TOWN OF
# OCEAN CITY
*The White Marlin Capital of the World*

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**CITY COUNCIL**

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**PLANNING AND ZONING COMMISSION**
**AGENDA**
**Tuesday, December 17, 2024**

**Meetings are held in the Council Chambers on the 1st floor of City Hall, 301 Baltimore Avenue, Ocean City, Maryland.**

**6:30 PM**

## I. APPROVAL OF MINUTES

A. REVISED Minutes of November 19, 2024

B. Minutes of December 3, 2024

## II. SITE PLAN EXTENSION REQUESTS

A. Site Plan Review of three (3) proposed townhouse style multi-family units, each with four (4) bedrooms and three (3) parking spaces. The site of this application is described as Lot 12, Block 41N of the Sinepuxent Beach Company Plat, dated 1891; further described as located on the west side of St. Louis Avenue and east side of Bayview Lane, and known locally as 209 St. Louis Avenue, in the Town of Ocean City, Maryland. **EXPIRATION DATE: 12/6/2024 – Applicant made request prior to expiration date**
**APPLICANT: NIKO DHIMA, 209 ST. LOUIS LLC (PZ FILE #23-18100006)**

B. Site Plan Review of a proposed 230-room hotel with required parking and 17,780 gross square feet of commercial and accessory space. The site of this application is described as Lots 1 thru 12, Block 48N of the Sinepuxent Beach Company Plat; further described as the entire block located on the west side of Atlantic Avenue, east side of Baltimore Avenue, north side of 13th Street, and south side of 14th Street; and locally known as 1301 Atlantic Avenue (Beach Plaza Hotel), 1305 Atlantic Avenue (Bo-Con Apartments), 1307 and 1309 Atlantic Avenue, and 1304 and 1306 Baltimore Avenue in the Town of Ocean City, Maryland.
**EXPIRATION DATE: 3/19/2025 - APPLICANT: MHROC PROPERTY OWNER, LLC – KEVIN SNELBAKER, PRINCIPAL (PZ FILE #23-18100012)**

## III. SITE PLAN

Site Plan Review of formal revisions to site plan first approved as PZ-1895 from year 2004 and any minor revisions since that date. These revisions will consist of adding a play feature-boardwalk, adding restrooms and retail, adding food concession, renovating service bar, demolishing existing house, demolishing deli building, and adding and reconfiguring parking. The site of this application is described as Lots 1-5 and Lots 11-28, Block 120, Oceanbay City Plat; further described as located on the west side of Coastal Highway, between 63rd and 64th Street; and known locally as 105 64th Street (master address), Dead Freddie's Island Grill with associated accessory structures and parking, in the Town of Ocean City, Maryland.
**APPLICANT: OC LAND HOLDINGS, LLC C/O STEPHEN CARULLO (PZ FILE #24-18100017)**

## IV. REMANDED FROM MAYOR AND CITY COUNCIL

***The Mayor and City Council rejected the Findings of Fact from the Planning Commission that this zoning request be approved on the basis of mistake. The Mayor and City Council remanded the issue back to the Planning Commission to see if it would be better presented to them based on the substantial change in the character of the neighborhood standard.***

Pursuant to the provisions of Chapter 110, Division 6. Changes and Amendments, Section 110-143. Procedure for map amendments, of the Code of the Town of Ocean City – an application has been filed to rezone the eastern ½ of Tax Map 111, Parcel 4234, Block 7, specifically Lots 7, 8, 9, 10, 11 and 12, from R-3, General Residential zoning district to LC-1, Local Commercial zoning district. The entire property, described as Tax Map 111, Parcel 4234, Block 7, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, is located between Philadelphia Avenue and Baltimore Avenue and 21st and 22nd Streets, and locally known as Phillips Plaza Shopping Center, master address being 2100 Philadelphia Avenue and associated parking, in the Town of Ocean City, Maryland.
**APPLICANT: HUGH CROPPER, IV, ESQUIRE, ATTORNEY FOR JAMB, LLC – (PZ FILE #24-14100004)**

## V. RECOMMENDATION TO MAYOR AND CITY COUNCIL REGARDING REVISED ORDINANCES - *This agenda item to review the revised draft ordinances per the December 3, 2024 meeting*

To consider amending **Chapter 14, entitled Business, Article II, entitled Licensed Occupations, Section 14-38, entitled Suspension And Revocation; and Article V, entitled Rental Housing, Section 14-173, entitled Enforcement; Section 14-174, entitled License; Inspection Of Premises; Records; Section 14-175, entitled Violation; Section 14-176, entitled Enforcement; and Section 14-177, entitled Premises for Habitation/Rental Housing Units in R-1 Single Family Residential District**; to add a length of stay requirement in the R-1 and MH zones; to add a maximum occupancy limit in the R-1 and MH zones; to add provisions to the enforcement process; to amend the requirement for a local agent for all rental properties; to address advertising and room conversion issues and other amendments.

And

To consider amending **Chapter 110, entitled Zoning, Article I, entitled In General, Section 110-2, entitled Definitions, of the Code of the Town Of Ocean City, Maryland**., to amend the definitions of family.
**APPLICANT: PLANNING AND ZONING COMMISSION (PZ FILE #24-14100008)**

## STAFF/ATTORNEY COMMENTS

## COMMISSIONER COMMENTS

## PUBLIC COMMENTS

## ADJOURNMENT

**Applicants or their representatives** are required to be **present** at their PUBLIC HEARING/SITE PLAN/RESUBDIVISION/APPOINTMENT reviews.

# PLANNING AND ZONING COMMISSION MINUTES

**Tuesday, November 19, 2024**

| **ATTENDEES:** | **Members** | **Staff** |
|---|---|---|
| | Joe Wilson | George Bendler, Director |
| | Pam Robertson | Karen Gordy, Zoning Administrator |
| | Janet Hough | Bill Neville, City Planner |
| | Joel Brous | Chase Phillips, Zoning Analyst |
| | *Mike Quade (Absent)* | Maureen Howarth, Town Attorney |
| | Palmer Gillis | |
| | Kevin Rohe | |

This Planning Commission meeting took place at 6:00 p.m. at City Hall located at 301 Baltimore Avenue, in the Town of Ocean City, Maryland.

**6:00 p.m.**

## I. Administrative Matters

The Planning Commission reviewed the minutes from the November 6, 2024, meeting.

**Motion/** Palmer Gillis **Second/** Kevin Rohe to approve the minutes from the November 6, 2024 meeting. This motion passed unanimously (6-0-1) with Mike Quade absent.

The Planning Commission waited for Ms. Maureen Howarth, Town Attorney, to arrive. No recess was taken. The public hearing then began at 6:12 p.m.

**6:12 p.m.**

## II. Public Hearing

**To consider amending Chapter 14, entitled Business, Article II, entitled Licensed Occupations, Section 14-38, entitled Suspension And Revocation; and Article V, entitled Rental Housing, Section 14-173, entitled Enforcement; Section 14-174, entitled License; Inspection Of Premises; Records; Section 14-175, entitled Violation; Section 14-176, entitled Enforcement; and Section 14-177, entitled Premises for Habitation/Rental Housing Units in R-1 Single Family Residential District; to add a length of stay requirement in the R-1 and MH zones; to add a maximum occupancy limit in the R-1 and MH zones; to add provisions to the enforcement process; to amend the requirement for a local agent for all rental properties; to address advertising and room conversion issues and other amendments. And**

**To consider amending Chapter 110, entitled Zoning, Article I, entitled In General, Section 110-2, entitled Definitions, of the Code of the Town of Ocean**

**City, Maryland., to amend the definitions of family. APPLICANT: PLANNING AND ZONING COMMISSION (PZ FILE #24-14100008)**

Mr. George Bendler, Director, introduced the drafted ordinance to the Commissioners. He stated that this ordinance included recent updates and that these proposed regulations are related to short-term rentals in the Single Family Residential (R-1) Zoning District and the Mobile Home Residential (MH) Zoning District. Changes made include but are not limited to suspension and revocation; hearings for licensing; local agent requirements; inspection of rental units; bedroom count and parking standards; violations and enforcement; establishment of minimum night stay requirements; and changes to how occupancy is calculated.

