



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  
[www.co.worcester.md.us/drp/drpindex.htm](http://www.co.worcester.md.us/drp/drpindex.htm)

ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICE DIVISION

## MEMO

TO: Worcester County Planning Commission  
FROM: Jennifer K. Keener, AICP, Zoning Administrator  
DATE: June 28, 2019

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Please be reminded that the next Planning Commission meeting will be held on **Wednesday, July 3, 2019 at 1:00 P.M.** in the **1<sup>st</sup> Floor Board Room**, of the **Government Office Building, Room 1102**. For your review prior to the meeting, please find enclosed the agenda for that meeting, as well as all site plans, subdivision plats, etc. which are scheduled to be considered and their associated staff reports. **PLEASE BRING THE COPIES OF ALL SITE PLANS, SUBDIVISION PLATS, ETC. IN AN UNMARKED CONDITION TO THE MEETING.** For review at your convenience are the agendas for the forthcoming meetings of the Technical Review Committee and Board of Zoning Appeals.

### CC:

Development, Review and Permitting  
Fire Marshal's Office  
Department of Emergency Services  
Department of Environmental Programs  
Department of Public Works  
County Roads Division, DPW  
Maureen Howarth, County Attorney  
Maryland Department of Planning  
Terri Smith, Assessments and Taxation  
Blaine Smith, Town of Ocean City  
Hal Adkins, Town of Ocean City  
Dan Brandewie, City of Pocomoke  
Kelly Pruitt, Town of Snow Hill  
David Engelhart, Town of Berlin  
Ocean Pines Association, Inc.  
Dan Wilson, SHA  
Ace Adkins, MDE  
Joe Kincaid, MDE  
Paul Ferreri, MDE  
Edward Watson, MDE  
David Dorr/Verizon-MD Inc  
Jim Smith/ Delmarva Power  
Patrick Dubinski/ Delmarva Power  
Thomas Brady, Delmarva Power

John Willey, II/ Peninsula Propane  
Steve Ashcraft/Eastern Shore Gas  
Jerod Shelton/ Chesapeake Utilites  
Woody Francis/US ACOE  
Joe Price /Board of Education  
Ocean City Volunteer Fire Company  
Ocean Pines Volunteer Fire Dept, Inc.  
Pat Hynes/ Comcast Cablevision  
Greg Denston /Chesapeake Utilities  
John Shermer/Choptank Electric  
Joe Sise/Choptank Electric  
Greg Fentress/ Sharp Energy  
Assateague Coastkeeper  
Ayres, Jenkins, Gordy & Almand, PA  
Bayside Gazette  
Becker Morgan Group  
Betty Tustin, The Traffic Group  
Booth, Booth, Cropper & Marriner, PC  
Burbage Properties  
Coastal Compliance Solutions, LLC  
Coastal Realtors  
Coates, Coates & Coates, PA  
Davis, Bowen & Friedel, Inc.  
Delmarva Veteran Builders

Fox Theatres  
Gregory P. Wilkins Surveyor, Inc.  
Hampshire, Hampshire & Andrews, Inc.  
J.W. Salm Engineering, Inc.  
Lower Shore Land Trust  
Monogram Building and Design  
Ocean City Today  
R.D. Hand & Associates, Inc.  
Vista Design Inc.  
Whispering Woods HOA  
Worcester County Times  
Carol Ann Beres  
Charles Nichols  
Darl Kolar  
Duverese Scarlett  
Jeanne Lynch  
Jim Keitt  
Mark Wagner  
Mitch Parker  
Rota Knott  
Tom Stauss  
Troy Purnell

Copies to applicants - It is required that the applicant(s) and/or their representative be in attendance at this meeting.

cc: Peggy Anne and Howard G. Wiles for life/ Groundstar Energy, c/o Finn McCabe/ Evergreen, LLC/ R.D. Hand & Associates, Inc./ Hugh Cropper IV, Esquire

**WORCESTER COUNTY PLANNING COMMISSION  
AGENDA**

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

**Wednesday, July 3, 2019**

Est. Time

- |           |      |  |
|-----------|------|--|
| 1:00 P.M. | I.   | Call to Order  |
| 1:00 P.M. | II.  | Administrative Matters   |
|           | A.   | Review and approval of minutes – June 6, 2019  |
|           | B.   | Board of Zoning Appeals agenda – July 11, 2019   |
| 1:00 P.M. | III. | MALPF Application Review   |
|           | A.   | <u>Re-applications:</u>  |
|           |      | <ul style="list-style-type: none"><li>• Fair, Freddie and Fay; TM 93, Grid 16, P 41; W side Steel Pond Rd, Stockton; 102.0 acres;</li><li>• Gross, Mark; TM 32, Grid 16, P 217; Harrison Road, Berlin; 210.13 acres;</li><li>• Holland, Glenn and Everett; TM 99, Grid 12, P 35; 1975 Colona Road, Pocomoke City; 153.91 acres;</li><li>• Holland, Everett and Mark; TM 99, Grid 11, P 39; 1546 Colona Road, Pocomoke City; 199.12 acres;</li><li>• Shockley, Samuel (“Glenn”) and Brenda; TM 38, Grid 23; P 4; 5910 Laws Road, Snow Hill; 153.9 acres;</li><li>• Shockley, Stephen; TM 38, Grid 5, P 26; Davis Branch Road; 91.3 acres;</li></ul> |
|           | B.   | <u>New Applications:</u>   |
|           |      | <ul style="list-style-type: none"><li>• Aydelotte, Annette and Brooks; TM 100, Grid 12, P. 16, 17, 34, 147; Payne and Johnson Roads; 136 acres;</li><li>• Blank, William Jr.; TM 64, Grid 17, P. 112; 7440 Public Landing Road; 283.69 acres</li><li>• Guy, Dean and Deborah; TM 99, Grid 15, P. 27; Hall Road; 95 acres;</li><li>• Holland, Glenn and Jean Irrevocable Trusts; TM 100, Grid 1, P 6, 55, 84; Colona and New Bridge Roads; 32.14 acres;</li><li>• Wilkins, Thomas, Beverly and Paul; TM 77, Grid 5, P 102; Route 364; 139.9713 acres;</li></ul>   |

- 1:15 P.M. IV. §ZS 1-325 Site Plan Review
- A. Ebenezer Solar - Proposed construction of a 1.35 MW (DC) solar photovoltaic facility, located on the easterly side of Whaleyville Road (MD Route 610), south of Ebenezer Road, Tax Map 8, Parcels 41 & 162, Lot 2, Tax District 5, A-1 Agricultural District, Peggy Anne and Howard G. Wiles for life, owner/ Groundstar Energy, c/o Finn McCabe, developer;
- 1:30 P.M. V. §ZS 1-315 Residential Planned Communities
- A. Evergreen Village Step I – Request for Establishment of the RPC Floating Zone – Proposed 90 single-family lot subdivision, 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, Evergreen, LLC, owner/ R.D. Hand & Associates, Inc., land planner/ Hugh Cropper IV, Esquire;
- 1:45 P.M. VI. Text Amendment
- A. **Request to further table** §ZS 1-318 – Modification of the occupancy provisions for campground subdivisions only, Sally Connolly & Susan Naploachowski, applicants/ Hugh Cropper, IV, Esquire, legal counsel;
- B. Boarding and Lodging Rentals – Eliminate inconsistencies in the existing codes, revise definitions and to establish new regulations for short term rentals of dwelling units;
- 2:00 P.M. VII. Election of Officers
- 2:05 P.M. VIII. Miscellaneous
- 2:10 P.M. IX. Adjourn

**Worcester County Planning Commission  
Meeting Minutes**

**Meeting Date:** June 6, 2019

**Time:** 1:00 P.M.

**Location:** Worcester County Government Office Building, Room 1102

**Attendance:**

**Planning Commission**

Mike Diffendal, Chair

Jay Knerr, Vice Chair

Marlene Ott

Brooks Clayville

Rick Wells

Jerry Barbierri

Betty Smith

**Staff**

Maureen Howarth, County Attorney

Ed Tudor, Director

Phyllis Wimbrow, Deputy Director

Jennifer Keener, Zoning Administrator

Jessica Casey, Customer Service Representative

Bob Mitchell, Director, Dept. of Env. Programs

**I. Call to Order**

**II. Administrative Matters**

- A. Review and approval of minutes, May 2, 2019** — As the first item of business, the Planning Commission reviewed the minutes of the May 2, 2019 meeting. Following the discussion it was moved by Ms. Ott, seconded by Mr. Barbierri and carried unanimously to approve the minutes as submitted.

**III. §ZS 1-322 Landscaping – Waiver request**

As the next item of business, the Planning Commission reviewed a waiver request to the automatic irrigation system with rain sensor associated with Duffie Boatworks, Tax Map 27, Parcels 628, 464, & 251, Lots 11, 13 & 16, Tax District 10, C-2 General Commercial District, located on the westerly side of Stephen Decatur Highway (MD Route 611), south of Old Bridge Road (MD Route 707). Mark Cropper, Esquire, and Steve Engel, Vista Design, were present for the review. The property owner is also the developer of this project. They have a landscape business, and are proposing to water the landscaping via two hose bibs as shown on the submitted site plan. Since they are also the end user of this project, they will be on-site to monitor the landscaping and address the needed maintenance appropriately.

Following the discussion, a motion was made by Mr. Knerr, seconded by Ms. Ott, and carried unanimously to grant the requested waiver.

**IV. §ZS 1-315 Residential Planned Communities – Sea Oaks Village Step II**

As the next item of business, the Planning Commission reviewed a Step II Residential Planned Community application for Sea Oaks Village, a proposed 59 unit townhouse development with

24,570 square feet of mixed use commercial, West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential and C-1 Neighborhood Commercial Districts. Present for the review were Hugh Cropper, IV, Esquire, Bob Hand, landscape architect, Frank Lynch, surveyor, and Chris McCabe, environmental consultant. Mr. Cropper provided the background on this project and the steps that have been taken to date. He stated that per the staff's comments, they will remove the "revertible" label that was shown on two of the open space outlots (7 and 8). Mr. Hand stated that they will also call the remaining areas that are not formal open space "open areas" to prevent confusion. Mr. Hand also discussed the proposed lot area requirements for the townhouse and commercial lots, and the bird and walking trails that will be provided within the passive recreational open space. Mr. Hand and Mr. Cropper both agree with the seven findings that the Planning Commission must find as outlined in the staff report. Mr. Diffendal inquired whether the project had obtained all of the necessary EDUs, and Mr. Cropper confirmed that they had.

Following the discussion, a motion was made by Mr. Barbierri, seconded by Mr. Knerr, and carried unanimously to approve the Step II Master Plan subject to the code requirements and the following conditions/ waivers:

1. The Planning Commission adopted the Technical Review Committee Report as their justification of the seven findings as defined therein;
2. The Planning Commission approved the lot requirements as shown in the table below as part of the Step II approval:

Residential Requirements	
Minimum Lot Area	2,325 square feet
Minimum Lot Width	24'
Minimum Buildable Area	1,485 square feet
Minimum Road Frontage	24'
Front Yard Setback	20' for all lots
Side Yard Setback	0' for all lots
Rear Yard Setback	15' for all lots
Commercial Requirements	
Minimum Lot Area	6,000 square feet (consistent with the C-2 District regulations)
Minimum Lot Width	60 feet
Minimum Road Frontage	As shown to both MD Route 611 and the preliminarily labeled Sea Oaks Drive
Commercial Front Yard Setback	50' along MD Route 611, 10' to the preliminarily labeled Sea Oaks Drive
Commercial Side Yard Setback	6'
Commercial Rear Yard Setback	15'

3. The applicant stated that they are providing walking/ bird watching trails within the passive open space areas, and that this will be further detailed on the plans. Relative to the concerns relative to Outlots 7 and 8 being labeled as “revertible”, the applicant will remove this note and in the future should open space need to be re-evaluated, all required approvals will be necessary at that time;
4. The applicant will also comply with Items 3 through 6 per the TRC Report;

**V. Text Amendment - §ZS 1-324**

As the next item of business, the Planning Commission reviewed a text amendment application submitted by Mike Ramadan associated with the removal of the maximum copy area limitations associated with on-building signage transfers to any side of an individual establishment. Present for the review was Mark Cropper, Esquire. He reiterated the requested amendment, noting that it should be left to the property owner’s discretion how much signage should be transferred to the sides of their business. Mr. Cropper alleged that the current 20 square foot limit was arbitrary in nature, and the proposed amendment does not change the total copy area allowed within the Code, simply how it is allocated on the individual establishment. John Selby with Selby Sign Co., Inc. was present in support of the request.

Following the discussion, a motion was made by Mr. Knerr, seconded by Ms. Smith and carried unanimously to find the text amendment consistent with the Comprehensive Plan and forward a favorable recommendation to the Worcester County Commissioners.

**VI. Text Amendment - §ZS 1-318**

As the next item of business, the Planning Commission continued their review from May 2, 2019 of a proposed text amendment application associated with §ZS 1-318 Campgrounds, requesting a modification of the occupancy provisions for campground subdivisions only. Present for the review were Hugh Cropper, IV, Esquire, Susan Napachowski and Sally Connolly. Mr. Cropper stated that they would like to request that the Planning Commission table their consideration of this review for an additional 30 days, as he was not aware that the staff would be providing supplemental information to the Planning Commission in the form of a PowerPoint presentation. He requested the additional time to review and prepare a response. Mr. Tudor stated that this information was no different than what had been previously verbalized to the Planning Commission and stated in writing within the staff report provided to Mr. Cropper and his clients.

Following the discussion, a motion was made by Mr. Barbierri, seconded by Ms. Ott, and carried unanimously to table the request until the July 3, 2019 Planning Commission meeting.

## VII. Map Amendment

As the next item of business, the Planning Commission reviewed Rezoning Case No. 418, requesting a change from E-1 Estate District to I-1 Light Industrial District, associated with Tax Map 10, Parcels 4, 171 and 304, located at the terminus of North Piney Point Road. Present for the review were Hugh Cropper, IV, Esquire, Chris McCabe, environmental consultant, Frank Lynch, surveyor, Bob Hand, landscape architect, and Leighton Moore, property owner. Mr. Cropper explained that their request was based on a mistake. He stated that the property has been utilized as a boat repair and construction business for many decades. Mr. McCabe explained that a Critical Area growth allocation request had been reviewed with a favorable recommendation by the Planning Commission and was granted by the Worcester County Commissioners on the basis of a mistake. Mr. Cropper submitted Applicant's Exhibit No. 1, a copy of a letter dated May 10, 2019 from Jenelle Gerthoffer, Natural Resources Administrator, documenting the approval of the growth allocation.

Mr. McCabe outlined the environmental enhancements that were to be made to the property which included the complete eradication of the bamboo and phragmites and their replacement with native plant material. He stated that all existing septic systems would be upgraded to Best Available Technology (BAT) septic tanks, upgrade the stormwater management features for the existing development and any future expansion on the property. They will establish the 100' Critical Area buffer with native plant material. Overall, Mr. McCabe concurred that the E-1 Estate District classification is a mistake, and that the I-1 Light Industrial District is more in keeping with the Comprehensive Plan and the existing use on the property. Mr. Cropper also noted that there is limited industrial zoning in the County, consisting mainly of an industrial park down the road (Todd Industrial Park) and some lands within Showell.

Submitted as Applicant's Exhibit No. 2 was a copy of the Staff Report. Submitted as Applicant's Exhibit No. 3 was an aerial photograph of the subject property from 1989, which illustrated 5 to 6 rows of boats being stored on the subject properties. Submitted as Applicant's Exhibit No. 5 was an undated color aerial photograph that shows much more intrusion of use into the Critical Area buffer than what is currently utilized by Mr. Moore's operation. Based on the existing improvements shown, Mr. Barbierri estimated that the photograph was taken in the early to mid-1980's (before a house shown on a nearby lot burned in 1987). Mr. Cropper noted that the aerial photograph was provided by Mr. Hudson, the previous owner and operator of the business. Submitted as Applicant's Exhibit No. 6 was a more recent aerial photograph from several years ago that shows much less impact, the abandoned railway and more recently installed travel lift, as well as the on-site dredge spoil disposal area. Overall, Mr. Hand concurred that the E-1 Estate District classification is a mistake. The properties are not a residential-type development, they have always been used for industrial purposes, and therefore they should be zoned industrial. Mr. Cropper stated that repairing and fabricating boats is a permitted use in the I-1 Light Industrial District. Mr. Moore still builds boats there currently as Mr. Hudson did. Mr. McCabe noted that he has re-applied for the industrial discharge permit with Maryland Department of the Environment (MDE) that was set to expire.

Relative to the definition of the neighborhood, Mr. Cropper stated that his argument was based on a mistake, therefore this item is not applicable. He noted that there has been no change in the population. With respect to the availability of public facilities, Mr. Cropper said that there are some substantial perc sites on the properties (three approved), but boat fabrication and industrial uses don't generally require septic in large quantities. There was no significant traffic impacts associated with the existing use. In fact, Mr. Cropper asserts that there is less of an impact currently than in its heyday when there were over 100 boats on the premises. With respect to the environmental conditions, Mr. Cropper noted that the Critical Area Commission has reviewed the project ad nauseam, and they will not be increasing the impacts. Water quality will be improved with the Critical Area buffer establishments. Mr. Cropper stated that these properties are partially within the Existing Developed Area (EDA) and partially within the Agricultural Land Use Category per the Land Use Plan. He asserted that the I-1 District will provide important access to the water body, economic benefits (quasi-public access) and is consistent with the Comprehensive Plan. Mr. Cropper said that the Zoning Map that is in the staff report shows that there is no agricultural zoning in the area; it is either R-1 Rural Residential District, E-1 Estate District or some C-1 Neighborhood Commercial District, along with RP Resource Protection District. Mr. Cropper is asserting a mistake was made on November 3, 2009, as there was boat fabrication and repair occurring on the property, and the use became non-conforming at that time. The I-1 Light Industrial District lists it as a permitted use, therefore the change would be more desirable as outlined in his discussion.

Mr. Lynch stated that he was familiar with the property his whole life. He had completed all of the survey work and stormwater management design for the property. Mr. Hand and Mr. Lynch have proposed a storage building for the property that will comply with zoning, Critical Area, stormwater management and all other related regulations, though Mr. Cropper noted that a rezoning shall not take specific uses into account when rendering a decision.

