

WORCESTER COUNTY PLANNING COMMISSION AGENDA

Thursday, January 2, 2025

Worcester County Government Center

One West Market St., Room 1102

Snow Hill, Maryland 21863

The public is invited to view this meeting live: <https://worcestercountymd.swagit.com/live>

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

II. **Administrative Matters**

A. Planning Commission Work Session Minutes – November 14, 2024

B. Planning Commission Meeting Minutes – December 5, 2024

C. Board of Zoning Appeals Agenda – January 9, 2025

D. Technical Review Committee Agenda – January 8, 2025

III. **Text Amendments**

A. Marine Uses and Public Utility Operation Centers – To add definitions for terms used in the code; remove as a principal permitted use public utility structures and properties in the CM Commercial Marine District; refine marine yard uses in the A-2 Agricultural and E-1 Estate Districts; and add as a principal permitted use public utility operation centers in the C-2 and C-3 Commercial Districts and the I-1 and I-2 Industrial Districts.

IV. **Site Plan Reviews**

A. **Worcester County Commissioners Vehicle Storage Facility – County Project**

Proposed 12,275 sq. ft. vehicle storage facility for the Worcester County Fire Training Center. Located at 6743 Central Site Lane, Newark, MD 21841, Tax Map 48, Parcel 50, Tax District 4, A-1 Agricultural District, County Commissioners of Worcester County, owner / Timothy M. Metzner, applicant / Davis, Bowen, and Friedel, Inc., surveyor/engineer.

V. **Miscellaneous**

VI. **Adjournment**

**WORCESTER COUNTY PLANNING COMMISSION
WORK SESSION
MEETING MINUTES – November 14, 2024**

Meeting Date: November 14, 2024

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Phyllis Wimbrow, Vice Chair

Mary Knight, Secretary

Kathy Drew

Marlene Ott

Betty Smith

Staff

Jennifer Keener, Director, DRP

Matt Laick, Deputy Director, DRP

I. Call to Order

II. Comprehensive Plan Work Session

As the first item of business, the Planning Commission met with Michael Bayer, Ayesha Bilal and Ainsley Pressl from Wallace Montgomery to discuss the draft Housing Element of the proposed Worcester County Comprehensive Plan.

Mr. Bayer explained that this version is a first draft, and as other elements are reviewed, additional data is assembled, and stakeholder feedback is obtained, the draft will continue to be updated and refined. A brief explanation was provided on the status of the existing development capacity analysis, which will provide inputs into the Land Use Map and Water Resources Element (WRE). Staff and the consultant will be reaching out to the municipalities to schedule meeting(s) to discuss desired growth areas, which will then be brought to the Planning Commission for their consideration and to develop action items for the Housing Element. Mrs. Keener explained the Housing Study that will be undertaken in 2025 with a grant provided by the Maryland Department of Housing and Community Development.

The Planning Commission evaluated the housing chapter goal which is: “All Worcester County residents should be able to live in comfortable, safe and affordable housing.” This goal was taken from the 2006 Plan, and the Planning Commission agreed to carry it forward.

During the discussion, the Planning Commission made the following comments and/or recommendations:

- The Planning Commission again noted that Worcester County has limited public sewer availability, is in dire need of housing, and that there are restrictive regulations on septic

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systems. Therefore, we cannot solve the housing issue until the wastewater issues are resolved.

- It was recommended that they consider adding language to new objective #3 or #6 pertaining to “downsizing” for retirees, including assisted living or independent living options to permit aging in place.
- A question was posed about the definition of the term “under-housing” (new objective #9). It is defined as transitional or temporary housing. Mr. Bayer noted that they are still collecting more information about homelessness and under-housing in the county, so this objective and the title block for qualitative discussion serve as a placeholder. The final Plan document will have a glossary that will define these types of terms.
- It was recommended that the nomenclature “apartment” in Table 5-2 Housing Types, be changed to “units”, as it could include duplexes and townhouses, which aren’t apartments.
- The Planning Commission highlighted the vacancy rate for dwelling units in Figure 5-1 Comparison of Occupancy Rates in Eastern Shore Counties and requested additional language to elaborate upon why Worcester County has such a high vacancy rate (59%) and the circumstances that impact that.
- The Planning Commission acknowledged the differences in the northern and southern ends of the county, not only with land and dwelling values, but the size of dwellings that are being constructed to make the economics work.
- Overall, the Planning Commission acknowledged that the chapter was very data intensive, and it was recommended that some of the charts be relocated to an appendix.

The next work session will be held on Thursday, December 19, 2024, to discuss the Sensitive Areas Element.

