1220

Worcester County to Host Public Hearing April 6 on Land Preservation, Parks, and Recreation Plan

Snow Hill, Maryland – the Worcester County Planning Commission will host a public hearing on the draft Land Preservation, Parks and Recreation Plan (LPPRP) April 6, 2023 at 1:05 p.m. The hearing will take place in the Board Room on the first floor of the Worcester County Government Center in Snow Hill.

The State of Maryland requires counties to update their LPPRP every six years, one year prior to the revision of the statewide Maryland Land Preservation, Parks and Recreation Plan. The LPPRPs qualify local governments for State Program Open Space grants and other programs related to three land resource elements: Recreation and Parks; Agricultural Land Preservation; and Natural Resource Conservation.

The draft Worcester County LPPRP was developed in accordance with guidelines provided by the Maryland Departments of Planning and Natural Resources. The LPPRP contains key information, goals, and recommendations to guide the county's management and enhancement of its parks and recreation facilities, and conservation of natural and agricultural lands for the next five years.

Visit <http://www.co.worcester.md.us/departments/commissioners/hearings> to view the draft LPPRP. Written and oral comments will be accepted at the public hearing. Written comments may also be submitted to kmunson@co.worcester.md.us or mailed to Worcester County Environmental Programs, 1 West Market St, Suite 1306, Snow Hill, MD 21863.

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- Use of community survey results and GIS-based analysis to identify deficiencies in county recreational amenities. This Plan uses a proximity analysis, which applies service areas around specific amenities to identify gaps in service. The analysis illustrates a service gap in playing fields per capita in the northeastern portion of the county, compared to the central and southern regions. Generally, there exists an adequate supply and distribution of parks, water access and picnic tables. There was a deficiency in trails identified for the northeastern area of the county, which was noted in the survey responses.
- Description of priorities for funding to address deficiencies/anticipated needs, and a 5-year capital improvement plan
- Updated inventory of lands conserved for protection of natural resources
- Description of goals and strategies for managing and improving natural resource conservation land networks and evaluation of progress
- Updated inventory of lands conserved for protection of farmland
- Description of goals and strategies for farmland protection and evaluation of progress

An on-line public survey was conducted January-February 2021 and listening sessions offered in two locations in the county in November 2021. This feedback is described in the plan and was used to inform priorities and the capital improvement plan.

Worcester County accepted comments from the public and state agencies during a 60-day review period from May 24, 2022 to July 22, 2022. The state agencies submitted their comments October 11, 2022. No other comments were received during this period.

Enclosed please find the draft plan, comments from the state agencies, proposed addenda, including a new appendix, two revised tables and two revised figures (maps).

Thank you for your attention to this matter.

Attachments

cc: Bob Mitchell, Director, Environmental Programs
 Kelly Rados Director, Dept. of Recreation & Parks
 Jacob Stevens, Parks Superintendent, Dept, of Recreation & Parks
 Jennifer Keener, Director, Dept. of Development Review and Permitting

LPPRP Draft Evaluation Form & Checklist

County: WORCESTER

Agency Review: DNR and MDP

Reviewer Name: Andrew Mengel, Daniel Rosen, Michael McQuarrie, Sandi Olek

Date of Draft: May 2, 2022

- This review form is based on a summary of the 2022 *Guidelines*. Please also refer to the complete *Guidelines* while reviewing the LPPRP.
- If answering 'Yes' to questions below, please indicate the page number from the Plan.
- * Questions are the most important questions from each section and if they are not met, DNR will discuss with the County
- Provide reviewer comments in red underneath each question (see example 2c)

INTRODUCTION	YES (2-5)	NO
1a. Does the Plan include an introduction?	Exec Sum 1, Intro 2-5	
<p>1b. Does the introduction include geographic and population/demographic information?</p> <p>The Plan notes that Worcester County is unique in Maryland because it is the only county facing the ocean and its population can swell from a year-round population of less than 52,500 to over 300,000 on summer weekends. (After growing at a fervid pace of 32.9% between 1990 and 2000, growth slowed to just 2% from 2000 until now.) The Plan also contains census information on age, ethnic cohorts, and income. "...52% of the population resides in the northeastern quarter of the county, including Berlin, West Ocean City, Ocean Pines, and Ocean City" (page 2). Many of the county's houses are "second homes," with an estimated 63% of homes considered "vacant." "An analysis of assessment data finds that 43% of residential properties have an owner with a different mailing address outside of the immediate area" (page 3).</p> <p>With 303,900 acres, Worcester is the third largest county in Maryland. Over 100,000 acres are farmed and 150,000 acres forested. Over 44,000 acres lie in the Pocomoke State Forest and Chesapeake Forest Lands; Assateague Island contains over 10,000 federal and state acres, while the Nature Conservancy protects 5,000 acres along Nassawango Creek.</p> <p>The county has focused for twenty years on conserving contiguous blocks of protected land in Chincoteague Bay and lower Pocomoke watersheds, for the protection of water quality and for the sustenance of agriculture and natural resources on which the county's primary industries depend. This block of conserved land provides essential ecosystem services that are of general public benefit (page 3).</p> <p>P20-21 for overall demographic info, general demographic and geographic information throughout the different areas of the county (13-17)</p>	2-5	
1c. Does the introduction include information about the entire system of public parks and recreation facilities, and preserved natural resource and agricultural lands?	HE	

What's mentioned above is essentially the information about natural resource and agricultural land. The overview of parks says, "There is abundant public access throughout the county to both passive and active recreation. The County owns and operates fourteen parks located throughout the county, as well as an indoor facility in Snow Hill. Other significant recreational opportunities are available to residents and visitors through the town parks and recreational programs (Pocomoke City, Snow Hill, Berlin, Ocean City). Ocean Pines Recreation and Parks Department, and the State of Maryland, most notably Assateague Island State Park and Shad Landing/Pocomoke River State Park also offer important recreation opportunities to Worcester's citizens as well as visitors" (pages 3-4).

RECREATION AND PARKS YES (P. 4) NO

Summary, Overview of Parks and Recreation System in the County

2a. Does the Executive Summary/Overview include narrative, images, maps and/or other data to provide a general overview of the public parks and recreation system in the county? P 5-7

2b. Does the Plan highlight any accomplishments/challenges associated with the public parks and recreation system or specific amenities, programs or needs? If yes, briefly describe.
Aging population, centralized populations in towns, covid usage and budget issues. Accomplishments are new/renovated fields/courts/playgrounds/facilities throughout the county. P 10-11

2c. Does the Plan explain the environmental, economic and health benefits of maintaining and enhancing parks and recreation systems for both "active" field/court-based recreation and for "outdoor" or natural resource-based recreation? P 11-13

2d. Does the Plan discuss community conditions that impact the provision of public parks and recreation amenities within your jurisdiction?
Remaining covid affects, increased tourism in NE parts of the county and growth of Sussex County, DE population all are affecting parks and recreation in Worcester Co. P 12-13

Inventory of Existing Public Parks and Recreation Facilities

*2e. Does the Plan provide an updated inventory of existing public parks and recreation facilities in the county? P 13-17, P 52-55

*2f. Does the inventory include both publicly owned (federal, state, county, municipal) and quasi-public and/or privately owned recreational facilities or park lands that are open or available for regular public use? Througout

RECREATION AND PARKS--Continued YES (P. 4) NO

*2g. Does the Plan include a GIS-based map of the parks and recreation lands and facilities included in the inventory spreadsheet (or geodatabase) and a brief narrative explaining it? P 5

Measuring User Demand

<p>*2h. Did the county hold public meetings, including virtual meetings? 11 people at the meetings combined, any virtual options available?</p>	<p>P 21</p>	
<p>*2i. Does the Plan include surveys from users of county parks and recreation facilities and other members of the community?</p>	<p>P 21</p>	
<p>*2j. Does the Plan include a summary of survey findings? Are visual aids (graphs, charts, etc.) to help explain the findings included? Categorizing public comments into sections is very helpful for readers.</p>	<p>P 21-23, Appendix 2</p>	
<p>2k. Does the Plan provide a summary of parks and recreation participation rates, known or estimated facility usage figures, and/or other associated information (e.g., ticket sales, field/amenity permitting)? Would be better collected together in this report. Scattered in challenges, surveys responses and scheduled recreational programs.</p>	<p>Throug hout</p>	
<p>*2l. Was an educated estimate of the potential overall level of casual or non-documented usage of county parks and recreation facilities provided? Through survey data.</p>	<p>P 21-23</p>	
<p>2m. Are there unmet needs and demands for additional programs or facilities that are known but not easily identified or quantified by these figures? Maybe include a section where staff include their thoughts. Many things do not come out through surveys or public meetings but staff hear from people through standard interactions.</p>	<p>P 21</p>	
<p>2n. Was the county able to supplement locally sourced data with studies from federal, state, local, academic, or industrial sources? National Trends</p>	<p>P 24-25</p>	
<p><i>Level of Service Analysis: Proximity Analysis and Park Equity Analyses</i></p>		
<p>*2o. Are a Proximity Analysis map (or maps) and brief narrative provided that discuss findings from the proximity analysis and identify any deficiencies? The plan says that over 99% of county residents live within five miles (15-minute drive) of a park. 13,500 acres lie outside the catchment areas, but only 300 people live there, and they may live within 5 miles of a park in Somerset or Wicomico County. <u>Water access:</u> Just 3% of county residents live more than five miles away from a public access point to the water, mostly because they live more than five miles from the water, not because access is missing. Demand may be growing in the northeast county, because of both a growing population and demand from Delaware residents. <u>Walking Trail access:</u> A service gap of 43,000 acres exists, but only 1,995 people live in it (3.8% of the total population). With the majority of the county's population living in the northern part of the county and population continuing to grow there, additional walking trails in this area may still be needed to address demand. This deficiency may be reflected in the large number of citizen survey responses noting a need for more walking trails. <u>Proposed/Potential Bikeways/Greenways:</u> These connect destinations. They "have been identified by citizens as a need, both in on-line survey feedback and in listening sessions" (page 28). Map 2-15 shows an extensive proposed/potential bikeway loop from Berlin and</p>	<p>25-42</p>	

around Snow Hill and Pocomoke City and back, with trails inside the towns. No catchment area is shown because these trails do not exist yet.

Picnic Facilities: Again, the corner of the county bordering Somerset and Wicomico Counties, and part of Assateague Island, are outside the catchment area. However, only 1,202 people live in the service gap (2.3% of the population). “The citizen surveys did not indicate a deficit in this amenity” (page 31).

Athletic Fields: The five-mile catchment areas around Berlin/Ocean City (Northern Region), Snow Hill (Central), and Pocomoke City contain all but 7.9% of Worcester Residents. However, the level of service within the catchment areas varies significantly, with 1,441 residents per athletic fields in the Northern Region, 894 in the Southern Region, and 425 in the Central region. “The 2018 *Land Preservation, Parks and Recreation Plan* identified a playing fields deficit in the northern end of the county. Since 2018 one new field has been added at the Northern Worcester Athletic Complex in Berlin, and expansion of the parking lot by 200 spaces is underway” (page 33).

The plan provided a half-mile catchment area for parks, trails, boat/canoe launches, and picnic facilities in Berlin, West Ocean City, Ocean City, Ocean Pines, Snow Hill, and Pocomoke City. Page 42 very helpfully provides the following table of results:

Table 2-6. Half-Mile Service Area Proximity Analysis Summary

Town/Community	Total Population	Percentage of Population within Half-Mile			
		Parks	Trails	Boat/ Canoe Launch	Picnic Facilities
Town of Berlin	5,026	75%	66%	0%	75%
West Ocean City	5,877	19%	25%	14%	13%
Town of Ocean City	6,844	76%	27%	26%	30%
Ocean Pines	12,145	87%	51%	10%	38%
Town of Snow Hill	2,156	86%	32%	42%	96%
Town of Pocomoke City	4,295	42%	16%	41%	41%
High Level of Service – 75% or greater					
Low Level of Service – 33% or less					

If the deficiencies in the table—i.e., “Low Level of Service”—are not a concern that requires the acquisition of more parkland to address, please explain why in the final draft. Similarly, 4,140 people live outside the catchment area for athletic fields. This number seems high enough (about equal to the population of Pocomoke City) to be considered a deficiency/gap. Will land acquisitions for more athletic fields serve this population? If not, please explain why in the final draft.

The plan does a good job of explaining and including the analysis.

*2p. Does the Plan consider how the findings should shape the county’s goals for parks and recreation?

The Plan states the following:

With the exception of Ocean City, all towns provide adequate to excellent pedestrian access to parks. The most significant access gaps are in water access and trails. Close proximity to water access has a natural constraint that cannot always be overcome. The Town of Berlin is not within walking distance to waterfront and in general, most housing in any community is not located within

35, 42

<p>a half mile of a waterfront. Trails access in West Ocean City will likely remain limited because the area is highly developed with limited open space remaining. However, Worcester County is exploring a bikeway parallel to Route 611 that would start in West Ocean City. All of the towns are evaluating or planning new trail locations that will likely close this gap within the coming years. The Ocean City beach and boardwalk was not broadly included in this analysis, and is obviously a significant amenity including walking opportunities within walking distance for the majority of Ocean City residents. Where no constraints in doing so exist, the county will consider, and urge any recipients of Program Open Space funding to consider the feasibility of placing amenities to close pedestrian access “gaps”, as a first priority when evaluating potential new amenity locations.</p> <p>Page 35 acknowledges the need to rectify the shortage of athletic fields in the north county: “Acquisition of additional land to enlarge the capacity of the Northern Worcester Athletic complex is warranted for these reasons.”</p> <p>Based on the table in review section 2o, should the exception cited in the first sentence in the paragraph above be West Ocean City instead of Ocean City?</p> <p>Facilities seem to be spread around the county, where there are deficits there are plans for expansion.</p>		
<p>*2q. Are a Park Equity Analysis map (or maps) and brief narrative provided that discuss findings from the park equity analysis and identify any deficiencies?</p> <div data-bbox="159 913 553 1333"> </div> <p>A comparison of countywide equity scores on the Eastern Shore as a whole, Worcester scored 0.22. This score lies in the second-best quintile; no county scored in the top “high equity” category. However, a closeup map of Worcester County contains more nuanced results. Most of the county—the least populated areas—score in the middle quintile. Much of Berlin and Pocomoke City score in the second-lowest quintile, as does a small area adjacent to Berlin and a large area adjacent to Pocomoke City. Areas scoring in the two highest quintiles can be found in Ocean City, much of the area between Ocean City and Berlin, and much of the area from Berlin north to the Delaware border. Snow Hill scores in the middle quintile while a large area to the north and east of Snow Hill ranks in the second highest quintile.</p> <p>The only Low Equity area can be found in a small segment of Pocomoke City.</p>	42-45	
<p>*2r. Does the Plan consider how the findings should shape the county’s goals for parks and recreation?</p> <p>The Plan says this:</p> <p>Based upon the results of the proximity and the park equity analysis, Worcester County has met the minimum park land acquisition goal. Worcester County offers park access greatly in excess of the NRPA public means of number of facilities per person. Walkable distances to parks is excellent in the county’s areas of population density, with the exception of West Ocean City. Opportunity for new public recreational open space is severely limited in this area due to existing development. Recreational field access is more limited in the northern end of the county, as the proximity analysis demonstrates. Areas of lowest park equity are areas within the towns of Berlin and Pocomoke City. Additional acquisition opportunities associated with these facilities and areas should be considered, although not a current deficiency.</p>	45	

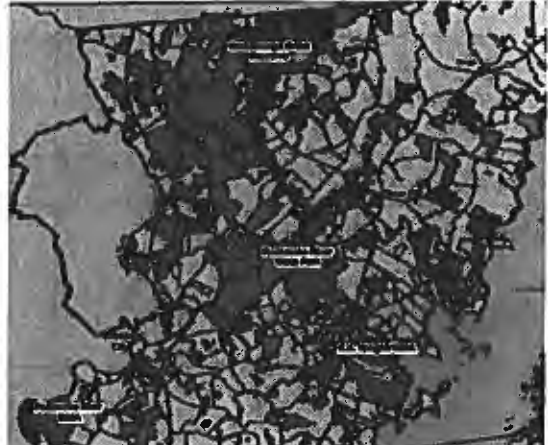
<p>Although exceeding NRPA averages is good, it doesn't necessarily equate to satisfactory results in the Proximity and Equity Analyses. The Proximity Analysis seems to indicate that Worcester County has gaps in trails and athletic fields, while the municipal-level Proximity Analysis shows significant gaps in athletic fields and some picnic facilities. The county should clarify which projects in the CIP or other acquisition needs tables are specifically to address each deficiency identified in the proximity analysis. If the county believes that certain deficiencies do not rise to the level of requiring acquisition, then the county should provide an explanation for why.</p> <p>Yes. The plan discussed the physical barriers to amenities at Berlin and 113 and has an objective to continue to improve this issue</p> <p>Working on not just distance to facilities in the low equity areas but natural boundaries (Rt 113). What are plans to help this situation?</p>		
Goals and Objectives for Parks and Recreation		
<p>*2s. Does the Plan explain the types of public parks and recreational facilities/ programming in the county and how they benefit the public? Does the Plan explain why public parks and recreation facilities are important to the county?</p>	Throu ghout	
<p>*2t. Does the Plan define and explain county goals for the provision of public parks and recreation facilities by using the Measuring User Demand and Level of Service Analysis described above?</p>	P 46	
<p><u>2u.</u> Does the Plan include the list of state goals for parks and recreation from Appendix A of the <i>Guidelines</i> and describe how county goals complement statewide goals and help implement them? If state and local goals differ, does the Plan explain how?</p> <p>State goals are listed but not directly connected to county goals</p>	P 46	
Implementing Programs		
<p>*2v. Does the Plan provide a list and summary description of programs/funding sources used by the county to help achieve parks and recreation goals? Does it briefly explain how these programs are used to benefit the public? (Examples include POS, Rural Legacy, Land and Water Conservation Fund, Sustainable Communities designation, county ordinances, etc.)</p>	P 47-48	
Capital Improvement Plan		
<p>*2w. Does the Plan include a 5-year parks and recreation capital improvement Plan (CIP) (FYs 2022 - 2026) for land acquisition, facility development and rehabilitation priorities?</p>	P 48-51	
<p>2x. Does the CIP include approximate acreage to acquire; number, type, and locations of facilities to develop or rehabilitate; and estimated costs?</p>	P 48-51	
<p>*2y. Does the CIP also include municipal projects and acquisitions to align with Annual Program requests?</p> <p>Plan only includes county projects</p>		X
<p>2z. Does the CIP include the recommended information for mid-term and long-term Planning horizons (e.g., 2027-2031 and 2032-2036) as recommended?</p>		X