Mr. Gillis asked what other businesses are permitted in the R-1 and MH Zoning Districts. Mr. Bendler stated that home occupations can be an accessory to a primary residence.

Mr. Joe Wilson asked how the age of 10 was agreed upon (regarding exclusions from occupancy). Mr. Bendler stated part of the reason was to exclude persons under 16 that could not drive and that 10 years of age would be easily identifiable.

Mr. Wilson then opened the public hearing for public testimony. 28 people were present to speak.

Linda Tucker, Terry Miller, Neal Scully, Charlene Stine, Robert Knauer, Jerome Milko, Mike Sherman, Keagen Brown, Kelly Behrens, Alex Piela, Bob Kappos, David Ricker, Hunter Isaac, John Clayton, Matthew Poulos, David Marciniak, Bob Marshal, Bridgette Garchek-Stone, Steven Lasik, Chris Menzel, Jim Mulligan, Chris Mitchell, and Shawn Kotwica, all spoke in general opposition. Some of this opposition did include individuals that may have supported one item but were generally opposed to the rest of the legislation. One example is the local agent requirement. However, some individuals held complete opposition to the entire ordinance package and supported none of the regulations. Opposition was largely focused around minimum night stay requirements and proposed changes to how occupancy is calculated. Additionally, many individuals expressed an economic/ financial concern as the average night stay has decreased and is less than 5. This would create financial impacts to property owners and landlords.

Ms. Lauren Bunting expressed understanding of both the benefits and drawbacks of such legislation and stated she would like to see a middle ground as further changes to the ordinance are considered.

Dennis Dare, Gordon Kretser, and Pam Buckley expressed support for these regulations. They stated it is crucial to protect single-family neighborhoods and that the ordinance would enhance quality of life in these areas of town. Additionally, the

Comprehensive Plan was noted as it also aims to maintain the livability of single-family neighborhoods in town.

Ms. Cassie Schriber also spoke. She had questions regarding the calculations between the number of beds in a room and occupancy.

Chairman Wilson then asked for a motion for the public hearing to be closed.

**Motion/** Pam Robertson **Second/** Janet Hough to close the public hearing.

This motion passed unanimously (6-0-1) with Mike Quade absent.

Mr. Gillis stated he has identified a few points that seem to be crucial in deciding how or if these types of regulations should be passed. They include parking where you reside, protecting the quality of life in single-family neighborhoods, long-term property values, and statistics which show that complaints are relatively low in these areas.

Ms. Robertson stated she sees how regulations and enforcement could be improved and how this could solve some of the issues that residents experience.

Mr. Brous stated that he has concerns with the minimum night stay requirement. He also sees how enforcement techniques could be changed to address concerns and that he supports reanalyzing how occupancy is calculated.

Chairman Wilson stated that he believes Ocean City is suited to raise a family and this could still be common with short-term rentals in single-family neighborhoods.

Ms. Janet Hough stated that the Comprehensive Plan establishes objectives to protect single-family neighborhoods and there should be some way to mitigate impacts from rental properties. Therefore, she sees occupancy as the more important issue and way to address concerns.

## III. Adjournment

Chairman Wilson entertained a motion to adjourn.

**Motion/** Joel Brous **Seco**nd/ Kevin Rohe to adjourn and close the November 6, 2024, meeting. This motion passed unanimously (6-0).

**Approval of Minutes**

_____
Joseph B. Wilson, Chairperson

_____
Janet Hough, Secretary

_____
Date

# PLANNING AND ZONING COMMISSION MINUTES

**Tuesday, December 3, 2024**

| **ATTENDEES:** | **Members** | **Staff** |
|---|---|---|
| | Joe Wilson | George Bendler, Director |
| | Pam Robertson | Karen Gordy, Zoning Administrator |
| | Janet Hough | Bill Neville, City Planner |
| | Joel Brous | Chase Phillips, Zoning Analyst |
| | Mike Quade | Spencer Cropper, Town Attorney |
| | Palmer Gillis | |
| | Kevin Rohe | |

This Planning Commission meeting took place at 6:30 p.m. at City Hall located at 301 Baltimore Avenue, in the Town of Ocean City, Maryland.

**6:30 p.m.**

## I. Administrative Matters

The Planning Commission reviewed the minutes from the November 19, 2024, meeting.

Ms. Pam Robertson stated that she feels that a revision was needed. Specifically, she mentioned that two members of the public in support of short-term rental regulations were not fully in support as they did not believe the regulations went far enough. Mr. Bendler confirmed that staff can revise this and bring them back at the next meeting for review. No action was taken during this meeting to approve the minutes.

## II. Commission Deliberations

To consider amending Chapter 14, entitled Business, Article II, entitled Licensed Occupations, Section 14-38, entitled Suspension And Revocation; and Article V, entitled Rental Housing, Section 14-173, entitled Enforcement; Section 14-174, entitled License; Inspection Of Premises; Records; Section 14-175, entitled Violation; Section 14-176, entitled Enforcement; and Section 14-177, entitled Premises for Habitation/Rental Housing Units in R-1 Single Family Residential District; to add a length of stay requirement in the R-1 and MH zones; to add a maximum occupancy limit in the R-1 and MH zones; to add provisions to the enforcement process; to amend the requirement for a local agent for all rental

properties; to address advertising and room conversion issues and other amendments;

And to consider amending Chapter 110, entitled Zoning, Article I, entitled In General, Section 110-2, entitled Definitions, of the Code of the Town of Ocean City, Maryland., to amend the definitions of family.

**APPLICANT: PLANNING AND ZONING COMMISSION (PZ FILE #24-14100008)**

Mr. George Bendler reintroduced the above-mentioned drafted ordinance and application to amend and establish regulations regarding short-term rentals in the R-1 Single Family Zoning District and the MH Mobile Home Residential Zoning District. This meeting is based upon the public hearing that took place on November 19, 2024. He summarized how the 2017 Comprehensive Plan contains principles that guide how, why, and if the town should consider these types of regulations. Mr. Bendler then took a step-by-step approach to having the Commission review each component of the ordinance. This summary is as follows:

Suspension and Revocation:
Mr. Wilson stated that he supports ways for increased accountability.
The Commission had no recommended changes.

Hearings:
The Commission had no recommended changes.

Licensing Requirement for a Local Agent:
Ms. Hough specified that is important to note that, as drafted, this local agent does not need to be a hired or contracted individual. Mr. Brous considered having the term “agent” be amended. Mr. Gillis found that owner-occupied units are not mentioned, but they could be listed. Mr. Brous stated that he sees the 60-minute radius to be fair.

The Commission was in overall consensus that the term “local agent” could be amended to better reflect the intended purpose of simply having any responsible party be readily available to address incidents that could occur in a rental.

Records:
It was previously recommended that habitable attics be included in this section. Mr. Bendler stated that this would be added.

*As a separate point, clarification was made regarding the advertising and occupancy limit. Mr. Bendler stated that the requirement to have occupancy limited to the number of bedrooms approved under a construction permit would be town-wide. Mr. Wilson stated that he believes this could create an influx of issues.*

Violations:
Mr. Wilson stated that he believes the basis or metric should be something more than only a call for service. Something should legitimately be occurring on site for this to be considered a violation. Mr. Bendler stated that the owner of the property needs to be notified and there must be actionable items that occurred from the

enforcement officer coming to the site. This should minimize how calls for service could be abused.