III. Adjourn

Mary Knight, Secretary

Jennifer Keener, Director

**WORCESTER COUNTY PLANNING COMMISSION
MEETING MINUTES – December 5, 2024**

Meeting Date: December 5, 2024

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Jerry Barbierri, Chair

Ken Church

Kathy Drew

Mary Knight

Marlene Ott

Staff

Jennifer Keener, Director, DRP

Matt Laick, Deputy Director, DRP

Kristen Tremblay, Zoning Administrator

Bob Mitchell, Director, Environmental Programs

Roscoe Leslie, County Attorney

Gary Pusey, DRP Specialist III

Paul Renshaw, Zoning Inspector

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes, November 14, 2024

As the first item of business, the Planning Commission reviewed the minutes of the November 14, 2024, meeting.

As two members of the Commission abstained from voting, Mr. Barbierri and Mr. Church due to their absence, and because their abstention caused a lack of quorum, the motion failed. The minutes will need to be reviewed at their next regularly scheduled meeting.

B. Board of Zoning Appeals Agendas, December 12, 2024

As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting. Ms. Tremblay was present for the review to answer questions and address concerns of the Planning Commission.

No comments were forwarded to the Board.

C. Technical Review Committee Agenda, December 11, 2024

As the next item of business, the Planning Commission reviewed the agenda for the Technical Review Committee meeting. Ms. Tremblay was present for the review to answer questions and address any concerns of the Planning Commission.

No comments were forwarded to the Committee.

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III. ZS1-324(c)(9) - Internal Community Signs

As the next item of business, the Planning Commission reviewed a proposed text amendment application to establish additional standards in § ZS 1-324(c)(9) for internal community signs. Elaine Brady, member of the Board of Directors for Ocean Pines Association (OPA), and Eddie Wells, OPA Public Works Director, were present for the discussion.

Ms. Brady explained that the Ocean Pines board is seeking to eliminate the clutter of changeable messaging signage that are in the right-of-way of Ocean Parkway. The board is desirous of keeping their community informed, so they are seeking to replace all changeable messaging signs with electronic messaging signs at the entrances and exits to the development. She noted that the signs would be informational only, and would not provide commercial advertising messages.

Ms. Brady and Mr. Wells identified the locations of the proposed signs that they wish to place on Cathell Road and Manklin Creek Road. The Zoning Code currently limits developments to one electronic messaging sign per lot or parcel, so they are seeking to provide an exception for internal community signs. They noted that the particular signs would be well over one thousand feet from each other.

Mrs. Keener explained that the bill proposes two amendments; first is to allow internal community signs within the commercial zoning districts; the second is to allow for two electronic messaging signs per lot or parcel for internal community signs only. In addition, the Planning Commission must remember that this amendment applies to all residential developments, not just Ocean Pines. Signs will still be required to comply with the 450-foot separation distance from the perimeter property lines of the development, and a minimum of 100-foot separation distance between any signs on the same parcel. In response to a question from the Planning Commission, Mrs. Keener clarified that internal community signs do not have to have an electronic messaging component; they could be a standard sign.

The Planning Commission discussed possible provisions that would ensure that there were enough safeguards in place to prevent excessive signage. The Planning Commission concluded that the provision for two electronic messaging signs should be established as a special exception request.

Following the discussion, a motion was made by Ms. Ott, seconded by Mrs. Knight and carried unanimously to provide a favorable recommendation on the amendment as amended to require a special exception provision for a second electronic messaging sign.

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IV. §ZS1-201(c)(34) - Private, noncommercial buildings for the storage of personal property in the A-1 Agricultural District.

As the next item of business, the Planning Commission reviewed a proposed text amendment application to allow personal storage buildings over 500 square feet in gross floor area without a primary dwelling in the A-1 Agricultural District, subject to certain lot requirements. Jonathan Anders and Jeff Mahan were present for the review.

Mr. Barbierri outlined the history of the amendment, which was reviewed at the April 4, 2024, Planning Commission meeting. Mrs. Keener reiterated that there has been no change to the proposed language. The applicants had no further comments to provide from their April testimony, and the Planning Commission had no further questions.

Following the discussion, a motion was made by Mrs. Knight to provide a favorable recommendation on the text amendment. Ms. Ott seconded the motion, and the motion carried with three in favor, with Mr. Barbierri opposed.

V. Sunset Marine Park – Major Site Plan Review

Tim Kamas, Alex Cederbaum, Jesyl Silva and Mark Cropper presented their request to the Planning Commission for a 23,775 square foot watercraft service building located between Sunset Avenue and MD Route 611. The applicants indicated that this was part of a larger development plan, however due to EDU availability are only requesting this structure at this time. Previous versions included contractors' shops, retail and residential comprised of apartments, townhomes and duplexes.

The Planning Commission reviewed the items requiring waivers and approved them as follows:

Section 5 – Architectural Traditions

On a motion made by Ms. Knight and seconded by Ms. Ott, the Planning Commission approved this waiver.

