



DEPARTMENT OF  
DEVELOPMENT REVIEW AND PERMITTING

# Worcester County

ZONING DIVISION  
BUILDING DIVISION  
DATA RESEARCH DIVISION

GOVERNMENT CENTER  
ONE WEST MARKET STREET, ROOM 1201  
SNOW HILL, MARYLAND 21863

ADMINISTRATIVE DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICE DIVISION

TEL: 410-632-1200 / FAX: 410-632-3008  
<http://www.co.worcester.md.us/departments/drp>

## MEMO

TO: Worcester County Planning Commission  
FROM: Department of Development, Review and Permitting  
DATE: October 27, 2020

\*\*\*\*\*

Please be reminded that the next Planning Commission meeting will be held on **Thursday, November 5, 2020, 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. **MASKS ARE REQUIRED FOR ALL THAT ATTEND AND SOCIAL DISTANCING REGULATIONS WILL BE ENFORCED.**

### 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 attend this meeting.

cc: Donna West, Lawrence Perrone, Ocean Pines Association

**WORCESTER COUNTY PLANNING COMMISSION  
AGENDA**

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

Although the Government Center remains closed to the public, this meeting will be held in-person. Masks will be required for all in attendance and social distancing regulations will be enforced.

**Thursday, November 5, 2020**

Est. Time

- |           |      |   |
|-----------|------|---|
| 1:00 P.M. | I.   | Call to Order   |
| 1:00 P.M. | II.  | Administrative Matters  |
|           | A.   | Review and approval of minutes –October 1, 2020   |
|           | B.   | Board of Zoning Appeals agendas – November 12, 2020   |
|           | III. | Text Amendments   |
| 1:00 P.M. | A.   | §ZS 1-201(e) and §ZS 1-202(e) Height regulations in the A-1 and A-2 Agricultural Districts, Donna West, applicant |
| 1:10 P.M. | B.   | §ZS 1-324(c) Signs, Lawrence Perrone, Ocean Pines Association, applicant;   |
| 1:20 P.M. | IV.  | Miscellaneous   |
| 1:20 P.M. | V.   | Adjourn   |

**Worcester County Planning Commission  
Meeting Minutes**

**Meeting Date:** October 1, 2020

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

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

**Attendance:**

**Planning Commission**

Jay Knerr, Chair  
Rick Wells, Vice Chair  
Jerry Barbierri, Secretary  
Mike Diffendal  
Betty Smith

**Staff**

Roscoe Leslie, County Attorney  
Ed Tudor, Director  
Jennifer Keener, Deputy Director  
Jessica Edwards, Customer Service Representative  
Robert Mitchell, Director of Environmental Programs

**I. Call to Order**

**II. Administrative Matters**

**A. Review and approval of minutes, September 3, 2020** — As the first item of business, the Planning Commission reviewed the minutes of the September 3, 2020, meeting. Following the discussion, it was moved by Mr. Diffendal and seconded by Mr. Barbierri and carried unanimously, with Ms. Smith having not yet arrived, to approve the minutes as submitted.

**B. Board of Zoning Appeals agenda, October 8, 2020** — As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals hearing scheduled for October 8, 2020. Mrs. Keener was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

**III. Text Amendment**

As the next item of business, the Planning Commission reviewed a proposed text amendment request to amend the accessory apartment regulations to eliminate the requirement that either the main dwelling or the accessory apartment be occupied by the property owner.

Mr. Hugh Cropper, IV, Esquire and Kathy Clark, the applicant, were present for the review. Mr. Cropper began his testimony by explaining that the language in the current accessory apartment regulations was intended to limit density on a piece of land, while still allowing for affordable housing within the county.

Mr. Cropper further explained that the effective January 1, 2020, rental regulations went in to affect requiring rental licensing for all rental properties. Numerous standards are now in place to govern the rental of properties throughout the county as part of the rental licensing program. Mr.

Cropper indicated that he agrees with the staff report. Mr. Cropper also expressed that many rental properties are owned by Limited Liability Companies (LLC) making it difficult to identify the individual property owner and enforce the current requirement that either the main dwelling or the accessory apartment be occupied by the owner.