It is recommended that the county include mid and long term goals for the CIP.		
<p>*2aa. Does the Plan include the suggested spreadsheet for a 5-year parks and recreation capital improvement Plan (CIP) (FYs 2022 - 2026) and briefly discuss how the county coordinates with the local jurisdictions by describing the process for including municipal park and recreation priorities in the county LPPRP, the strategy for funding projects in municipalities, how municipal projects are represented in the CIP, etc.</p> <p>No discussion of funding except the new Berlin-OC Sports complex.</p>	P 49	
<p>*2bb. Does the Plan include the table (pg. 11 of the 2022 LPPRP Guidelines) updating the County's work to reach the goals established in the 2017 LPPRP?</p>	P 49	
<p>*2cc. Does the Plan include the table (pg. 12 of the 2022 LPPRP Guidelines) outlining the framework for meeting their acquisition goals for 2022? Does the table clearly state whether the county has achieved or will achieve its 2022 LPPRP acquisition goals or not? If the table states that the county has achieved or will achieve its 2022 LPPRP acquisition goals, is sufficient information cited from elsewhere in the LPPRP to support the county's statement?</p> <p>The table shows that Worcester County needs 20 acres for "Multi-use fields in the Northern area of the county" and .7 acres for "Public access to passive recreation and nature in Bishopville area." This land acquisition project appears in the CIP. Based on this table, Table 2-6 and the findings of the proximity analysis and surveys (regarding trails and athletic fields), Planning's understanding is that the county currently has a deficit and needs to acquire land in order to meet that deficit. If this is not correct, please explain why.</p> <p>DNR - County seems to have met its acquisition goals.</p>	49-51	

OTHER PROTECTED LANDS - NATURAL RESOURCE LAND CONSERVATION	YES (P. #)	NO
Summary, Goals, and Implementing Programs		
<p>3a. Did the county identify county goals for lands that do not allow for public access? (Acreage that is discussed in this section should not be counted towards the parks and recreation acquisition goals.) County goals identified in this section should only include lands that do not allow for public access.</p>	60-62	
<p>3b. Does the Plan include an executive summary/overview of areas preserved in the county for natural resource value? Does it include supporting maps, images, or other data?</p>	56, Fig 3-1, Fig 3-2	
<p>3c. Does the summary/overview highlight any accomplishments or challenges?</p>	56	
<p>3d. Does the Plan explain public benefits to maintaining and enhancing natural resources lands opportunities for connecting people with nature?</p>	56	
<p>3e. Does the Plan list the county/local goals for natural resource land conservation and explain why the preservation of land for natural resource conservation is important to the county?</p>	56, 60-62	
County included Coastal Resiliency assessment.		

*3f. Does the Plan include a summary update on the status of the county's work to achieve goals for the preservation of natural resource land since the 2017 LPPRP?	63-64	
3g. Does the Plan include the list of state goals for natural resource land conservation and describe how county goals complement statewide goals? If county and state goals differ, does the Plan explain how?	Through out	
<i>Inventory of Protected Natural Resource Lands & Mapping</i>		
*3h. Does the Plan include an inventory of existing natural resources lands in the county? Please include an inventory of existing natural resources lands in the county using the categories outlined in the Maryland Protected Lands Dashboard: https://maryland.maps.arcgis.com/apps/dashboards/index.html#/0f3ffd3350b24b17bd3b8e1705af3df5		X
*3i. Is the land preservation data provided in the table organized according to the categories of the Maryland Protected Lands Dashboard?		X
3j. Did the county create and/or utilize maps that show progress in meeting land preservation goals, and which may be needed to clearly convey the following information related to natural resource land conservation:	Fig 3-1	
i. Local and State Targeted Growth and Conservation Areas;		
ii. GreenPrint areas and county focus areas for natural resource land conservation;	Fig 3-1	
iii. Publicly owned parcels of land designated for natural resource conservation, greenways, park land or other public open space, delineated by ownership (federal, state and local);	Fig 3-2	
iv. Public parks and recreation properties (GIS dataset from the Parks and Recreation Inventory Map). Did the Plan note if and how parks and natural resource conservation land complement one another? Are trails or other outdoor recreation amenities crossing between parks and conservation lands?	Fig 3-2	
v. Parcels protected for natural resource conservation purposes through long-term conservation easements, licenses, agreements, etc.; that are held by public entities (federal, state or local). Delineate parcels by easement ownership; and	Fig 3-2	
vi. Land preserved by deed covenants, such as homeowners' association designated open space, land preserved by land trusts through ownership or easement, etc.	Fig 3-2	
3k. Does the Plan include a list of available GIS datasets for state parks, other DNR owned lands and associated public recreational amenities as included in Appendix G? (A list of GIS datasets required to be submitted by counties with their LPPRPs is also included in Appendix G.)		X
<i>Implementing Ordinances and Programs</i>		
3l. Does the plan outline the principle implementing ordinances and programs that the county uses to work towards achieving its goals for the conservation of natural resources land? Does the plan include a summary list, table or narrative that provides baseline information on these ordinances and programs?	66-71	

Summary of Deficiencies and Recommendations		
3m. Based on the analysis of the county's inventory of natural resource lands and implementing ordinances and programs against its goals for natural resource conservation, does the plan indicate any deficiencies that need to be addressed? For each deficiency identified, does the plan include a list of recommendations to help address the deficiency?		
AGRICULTURE AND PRESERVATION		
NOTE: If a county has prepared an updated comprehensive plan, Priority Preservation Area (PPA) element, or a substantially equivalent plan containing goals for agricultural preservation acquisition, within the past five years, the county may reference that plan and briefly describe how the LPPRP strategies complement the land preservation goals and efforts reported in that plan.		
Summary, Goals, and Implementing Strategies		
4a. Does this county have an agricultural land preservation program certified by MDP and MALPF? (See Guidelines for certain specifications with certified counties)	✓	
4b. Does the Plan include an executive summary/overview of agricultural land preservation in the county? Cropland covers 89,000 acres (30% of the county) and forest 145,000 acres (49% of the county). The 2017 Census of Agriculture registered 369 farms on 99,239 acres, with a mean average of 269 acres and a median of 50 acres. Worcester ranked 3 rd in Maryland with 64 million broiler/meat chickens produced in 2017 and 23 rd among all counties in the US. The total value of agricultural products sold in 2017 was \$249 million. The introduction to this chapter also contains annual data, 2005-2021, on building permits, both countywide and in the A-1 zone. Estimating from the graph on page 73, the number of building permits in the A-1 zone has been much less than 40 for the past dozen years. In the PPA specifically, page 77 lists 39 lots for the seven years 2014-2021, totaling 778.92 acres, or just under 20 acres per lot. The text explains "that some subdivisions were large and the properties continue therefore to be viable for agricultural use." Also, in the A-1 zone, "only five (5) lots may be created from what was an entire parcel of land in 1967; six (6) lots only where rural clustering is accomplished" (page 77). Planning considers Worcester's rural zoning to be "most protective."	72-74	
4c. For uncertified counties: Does the Plan define and summarize county goals for agricultural land preservation?	N/A	
4d. For uncertified counties: Does the Plan include the list of state goals for agricultural land preservation from Guidelines Appendix A-3? And provide a summary of how county/local goals are complementary or differ from the statewide goals.?	N/A	
Inventory and Mapping of Preserved Agricultural Lands & Mapping		
*4e. Does the Plan include a spreadsheet inventory of existing preserved agricultural land in the county? For MALPF and Rural Legacy. In the final draft, please include other easements in the inventory and add subtotals for all programs.	Part	

<p>*4f. Does the Plan include maps that illustrate agricultural land preserved in the county and any existing Priority Preservation Areas?</p>	<p>Figs. 3-2 (p.58) & 4-1 (p. 75)</p>	
<p>*4g. Does the map legend distinguish between properties that are publicly owned and those under easement, and disaggregate easements by program, including MALPF, Rural Legacy, CREP, MET, land trust, and local PDR/TDR.</p> <p>Map 3-2 includes a variety of easements (MALPF appears to be missing), plus public lands. Map 4-1 contains just MALPF and Rural Legacy easements. In the final draft, please add other easements to Map 4-1 and add public land polygons in one color as "public lands."</p>		<p>✓</p>
<p><i>Does the map legend distinguish properties within the Priority Preservation Area (PPA)?</i></p>		
<p>*4h. Does the Plan explain any differences between properties highlighted in this map and those listed in the associated inventory of preserved agricultural lands in the county?</p> <p>The map and inventory are consistent in that they both include Rural Legacy and MALPF easements, but as noted above, both the map and inventory are incomplete.</p>		<p>✓</p>
<p><i>For counties WITH and WITHOUT agricultural land preservation programs certified by MDP and MALPF</i></p>		
<p>*4i Does the Plan describe which strategies or actions presented in the county's 2017 LPPRP have been implemented and what the effect has been?</p> <p>The 2017 LPPRP did not contain a well-developed program development strategy, perhaps because the program is mature and largely successful. The county may want to consider expanding upon the concepts presented in the 2017 LPPRP below by saying if they have been implemented or are likely to be:</p> <p>Easement value alone may not provide an adequate level of compensation for certain landowners compared to development value of the property. County staff should help local landowners make the decision to preserve land by illustrating the total value of preservation, including: Direct payment; Tax deductions for reduced value donation; Property tax credit; Continued ownership and use; Land resale; Future owner/family lots; and Peace of mind.</p> <p>The 2022 draft LPPRP lists these goals from the 2006 comprehensive plan, revised in 2010 to adopt a PPA and PPA plan element: "Permanently preserve agricultural land capable of supporting agricultural production; Protect natural, forestry and historic resources and the rural character of the landscape associated with farmland; To the greatest degree possible, concentrate preserved land in large, contiguous blocks to effectively support long-term protection of resources and resource-based industries." The 2010 PPA plan element "recommended the goal of 1,000 acres of agricultural land protection per year (800 acres within the PPA annually)."</p> <p>Over the past 10 years, Worcester County has protected over 1,000 acres annually, though it's not clear how many were in the PPA (we assume most, given that the PPA contains 195,000 acres.) As the maps show, Worcester has also been successful in creating large contiguous areas of preserved land.</p> 		<p>✓</p>

<p>*4j. Which strategies or actions presented in the county's 2017 LPPRP were not implemented? Why?</p> <p>It's not clear that the county implemented its strategy of presenting landowners with a wider array of reasons to preserve their land. Regardless, Worcester has achieved the level of easement acquisition it sought. Recommend clarifying this item.</p>		✓
<p>*4k. Does the plan ensure that the county's existing agricultural preservation program development strategy (which is used to determine certification eligibility) is aligned with the LPPRP agricultural preservation goals?</p> <p>The LPPRP goal presented on page 74 are the same goals as found in the comprehensive plan and PPA plan element.</p>	✓	
<p><i>Only for counties WITHOUT certified agricultural land preservation programs.</i></p>		
<p>4l. Has the county established PPAs in its comprehensive plan? Are these areas mapped and is the map included in the comprehensive plan? If so, note where in the comprehensive plan this is discussed and if not, explain why.</p>	N/A	
<p>4m. How are the county's goals implemented through its zoning and other land use tools?</p>	N/A	
<p>4n. How is the county monitoring and evaluating the effectiveness of these programs?</p>	N/A	
<p>4o. What are the findings and conclusions of the most recent evaluation of these programs or ordinances?</p>	N/A	
<p><i>Summary of Deficiencies and Recommendations</i></p>		
<p>*4p. Based on an analysis of the county's inventory of agricultural lands, implementing ordinances, and programs against its goals for agricultural preservation, does the Plan indicate any deficiencies that need to be addressed? For each deficiency identified, does the Plan list a recommendation to help address the deficiency?</p> <p>In the final draft, please identify any deficiencies and recommendations.</p>		✓

Children in Nature-

Nature Education Section on page 17 does a great job of outlining the need, benefits and ways that parks can support students and education. The description of the service projects is wonderful. I wonder if the county school system counts them as an MWEE (Meaning Watershed Education Experience) and or the County's environmental literacy plans. These are great examples of planning and integration of public lands to support these goals which the State has signed on to the Chesapeake Bay Agreement to support and increase.

2022 LPPRP Proposed Addenda

The following are proposed edits/additions to the draft *2022 Worcester County Land Preservation, Parks and Recreation Plan*. The proposed changes are in response to comments received from state agencies after the public comment period, May 24 to July 22, 2022; or to update information that has changed since the draft was prepared.

The page in the draft where the change will be made is indicated and the proposed new text is in redline.

Proposed new figures or tables are indicated with italicized text, and are attached.

Chapter II: Recreation, Parks and Open Space

P 24

Staff Input:

Sometimes important needs do not get reflected in surveys or come out in public meetings. Recreation and Park staff indicate that more storage space for both recreation and parks will allow for more growth in programming and better quality of the facilities. This need would not be readily noted by the public.

P 31

- Worcester County Regional Shared Use Path Network: Worcester County Department of Public Works has received a MDOT Bikeways grant and Transportation Alternatives grant for a preliminary study of a shared use path along MD 611 connecting the existing path on US 50 to the existing path at Assateague State Park. Future grant applications will be submitted for the design phase and the construction phase. Once the MD 611 project is successfully constructed, the county intends to pursue funds to expand the network to US 113 (Berlin) along MD 376, then along US 113 from Berlin to Snow Hill and Pocomoke.

Revised Figure 2-15 showing the Worcester County Regional Shared Use Path Network (see attached).
(Note: this revision is based on new information since the time the draft was prepared.)

P 42

With the exception of Ocean City, all towns and Ocean Pines provide adequate to excellent pedestrian access to parks. West Ocean City (not a town or HOA, but contains over 5,800 residents) has a park within walking distance for only 19% of its residents. This is not ideal, however West Ocean City was developed prior to park and open space planning and regulations; the availability of land for a new park is extremely limited (as noted previously). The most significant access gaps are in water access and trails. In West Ocean City, there are a myriad of private access points to the water that serve many residents. Close proximity to water access also has a natural constraint that cannot always be overcome.

The Town of Berlin is not within walking distance to waterfront and in general, most housing in any community is not located within a half mile of a waterfront. Trails access in West Ocean City will likely remain limited because the area is highly developed with limited open space remaining ([as previously noted](#)).

P 45

The towns of Pocomoke City and Berlin contain areas scoring lowest, with a portion of Pocomoke City west of Cedar Street and East of Railroad Avenue with the very lowest equity score. The underlying data that supports this low score includes population density, concentration of households below 185% of the Federal poverty line, concentration of Non-White population. The area of the town of Berlin with the lowest score includes a larger concentration of children under the age of 18, below average walkability score, as well as the factors noted above. While distance to public park space is “least distance” for these areas of “low equity”, accessibility could be further investigated, as these areas have a great need for accessible outdoor recreation, which should be taken into consideration when locating new facilities. In the case of Berlin, Route 113 is a barrier for pedestrians and cyclists wishing to safely and easily access amenities. While actions have been taken to make crossing the road safer, this challenge, and the inequity it perpetuates, should continue to be considered and addressed when planning parks and trails. [The volume of pedestrians/demand is at this time not high enough to justify the cost of an elevated walkway over Route 113, however the Town of Berlin is taking actions to improve the parks on the east side of the roadway, including basketball court lighting.](#)

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State Goals

- Make a variety of quality recreational environments and opportunities readily accessible to all of its citizens and thereby contribute to their physical and mental well-being.
 - [Relates to County goals and objectives 1 through 4.](#)
- Recognize and strategically use parks and recreation facilities as amenities to make communities, counties and the State more desirable places to live, work, play and visit.
 - [Relates to County goals and objectives 2, 9, and 11.](#)
- Use state investment in parks, recreation and open space to complement and mutually support the broader goals and objectives of local comprehensive/master plans.
 - [Relates to County goals and objectives 6, 11, and 13.](#)
- To the greatest degree feasible, ensure that recreational land and facilities for local populations are conveniently located relative to population centers, are accessible without reliance on the automobile and help to protect natural open spaces and resources.
 - [Relates to County goals and objectives 9 and 10.](#)
- Complement infrastructure and other public investments and priorities in existing communities and areas planned for growth through investment in neighborhood and community parks and facilities.
 - [Relates to County goals and objectives 6, 7, 11, and 12.](#)
- Continue to protect recreational open space and resource lands at a rate that equals or exceeds the rate that land is developed at a statewide level.
 - [Relates to County goals and objectives 11 and 12.](#)

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Implementing programs

Program Open Space funds can be allocated, when funds are available, to each municipality for parkland development projects for Worcester County citizens. In years when funds are available for allocation to municipalities, the Worcester County Department of Recreation & Parks Department's representatives along with the Worcester County Recreation & Parks Advisory Board members may host a budget request meeting with the municipality representatives. After the Worcester County Program Open Space Liaison presents the proposed Program Open Space Annual Program, the Advisory Board along with the Director, who serves as the Worcester County Liaison to Program Open Space make recommendations to the Worcester County Commissioners for the Program Open Space Annual Program and the Program Open Space (POS) funding allocations. The Commissioners make the final decision for the County POS Annual Program and the Worcester County and municipality park improvement and acquisition allocations.