Minimum Night Stay:
Ms. Robertson stated she is concerned that it is an unreasonable request if it cannot be enforced. If it was a longer minimum than 5 days, it may be more practical. Mr. Gillis stated that he believes the MH District should not be subject to this section; however, the minimum in the R-1 District should be at least 30 days. Mr. Brous was in agreement that the MH District should be deleted from this section. He would be in favor of eliminating short-term rentals in the R-1 District. Mr. Wilson was not in favor of any minimum night stay requirement in the R-1 District as he believes times have changed and that this would create a substantial impact to people who have already purchased homes with the intention of renting them on a short-term basis.

Mr. Rohe stated that land within the R-1 District only makes up about 3% of the total land in town and that he would like to see the Comprehensive Plan be followed which establishes the objectives of protecting the livability of the R-1 neighborhoods. Ms. Hough stated she was in favor of following the Comprehensive Plan which aims to protect single-family neighborhoods. She also proposed a sunset provision for existing licensees operating within the R-1 District. Mr. Gillis also supported this sunset provision. Mr. Quade stated he supports protecting the R-1 District's quality of life.

Mr. Harmon, Deputy City Manager, clarified that the definition of a short-term rental is 30 days and under.

The majority of the Commission was in favor of (1) deleting the MH District from the minimum night stay clause (2) establishing a minimum night stay of 31 days or more in the R-1 District (3) allowing no new short-term rental licenses in the future should this ordinance be passed by the Mayor and Council; and (4) creating a sunset provision that would allow currently active short-term rental licenses to continue to be valid for a certain number of years and for them to be discontinued if the property is sold into different ownership.

Occupancy:
Ms. Robertson says she supports this change because of larger homes. Mr. Brous stated that he believes the age exclusion should be increased to 12 years and younger. Ms. Hough and Mr. Quade supported the change to occupancy limits. Mr. Wilson expressed disapproval of the change because a flat rate of 2 persons per room could unfairly limit the reasonable use of a larger home. Mr. Rohe supported the change because of parking challenges in certain neighborhoods. Mr. Harmon

explained how the age of 10 years was originally chosen and how it would be implemented with police officers or a code enforcement officer.

Single-Family Definition:
The Commission did not recommend any changes.

## III. Staff Comments

Mr. Bendler stated the next meeting would be December 17, 2024. It will start at 6:30 p.m. and any public hearings would begin at 7:00 p.m.

## IV. Public Comment

Mr. Robert Knauer presented comments regarding the 2017 Comprehensive Plan and how updates regarding short-term rentals would be incorporated into this plan. He asked for the status of this plan update and expressed his concerns with how the current plan is being referred to so much with the consideration of the short-term rental ordinance that the Commission recently acted upon. He stated be believes that these short-term rental restrictions are not welcoming to second home owners who wish to rent out their home and that new data regarding rentals and tourism industry should be examined.

Ms. Linda Tucker thanked the Commission for holding the public hearing and listening carefully to everyone's concerns.

## V. Adjournment

Chairman Wilson entertained a motion to adjourn.

**Motion/** Pam Robertson **Second/** to adjourn and close the December 3, 2024, meeting. This motion passed unanimously (7-0).

**Approval of Minutes**

_____
Joseph B. Wilson, Chairperson

_____
Janet Hough, Secretary

_____
Date

## Kay Gordy

**From:** Kay Gordy
**Sent:** Tuesday, December 3, 2024 10:30 AM
**To:** 'Niko Dhima'
**Subject:** RE: 209 St Louis Ave - New Townhomes Project - Active Site Plan Extension

Thank you, Niko. I will place it on the agenda for 12/17/2024. Just come ready to explain the status and why asking for extension.


*Kay Gordy*

**Karen J. (Kay) Gordy**
ZONING ADMINISTRATOR
Planning & Community Development
TOWN OF OCEAN CITY, MARYLAND

Office: **410.289.8944** KGordy@oceancitymd.gov

301 BALTIMORE AVENUE, OCEAN CITY, MARYLAND 21842


## Online Links

- Bill Pay
- Browse the Town's Website
- Download a Form
- Research Permits and Plans
- The Map Room
- Ocean City
- ...Someplace to Smile About!

**From:** Niko Dhima <dhimashouse@yahoo.com>
**Sent:** Tuesday, December 3, 2024 10:09 AM
**To:** Kay Gordy <KGordy@oceancitymd.gov>
**Subject:** 209 St Louis Ave - New Townhomes Project - Active Site Plan Extension

Hello Kay,

We would like to ask you to put us on the December 17, 2024, Planning and Zoning Commission agenda for granting an extension to our active site plan, PZ File#23-18100006, which will expire on December 6, 2024.

Thank you,


**Niko V. Dhima**
CEO & Founder
NVD Building Company
Mobile: 202-734-0794

LAW OFFICES

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November 15, 2024

Ms. Kay Gordy, Zoning Administrator
Town of Ocean City
301 Baltimore Avenue
Ocean City, Maryland 21842

Dear Ms. Gordy:

On behalf of MHROC Property Owner, LLC, pursuant to Section 110-52(c)(2), I would like to request an eighteen (18) month extension of the Site Plan Approval described in the letter attached hereto.

If you need a more formal application, or an application fee, please let me know.

We are not proposing any changes to the Site Plan Approval; just an extension of exactly what was granted previously.

Thank you and have a great day.

Very truly yours,

Hugh Cropper IV

HC/tgb
Enclosure
CC: MHROC Property Owner, LLC
Attn: Kevin Snelbaker
Drew Kipnis, Esquire

# STAFF REPORT

**DATE:** **December 17, 2024**

**TO:** **Planning & Zoning Commission**

**FROM:** **George M. Bendler, AICP, Planning & Community Development Director**
**Karen J. Gordy (Kay), Zoning Administrator** KJG
**Chase M. Phillips, Zoning Analyst**

**RE:** **Site Plan Review of formal revisions to site plan first approved as PZ-1895 from year 2004 and any minor revisions since that date. These revisions will consist of adding a play feature-boardwalk, adding restrooms and retail, adding food concession, renovating service bar, demolishing existing house, demolishing deli building, and adding and reconfiguring parking. The site of this application is described as Lots 1-5 and Lots 11-28, Block 120, Oceanbay City Plat; further described as located on the west side of Coastal Highway, between 63rd and 64th Street; and known locally as 105 64th Street (master address), Dead Freddie's Island Grill with associated accessory structures and parking, in the Town of Ocean City, Maryland. (PZ FILE #24-18100017)**

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**Applicant:** OC Land Holdings, LLC
c/o Stephen Carullo
105 64th Street
Ocean City MD 21842

**Request:** The applicant is requesting site plan review and approval to revise original site plan described above, by adding a play feature-boardwalk, restrooms and retail, food concession, renovating service bar, demolishing existing house and deli building, and adding and reconfiguring parking spaces.

**Location:** The site of this application is described as Lots 1-5 and Lots 11-28, Block 120, Oceanbay City Plat; further described as located on the west side of Coastal Highway, between 63rd and 64th Street; and known locally as 105 64th Street (master address), Dead Freddie's Island Grill with associated accessory structures and parking, in the Town of Ocean City, Maryland. (Staff Exhibit #1 – Zoning map, Google Earth aerial view, street views and Staff Exhibit #2 - GIS project scan)

**Zoning District:** LC-1 Local Commercial Zoning District

**Relevant Code References**

**Ocean City Code**
**Chapter 110 - Zoning Regulations:**

**Article II. Administration and Enforcement.**
**Division 8. Site Plan Review** (Applicant Exhibit #1 – site plan & construction drawings)
**Section 110-181(b)-(h)** The Planning Commission shall consider and impose requirements where deemed appropriate with respect to these code sections (Staff Exhibit #3)

**Section 110-182 Planning Commission approval required for certain uses.** Site plans for the following major uses shall be subject to review by the Planning Commission:

(1) Subdivided two-family dwellings and townhouses.
(2) Multiple family dwellings containing three of more dwelling units or forming a part of a multiple-family development of two or more buildings.
(3) Mobile home parks and mobile home subdivisions.
(4) Roominghouses, boardinghouses and lodginghouses.
(5) Hotels and motels.
(6) Private clubs.
(7) Churches, temples and synagogues.
(8) Commercial parking lots and garages.
(9) All business buildings, commercial buildings or industrial buildings, except minor exemptions set forth in subsection 110-184(b).