Mr. Knerr requested clarification on the placement of accessory apartments. Mr. Cropper explained that accessory apartments can be either attached to the main dwelling or detached, such as an accessory apartment within a detached garage.

Mr. Barbierri requested clarification that this amendment would not increase the number of accessory apartments allowed. Mr. Cropper indicating the proposed amendment would only eliminate the requirement that the property owner occupy one of the dwellings and would not change the existing limitations for accessory apartments. Ms. Keener further explained that there are size limitations for all accessory apartments; an accessory apartment can be up to 35% of the total square footage of the primary dwelling or 900 square feet, whichever is greater. Additionally, there are further restrains relative to regulations overseen by the Department of Environmental Programs.

Following the discussion, a motion was made by Mr. Diffendal seconded by Mr. Wells, and carried unanimously to forward a favorable recommendation to the Worcester County Commissioners.

Ms. Smith arrived for consideration of the remaining items.

**IV. Comprehensive Water and Sewerage Plan Amendment No. SW-2020-01.**

As the next item of business, the Planning Commission reviewed an application associated with the As the next item of business, the Planning Commission reviewed an application associated with a text amendment for Section 1.2.2D in the Master Water and Sewerage Plan (The Plan). Joseph Moore, Attorney, and Robert Rauch, Engineer, appeared on behalf of the applicant, James Lachum. Robert Mitchell, Director of Environmental Programs presented the staff report to the Planning Commission.

Prior to the board’s review of this item, Mr. Diffendal asked the applicant if they had any concerns relative to his consideration of this request, since he was involved in a separate issue addressed by the circuit court in his role as Orphan’s Court judge. The applicants did not.

Mr. Mitchell explained that the applicant is requesting a revision of Section 1.2.2.D in The Plan to allow an addition of language to the text to provide for a point source discharge for a large flow septic system that does not have a groundwater discharge permit, is not located in the critical area, are not within or adjacent to existing public sewer service areas, will have an enhanced level of treatment required that will result in a net reduction of nutrient loading to the receiving waterbody, and that the discharge cannot contribute to a degradation to the level of impairment on the receiving waterbody. Mr. Mitchell also explained a typo on the existing language that should have included the words for any new projects on the current prohibition. Mr. Moore addressed the Commission and said that his clients had no objections to the requirements they are just looking for a way forward and this was just a first step in getting there

as they know they have a follow-up amendment for the actual plant if this amendment is successful. He introduced Robert Rauch of Rauch Engineering as their engineering consultant and said he could make a presentation of information as well. Mr. Rauch said that he started his career with public works in Talbot County and is very familiar with these issues as he designs these kinds of systems statewide for his mobile home park clients. Mr. Rauch explained that they had investigated every inch of the existing park for additional septic capacity and looked at neighboring properties for spray irrigation, but were not successful in those efforts. If the soils on and offsite did not yield the capacity, the property owners with promising offsite lands were not allowing access. He added that the package plants of yesterday were not equipped to provide the level of treatment we are able to provide today. While MD Department of the Environment sets the permit limitations and decides if a permit can be issued, he is confident their technology (4-stage Bardenpho) can easily meet 3 parts per million total nitrogen and 0.3 parts per million total phosphorus and they can go lower on phosphorus as the state may require that level of removal. They will have a financial management plan for the plant and will retain a Class 5 licensed operator, which is what the state will require for operation of this technology.

Mr. Mitchell added an explanation of what large flow groundwater discharge permits were and how there could be large flow septic systems without groundwater discharge permits, what exists on the property currently, the options for the property if the existing system failed, and what the future would look like at the park with a discharge and an expansion with the number of sites and how that could provide a funding path for the project upgrade to treatment. He echoed Mr. Rauch's statements on the explorations and efforts done to date to investigate the mobile home property and the surrounding properties.

Mr. Mitchell finished with the staff report's findings noting the consistencies found for such a development within the Comprehensive Plan and land use designations, and that the proposed improvements would need to be permitted in accordance with existing zoning within the property boundaries of the current campground. Mr. Knerr asked about flushing in the river, and Mr. Mitchell responded that there were many different models and estimates for the flushing rates of the different coastal bays watersheds. He stated that Sinepuxent was of course the fastest at a few days while St Martins River, as a part of the Isle of Wight watershed, would be between 1-2 weeks.