Section 6(b)(1) – General Site and Building Compatibility

On a motion made by Ms. Ott and seconded by Ms. Knight, the Planning Commission approved this waiver.

Section 7(b)(1)(B) – Mass and Scale

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On a motion made by Ms. Drew and seconded by Ms. Ott, the Planning Commission approved this waiver.

Section 8(b)(2) & (4) – Roofs

On a motion made by Ms. Knight and seconded by Mr. Church, the Planning Commission approved this waiver.

Section 9(b)(2) & (3) – Materials

On a motion made by Ms. Knight and seconded by Ms. Ott, the Planning Commission approved this waiver.

Section 10(b)(1)(A, B, C, D, E, F, G, H, J, K) & (2)(A) – Facades

On a motion made by Ms. Knight and seconded by Mr. Church, the Planning Commission approved this waiver.

Section 11(b)(1) – Entries

On a motion made by Ms. Knight and seconded by Ms. Ott, the Planning Commission approved this waiver.

Section 13(b)(2) – Details

On a motion made by Ms. Ott and seconded by Ms. Knight, the Planning Commission approved this waiver.

Section 15(b)(3)(C), (b)(6 & 7) – Parking

On a motion made by Ms. Drew and seconded by Ms. Knight, the Planning Commission approved this waiver.

Section 16 (b)(1, 3, 4, 5, 6, 8, 9, 10) – Pedestrian and Bicycle Circulation

On a motion made by Mr. Church and seconded by Ms. Drew, the Planning Commission approved this waiver.

Section 17(b)(4, 6, 7, 8) – Landscaping

On a motion made by Ms. Knight and seconded by Ms. Ott, the Planning Commission approved this waiver.

Section 18(b)(5) – Lighting

The applicants stated that the lighting would be full cut-off and that this waiver request was no longer required.

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Section 19(b)(1) – Community Features and Spaces

On a motion made by Ms. Ott and seconded by Ms. Knight, the Planning Commission approved this waiver.

On a motion made by Ms. Knight and seconded by Ms. Ott, the Planning Commission approved the site plan with the waivers as requested and was granted unanimously.

VI. Eastern Shore Natural Gas – Major Site Plan Review

Charles Barnett and Charles Howell presented their request to the Planning Commission for a proposed five (5) 100,000 gallon liquefied natural gas storage tanks, with ancillary equipment necessary to re-gasify the natural gas for transport to the Eastern Shores existing pipeline system which currently runs along US Route 113. The facility includes a 3,276 square foot control room, liquified natural gas truck offloading area and turnaround. It also includes impoundment areas, vapor barrier wall, and chain link security fencing around the operating area of the facility. This project is proposed to be located on a land-locked parcel located approximately 1,300 feet west of Route 113, approximately 1,800 feet north of the intersection of Route 113 and Jarvis Road.

Due to the nature of the proposed use and its location, a significant number of waivers from the Design Guidelines were requested including automatic irrigation (as no plantings are proposed due to fire safety concerns), gravel travelways in several locations and the height of security fencing.

The proposed land use is located on a land-locked parcel surrounded by existing forested areas that are proposed to remain. There will be no access for the public and will not be seen from either the road or adjacent properties. As this project will not be visible and is not intended to be visible, the Planning Commission approved the waivers as follows:

Section 5 – Architectural Traditions

Section 6(b)(1) – General Site and Building Compatibility

Section 7(b)(1)(B) & (2)(A) – Mass and Scale

Section 8(b)(1)(2) & (4-10) – Roofs

Section 9(b)(2-5) – Materials

Section 10(a)(2-3) & (b)(1-2) – Facades

Section 11(b)(1-5) - Entries

Section 12(b)(1-4) - Color

Section 13(b)(1-3) – Details

Section 14(b)(1-7) – Signs

Section 15(b)(2-4 & 6-9 & 13) – Parking

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- Section 16(b)(1-10) – Pedestrian and Bicycle Circulation
- Section 17(b)(4-11) – Landscaping
- Section 18(b)(1, 5-10) – Lighting
- Section 19(b)(1-3) – Community Features and Spaces
- Section 20(b)(3-6 & 8-9) – Outdoor Service and Utility Areas
- Section 21(b)(1-2) – Outparcels and Pad Sites

The Planning Commission discussed fire suppression and the height of the proposed fence. As they determined that the fence height as proposed may not be high enough for security purposes, they decided to allow for fencing to any height provided such is reasonably necessary and will not adversely affect the use, enjoyment or value of surrounding property.

On a motion made by Ms. Knight and seconded by Mr. Church, the Planning Commission approved the waivers as presented.