Capital Improvement Plan

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A review of the proximity analysis and public input concludes:

Parks, generally: No deficits in parks were identified at large scale/county wide level. At the half-mile service area level, there are no deficits identified, except that walking distance access to parks is lacking for many households in West Ocean City. The lack of availability of land for a park in West Ocean City makes addressing this deficit difficult to impossible. Public feedback received did not identify a need for a new park in West Ocean City. No new parks are determined to be needed at this time.

Water access/boat/canoe launch: No deficits identified at large scale/county-wide level. At the half-mile service area level, it is evident that there is a low level of access within a walkable distance in most communities. This analysis did not take into account private water access in these communities or that waterfront within that distance simply does not exist. The public feedback received rarely noted water access as inadequate. Water access is not deemed a deficit at this time.

Picnic Facilities: No deficits identified at large scale/county-wide level. At the half-mile service area level, there is a low level of access to picnic facilities evident in West Ocean City and Town of Ocean City. The public feedback received never noted picnic facilities as inadequate. Picnic facilities are not deemed inadequate at this time.

Trails: At the large scale/county wide level, a need for trails in the northern end of the county was identified. The public feedback received identified trails as high priority, and a need for additional trails. At the half-mile service area level, there is shown to be a low level of access to trails within a walkable distance for several communities. Trails, particularly in the northern end of the county, are deemed inadequate at this time.

Playing fields: The 2018 LPPRP identified a playing field deficit in the northern end of the county. This is shown to be a deficit at large scale/countywide level in this current plan as well. While the gap in 5-mile service excludes about 8% of the county population, the practicality of maintaining playing fields in

2/24/2023

multiple dispersed locations, prevents this from being addressed. The larger problem is lack of enough fields in existing locations. Public feedback also noted lack of fields in the northern end of the county. More playing fields are needed in the northern end of the county to adequately meet demand.

General Public Feedback: Generally the public feedback noted outdoor walking/hiking trails, passive parks, water access, playgrounds and pavilions as most important amenities.

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~~In addition, Worcester County is in the early stages of planning a commercial sports complex to be located in the Berlin/Ocean City area. Many details including the extent to which the facility will involve a private venture are still being worked through. The primary goal is that the facility will contain multiple playing fields that will serve local youth, as well as the travel sports industry. The project will likely be completed within the next 5-10 years. It is anticipated that this facility will reduce the discrepancy in per capita playing fields in the northern end of the county, compared to the rest of the county, and alleviate issues associated with demand at Northern Worcester Athletic Complex.~~

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The county plans to evaluate and renovate existing facilities throughout 2027-2036. While doing this, the county will also continue to assess and monitor needs throughout the county.

Replace table 2-9 (see attached)

Chapter III: Other Protected Lands

Revised Table 3-1: edited to add Rural Legacy, MALPF, Forest Legacy, CELCP easements (see attached)

New Appendix IV: GIS Data Sets: Parks and Protected Lands added (list of GIS data provided to the state). (see attached)

Page 71 last sentence:

Land protection strengths and deficiencies and planned strategies and actions are discussed at the end of Chapter 4.

Chapter IV: Agricultural Land Preservation

Revised Figure 4-1: edited to add public lands (see attached)

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Remove heading "Other Strategies" and incorporate with the previous section

Add:

Land Protection Strengths and Deficiencies

Effective agricultural zoning and low per acre cost of easements (compared to many other Maryland counties, partly due to the larger size of farm parcels in Worcester County) have been Worcester County's strengths and prevented significant sprawl development in most of the county. In addition, development pressure continues to be generally minimal in the southern end of the county, which buys time for protection of more land. More state funding for both MALPF and Rural Legacy, especially from 2018 to present has allowed the county to achieve and even surpass the goal of protecting a minimum of 800 acres in the PPA annually, and in fact protect land in the PPA at over eight times the rate it is being converted to non-agricultural uses.

Primary weaknesses may include declining landowner interest, increased pressure for development in the northern area of the county, and the need for a revised county comprehensive plan. Also of concern is the loss of natural shoreline and tidal marsh due to subsidence and sea level rise.

The Coastal Bays Rural Legacy Area was established in 1999, and has been hugely successful with over 17,000 acres now permanently protected. For two decades, there has been a waiting list of interested landowners and a need to prioritize projects. With nearly 8,000 acres now protected with Coastal Bays Rural Legacy easements, the roster of eligible properties has diminished. Solutions include continuing outreach to individual landowners but may also include evaluating the need to expand the area further or to establish a new Rural Legacy Area in a different location in the county where the demand and need is greater.

Sussex County, Delaware, Worcester County's neighbor to the north, has been experiencing rapid growth, including in the southern portion of the county, putting increasing demand on roads and other infrastructure in Worcester County. The increasingly urbanized Sussex County has also created increased demand for development in the area north and west of Ocean Pines. This rural area contains smaller agricultural parcels than does southern Worcester County, which creates a challenge for land protection, as smaller parcels may not be eligible for MALPF or rank highly under the county's current ranking system. In addition, smaller parcels are generally more expensive per acre to protect. Also, smaller parcels can result in more development potential per acre, because A-1 zoning allows lots on a per parcel basis. Landowner interest and participation in land protection in this area of the county has been limited, to date. To address this threat, Worcester County may consider expanding the PPA in this area, prioritizing properties in this area in the MALPF ranking system, or possibly making other changes to the ranking system to prioritize lands in this area. Additional landowner outreach in this area is needed, to gauge interest in land protection and provide information on land protection strategies. The county may consider establishing a new Rural Legacy Area here, if interest warrants.

Worcester County's current comprehensive plan was adopted in 2006 and new zoning map and code in 2009. Since then the Priority Preservation and Water Resources Elements were added as addenda. The county will begin the process of preparing a new plan in 2023. This will allow the county's citizens an opportunity to provide input on the future of agricultural lands in the county, and clarify how to protect them with zoning and other land use tools.

Add:

Planned Strategies and Actions

It is Worcester County's goal to permanently preserve a minimum of 800 acres annually in the county's Priority Preservation Area, as also noted in the 2010 Priority Preservation Area Plan. To meet this goal, the following strategies are recommended:

- A dedicated county staff person will continue to provide landowner outreach and pursue the variety of PDR tools available to protect agricultural land. This will include encouraging farmland conservation easement donation by providing information to landowners on the potential tax benefits and help local landowners make the decision to preserve land by illustrating the total value of preservation, including: direct payment; tax deductions for reduced value donation; property tax credit; continued ownership and use; land resale; future owner/family lots; and peace of mind. Landowner communication will include direct mail, newsletters and workshops/meetings.
- Targeted outreach will be conducted in the Coastal Bays watershed and the Bishopville area, where development pressure is the greatest.
- Worcester County will continue to provide matching funds to the MALPF program for the purchase of MALPF easements.
- Worcester County will evaluate, with input from landowners, whether the Coastal Bays Rural Legacy Area should be expanded or temporarily or permanently put on hold to focus on a new Rural Legacy Area in the Bishopville area.
- Worcester County will continue to work with Maryland Coastal Bays Program, Maryland Department of Natural Resources, and other entities to understand and address loss of marsh/natural shoreline and islands through restoration and protection measures.

Worcester County anticipates updating the 2006 Comprehensive Plan in the near future, which will be an opportunity to review, support and strengthen policies that protect the county's agricultural land.

Worcester County Projects

Captial Improvement Plan:	Location:	Acerage to Acquire:	Develop?	Rehabilitate?	Estimated Cost:	Description:
1. Acquisition of Land	Northern Worcester Athletic Complex	20	X	X	3,000,000	Acquire 20 acres of land from the Berlin Lion's Club. Rennovate the existing fields, build new fields, and increase parking access.
2. Passive Recreation/Trails	Northern Worcester Athletic Complex	0	X		100,000	Develop a new trail system at Northern Worcester Athletic Complex. Current wooded area being unused and has potential for a future trail.
3. Multi Sport system	Newark	0	X		200,000	Develop a multisport universal system for passive recreation as well as scheduled programs and leagues. Features to include would be soccer, basketball, volleyball and more.
4. Concession Stand Rehabilitation	John Walter Smith Park	0		X	200,000	Rennovate current concession stand and bathroom.
	Northern Worcester Athletic Complex	0		X	200,000	Rennovate current concession stand and bathroom.
	Newtown Park	0		X	200,000	Rennovate current concession stand and bathroom.
5. County Dog Park	Bishopville Park	0	X		150,000	Construct a permanent dog park to allow vistors to recreate with their pet in a safe environment.
6. Storage Addition	JWS/Recreation Center	0	X		500,000	Provide additional storage space inside the existing recreation center.
7. Public Landing Beach Pavilion	Public Landing Beach	0	X		75,000	Develop a small pavillion on the beach at Public Landing for shade and picnics.
8. Nature Park Development	Greys Creek	0	X		150,000	Continue with development, install shelters and overlook tower.
9. Parking Lot Development	Northern Worcester Athletic Complex	0	X		700,000	Parking lot development for approxamitely 200 spaces.
		Total: 20			Total: 5,475,000	

Snow Hill Projects

Captial Improvement Plan:	Location:	Acerage to Acquire:	Develop?	Rehabilitate?	Estimated Cost:	Description:
1. Bike Ways Feasibility Study/ Bike Trail	Byrd, Sturgis, and Gateway Parks	0	X		6,000,000	Bike connectivity trail plan. Bikeways feasibility study is completed, working on finalizing the first phase of the plan implementation.
2. Flooding In Byrd Park	Byrd Park	0		X	TBD	Completed Byrd Park flooding study. Meeting with engineers to get a plan for implementation.
		Total: 0			Total: 6,000,000	

Ocean City Projects

Captial Improvement Plan:	Location:	Acerage to Acquire:	Develop?	Rehabilitate?	Estimated Cost:	Description:
1. Downtown Rec Complex Revitliazation	3rd and 4th Street	0		X	5,400,000	Park plan development, Construction drawings, Construction. Complete Revitilization of space.
2. Additional Outdoor Pickleball Courts	TBD	TBD	X		200,000	acquisition of property and development of 3 courts.
3. Playground Replacements	Northside Park	0		X	373,466	Replace Playground
	Gorman Park	0		X	373,466	Replace Playground
	Little Salisbury Park	0		X	373,466	Replace Playground
4.Eagles Landing Site Improvements	Eagles Landing Golf Course	0		X	2,000,000	Improve drainage and reconstruct bunkers on the golf course, as well clubhouse improvements and pavillion expansion.
		Total: 0			Total: 8,720,398	

Berlin Projects

Captial Improvement Plan:	Location:	Acerage to Acquire:	Develop?	Rehabilitate?	Estimated Cost:	Description:
1. Permanent Restrooms	Stephen Decatur Park	0	X		210,000	Bids were higher than anticipated. Exact time frame not set.
2. Walking Path	Stephen Decatur Park	0		X	55,000	Replacement of existing rubberized path- Completed.
3. Basketball Court Lighting	Henry Park	0	X		95,200	Basketball lights for existing court. Expected to be complete in February of 2023.
4. Table Tennis Park	John Howard Burbage Park	0	X		27,000	This would include equipment, parking, and landscaping.
5. Playground Equipment	Henry, Deatur Park	0		X	1,000,000	Concept is currently underreview for a Community Parks and Playgrounds grant.
6. Dog Park	TBD	TBD	X		TBD	
7. SAM Boxes	Decatur and Heron Park Ponds	0		X	TBD	
8. Walking Path	Heron Park	0	X		TBD	
9. Fishing Pier	Heron Park	0	X		TBD	
10. Entertainment Pavillion	TBD	TBD	X		TBD	
		Total: 0			Total: 1,387,200	

Pocomoke Projects

Captial Improvement Plan:	Location:	Acerage to Acquire:	Develop?	Rehabilitate?	Estimated Cost:	Description:
1. Refurbish Pavillion	Cypress Park	0		X	TBD	
2. New Signage	Cypress Park	0		x	TBD	
3. Mini Park	Clark Avenue	TBD	X		TBD	New Brickwork, New Brick Walkways, Replace Brick around the existing fountain.
4. Winters Quarters Dock	Winters Quarters	0		X	TBD	Repair/Replace all boards on dock. Some docking has been repaired through DNR Grant funding, but not all of it.
		Total: 0			Total: 0	

Ocean Pines Projects

Captial Improvement Plan:	Location:	Acerage to Acquire:	Develop?	Rehabilitate?	Estimated Cost:	Description:
1. New Inclusive playground	Bainbridge Park	0	X		TBD	not currently in the current budget, Many other factors to be completed
2. Trail riding areas	Bainbridge Park	0			TBD	not currently in the current budget, Many other factors to be completed
3. Disc Golf	Bainbridge Park	0			0	Complete
		Total: 0			Total: 0	