Following the discussion, a motion was made by Ms. Ott, seconded by Mr. Diffendal, and carried unanimously to find this application consistent with the Comprehensive Plan and recommended that they forward a favorable recommendation to the County Commissioners.

**VI. Adjourn** – The Planning Commission adjourned at 1:37 P.M.

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Jerry Barbierri, Secretary

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Jennifer Keener, Deputy Director

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

**AGENDA**

*THURSDAY, NOVEMBER 12, 2020*

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

**6:30 p.m.**

**Case No. 20-49**, on the lands of Darryl & Patricia Greer, requesting an after the fact variance to the Ordinance prescribed side yard setback from 10 feet to 7.6 feet (an encroachment of 2.4 feet) associated with an existing landing and stairs in the R-1 Rural Residential District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-205(b)(2) and ZS 1-305, located at 10714 Admirals Lassie Lane, approximately 740 feet southeast of Man O War Lane, Tax Map 26, Parcel 1, Lot 236, of the Riddle Farm Subdivision, in the Tenth Tax District of Worcester County, Maryland.

**6:35 p.m.**

**Case No. 20-50**, on the application of Mark S. Cropper, Esquire, on the lands of Cox 122 Raceway, LLC, requesting a variance to the Ordinance prescribed front yard setback off of Racetrack Road (MD Route 589) from 50 feet to 33.7 feet (an encroachment of 16.3 feet) associated with a proposed outdoor seating area, a variance to the front yard setback off of Grays Corner Road (MD Route 707) from 50 feet to 9.8 feet (an encroachment of 40.2 feet) and a variance to the front yard setback off of Ocean Gateway (US Route 50) from 100 feet to 44.6 feet (an encroachment of 55.4 feet), associated with proposed additions to an existing restaurant in the C-2 General Commercial District, pursuant to Zoning Code Sections ZS 1-116(c)(4), ZS 1-210(b)(2), ZS 1-305 and ZS 1-326, located at 11247 Ocean Gateway, at the intersection with Racetrack Road and Grays Corner Road, Tax Map 21, Parcel 170, in the Third Tax District of Worcester County, Maryland.

**6:40 p.m.**

**Case No. 20-47**, on the lands of Erin Dunworth, requesting an after-the-fact variance to the Ordinance prescribed front yard setback from 161.6 feet to 62.5 feet (a reduction of 99.1 feet) associated with an existing detached garage in the A-1 Agricultural District, pursuant to Zoning Code Sections ZS 1-116(c)(4), 1-201(d)(2) and ZS 1-305, located at 11201 St. Martins Neck Road, approximately 165 feet east of N. Piney Point Road, Tax Map 10, Parcel 262, Lot 1, in the Fifth Tax District of Worcester County, Maryland.

**ADMINISTRATIVE MATTERS**

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**WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE  
AGENDA**

November 10, 2020

There are no items scheduled for review, therefore there will be no meeting held.

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ZONING DIVISION  
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ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICES DIVISION

## MEMORANDUM

To: Worcester County Planning Commission  
From: Jennifer Keener, AICP, Deputy Director *JKK*  
Date: October 22, 2020  
Re: Text Amendment Application – §ZS 1-201(e) and §ZS 1-202(e) Height regulations in the A-1 and A-2 Agricultural Districts

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The attached amended text amendment application was submitted by Donna West. It seeks to add an allowance for a property owner to seek a special exception from the Board of Zoning Appeals as it relates to the height of residential accessory structures. Following our customary practice, once the text amendment application was received, it was reviewed by Ed Tudor, Director, and Roscoe Leslie, County Attorney and Planning Commission Attorney, as well as myself for comment. Our comments relative to this request are as follows:

Currently, only non-habitable roof superstructures such as cupolas, flagpoles and smokestacks may exceed the height regulations in any zoning district. Additionally, applicants may seek a special exception to exceed the height regulations for non-residential structures only under the provisions of §ZS 1-305(n)(1). All residential and residential accessory structures must comply with the overall height and number of stories as listed in the applicable zoning district.