**Article III. Zoning Districts Established.**
**Division 10. LC-1 Local Commercial Zoning District**
**Section 110-512. Permitted uses.**

A building or land in the LC-1 local commercial district shall be used only for the following purposes…

(1) Any use permitted in the R-3 general residential district …
…
…
j. Restaurants, cocktail lounges, taverns or nightclubs, including outdoor café dining.
…

**Proposed Use:** 11,172 square foot restaurant with amenities listed in the description including existing onsite employee housing, and 10,696 square feet of outdoor dining. The net increase is 762 enclosed gross square feet. Demolition of existing residential structure at the western end of 63rd Street and demolition of the existing former Rosenfeld's Deli at

the corner of 63rd Street and Coastal Highway, creating more parking for a total of 112 proposed parking spaces.

**Section 110-516. Bulk regulations.** Bulk regulations are as follows except as otherwise provided in article V, division 2, of this chapter:

…

(4) Minimum depth of front yard: Ten feet

(5) Minimum width of each side yard:

…

b. Other buildings:

1. Five feet for one-, two- or three-story buildings.

…

(6) Minimum depth of rear yard:

…

b. Other buildings: Ten feet except there shall be a rear yard not less than 25 feet in depth on the rear side of a lot adjoining an R-1 single family residential district.

(7) Maximum building height: Shall be no more than 50 feet and shall be no more than five stories.

**Section 110-517 – Off-street parking spaces.** Off-street parking spaces shall be provided in accordance with the provisions contained in article V, division 3 (below) of this chapter unless otherwise modified in district regulations.

**Section 110-518. – Signs.** Signs shall be permitted and maintained in accordance with the provisions contained in section 110-880.

**Section 110-519. Landscaping.** Landscaping shall be provided in accordance with the provisions contained in section 110-881.

…

**Article V. Supplemental Regulations.**

**Division 3. Off-Street Parking.**

**Section 110-932 Minimum number of spaces.**

(a) In every district, space for off-street parking of vehicles on the premises shall be provided in accordance with the requirements of this division except as otherwise modified.

(b) The spaces required per basic measuring unit for each use or use category shall be as indicated below, with such additional requirements as may be noted:

…

(20) Restaurants, fast food restaurant, cocktail lounge, tavern or nightclub or other establishments for the

consumption of food or beverages on or off the premises: One space per 100 square feet of gross floor area, minimum of 5 spaces, with the following modifications:

a. The area of outdoor dining (unenclosed) is exempt from parking requirements up to an area equal to the enclosed gross floor area and thereafter is required one space per 200 square feet of unenclosed outdoor dining area in excess of the enclosed gross floor area.

b. The exemption applies only if a roofed over area remains at least 51 percent open on all sides with no enclosure of any kind…

| | | |
|---|---|---|
| **Parking Required Existing:** | Restaurant 8,950 enclosed gsf/1 per 100: | 90 spaces |
| | Existing office 1,460 enclosed gsf/1 per 300 | 5 spaces |
| | **Total** | **95 spaces** |

| | | |
|---|---|---|
| **Parking Required New:** | Existing restaurant & office | 95 spaces |
| | New annex 595 enclosed gsf/1 per 100 | 6 spaces |
| | Concession Stand 167 enclosed gsf/1 per 100 | 2 spaces |
| | **Total** | **103 spaces** |

| | | |
|---|---|---|
| **Proposed Parking:** | Existing spaces | 89 spaces |
| | New spaces in existing lot | 6 spaces |
| | New spaces in removed deli area | 17 spaces |
| | **Total** | **112 spaces** |

**9 extra parking spaces to be provided with this site plan**

In addition – factoring in the onsite employee housing, it is a use onsite, but not part of this application. The multiple-family dwelling on 63rd Street has (2) 3-bedroom units and (1) 6-bedroom unit which requires 8 parking spaces and provides 19 parking spaces on that lot, 10 which are paved and 9 which are not. The 10 paved parking spaces take care of the 8 required parking spaces, will an overage of 2 paved parking spaces and 9 unpaved spaces. (Staff Exhibit #1 and #2)

**Compliance with Environmental Regulations – Staff Exhibit #4 Jenelle Gerthoffer, Environmental Programs**

**COMPREHENSIVE PLAN**

**Chapter 2 – Economic Development**

2.2 Support bayside marine and natural area recreational use for expanded tourist activities in locations with adequate facilities and where residential neighborhoods are protected from adverse impacts.

2.18 Encourage and promote quality restaurants with a broad range of cuisines.

**Staff Recommendation**
Planning & Community Development staff recommends approval of the site plan as presented in accordance with the following zoning and standard conditions, with all governmental regulations to achieve a maximum code compliant project, and also **in addition to any items the Planning Commission may add following their review.**

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**STANDARD RECOMMENDATIONS FOR SITE/SUBDIVISION PLANS**
Revised 12/17/2018

1. Design Guidelines, per Section 110-181, apply to all of the corporate limits of the Town of Ocean City.

2. Trash refuse containers shall comply with the minimum standards set forth in Chapter 70 subject to Solid Waste Department approval. All exterior garbage or rubbish containers shall be screened from the street on all but one side by an opaque fence, landscaping, an earth berm or other suitable opaque enclosure. The average height of the enclosure shall be one foot more than the height of the container but shall not be required to exceed eight feet in height.

3. This project is subject to the provisions of the Atlantic Coastal Bays Critical Area Protection Act and shall comply with all regulations pertaining to stormwater management, Chapter 30, Environment, Article III Stormwater Management, and all landscape shall be installed in accordance with Chapter 30, Article VII, prior to the issuance of a building permit.

4. All construction and/or repairs of curb cuts, sidewalks and streets and/or street amenities shall be approved by the Department of Engineering and shall be installed in accordance with the specifications and standards of that department. Any existing curb cuts that are being abandoned must be removed and replaced with a sidewalk subject to city specifications.

5. Curb cuts located on the State highway are subject to review and approval by the State Highway Administration based on proposed ingress and egress to the project.

6. It is the policy of the Planning Commission to require 8' wide sidewalks on all public streets adjoining the project. Pervious pavers may be considered to meet this need subject to specifications set forth by the Engineering Department.

7. All vehicular use areas shall maintain headroom clearance of seven (7) feet, clear of all obstructions including utilities and lighting fixtures. All supporting columns within the vehicular use areas shall not encroach into any minimum parking space.

8. All loading zones and service areas shall maintain a minimum headroom clearance of fourteen (14) feet, clear of all obstructions including utilities and lighting fixtures.

9. The parking lot shall be paved in accordance with Chapter 74 of the Town Code.

10. The location of transformer/generators shall be subject to the approval of Delmarva Power and the Zoning Administrator. The generators shall be subject to the noise regulations set forth in Chapter 30, Article V.

11. Location and/or relocation of fire hydrants shall be subject to the approval of the Water Department and the Fire Marshal.

12. Location, height, type, and direction of lighting designed per Section 110-876(h) Lighting Requirements, including at a minimum a photometric plan to illuminate site and off-street parking areas expressed in foot candles throughout the property. Light fixtures shall be fitted with necessary shielding to prevent glare across the property lines.