Figure 2-15 Proposed/Potential Bikeways

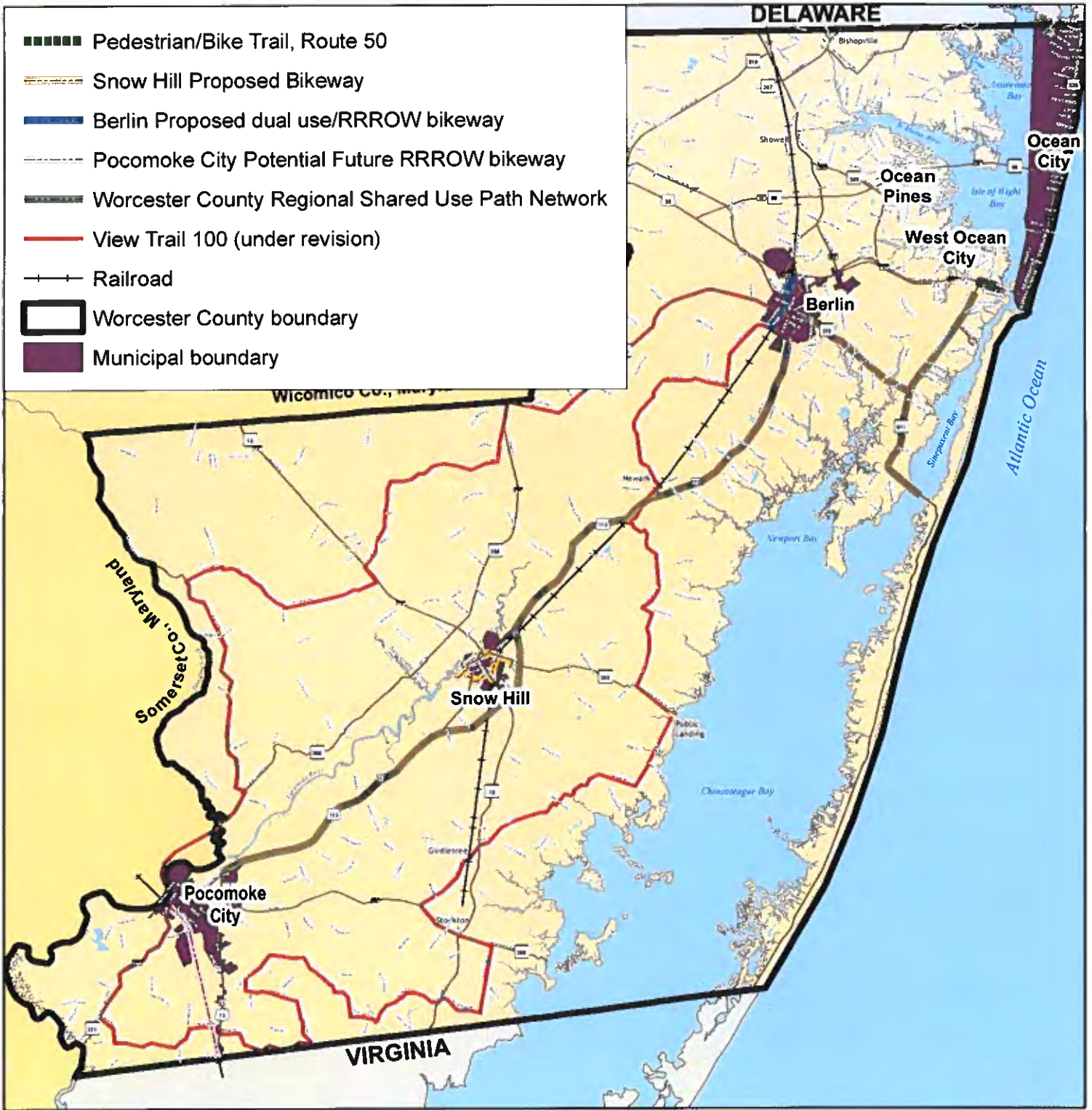
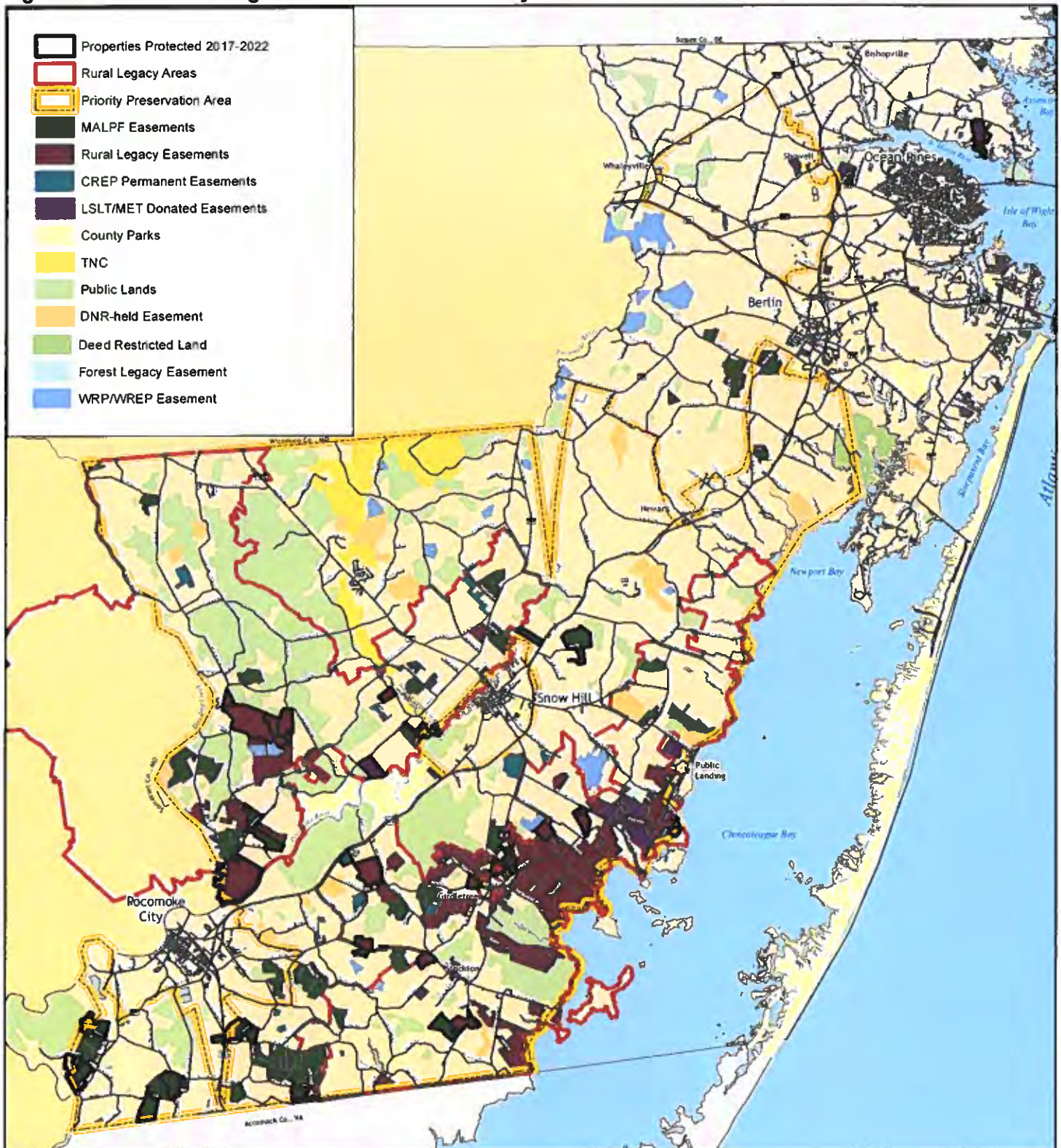


Table 3-1. Natural Resource Lands Inventory, Worcester County, Maryland

Site Name:	Property Size (Acres)	Outdoor Recreation Amenities (if any):	Trails/Interpretive Trails	Water Access	Fishing	Hunting	Other
Grey's Creek Nature Park (Worcester Co.)	575	trail	yes	yes	n/a	n/a	expected to open to the public Fall 2022
Iliia Fehrer Nature Preserve (Worcester Co.)	442		yes	no	n/a	n/a	not currently open to public
Herring Creek Nature Park (Worcester Co.)	44	trail, gazebo	yes	no	no	no	
Homer Gudelsky Park (Worcester Co.)	2	beach		yes	yes	no	
Isle of Wight Park (Worcester Co.)	12	pier, kayak/canoe launch	yes	yes	yes	no	
Assateague Island National Seashore	8,200	beach, camping, canoe/kayak rentals	yes	yes	yes	yes	
Assateague Island State Park (State)	855	beach, camping, nature center		yes	yes	no	
E.A. Vaughn Wildlife Management Area (State)	2,769	trails	yes	no	no	yes	
Isle of Wight Wildlife Management Area (State)	224		no	yes	yes	yes	
Sinepuxent Bay Wildlife Management Area (State)	93		no	yes	yes	no	accessible only by boat, most islands are closed during nesting season
Pocomoke River Wildlife Management Area (State)	1,008	trails	yes	yes	yes	yes	
Pocomoke State Forest (State)	17,626	trails	yes	no	no	yes	
Pocomoke River State Park (State)	916	boat slips, pier, canoe/kayak rental, camping, picnicking, pool, nature center, marina	yes	yes	yes	no	
Chesapeake Forest Lands (State)	20,190	trails	yes	no	no	yes	some tracts allow public access
Nassawango Creek Preserve (TNC)	5,426	water and walking trails	yes	no	no	no	
Lands under conservation easement held by DNR	7,157	n/a	n/a	n/a	n/a	n/a	no public access
Wetland Reserve Program easement (USDA)	3,142	n/a	n/a	n/a	n/a	n/a	no public access
Delaware Wildlands (non-profit)	623	n/a	n/a	n/a	n/a	n/a	no public access
Lower Shore Land Trust/MD Environmental Trust conservation easement (non-profit)	6,414	n/a	n/a	n/a	n/a	n/a	no public access
Maryland Agricultural Land Preservation Foundation (MALPF) easements	9,817	n/a	n/a	n/a	n/a	n/a	no public access
Rural Legacy easements	13,232	n/a	n/a	n/a	n/a	n/a	no public access
Coastal and Estuarine Land Conservation Program (CELCP) Easement	156	n/a	n/a	n/a	n/a	n/a	no public access
Forest Legacy Easement	95	n/a	n/a	n/a	n/a	n/a	no public access
CREP permanent conservation easements (Worcester County)	655	n/a	n/a	n/a	n/a	n/a	no public access
Other protected lands (County/State/Non-profit)	1,696	n/a	n/a	n/a	n/a	n/a	no public access
Totals*:	101,369						

Figure 4-1. Preserved Agricultural Land and Priority Preservation Areas for Farmland Preservation



Source of data: Worcester County Department of Development Review and Permitting, Technical Services Division



0 1.75 3.5 7 Miles

November 1, 2022

Appendix IV. GIS Data Sets: Parks and Protected Lands

The following data sets are maintained by Worcester County (Technical Services division of Department of Development Review and Permitting) and were submitted to the state of Maryland for purposes of statewide analysis:

1. Worcester County Parks (county protected land)
2. CREP Permanent Easements (county-held conservation easements on private land)
3. Rural Legacy Easements (county-held conservation easements on private land)
4. Forest Conservation Mitigation Retention Areas (county-managed Forest Conservation program)
5. MALPF easements (state held agricultural easements on private land)
6. Forest Legacy Easement (state-held conservation easement on private land)*
7. Other Conservation Easements/Protected Land (state-held conservation easements, deed restricted land, county-held CELCP easement; Delaware Wildlands, Inc.-held land)*
8. Wetland Reserve Program/Wetland Reserve Enhancement Program Easements (data provided by USDA/NRCS)*
9. MET-held donated conservation easements (land trust held conservation easements on private land)*
10. Lands held by The Nature Conservancy*
11. Assateague Island National Seashore (federal land)
12. Maryland Historic Trust Preservation Easements*

*Data was obtained from the agency/source that holds the easement or land.

STAFF REPORT

REZONING CASE NO. 441

PROPERTY OWNER: Ocean 8 Group, LLC
9804 Winding Trail Drive
Ocean City, MD 21842

ATTORNEY: Hugh Cropper, IV
9927 Stephen Decatur Highway, F-12
Ocean City, Maryland 21842

TAX MAP/PARCEL INFO: Tax Map 26, Parcel 445, Lot 1B, Tax District 10

SIZE: The petitioned area is 3.29 acres in size.

LOCATION: The petitioned area is located on the easterly side of Stephen Decatur Highway approximately 450 feet south of Sunset Avenue.

CURRENT USE OF PETITIONED AREA: The property is currently vacant, but in the past has been utilized as a material storage yard, most recently for the Route 50 shared use path construction.

CURRENT ZONING CLASSIFICATION: C-2 General Commercial District.

As defined in the Zoning Code, the intent of this district is to provide for more intense commercial development serving populations of three thousand or more within an approximate ten- to twenty-minute travel time. These commercial centers generally have higher parking demand and greater visibility. The Code also states, in part, that site layout and design features within this district shall be compatible with the community and the County's character.

REQUESTED ZONING CLASSIFICATION: R-4 General Residential District.

As defined in the Zoning Code, the intent of this district is to protect the existing residential subdivisions throughout the County that are currently developed in accordance with its provisions while also providing for compatible infill development and is meant to accommodate the most diverse housing types and range of affordability. While this district can serve as the core of a traditional neighborhood development, it is not limited to usage only in areas designated for growth by the Comprehensive Plan.

APPLICANT'S BASIS FOR REZONING: The application indicates that a mistake was made in zoning the property C-2 on November 3, 2009 and that there has also been a change in the character of the neighborhood since then that justifies the rezoning to R-4.

ZONING HISTORY: At the time zoning was first established in the 1960's, the petitioned area was given an A-1 Agricultural District classification. The parcel, which now consists of Lots 1A (currently the Green Turtle Restaurant) and 1B (subject property), was rezoned in 1976 to a B-2 General Business District classification as a result of Rezoning Case No. 104. In the 1976 Comprehensive Plan, the Land Use designation was Suburban, and was recommended for "development with a variety of residential (including multi-family), recreational and supporting commercial development." The argument was that there was a substantial change in the character of the neighborhood based upon a prior commercial rezoning at the intersection with Sunset Avenue and the Board of Zoning Appeals approval for a trailer park to the south and east. This case also included the rezoning of the Mystic Harbour trailer park, previously subject to BZA approval for the use, to the former R-5 Mobile Home District (now R-4 District) in order to allow the sale of lots as a subdivision rather than limit it to a long-term lease arrangement.

The commercial designation was retained during the 1978 and 1992 comprehensive rezonings. In 2009, the B-2 General Business District was retitled as the C-2 General Commercial District.

SURROUNDING ZONING: Adjoining properties to the north and on the westerly side of Stephen Decatur Highway (MD Route 611) are also zoned C-2 General Commercial District. The properties to the south and east are zoned R-4 General Residential District, consisting of the Mystic Harbour subdivision and the wastewater treatment facilities.

IN REGARDS TO THE APPLICANTS ARGUMENT FOR MISTAKE: At the time of the 2009 comprehensive rezoning, this property had site plan approval for a 42,000 square foot retail facility, granted in 1999 with annual requests for nine subsequent site plan extensions that were also granted. Under the provisions of § ZS 1-126 of the 2009 Zoning and Subdivision Control Article, all valid site plan approvals were grandfathered until November 3, 2011. The project approvals then expired as building permits were not obtained and acted upon.

**As the primary basis for the requested rezoning, the applicant should further explain how the staff, Planning Commission and Worcester County Commissioners made a (good faith) mistake in the zoning classification of this property in 2009 when there was a valid site plan approval for a use that was consistent with the current C-2 General Commercial District.*

IN REGARDS TO THE APPLICANTS ARGUMENT FOR A CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD: The applicant has defined the neighborhood as encompassing all properties on the easterly side of Stephen Decatur Highway from the southerly side of Sunset Avenue, east to the Sinepuxent Bay and to the southerly side of Grays Creek Subdivision. The defined neighborhood also includes the commercial developments on the west side of Stephen Decatur Highway, extending westward from a point parallel with Sunset Avenue to the southerly boundary of the Sea Oaks Village Residential Planned Community. The defined neighborhood has a mix of commercial zoning (C-1 and C-2), residential zoning (R-2, R-3 and R-4), agricultural zoning (A-2), Resource Protection (RP) along the waterfront areas and the most southerly portion of the neighborhood is zoned Estate (E-1). A map of the applicant's defined neighborhood is attached to the application.

The applicant has argued that the expansion of the Mystic Harbour wastewater treatment facility is the biggest change to the character of the neighborhood, in that it allowed other properties to connect to public sewer, including two large rental campgrounds. The applicant also argues that the downzoning of the lands associated with the Frontier Town Campground from C-2 General Commercial District to A-2 Agricultural District is a significant change in the character of the neighborhood (Rezoning Case No. 395, March 1, 2016 consisting of 36 acres). This rezoning coupled with a sewer allocation will allow the owner of the campground the opportunity to significantly expand the number of sites, a recreational and commercial enterprise, as infill development.

During the review of Rezoning Case No. 395, the Planning Commission and County Commissioners found that the defined neighborhood for that case should not extend any further south than the Frontier Town Campground, because that area is generally zoned E-1 Estate District, and is not consistent with the rest of the Route 611 corridor. The applicant may wish to take this into advisement when presenting the defined neighborhood to the Planning Commission.

****The Planning Commission shall review the applicants defined neighborhood and determine if they find it appropriate and concur, or would alter the boundaries of the neighborhood. They then must find that there has been a substantial change in the character of the defined neighborhood since 2009 that warrants the change in zoning.***

COMPREHENSIVE PLAN:

The County's Comprehensive Plan was adopted by the County Commissioners on March 7, 2006, and is intended to be a general guide for future development in the County. Whether a proposed rezoning is compatible with the recommendations of the Comprehensive Plan is one of the criteria that is considered in all rezoning requests, as listed in § ZS 1-113(c)(3) and as summarized at the end of this Staff Report.

According to Chapter 2 – Land Use of the Comprehensive Plan and the associated land use map, the petitioned area lies within the Existing Developed Area (EDA) Land Use Category. With regard to the EDA Land Use Category, the Comprehensive Plan states the following:

“This category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained. Recognizing existing development and neighborhood character is the purpose of this designation. Appropriate zoning providing for densities and uses consistent with this character should be instituted.” (Page 13)

“Not designated as growth areas, these areas should be limited to infill development. Density, height, bulk, and site design standards should also be consistent with the EDA's existing character.” (Pages 13-14)

Pertinent objectives cited in Chapter 2 – Land Use state the following:

3. Maintain the character of the county's existing population centers.
4. Provide for appropriate residential, commercial, institutional, and industrial uses.
5. Locate new development in or near existing population centers and within planned growth centers.
6. Infill existing population centers without overwhelming their existing character.
8. Regulate development to minimize consumption of land, while continuing the county's rural and coastal character.
9. Minimize conflicts among land uses due to noise, smoke, dust, odors, lighting, and heavy traffic.
10. Locate employment centers close to the potential labor force.
15. Balance the supply of commercially zoned land with anticipated demand of year-round residents and seasonal visitors.
16. Locate major commercial and all industrial development in areas having adequate arterial road access or near such roads.
17. Discourage highway strip development to maintain roadway capacity, safety, and character.
21. Promote mixed use development.

(Pages 12 & 13)

The area immediately surrounding the subject property is also designated "Existing Developed Area" on the Land Use Plan. To the north, starting on the southeasterly side of Sunset Avenue, the Route 611 corridor is designated as a "Commercial Corridor", comprising of shopping centers with retail, restaurant and services uses. Further south, the applicant-defined neighborhood includes areas that have "Agricultural", "Existing Developed Area" and "Green Infrastructure" land use designations. These areas are comprised of residential subdivisions, the Ocean City airport and golf course, and two rental campgrounds.

In Chapter 4 - Economy, the Plan calls for commercial services to be located in major communities, rather than separate and apart from standard subdivision-type residential development.

In Chapter 5 – Housing, a comparison of the 2000 Census data reported in the Plan and when compared to the 2020 Census statistics show that owner occupied (76%) versus renter occupied (24%) has stayed fairly stable over the past twenty years. However, there continues to be an issue with housing affordability and a variety of housing types that meet the needs of all income levels and age groups. In addition, Worcester County experiences a high second home demand for vacation use and seasonal rentals that can in turn lead to full-time residency via in-migration as outlined in Chapter 1 – Introduction.

In Chapter 7 – Transportation, the Plan states that the level of daily traffic along MD Route 611, a major collector highway, has continued to increase dramatically since 1990. The Plan

recommends keeping development along this corridor to infill only for the current planning period. Interparcel connectors and other access controls should be used to limit the number of access points and increase road capacity.