On a motion made by Ms. Knight and seconded by Ms. Drew, the Planning Commission approved the site plan with the waivers as requested including automatic irrigation, gravel, and fencing to any height provided such is reasonably necessary and will not adversely affect the use, enjoyment, or value of surrounding property and was approved unanimously.

VII. Other Matters

The Planning Commission was informed that their next worksession to discuss the Comprehensive Plan update would be held on December 19, 2024 at 1:00 p.m.

VIII. Adjourn

On a motion made by Ms. Ott and seconded by Ms. Drew, the Planning Commission adjourned.

Mary Knight, Secretary

Kristen M. Tremblay, AICP, Zoning Administrator

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

THURSDAY JANUARY 9, 2025

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. Audio and video recording will take place during this public hearing.

The public is invited to view this meeting live online at - <https://worcestercountymd.swagit.com/live>

6:30 p.m.

Case No. 25-5, on the lands of Mary and John Cosentino, requesting an after-the-fact variance to the side yard setback from 8 feet to 7.49 feet (to encroach 0.51 foot) for an existing accessory structure in the R-2 Suburban Residential District, pursuant to Zoning Code §§ ZS 1-116(c)(4), ZS 1-206(b)(2) and ZS 1-305, located at 18 Tail of the Fox Drive, Tax Map 16, Parcel 46, Section 9, Lot 575, Tax District 3, Worcester County, Maryland.

6:35 p.m.

Case No. 25-2, on the lands of Fedale Berlin LLC, on the application of Matt Wiley, requesting a special exception to allow the expansion of a nonconforming use and structure in order to construct a roof over a proposed 6' x 20' porch addition to a single-family residence in the C-2 General Commercial District, pursuant to Zoning Code §§ ZS 1-116(c)(5), ZS 1-122(d)(1), ZS 1-116(c)(3), ZS 1-210 and ZS 1-305, located approximately 1,600 feet west of Herring Creek Lane between Grays Corner Road and U.S. Route 50, Tax Map 26, Parcel 347, Tax District 10, Worcester County, Maryland.

6:40 p.m.

Case No. 25-3, on the lands of William Cross and Joseph Hodski, on the application of J. Stacey Hart & Associates, Inc., requesting a variance to the side lot line setbacks on Lots 330 & 331 from 6 feet to 0 feet for a proposed shared dock in the R-3 Multi-family Residential District, pursuant to Zoning Code §§ ZS 1-116(n)(3), ZS 1-207(d)(6), and ZS 1-335, and Natural Resources Code §§ 2-102(e)(2), located at 154 & 253 Teal Circle, Tax Map 16, Parcel 41, Section 4, Lots 330 & 331, Tax District 3, Worcester County, Maryland.

6:45 p.m.

Case No. 25-4, on the lands of Kathy and Carmine Picarelli, on the application of Josette Wheatley, requesting two (2) after-the-fact variances to each side lot line setback for an existing dock and two (2) variances to each side lot line setback for a proposed floating dock from 6 feet to 3.15 feet (to encroach 2.85 feet) for each structure on the property's north side and from 6 feet to 1.23 feet (to encroach 4.77 feet) for each structure on the property's south side in the R-2 Suburban Residential District, pursuant to Zoning Code §§ ZS 1-116(n)(3), ZS 1-206(d)(6), and ZS 1-335, and Natural Resources Code §§ 2-102(e)(2), located at 14 Drawbridge Road, Tax Map 16, Parcel 42, Section 5, Lot 98, Tax District 3, Worcester County, Maryland.

6:50 p.m.

Case No. 24-74, on the lands of Nancy and William Jenkins, on the application of Kristina Watkowski, requesting a variance to reduce the Atlantic Coastal Bays Critical Area Buffer from 100 feet to 23.65 feet (to encroach 76.35 feet) for a proposed patio and fence in the R-2 Suburban Residential District, pursuant

to Zoning Code §§ ZS 1-116(m) and ZS 1-305 and Natural Resources Code §§ 3-104(d)(4) and NR 3-111, located at 12406 Coastal Marsh Drive, Tax Map 33, Parcel 281, Lot 56, Tax District 10, Worcester County, Maryland.

6:55 p.m.

Case No. 25-1, on the lands of Gary and Tracy Desjardins, on the application of Kristina Watkowski, requesting an after-the-fact variance to reduce the Atlantic Coastal Bays Critical Area Buffer from 100 feet to 31.9 feet (to encroach 68.1 feet) for an existing paver patio and walkway in the E-1 Estate District, pursuant to Zoning Code §§ ZS 1-116(m) and ZS 1-305 and Natural Resources Code §§ 3-104(d)(4) and NR 3-111, located at 11323 Newport Bay Drive, Tax Map 50, Parcel 50, Lot 14, Tax District 10, Worcester County, Maryland.