Generally, principal residential structures are limited to a maximum of four stories and 45 feet in height for a pitched roof, or 35 feet in height for a flat roof. Detached, residential accessory structures are limited to a maximum of two stories and 25 feet in height. The applicant is seeking an amendment in order to allow to increase the overall height of a proposed detached residential accessory structure.

Staff had concerns regarding the applicant's initial request to modify §ZS 1-305(n)(1) to allow any residential structure to exceed the height regulations by special exception without limitation. In consideration of the applicant's goal, staff developed the revised amendment, which would allow residential accessory structures in the A-1 and A-2 Districts only to be increased with a maximum height of 35 feet. However, the number of stories could not be increased, and the structure would have to comply with the principal structure setbacks, with no

ability for a variance. Our reasoning for the enhanced setback is to prevent overly tall residential accessory structures from being within the minimum six feet from the rear property line, and potentially causing undue impact to adjoining property owners. This amendment was forwarded to the applicant, who accepted it as part of their revised application.

Therefore, the staff gives a favorable recommendation to the text amendment application as amended. A draft bill is attached for your reference.

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Should you have any questions or require additional information, please do not hesitate to contact me.

#### Attachments

cc: Edward A. Tudor, Director  
Roscoe Leslie, County Attorney  
Donna West, applicant

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COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 20-

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BY:  
INTRODUCED:

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A BILL ENTITLED

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AN ACT Concerning

Zoning – Height regulations in the A-1 and A-2 Agricultural Districts

For the purpose of amending the Zoning and Subdivision Control Article to establish a special exception provision for the increase in the height of residential accessory structures in the A-1 and A-2 Agricultural Districts.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-201(e) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended to read as follows:

- (1) The Board of Zoning Appeals may permit as a special exception an increase in the maximum height, but not number of stories, of a residential accessory structure to no more than thirty-five feet if, in the view of the Board, such increase will serve to reduce an environmental impact and no neighborhood adverse effects or safety hazards will be created. Notwithstanding the provisions of §§ ZS 1-116(c)(4) and ZS 1-305(h)(2), any residential accessory structure exceeding twenty-five feet in height shall comply with the setbacks for the principal use or structure.
- 

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-202(e) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended to read as follows:

- (1) The Board of Zoning Appeals may permit as a special exception an increase in the maximum height, but not number of stories, of a residential accessory structure to no more than thirty-five feet if, in the view of the Board, such increase will serve to reduce an environmental impact and no neighborhood adverse effects or safety hazards will be created. Notwithstanding the provisions of §§ ZS 1-116(c)(4) and ZS 1-305(h)(2), any residential accessory structure exceeding twenty-five feet in height shall comply with the setbacks for the principal use or structure.

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

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

COUNTY COMMISSIONERS OF  
WORCESTER COUNTY, MARYLAND

## Jennifer Keener

---

**From:** donnawest1 <donnawest1@aol.com>  
**Sent:** Thursday, October 22, 2020 8:49 AM  
**To:** Kenneth Lambertson; Jennifer Keener  
**Subject:** RE: Fwd: Text amendment

**CAUTION: This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.**

Thank you so much Jennifer. If you could please proceed with this ammendment I would greatly appreciate your help. I will be available to attend the meeting on the 4th. Any questions or if I can be of any assistance my cell is 410 430 4726. Thanks again,  
Donna West

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** Kenneth Lambertson <lambertsonsr@netscape.com>  
**Date:** 10/20/20 7:30 PM (GMT-05:00)  
**To:** donnawest1@aol.com  
**Subject:** Fwd: Text amendment

---

**From:** Jennifer Keener <jkkeener@co.worcester.md.us>  
**Date:** Tuesday, October 20, 2020  
**Subject:** Text amendment  
**To:** Kenneth Lambertson <lambertsonsr@netscape.com>

Kenny,

Ed and I had a chance to discuss the text amendment, and as I mentioned, we were bouncing around a few alternative ideas. There was a lot of concern relative to a blanket special exception to the height of all structures as initially drafted. So we've come up with the amendment below that still allows for an increase in height for a residential accessory structure as a special exception, but would be placed in the actual agricultural district regulations (therefore not applicable everywhere for everything). The proposal we worked up would restrict the overall height to 35 feet and two stories, and the structure would have to comply with the applicable setbacks for a principal structure, which your garage met.