13. Provide survey verifying wetland boundary lines by Dept. of Natural Resources and Army Corps of Engineers including other property lines prior to issuance of a building permit.

14. It is required that the owner provides a location survey verifying compliance with minimum setbacks when the building foundation is completed above grade.

15. The project is subject to impact fees adopted by the Mayor and City Council.

    a. Infrastructure impact fees are as follows: One-half amount due at application for building permit; remainder due prior to issuance of building permit.

    b. Water and sewer impact fees are due as follows: One-half amount at building permit issuance; the remainder at certificate of occupancy.

16. All site plan approvals are subject to building code, fire code and all other applicable governmental regulations.

17. All work shall be completed as shown on the approved site plan and any revisions to the approved site plan shall be in accordance with Section 110-184.

18. All parcels shall be deed consolidated as per Section 110-874.

19. Site plan approval shall expire eighteen (18) months after the date of approval unless a building permit for the project is obtained prior thereto pursuant to Section 110-52(c)(2). Minor site plan revisions will require additional review fees with the building permit when applicable.

Ocean City Zoning Districts

Designates structures to be demolished

**Staff Exhibit #1 pg. 2 - looking southwest from above 65th Street**

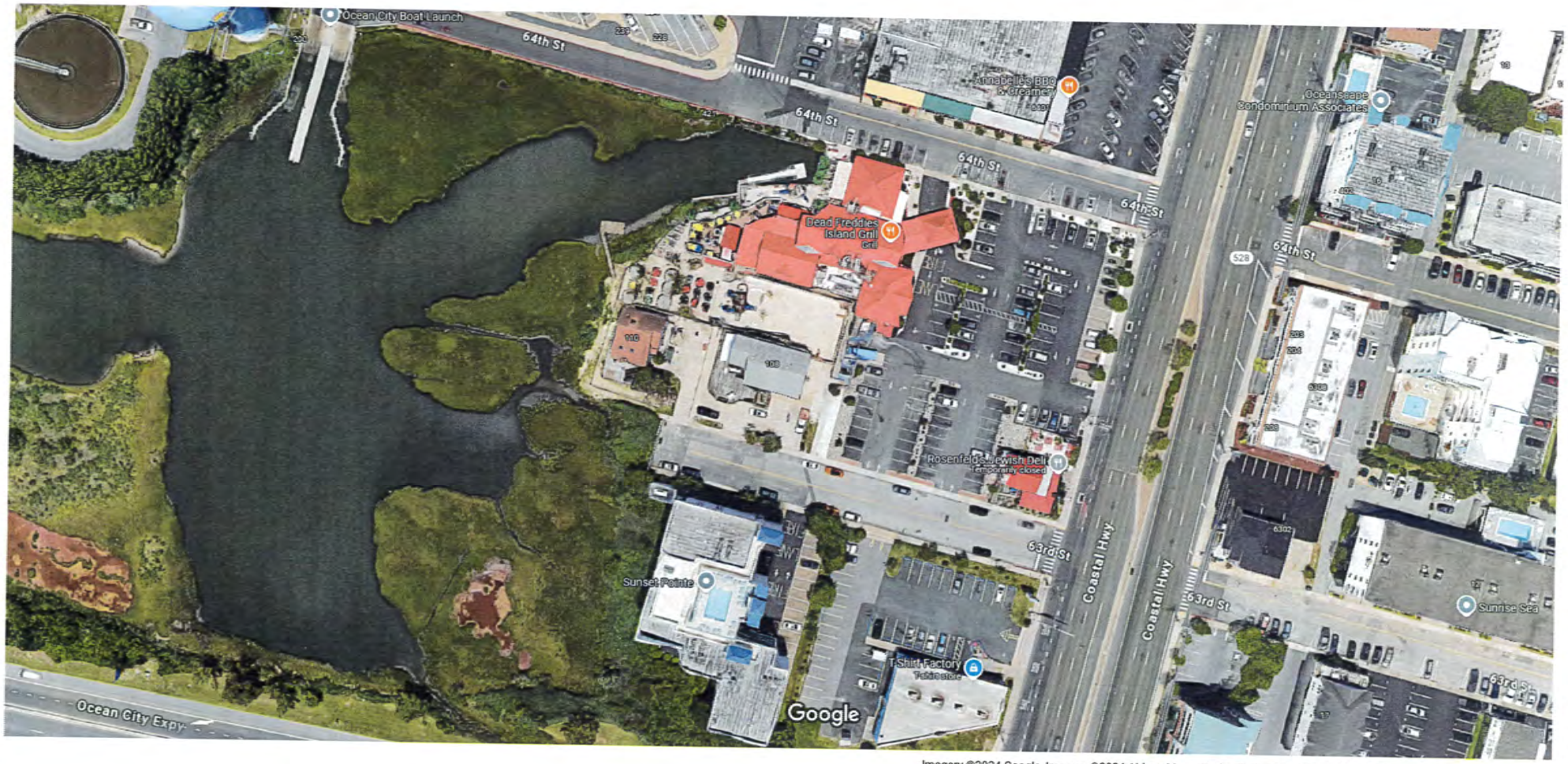
Google Maps 105 64th St

Imagery ©2024 Google, Imagery ©2024 Airbus, Maxar Technologies, Map data ©2024 50 ft

**Staff Exhibit #1 pg. 3 - almost directly above, facing slightly northwest**

Google Maps

105 64th St




Imagery ©2024 Google, Imagery ©2024 Airbus, Maxar Technologies, Map data ©2024 Google 50 ft

**Staff Exhibit #1 pg. 4 - Former Rosenfeld's Deli at the southwest corner of 63rd Street & Coastal Highway, Dead Freddie's in background**

Google Maps

6345 MD-528

Ocean City, Maryland

Google Street View

Aug 2023 See more dates

Image capture: Aug 2023 © 2024 Google

**Staff Exhibit #1 pg. 5 - looking northwest from end of 63rd Street - showing cream sided house to be demolished**

Google Maps

198 63rd St

Ocean City, Maryland

Google Street View

Oct 2019 See more dates

Image capture: Oct 2019 © 2024 Google

**Staff Exhibit #1 pg. 6 - looking directly north from 63rd Street showing gray structure that is existing employee housing with restaurant in background**