7:00 p.m.

Case No. 25-6, on the lands of DW RE Holdings, LLC, on the application of Hugh Cropper, IV, requesting a special exception for proposed outdoor batting cages and two (2) variances to the 100 foot setback from an arterial highway for batting cages from 100 feet to 20.2 feet (to encroach 79.8 feet) and for a relocated storage shed from 100 feet to 38.8 feet (to encroach 61.2 feet) in the C-2 General Commercial District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-116(c)(4), ZS 1-210(c)(1), and ZS 1-305(b)2, located at 9810 Hammond Road, Tax Map 9, Parcel 378, Lot 1, Tax District 5, Worcester County, Maryland.

7:05 p.m.

Case No. 25-7, on the lands of DW RE Holdings, LLC, on the application of Hugh Cropper, IV, requesting a special exception for an outdoor commercial recreation establishment (baseball practice infield), a special exception to allow a 20-foot high fence, and a variance to the 100 foot setback from an arterial highway for a baseball backstop from 100 feet to 25.27 feet (to encroach 74.73 feet) in the C-2 General Commercial District, pursuant to Zoning Code §§ ZS 1-116(c)(3), ZS 1-116(c)(4), ZS 1-210(c)(1), ZS 1-305(b)2 and ZS 1-305(k)(3), located on the east side of Worcester Highway approximately 500 feet south of Hammond Road, Tax Map 9, Parcel 378, Parcel 2, Tax District 5, Worcester County, Maryland.

Administrative Matters

**WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE
AGENDA**

**Wednesday, January 8, 2025 at 1:00 p.m.
Worcester County Government Center, Room 1102, One West Market Street,
Snow Hill, Maryland 21863**

- I. **Call to Order**

- II. **Site Plan Review (§ ZS 1-325)**
 - A. **Frank Lynch Jr. Warehousing/Contractors Shops – Minor Site Plan Review**

Site development consisting of a 6,000 s.f. warehousing/contractors shops with four (4) individual units. Located at 10535 Racetrack Road, Tax Map 21, Parcel 65, Tax District 03, C-2 General Commercial/ A-2 Agricultural, Frank & Joanne Lynch, owner/Frank Lynch Jr., surveyor.

 - B. **Mark & Maureen Broderick Commercial Kennel - Minor Site Plan Review**

Proposed 1,379 s.f. addition to an existing single-family dwelling for a commercial kennel. Located at 10420 Georgetown Road, Tax Map 20, Parcel 108, Tax District 03, A-1 Agricultural District, Mark & Maureen Broderick, owner / Kristina L. Watkowski, applicant / Gregory P. Wilkins, surveyor/engineer.

 - C. **Crepe Myrtle Court (Previously known as Shadyside Village) – Step 1 Residential Planned Community (RPC) Review**

Proposed 25 unit residential development, south side of MD Route 707 (Old Bridge Road), west of Greenbridge Lane, Tax Map 26, Parcel 157, Tax District 10, R-4 General Residential, Kathleen Clark, owner / Iott Architecture, surveyor/engineer.

- III. **Adjourn**



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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

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

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Worcester County Planning Commission
From: Jennifer Keener, AICP, Director
Date: December 19, 2024
Re: Text Amendment– Marine Uses and Public Utility Operation Centers

On December 17, 2024, I was directed by the Worcester County Commissioners to review the uses associated with the CM Commercial Marine District and evaluate ways to strengthen the protection of the commercial fishing industry in Worcester County within our Zoning Code.

To that end, I have prepared the attached text amendment to address marine uses and public utility operation centers in the Zoning and Subdivision Control Article. Specifically, the bill does the following:

- Creates definitions to previously undefined terms including “marine activity”, “marine yard”, and “transportation station or terminal”.
- Creates a new use and definition for “public utility operation centers”.
- Refines the purpose and intent statement of the CM Commercial Marine District to further support the commercial and recreational fishing industry.
- Removes as a principal permitted use public utility structures and properties in the CM Commercial Marine District.
- Refines marine yard uses in the A-2 Agricultural and E-1 Estate Districts consistent with the new definitions.
- Adds as a principal permitted use public utility operation centers in the C-2 and C-3 Commercial Districts and the I-1 and I-2 Industrial Districts.

Background

The commercial harbor located between Harbor Road and Sunset Avenue in West Ocean City is the only commercial fishing harbor in Ocean City. It has direct access to the Atlantic Ocean through the Ocean City inlet. As a result of multiple rezoning requests in and around the harbor, the Worcester County Commissioners recognized the need to set aside land to preserve and protect Worcester County’s commercial fishing industry, while still allowing compatible uses. In 1998, zoning regulations were developed and adopted, resulting in the creation of the Commercial Marine zoning district. In 1999, the boundaries of the district were established over the lands within the West Ocean City Harbor (see attached Resolution No. 99-32).