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DATA RESEARCH DIVISION  
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TECHNICAL SERVICES DIVISION

## MEMORANDUM

To: Edward A. Tudor, Director  
Roscoe Leslie, County Attorney

From: Jennifer K. Keener, AICP, Deputy Director *JKK*

Date: September 9, 2020

Re: Text Amendment Application – §ZS 1-305(n)(1) Height of Residential Accessory Structures

\*\*\*\*\*

The attached text amendment application has been submitted by Donna West. It seeks to amend §ZS 1-305 Lot requirements generally in order to allow residential structures to request a special exception from the Board of Zoning Appeals in order to increase the height and number of stories permitted under the applicable district regulations. Currently, the code only allows applicants to seek a special exception for nonresidential structures (i.e. commercial or industrial structures). The applicant is desirous of permitting a residential accessory building that will exceed two stories and twenty-five feet in height as allowed by the current district regulations.

Also attached is the draft bill form of the request. I anticipate scheduling this text amendment for consideration by the Planning Commission at a forthcoming meeting. So that I may incorporate them into the staff report, please submit your comments to me no later than October 16, 2020.

Should you have questions or require additional information, please do not hesitate to contact me. Thank you for your attention to this matter.

Attachment



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

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

(For Office Use Only – Please Do Not Write in this Space)

Date Received by Office of the County Commissioners \_\_\_\_\_

Date Received by Development Review and Permitting 9/2/2020

Date Reviewed by the Planning Commission 11/5/2020

I. Application: Proposals for amendments to the text of the Zoning and Subdivision Control Article may be made by any interested person who is a resident of Worcester County, a taxpayer therein, or by any governmental agency of the County. Check applicable status below:

- a. Resident of Worcester County:       X
- b. Taxpayer of Worcester County:       X
- c. Governmental Agency: \_\_\_\_\_  
(Name of Agency)

II. Proposed Change to Text of the Zoning and Subdivision Control Article

a. Section Number:       ZS 1-305(n)      

b. Page Number: \_\_\_\_\_

c. Proposed revised text, addition or deletion:

(1) The Board of Zoning Appeals may as a special exception in the case of a residential or nonresidential structure, increase the permitted height or number of stories to the maximum prescribed in each district if, in the view of the Board, such increase is reasonably necessary for the proposed purpose and no neighborhood adverse effects or safety hazards will be created. In the case of structures other than buildings, such as radio towers, which by the nature of the structures and their function, are required to be of great height, the Board may, by special exception, permit such structures to exceed the maximum permitted height."

III. Reasons for Requesting Text Change:

- a. Please list reasons or other information as to why the proposed text change is necessary and therefore requested:

I am requesting that the text of the code be changed to include residential structures. I wish to build a garage with a height that would currently violate the height restrictions. If the garage could be attached to my home by a fifty foot breezeway there would not be a problem with the proposed height. However where the garage cannot be attached, the only reason keeping me from getting a building permit is this current height restriction. I respectfully ask for your consideration to change the text to include residential structures.

IV. Signature of Applicants

Signature(s): Donna R West

Printed Name(s): Donna R West

Mailing Address: 3546 Figgs Landing Rd Snow Hill, MD 21863

Phone Number: # 410-430-4726

Email: Donnawest1@aol.com

Date: 9/1/20

V. Signature of Attorney

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Date: \_\_\_\_\_

VI. General Information Relating to the Text Change Process

- a. Applications for text amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.

§ZS 1-305 Lot requirements generally.

(n) Structures permitted above height limit.