Mrs. Wimbrow said that Mr. Cropper did not address compatibility with the neighborhood. He stated that these parcels were a great place for I-1 Light Industrial District zoning as they were isolated, with an island to the south, providing a buffer between the subject properties and the residential uses across the water. Mr. Cropper said that there was a caretaker's house on the adjoining parcel, the development is at the end of the road, with commercial zoning at the intersection with St. Martins Neck Road. He noted that the property was buffered on three sides with vegetation. Mr. Cropper again asserted that the I-1 Light Industrial District is a compatible zoning classification as the use has been on the property for 50 to 60 years. The use has been there, everyone has recognized that it has been there, and it is consistent with the surrounding development.

Mrs. Wimbrow asked if Mr. Cropper's argument was solely based on legitimizing the use that is on the site now. Mr. Cropper stated that they may develop the property further in the future based on any use that would be permitted in the I-1 Light Industrial District. Mr. Tudor pointed out that the uses that are on the site are all in the E-1 Estate District now, the only non-conforming aspect is the allowance for heavy fabrication. He read the current E-1 Estate District regulations, which allows light repair and maintenance. Mr. Cropper stated that it was a good



faith mistake. The use has waxed and waned over the years, and unfortunately in 2008 and 2009, Mr. Hudson was older and moved to Berlin, so the uses of the property were reduced in scope. However Mr. Moore has since purchased the property and has built several boats on the property.

Mrs. Howarth asked staff if the use was more appropriate in one of the Agricultural Districts. Mrs. Wimbrow stated that the use with heavy repair and fabrication is allowed in the A-2 Agricultural District as a special exception use. The use of the property currently would become a conforming special exception if rezoned to the A-2 District.

The Planning Commission acknowledged that Mr. Cropper's argument wasn't solely based on the current use, rather the future potential uses of the property. The Planning Commission then discussed each one of the findings to determine whether they had a consensus. They were as follows:

1. With respect to the definition of the neighborhood, they noted that this was not applicable.
2. With respect to the Planning Commission's concurrence with the definition of the neighborhood, they noted that again, this was not applicable.
3. Relating to population change, the Planning Commission finds that there was no change in the population of the area.
4. Relating to the availability of public facilities, the Planning Commission finds that the septic facilities are adequate as designed.
5. Relating to present and future transportation patterns, the Planning Commission finds that rezoning the property will not result in an increase of trips to the property.
6. Relating to compatibility with existing and proposed development, and environmental conditions in the area, the Planning Commission finds that based on information submitted to the Critical Area Commission in association with the growth allocation request, the environmental conditions will actually improve. Future development will require septic upgrades to a BAT system. The Total Maximum Daily Load (TMDL) for the St. Martin's River will improve with the stormwater management upgrades.
7. Relating to compatibility with the Comprehensive Plan, the Planning Commission finds that the I-1 Light Industrial District classification would be consistent.
8. Relative to the consideration of whether there has been a substantial change in the character of the neighborhood since the last Comprehensive Rezoning, the Planning Commission determined that there had not been any change in the neighborhood. With regard to whether there is a mistake in the existing zoning, the Planning Commission concluded that an I-1 Light Industrial District zoning would be compatible with the existing uses that were on the site at the time of the 2009 comprehensive rezoning.
9. Relative to whether the change would be more desirable in terms of the Comprehensive Plan, the Planning Commission found that it would be more desirable based on elimination of the E-1 Estate District.

Following the discussion, a motion was made by Ms. Ott, seconded by Mr. Barbierri and carried unanimously to find the map amendment consistent with the Comprehensive Plan and forward a favorable recommendation to the Worcester County Commissioners based on the findings as outlined above.

**VIII. Adjourn** – The Planning Commission adjourned at 1:54 P.M.

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Betty Smith, Secretary

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Jennifer K. Keener, AICP



DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

## Worcester County

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TECHNICAL SERVICES DIVISION

### MEMORANDUM

To: Worcester County Planning Commission  
From: Jennifer K. Keener, AICP, Zoning Administrator  
Date: June 28, 2019  
Re: Election of Officers

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Based upon the Rules of Procedure for the Worcester County Planning Commission, the board is required to elect a chair, vice-chair and secretary annually. No officer may serve more than four (4) consecutive terms in any one office. At this time, the current executive committee has served as follows:

- Chair - Mike Diffendal, three terms
- Vice Chair – Jay Knerr, three terms
- Secretary – Betty Smith, four terms

In addition, the Planning Commission representative to the Technical Review Committee is currently Brooks Clayville.

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

**AGENDA**

*THURSDAY, JULY 11, 2019*

Pursuant to the provisions of the Worcester County Zoning Ordinance, notice is hereby given that a public hearing will be held 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.**

**Re-Advertisement of Case No. 18-34**, on the lands of James & Jocelyn Sigafoose, requesting a variance to the Ordinance prescribed front yard setback from 25 feet to 20.1 feet (an encroachment of 4.9 feet) and a variance to the Ordinance prescribed right side yard setback from 8 feet to 5 feet (an encroachment of 3 feet) both of which are associated with a proposed attached garage in the R-4 General Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-208(b)(5), ZS 1-305 and ZS 1-314(a), located at 47 Mystic Harbour Boulevard, approximately 207 feet south of Blue Heron Circle, Tax Map 27, Parcel 639, Section 3B, Block J, Lot 254 of the Mystic Harbour Subdivision, in the Tenth Tax District of Worcester County, Maryland.

**6:35 p.m.**

**Case No. 19-26**, on the lands of Gerald and Jennifer Albright, requesting a variance to the Ordinance prescribed side yard setback from 5 feet to 0 feet (an encroachment of 5 feet) and a variance to the Ordinance prescribed rear yard setback from 15 feet to 8.36 feet (an encroachment of 6.64 feet) associated with a proposed screen porch and open deck addition to an existing single family dwelling in the R-3 Multi-Family Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-207(b)(2) and ZS 1-305, located at 5 Freeport Lane, on the southerly side of Freeport Lane, approximately 420 feet west of Fort Sumter South, Tax Map 21, Parcel 311, Section 16, Lot 147, of the Parke at Ocean Pines subdivision, in the Third Tax District of Worcester County, Maryland.

**6:40 p.m.**

**Case No. 19-27**, on the lands of Robert and Lauren Selander, requesting a variance to the Ordinance prescribed side yard setback from 35 feet to 20 feet (an encroachment of 15 feet) associated with a proposed detached accessory building in the E-1 Estate District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-203(d)(1), and ZS 1-305, located at 6804 Brushbuck Lane, approximately 138 feet east of Bay Landing Drive, Tax Map 51, Parcel 45, Lot 10 of the Synepuxent Landing Subdivision, in the Tenth Tax District of Worcester County, Maryland.

6:45 p.m. \*Postponed\*

**Case No. 19-25**, on the application of Mark Spencer Cropper, on the lands of Chet Rohrbach and Janet Yilmaz, requesting a variance to the Atlantic Coastal Bay Critical Area setback associated with the proposed construction of a single family dwelling in the R-2 Suburban Residential District pursuant to Zoning Code Sections ZS 1-116(m)(1), ZS 1-206(b)(2), ZS 1-305 and Natural Resources Sections NR 3-104(c)(4) and NR 3-111 located on the northerly side of Croppers Creek Lane, approximately 477 feet from Waterview Drive, Tax Map 26, Parcel 392, Lot 16B, in the Tenth Tax District of Worcester County, Maryland.

6:50 p.m.

**Case No. 19-29**, on the application of T. Garvey Heiderman, on the lands of John and Karen Harrison, requesting a special exception to allow compost operations (transient use) in the E-1 Estate District, pursuant to Zoning Code Sections ZS 1-105(c)(5), ZS 1-116(c)(3), and ZS 1-337, located at 5939 South Point Road, approximately 1,400 feet north of the intersection with Waterside Drive, Tax Map 50, Parcel 11, in the Tenth Tax District of Worcester County, Maryland.

#### **ADMINISTRATIVE MATTERS**



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## MEMO

**TO:** Worcester County Technical Review Committee  
**FROM:** Department of Development Review and Permitting  
**DATE:** June 28, 2019

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Please be reminded that the next regular Technical Review Committee meeting will be held on **Wednesday, July 10, 2019 at 1:00 P.M.** in the **1st Floor Board Room**, of the **Government Office Building, Room 1102**. The attached agenda outlines those projects which are to be reviewed and commented upon at that meeting. **Please provide all clearly legible, prepared comments no later than 12:00 P.M. on Friday, July 5, 2019.** Please bring all sets of plans to the TRC meeting as well as any additional written comments beyond those which you have already provided. It is important to be on time and have thorough written comments, as time for oral comments will be limited.

**CC:**

Development, Review and Permitting  
Fire Marshal's Office  
Department of Emergency Services  
Department of Environmental Programs  
Department of Public Works  
County Roads Division, DPW  
Department of Economic Development  
Worcester County Planning Commission  
Maureen Howarth, County Attorney  
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Terri Smith, Assessments and Taxation  
Bill Neville, Town of Ocean City  
Hal Adkins, Town of Ocean City  
Carol Sullivan, City of Pocomoke  
Kelly Pruitt, Town of Snow Hill  
David Engelhart, Town of Berlin  
Ocean Pines Association, Inc.  
Dan Wilson, SHA  
Ace Adkins, MDE  
Joe Kincaid, MDE  
Paul Ferreri, MDE  
Edward Watson, MDE  
David Dorr/Verizon-MD Inc  
Jim Smith/ Delmarva Power

Patrick Dubinski/ Delmarva Power  
Edwin Cade, Delmarva Power  
Thomas Brady, Delmarva Power  
John Willey, II/ Peninsula Propane  
Steve Ashcraft/Eastern Shore Gas  
Jerod Shelton/ Chesapeake Utilites  
Woody Francis/US ACOE  
Joe Price /Board of Education  
Ocean City Volunteer Fire Company  
Ocean Pines Volunteer Fire Dept, Inc.  
Pat Hynes/ Comcast Cablevision  
Greg Denston /Chesapeake Utilities  
John Shermer/Choptank Electric  
Joe Sise/Choptank Electric  
Greg Fentress/ Sharp Energy  
Assateague Coastkeeper  
Ayres, Jenkins, Gordy & Almand, PA  
Bayside Gazette  
Becker Morgan Group  
Betty Tustin, The Traffic Group  
Booth, Booth, Cropper & Marriner, PC  
Burbage Properties  
Coastal Compliance Solutions, LLC  
Coastal Realtors

Coates, Coates & Coates, PA  
Davis, Bowen & Friedel, Inc.  
Delmarva Veteran Builders  
Fox Theatres  
Gregory P. Wilkins Surveyor, Inc.  
Hampshire, Hampshire & Andrews, Inc.  
J.W. Salm Engineering, Inc.  
Lower Shore Land Trust  
Monogram Building and Design  
Ocean City Today  
R.D. Hand & Associates, Inc.  
Vista Design Inc.  
Whispering Woods HOA  
Worcester County Times  
Carol Ann Beres  
Charles Nichols  
Darl Kolar  
Duverese Scarlett  
Jim Keitt  
Mark Wagner  
Mitch Parker  
Rota Knott  
Tom Stauss  
Troy Purnell

Copies to applicants - It is required that the applicant(s) and/or their representative be in attendance at this meeting.

cc: K.W. Ocean City, LLC/ Axia Management/ McCrone/ Island Resort Park, Inc./ Vista Design, Inc./ Sea Oaks Village LLC/ R.D. Hand and Associates, Inc/ Frank Lynch, Jr./ Ron Carpenter/ Hugh Cropper, IV

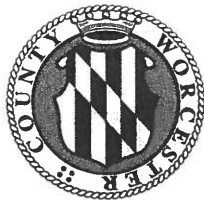
**WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE  
AGENDA**

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

**July 10, 2019**

Est. Time

- |           |      |   |
|-----------|------|---|
| 1:00 P.M. | I.   | Call to Order   |
|           | II.  | §ZS 1-325 Site Plan Review  |
| 1:00 P.M. | A.   | Comfort Inn Hotel Addition - Proposed construction of a 10,506 square foot addition for 16 rooms, a gym and an indoor pool, located on the southerly side of US Route 50 (Ocean Gateway), east of MD Route 611 (Stephen Decatur Highway), Tax Map 27, Parcel 145, Lot 6, Tax District 10, C-2 General Commercial District, K.W. Ocean City, LLC, owner/ Axia Management, applicant/ McCrone, engineer;  |
| 1:10 P.M. | B.   | Island Resort Cooperative Campground expansion – Proposed construction of 34 additional cooperative campsites, located at the eastern terminus of Cropper Island Road, east of Worcester Highway (US Route 113), Tax Map 40, Parcel 241, Lot C, Tax District 4, A-1 Agricultural District, Island Resort Park, Inc., owner/ Vista Design, Inc., surveyor;   |
| 1:20 P.M. | C.   | Sea Oaks Village Commercial – Proposed construction of a 12,000 square foot building for contractor shops and a 12,570 square foot building for office and retail space, on the West side of Stephen Decatur Highway (MD Route 611) North of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-family Residential District and C-1 Neighborhood Commercial District (RPC Overlay Zone), Sea Oaks Village LLC, owner/ R.D. Hand and Associates, Inc, land planner/ Frank Lynch, Jr., surveyor/ Ron Carpenter, engineer/ Hugh Cropper, IV, legal counsel; |
|           | III. | Preliminary Plat Review   |
| 1:30 P.M. | A.   | Sea Oaks Village Residential Planned Community Step III – Proposed 60 lot subdivision consisting of 59 townhouse lots and 1 commercial lot, on the West side of Stephen Decatur Highway (MD Route 611) North of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-family Residential District and C-1 Neighborhood Commercial District (RPC Overlay Zone), Sea Oaks Village LLC, owner/R.D. Hand and Associates, Inc, land planner/ Frank Lynch, Jr., surveyor/ Ron Carpenter, engineer/ Hugh Cropper, IV, legal counsel;                               |
| 1:40 P.M. | IV.  | Adjourn   |



**Worcester County**  
Department of Environmental Programs

## Memorandum

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**To:** Worcester County Planning Commission  
**From:** Katherine Munson, Planner V *KM*  
**Subject:** FY 20 MALPF Application Review  
**Date:** June 18, 2019

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The following eleven (11) applications to sell an easement to the Maryland Agricultural Land Preservation Foundation (MALPF) in Worcester County have been received for the FY 20 funding cycle:

### Re-applications

- Fair, Freddie and Fay; TM 93, Grid 16, P 41; W side Steel Pond Rd, Stockton; 102.0 acres
- Gross, Mark; TM 32, Grid 16, P 217; Harrison Road, Berlin; 210.13 acres
- Holland, Glenn and Everett; TM 99, Grid 12, P 35; 1975 Colona Road, Pocomoke City; 153.91 acres
- Holland, Everett and Mark; TM 99, Grid 11, P 39; 1546 Colona Road, Pocomoke City; 199.12 acres
- Shockley, Samuel ("Glenn") and Brenda; TM 38, Grid 23; P 4; 5910 Laws Road, Snow Hill; 153.9 acres
- Shockley, Stephen; TM 38, Grid 5, P 26; Davis Branch Road; 91.3 acres

### New Applications

- Aydelotte, Annette and Brooks; TM 100, Grid 12, P. 16, 17, 34, 147; Payne and Johnson Roads; 136 acres
- Blank, William Jr.; TM 64, Grid 17, P. 112; 7440 Public Landing Road; 283.69 acres
- Guy, Dean and Deborah; TM 99, Grid 15, P. 27; Hall Road; 95 acres
- Holland, Glenn and Jean Irrevocable Trusts; TM 100, Grid 1, P 6, 55, 84; Colona and New Bridge Roads; 32.14 acres
- Wilkins, Thomas, Beverly and Paul; TM 77, Grid 5, P 102; Route 364; 139.9713 acres

**Citizens and Government Working Together**



All applications meet the minimum requirements of the MALPF Program. All are zoned A-1, RP or a combination (see attached table).

The Planning Commission must determine whether an easement on each applicant property is compatible with existing county plans and policy and thus whether or not approval of the application is recommended to the Worcester County Commissioners.

The Worcester County Agricultural Land Preservation Advisory Board reviewed and approved the applications on June 5, 2019. They are recommending that the top seven (7) applications, only, be forwarded to MALPF for appraisal, due to limited funding. \$800,000 to \$900,000 will be available for FY20 easement purchases in Worcester County.

Please note that each county uses a ranking system for MALPF easement applications, approved by both the county commissioners and the MALPF board. The application ranking prioritizes offers to landowners made by MALPF. Applicant ranking order is confidential, by state law, until after offers are made. Ranking can be discussed in closed session only.

Enclosed please find three maps showing the location of the applicant properties relative to protected lands, county zoning, and the 2006 land use plan. A table summarizing information for each application is also included.

I will attend the Planning Commission meeting on June 3, 2019 to answer any questions. Thank you for your attention to this matter.