Google Maps

105 63rd St

Image capture: Oct 2019 © 2024 Google

Staff Exhibit #1 pg. 7 - looking south from 64th Street

Google Maps

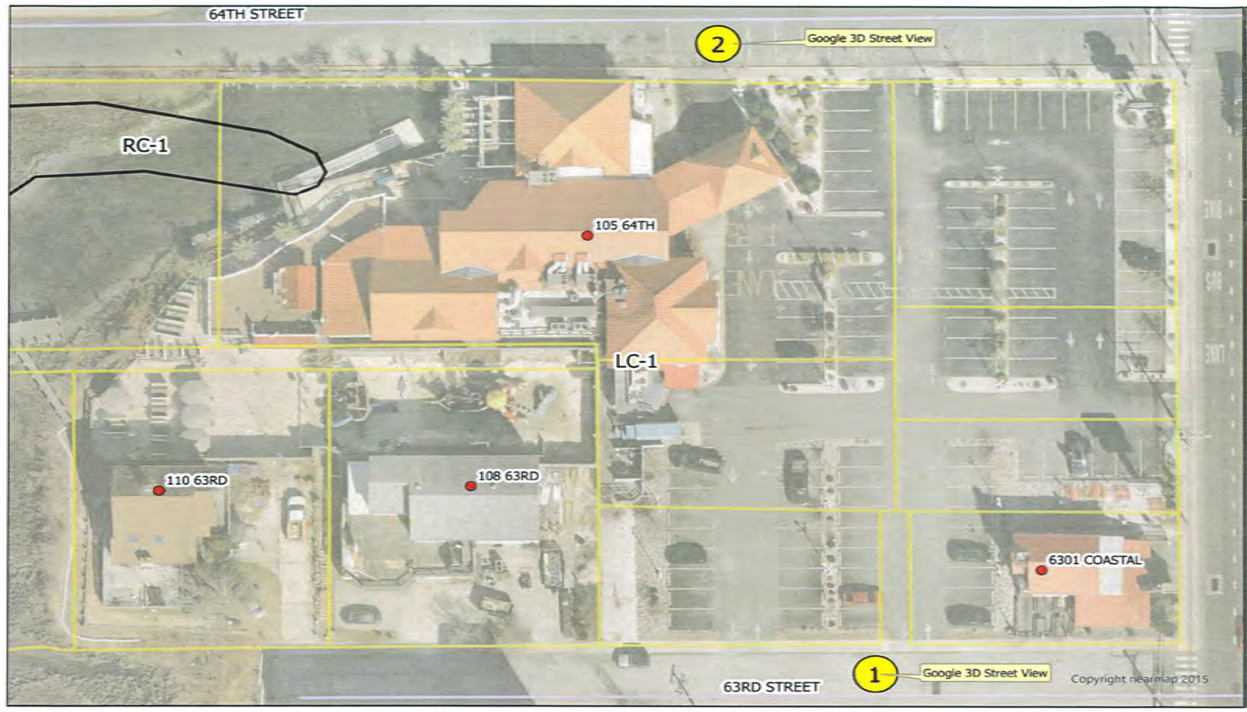
104 64th St

Image capture: Aug 2023 © 2024 Google

**Staff Exhibit #1 pg. 8 - looking west from corner of 64th Street & Coastal Highway**

Google Maps 6399 MD-528

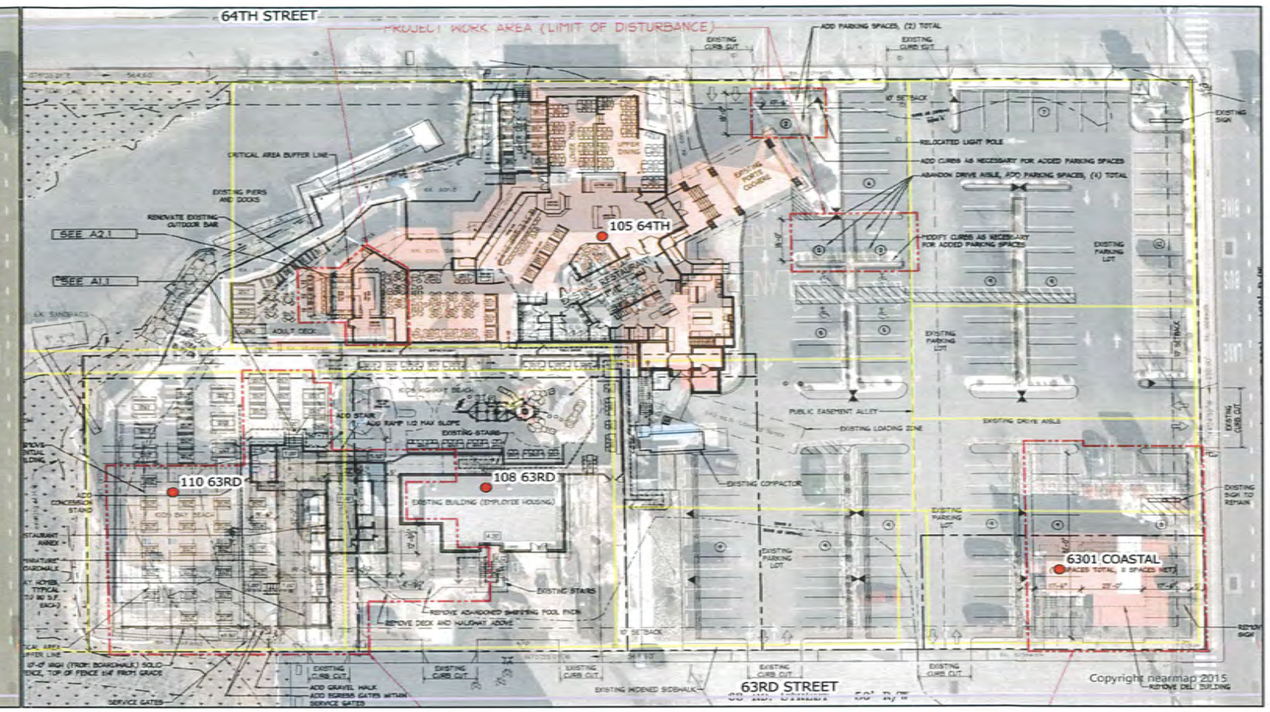
Image capture: Aug 2023 © 2024 Google




Legend

**Dead Freddie's**
**(Address & Zoning Overview)**

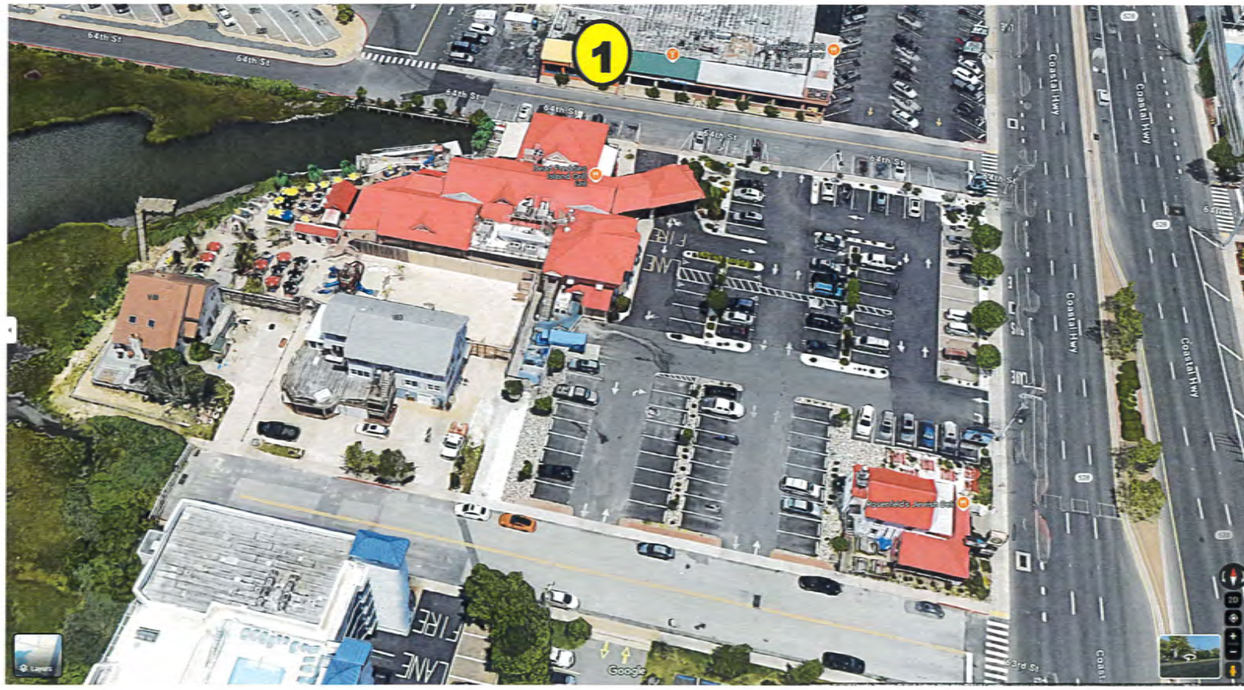
October 29th, 2024

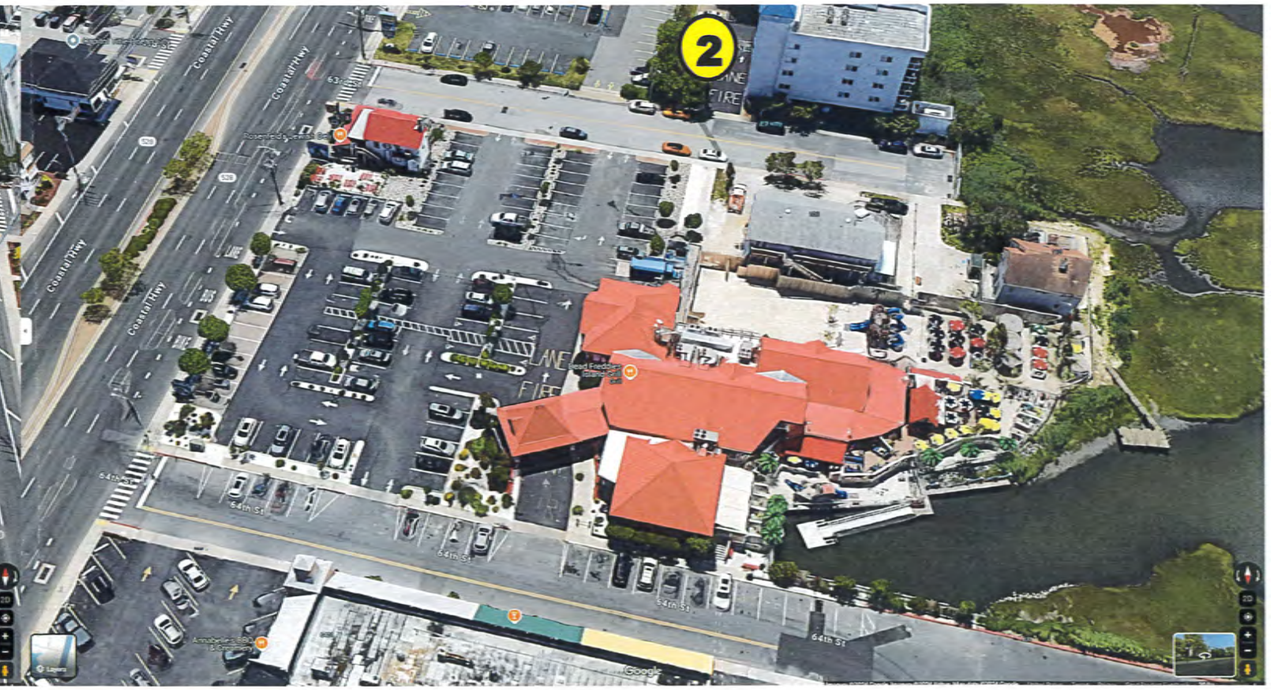



Legend

**Dead Freddie's**
**(Project Overview)**

October 29th, 2024




Staff Exhibit #2

# Dead Freddie's

**Division 8. – Site Plan Review**

**Section 110-181. – Application.**

(a) No building permit shall be issued for any work in connection with a use or structure until a site plan has been reviewed and approved for such use or structure. The site plan shall be reviewed for compliance with Ocean City's comprehensive plan, this division and other applicable regulations. The planning commission may require changes to site plans requiring its approval or attach conditions or restrictions when such changes, conditions or restrictions coordinate the proposed development with surrounding properties or improve the protection of the public's health, safety and general welfare.

(b) In reviewing a site plan, the planning commission shall consider and impose requirements where deemed appropriate with respect to the following:

(1) Vehicular traffic flow, both on site and off site.
(2) Access to structures.
(3) Access to public streets.
(4) Pedestrian movement.
(5) Fire equipment and emergency access.
(6) Refuse removal.
(7) Landscaping and maintenance of natural beauty.
(8) Drainage flow and structures.
(9) Signage.
(10) Lighting.
(11) Screening for certain uses.
(12) Height of buildings.
(13) Utilities and community facilities.
(14) Impact on surrounding properties.
(15) Comments and recommendations received from the Ocean City Development Corporation on site plans in the B-1, I-1, DM, DR, and M-1 districts.

(c) Design guidelines.

(1) These guidelines do not constitute absolute rules and regulations. They are meant to convey to the developer and design professional the town's desire for quality appearance and to set forth the design elements that should be addressed during the site plan review process. These design guidelines are meant to implement the comprehensive plan to Ocean City. They apply to all of the corporate limits of the Town of Ocean City except those areas subject to the downtown design overlay zone and the upper downtown design overlay zone and those properties being improved as a single-family dwelling. The design guidelines address only the architectural design and appearance of buildings. Other regulations concerning permitted uses, density, bulk, parking, landscaping, signs, etc., shall supersede when inconsistencies may arise.

(2) The application of these guidelines is but one part of the site plan review process. The applicant for site plan approval should submit adequate plans and elevations to illustrate and explain to the planning commission how the intent and purpose of these