The 2006 Comprehensive Plan promotes the continuation of the seafood landing and processing facilities by way of land use controls and incentives, and the maintenance of the West Ocean City harbor as a working commercial harbor. It states that tourism uses and other commercial development, when compatible, should remain secondary to the commercial marine activities. The commercial and recreational fishing industry will be negatively impacted, should the remaining properties that have existing and sufficient infrastructure to support this industry be redeveloped into other non-compatible land uses.

Discussion

Of the uses listed in the CM District regulations, public utility structures and properties are the least compatible with the marine uses listed. A public utility structure or property could be anything from an unmanned electrical substation, a water or wastewater treatment plant, a gas meter and regulation station, or even business offices for the utility company. These uses are better situated away from the harbor, and preferably outside of the floodplain. Therefore, I am proposing the elimination of this use from the CM District regulations as there is ample land in the other zoning districts where this use is permitted either by right or special exception.

In addition, I am proposing a public utility operation center definition and use that would be more appropriate for the business offices and maintenance facilities associated with a public utility. It is currently proposed for the C-2 and C-3 Commercial Districts and the I-1 and I-2 Industrial Districts. This use would be applied to facilities such as the former Choptank Electric Cooperative building on Worcester Highway (Route 113) in Berlin. Similar language exists in the City of Salisbury, Maryland zoning code, where Choptank relocated to Walston Switch Road across from Wor-Wic Community College. Currently, such facilities would fall under the public utility structure or property classification allowed in all zoning districts.

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

As always, I will be available at your upcoming meeting to discuss any questions or concerns that you have regarding the proposed amendment.

cc: Roscoe Leslie, County Attorney
Matt Laick, GISP, Deputy Director
Kristen Tremblay, AICP, Zoning Administrator
File

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 25-

BY:
INTRODUCED:

A BILL ENTITLED

AN ACT Concerning

Zoning – Marine Uses and Public Utility Operation Centers

For the purpose of amending the Zoning and Subdivision Control Article to add definitions for terms used in the code; remove as a principal permitted use public utility structures and properties in the CM Commercial Marine District; refine marine yard uses in the A-2 Agricultural and E-1 Estate Districts; and add as a principal permitted use public utility operation centers in the C-2 and C-3 Commercial Districts and the I-1 and I-2 Industrial Districts.

Section 1. BE IT 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 “marine activity” to read as follows:

MARINE ACTIVITY – Activities required for, supportive of, or commonly associated with the operation, storage, loading and unloading of boats, waterfront dock and port facilities, boat fuel and equipment supply, and other activities associated with the commercial and recreational fishing industry. Marine activities shall not include portside infrastructure or associated facilities that are intended to support offshore energy production.

Section 2. 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 “marine yard” to read as follows:

MARINE YARD – Structures or storage yards for the fueling, boat launching and recovery, dry storage of seaworthy boats in operable condition, maintenance facilities for all types of hull, deck and interior repairs and painting, and boat construction.

Section 3. 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 “public utility operation center” to read as follows:

PUBLIC UTILITY OPERATION CENTER – Facilities, structures and any or all uses directly relating to the operation and maintenance of a public utility, including, but not limited to:

- (1) Operating utility system controls;
- (2) Business offices and associated accessory uses;
- (3) Indoor and outdoor vehicular and material storage yards for the constructing, maintenance and or repair of the utility system;
- (4) Incidental fueling and maintenance facilities; or
- (5) Indoor and outdoor assembly, repair, maintenance, testing and storage of utility system components, equipment, tools and supplies.

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 “transportation station or terminal” to read as follows:

TRANSPORTATION STATION OR TERMINAL – Properties or structures associated with the transportation, loading and unloading of goods or freight by truck, rail or watercraft, but excluding warehousing and maintenance facilities.

Section 5. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-214(a) 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:

- (a) Purpose and intent. This district is intended to prevent the displacement of the commercial fishing industry, which provides significant historic, social, cultural and economic value to Worcester County. Commercial and recreational uses that are supplemental to the commercial fishing industry and which of necessity must be near waterfront areas shall be allowed. Furthermore, it is the intent of this district that there shall be no basis, under this Title, for recourse against the effects of any normal commercial fishing or other commercial marine activity or operation as permitted in this district, including but not limited to noise, odor, vibration, fumes, dust or glare.

Section 6. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-214(b)(8) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and subsection § ZS 1-214(b)(9) be renumbered as § ZS 1-214(b)(8).

Section 7. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-202(c)(11) 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:

- (11) Marine yards, including incidental retail sales of parts and accessories. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.