Attachments

**Citizens and Government Working Together**

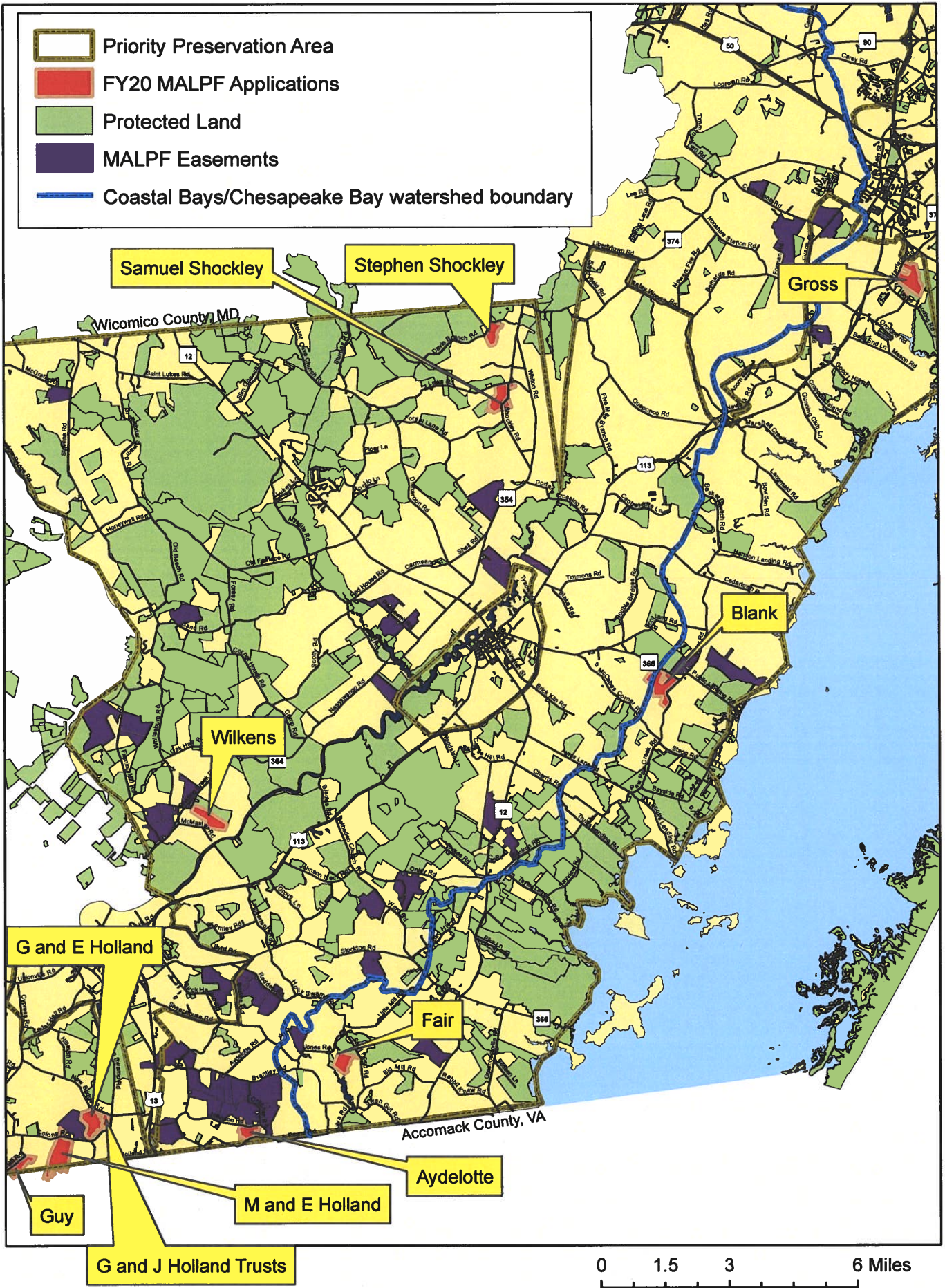
WORCESTER COUNTY GOVERNMENT CENTER 1 WEST MARKET STREET, ROOM 1306 SNOW HILL, MARYLAND 21863  
TEL: 410.632.1220 FAX: 410.632.2012

FY20 MALPF Applications

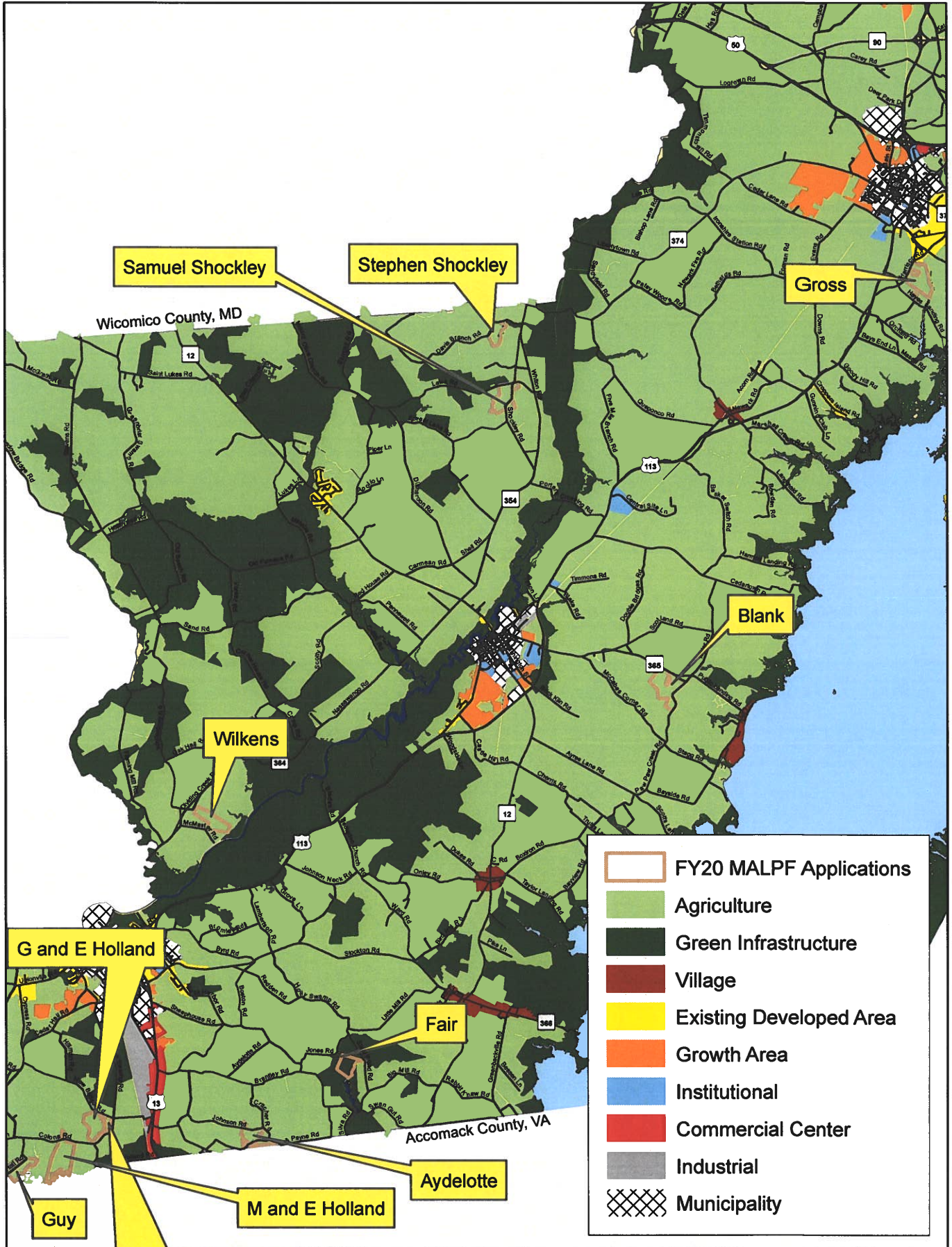
Landowner name	TM	P	Acres	Development Rights	Lot option selected	Zoning	Land Use Plan	Reapplication
Aydloffe, Brooks and Annette	100	16, 34, 17,	136.0	17	One Unrestricted	A-1	Agriculture	N
Blank, Bill Jr.	64	112	283.7	3	family lots	A-1	Agriculture	N
Fair, Freddie and Fay	93	41	102.0	4	One Unrestricted	RP	Green Infrastructure	Y
Gross, Mark	32	217	190.5	3	One Unrestricted	A-1/RP	Agriculture/GI	Y
Guy, Dean and Deborah	99	27	96.8	10	family lots	A-1/RP	Agriculture	N
Holland, Everett and Mark	99	39	198.7	15	waive all rights	A-1/RP	Agriculture	Y
Holland, Glenn and Everett	99	35	153.9	6	One Unrestricted	A-1	Agriculture	Y
Holland, Glenn and Jean (Trust)	100	6, 55, 84	32.1	11	waive all rights	A-1	Agriculture	N
Shockley, Samuel and Brenda	38	4	163.8	4	waive all rights	A-1	Agriculture	Y
Shockley, Stephen	38	26	91.3	5	One Unrestricted	A-1	Agriculture	Y
Wilkins, Tom et al	77	102	140.0	2	waive all rights	A-1	Agriculture	N

1,588.9

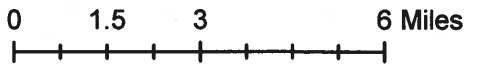
# FY20 MALPF Applications and Protected Land



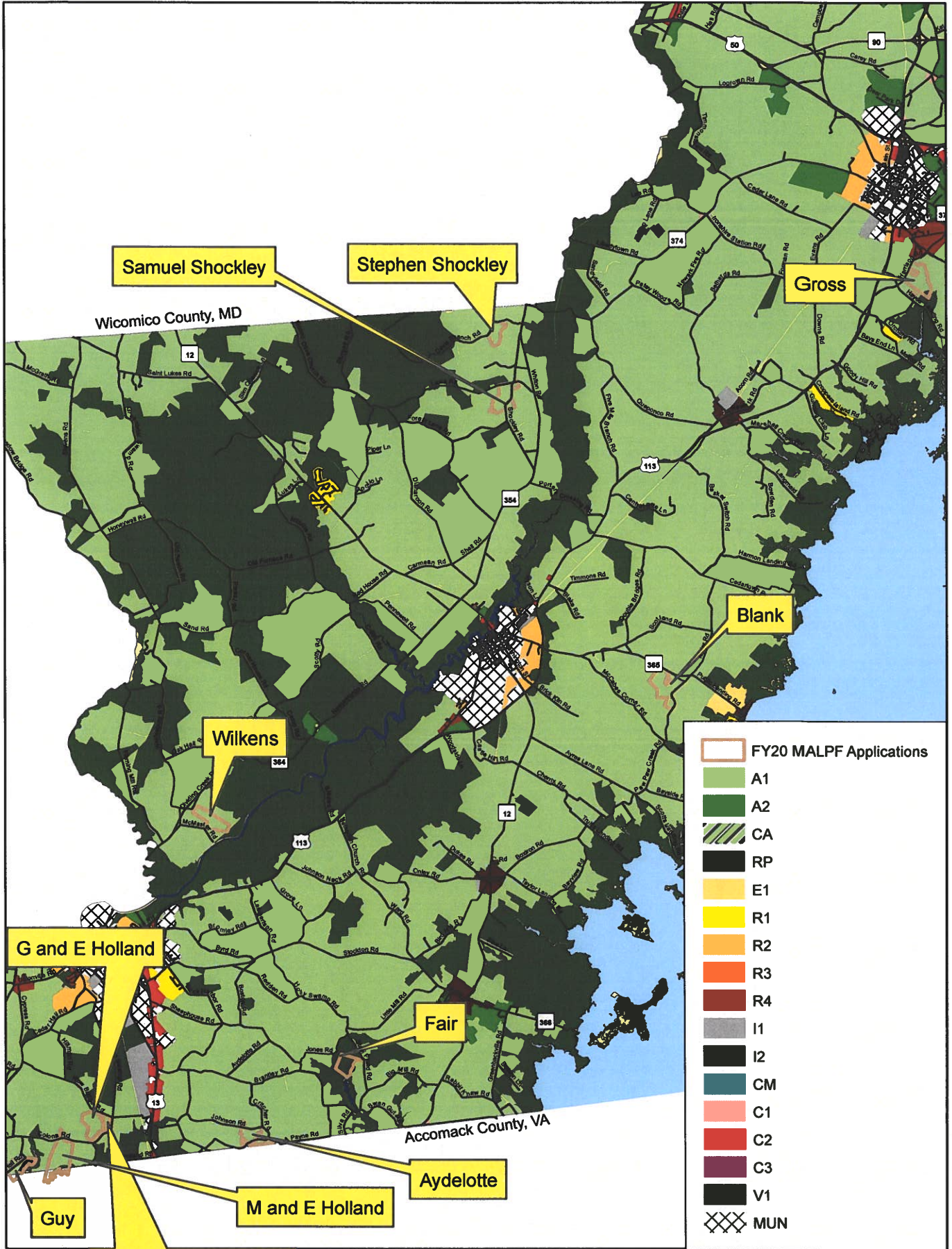
# FY20 MALPF Applications and Land Use Plan Map



	FY20 MALPF Applications
	Agriculture
	Green Infrastructure
	Village
	Existing Developed Area
	Growth Area
	Institutional
	Commercial Center
	Industrial
	Municipality



# FY20 MALPF Applications and Zoning



## WORCESTER COUNTY PLANNING COMMISSION

**MEETING DATE:** July 3, 2019

**PURPOSE:** Site Plan Review

**DEVELOPMENT:** Ebenezer Solar Project

**PROJECT:** Proposed construction of a large solar energy system totaling 1.35MW

**LOCATION:** On the easterly side of Whaleyville Road (MD Route 610), south of Ebenezer Road, Tax Map 8, Parcels 41 & 162, Lot 2, Tax District 5, A-1 Agricultural District,

**PROPERTY HISTORY:** This property is currently improved with an existing dwelling and accessory structure and the lands are cultivated. At this time, the area consists of two separate parcels under the same ownership and the applicant plans to have the lots consolidated at the permitting stage. The applicant is proposing to install a 1.35 megawatt (DC) ground mounted solar energy system.

**TRAFFIC CIRCULATION:** The site will be accessed off of Whaleyville Road (MD Route 610) through an existing entrance. The District Office of the State Highway Administration has determined that no access management permit will be required as this property has an existing culvert pipe and will generate limited trips given the nature of the use.

**LANDSCAPING:** A landscape plan has been provided in accordance with §ZS 1-322. The system is required to be buffered with landscaping a minimum of 6' wide where it is within 500 feet of an adjoining property zoned or used for residential purposes. This requirement would apply to the front property line, Parcel 40 to the south, as well as Parcel 139 to the north. This buffer is required to be provided within the required yard setback. In the case of the landscape buffer to Parcel 139 to the north, staff's verbal discussions with the applicant recommended that he relocate this portion of the buffer closer to the property line, and eliminate the landscaping that is not required where the agricultural field will be maintained.

Additionally, the applicant is proposing a landscape screen along the entire perimeter of the fence in excess of the code requirements. Through verbal discussions, the applicant has identified that he will have the fence line relocated from the location illustrated on the site plan, such that it is outside of the front yard setback.

The landscaping shall be maintained by an automatic irrigation system with rain sensor unless a waiver to this requirement is granted by the Planning Commission. The applicant is requesting this waiver as part of the Planning Commission's considerations below.

In accordance with §ZS 1-322(g), a maintenance and replacement bond for required landscaping is mandatory for a period not to exceed two years in an amount not to exceed

one hundred and twenty-five percent of the installation cost. A landscape estimate from a nursery will be required to be provided at permit stage to accurately determine the bond amount. The Department will only hold a bond on that portion of the landscaping buffer that is required by code. Landscaping provided above and beyond the minimum requirements will not be required to be bonded.

**FOREST CONSERVATION LAW:** This property is subject to the Forest Conservation Law. An off-site mitigation bank is proposed to be utilized in order to obtain compliance with this requirement. Written confirmation has been provided by Jenelle Gerthoffer, Natural Resources Administrator with the Department of Environmental Programs stating that the applicant has obtained an approved Forest Conservation Plan (FCP) and provided a Certificate of Utilization in order to proceed to the Planning Commission for review and approval. Written confirmation will be required prior to signature approval to verify that all outstanding requirements have been met.

**STORMWATER MANAGEMENT/ SEDIMENT EROSION CONTROL:** The Department has received confirmation from Jenelle Gerthoffer, Natural Resources Administrator with the Department of Environmental Programs that the project has obtained site development plan approval in order to proceed to the Planning Commission. Confirmation of final approval will be required prior to the Department granting signature approval for the site plan.

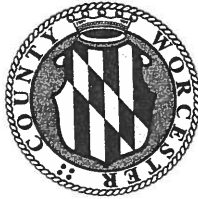
**PROPERTY OWNER:** Peggy and Howard Wiles, 9440 Whaleyville Road, Whaleyville, MD 21872

**DEVLEOPER:** Groundstar Energy, c/o Finn McCabe, 12905 Harbor Road, Ocean City, MD 21842

**PREPARED BY:** Jessica Edwards, Customer Service Representative

**PLANNING COMMISSION CONSIDERATIONS:**

1. The landscaping shall be maintained by an automatic irrigation system with rain sensor unless a waiver to this requirement is granted by the Planning Commission.



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

[www.co.worcester.md.us/drpindex.htm](http://www.co.worcester.md.us/drpindex.htm)

ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICE DIVISION

Groundstar Energy  
c/o Finn McCabe  
12905 Harbor Road  
Ocean City, MD 21842

Re: Ebenezer Solar - Proposed construction of a 1.35 MW (DC) solar photovoltaic facility, located on the easterly side of Whaleyville Road (MD Route 610), south of Ebenezer Road, Tax Map 8, Parcels 41 & 162, Lot 2, Tax District 5, A-1 Agricultural District

Dear Mr. McCabe:

This is to advise you that the Department has completed a review of the site plan associated with the above referenced project. The plan has been reviewed in accordance with the pertinent sections of the Worcester County *Zoning and Subdivision Control Article*. The following code requirements have yet to be addressed:

1. Please add a reference to Parcel 162, Lot 2 to the cover sheet under Site Information and add the Tax Account Number for Parcel 41, as the currently only the Tax Account Number for Parcel 162, Lot 2 is referenced;
2. If the plan is still to move the fence line outside of the front yard setback, please update the plans accordingly;
3. Additionally, please add the height of all plantings at maturity to the Plant Schedule;
4. Please add the following statement with a signature block for the owner to sign prior to final signature approval: "As the property owner/developer, I am in full agreement with this site plan submitted herewith, and I am responsible for the completion of the improvements as shown on the approved site plan, and I understand that I cannot allow the property or buildings to be occupied until a Certificate of Use and Occupancy has been issued by the Department of Development, Review and Permitting."
5. Please provide written confirmation from the Department of Environmental Programs that the Forestry requirements and Stormwater Management/ Sediment Erosion Control requirements have been addressed prior to signature approval;

Items to be addressed at the time of permitting include:

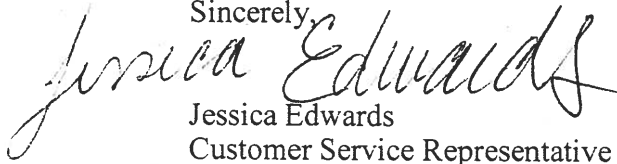
6. To combine the separate lots, a consolidation agreement may be completed with the Department and recorded with the Clerk of Court. This may be done temporarily or permanently and requires a \$60 check made payable to the Clerk of Court;



7. In accordance with §ZS 1-322(g), a maintenance and replacement bond for required landscaping is mandatory for a period not to exceed two years in an amount not to exceed one hundred and twenty-five percent of the installation cost. A landscape estimate from a nursery will be required to be provided to accurately determine the bond amount. The Department will only hold a bond on the landscaping within the 6' buffer, and will not include the system perimeter landscaping in the bonding as those plants are not required by code;

A copy of the Staff Report associated with this project is attached for your reference. Please do not hesitate to contact me at 410-632-1200 ext. 1173 with any questions or comments you may have concerning this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jessica Edwards". The signature is written in black ink and is positioned to the left of the typed name and title.