- (1) The Board of Zoning Appeals may, as a special exception in the case of a **RESIDENTIAL OR** nonresidential structure, increase the permitted height or number of stories to the maximum prescribed in each district if, in the view of the Board, such increase is reasonably necessary for the proposed purpose and no neighborhood adverse effects or safety hazards will be created. In the case of structures other than buildings, such as radio towers, which, by the nature of the structures and their function, are required to be of great height, the Board may, by special exception, permit such structures to exceed the maximum permitted height.
- (2) The following structures are not subject to the district height regulations, except for the AP District, and do not require Board approval, except as otherwise provided:
  - A. Farm buildings and structures, except dwelling units.
  - B. Fire walls, cupolas, steeples, flagpoles, silos, smokestacks, masts, water tanks or other nonhabitable roof superstructures.
  - C. Roof structures for housing elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, provided that all such structures above the height otherwise permitted in the district shall not occupy more than twenty-five percent of the ground area of the building.
  - D. Any building or structure in an I District if more than two hundred feet distant from any A, E, V, R or RP District, provided that, for each three feet by which the height of such building or structure exceeds the maximum height otherwise permitted in the district, its front, side and rear yard setbacks shall be increased in width or depth by an additional one foot over the yard setbacks required for the highest building otherwise permitted in the district and provided that the height of such building or structure shall not exceed four hundred feet.
  - E. Any building or structure allowed by Subsection § ZS 1-303(c). [Added 3-15-2016 by Bill No. 16-1]





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PLANNING DIVISION  
PERMITTING DIVISION  
ADMINISTRATIVE DIVISION

## MEMORANDUM

To: Worcester County Planning Commission  
From: Jennifer Keener, AICP, Deputy Director *JKK*  
Date: October 22, 2020  
Re: Text Amendment Application – §ZS 1-324(c) Signs

\*\*\*\*\*

The attached text amendment application has been submitted by Lawrence T. Perrone, on behalf of the Ocean Pines Association. It seeks to amend §ZS 1-324 Signs to add a provision for internal community signs within an established community or subdivision. Following our customary practice, once the text amendment application was received, it was reviewed by Ed Tudor, Director, and Roscoe Leslie, County Attorney and Planning Commission Attorney, as well as myself for comment. Our comments relative to this request are as follows:

The current sign regulations limit a residential development to no more than two community or geographic region identification signs per § ZS 1-324(g), and restrict the verbiage to the identification of said community or region only. Generally, these signs are located at the entrance to a community. The proposed amendment was developed by staff as a result of several meetings with a committee from the Ocean Pines Association, wherein they expressed the need for promoting events and activities within the subdivision. As drafted, this amendment would allow a community to have internal signs for the display of information such as community events or emergency directives, but not for a commercial marketing message unassociated with that respective community. The proposed perimeter setback of 450 feet ensures that these messages are truly internal to the community, and not meant for general advertising of community events outside of the development. It does not prohibit electronic messaging signs; however, such signs would have to comply with the regulations contained in § ZS 1-324(e) relative to message duration, transition, and illumination levels.

Given the significant setback requirements and limitation on the type of messaging, the staff gives a favorable recommendation to the text amendment application as requested. A draft bill is attached for your reference. Should you have any questions or require additional information, please do not hesitate to contact me. I will be available to discuss this request in more detail at the upcoming meeting.

### Attachments

cc: Edward A. Tudor, Director  
Roscoe Leslie, County Attorney  
Lawrence T. Perrone, Ocean Pines Association

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 20-

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BY:

INTRODUCED:

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A BILL ENTITLED

AN ACT Concerning

Zoning – Signs

For the purpose of amending the Zoning and Subdivision Control Article to permit on-premises signs internal to an established residential community.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing § ZS 1-324(c) be amended by the addition of a new Subsection § ZS 1-324(c)(9) to read as follows:

- (9) Internal community signs shall be located within the boundaries of an established community as shown on a site plan or subdivision plat approved by the Planning Commission. Internal community signs shall only be for the purpose of conveying community events, amenity and emergency information and shall not include any commercial advertising message unassociated with the community. Such signs may be permitted subject to the following provisions:
- A. No more than four such signs shall be permitted for any community.
  - B. Such signs may be located in any R, E or V zoning district.
  - C. All signs shall be setback a minimum of four hundred and fifty feet from the perimeter boundary line of the established community and shall be separated by not less than one hundred feet from any other sign on the same parcel or lot.
  - D. Such signs shall not be subject to any yard setback requirements; however, no sign shall project over any property line or road right-of-way.
  - E. The sign must be of a monument design and shall not exceed either forty square feet in area or ten feet in height, including the base and face. Where the grade at the sign base is below the road center line, the area in which the sign is situated may be bermed to the center line grade. The provisions of the subsection may not be increased or otherwise altered by the Board of Zoning Appeals.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.