In this same chapter, under the heading General Recommendations – Roadways, it states the following (page 87):

1. Acceptable Levels of Service—It is this plan’s policy that the minimal acceptable level of service for all roadways be LOS C. Developers shall be responsible for maintaining this standard.
3. Traffic studies--Developers should provide traffic studies to assess the effect of each major development on the LOS for nearby roadways.

WATER AND WASTEWATER: According to the attached response memo from Mr. Mitchell, the property is not currently connected to public sewer and/or water at this time. The subject property has a designation of a Sewer and Water Service Category of S-1 (Immediate to 2 years) in the Master Water and Sewerage Plan, and an existing allocation of twenty (20) water and sewer EDU’s from the Mystic Harbour Sanitary Service Area. No comments were received from the County’s Public Works Department.

The primary soil types on the petitioned area according to the Worcester County Soil Survey are as follows:

MuA – Mullica-Berryland complex (92% of site), severe limitations to on-site wastewater disposal

WdB – Woodstown sandy loam (7% of site), moderate limitations to on-site wastewater disposal

CeA – Cedartown-Rosedale complex (1% of site), severe limitations to on-site wastewater disposal

EMERGENCY SERVICES: Fire and ambulance service will be available from the Berlin Volunteer Fire Company, with a substation on Stephen Decatur Highway approximately four minutes south of the subject property. Service is also available from the Ocean City Volunteer Fire Company, with a substation on Keyser Point Road approximately five minutes away. No comments were received from the fire companies with regard to this review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately twelve minutes away, and the Worcester County Sheriff’s Office in Snow Hill, approximately twenty-five minutes away. No comments were received from the Maryland State Police Barracks or from the Sheriff’s Office.

ROADWAYS AND TRANSPORTATION: The petitioned area has frontage on MD Route 611 (Stephen Decatur Highway), a State-owned and maintained road. It is considered a two-lane secondary highway and major collector highway. The signalized intersection of MD Route 611 and Sunset Avenue is located approximately 450 feet to the south. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has no objection to the request. They note in their comments that any future development proposal will require review and approval from District 1 Access Management and any permitting as needed. As this parcel is not

located on a county owned and maintained road, no comments were received from the County Roads Division of the Department of Public Works.

SCHOOLS: The petitioned area is within Zone 2 of the Worcester County Public School Zones and is served by the following schools: Ocean City Elementary, Berlin Intermediate, and Stephen Decatur Middle and High Schools. No comments were received from the Worcester County Board of Education (WCBOE).

CHESAPEAKE/ATLANTIC COASTAL BAYS CRITICAL AREAS: Mr. Mitchell also notes in his memorandum that the petitioned area is predominantly located within the Atlantic Coastal Bays Critical Area (ACBCA) with a designation of Intensely Developed Area (IDA). There are no buffers on the property. As he describes in his memorandum, IDAs are areas where residential, commercial institutional, and/or industrial uses predominate and where relatively little natural habitat occurs or remains. He finds that the proposed R-4 zoning designation is consistent with the IDA Critical Area classification. No comments were received from the State Critical Area Commission relative to this request.

FLOOD ZONE: The FIRM map (24047C0180H, effective July 16, 2015) indicates that this property is located outside of the floodplain in Zone X (Area of Minimal Flood Hazard).

PRIORITY FUNDING AREA: The petitioned area is within a designated Priority Funding Area (PFA). The R-4 General Residential District permits a density of eight (8) units per net acre. The PFA designation for residential development requires at least 3.5 units per acre. The proposed zoning district would be consistent with the PFA designation.

INCORPORATED TOWNS: This property is not within one mile of any incorporated town; Ocean City is approximately one and a half miles to the northeast.

ADDITIONAL COMMENTS RECEIVED: N/A

!!IMPORTANT!!

THE PLANNING COMMISSION MUST MAKE FINDINGS OF FACT IN EACH SPECIFIC CASE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING MATTERS:

1. What is the applicant’s definition of the neighborhood in which the subject property is located? (Not applicable if request is based solely on a claim of mistake in existing zoning.)
2. Does the Planning Commission concur with the applicant’s definition of the neighborhood? If not, how does the Planning Commission define the neighborhood?
3. Relating to population change.

4. Relating to availability of public facilities.
5. Relating to present and future transportation patterns.
6. Relating to compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact on waters included on the State's impaired waters list or having an established total maximum daily load requirement.
7. Relating to compatibility with the Comprehensive Plan.
8. Has there been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property (November 3, 2009) or is there a mistake in the existing zoning of the property?
9. Would a change in zoning be more desirable in terms of the objectives of the Comprehensive Plan?

Rezoning Case
No. 395
CC FOF
3/1/2016

subdivisions and other residential uses, it is also agrarian in nature. The County Commissioners concur. As did the Planning Commission, the County Commissioners also agree with the applicant that the definition of the neighborhood should not extend any further south because that area is generally zoned E-1 Estate District, a much different zoning classification than those within the defined neighborhood. The County Commissioners find that the Planning Commission's definition of the neighborhood is appropriate and adopt it as their definition as well but also recognize that defining the neighborhood is now of lesser consequence since the applicant no longer bases a part of its argument on a change in the character of the neighborhood.

Regarding population change in the area: The County Commissioners concur with the Planning Commission's conclusion that there has not been a significant increase in the population of the neighborhood since the comprehensive rezoning of 2009. There has been infill development of single-family dwellings on existing lots within nearby residential subdivisions. Additionally, there has been an intensification of camping uses within the neighborhood, as evidenced by a recent 22 site expansion of the Castaways campground. The County Commissioners do not anticipate that development consistent with the requested A-2 Agricultural District will result in any significant population change in the neighborhood.

Regarding availability of public facilities: Based upon the Planning Commission's findings and the testimony of Mr. Hand, landscape architect, at the public hearing, the County Commissioners find that the petitioned area and the adjacent campground are not within an area which receives public sewer or water service at present. Instead these areas are served by an existing onsite septic system. The commercially developed portion of the subject property of which the petitioned area is a portion is currently served by public sewer from the Assateague Point Sanitary Service Area. The Planning Commission's findings of fact detail a recent sewer planning area designation to S-1 for the remainder of the campground to be included in the Mystic Harbour sewer planning area, including the petitioned area, has been approved and is part of the *Master Water and Sewerage Plan*. Robert J. Mitchell, Director of the Department of Environmental Programs, by memo included in the staff report attached to the Planning Commission's findings of fact, stated that the connection process will commence once engineering and permitting have been completed. He noted that the Frontier Town Campground will make their connection to a Mystic Harbour force main that exits Eagles Nest Road, north of the subject property on MD Route and all onsite septic systems will be abandoned during the connection process. Mr. Mitchell additionally commented that he expects that there will be excess capacity for additional commercial expansion or intensification on the front portion of the campground and the owner can make application for additional sanitary capacity to serve additional campsites. Based upon the Planning Commission's findings, including the comments of Mr. Mitchell, and the testimony of the applicant's representatives, the County Commissioners find that wastewater facilities currently being designed will be adequate to serve the petitioned area. As indicated in the Planning Commission's findings of fact, the



Worcester County Department of Environmental Programs
Worcester County Government Center, 1 West Market Street, Rm 1306 | Snow Hill MD 21863
Tel: (410) 632-1220 | Fax: (410) 632-2012

Memorandum

To: Jennifer Keener, Director, DDRP

From: Robert J. Mitchell
Director, Environmental Programs

Subject: EP Staff Comments on Rezoning Case No. 441
Worcester County Tax Map 26, Parcel 445, Lot 1B
Reclassify approximately 3.29 Total Acres of
C-2 Commercial District to R-4 Residential District

Date: 3/23/23

This response to your request for comments is prepared for the map amendment application associated with the above referenced property. The Worcester County *Zoning and Subdivision Control Article*, Section §ZS 1-113(c)(3), states that the applicant must affirmatively demonstrate that there has been a substantial change in the character of the neighborhood since the last zoning of the property or that a mistake has been made in the existing zoning classification. The application argues that a mistake was made since the last Comprehensive Rezoning that was approved by the County Commissioners on November 3, 2009. The applicant is also contending that there has been a change in the character of the neighborhood. The Code requires that the Commissioners find that the proposed “change in zoning” would be more desirable in terms of the objectives of the *Comprehensive Plan*.

The Department of Environmental Programs has the following comments:

1. This property has an Existing Developed (EDA) land use designation in the Land Use Map in the Worcester County Comprehensive Plan (*Comprehensive Plan*), as do properties to the east and south. This is more specifically the West Ocean City EDA (page 14). Lands to the south, east, and west of the subject parcel also carry an Existing Developed land use designation. There is a strip of Commercial Center designations to the north of the subject property extending eastward along Sunset Avenue towards the West Ocean City Commercial Harbor.
2. The existing property is not connected to public sewer and/or water at this time and is unimproved. The subject property has a designation for a Sewer Service Planning Category of S-1/ (Immediate to two years) in the *Master Water and Sewerage Plan*. It has an existing allocation of twenty (20) water and sewer EDU's from the Mystic Harbour Sanitary Service Area, enough to serve a corresponding number of new dwelling units.
3. This proposed rezoning is located within the Atlantic Coastal Bays Critical Area (ACBCA). The parcel is designated as an Intensely Developed Area (IDA) but does not have any associated buffers. IDAs are areas where residential, commercial, institutional, and/or industrial uses predominate and where relatively little natural habitat occurs or remains. This property is open ground, bordered on two sides with berms surrounding the Mystic Harbour community and has been extensively used over time as a staging area for local development stone and soil stockpiles.

4. The R-4 zone is mostly consistent with the IDA classification as evidenced by the description of the R-4 General Residential District in the County's zoning ordinance as being "intended to protect the existing residential subdivisions throughout the County that are currently developed in accordance with its provisions while also providing for compatible infill development."
5. The *Comprehensive Plan* recognizes existing development and neighborhood character is the purpose of the EDA designation. Zoning designations that provide for densities and uses consistent with maintaining this character would be appropriate. This property also carries a Priority Funding Area (PFA) designation and with the sanitary capacity allocated, the density allowed under R-4 zoning would allow development of the land at typical PFA concentrations of 3.5 units per acre or greater.
6. The applicant submits that the character of the neighborhood has changed to an extent that justifies this amendatory action to change the zoning designation. The neighborhood has been significantly improved with residential development as noted in the applicant's attachment, however the reasoning for their definition of neighborhood as extending three-and-one-half miles to the south should be explained to the Planning Commission.
7. Usually we see rezoning applications for a more intensive use designation. While some could claim that housing could rival commercial development in scale and concentration, the underlying land use is existing developed and there are neighboring existing residential communities like Mystic Harbour, Whispering Woods, and Sunset Village. The Sunset Village community is a development of 84 townhomes with a land use designation of Commercial Center and a C-2 zoning designation. We also have a newer development, Sea Oaks, located in the same vicinity as these existing residential communities. Perhaps it could be argued that the reclassification of this property and its subsequent residential development could meet *Comprehensive Plan* land use objectives for provision of appropriate residential uses within an existing population center that will not overwhelm the character of the existing neighborhood and will minimize consumption of land.

If you have any questions on these comments, please do not hesitate to contact me.

Jennifer Keener

Subject: FW: Rezoning Case #441

From: Aws Ezzat <AEzzat@mdot.maryland.gov>
Sent: Tuesday, February 14, 2023 2:57 PM
To: April Mariner <amariner@co.worcester.md.us>
Cc: Daniel Wilson <DWilson12@mdot.maryland.gov>
Subject: Fw: Rezoning Case #441

Good afternoon April,

After a review of Rezoning Case #441, MDOT SHA has no objection to the rezoning as proposed. If this parcel is proposed to be developed in the future, the proposed development will require review and approval from District 1 Access Management and need to obtain permitting, as necessary.

As reflected in our aforementioned comments, MDOT SHA has no objections to the proposed rezoning as determined by Worcester County. I would highly appreciate if you can copy/inform me in the future for any rezoning submissions.

Thank you,



Aws Ezzat
Regional Engineer, Access Management
District 1
660 West Road
Salisbury, MD 21801
AEzzat@mdot.maryland.gov
(410) 677-4048 (office)

From: Daniel Wilson <DWilson12@mdot.maryland.gov>
Sent: Tuesday, February 14, 2023 2:45 PM
To: Aws Ezzat <AEzzat@mdot.maryland.gov>
Subject: FW: Rezoning Case #441

Worcester County Commissioners
Worcester County Government Center
One W. Market Street, Room 1103
Snow Hill, Maryland 21863

PLEASE TYPE
OR PRINT IN
INK

APPLICATION FOR AMENDMENT OF OFFICIAL ZONING MAP

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

Rezoning Case No. 441

Date Received by Office of County Commissioners: _____

Date Received by Development, Review and Permitting: 1/31/2023

Date Reviewed by Planning Commission: _____

I. Application

Proposals for amendment of the Official Zoning Maps may be made only by a governmental agency or by the property owner, contract purchaser, option holder, leasee, or their attorney or agent of the property to be directly affected by the proposed amendment. Check applicable status below:

- A. _____ Governmental Agency
- B. _____ Property Owner
- C. _____ Contract Purchaser
- D. _____ Option Holder
- E. _____ Leasee
- F. XXX Attorney for B (Insert A, B, C, D, or E)
- G. _____ Agent of _____ (Insert A, B, C, D, or E)

II. Legal Description of Property

- A. Tax Map/Zoning Map Number(s): 26
- B. Parcel Number(s): 445
- C. Lot Number(s), if applicable: Lot 1B
- D. Tax District Number: 10

III. Physical Description of Property

- A. Located on Stephen Decatur Highway.
- B. Consisting of a total of 3.29 acres of land.
- C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area:

-
- D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and such other information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

- A. Existing zoning classification(s): C-2- General Commercial
(Name and Zoning District)
- B. Acreage of zoning classification(s) in "A" above: 3.29 acres
- C. Requested zoning classification(s): R-4 General Residential District
(Name and Zoning District)
- D. Acreage of zoning classification(s) in "C" above: 3.29

V. Reasons for Requested Change

The County Commissioners may grant a map amendment based upon a finding that there: (a) has been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

- A. Please list reasons or other information as to why the rezoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:


This sectional rezoning is based upon the following: (1) a mistake in the November 3, 2009 Comprehensive Rezoning; and (2) a substantial change in the character of the neighborhood where the property is located. Please see attached.

IV. Filing Information and Required Signatures


- A. Every application shall contain the following information:
1. If the application is made by a person other than the property owner, the application shall be co-signed by the property owner or the property owner's attorney.

2. If the applicant is a corporation, the names and mailing addresses of the officers, directors and all stockholders owning more than 20 percent of the capital stock of the corporation.
3. If the applicant is a partnership, whether a general or limited partnership, the names and mailing addresses of all partners who own more than 20 percent of the interest of the partnership.
4. If the applicant is an individual, his/her name and mailing address.
5. If the applicant is a joint venture, unincorporated association, real estate investment trust or other business trust, the names and mailing addresses of all persons holding an interest of more than 20 percent in the joint venture, unincorporated association, real estate investment trust or other business trust.

B. Signature of Applicant in Accordance with VI.A. above.

Signature: 
 Printed Name of Applicant: Hugh Cropper, IV, Attorney for Property Owner
 Mailing Address: 9927 Stephen Decatur Hwy., F-12, Ocean City, MD 21842 Phone Number: 410-213-2681
 E-Mail: hcropper@bbcmlaw.com
 Date: January 31, 2023

D. Signature of Property Owner in Accordance with VI.A. above

Signature: 
 Printed Name of Owner: Tauhid Islam, Managing Member, Ocean 8 Group, LLC
 Mailing Address: 9804 Winding Trail Drive, Ocean City, MD 21842
 Phone Number: 443-373-1789
 E-Mail: islam.tauhid@yahoo.com
 Date: January 31, 2023

(Please use additional pages and attach to application if more space is required.)

VII. General Information Relating to the Rezoning Process



ATTACHMENT TO REZONING APPLICATION

Ocean 8 Group, LLC, Tauhid Islam, Managing Member, by its attorney, Hugh Cropper IV, submits the following in support of its request to rezone Lot 1B, 3.29 acres of land, more or less, from C-2, General Commercial District, to R-4, General Residential District:

1. **Mistake** – Lot 1B is bordered on the south by R-4, General Residential District Zoning, which are the lots in Mystic Harbour along East Wind Drive. The property is bordered to the east by Lot 2A, also the property of the applicant, which is R-4, General Residential District. The property is bordered to the north by C-2, General Commercial Zoning, and to the west by Stephen Decatur Highway. A copy of the Zoning Map is attached hereto.

The property is designated EDA, or Existing Developed Area, by virtue of the Worcester County Land Use Map. According to the March 14, 2006 Comprehensive Plan, EDA's are defined as: "This category identifies **existing residential and other concentrations of development** in unincorporated areas and provides for their current development character to be maintained." (Comprehensive Plan, p. 13).

Recognizing existing development and neighborhood character is the purpose of an EDA. Appropriate zoning providing for densities and uses consistent with this character should be instituted.

In this case, the petitioned property abuts Mystic Harbour. The proposed R-4, General Residential Zoning District, would maintain the existing neighborhood character of Mystic Harbour, and provide an appropriate transition

to the commercial uses to the west and to the north.

The property has been allocated EDU's in the Mystic Harbour Sanitary Service Area making it appropriate for residential uses, consistent with the proposed residential zoning.