guidelines are being addressed. The planning commission shall consider the design and its relation to the guidelines as part of its site plan review duties.

(3) Design elements to be considered. The following design elements should be considered by the applicant for site plan approval:

(a) Neighborhood sensitivity.

(i) In a neighborhood where visual character is clearly defined, that character should be respected. Elements that establish character include:

A. Building height.
B. Architectural style.
C. Roof style.
D. Architectural massing.
E. Finish materials, ornamentation and detail.
F. Landscaping.
G. Windows and doors.
H. Siding materials.

(ii) In a neighborhood that does not reflect a clear visual character, the designer may have the opportunity to set the standard for future development.

(b) Siting and location of the building on the site.

(i) *Setbacks.* Underlying zoning will control setbacks in most cases. In instances where existing setbacks (especially streetside setbacks) differ from those permitted by zoning, the existing pattern should be followed as closely as possible.

(ii) *Corners.* Corner lots are particularly important to the visual character of a neighborhood. The same level of interesting architectural treatment (windows, projections, ornamentation, etc.) should be given to all street sides.

(iii) *Shadows.* Attention should be paid to the impacts of shadows cast by a new building on existing neighbors. Orientation and stepped-back upper stories can be used to minimize shadows.

(iv) *Building and lot orientation.* New buildings and lots should be oriented similar to the existing nearby development. The relationship of buildings to buildings and buildings to streets should be consistent.

(v) *Parking.* When possible, parking should be located within or to the rear of the building. When parking is located between a street and building, it should be screened from view by landscaping and/or fencing.

(vi) *Garages.* Ideally, garages should not open to the front or streetside. When they must, architectural practices such as recessing the garage or the imaginative use of color or trim should deemphasize the garage.

(vii) *Mechanical systems, dumpsters and other refuse collection items.* Mechanical systems, dumpsters

and other refuse collection items should be hidden or screened from view.

(c) Architectural envelope.

(i) *Orientation.* Building orientation should reflect that of the neighboring properties. For example, where the predominant pattern in a block is gable ends of buildings oriented perpendicular to the street, infill development should be so oriented.

(ii) *Roofs.* Infill development and rebuilds should have roof styles, pitches and architectural details that are complementary to the existing neighboring development.

(iii) *Massing and proportions.* Massing and proportion of established nearby buildings should be reflected in new development. Massing relates to the overall bulk and size of a building. Proportion has to do with how the parts or elements of a building relate to each other. When similar massing is not possible to achieve, the building facade can be broken into smaller elements creating an illusion of a smaller building more in scale with its neighbors.

(d) Openings.