Jessica Edwards  
Customer Service Representative

Enclosure

cc: Peggy and Howard Wiles, property owners  
file

**TECHNICAL REVIEW COMMITTEE**

**REPORT**

**EVERGREEN VILLAGE**

**RESIDENTIAL PLANNED COMMUNITY**

**STEP I**

**May 8, 2019**

## GENERAL INFORMATION:

**Date of TRC Review:** May 8, 2019

**Approval requested:** Step I Residential Planned Community – Establishment of the RPC Floating Zone – Evergreen Village

**Project Description:** Proposed 90 single-family lot subdivision

**Location:** Northwest side of Beauchamp Road, north of MD Route 589 (Racetrack Road), Tax Map 15, Parcels 127 and 259, Tax District 3, R-1 Rural Residential and RP Resource Protection Districts

**Owner:** Evergreen, LLC  
9919 Stephen Decatur Highway  
Ocean City, MD 21842

**Land Planner:** R.D. Hand & Associates, Inc.  
12302 Collins Road  
Bishopville, MD 21813

**Existing Conditions:** The development consists of two parcels of land, totaling 94.7 acres and is formerly known as Pine Shore Golf North, which has been closed since 2010. The property has since remained vacant, though the clubhouse, parking lot and other structures associated with the golf course still remain. Approximately 90.4 acres is located within the R-1 Rural Residential District, with the remaining 4.3 acres located in the RP Resource Protection District. The site contains 89.62 acres of upland and 5.08 acres of non-tidal wetlands and existing ponds. A portion of the property was rezoned from E-1 Estate District to R-1 Rural Residential District in 2018 by the Worcester County Commissioners. The boundary of the RP Resource Protection District did not change as a result of this action.

**Proposed Project:** The Evergreen Village RPC as shown on the Step I Concept Plan is proposed to be a single-family residential development comprised of a total of 90 residential lots. There are no commercial uses proposed as part of this development plan. Proposed open space totals approximately 57.18 acres, consisting of 46.07 acres of uplands and 11.11 acres of non-tidal wetlands/ ponds. Within this total, 3.0 acres of active recreation and 15.0 acres of passive recreation are proposed. The Step I plan indicates that there will be one point of access to the project from Beauchamp Road.

### COMMENTS RELATIVE TO COMPLIANCE WITH BASIC RPC REQUIREMENTS:

**Zoning:** A development is required to meet the major RPC standards when consisting of greater than 20 proposed units. RPC's are permitted in the R-1 Rural Residential District.

Lands located within the project's boundaries and zoned RP Resource Protection District may be included within the RPC's boundaries, though it may not be included in the calculation for allowable density.

**Permitted Uses:** In that the proposed RPC is comprised of single-family dwelling lots, it complies with the RPC regulations relative to permitted uses.

**Density:** In the R-1 District, a maximum of one unit per one acre of the total gross lot area are allowed, exclusive of lands in the RP District. A total of 90.4 acres of land are in the R-1 District. Therefore, the total permitted and proposed density is 90 units.

**Maximum limitation of 70% for residential uses:** The project proposes to utilize 34.52 acres of its land area for residential uses including streets, or 36.4%.

**Maximum limitation of 20% of retail and service uses:** This project has no retail and service uses proposed.

**Minimum requirement of 30% for common use open space and recreational areas:** The total project area is 94.7 acres. Therefore, a minimum of 28.41 acres shall be set aside in open space. The project as currently designed is proposing a total of 57.18 acres of open space, or 60%. According to the Step I plan, it will consist of 46.07 acres of uplands and 11.11 acres of non-tidal wetlands and ponds. Open space is required to have a certain amount of active and passive recreational features, as well as lands preserved in their natural state. The breakdown is required as follows:

- **Minimum of 50% of required open space shall be retained in its natural state:** A minimum of 14.2 acres of natural open space is required. The project is proposing to provide 39.18 acres of the total open space/ reserved lands of the developer in a natural state. No more than 50% of the area dedicated as natural open space may be private wetlands, constituting a maximum of 7.1 acres.
  - The applicant will need to revise the plan to clarify the 50% natural open space requirement as explained herein, as the numbers on the plan for open space required do not match.
- **Minimum of 10% of required open space shall be for active recreation:** The project is required to provide 2.84 acres of active recreation open space. Active recreation is defined as uses, areas or activities that are oriented towards potential competition and involving special equipment. Within the 3.0 acres of active open space provided, the project is proposing features such as a community swimming pool, tennis courts and a playground.
- **Minimum of 20% of required open space shall be for passive recreation:** A minimum of 5.68 acres of passive open space is required. The project is proposing to provide 15 acres of the total open space in passive recreation. Passive recreation is defined as uses, areas or activities oriented to noncompetitive activities which typically require no special equipment. The written narrative states that walking and bird watching trails will be provided as passive recreation.

## **FINDINGS AND RECOMMENDATIONS OF THE TECHNICAL REVIEW COMMITTEE:**

### **1. The relationship of the RPC with the Comprehensive Plan, zoning regulations, and other established policy guidelines:**

The subject property is currently comprised of two separate parcels. Parcel 127 abuts the River Run residential subdivision and is within the “Existing Developed Areas” (EDA) land use category of the Comprehensive Plan. Parcel 259 is located within the “Agricultural” land use category of the Comprehensive Plan.

The EDA category recognizes the importance of maintaining the neighborhood character, and provides for orderly infill development in unincorporated areas. The Ocean Pines area is specifically mentioned for infill development. The Comprehensive Plan further states that “[a]ppropriate zoning providing for densities and uses consistent with this character should be instituted” (Chapter 2). In 2018, the Worcester County Commissioners rezoned a portion of this property from E-1 Estate District to R-1 Rural Residential District.

While a portion of this development is within the Agricultural land use category, this property has been utilized as a commercial golf course for many years before its closure in 2010. Overall, the conversion of the golf course into a residential subdivision will not result in the loss of agricultural production, nor would it be incompatible with the surrounding neighborhood. As justification for their decision to rezone the property to R-1 Rural Residential District, the Planning Commission found that Windmill Creek would have been a more accurate boundary between the Existing Developed Area and the Agricultural land use categories.

Relative to consistency with the zoning regulations, the Technical Review Committee finds that the project site is zoned R-1 Rural Residential and RP Resource Protection District, the R-1 District being a zoning classification in which residential planned communities are permitted. It also finds that the project as proposed complies with those requirements cited in §ZS 1-315 relative to maximum density, maximum limitation for residential uses, minimum requirement for common use open space and recreational areas, and types of permitted uses. Furthermore, the Technical Review Committee finds that the submittals relative to the proposed project comply with the requirements cited in §ZS 1-315(k)(2)A1. The Technical Review Committee reminds the Planning Commission that for individual structures, there shall be no minimum lot area, setback, bulk, lot width, or road frontage requirements. Such standards shall be approved by the Planning Commission during the Step II review.

**2. The general location of the site and its relationship to existing land uses in the immediate vicinity:**

The subject property is located on the northwest side of Beauchamp Road, north of MD Route 589 (Racetrack Road). The Technical Review Committee finds that this area can best be characterized as a mix of residential, religious and institutional (educational) land uses. The neighboring developments of Ocean Pines, River Run, St. Martins by the Bay and Dawn Circle all consist of primarily single-family dwellings, similar to the proposed project. The proposed development is consistent with the purpose and intent of the R-1 Rural Residential District which states that “[t]his district is intended to protect and preserve the low-density rural residential areas of the County which are not generally planned for substantial population growth”. Population growth has been limited over the recent years as stated in the Planning Commission’s Findings of Fact from the rezoning case in 2018. The development is proposing to be clustered to preserve the open space and protect the natural environment, as intended by these district regulations.

In summary, the Technical Review Committee finds that the proposed use as a single-family residential development is consistent with existing land uses in the vicinity.

**3. The availability and adequacy of public facilities, services and utilities to meet the needs of the RPC and the long-term implications the project would have on subsequent local development patterns and demand for public facilities and services:**

The Technical Review Committee finds that the properties proposed to be developed into the Evergreen Village RPC are presently zoned R-1 Rural Residential and RP Resource Protection Districts. Residential planned communities of the same density are permitted by that zoning district. Thus, the proposed density of one (1) dwelling unit per acre was anticipated for this immediate vicinity. The surrounding lands are similarly zoned for residential uses and commercial zoning is located at the corner of Beauchamp Road and Racetrack Road (MD Route 589), with additional commercial amenities within a five-minute drive from the subject properties that will adequately serve the needs of the residents of this development. Therefore, the Technical Review Committee concludes that the proposed Evergreen Village RPC will not have an adverse long-term implication on development patterns in the area.

Fee simple lots is proposed for the development. All public roads within the development shall be constructed to one of the RPC road standards and will be reviewed and approved by the County Roads Division of the Department of Public Works. Should the applicant propose approved private roads, they should include the RPC Approved Private Road Standard on future plans. Approved

private roads will require review and approval by the County Commissioners under the provisions of §ZS 1-123 Approved private roads. The applicant should ensure that the preliminary layout of the travelways as shown on the plan will be able to accommodate one of the road standards.

Relative to certain public facilities, the developer has obtained a Water and Sewerage Plan Amendment to connect the project to public water from the Ocean Pines Sanitary Service Area and sewer will be provided from the River Run Sanitary Service Area as indicated in the comments provided by the Department of Environmental Programs at the Technical Review Committee meeting. The existing abandoned golf course is currently served by a private, on-site septic system and wells that will need to be properly abandoned as part of this approval, and prior to the demolition permit being issued for the existing structures (see Comment No. 2 of the staff's review comments following these findings).

Relative to the potential impact to the projected school enrollments as a result of this development, Mr. Joe Price, Facilities Planner with the Worcester County Board of Education states in his May 3, 2019 letter that there is the possibility of an impact (increase) to the four northern county schools as a result of this development. The replacement Showell Elementary School, located within the immediate vicinity of this project, is currently under construction. Mr. Price has indicated that the school is anticipated to open in September 2020, which is the anticipated starting date for development of this subdivision.

In consideration of their review, the Technical Review Committee finds that there will be no significant negative impacts to public facilities and services resulting from the proposed RPC.

**4. The consistency of the RPC with the general design standards as contained in Subsections (j)(1) through (j)(5):**

Relative to the protection of key environmental features, the Technical Review Committee finds that the development is located on Windmill Branch, and has significant wetlands and steep slopes associated with it. The Technical Review Committee also acknowledges that the majority of this area is located within the RP Resource Protection District and is proposed to be placed in a Forest Conservation Easement, thus being protected from disturbance. There is a portion of the non-tidal wetlands and associated buffer that are proposed to be impacted in order to construct two to four of the proposed lots and potentially a portion of the roadway, depending on which sheet you review (see Comment No. 3 of the staff's review comments following these findings). Additionally, except for a small pond that is a regulated wetland, the remaining ponds will be enlarged and enhanced as part of this project.

The open space provided is twice as much land as the minimum required under the RPC regulations. This project is also subject to the Worcester County Forest

Conservation Law, and a Forest Stand Delineation was submitted for review. This plan must be approved during the Step II review of the RPC process as noted in Ms. Jenelle Gerthoffer's Technical Review Committee comments.

Relative to the general layout and clustering of the development, the Technical Review Committee finds that the proposed RPC consists of single-family residential lots, minimizing land impacts, especially to environmentally sensitive lands, while maximizing contiguous open spaces within the rear, center and front of the parcels. The traffic circulation patterns promote connectivity within the proposed development, and limit access to the public road system to one entrance that will be designed to meet the County Roads standards. All roads will be either approved private roads or a public road, either of which shall be built to one of the County Roads RPC road standards. To promote a truly pedestrian scale development, the Zoning Division is recommending that a sidewalk be provided along the Beauchamp Road frontage.

No culs-de-sac or dead-end streets are proposed within this development.

Overall, the Technical Review Committee finds that the RPC has demonstrated consistency with the general design standards contained in §ZS 1-315(j)(1) through (j)(5), on the condition that a sidewalk be provided along Beauchamp Road.

**5. The relationship of the RPC's proposed construction schedule, including any phasing, and the demand for and timely provision of public facilities, services and utilities necessary to serve the project:**

Within the narrative, the applicant states that all water, sewer and road infrastructure for the development will be constructed within the first phase, in approximately the Fall of 2020. Construction of the residential portion of the development will occur based on market demand. The recreational open space will be prorated based on the number of units constructed within the phases. As always, the Zoning Division strongly encourages the Planning Commission to consider how the passive and active recreation will be phased in during their Step III review, to ensure that adequate facilities are being provided as the project is developed, and are not an afterthought as the last improvements to be made.

Overall, the Technical Review Committee finds that the RPC has demonstrated that reasonable consideration has been given to the provision for and construction of the public facilities, services and utilities necessary to serve the project within their construction schedule.

**6. The capacity of the existing road network to provide suitable vehicular access for the RPC, the appropriateness of any existing or proposed**



**improvements to the transportation network, the adequacy of the pedestrian and bicycle circulation, and the proposed means of connectivity of the project to surrounding residential, commercial and recreational development and uses:**

Connectivity to main transportation networks are another feature of the proposed development that are consistent with the Comprehensive Plan. Access will be via a single entrance onto Beauchamp Road, therefore limiting multiple points of access. The written narrative notes that a traffic study was conducted in 2016, and a Trip Generation Summary sheet updating that information was prepared by Carpenter Engineering and is attached to the narrative. A copy of the 2016 traffic study was not submitted for the Technical Review Committee or Planning Commission's review. Both the written narrative and the Trip Generation Summary state that Beauchamp Road, as well as the intersection of Beauchamp Road and MD Route 589 (Racetrack Road) will perform at a Level of Service (LOS) A before and after the addition of this proposed subdivision.

Relative to the adequacy of pedestrian and bicycle circulation, as stated in Item No. 4 above, to promote a truly pedestrian scale development, the Zoning Division is recommending that a sidewalk be provided along the Beauchamp Road frontage.

Based on the supplemental traffic analysis provided, the Technical Review Committee concludes that the access point to Beauchamp Road will not have a significantly adverse impact on traffic patterns in the area. The committee also concludes that the Department of Public Works, County Roads Division is ensuring that all public road improvements and entrance design requirements are being met. Therefore the Technical Review Committee finds the transportation network to be suitable for this development, again on the condition that a sidewalk be provided along Beauchamp Road.

**7. The relationship of the proposed method of wastewater disposal and provision of potable water service with the goals, objectives and recommendations of the Comprehensive Plan, Comprehensive Water and Sewer Plan, and other established policy guidelines:**

The Comprehensive Plan notes that “[s]ewer service...is one of the county’s most powerful growth management tools” (Chapter 6). This development has obtained approval for a Water and Sewer Plan Amendment and Sanitary Service Area Amendment in order to obtain sewer from the existing River Run service area, with water being provided by the Ocean Pines service area. An EDU Chart has been provided on the C-1 Concept Plan sheet as requested by the Department of Environmental Programs in their Technical Review Committee comments. The Water and Wastewater Division of the Department of Public Works has noted in

their TRC comments that they will reserve comments pending submission of detailed utility plans which will occur in future steps.

The Technical Review Committee finds that, based on the recommendation and approvals granted to the developer thus far for public water and sewer, provisions for public facilities have been made to serve this development in the River Run (sewer) and Ocean Pines (water) Sanitary Service Areas.

**NOTE: Supplemental comments, as well as the comments from the individual members of the Technical Review Committee from the May 8, 2019 meeting are attached.**

It should be noted that many of the comments submitted by various TRC members pertain to Step II and III of the review process at which time site plans and subdivision plats would be submitted, or to the permit submittals.

**Procedure:** The Planning Commission shall make findings of fact relative to the application and its consistency with the Comprehensive Plan, the terms of the *Zoning and Subdivision Control Article*, and all other applicable laws and regulations. The seven findings of the Technical Review Committee above must also be addressed by the Planning Commission in their report to the Worcester County Commissioners. The Planning Commission shall make a recommendation (favorable or unfavorable) relative to the application which may address the items outlined in the Technical Review Committee Report or other items as appropriate.

The Department will submit a request that this project be scheduled for public hearing with the Worcester County Commissioners on Tuesday, September 3, 2019. If the applicant is unable to attend, please notify me as soon as possible, but no later than Friday, July 19, 2019. The next available date would be Tuesday, September 17, 2019.

**SUPPLEMENTAL**

**COMMENTS**

**FOR**

**EVERGREEN VILLAGE RPC**



# The Board of Education of Worcester County

6270 Worcester Highway  
Newark, Maryland 21841  
[www.worcesterk12.org](http://www.worcesterk12.org)  
Telephone: (410) 632-5000  
Fax: (410) 632-0364

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Vice-President

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Chief Academic Officer

VINCENT E. TOLBERT, CPA  
Chief Financial Officer

ANNETTE E. WALLACE, Ed.D.  
Chief Operating Officer

May 3, 2019

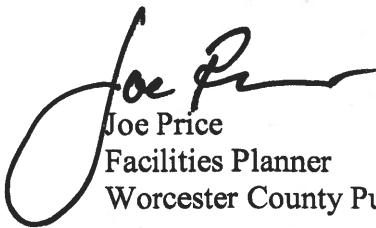
Ms. Jennifer K. Keener, AICP  
Zoning Administrator  
Department of Development Review and Permitting  
One West Market Street  
Room 1201  
Snow Hill, Maryland 21863

Dear Ms. Keener,

Enclosed are Worcester County Board of Education comments regarding Evergreen Village – Request for Establishment of the RPC Floating Zone.