The November 3, 2009 commercial designation was a mistake, albeit a good faith mistake. The property should have been mapped as residential, which would be consistent with the EDA designation in the Comprehensive Plan, consistent with the character of the neighborhood, and appropriate as adjoining the Mystic Harbour Subdivision, an established residential neighborhood.

2. **Substantial Change in the Character of the Neighborhood** – The neighborhood is defined as Sunset Avenue to the north, the Sinepuxent Bay to the east, the Grays Creek Drive subdivision to the south, and Maryland Route 611 to the west, except the neighborhood should include the Sea Oaks, Residential Planned Community. As such, there have been substantial changes to the character of the neighborhood since November 3, 2009.

Probably the biggest change is the expansion of the Mystic Harbour Wastewater Treatment Facility, to include an additional 200,000 gpd, or 666 EDU's, and the ability to purchase those EDU's from Worcester County pursuant to Resolution 17-19. Since that time, there was a substantial downzoning at Frontier Town (Rezoning Case No. 395), together with the initial purchase of 200 EDU's. Castaways Campground has also connected to the public sewer system, and their existing wastewater treatment facility, which formerly operated approximately 40,000 gpd, has been decommissioned. Other properties along

Route 611 have received allocation.

The Sea Oaks, Residential Planned Community, has been approved since the last Comprehensive Rezoning. It contains 134 residential units, along with accessory commercial. It has been allocated approximately 135 EDU's.

In conclusion, the substantial **downzoning** at Frontier Town, coupled with other changes in the character of the neighborhood, have moved the neighborhood towards a more residential character. Properties to the north, along US Route 50, have maintained, or expanded, their commercial character.

3. **Conclusion** – In conclusion, the primary reason in support of this sectional rezoning is a mistake. The proposed residential rezoning will be more consistent with the Worcester County Land Use Map, Worcester County Comprehensive Plan, and the residential character of the Mystic Harbour Subdivision.

Respectfully Submitted



Hugh Cropper IV, Attorney for
Owner/Applicant Ocean 8 Group, LLC

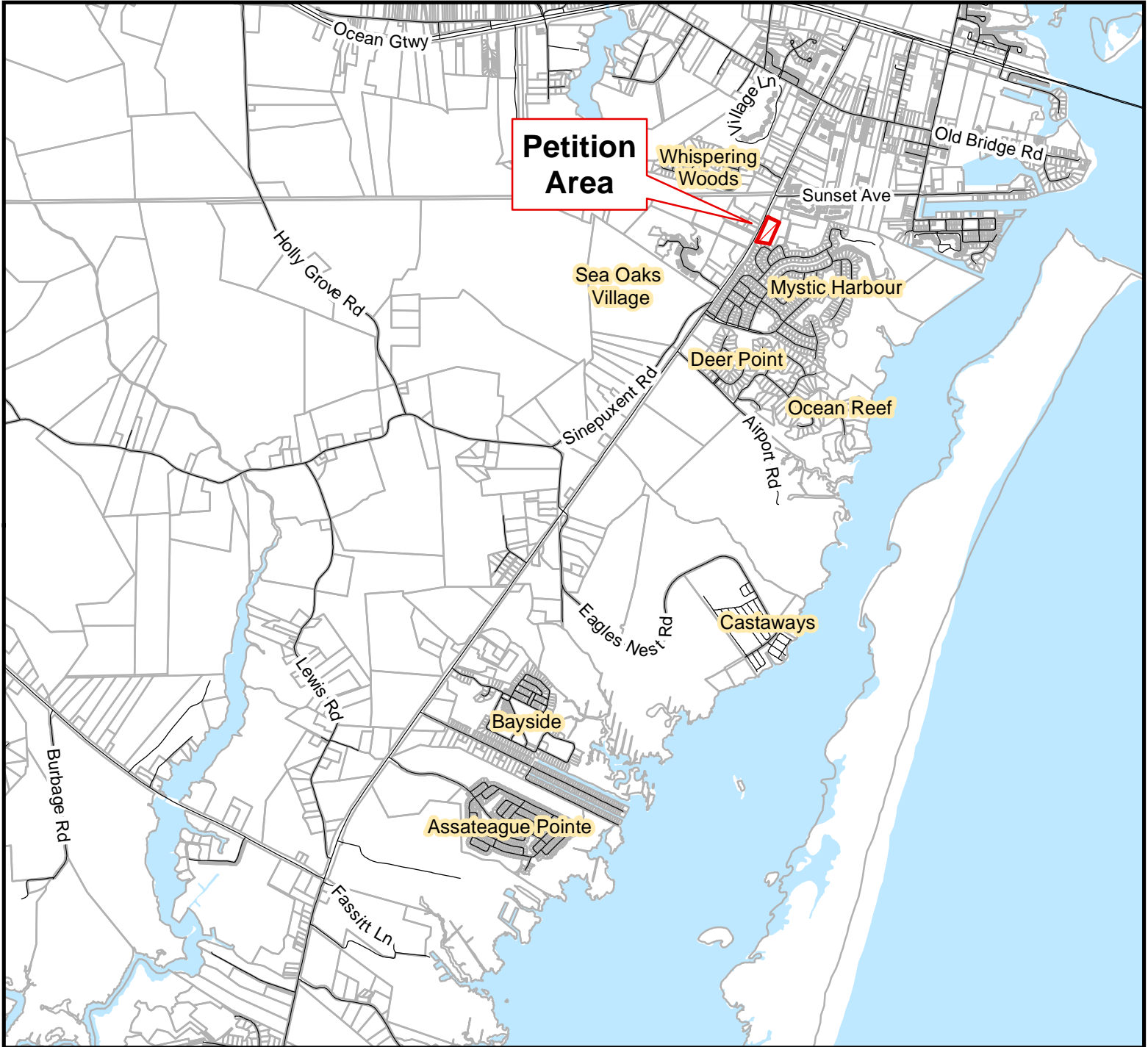
WORCESTER COUNTY, MARYLAND



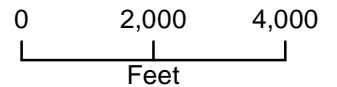
REZONING CASE NO. 441
C-2 General Commercial District to R-4 General Residential District
Tax Map: 26, Parcel 445, Lot 1B



LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared February 14, 2023



Source: Worcester County GIS Data Layers

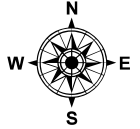
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: JKK

WORCESTER COUNTY, MARYLAND



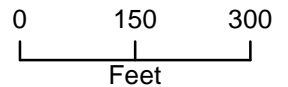
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AERIAL MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared February 14, 2023



Source: Worcester County GIS Data Layers, 2019 Aerial Imagery
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: JKK

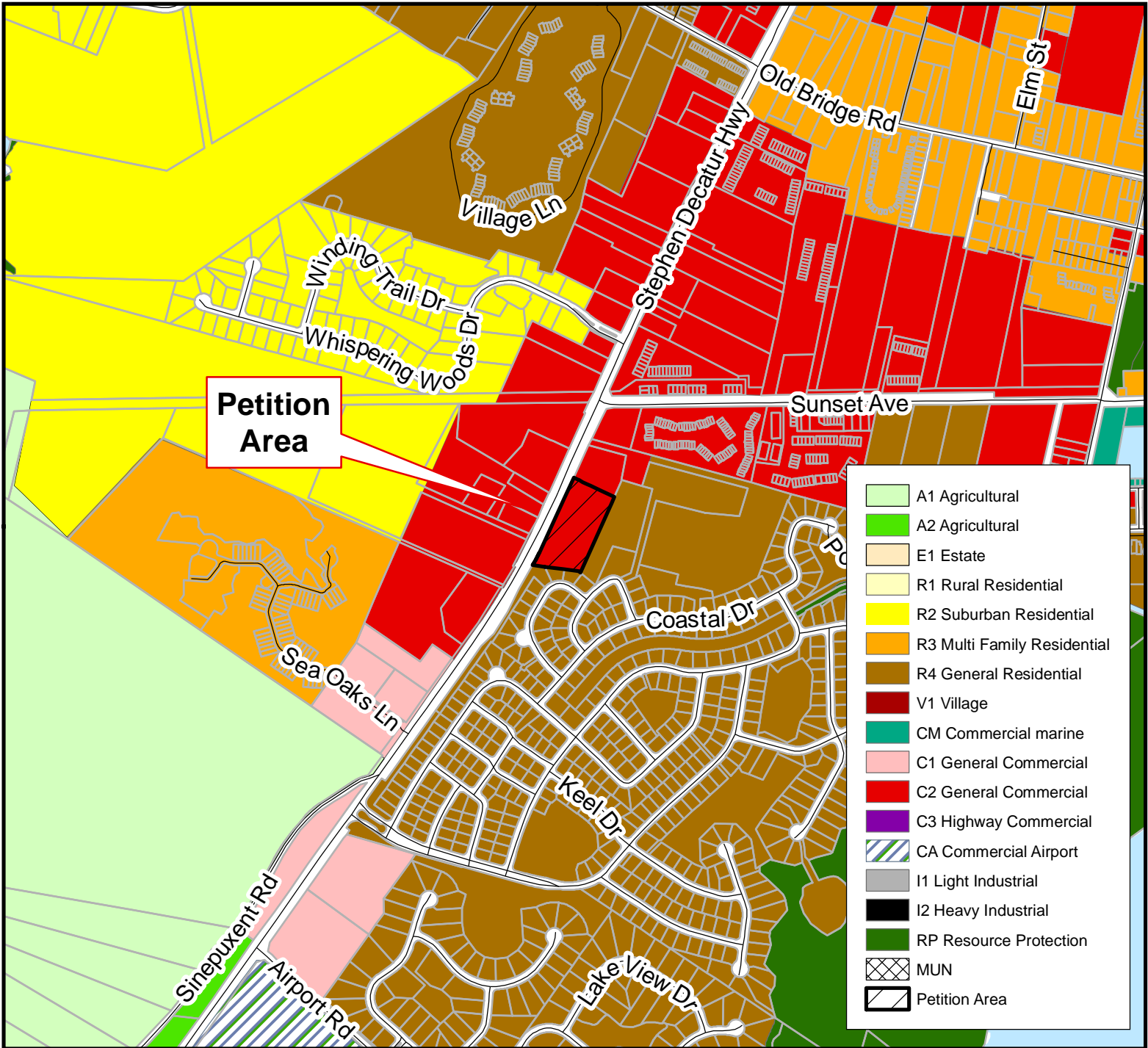
WORCESTER COUNTY, MARYLAND



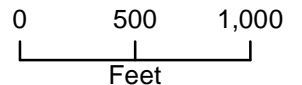
REZONING CASE NO. 441
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 Tax Map: 26, Parcel 445, Lot 1B



ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
 Technical Services Division - Prepared February 14, 2023



Source: Worcester County GIS Data Layers, 2009 Official Zoning Map
 This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: JKK

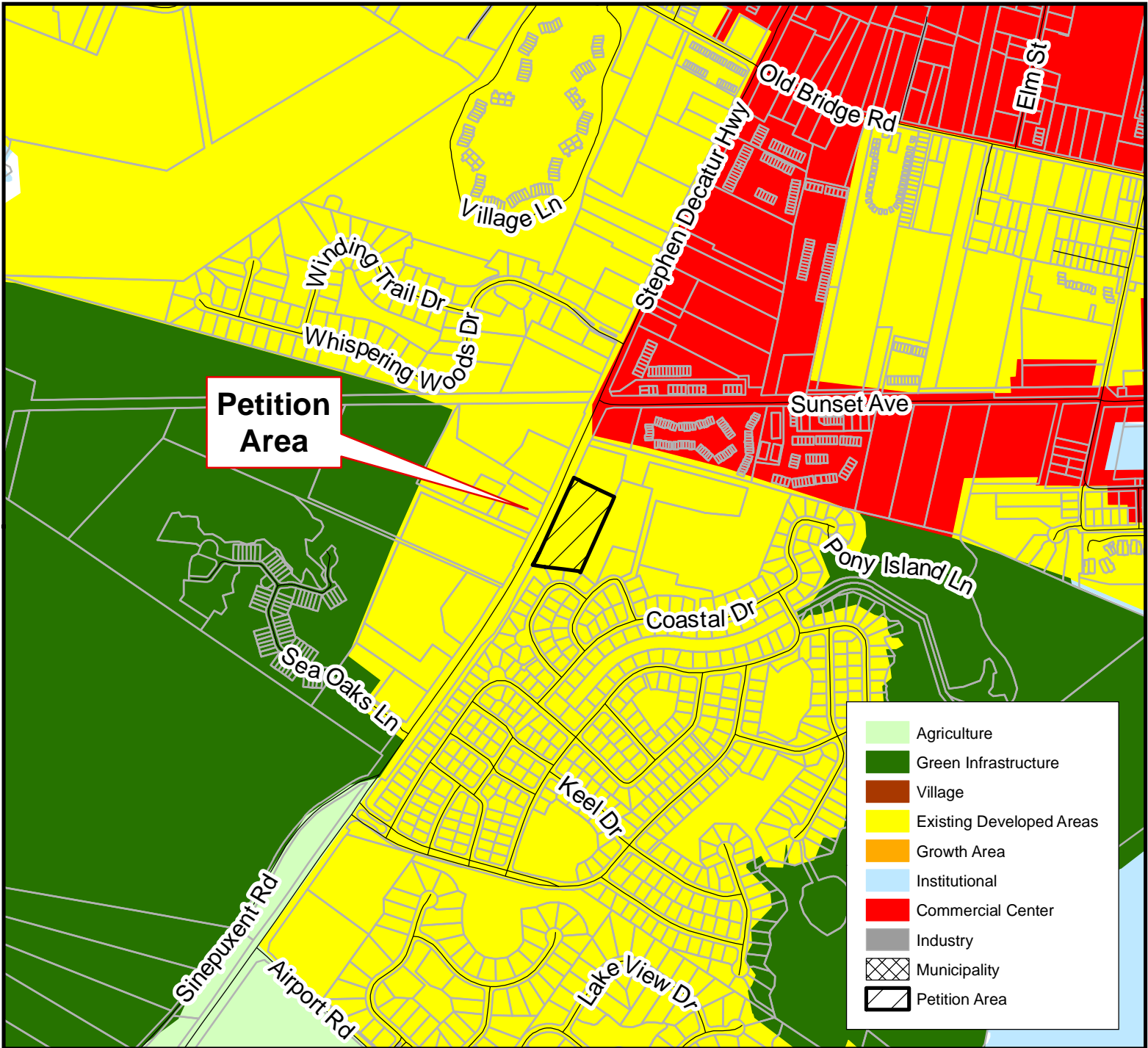
WORCESTER COUNTY, MARYLAND



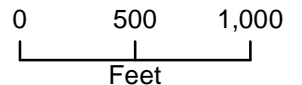
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LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared February 14, 2023



Source: Worcester County GIS Data Layers, 2006 Official Land Use Map
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: JKK

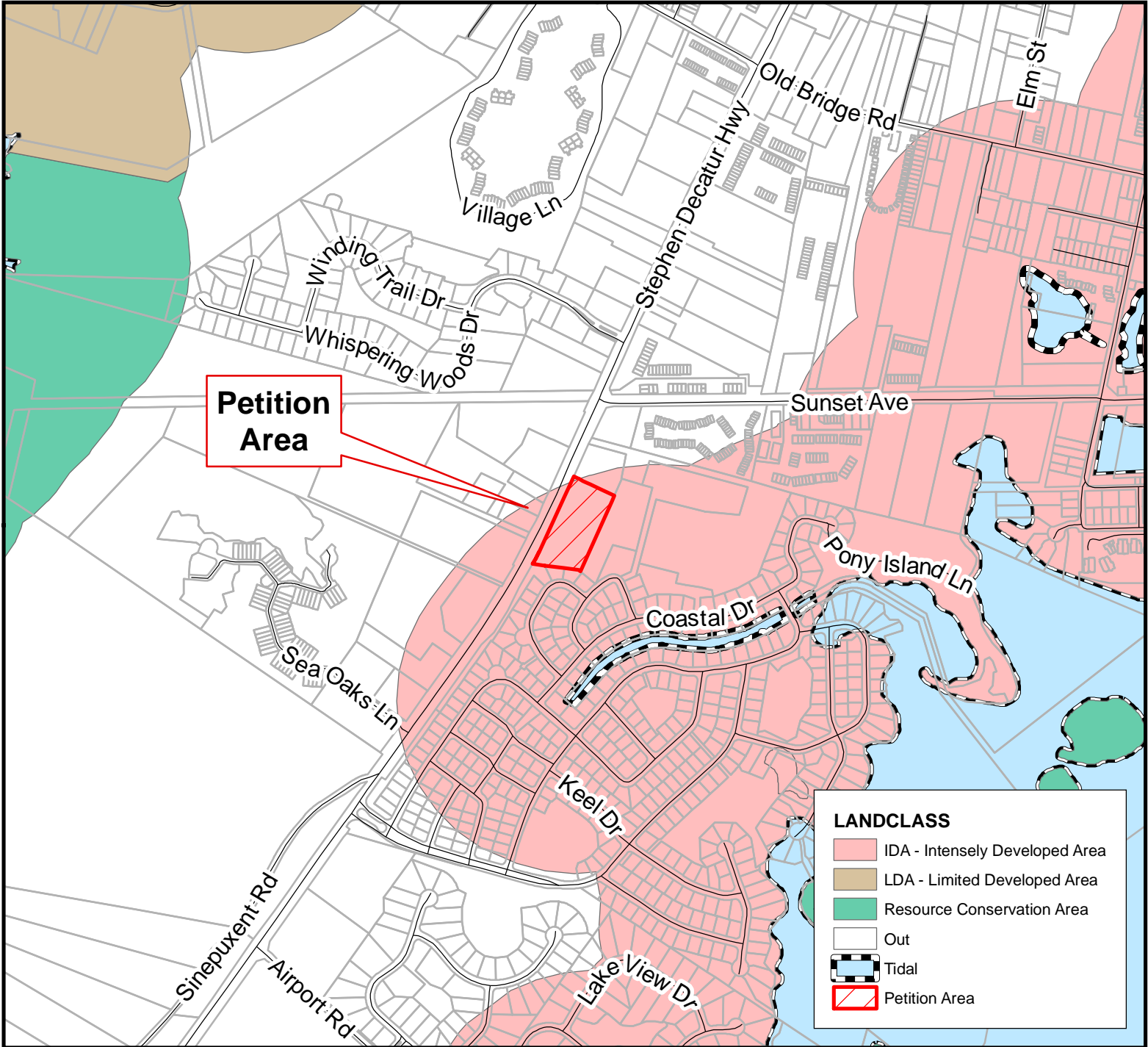
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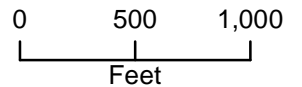
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CRITICAL AREA MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared February 14, 2023