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  
ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION  
CUSTOMER SERVICE DIVISION  
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Edward A. Tudor, Director  
Roscoe Leslie, County Attorney  
From: Jennifer K. Keener, AICP, Deputy Director  
Date: October 7, 2020  
Re: Text Amendment Application – §ZS 1-324(c) Signs

JKK

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The attached text amendment application has been submitted by Lawrence T. Perrone, on behalf of the Ocean Pines Association. It seeks to amend §ZS 1-324 Signs to add a provision for internal community signs within an established community or subdivision. This language was developed by staff as a result of several meetings with the Ocean Pines committee to fit their needs, while also attempting to ensure it does not open the door to commercial messages in a residential district. Specifically, this amendment would allow a community such as (but not limited to) Ocean Pines to have internal signs for the display of information such as community events or emergency directives, but not for a commercial marketing message unassociated with that respective community.

I anticipate scheduling this text amendment for consideration by the Planning Commission at a forthcoming meeting. So that I may incorporate them into the staff report, please submit your comments to me no later than November 18, 2020.

Should you have questions or require additional information, please do not hesitate to contact me. Thank you for your attention to this matter.

Attachment



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

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

(For Office Use Only – Please Do Not Write in this Space)

Date Received by Office of the County Commissioners \_\_\_\_\_

Date Received by Development Review and Permitting 10/5/2020

Date Reviewed by the Planning Commission 11/5/2020

I. Application: Proposals for amendments to the text of the Zoning and Subdivision Control Article may be made by any interested person who is a resident of Worcester County, a taxpayer therein, or by any governmental agency of the County. Check applicable status below:

- a. Resident of Worcester County: \_\_\_\_\_
- b. Taxpayer of Worcester County: X \_\_\_\_\_
- c. Governmental Agency: \_\_\_\_\_ (Name of Agency)

II. Proposed Change to Text of the Zoning and Subdivision Control Article

- a. Section Number: ZS 1-324(c)
- b. Page Number: ZS 1:III:110
- c. Proposed revised text, addition or deletion:  
Add (c) (9) per attachment  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

III. Reasons for Requesting Text Change:

- a. Please list reasons or other information as to why the proposed text change is necessary and therefore requested:

It allows for placement of electronic signs per the attachment.

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IV. Signature of Applicants

Signature(s): 

Printed Name(s): LAWRENCE T PERRONE

Mailing Address: 239 Ocean Parkway, Ocean Pines, MD 21811

Phone Number: 410-641-7717

Email: lperrone@oceanpines.org

Date: 9-29-20

V. Signature of Attorney

Signature: N/A

Printed Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Date: \_\_\_\_\_

VI. General Information Relating to the Text Change Process

- a. Applications for text amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.

- b. Procedure for Text Amendments: Text amendments shall be passed by the County Commissioners of Worcester County as Public Local Laws according to legally required procedures, with the following additional requirements. Any proposed amendment shall first be referred to the Planning Commission for recommendation. The Planning Commission shall make a recommendation within a reasonable time after receipt of the proposed amendment. After receipt of the recommendation of the Planning Commission, the County Commissioners shall hold at least one public hearing in relation to the proposed amendment, at which parties and interested citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing and the nature of the proposed amendment shall be published in an official paper or a paper of general circulation in Worcester County. In the event no County Commissioner is willing to introduce the proposed amendment as a bill, it will not be considered.
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A BILL ENTITLED

AN ACT Concerning

Zoning – Signs

For the purpose of amending the Zoning and Subdivision Control Article to permit on-premises signs internal to an established residential community.

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Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

COUNTY COMMISSIONERS OF  
ATTEST:

WORCESTER COUNTY, MARYLAND