We anticipate the possibility of an impact to the projected school enrollments for our four northern county schools through the construction of the proposed 90 single-family dwelling Evergreen Village subdivision.

Please contact me at (410) 632-5010 if you have any questions.

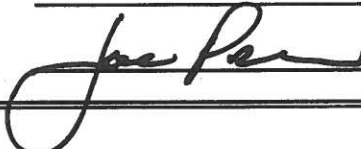


Joe Price  
Facilities Planner  
Worcester County Public Schools

Encl.



**Worcester County Board of Education  
Project / Rezoning Review Comments  
Department of Development Review and Permitting**

Project / Rezoning Application Number:	<b>Evergreen Village - Request for Establishment of RPC F.Z.</b>		
Project / Rezoning Location:	<b>NW side of Beauchamp Rd., North of Racetrack Rd.</b>		
Project / Rezoning Description:	<b>Proposed 90 single-family lot subdivision</b>		
Projected impact on existing schools	<b>Potential for additional students in WCPS schools.</b>		
School Name	State Rated Capacity	Current Enrollment (9/17)	Projected 10-Year High Enrollment
<b>Showell Elementary School</b>	<b>TBD</b>	<b>533</b>	<b>631*</b>
<b>Berlin Intermediate School</b>	<b>849</b>	<b>822</b>	<b>718</b>
<b>Stephen Decatur Middle School</b>	<b>799</b>	<b>650</b>	<b>739</b>
<b>Stephen Decatur High School</b>	<b>1,454</b>	<b>1,363</b>	<b>1,573</b>
<p>Other Comments:</p> <ol style="list-style-type: none"> <li>1. Approval of this proposed subdivision could impact (Increase) enrollments at four northern county schools.</li> <li>2. Projected enrollments are based upon Maryland Department of Planning estimates.</li> </ol> <p>* Projected enrollment for construction of replacement school serving grades Pre-K through Grade 4. Construction in progress. New (replacement) school scheduled to open in September 2020.</p>			
Worcester County Board of Education Representative:		<b>Joe Price, Facilities Planner</b>	
Signature / Date:		 <span style="margin-left: 100px;">5/3/19</span>	

**TECHNICAL REVIEW COMMITTEE**

**COMMENTS**

**MAY 8, 2019 REVIEW**

**TECHNICAL REVIEW COMMITTEE**

STAFF PERSON: Jennifer K. Keener DATE OF MEETING: May 8, 2019

PROJECT: Evergreen Village – Request for Establishment of the RPC Floating Zone – Proposed 90 single-family lot subdivision, 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

APPLICANT(S) IN ATTENDANCE: Hugh Cropper & Frank Lynch

TRC MEMBERS IN ATTENDANCE:

- Keener, Zoning Administrator
- Zirkle, DRP Specialist II
- Casey, Customer Service Rep.
- Miller, Building Plans Reviewer III
- Mitchell, Environmental Programs
- Klump, Environmental Programs
- Bradford, Environmental Programs
- Birch, Environmental Programs
- Gerthoffer, Environmental Programs
- Mathers, Environmental Programs
- Owens, Fire Marshal
- Adkins, County Roads
- Berdan, County Roads
- ~~Wilson~~, State Highway Admin. Connors
- Ross, W & WW, DPW
- Clayville, Planning Commission Rep.

~~~~~

X This application is considered to be a Step I RPC plan. Ten copies of the revised concept plan and narrative which address the comments noted within will need to be resubmitted for Planning Commission review. The Technical Review Committee shall prepare a report within 90 days (by July 17, 2019). The applicants are responsible for submitting 10 copies of a revised Step I plan and updated narrative that addresses the Technical Review Committee's concerns. The applicant and specified representatives will be notified of the tentative date and time at which this application will be considered by the Planning Commission. Should you have any questions regarding the attached comments, please feel free to contact the respective Technical Review Committee member.



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

### WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE

May 8, 2019

**Project:** Evergreen Village – Request for Establishment of the RPC Floating Zone – Proposed 90 single-family lot subdivision, 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

**Prepared by:** Jennifer K. Keener, AICP, Zoning Administrator

**Contact:** [jkkeener@co.worcester.md.us](mailto:jkkeener@co.worcester.md.us) or (410) 632-1200, extension 1123

#### GENERAL PROCEDURE:

The Technical Review Committee shall review the application and meet with the applicants to provide comments for correction or discussion. Following the meeting, they shall prepare a report to be forwarded to the Planning Commission for review within 90 days (by July 17, 2019). The applicants are responsible for submitting 10 copies of a revised Step I plan and updated narrative that addresses the Technical Review Committee's concerns.

The Planning Commission shall make findings of fact relative to the application and its consistency with the Comprehensive Plan, the terms of the Zoning and Subdivision Control Article, and all other applicable laws and regulations. The seven findings of the Technical Review Committee above must also be addressed by the Planning Commission in their report to the County Commissioners. The Planning Commission shall make a recommendation (favorable or unfavorable) relative to the application which may address the items outlined in the Technical Review Committee Report or other items as appropriate within 90 days.

The County Commissioners shall review the application and the Technical Review Committee Report, the Planning Commission's findings, and hold a public hearing within 90 days of the receipt of the Planning Commission's recommendation. Notice of the public hearing shall have the same procedural formalities as a map amendment. Failure of the County Commissioners to reach a formal decision to approve or disapprove the application within six months of the public hearing shall constitute a denial. Any approval by the County Commissioners must be unconditionally accepted as approved in writing within 90 days.



Step I approval shall be valid for one year and shall automatically terminate if the Step II approval has not been obtained. The County Commissioners may grant a maximum of one additional year provided the request is made a minimum of 60 days in advance of the expiration of the Step I approval and granted prior to the expiration.

Any questions relative to the review process should be directed to Jennifer K. Keener at (410) 632-1200, extension 1123.

**SPECIFIC COMMENTS:**

This project is subject to, but not limited to, the following sections of the Zoning and Subdivision Control Article:

|          |                                                                                |
|----------|--------------------------------------------------------------------------------|
| ZS 1-205 | R-1 Rural Residential District                                                 |
| ZS 1-215 | RP Resource Protection District                                                |
| ZS 1-305 | Lot requirements generally                                                     |
| ZS 1-306 | Access to structures                                                           |
| ZS 1-315 | Residential planned communities                                                |
| ZS 1-319 | Access and traffic circulation requirements                                    |
| ZS 1-320 | Off-street parking areas                                                       |
| ZS 1-322 | Landscaping and buffering requirements                                         |
| ZS 1-323 | Exterior lighting                                                              |
| ZS 1-324 | Signs                                                                          |
| ZS 1-325 | Site plan review                                                               |
| ZS 1-326 | Classification of highways                                                     |
| ZS 1-327 | Additional setbacks from drainage ditches and stormwater management facilities |

Reviewed  
6/13/19

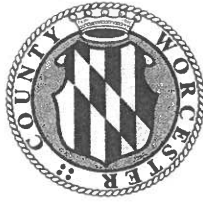
Prop. has  
transferred

- X It appears that the property is still under the ownership of Nichols Neff Properties, LLC according to the SDAT sheet, though Evergreen, LLC is listed on the Step I plans provided. When is the property anticipated to be transferred? If Evergreen, LLC is not the owner of record prior to the scheduling of the public hearing for the Step I Concept Plan, Nichols Neff Properties, LLC will be listed as the owner;
- ✓ 2. Please update all references to the "sixth election" district to the "third tax" district and include the account numbers in the site data chart;
- ✓ 3. Please clearly identify the zoning boundary line between the R-1 District and the RP District on the concept plan and all other applicable sheets;
- 4. All roads within the development shall be constructed to one of the RPC road standards. If you choose to develop the subdivision with fee simple lots on approved private roads, approval will have to be given under the provisions of §ZS 1-123 Approved private roads during the Step II or III process;
- ✓ 5. Please identify the boundaries of the various flood zones on the applicable sheets per §ZS 1-315(k)(2)A.1(ii);
- 6. Under the general design standards of §ZS 1-315(j)(1), special consideration shall be given to the protection of the wetland areas. How is this plan minimizing/ avoiding the non-tidal wetlands and associated buffer area as well as the existing forested areas with

- its design? The written statement indicates that wetland disturbances have been avoided. If approved, applicable wetland impact approvals shall be provided to the Department;
7. Please add the applicable contours as required by §ZS 1-315(k)(2)A.1(i);
  - ✓8. Per §ZS 1-315(k)(2)A.1(i), please add a note that this project is not located within the Critical Areas per the comments provided by the Department of Environmental Programs, Natural Resources Division;
  - ✓9. Please add the applicable water and sewer information as required by §ZS 1-315(k)(2)A.1(vi);
  - ⑩ Will sidewalks be provided to promote walkability per §ZS 1-315(j)(4) and §ZS 1-315(k)(2)A.1(vii)? Will any sidewalks be provided along Beauchamp Road? Given the nature of the traffic along that roadway, staff would recommend incorporating a sidewalk into the design;
  11. Supplemental/ updated information on the traffic counts was attached to the written statement, but a copy of the 2016 traffic study was not provided with this submission. The 2016 traffic study is a part of the record for the rezoning application that was approved in 2016. The Planning Commission may request an additional copy to be included in this particular matter, with the attached updates, should they so choose, in order to justify the findings that must be made relative to a residential planned community;
  12. Detailed phasing plans showing how the amenities are being prorated shall be provided during the Step III subdivision review. Please keep in mind that all open space as well as areas for active and passive recreation are to be dedicated, developed and perpetually protected per §ZS 1-315(d)(2)B.5(iv);
  13. As a reminder, the Planning Commission shall review and approve the proposed setbacks as part of their Step II review;
  14. The Planning Commission shall also require general plans indicating the proposed architectural style of the development as part of their Step II review, however please update the written statement to generally outline what that style will consist of in accordance with §ZS 1-315(j)(2);

The Technical Review Committee shall make findings relative to the items listed below. If any member has additional comments relative to regulations under their purview that they feel need to be further expounded upon, please notify me in writing no later than **Wednesday, June 19, 2019** so that the Technical Review Committee Report may be prepared.

- a. The residential planned community's conformance with the goals, objectives and recommendations of the Comprehensive Plan, compliance with the zoning regulations and other established development policy guidelines, and with the Comprehensive Plan, zoning regulations, development policy guidelines and annexation policies of any municipality within one mile of the proposed project's boundaries.
- b. The general location of the site, a description of existing and anticipated land use in the immediate vicinity and the residential planned community's compatibility with those land uses.
- c. The availability and adequacy of public facilities, services and utilities to meet the needs of the residential planned community and the long-term implications the project would have on subsequent local development patterns and demand for public facilities and services.
- d. The consistency of the residential planned community with the general design standards as contained in Subsections (j)(1) through (j)(5) hereof.
- e. The relationship of the residential planned community's proposed construction schedule, including any phasing, and the demand for and timely provision of public facilities, services and utilities necessary to serve the project.
- f. The capacity of the existing road network to provide suitable vehicular access for the residential planned community, the appropriateness of any existing or proposed improvements to the transportation network, the adequacy of the pedestrian and bicycle circulation, and the proposed means of connectivity of the project to surrounding residential, commercial and recreational development and uses.
- g. The relationship of the proposed method of wastewater disposal and provision of potable water service with the goals, objectives and recommendations of the Comprehensive Plan, Comprehensive Water and Sewer Plan, and other established policy guidelines.



**Worcester County**  
Department of Environmental Programs  
Environmental Programs Division

## Memorandum

---

**To:** Technical Review Committee (TRC) for May 8, 2019 Meeting

**From:** Environmental Programs Staff

**Subject:** Evergreen Village, RPC, TM 15 P 127 & 259

**Date:** May 2, 2019

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Environmental Programs comments are based on the plans submitted. These comments are subject to change every time a change is made to the plans that affect water and/or sewage for this site.

1. There was no existing conditions plan submitted. All existing wells and septic tanks must be found and either sealed by a well driller or pumped and filled. Abandonment Reports are needed for all. A demolition permit has been in house for years waiting for these abandonments. The locations of these wells and septic tanks should be shown on an "Existing Conditions Plan" to prevent the potential for future contamination during demolition and construction activities on the property.
2. The EDU chart for sewer allocations is not shown on the site plan. Please also indicate on the plan that this RPC will be served by River Run Sanitary Service Area for sewage and Ocean Pines Sanitary Service Area for water.
3. The Written Statement accompanying the sketch plan lists the Ocean Pines Sanitary Service Area as the sewer and water provider for the RPC. That should be amended as described in comment #2.
4. A natural gas main has been installed and is available to this community. Gas permits will be needed if gas utilized within the community.
5. Plumbing Code is the 2015 National Standard Plumbing Code (NSPC) Illustrated (National Association of Plumbing-Heating-Cooling Contractors). The Gas Code is National Fuel Gas Code, ANSI Z223.1, NFPA 54, 2015 Edition, for natural gas.

19  
**Citizens and Government Working Together**



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

TECHNICAL REVIEW COMMITTEE  
FOREST CONSERVATION REVIEW

LAND PRESERVATION PROGRAMS  
STORMWATER MANAGEMENT  
SEDIMENT AND EROSION CONTROL  
SHORELINE CONSTRUCTION  
AGRICULTURAL PRESERVATION  
ADVISORY BOARD

WELL & SEPTIC  
WATER & SEWER PLANNING  
PLUMBING & GAS  
CRITICAL AREAS  
FOREST CONSERVATION  
COMMUNITY HYGIENE

STAFF PERSON: Jenelle Gerthoffer 

DATE OF MEETING: May 8, 2019

PROJECT: Evergreen Village RPC

LOCATION: Tax Map 15, Parcels 127 & 259

OWNER/DEVELOPER: Evergreen, LLC

SURVEYOR/ENGINEER: R.D. Hand and Associates, Inc.



**This project is subject to the Worcester County Forest Conservation Law.** A Forest Conservation Application, fee, and Forest Stand Delineation (FSD) must be submitted and approved prior to this project being reviewed by the Technical Review Committee during the Step II RPC review. A FSD was submitted for review, but requires revisions, as noted in a separate report previously provided to R.D. Hand and Associates, Inc. Once the revised FSD is provided, the correct fee amount can be determined.

**This project is subject to the Worcester County Stormwater Ordinance.** In order to ensure design changes are not needed, this project needs Stormwater Concept plan prior to this project being reviewed by the Technical Review Committee during the Step II RPC review.



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

LAND PRESERVATION PROGRAM  
STORMWATER MANAGEMENT  
SEDIMENT AND EROSION CONTROL  
SHORELINE CONSTRUCTION  
AGRICULTURAL PRESERVATION  
ADVISORY BOARD

WELL & SEPTIC  
WATER & SEWER PLANNING  
PLUMBING & GAS  
CRITICAL AREAS/FORESTRY  
COMMUNITY HYGIENE

### MEMORANDUM

DATE: April 24, 2019  
TO: Worcester County Technical Review Committee  
FROM: Joy S. Birch, Natural Resources Specialist III *(SB)*  
RE: May 8, 2019 Technical Review Committee Meeting

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- Evergreen Village – Request for Establishment of the RPC Floating Zone – Proposed 90 single-family lot subdivision, 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, Evergreen LLC, owner / R.D. Hand & Associates, Inc., land planner. This is located outside of the Atlantic Coastal and Chesapeake Bay Critical Area Program. **No Comment.**

**WORCESTER COUNTY  
DEPARTMENT OF PUBLIC WORKS  
WATER & WASTEWATER DIVISION  
INTEROFFICE MEMORANDUM**

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**TO:** Jennifer K. Keener, Zoning Administrator  
Development Review and Permitting  
**FROM:** John S. Ross, P.E., Deputy Director  
**DATE:** April 26, 2019  
**SUBJECT:** TRC Meeting – May 8, 2019

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**Site Plan Review**

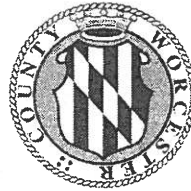
- A. Ebenezer Solar - Proposed construction of a 1.35 MW (DC) solar photovoltaic facility, located on the easterly side of Whaleyville Road (MD Route 610), south of Ebenezer Road, Tax Map 8, Parcels 41 & 162, Lot 2, Tax District 5, A-1 Agricultural District, Peggy Anne and Howard G. Wiles for life, owner/ Groundstar Energy, c/o Finn McCabe, developer;
1. No Comment
- B. Main Street Storage – Proposed construction of four self-storage buildings consisting of 9,484 square feet and 53 units, located on the easterly side of MD Route 818 (Main Street), south of US Route 50 (Ocean Gateway), Tax Map 25, Parcel 54, Tax District 3, C-2 General Commercial District, Arden Center, LLC, owner/ J.W. Salm Engineering, Inc., engineer;
1. No Comment

**Residential Planned Communities**

- A. Evergreen Village – Request for Establishment of the RPC Floating Zone – Proposed 90 single-family lot subdivision, 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, Evergreen, LLC, owner/ R.D. Hand & Associates, Inc., land planner;
1. Confirm adequate EDUs have been assigned to the project
  2. Reserve further comments until utility plans are completed

cc: John H. Tustin, P.E. Director





Worcester County  
DEPARTMENT OF PUBLIC WORKS  
6113 TIMMONS ROAD  
SNOW HILL, MARYLAND 21863

JOHN H. TUSTIN, P.E.  
DIRECTOR

JOHN S. ROSS, P.E.  
DEPUTY DIRECTOR

TEL: 410-632-5623  
FAX: 410-632-1753

**MEMORANDUM**

**TO:** Jennifer Kenner, Zoning Administrator  
**FROM:** Frank J. Adkins, Roads Superintendent (FA)  
**DATE:** May 1, 2019  
**SUBJECT:** TRC Meeting – May 8, 2019

DIVISIONS

MAINTENANCE  
TEL: 410-632-3766  
FAX: 410-632-1753

ROADS  
TEL: 410-632-2244  
FAX: 410-632-0620

SOLID WASTE  
TEL: 410-632-3177  
FAX: 410-632-3000

FLEET  
MANAGEMENT  
TEL: 410-632-5675  
FAX: 410-632-1753

WATER AND  
WASTEWATER  
TEL: 410-641-5251  
FAX: 410 641 5185

.....  
Section 1-325 Site Plan Review

**A. Ebenezer Solar**

1. No comments at this time. Borders State Highway.

**B. Main Street Storage**

1. No comments at this time. Borders State Highway.

Section 1-315 Site Plan Review

\* **A. Evergreen Village**

1. Since this project is listed as a Residential Planned Community, any roads are to be built to an RPC road standard which may include an RPC Approved Private Road Standard WO 200-06.
2. Reserve comments pending review of construction drawings.

cc: John H. Tustin, P.E.

FJA:ll  
\\wfile2\users\llawrence\TRC\2019\5.8.19.doc



April 30, 2019

Ms. Jennifer Keener, Zoning Administrator  
Department of Developing, Review and Planning  
Worcester County Government Center  
One West Market Street, Room 1201  
Snow Hill MD 21863

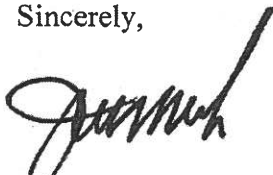
Dear Ms. Keener:

Thank you for the opportunity to review the submittal for the proposed Evergreen Village RPC, located on the northwest side of Beauchamp Road, north of MD 589, in Worcester County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the plans and we are pleased to respond.

This step I RPC plan proposes the construction of a 90 single-family lot subdivision. A field review of the property determined that Beauchamp Road is not within the jurisdiction of MDOT SHA, and we do not anticipate the project will negatively impact the surrounding State roadway network. Therefore, the MDOT SHA has no objection to the construction as proposed.

If you have any questions, or require anything additional, please contact Mr. Daniel Wilson, Access Management Regional Engineer, via email at [dwilson12@sha.state.md.us](mailto:dwilson12@sha.state.md.us), or by calling him directly at 410-677-4048. He'll be happy to assist you.

Sincerely,



James W. Meredith  
District Engineer

cc: Mr. Hicham Baassiri, Assistant District Engineer-Project Development, MDOT SHA  
Mr. Mike Marvel, Resident Maintenance Engineer, MDOT SHA  
Mr. Daniel Wilson, Access Management Regional Engineer, MDOT SHA



GOVERNMENT CENTER

ONE WEST MARKET STREET, ROOM 1003

SNOW HILL, MARYLAND 21863-1194

TEL: 410-632-5666

FAX: 410-632-5664

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## TECHNICAL REVIEW COMMITTEE COMMENTS

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**PROJECT: Evergreen Village RPC**  
**LOCATION: Tax Map 15; Parcel 127 & 259**  
**CONTACT: Evergreen LLC**  
**MEETING DATE: May 8, 2019**

**TRC #: 2019186**

**COMMENTS BY: Matthew Owens**  
**Chief Deputy Fire Marshal**

---

As you requested, this office has reviewed plans for the above project. Construction shall be in accordance with applicable Worcester County and State of Maryland fire codes. This review is based upon information contained in the submitted TRC plans only, and does not cover unsatisfactory conditions resulting from errors, omissions or failure to clearly indicate conditions. A full plan review by this office is required prior to the issuance of a building permit. The following comments are noted from a fire protection and life safety standpoint.

### **Scope of Project**

Establishment of the RPC Floating Zone for a proposed 90 single-family lot subdivision.

### **General Comments**

1. A water supply for fire protection shall be identified indicating the following:
  - a. Water Source
  - b. Engineering study for reliability of water source
  - c. Size (in gallons) of water source
  - d. Replenishment of water supply
  - e. Diameter of in ground pipe
  - f. Number of hydrants
  - g. Location of hydrants
  - h. Roadway width and surface types
  - i. Distance from hydrant to roadway
2. If public water source, approved plans by the public works department.
3. Water source plans must be approved prior to recording of plat.

4. Fire hydrants shall be located within 3 ft. of curb line. Placement of fire hydrants shall be coordinated with this office prior to installation.
5. Obstructions shall not be placed or kept near fire hydrants, fire department inlet connections, or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately visible and accessible.
6. All underground water mains and hydrants **shall be installed, completed, and in service** prior to construction work or as soon as combustible material accumulates, which ever comes first. A stop work order will be issued if fire hydrants are not in service prior to construction work start.
7. Fire Lanes shall be provided at the start of a project and shall be maintained throughout construction. Fire lanes shall be not less than 20 ft. in unobstructed width, able to withstand live loads of fire apparatus, and have a minimum of 13 ft. 6 in. of vertical clearance. Fire lane access roadways must be established prior to construction start of any structure in the project. Failure to maintain roadways throughout the project will be grounds to issue stop work orders until the roadway access is corrected.
8. Coordinate 9-1-1 addressing with Worcester County Department of Emergency Services (410) 632-1311.

#### Specific Comments

1. The proposed single family units shall be protected by an automatic sprinkler system. Plans shall be submitted and approved by this office prior to the installation of such system.
2. The placement and location of fire hydrants shall be coordinated with our office.
3. No further comments at this time.

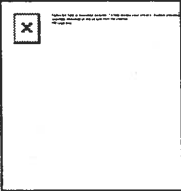

**Jennifer Keener**

---

**From:** Rob Clarke -DNR- <rob.clarke@maryland.gov>  
**Sent:** Friday, April 26, 2019 2:58 PM  
**To:** Jennifer Keener  
**Subject:** Re: Proposed Residential Planned Community request

Jennifer,

On behalf of the Maryland Forest Service, I have no comments on this project proposal.

|                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                            | <p><b>Rob Clarke</b><br/>Acting Project Manager<br/>Lower Shore Project</p> <p>Maryland Forest Service<br/>Department of Natural Resources<br/>10990 Market Lane<br/>Princess Anne, MD 21853-2910<br/>Office: 410-651-2004<br/>Mobile: 443-235-1636<br/><a href="mailto:Rob.Clarke@Maryland.gov">Rob.Clarke@Maryland.gov</a></p> |
| <br><a href="http://dnr.maryland.gov">dnr.maryland.gov</a> |                                                                                                                                                                                                                                                                                                                                  |

[Click here](#) to complete a three question customer experience survey.

On Fri, Apr 26, 2019 at 2:54 PM Jennifer Keener <[jkkeener@co.worcester.md.us](mailto:jkkeener@co.worcester.md.us)> wrote:

Good afternoon,

Please find my request for comments attached.

Sincerely,

EVERGREEN VILLAGE  
RESIDENTIAL PLANNED COMMUNITY

TAX MAP 15, PARCELS 127 AND 259  
SIXTH ELECTION DISTRICT  
WORCESTER COUNTY, MARYLAND

PREPARED FOR  
EVERGREEN LLC  
9919 STEPHEN DECATUR HGY  
OCEAN CITY, MARYLAND 21842

PREPARED BY  
R.D. HAND AND ASSOCIATES, INC.  
12302 Collins Road  
Bishopville, MD 21813  
410-352-5623

April 16, 2019  
REV. May 10, 2019

Evergreen Village is a proposed Residential Planned Community (RPC) consisting of 90 single family lots and recreational amenities consisting of a swimming pool, tennis courts, playground and walking/bird watching trails.

Evergreen Village is consistent with the goals and objectives of the Worcester County Comprehensive plan in that it is close to population centers (Ocean Pines) and has direct access to MD Route 589 a major collector highway.

Evergreen Village is zoned R-1, Rural Residential and RP, Resource Protection. The R-1 zoning allows single family uses by right. Single family, multi-family and townhouses developments consisting of 20 units or more are required to conform to the RPC process. Evergreen Village's design is consistent with RPC and zoning code criteria and requirements.

Evergreen Village is directly across Beauchamp Road from the Ocean Pines subdivision. River Run subdivision and golf course is contiguous to the project on the east. St. John Neumann School and church are contiguous to the west. Evergreen Village is compatible with all the uses in the neighborhood.

Evergreen Village will be serviced by Beauchamp Road and Maryland 589 which is a major collector highway. Sewer will be provided by the River Run sewer treatment plant and water will be provided via the Ocean Pines service area facilities which have enough capacity for the project. Evergreen Village will be an infill development and compliment the neighborhood.

Evergreen Village design has identified key environmental features and avoided disturbances to non-tidal wetlands, floodplains, critical, and/or special habitat and aquifer recharge areas. The existing forested wetland along Windmill Branch will be protected via a perpetual protective agreement for forestry. Except for a small portion of regulated pond, the existed regulated ponds will be enlarged and enhanced. The project clusters residential features in a pedestrian friendly scale.

The clustered design of Evergreen Village minimizes the consumption of land, optimizes open space and maximizes open space while reducing impervious surfaces.

In order to reduce impacts to sensitive areas and non-tidal wetlands, Evergreen Village's design proposes no cul-de-sacs to service the residential component of the project.

Evergreen Village construction is anticipated to begin in the fall of 2020. Phasing will consist of construction of all sewer, water, road ways, amenities and trails for the residential subdivision all at one time. It is anticipated that a temporary sales office will be constructed for sales of the residential units in the fall of 2020. Construction of the residential units will be based

on market demand but is anticipated to start in the fall of 2020. Recreational areas will be provided in accordance with code requirements and prorated based on the number of units constructed in the individual phases.

An update, by Carpenter Engineering, to the traffic study performed by the Traffic Group, Inc, prepared in 2016 is attached. This shows that traffic on Beauchamp Road and Route 589 perform at service level A before and after the addition of this project



P.O. Box 3460, Ocean City, MD 21843

☎ 3024386745

☎ 8883722844

📘 CarpenterEngineeringLLC

Ronnie@CarpenterEngineeringLLC.com

April 16, 2019

Mr. Dan Wilson  
Maryland State Highway Administration, District 1  
660 West Road  
Salisbury, MD 21801

**Via Electronic Mail**

RE: Trip Generation Summary  
Evergreen Village, formerly Pine Shores North  
Berlin, Worcester County, Maryland

Dear Mr. Wilson:

Carpenter Engineer, LLC (CE) is pleased to submit this correspondence detailing trip generation information for the project known as Evergreen Village, formerly known as Pine Shores North. The project proposes the construction of 90 single family detached dwelling units with an onsite community pool and other community amenities. The project proposes connection to public sewer and water services. The site is situated along Beauchamp Road northeasterly of the intersection of Beauchamp Road with Racetrack Road.

Land use code 210 – Single Family Detached Housing, from the ITE Trip Generation Manual, 10<sup>th</sup> Edition was applied to the proposed unit count to determine average daily trips and peak hour trips. It is important to note that the level of service was previously determined to be Level A for Beauchamp Road at the proposed site access, and Level A for Beauchamp Road at Maryland Route 589. Please refer to the previously submitted Traffic Impact Analysis prepared by The Traffic Group and dated June 14, 2016.

Please contact me at (302) 438-6745 or [Ronnie@CarpenterEngineeringLLC.com](mailto:Ronnie@CarpenterEngineeringLLC.com) if you have any questions or comments. I thank you in advance for your review of this project.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Ronnie B. Carpenter', is written over a horizontal line.

Ronnie B. Carpenter, P.E.  
Carpenter Engineering, LLC

Enclosures: Trip Generation Summary and Data Sheets

P.C. Mr. Robert D. Hand – R. D. Hand Associates, Inc. (w/ enclosures)





Evergreen Village  
Formerly Pine Shores North  
Trip Generation Summary  
April 14, 2019  
Page 1 of 1

### **Proposed Single Family Detached Housing Community**

90 Detached Dwelling Units

Land use code 210 (Single Family Detached Housing)

Note: Average and fitted curve equations provided by ITE Trip Generation Manual, 10<sup>th</sup> Edition

#### Average Weekday

Daily trips via average rate = 850

Daily trips via fitted curve = 944