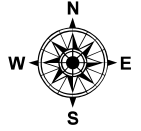
Source: Worcester County GIS Data Layers, Atlantic Coastal Bay Critical Area
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: JKK

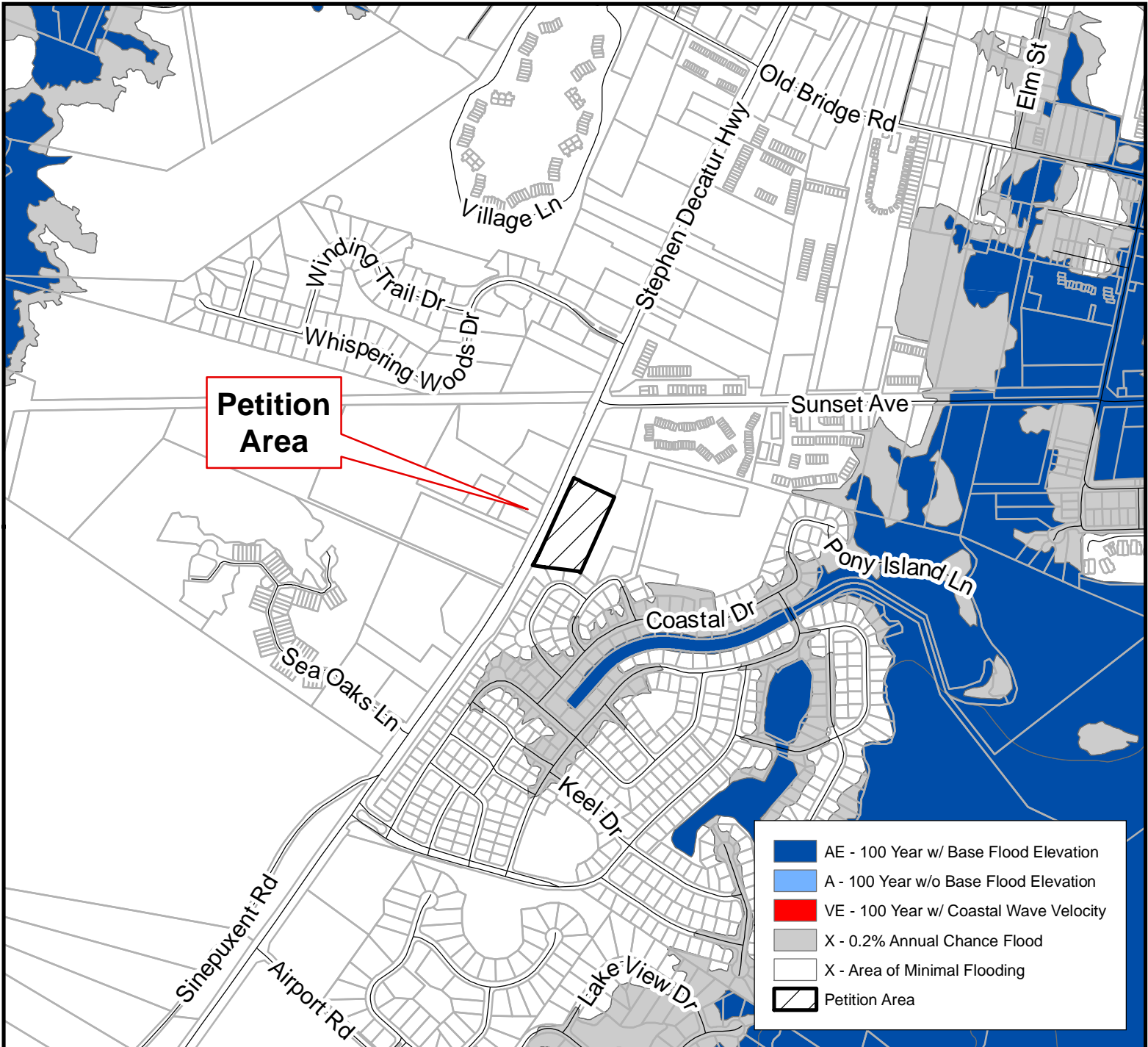
WORCESTER COUNTY, MARYLAND



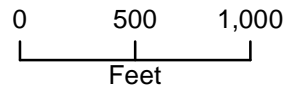
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FLOOD PLAIN MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared February 14, 2023



Source: Worcester County GIS Data Layers, 2016 FEMA Flood Insurance Rate Map
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: JKK

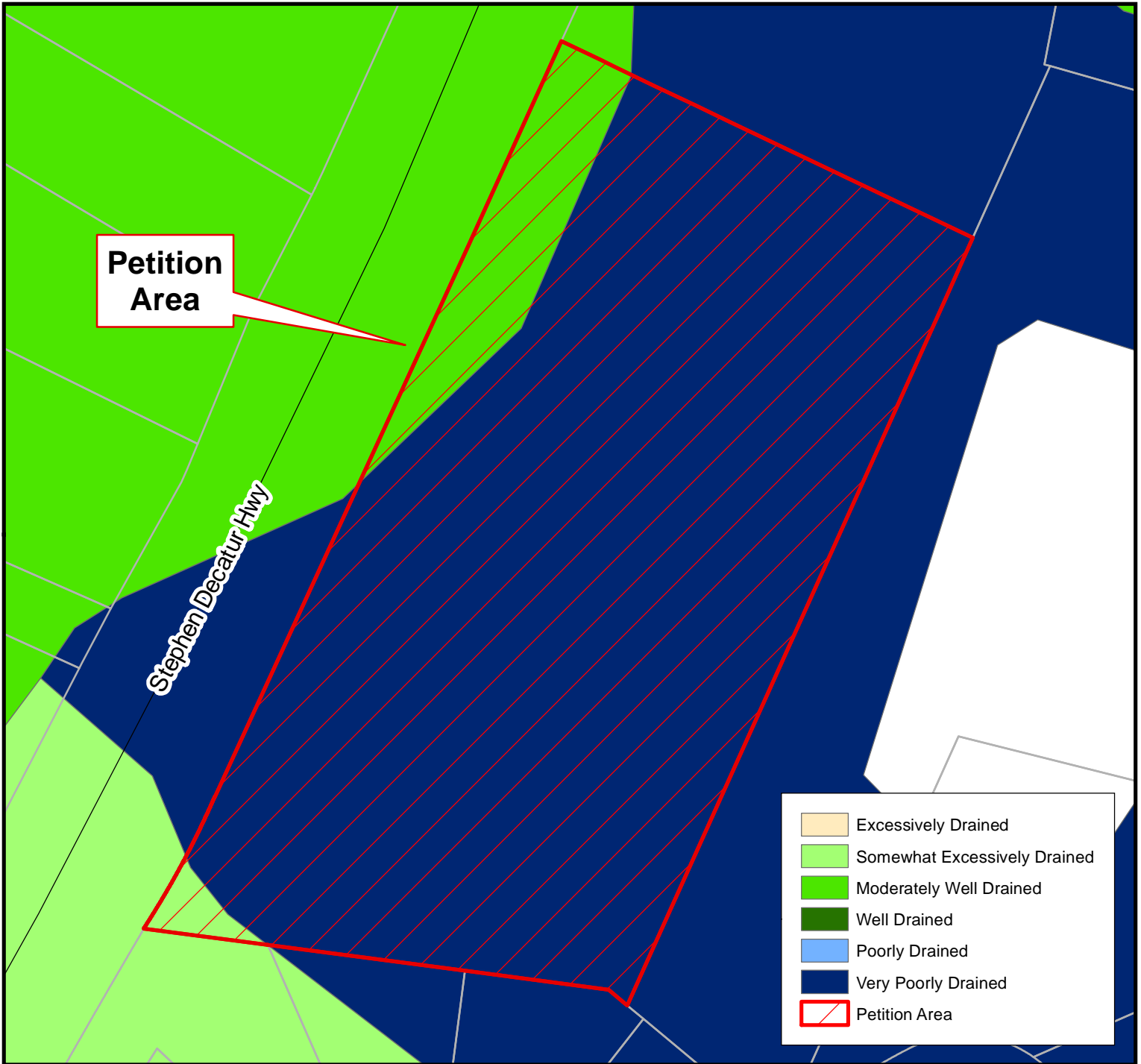
WORCESTER COUNTY, MARYLAND



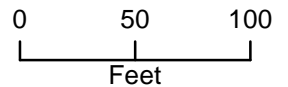
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SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared February 14, 2023



Source: Worcester County GIS Data Layers, 2007 Soil Survey

Drawn By: KLH Reviewed By: JKK

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

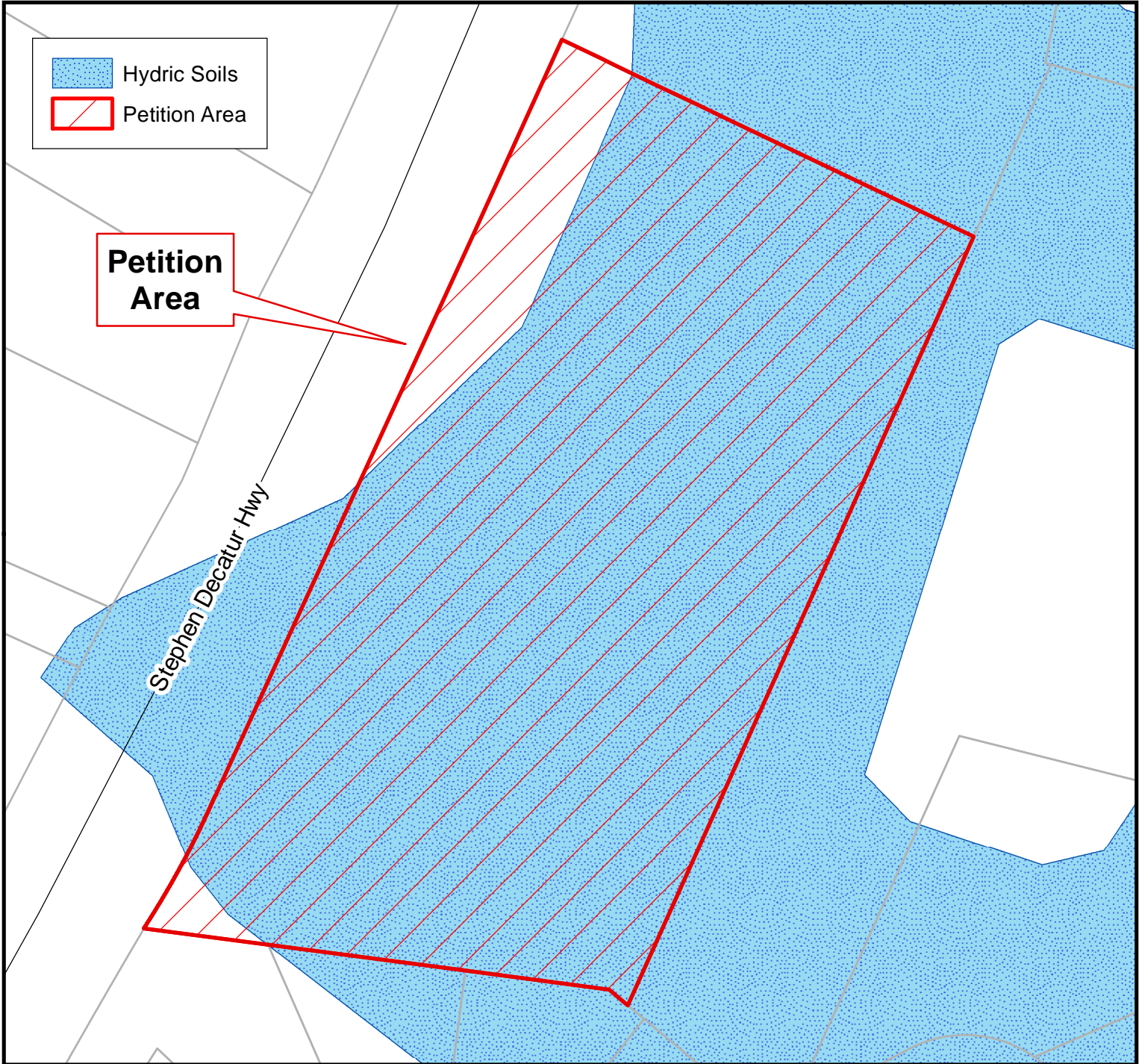
WORCESTER COUNTY, MARYLAND



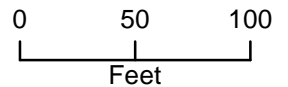
REZONING CASE NO. 441
C-2 General Commercial District to R-4 General Residential District
Tax Map: 26, Parcel 445, Lot 1B



HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared February 14, 2023



Source: Worcester County GIS Data Layers, 2007 Soil Survey
This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: JKK



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410.632.1200 / FAX: 410.632.3008

<http://www.co.worcester.md.us/departments/drp>

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Worcester County Planning Commission
From: Jennifer Keener, AICP, Director *JKK*
Date: March 22, 2023
Re: Text Amendment Application – Revise the text of §ZS 1-202(c)(42) - Separation Distances for Commercial Non-Agricultural Functions in Agricultural Structures and Lands in the A-2 Agricultural District

Mark Cropper has submitted a text amendment application to amend the special exception use associated with commercial, non-agricultural functions and events on a farm in the A-2 Agricultural District. Specifically, the request would allow the Board of Zoning Appeals the ability to consider a reduction in the existing 500-foot separation distance between the commercial event space and any existing residential structures on an adjacent property or any public road right-of-way as a special exception. A copy of the strike and replace verbiage is attached for your consideration.

As is the case with all text amendment applications, the application was distributed to staff for review and comment. The Planning Commission shall review the request and make a recommendation to the Worcester County Commissioners (favorable or unfavorable) and can make recommendations for changes to the proposed language. If at least one County Commissioner introduces the amendment as a bill, then a public hearing date will be set for the Commissioners to obtain public input prior to acting on the request.

BACKGROUND

By way of history, Mr. Mark Cropper was the applicant for the original text amendment that incorporated the special exception use for non-agricultural (i.e. commercial) events in the A-1 and A-2 Agricultural Districts as established by Bill 16-7 in February 2017 (bill attached). During the public hearing with the County Commissioners, Mr. Cropper stated that he had amended the draft bill after its initial introduction to expand the minimum lot area from 5 acres to 50 acres (subsequently amended to 25 acres during the hearing), and to establish the separation distance of 500 feet as a result of concerns that were raised (minutes attached). The current language specifically states that a variance to the separation distance may not be permitted. Therefore, if an applicant is unable to meet the separation distance under the current provisions, they may not request the special exception to hold events on their property. There is no limit on the number of commercial events that may occur under this special exception use.

The same language in the A-1 and A-2 Agricultural Districts can also be found in the E-1 Estate District (Bill 17-9) and the RP Resource Protection District (Bill 20-2). However, Mr. Cropper's request is specific only to the A-2 District. He stated that the A-1 District is for more traditional agricultural uses, and therefore felt that this amendment is more appropriate in the A-2 District.

DISCUSSION

As stated in the background section above, the separation distance was proposed and adopted in 2017 in response to concerns raised relative about potentially conflicting land uses in the agricultural zoning districts. In 2021, discussions regarding the agritourism amendments raised similar concerns.

It is important to remember that the commercial events that are the subject of this proposed text amendment are a separate and distinct use from agritourism operations, where events are directly related to the promotion of agricultural products and farm-related educational or recreational activities conducted on the property. Agritourism events are also limited to four per year, whereas there may be an unlimited number of commercial events under this existing special exception use. Agriculture is an important part of life in Worcester County, and events (both commercial and agricultural) can support local farms by bringing in revenue to preserve bonafide farming operations. However, there are also potential negative effects that can occur as a result of conflicting land uses. Caution must be taken to ensure the proper balance between existing residential and agricultural land uses and commercial events that could be a frequent occurrence.