Section 8. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-203(c)(18) 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:

- (18) Marine yards, except boat construction. All repair and maintenance facilities shall be conducted wholly within an enclosed building. Minimum lot requirements shall be: lot area, twenty acres; lot width, two hundred feet; front yard setback, two hundred feet; each side yard setback, two hundred feet; and rear yard setback, two hundred feet; and subject to the provisions of § ZS 1-325. In addition, such structures and storage yards shall be screened on all sides in accordance with the provisions of § ZS 1-322. If vegetated screening of thirty-five feet or more in width is provided in that portion of the setback closest to the use area, the minimum setbacks may be reduced by the Board of Zoning Appeals to one hundred feet.

Section 9. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new subsection § ZS 1-210(b)(21) be added to the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland to read as follows:

- (21) Public utility operation centers. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.

Section 10. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new subsection § ZS 1-211(b)(27) be added to the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland to read as follows:

- (27) Public utility operation centers. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.

Section 11. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new subsection § ZS 1-212(b)(22) be added to the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland to read as follows:

- (22) Public utility operation centers. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.

Section 12. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new subsection § ZS 1-213(b)(25) be added to the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland to read as follows:

- (25) Public utility operation centers. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.

Section 13. 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 _____, 2025.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY

RESOLUTION NO. 99- 32

**RESOLUTION ADOPTING SECTIONAL REZONING
MAPS FOR WORCESTER COUNTY
WEST OCEAN CITY HARBOR**

WHEREAS, on March 10, 1992 the County Commissioners of Worcester County, Maryland adopted comprehensive rezoning maps of Worcester County referenced as the "Official Zoning Maps of Worcester County, Maryland Numbers 1-102" and a Zoning and Subdivision Control Article; and

WHEREAS, Section 1-113(c)(6) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland provides for sectional reclassification map amendments; and

WHEREAS, the County Commissioners have recognized the need to set aside appropriately located lands in order to preserve and protect Worcester County's commercial fishing industry while allowing for commercial, industrial and recreational uses and therefore on December 15, 1998 adopted district regulations and created the CM Commercial Marine District; and

WHEREAS, the County Commissioners find that there is a need to apply the CM Commercial Marine District and its associated regulations to a portion of the West Ocean City Harbor and consequently initiated a sectional rezoning of the harbor area; and

WHEREAS, the County Commissioners have complied with all requirements for said sectional reclassification map amendments including the holding of a public hearing on July 13, 1999 to hear public comment on the requested amendments; and

WHEREAS, based upon the provisions of the Comprehensive Plan, the testimony provided at the public hearing, staff reports and consultations, the favorable recommendation of the Planning Commission, and the County Commissioners' personal knowledge of the West Ocean City Harbor area, the County Commissioners hereby make the following legislative findings:

- 1) The commercial fishing industry has substantial historic, social, cultural and economic values for Worcester County and its protection is critical. The Worcester County Comprehensive Plan states in part that the County should enforce protection of the seafood industry's harvest areas, landings and processing plants through the reasonable implementation of land use controls and water quality regulations. The Comprehensive Plan further declares that the West Ocean City Harbor is designated to facilitate the commercial harvesting of finfish

and shellfish and that the continued functioning of the West Ocean City Harbor facility for commercial boats should be ensured through zoning and other land use controls. The Comprehensive Plan provides that as West Ocean City develops it will become more difficult to maintain the Harbor as a facility for commercial seafood vessels, that existing seafood handling and processing businesses (unless otherwise protected) may be replaced by other uses, that access will be constrained by increased traffic, and further that the function of this Harbor as a maritime port should be maintained. The County Commissioners therefore conclude that adoption of the sectional rezoning to a CM Commercial Marine District for the West Ocean City Harbor is consistent with the goals and objectives of the County's Comprehensive Plan.

- 2) Commercial fishing has a considerable positive impact on the overall health and diversity of Worcester County's economy. These economic considerations weigh heavily in the allocation of funds by the U. S. Army Corps of Engineers for the continued dredging of the Ocean City Inlet and channels. This dredging then has a symbiotic benefit for the resort area's sportfishing fleet. However, it is the economic impact of the commercial fishing fleet rather than the recreational fleet that is of priority to the U. S. Army Corps of Engineers when making decisions about where to invest the limited amount of funds available for dredging. The loss of federal support for dredging would place additional financial burden on local governments and County taxpayers if such dredging is to be continued. The County Commissioners conclude that the application of the CM Commercial Marine District regulations on the West Ocean City Harbor area is a positive step towards ensuring continued federal support.