#### Weekday Peak Hour of Generator

AM Peak rate via average rate = 68

AM Peak rate via fitted curve = 73

PM Peak rate via average rate = 90

PM Peak rate via fitted curve = 97

#### Saturday

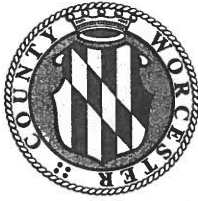
Peak Hour via average rate = 84

Peak Hour via fitted curve = 94

#### Sunday

Peak Hour via average rate = 77

Peak Hour via fitted curve = 82



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  
[www.co.worcester.md.us/drp/drpindex.htm](http://www.co.worcester.md.us/drp/drpindex.htm)

ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICE DIVISION

## MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer  
FROM: Edward A. Tudor, Director of Development Review and Permitting *EAT*  
Phil Thompson, Finance Officer *DGT*  
DATE: January 15, 2019  
RE: Countywide Room Tax/Rental License Program

\*\*\*\*\*

Pursuant to your request, we have jointly worked to gather information and prepare this memorandum relative to the above referenced issues. Specifically, we reviewed the recent actions taken by both Talbot County and Ocean City. Both jurisdictions have had rental licensing programs on the books for a number of years. Talbot County has a very specific code section dealing solely with short term rentals (STRs). On the other hand, Ocean City has a more general approach to rentals. Recently, however, both jurisdictions took action to attempt to enhance revenue collection. Before discussing the specifics of our current law and programs, we will provide a brief discussion of both Talbot County and Ocean City's recent actions.

In June 2018 Talbot County entered into a contract with Bear Cloud Software to develop a software program to assist the County with identifications of STRs. In addition to identifying the properties the software has a number of other features that assist the County in licensing, enforcement, tax collection and nuisance abatement for STRs, including online applications and payments, filing of complaints relative to noise, trash and excessive numbers of renters, etc. It also supports a very robust amount of data collection, information and reports on the rental properties themselves. Talbot County is paying \$1,250 per month for a period of one year for the service, according to the contract. Since the contract for the software was signed at the end of last August and rental license applications can only be filed during the months of July, August, January and February according to their county law, I would not expect that they have had sufficient time to evaluate the efficacy of the software as of yet.

While Ocean City apparently discussed a software solution similar to Talbot County, it is our understanding that to date they have taken a different path. Like Talbot County, Ocean City has had a rental licensing and enforcement program for quite some time. According to conversations with Town staff, in the spring of 2018 they sent out approximately 30,000 letters to remind property owners that the Town had a property rental license program and to encourage compliance. Included with the letters was information regarding the County room tax remittance and contact information for the Maryland State Comptroller's Office with regard to sales and use tax collection and remittance. The letter campaign yielded approximately 500 new licenses and approximately \$70,000 in additional revenue. Although the Town received proposals from firms for software similar to that utilized by Talbot County, with some at considerably greater expense, no further action has been taken at this time.

With regard to our licensing, taxation and zoning regulations on rental properties, I have prepared the attached chart to provide a better picture of the complexities of our system. First, we do not have a rental license per se but rather a requirement in the Taxation and Revenue Article for what is known as a Tourist Permit. These permits are required for any structure rented or capable of being rented to four or more persons for less than six months. Secondly, the Taxation and Revenue Article requires the payment of a Hotel Rental Tax on any structure rented or capable of being rented to one or more persons for not more than four consecutive months. Quite obviously, neither the length of stay or number of renters is consistent between the two provisions. The number of combinations of lengths of stay and number of persons can quickly become very confusing. Take the example of someone renting a room in their home. If they rent to three people for four months and a day, they do not need a Tourist Permit nor are they required to pay Room Tax. Reduce the stay to four months for the same number of people and now they are required to pay Room Tax but still do not need a Tourist Permit. If the homeowner rents to one more person, for a total of four persons, for six months, they do not need a Tourist Permit nor are they required to pay the Room Tax. Reduce the stay by one day and now a Tourist Permit is necessary but the homeowner is still not subject to the Room Tax. On top of all these combinations we have the limitations in the Zoning Ordinance. Take the first example of someone renting a room in their home to three people for four months and a day. As stated before, they do not need a Tourist Permit and are not required to pay Room Tax. However, if they are renting to three people they are in violation of the Zoning Ordinance if the home is in the A-1, A-2, E-1, V-1, R-1, R-2 and R-3 Zoning Districts. If the home is in the R-4 Zoning District they could rent to the three persons as an accessory use. If in the V-1 District they could do so as a Special Exception as a boarding or lodging house but would still not need a Tourist Permit or pay Room Tax. Now if the space had its own cooking facilities and therefore was classified as an accessory apartment, it could be rented to the three persons in all of the aforementioned Zoning Districts. They would not need a Tourist Permit at all and would only need to pay Room Tax if they rented the apartment for four months or less. Add one more person in the accessory apartment, cut the term to four months and now they need a Tourist Permit and have to pay Room Tax but are not in violation of the Zoning Ordinance. We think you can see just how quickly the combinations can get out of hand and how confusing it is.

With the way our various codes are written today, we think it may actually be counterproductive to hire a software consultant or even send letters to all of the County property owners. Our gut instincts tell us that most likely the STRs advertised for rent on various platforms would accommodate at least four persons but would also most likely be located in Zoning Districts other than the R-4 District which would then prohibit the rental entirely unless they are located in an accessory apartment. If we then enforced the terms of the Zoning Ordinance we would most likely significantly reduce the number of units/rooms that could be rented and thus those for which a Tourist Permit could be issued and hence Room Tax collected from property owners. Certainly some property owners may then begin to advertise that they only accommodate two persons or less but of course then they would not be subject to getting a Tourist Permit, making it more difficult to track and collect Room Tax.

Given all of the information above, we believe that before embarking on a program to increase enforcement or to simply raise awareness of the Tourist Permit and Room Tax requirements we should clean up our various codes to remove all of the inconsistencies between the various sections of the law. This would begin with a comprehensive amendment to the Zoning

Ordinance to increase the allowable number of roomers or boarders to perhaps as many as four or more persons. Secondly, we believe that the existing Tourist Permit requirement should be repealed and replaced with a comprehensive rental license requirement. Simply put, if you are renting your property, regardless of the term, you need a rental license. The fee could be adjusted for the particular type of license, i.e., short or long term, but there would be a license requirement regardless. The Room Tax provisions concerning the length of stay could remain as it or be revised to a different length of stay at the County Commissioners' discretion. Lastly, while not necessarily a component of the revenue issue, should the County Commissioners see fit to make revisions as outlined above, we believe there needs to be very clear guidance pertaining to the licensing component. Specifically, do the County Commissioners wish to address nuisance issues and public safety as part of the rental license? Should we have basic safety inspections of rental properties for such things as smoke detectors and required means of egress? Should we establish minimum amounts of square footage for sleeping rooms as does Ocean City to avoid overcrowding in rental units? Should there be increased parking requirements beyond our current Zoning Ordinance standard of two parking spaces per single family dwelling when the house is used for short term rentals? Obviously, these changes to the law would require public hearing which may inform a small segment of the property owners but perhaps greater awareness and compliance could be gained if that process could be coupled with an aggressive public outreach campaign. This could save the County the cost of a software firm, at least until we see how things are functioning. In any event, we believe additional staff will be necessary to implement any changes to our existing laws. The number and classification of those staff will be dependent upon the components of the licensing program.

As always, we will both be available to discuss the matter in greater depth with you and the County Commissioners at your convenience.

## Rental Regulation Comparison

### TR 2-201 Tourist Permits

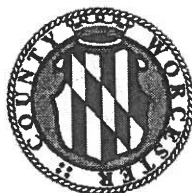
Any structure rented or capable of being rented to 4 or more persons for less than 6 months.  
 Fee: \$5.00 per unit. Minimum \$50.00, Maximum \$2,500

### TR 1-601 Hotel Rental Tax

Any structure rented or capable of being rented to 1 or more persons for not more than 4 consecutive months.  
 Rate 4.5%

| Zoning District | Permitted Use                                                                                    | Accessory Use         | Special Exception Use                                                                            |
|-----------------|--------------------------------------------------------------------------------------------------|-----------------------|--------------------------------------------------------------------------------------------------|
| A-1             |                                                                                                  | Accessory Apartments  |                                                                                                  |
|                 |                                                                                                  | 2 Roomers or Boarders |                                                                                                  |
| A-2             |                                                                                                  | Accessory Apartments  | Country Inns (min 7 rooms, max 20 rooms)                                                         |
|                 |                                                                                                  |                       | Bed and Breakfast Establishments (max 6 rooms, 2 beds and 4 persons per room, max 14 night stay) |
|                 |                                                                                                  |                       | Conversion of historic dwelling to an inn                                                        |
| E-1             |                                                                                                  | Accessory Apartments  | Country Inns (min 7 rooms, max 20 rooms)                                                         |
|                 |                                                                                                  |                       | Bed and Breakfast Establishments (max 6 rooms, 2 beds and 4 persons per room, max 14 night stay) |
|                 |                                                                                                  |                       | Conversion of historic dwelling to an inn                                                        |
| V-1             | Bed and Breakfast Establishments (max 6 rooms, 2 beds and 4 persons per room, max 14 night stay) | Accessory Apartments  | Boarding or Lodging houses (limited to 6 boarders or roomers)                                    |
|                 |                                                                                                  |                       | Country Inns (min 7 rooms, max 20 rooms)                                                         |
| R-1             |                                                                                                  | Accessory Apartments  |                                                                                                  |
|                 |                                                                                                  | 2 Roomers or Boarders |                                                                                                  |

| Zoning District | Permitted Use     | Accessory Use         | Special Exception Use                                                                            |
|-----------------|-------------------|-----------------------|--------------------------------------------------------------------------------------------------|
| R-2             |                   | Accessory Apartments  |                                                                                                  |
|                 |                   | 2 Roomers or Boarders |                                                                                                  |
| R-3             |                   | Accessory Apartments  |                                                                                                  |
|                 |                   | 2 Roomers or Boarders |                                                                                                  |
| R-4             |                   | Accessory Apartments  | Boarding or Lodging houses                                                                       |
|                 |                   | 4 Roomers or Boarders |                                                                                                  |
| C-1             |                   |                       | Bed and Breakfast Establishments (max 6 rooms, 2 beds and 4 persons per room, max 14 night stay) |
| C-2             | Motels and hotels |                       | Dormitories                                                                                      |
| C-3             | Motels and hotels |                       |                                                                                                  |
|                 | Dormitories       |                       |                                                                                                  |



DEPARTMENT OF  
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ZONING DIVISION  
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CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICE DIVISION

## MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer  
FROM: Edward A. Tudor, Director of Development Review and Permitting   
DATE: June 11, 2019  
RE: Countywide Rental License Program

\*\*\*\*\*

Pursuant to your memorandum dated January 23, 2019, I have comprehensively reviewed the existing regulations on room tax, mobile and manufactured home park licenses, excise tax, tourist permits, and the Zoning Code as they pertain to the various types of lodging facility regulations. Much of the language contained therein utilizes outdated terminology and is frequently inconsistent with other pertinent regulations. I have been working with my staff to develop a framework to create a comprehensive rental license program that would apply to short and long term residential rentals and the necessary text amendments to remove all of the inconsistencies in our existing codes relative to residential property rentals as well as to establish new regulations for short term vacation rentals with regard to single family homes. To date we have completed four different legislative bills for the County Commissioners' consideration.

The first legislative bill involves numerous changes to the Zoning and Subdivision Control Article. Among its 17 separate sections, it removes certain antiquated definitions, revises or adds new definitions to reflect the addition of new regulations regarding short term rentals of residential dwellings, removes "conversion of architecturally significant dwellings into an inn" and "country inns" from several districts and puts all of these very similar uses under the term "bed and breakfast establishment" to simplify and streamline the Code, and makes subtle changes to Section § ZS 1-340 of the Zoning Code with respect to bed and breakfast establishments to make them more inclusive. This first bill also adds the keeping of not more than two roomers and boarders to select zoning districts that allow single family homes where they were previously omitted in error, creates an entirely new Zoning Code section to deal with the short term lodging issues from platforms such as AirBnb and Vacation Rental by Owner

(VRBO) and provides that the County Commissioners may by resolution establish standards or require additional information to enforce the provisions.

The second bill repeals Section § TR 2-201 concerning Tourist Permits from the Taxation and Revenue Article and creates an entirely new section entitled Section § TR 2-106 Rental Licenses. This new section is the basis for the entire licensing program. As drafted so far, this section would require a rental license for any type of building, dwelling, recreational vehicle, hotel or motel, cottage, apartment, condominium or site for placement of a recreational vehicle or any other form of shelter for lodging or domicile regardless of the rental term. It further provides that the County Commissioners would set rental license fees by resolution and I recommend that such fees be established by the class of rental. For example, the license fee could be different for hotels and motels on a per room basis as opposed to an entire house or other place of accommodation. I believe it is most important that all rental properties have a license, however. There are also provisions for license applications, terms, renewals and display of licenses, restrictions on licenses, enforcement and revocation of licenses.

The third bill makes a limited number of changes to the Taxation and Revenue Article in Section § TR 1-601 Hotel Rental Tax to update the language with regard to rental units so that it is consistent with the other sections and articles referenced above. It is important to note that with the development of the rental license and the short term rental regulations, the maximum occupancy of a dwelling unit would remain as currently defined for a family or housekeeping unit in the Zoning Code, specifically, "an individual, two or more persons related by blood or marriage or a group of not more than five persons not related by blood or marriage living together as a single housekeeping group in a dwelling unit." As drafted, these regulations would not permit the occupancy of a dwelling by multiple families or groups of unrelated persons, no matter the length of stay.

The fourth bill repeals Subtitle V Mobile and Manufactured Home Park Licenses in its entirety, which also serves to eliminate the excise tax for these uses. The lost revenue could be made up in whole or in part by the setting of the rental license fee for the individual mobile or manufactured home sites at whatever level determined necessary by the County Commissioners.

I would like to point out that there is not a rental license inspection component in any of the legislation. While inspections will certainly be necessary to address licensing complaints, there is currently no requirement for any type of inspection either before or after the issuance of a rental license. Additionally, the draft legislation affecting the Zoning and Subdivision Control Article as it applies to short term rentals permits the County Commissioners to adopt by resolution additional standards or require additional information to enforce the provisions of the Title. While I have not drafted such a resolution for consideration at this point, I suggest that it include such items as providing operable smoke and carbon monoxide detectors in all sleeping areas, posting a floor plan showing the path to the nearest exist, posting maximum occupancy limits, establishing minimum square footage requirements per occupant in sleeping rooms and requirements for a fire extinguisher.



Lastly, I recommend that any changes adopted relative to these recommendations become effective no earlier than January 1, 2020 and be accompanied by an aggressive public information campaign this coming Fall. Since any of these proposed changes would also affect the operations of the Treasurer's Office, I have consulted with Phil Thompson throughout this process. While I cannot speak for Mr. Thompson, I can say with regard to my department that, as outlined, we do not have sufficient staff to implement a comprehensive rental license program as drafted. If we were to contract with a consulting firm to identify short-term rentals such as Talbot County has done and Ocean City has contemplated, I expect it would only add to the staff requirements but would also generate additional revenue.

I look forward to discussing these issues with you and the County Commissioners at your convenience.

cc: Phyllis Wimbrow, Deputy Director  
Jennifer Keener, Zoning Administrator  
Phil Thompson, Finance Officer

## Zoning - Boarding and Lodging Rentals

- Section 1. Repeals the definitions of “Boarding and Lodging House” and “Country Inn.” It is necessary to repeal these definitions to prepare for other changes in definitions in subsequent sections of the Bill and to condense the numerous other definitions in the Zoning and Subdivision Control Article for types of lodging facilities into a more succinct format.
- Section 2. Changes the definition of “Transient” in the Zoning and Subdivision Control Article from one who occupies a structure for 30 days to one who does so for 28 days. This is necessary in preparation for changes and additions to other sections dealing with short-term rentals since such rentals are typically for weekly stays and not on a monthly basis.
- Section 3. Repeals the definition of “Boarder or Lodger” and replaces it with a new definition for the term “Lodger” to be a person who receives sleeping accommodations for 28 consecutive days or less and a new definition of the term “Roomer or Boarder” to be a person who receives sleeping accommodations for more than 28 consecutive days. As in the previous sections, these changes are necessary to accommodate the new regulations for short-term rentals that follow in other sections of the bill.
- Section 4. Creates a new definition for the term “Short Term Rental (STR)” to describe all or a portion of a dwelling unit or accessory apartment rented to a lodger on a basis of not more than 28 consecutive days. It excludes from this definition “bed and breakfast establishments” which are already regulated by Section § ZS 1-340 of the Zoning and Subdivision Control Article.
- Section 5. Adds “short term rentals (STR)” to the list of uses permitted in all zoning districts. This would only apply to those properties having a dwelling unit.
- Section 6. Eliminates “conversion of a historic or architecturally significant dwelling to an inn” and “country inns” from the uses allowed in the A-2 Agricultural District by special exception but leaves “bed and breakfast establishments,” which becomes the standard for the aforementioned uses. This streamlines the Zoning and Subdivision Control Article to use a single term, “bed and breakfast establishments,” instead of multiple descriptions of very similar uses.
- Section 7. Eliminates “conversion of a historic or architecturally significant dwelling to an inn” and “country inns” from the uses allowed in the E-1 Estate District by special exception but leaves “bed and breakfast establishments,” which becomes the standard for the aforementioned uses. This streamlines the Zoning and Subdivision Control Article to use a single term, “bed and breakfast

establishments,” instead of multiple descriptions of very similar uses.

- Section 8. Adds the keeping of not more than two roomers or boarders as an accessory use in the E-1 Estate District, just as it is in other zoning districts that allow dwelling units.
- Section 9. Removes “boarding house” and “country inns” from the allowable uses in the V-1 Village District but leaves “bed and breakfast establishments,” which becomes the standard for the aforementioned uses. This streamlines the Zoning and Subdivision Control Article to use a single term, “bed and breakfast establishments,” instead of multiple descriptions of very similar uses.
- Section 10. Adds the keeping of not more than two roomers or boarders as an accessory use in the V-1 Village District just as it is in other zoning districts that allow dwelling units.
- Section 11. Removes “boarding and lodging houses” as a permitted use in the R-4 General Residential District since the keeping of four roomers or boarders is already allowed as an accessory use.
- Section 12. Adds the keeping of not more than two roomers or boarders as an accessory use in the RP Resource Protection District just as it is in other zoning districts that allow dwelling units.
- Section 13. Raises the number of allowable rooms in a “bed and breakfast establishment” from six to 20 rooms. The current use of “conversion of historic or architecturally significant dwelling to an inn” has no limitation on the number of rooms and “country inns” have a limitation of 20 rooms, all of which are currently allowed in many cases in the same zoning district as “bed and breakfast establishments.” Differing room numbers for essentially the same use causes confusion in the interpretation and application of the Zoning and Subdivision Control Article.
- Section 14. Increases the number of permissible nights’ stay in a “bed and breakfast establishment” from 14 to 28 nights to be consistent with the new definition of “transient,” “lodger,” and “short term rental.”
- Section 15. Deletes the current prohibition on having more than two nonresident employees in or about the “bed and breakfast establishment.” The current limitation is an unenforceable, arbitrary limitation.
- Section 16. This is an entirely new section proposed to be added to the Zoning and Subdivision Control Article to regulate “short term rentals (STR)” which are currently not regulated. Among its many provisions are:
1. A limitation on the number of rental contracts to one for any overnight

period of any property regardless of the number of sleeping rooms.

2. A limitation on the number of families or housekeeping units to one where an entire dwelling or accessory apartment is available for rent.
3. A limitation on the number of sleeping rooms available to rent to two where a portion of a dwelling unit or accessory apartment is available for rent and a limitation on the number of persons per room to two, not including children under the age of 12.
4. A requirement that accessory apartments only be rented in their entirety and limited to one family or housekeeping unit.
5. Restrictions on modifications to the dwelling unit that change its functionality, appearance or principle design as an individual dwelling unit.
6. A requirement to maintain a record of all lodgers.
7. A requirement to make the dwelling unit available for inspection during reasonable hours.
8. A prohibition on the use of the property to host functions and events, including but not limited to weddings and their receptions, family reunions, birthday and anniversary celebrations or other similar gatherings for persons other than the authorized lodgers.
9. Permits the County Commissioners to establish by Resolution additional standards or require any additional information deemed necessary to enforce the provisions of the Title.
10. No requirement to provide additional parking beyond that required for a single-family dwelling. However, it does prohibit the parking of any vehicle in a manner that impedes vehicular access to or is located in any public or private rights-of-way.
11. Permits on premises signage in accordance with the provisions of the Zoning and Subdivision Control Article.

A BILL ENTITLED

AN ACT Concerning

Zoning - Boarding and Lodging Rentals

For the purpose of amending the Zoning and Subdivision Control Article to eliminate inconsistencies in existing codes, revise definitions and to establish new regulations for short term rentals of one-and two-family dwellings.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that the existing definitions of “boarding or lodging house” and “country inn” as contained in Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that the existing definition of “transient” as contained in Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

TRANSIENT - When referring to a person, a person occupying or intending to occupy all or any portion of a structure for lodging on a temporary basis not to exceed twenty-eight consecutive days.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that the existing definition of “boarder or lodger” as contained in Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and replaced by the new terms “lodger” and “roomer or boarder” to read as follows:

LODGER - A person who receives sleeping accommodations and which may also include meals, for compensation in all or any portion of any dwelling unit for twenty-eight consecutive days or less.

ROOMER or BOARDER - A person who receives meals and/or sleeping accommodations for compensation in any dwelling unit for more than twenty-eight consecutive days and who is not part of the resident family.

Section 4. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a definition of the term “short term rental” to read as follows:

SHORT TERM RENTAL (STR) - All or a portion of any dwelling unit or all of an accessory apartment that is rented to a lodger for sleeping accommodations on a basis not to exceed twenty-eight consecutive days. Short term rentals do not include bed-and-breakfast establishments. See § ZS 1-351 hereof.

Section 5. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-105(c) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new subsection § ZS 1-105(c)(7) to read as follows:

- (7) Short term rentals, subject to the provisions of § ZS 1-351 hereof.

Section 6. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsections §§ ZS 1-202(c)(26) and ZS 1-202(c)(27) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and existing Subsections §§ ZS 1-202(c)(28) through ZS 1-202(c)(46) be renumbered as Subsections §§ ZS 1-202(c)(26) through ZS 1-202(c)(44) respectively.

Section 7. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsections §§ ZS 1-203(c)(4) and ZS 1-203(c)(5) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and existing Subsections §§ ZS 1-203(c)(6) through ZS 1-203(c)(22) be renumbered as Subsections §§ ZS 1-203(c)(4) through ZS 1-203(c)(20) respectively.

Section 8. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-203(d) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new Subsection § ZS 1-203(d)(11) to read as follows:

- (11) The keeping of not more than two roomers or boarders.

Section 9. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsections §§ ZS 1-204(c)(11) and ZS 1-204(c)(12) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and existing Subsections §§ ZS 1-204(c)(13) through ZS 1-204(c)(22) be renumbered as Subsections §§ ZS 1-204(c)(11) through ZS 1-204(c)(20) respectively.

Section 10. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-204(e) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new Subsection § ZS 1-204(e)(12) to read as follows:

- (12) The keeping of not more than two roomers or boarders.

Section 11. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsections §§ ZS 1-208(c)(1) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and existing Subsections §§ ZS 1-208(c)(2) through ZS 1-208(c)(18) be renumbered as Subsections §§ ZS 1-208(c)(1) through ZS 1-208(c)(17) respectively.

Section 12. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-215(d) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new Subsection § ZS 1-215(d)(8) to read as follows:

- (8) The keeping of not more than two roomers or boarders.

Section 13. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-340(b)(1) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (1) No bed-and-breakfast facility shall contain more than twenty guest sleeping rooms. Only designated rooms shall be used for sleeping.

Section 14. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-340(b)(7) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (7) No guest shall be permitted in a bed in a bed-and-breakfast facility for more than twenty-eight consecutive nights.

Section 15. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsections §§ ZS 1-340(b)(9) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and existing Subsections §§ ZS 1-340(b)(10) and ZS 1-340(b)(11) be renumbered as Subsections §§ ZS 1-340(b)(9) and ZS 1-340(b)(10) respectively.

Section 16. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new Section § ZS 1-351 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be enacted to read as follows:

**§ ZS 1-351. Short term rentals.**

- (a) Generally. It is the intent of these regulations to maintain the neighborhood character where short term rentals take place and protect the health, safety and general welfare of the permanent residents and the lodgers while allowing this form of renting to exist.
- (b) Requirements.
  - (1) Any dwelling unit or portion thereof that is offered as short term rentals must conform to the provisions of this Title.
  - (2) Any property used or planned to be used for short term rentals shall be

limited to a single rental contract for any overnight period regardless of the number of available sleeping rooms in the principal dwelling unit or accessory apartment.

- (3) Occupancy.
  - A. Where the entire dwelling unit or accessory apartment is being offered for rent, occupancy shall be limited to a maximum of one family or housekeeping unit as defined in § ZS 1-103(b) hereof.
  - B. Where a portion of the principal dwelling is being offered for rent, occupancy shall consist of a maximum of two sleeping rooms that may accommodate up to two lodgers per room but in no case a greater number of lodgers than may be permitted by the zoning district regulations.
  - C. Accessory apartments shall only be rented in their entirety and shall be limited to a maximum of one family or housekeeping unit as defined in § ZS 1-103(b) herein. Accessory apartments shall also be subject to the provisions of § ZS 1-338 hereof.
- (4) No modifications shall be made to the dwelling unit which shall change the functionality, appearance or principal design of the structure as an individual dwelling unit.
- (5) There shall be no mandatory parking beyond those spaces required under the provisions of § ZS 1-320(a) for the existing permitted structure(s). However, no owner, occupant or lodger shall park a vehicle in such a manner that the vehicle blocks or impedes vehicular access to, or is located within, any public or private rights-of-way.
- (6) The property owner shall maintain a record of the names of all lodgers, including their address, phone number and email address as applicable, as well as the dates of lodging. Such record shall be provided to the County upon request.
- (7) The property owner or their authorized agent shall make the dwelling unit available for inspection during reasonable hours upon request by the County in order to verify compliance with the provisions of this Title.
- (8) On-premises signage shall be permitted in accordance with the provisions of § ZS 1-324.
- (9) The hosting of functions and events, including but not limited to wedding ceremonies, wedding receptions, family reunions, birthday and anniversary celebrations, corporate and employee appreciation parties and other similar gatherings of persons other than the authorized lodgers, shall



be prohibited in association with any short term rentals, regardless of whether or not any form of compensation or barter has been paid or received by any individual or firm for the event.

- (10) The County Commissioners by Resolution may establish additional standards or require additional information as deemed necessary to enforce the provisions of this Title.

Section 17. 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.

# For Informational Purposes Only

## A BILL ENTITLED

AN ACT Concerning

Taxation and Revenue - Licenses and Permits

For the purpose of amending the Taxation and Revenue Article to eliminate tourist permits and to provide for rental licenses for any sleeping place.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Section § TR 2-201 of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland be deleted and existing Section § TR 2-202 be renumbered as Section § TR 2-201.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new Section § TR 2-106 of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland be enacted to read as follows:

### § TR 2-106. Rental licenses.

- (a) Definitions. For the purposes of this section the words and terms contained herein shall have the meanings and interpretations as ascribed by the definitions contained in Section § ZS 1-103 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland.
- (b) License required. No person, firm or corporation or any other entity with an interest in real property shall rent or offer for rent all or any portion of any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof as a sleeping place or any lot or parcel of land for the purposes of placing a manufactured or mobile home, recreational vehicle or tent, regardless of the length of the rental term, without first obtaining a rental license from the Department. Rental licenses shall be issued only to the property owner.
- (c) License fees. Rental license fees shall be established by resolution of the County Commissioners. License fees payable upon application are non-refundable and no license fee will be prorated, upon cancellation, whether voluntary or otherwise.
- (d) Applications. Applications for a rental license shall be made on forms provided by the Department. The application shall be submitted to the Department together with the following information:
  - (1) For buildings or structures other than a hotel or motel where only a portion of the principal or accessory structure or building on a property is being offered for rental the applicant shall provide a floor plan drawn to scale that clearly shows the sizes and uses of all rooms and areas in the structure and those rooms and/or areas

that may be available to rent. The floor plan shall indicate the maximum number of persons permitted in each sleeping area. Additionally, a site plan of the property shall be provided which clearly shows any outdoor areas of the property that are available for use by those renting a portion of the principal or accessory building or structure, including the area designated for off-street parking.

- (2) For hotels and motels the applicant shall provide a list of all rooms available for rent, including the room number, the gross square footage of the room and the maximum number of persons permitted in each room.
  - (3) For all buildings or structures where the entire building or structure is being offered for rent the applicant shall provide a floor plan drawn to scale that clearly shows the sizes of all rooms and areas in the structure and their intended use. In addition, the floor plan shall indicate the maximum number of persons permitted to occupy the structure.
  - (4) For all manufactured or mobile home parks and campgrounds other than cooperative campgrounds as defined in Section § ZS 1-318(a), the applicant shall provide a list of all lots or sites in the park or campground and the maximum number of persons permitted to occupy each lot or site.
  - (5) A copy of the standard lease or rental agreement and a copy of any house or property rules for renters.
  - (6) The names, mailing address, e-mail address and telephone number of the property owner(s) and, if applicable, the property manager and resident agent, any of whom may be contacted twenty-four hours a day during any property rental period.
  - (7) Any other information determined necessary by the Department to ensure compliance with the terms of this Title and the laws and regulations adopted under any other Title of the Code of Public Local Laws of Worcester County, Maryland.
- (e) License term, renewal and display of license.
- (1) Applications for all new rental licenses may be made at any time. However, all rental licenses shall be valid for a period of one year from the date of issuance as shown on the rental license.
  - (2) All applications for license renewals shall be made on forms provided by the Department and submitted not less than sixty days prior to the expiration of the license. The information required to be submitted for a new rental license as listed in Subsection (d)(1) through (d)(7) herein need not be submitted provided that none of the information has changed since the last license renewal. If the application for renewal is not received at least sixty days prior to the license expiration, it will be treated as a new application and shall comply with all initial

application requirements. If a rental license expires without being renewed as provided herein, the property shall not be used for rental purposes described by this Section until a new license application is submitted, approved and issued as provided for herein.

- (3) All issued rental licenses shall be prominently displayed on the premises to which it applies and shall be available for inspection at all times and to the County.
- (4) All advertising, whether by print, electronic, audible or in any other form or substance designed or used to inform as to the availability of any property for rent which is subject to the terms of this Section, shall contain the valid rental license number issued in accordance with this Section.

(f) Uses allowed and restrictions on licenses.

- (1) Only those areas, uses and number of residents, boarders or lodgers or any other parameter specifically mentioned in the rental license shall be permitted. No property for which a rental license has been issued shall be expanded or altered nor the types of rental arrangements modified to be other than those specifically described in the rental license without the licensee first applying for and being issued a new rental license which includes the expansion, alteration or modifications. Additionally, all properties used for the rental purposes described herein shall conform to the limitations and restrictions contained in the Zoning and Subdivision Control Article for the zoning district in which the property is located and the terms of the Building Regulations Article, Title 3 Property Maintenance Standards, Subtitle I Rental Housing Code, of the Code of Public Local Laws.
- (2) Rental licenses are not transferable. If a property is transferred, the rental license shall expire on the day the property is transferred and the property shall not thereafter be used for rental purposes until a new license is issued. Contract purchasers may apply for a new rental license prior to settlement on a property. However, the license shall not be issued until the new property owner provides the Department with proof of property transfer. There shall be no refunds of rental license fees for the unused portion of the license term or for unissued rental licenses when applied for by contract purchasers prior to property settlement in the event the property transfer does not occur.
- (3) A rental license may not be issued unless the subject property is in full compliance with all State and local laws and regulations.

(g) Administration and enforcement, inspection and penalties.

- (1) The responsibility for the administration and enforcement of this Title shall be vested in such County Department (hereinafter called the "Department") as designated or created for such purpose by the County Commissioners. The Department may delegate to its own personnel and to other persons such duties

and responsibilities in connection with the administration and enforcement of this Title as are appropriate in the Department's judgement. If the Department shall find that any of the provisions of this Title are being violated, it shall notify the property owner and, if applicable, the property manager or resident agent either by certified mail, by posting the property or by other appropriate method, including by e-mail with delivery and read receipts requested. Such notification shall indicate the nature of the violation and order the action necessary to correct it within a reasonable period of time as determined by the Department. At the conclusion of such reasonable period, if the violation has not been satisfactorily corrected in the judgement of the Department, the Department shall order or seek an injunction to bring about the correction of such violation or shall take any other action authorized by law to ensure compliance with this Section and prevent violation of its provisions.

- (2) The staff of the Department or any public safety or law enforcement agency or department shall have the right to enter upon any property for which a rental license has been issued hereunder in order to inspect such license and such property or parts of such property which are covered by the license provided, however, that nothing herein shall be so construed so as to give said individuals the right or privilege of entering upon any such premises or any part thereof while the same are under the control or supervision of a tenant of the license holder without permission of that tenant or having obtained a valid search warrant, if applicable, unless such premises is usually and customarily open to members of the public.
- (3) Any person establishing, maintaining, renting or operating any place as herein described without first obtaining a rental license or operating or maintaining the same in violation of this Section shall be guilty of a civil infraction.
- (4) In addition to the penalties as described herein, after providing the owner of the licensed property an opportunity to be heard, the County Commissioners may revoke, suspend or refuse to renew any rental license issued in accordance with this Section for any of the following reasons:
  - A. A material falsification, as determined by the County Commissioners, of any information supplied on a rental license application or in any additional information supplied by the property owner, applicant, property manager or any person as part of the rental license application or renewal process.
  - B. Any activity conducted on the licensed premises that is or would be detrimental to the health, safety or welfare of the public as determined by the County Commissioners.
  - C. Conviction of an applicant, property owner, applicant, property manager or any person in control of a property of any felony crime, regardless of where committed, or any violation of gambling, alcoholic beverage,

controlled substance or prostitution laws during the rental license period by any person while on the property.

- D. A repeated failure to conform to the rental license conditions, any rules and regulations adopted by resolution of the County Commissioners with regard to properties licensed under this Section, the Zoning and Subdivision Control Article of the Code of Public Local Laws as it applies to rental properties or the terms of the Building Regulations Article, Title 3 Property Maintenance Standards, Subtitle 1 Rental Housing Code of the Code of Public Local Laws.
  
- E. Recurrent offensive conduct or behavior of any person or persons on the property causing a public nuisance or disturbance as determined by the County Commissioners.

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

# For Informational Purposes Only

## A BILL ENTITLED

AN ACT Concerning

### Taxation and Revenue - Hotel Rental Tax

For the purpose of amending the Taxation and Revenue Article to update the language with regard to rental units and with reference to State Law, to extend the term of occupancy for which room tax applies, and to make certain stylistic changes with regard to language.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Title I, Subtitle VI of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland be repealed in its entirety and replaced to read as follows:

#### SUBTITLE VI

#### Hotel Rental Tax

##### § TR 1-601. General provisions.

(a) Imposition and rate. The Board of County Commissioners of Worcester County may impose a tax within every resort area within the County on the amount paid for room or building rental by or for any transient at any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof used as a place of lodging. This tax, if imposed, shall be at the rate of a per centum of the room or building rental as the Board may, by resolution after public notice and hearing, determine, but not to be imposed at a rate in excess of five percent. Any resolution establishing a rate in excess of three percent shall require the unanimous consent of all of the County Commissioners. The notice of public hearing shall be advertised at least twice in at least one newspaper of general circulation in the County, with the first such notice appearing not less than ten days prior to the date of such hearing and shall state the possible rates that may be set and the date, time and place of the hearing.

(b) Definitions. In this section, the following words and phrases shall have the meaning indicated, unless the context clearly indicates a different meaning:

HOTEL, MOTEL, APARTMENT, COTTAGE OR SIMILAR PLACE - Any public or private house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof used as a place of lodging providing sleeping accommodations or space for one or more persons at any time, where the owner or operator thereof provides or offers to provide such sleeping accommodations or space to any transient in return for compensation of any kind.

PERSON - Any individual, corporation, company, association, firm, partnership or any group of individuals acting as a unit and includes any trustee, receiver, assignee or personal representative thereof.

RESORT AREA - Any portion or portions of the County, as specified by the Board of County Commissioners from time to time, which, by reason of natural, scenic or man-made attractions or development, has or have an unusual influx of visitors, sojourners and temporary residents and which, by reason of the influx, requires municipal services in unusual number or magnitude. The term specifically includes but is not necessarily limited to the Tenth Election District of the County, as it existed on January 1, 1971.

ROOM OR BUILDING RENTAL - The total charge for any monetary compensation or the fair market value of any non-monetary compensation received by the owner, operator or resident agent of any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof as a place of sleeping accommodations or space provided to a transient. If the charge includes any amount for services or accommodations in addition to that of the use of sleeping space, the portion of the total charge which represents only "room or building rental" shall be distinctly set out and billed to the transient as a separate item.

TRANSIENT - Any person who, for any period of less than four consecutive months, obtains sleeping accommodations or space, either at his own expense or at the expense of another, in any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof as a sleeping place.

- (c) Collection. Any person receiving any payment for room or building rental on which a tax is levied under this section shall collect the amount of tax imposed from the transient or person on whom it is levied or from the person paying for the room or building rental at the time payment is made. The taxes required to be collected hereunder shall be deemed held in trust by the person required to collect them until remitted as hereinafter required.
- (d) Reports and remittances. The person collecting the tax shall complete a report, upon forms and setting forth information the County Commissioners prescribe and require, showing the amount of room or building rental charges that have been collected and the tax required to be collected and he shall sign and deliver the report to the Board of County Commissioners with a remittance of the tax required hereunder. The reports and remittance shall be made on or before the 21<sup>st</sup> day of each month, covering the sales and the amount of tax collected during the preceding calendar month. If the reports and remittances are mailed to the Board of County Commissioners, a postmark on the 18<sup>th</sup> day of the month is deemed to be evidence of timely payment.
- (e) Failure to report and remit. If any person fails or refuses to remit to the Board of County Commissioners the tax required to be collected and paid under this section and/or file the required report within the time and in the amount specified in this section, there shall be added to the tax by the Board of County Commissioners interest at the rate of



one-half percent per month on the unpaid tax for each month or portion thereof from the date upon which the tax is due, as provided in this section. If the tax remains delinquent and unpaid for a period of one month from the date it is due and payable, there shall be added thereto by the Board of County Commissioners a penalty of ten percent of the unpaid tax. The Board of County Commissioners may proceed to collect delinquent and unpaid taxes by suit or distraint.

- (1) The County Commissioners may institute injunctive, mandamus or other appropriate proceedings of law to correct violations of this Subtitle. Any court of competent jurisdiction shall have the right to issue temporary or permanent restraining orders, injunctions or mandamus, or other appropriate forms of relief.
- (2) Delinquent and unpaid taxes shall become a lien upon the real property of the person or entity from whom they are due and shall be collectible in the same manner as real estate taxes assessed against any such property.

(f) Distribution of proceeds.

- (1) From the total proceeds collected from the tax by the Board of County Commissioners from time to time from any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof used as a sleeping place:
  - A. The Board of County Commissioners shall deduct a reasonable sum or percentage for the cost of imposing and collecting the tax and credit this deduction to the general funds of the County.
  - B. That portion of the remainder of the total proceeds which came from payments made for any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof used as a sleeping place located in whole or in part within the corporate limits of a municipal corporation in a resort area of the County shall be paid over, without qualification or condition, to the Mayor and City Council, by whatever name known, of the municipal corporation.
  - C. The remaining portion of the total proceeds shall be credited to the general funds of the County.
- (2) Distribution of these several payments shall be made periodically by the Board of County Commissioners, not less than fifteen days nor more than thirty days following the last day of each month during the year.

- (g) State administrative fee. The Retail Sales Tax Division of the Comptroller's Office shall supply to the Board of County Commissioners information in aid of verification of

liability for the tax. The Retail Sales Tax Division may make a reasonable charge for this assistance, which shall be paid by the Board of County Commissioners and treated as a part of the reasonable costs of collecting the tax.

- (h) Amendments to laws and procedures. The Board of County Commissioners may promulgate and from time to time change or repeal rules and regulations not inconsistent with this section and deemed necessary to provide for an orderly, systematic and thorough collection and distribution of the tax imposed in this section. As applicable, the laws and the regulations in effect as to the sales and use tax in Maryland shall be adopted and followed by the Board of County Commissioners in promulgating or changing a rule or regulation.
- (i) Surety bond of Treasurer. The surety bond of the Treasurer of the County may be increased by the Board of County Commissioners in relation to the moneys collected and distributed under this section. The premium for any increase in the surety bond shall be deemed part of the cost of imposing and collecting the tax imposed in this section.
- (j) Processing fee retained by remitter. The person collecting the tax may apply and credit against the amount of tax payable by him an amount equal to one and five-tenths percent of the gross tax to be remitted by him to the Board of County Commissioners to cover his expense in the collection and remittance of the tax. However, nothing in this subsection applies to any person who fails or refuses to file his return with the Board of County Commissioners within the time prescribed within this section.
- (k) Bond.
  - (1) The Board of County Commissioners, in order to protect the revenues to be obtained under this section, may require any person collecting the tax to file with the Board a surety bond issued by a surety company authorized to do business in this state and approved by the State Insurance Commissioner as to solvency and responsibility, in such amount or amounts from time to time as the Board of County Commissioners may fix, to secure the payment of the tax due or which may become due from the person collecting the tax. If the Board determines that the person is to file such a bond, the Board shall give notice to the person to that effect, specifying the amount of bond required. The person collecting the tax shall file the bond within five days after receiving the notice unless, within that period, the person requests, in writing, a hearing before the Board, at which hearing the necessity, propriety and amount of the bond shall be determined by the Board of County Commissioners. This determination is final and shall be complied with within fifteen days after the person collecting the tax receives notice thereof.
  - (2) In lieu of the bond required by Subsection (k)(1) herein, securities approved by the Board of County Commissioners or cash in such amount as the Board prescribed may be deposited, which shall be kept in the custody of the Board. The Board, at any time, without notice to the depositor of the securities or cash, may apply them to any tax due, and for that purpose the securities may be sold by

the Board at public or private sale without notice to the depositor of the securities.

- (l) Applicability. The procedures under Division IV, Title 20, Subtitle 4, Part 1 of the Local Government Article of the Annotated Code of Maryland apply to this section.

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.

For Informational Purposes Only

A BILL ENTITLED

AN ACT Concerning

Taxation and Revenue - Mobile and Manufactured Home Park Licenses

For the purpose of amending the Taxation and Revenue Article to repeal Title I, Subtitle V, Mobile and Manufactured Home Park Camp Licenses.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Title I, Subtitle V of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland be repealed in its entirety.

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.