Commercial events may be conducted on the farm either in an existing agricultural building whose primary use is for agricultural purposes, within a temporary tent or out in the open. Agricultural buildings used for this purpose must be constructed in the same manner as commercial buildings used for assembly purposes in other zoning districts to ensure the health, safety and welfare of the public attending these events.

The purpose and intent of the A-2 Agricultural District is "to foster the County's agricultural heritage and uses while also accommodating compatible uses of a more commercial nature that require large tracts of land... Furthermore, it is the intent that in this district there shall be no basis, under this Title, for recourse against the effects of any normal farming or forestry operation as permitted in this district, including but not limited to noise, odor, vibration, fumes, dust or glare" (§ ZS 1-202(a)).

Created in 2009, the A-2 zoning district is primarily found bordering areas of future potential growth, particularly adjacent to the municipal boundaries of Berlin, and along the corridors of MD Route 611, MD Route 376, and MD Route 589. There are also significant acreages of A-2 zoning within and adjacent to the villages of Stockton and Showell. Additionally, campgrounds and golf courses existing at the time of the comprehensive rezoning were also included in the A-2 Agricultural District.

While the requested special exception provision is proposed to be limited to the A-2 District at this time, the approval of the initial use in the A-1 and A-2 Districts spurred requests for the exact same use and lot requirements to be expanded to other zoning districts. Currently, only four farms have obtained approvals for commercial events accessory to a farm and all are located in the A-1 Agricultural District.

RECOMMENDATION

Overall, staff finds that the existing code language is sufficient to protect adjoining property owners from non-compatible uses.

However, if the Planning Commission and/ or Worcester County Commissioners look favorably on the request, we recommend an amendment to establish a minimum separation distance that cannot be exceeded between the event and any adjoining residential structure or public road right-of-way. We are concerned that a reduction in the separation distance by special exception could be combined with a requested variance to a required yard setback, effectively eliminating the protections for existing or future residential structures on adjacent lots.

In her attached comments, Ms. Tremblay recommends a minimum of no less than 200 feet. She also recommends the establishment of a vegetative screen a minimum of 50 feet in width adjacent to the site of the commercial event space and associated use areas. In my opinion, the separation distance should be absolutely no less than 100 feet, which is equivalent to the required yard setbacks for the use. This would prevent variances to the front yard setback, but would still allow for variances to be requested to the side or rear yard setbacks.

Another alternative would be to allow the special exception to the requested separation distance (with or without a minimum), but also establish a prohibition on obtaining a variance to the required yard setbacks.

I will be available at your upcoming meeting to discuss any questions or concerns that you have in regards to the proposed amendment.

cc: Roscoe Leslie, County Attorney
Kristen Tremblay, AICP, Zoning Administrator
file

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 23-__

BY:

INTRODUCED:

A BILL ENTITLED

AN ACT Concerning

Zoning – Separation Distances for Commercial Non-Agricultural Functions
in Agricultural Structures and Lands in the A-2 Agricultural District

For the purpose of amending the Zoning and Subdivision Control Article to establish a special exception provision to the separation distance between commercial non-agricultural events and any residential structure on an adjacent property or public road.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-202(c)(42) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended to read as follows:

- (1) On a farm as defined herein, the accessory use of a principal agricultural structure or use of land for the commercial hosting of non-agricultural functions and events, including, but not limited to, wedding receptions, family reunions, birthday and anniversary celebrations, children's parties, corporate and employee appreciation parties, and the like. All such uses must be clearly accessory and subordinate to the principal agricultural structure or use of the property. All building, fire, health, zoning, and environmental code requirements for such a use or facility shall apply to the same extent as if the structure or use of land was not located on a farm. Minimum lot requirements for the principal agricultural structure or use of land shall be: lot area, twenty-five acres; lot width, two hundred feet; front yard setback, one hundred feet; each side yard setback, one hundred feet; and rear yard setback, one hundred feet; and subject to the provisions of § ZS 1-325 hereof. The site of the commercial event itself and all associated use areas shall be located not less than five hundred feet from any residential structure on an adjacent property or public road; HOWEVER, THE BOARD OF ZONING APPEALS MAY REDUCE THIS SEPARATION DISTANCE REQUIREMENT BY SPECIAL EXCEPTION PURSUANT TO § ZS 1-116(C)(3) ~~and no variance to this requirement is permitted notwithstanding the provisions of § ZS 116(e)(4).~~ Any amplified music associated with such a use must end by 11:00 p.m.

Section 2. 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 _____, 2023.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
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ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Jennifer K. Keener, AICP, Director
From: Kristen M. Tremblay, AICP, Zoning Administrator
Date: March 17, 2023
Re: Zoning Ordinance Proposed Text Amendment – Revise the text of ZS1-202(c)(42) – Separation Distances for Commercial Non-Agricultural Functions in Agricultural Structures and Lands in the A-2 Agricultural District

.....

Thank you for providing me with an opportunity to comment on the proposed text amendment requested by Mr. Mark Cropper. Given that the Bill # 16-7 specifically added this provision to an already existing ordinance, it is my belief that it is unwise to change direction at this juncture. **The proposed addition by this Bill demonstrates that there was due consideration of the 500-foot separation distance from existing residences by the County Commissioners and as such, it should be retained at this time.**

In the event that the County Commissioners believe that such a departure from its original stance is warranted at this time, I recommend that there be a limitation on the ability of the Board of Zoning Appeals to reduce the separation distance as follows:

- (1) On a farm as defined herein, the accessory use of a principal agricultural structure or use of land for the commercial hosting of non-agricultural functions and events, including, but not limited to, wedding receptions, family reunions, birthday and anniversary celebrations, children's parties, corporate and employee appreciation parties, and the like. All such uses must be clearly accessory and subordinate to the principal agricultural structure or use of the property. All building, fire, health, zoning, and environmental code requirements for such a use or facility shall apply to the same extent as if the structure or use of land was not located on a farm. Minimum lot requirements for the principal agricultural structure or use of land shall be: lot area, twenty-five acres; lot width, two hundred feet; front yard setback, one hundred feet; each side yard setback, one hundred feet; and rear yard setback, one hundred feet; and subject to the provisions of § ZS 1-325 hereof. The site of the commercial event itself and all associated use areas shall be located not less than five hundred feet from any residential structure on an adjacent property or public road; HOWEVER, THE BOARD OF ZONING APPEALS MAY REDUCE THIS SEPARATION DISTANCE REQUIREMENT **TO NO LESS THAN 200 FEET** BY SPECIAL EXCEPTION PURSUANT TO § ZS 1-116(C)(3) ~~and no variance to this requirement is permitted notwithstanding the provisions of § ZS 116(e)(4).~~ **A VEGETATIVE SCREEN AT**

LEAST FIFTY FEET IN WIDTH MUST ALSO BE PROVIDED IN ACCORDANCE WITH §ZS10322(e)(1). Any amplified music associated with such a use must end by 11:00 p.m.

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 16-7

BY: Commissioner Church
INTRODUCED: December 20, 2016
AMENDED: FEBRUARY 21, 2017

A BILL ENTITLED

AN ACT Concerning

Zoning - Commercial Non-Agricultural Functions in Agricultural Structures and Lands in the A-1 and A-2 Agricultural Districts

For the purpose of amending the Zoning and Subdivision Control Article to permit the accessory use of a principal agricultural structure or use of land for the commercial hosting of non-agricultural functions and events in the A-1 and A-2 Agricultural Districts.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that subsection § ZS 1-201(c)(33) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be renumbered as § ZS 1-201(c)(34) and a new subsection § ZS 1-201(c)(33) be enacted to read as follows:

- (33) On a farm as defined herein, the accessory use of a principal agricultural structure or use of land for the commercial hosting of non-agricultural functions and events, including, but not limited to, wedding receptions, family reunions, birthday and anniversary celebrations, children's parties, corporate and employee appreciation parties, and the like. All such uses must be clearly accessory and subordinate to the principal agricultural structure or use of the property. All building, fire, health, zoning, and environmental code requirements for such a use or facility shall apply to the same extent as if the structure or use of land was not located on a farm. Minimum lot requirements for the principal agricultural structure or use of land shall be: lot area, five TWENTY-FIVE acres; lot width, two hundred feet; front yard setback, one hundred feet; each side yard setback, one hundred feet; and rear yard setback, one hundred feet; and subject to the provisions of § ZS 1-325 hereof. THE SITE OF THE COMMERCIAL EVENT ITSELF AND ALL ASSOCIATED USE AREAS SHALL BE LOCATED NOT LESS THAN FIVE HUNDRED FEET FROM ANY RESIDENTIAL STRUCTURE ON AN ADJACENT PROPERTY OR PUBLIC ROAD AND NO VARIANCE TO THIS REQUIREMENT IS PERMITTED NOTWITHSTANDING THE PROVISIONS OF § ZS 1-116(c)(4). ANY AMPLIFIED MUSIC ASSOCIATED WITH SUCH A USE MUST END BY 11:00 P.M.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that subsection § ZS 1-202(c)(45) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be renumbered as § ZS 1-202(c)(46) and a new subsection § ZS 1-202(c)(45) be enacted to read

Following some discussion and upon a motion by Commissioner Church, the Commissioners unanimously authorized staff to submit an application to Delmarva Power to install the requested lighting. Mr. Tustin further agreed to investigate and report back on the potential conversion of street lights to LED lighting.

The Commissioners met with Mr. Tustin to discuss the possible placement of a new Worcester County welcome sign at the Pocomoke Welcome Center. Mr. Tustin advised that SHA has authorized the County to place the sign at the entryway subject to including a break-away component in the structure, as a safety measure to protect motorists in the event of a collision, rather than the brick foundation proposed by the County. He estimated the sign, including installation, landscaping, and lighting to cost less than \$13,000, but that he has yet to receive a revised estimate for the sign, with the breakaway support structure, from Selby Signs of Pocomoke. He stated that when the proposed sign is installed at the Welcome Center, the County could discontinue the 10-year land lease where the current sign is located, when it expires on May 1, 2017, for an annual savings of \$900.

Upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved the request to relocate the welcome sign and agreed to waive the standard bid process and award a contract to Selby Signs for the purchase and installation of the new sign, provided the revised price is reasonable.

Pursuant to the recommendation of Mr. Tustin in response to a request by Attorney William E. Esham, III, on behalf of Raymond and Kathleen Sullivan, and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved the proposed quitclaim deed for a portion of Waltham Road between West Torquay Road and Salisbury Road in Cape Isle of Wight. Mr. Tustin stated that this paper street is not listed within the Inventory of Public Roads of Worcester County, has never been improved, and the County has no plans to make improvements to it.

Pursuant to the recommendation of Mr. Tustin in response to a request by SHA Real Property Manager Doug Sommers, and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the offer from the SHA to purchase Item No. 109295, including right-of-way, easements, and/or other rights necessary, at a total cost of \$1,900 for Phase IV construction of the U.S. Rt. 113 dualization project from Five Mile Branch Road north of MD Rt. 365 (Public Landing Road). Mr. Tustin explained that the property, which is located north of Central Site Lane in Newark, previously served as an old dirt lane to access the Fire Training Center and is no longer utilized by the County.

The Commissioners met in legislative session.

The Commissioners conducted a public hearing on Bill 16-7 (Zoning - Commercial Non-Agricultural Functions in Agricultural Structures and Lands in the A-1 and A-2 Agricultural Districts), which was introduced by Commissioner Church on December 20, 2016. Development Review and Permitting Deputy Director Phyllis Wimbrow reviewed the bill, which seeks to renumber existing Sections ZS 1-201(c)(33) to ZS 1-201(c)(34) and 251-202(c)(46) to 251-202(c)(47) and to create new Sections ZS 1-201(c)(33) and ZS 1-202(c)(46) to amend the A-1

require them to address stormwater management issues.

Commissioner Elder stated that it is more important to meet the proposed setback requirements than to set a 50-acre minimum property requirement, which might be difficult for some interested farm owners to meet. Commissioner Bunting concurred. In response to a question by Commissioner Elder, Mr. Cropper stated that his amendment increased the acreage requirement from five acres to 50 acres based solely upon concerns that had been raised after he introduced the text amendment application.

Photographer Kim Knock of Salisbury stated that she receives weekly requests from couples seeking her services who would like to host their weddings at area farms, which she categorized as an emerging trend. She stated that these types of events often parlay into extended stays for guests in the nearby ocean resort, and she requested the Commissioners adopt Bill 16-7.

There being no further public comment, Commissioner Bunting closed the public hearing.

Upon a motion by Commissioner Church, the Commissioners unanimously approved the proposed amendment to increase the minimum lot area from five to 25 acres, to require a 500-foot setback to residential structures on adjacent properties and public roads, and to end amplified music by 11:00 p.m.

Upon a subsequent motion by Commissioner Church, the Commissioners conceptually approved Bill 16-7 as amended.

The Commissioners conducted a public hearing on Bill 16-6 (Zoning - Non-Agricultural Events at Wineries in the A-1 and A-2 Agricultural Districts), which was introduced by Commissioner Church on December 20, 2016. Ms. Wimbrow reviewed the bill, which would amend the A-1 and A-2 Agricultural Districts by the addition of a new subparagraph in each under the special exception for wineries that would allow the commercial hosting of certain non-agricultural functions, such as weddings, family reunions, children's parties, and corporate parties, as accessory uses at established wineries. She stated that such uses are authorized currently by a special exception for a transient use, which limits the approval to one year, with a single one-year extension. She advised that the Planning Commission granted the amendment a favorable recommendation, and County staff concluded that an amendment such as this would help make wineries more financially viable. In response to a question by Commissioner Bertino, Ms. Wimbrow advised that under the proposed legislation a vineyard owner must have a minimum of five acres and a lot width of 200 feet, with one-hundred-foot setbacks on all sides to meet the requirements to be granted a special exception. Commissioner Bunting suggested increasing the minimum lot requirement from five acres to 10 acres.

Commissioner Bunting opened the floor to receive public comment.

Jeannie Mariner of Old Ocean City Road in Berlin advised that her family has been making wine on their 12.5-acre farm for many years and would like to pursue this use as a business, but that such a venture could only be viable if they were able to host non-agricultural functions and events, such as wedding receptions, family reunions, and birthday celebrations. She also noted that her property abuts the Showell ballfields and is located in close proximity to five churches, making her property ideally suited for the proposed uses. Therefore, she requested the Commissioners adopt Bill 16-6 as presented.

In response to a question by Commissioner Bunting, Ms. Mariner stated that the primary



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

**PETITION FOR AMENDMENT TO OFFICIAL TEXT
OF THE ZONING AND SUBDIVISION CONTROL ARTICLE**

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

Date Received by Office of the County Commissioners: _____

Date Received by Development Review and Permitting: 2/16/2023

Date Reviewed by Planning Commission: _____

I. Application – Proposals for amendments to the text of the Zoning and Subdivision Control 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 Zoning and Subdivision Control Article.

- A. Section Number: Section ZS 1-202 (c)(42)
- B. Page Number: ZS 1:11:16
- C. Proposed revised text, addition or deletion:

Eliminate from the fourth sentence the following language "and no variance to this requirement is permitted notwithstanding the provisions of Section ZS 116 (c)(4)" and add in its place ";however, the Board of Zoning Appeals may reduce this separation distance requirement by special exception pursuant to Section ZS 116(c)(3)." The remainder of this section shall remain the same.

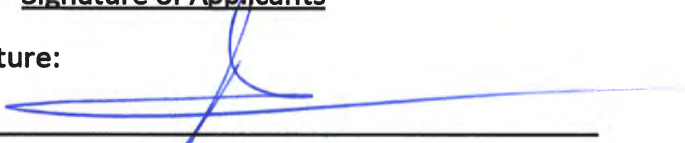
III. Reasons for Requesting Text Change.

- A. Please list reasons or other information as to why the proposed text change is necessary and therefore requested:
There are numerous farms, as defined by the Zoning Code, located throughout

Worcester County that can and should be permitted to host commercial non-agricultural functions and events that are unable to meet the 500 ft. separation requirement. This proposed text amendment would allow the Board of Zoning Appeals to determine on a site specific, case-by-case basis where and under what circumstances such a separation distance requirement is not justified or warranted.

IV. Signature of Applicants

Signature:



Printed Name of Applicant:

Mark Spencer Cropper

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

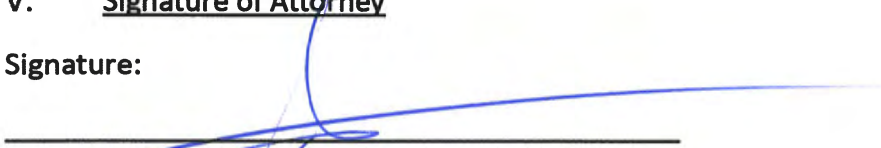
Phone Number: **(410) 723-1400**

Email: mcropper@ajgalaw.com

Date: 2/14/23

V. Signature of Attorney

Signature:



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: 2/14/23

VI. General Information Relating to the Text Change Process.

- A. Applications for text amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- B. Procedure for Text Amendments – Text amendments shall be passed by the County Commissioners of Worcester County as Public Local Laws according to

legally required procedures, with the following additional requirements. Any proposed amendment shall first be referred to the Planning Commission for recommendation. The Planning Commission shall make a recommendation within a reasonable time after receipt of the proposed amendment. After receipt of the recommendation of the Planning Commission, 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 (15) 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 Worcester County. IN the event no County Commissioner is willing to introduce the proposed amendment as a bill, it will not be considered.