- 3) The West Ocean City Harbor is Maryland's only direct ocean-going port and is, with the exception of some minor facilities, the only such harbor between Cape May, New Jersey and Virginia Beach, Virginia for ocean-going vessels. Testimony provided at the hearing relative to seafood landings at the West Ocean City Harbor indicated that over a period of approximately twenty years, the average annual landing of seafood has exceeded 19 million pounds, with an average annual value in excess of \$13 million. Many local people are employed on these vessels or at their landing facilities. Additionally, numerous businesses exist in the Harbor area and Worcester County in general which derive a portion of their income by providing goods and services to the commercial fishing operations. It is this mix of uses and character that is found to be picturesque and interesting by many people and which makes the harbor somewhat of a tourist destination in and of itself. Businesses in close proximity to the Harbor benefit from the presence of tourists and other people visiting the Harbor. The County Commissioners determine that the West Ocean City Harbor's unique and strategic location warrants protection.

- 4) The County Commissioners observe that the West Ocean City Harbor is at present developed with a mix of uses that have resulted from the M-1 Light Industrial District and B-2 General Business District zoning classifications found in the area. Development of these uses has occurred in accordance with those zoning classifications. The County Commissioners recognize that in all likelihood those commercially developed properties will not revert to industrial uses or to those associated with commercial fishing. To now make uses developed under the B-2 General Business District regulations nonconforming or conforming special exceptions by virtue of placement of the CM Commercial Marine District regulations on those properties is found by the County Commissioners to place an onerous burden on those properties and their owners. The County Commissioners conclude that measures should be taken to permit those properties and the structures found thereon to continue to be used in such a manner for which they were designed or to be expanded without having to seek Board of Zoning Appeals' approval.
- 5) During its review of Bill 98-17, introduced to establish the CM Commercial Marine District regulations, the Planning Commission concluded that the proposed bill would assist in protecting commercial fishing operations from intrusion and conflict with incompatible uses and therefore gave a favorable recommendation to the bill. Bill 98-17 was subsequently enacted into law by the County Commissioners on December 15, 1998. On June 3, 1999 the Planning Commission reviewed the proposed sectional rezoning of the West Ocean City Harbor area to a CM Commercial Marine District classification. The Planning Commission found that the proposed sectional rezoning was consistent with the County's Comprehensive Plan and gave a favorable recommendation to the adoption of the sectional rezoning. The County Commissioners concur with the findings of the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that the sectional rezoning of those properties as shown on the map attached herewith and made a part hereof to CM Commercial Marine District be approved subject to the following condition:

- 1) Those properties shown on Worcester County Tax Map 27 as Parcels 599, 358, 353, 447, 607, 655, 372, 376, 377, and 378 which were zoned B-2 General Business District prior to the adoption of this comprehensive/sectional rezoning shall not be deemed as nonconforming or conforming special exceptions with respect to their use. Notwithstanding the provisions of § ZS 1-121, existing uses on the aforementioned properties which are in compliance with the uses of the B-2 General Business District may remain, be altered or enlarged, or be redeveloped in conformance with the B-2 General Business District regulations as may be

amended from time to time with respect to principal permitted uses only. All minimum lot requirements and other provisions of the Zoning and Subdivision Control Article in effect at the time of redevelopment, alteration or expansion shall remain in full force and effect.

BE IT FURTHER RESOLVED that this Resolution shall be effective this 7th day of September, 1999.

ATTEST:

Gerald T. Mason
Gerald T. Mason
Chief Administrative Officer

WORCESTER COUNTY COMMISSIONERS

Jeanne Lynch
Jeanne Lynch, President

John E. Bloxom
John E. Bloxom, Vice President

Louise L. Gulyas
Louise L. Gulyas

Virgil L. Shockley
Virgil L. Shockley

James L. Purnell, Jr.
James L. Purnell, Jr.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
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SNOW HILL, MARYLAND 21863
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<http://www.co.worcester.md.us/departments/drp>

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Worcester County Planning Commission
From: Kristen Tremblay, AICP, Zoning Administrator
Date: January 2, 2025
Re: Proposed County Project – Vehicle Storage Facility at Fire Training Center

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The Worcester County Department of Development Review and Permitting has received construction and site plans associated with the construction of a proposed vehicle storage facility at the Worcester County Fire Training Center facility located at 6743 Central Site Lane, Newark, MD 21841 (Tax Map 48, Parcel 50, A-1 Agricultural). A copy of those plans have been enclosed.

The provisions of §ZS 1-104 County projects, plans and regulations require that County agencies submit their plans for new construction or a major expansion or renovation to existing structures to the Planning Commission for review and comment. Those comments shall be advisory only.

Upon review of the proposed plans, the improvements will consist of the construction of a 12,275 square foot building that will be used for vehicle storage at the fire training center in Newark. There will be no public access to the facility.

Staff has no zoning issues with this request as presented. If approved, the Department will issue a building permit application for the construction of the improvements. Such permit will be reviewed and approved by all applicable departments and agencies for compliance with their regulations.