(i) *Entryways.* The principal entry into a building should be apparent and easily identified. It should most often be placed on the front facade. When possible, the height of the entry should reflect that of its neighbors. Ground-level entries in a block of raised entries could disrupt visual continuity. Stairs to a principal entry should be interesting from the street. They could be wide, include planters, intermediate landings, decorative banisters, and lighting.

(ii) *Windows.* The proportion, size, and detailing of windows should relate to that of neighboring buildings. The ratio of window openings to solid wall should be appropriate. Careful arrangement, placement, proportioning and detailing of windows and trim can add interest, balance and order to the exterior facade. When possible, window placement should respect the privacy of neighboring buildings.

(iii) *Porches.* Porches are encouraged in locations where they have traditionally been part of the streetscape.

(e) Finishes and materials.

(i) The choice and mix of finishes and materials is important in providing an attractive streetscape environment. Exterior finishes and materials should be consistent and compatible with those existing in the neighborhood.

(ii) The choice of materials can help express the proportions and massing of a building. Different materials can help define different parts of the building such as the base or an entry.

(iii) Ornamentation. Structures should have finished architectural facade treatment on all sides visible from a public way or adjoining property. Long facades should incorporate recesses and projections to break up the facade. Architectural interest can be added to large structures by introducing the use of a repeating pattern of change in color, texture and material modules at regular intervals. Ornamentation should be consistent with the predominant style of the neighborhood.

(f) Roof detail.

(i) Pitched and gabled roofs are encouraged. When this is not practical, false gables and mansards can achieve a similar appearance.

(ii) Mechanical fixtures on roofs should be hidden from view.

(iii) For larger structures, variation in rooflines should be incorporated to reduce the scale and add visual interest.

(iv) Elements such as dormers, eaves, and secondary roof elements over bay windows and porches are encouraged to reduce the impact of large roof areas.

(g) Color. Color schemes should be compatible with the existing structures in the neighborhood. Facades should use subtle or neutral colors with accent applied to trim elements. More vibrant colors should be used sparingly and with discretion.

(h) Additions should pay careful attention to the architectural style of the existing structure so as not to dramatically change the appearance of the structure and the character of the neighborhood.

(i) The scale and mass of the addition should be in keeping with the original structure.

(ii) Additions should only be constructed on the side or rear of the original building so as not to disrupt the established setback.

(iii) The roof of an addition should match or complement the design of the original structure.

(iv) Architectural elements such as windows should respect the prevailing geometry of the original structure.

(v) Materials used in the addition should be consistent with the original structure.

(Code 1999, § 110-181; Ord. No. 1993-1, § 105-37.1, 1-19-1993; Ord. No. 2002-28, 11-18-2002; Ord. No. 2012-3, 2-6-2012)

Staff Exhibit #4

## Kay Gordy

**From:** Jenelle E. Gerthoffer
**Sent:** Thursday, December 12, 2024 1:10 PM
**To:** Kay Gordy
**Subject:** RE: Post TRC plans final review by 12/9 COB - Freddie's Family Fun Zone 105 64th Street

Kay,

In reference to the proposed site plan associated with Dead Freddie's, the newly proposed picnic tables and sand coverage within the Buffer Management Area located at the south west side of the project do not pose an issue for Environmental. This area will actually have a reduction in lot coverage and increase in plantings, both a win for Environmental.

Jenelle E. Gerthoffer
Environmental Programs
Town of Ocean City
301 N Baltimore Avenue
Ocean City, Md. 21842
(410) 289-8825

**From:** Kay Gordy <KGordy@oceancitymd.gov>
**Sent:** Friday, December 6, 2024 10:34 AM
**To:** Annamarie Rohrer <ARohrer@oceancitymd.gov>; Ashley Stevens <astevens@oceancitymd.gov>; Bill Neville <BNeville@oceancitymd.gov>; Brian Connor <BConnor@oceancitymd.gov>; Brian Scarborough <BScarborough@oceancitymd.gov>; Chase M. Phillips <CMPhillips@oceancitymd.gov>; Chris Burkey <CBurkey@oceancitymd.gov>; Chris Comer <chris_comer@cable.comcast.com>; Christopher Fedor <Christopher.Fedor@exeloncorp.com>; David Dorr <david.s.dorr@verizon.com>; Edwin Cade III <Edwin.Cade@delmarva.com>; Elton Harmon <EHarmon@oceancitymd.gov>; Elwood Vickers <Woody@oceancitymd.gov>; Faith Doyle <FDoyle@oceancitymd.gov>; George Bendler <GBendler@oceancitymd.gov>; Greg Dale <GDale@oceancitymd.gov>; Hal Adkins <HAdkins@oceancitymd.gov>; James Baker <JBaker@oceancitymd.gov>; Jeffrey Fritts <jfritts@mdot.maryland.gov>; Jenelle E. Gerthoffer <JGerthoffer@oceancitymd.gov>; Jeremy N. Brown <JBrown@oceancitymd.gov>; Jim Jarman <Jim_Jarman@cable.comcast.com>; Joe Kurtz <JKurtz@oceancitymd.gov>; Joe Sexauer <JSexauer@oceancitymd.gov>; Joshua Bunting <JBunting@oceancitymd.gov>; Kay Gordy <KGordy@oceancitymd.gov>; Mark Gillis <mgillis@mdot.maryland.gov>; Michael Brannagan <MBrannagan@oceancitymd.gov>; Michael Parks <MParks@oceancitymd.gov>; Michael VonBank <MVonbank@oceancitymd.gov>; Putra Suwito <putra.suwito@exeloncorp.com>; Randy Bradford <RBradford@oceancitymd.gov>; Robert Morand <RMorand@oceancitymd.gov>; Shawn Nave <SNave@oceancitymd.gov>; Susan Petito <SPetito@oceancitymd.gov>; Terry McGean <TMcgean@oceancitymd.gov>; Zack Bankert <zach@ocdc.org>
**Subject:** Post TRC plans final review by 12/9 COB - Freddie's Family Fun Zone 105 64th Street

## PROJECT INFORMATION

See Civil Drawings sheet G-001

## PLUMBING FIXTURES

Public facilites: Total seating for 800 persons (400 male/400 female)

| | Water Closets | Urinals | Lavatories |
|---|---|---|---|
| Required: | 9 (1 per 75 M/F) | 3 (sub. for M/WC) | 4 (1 per 200) |
| Existing at Restaurant: | 7 | 4 | 6 |
| Added at Annex: | 3 | 0 | 3 |
| Total Proposed: (conforms) | 10 | 4 | 9 |

| Occupant Load | | | |
|---|---|---|---|
| Indoor Seating | | | |
| Seating Location | Dining Seats | Bar Stools | Combined Dining/Bar |
| Upper Dining | 64 | | |
| Lower Dining | 52 | | |
| Cabana | 16 | | |
| Inside Bar | 16 | 12 | |
| Sports Lounge | 84 | | |
| Covered Bar | 12 | 14 | |
| | | | |
| Sub-Total | 244 | 26 | 270 |
| Outdoor Seating | | | |
| Seating Location | Dining Seats | Bar Stools | Combined Dining/Bar |
| Adult Deck | 66 | 12 | |
| Lower Deck | 44 | | |
| Kids Pirate Beach | 144 | | |
| Kids Bay Beach | 264 | | |
| | | | |
| Sub-Total | 518 | 12 | 530 |
| | | | |
| Total | | | |
| | | | 800 |

## BUILDING CODE

Building classification: A-2 Restaurant (Existing, Proposed Annex, Proposed Concession Stand)
R-2 Employee Housing (Existing)

Type of Construction: V-B

Fire Protection: Restaurant, existing fully sprinkler protected according to NFPA 13
Employee Housing, existing fully sprinkler protected according to NFPA 13R
Restaurant Annex, proposed non-sprinkler protected
Concession Stand, proposed non-sprinkler protected

## PROJECT NOTES

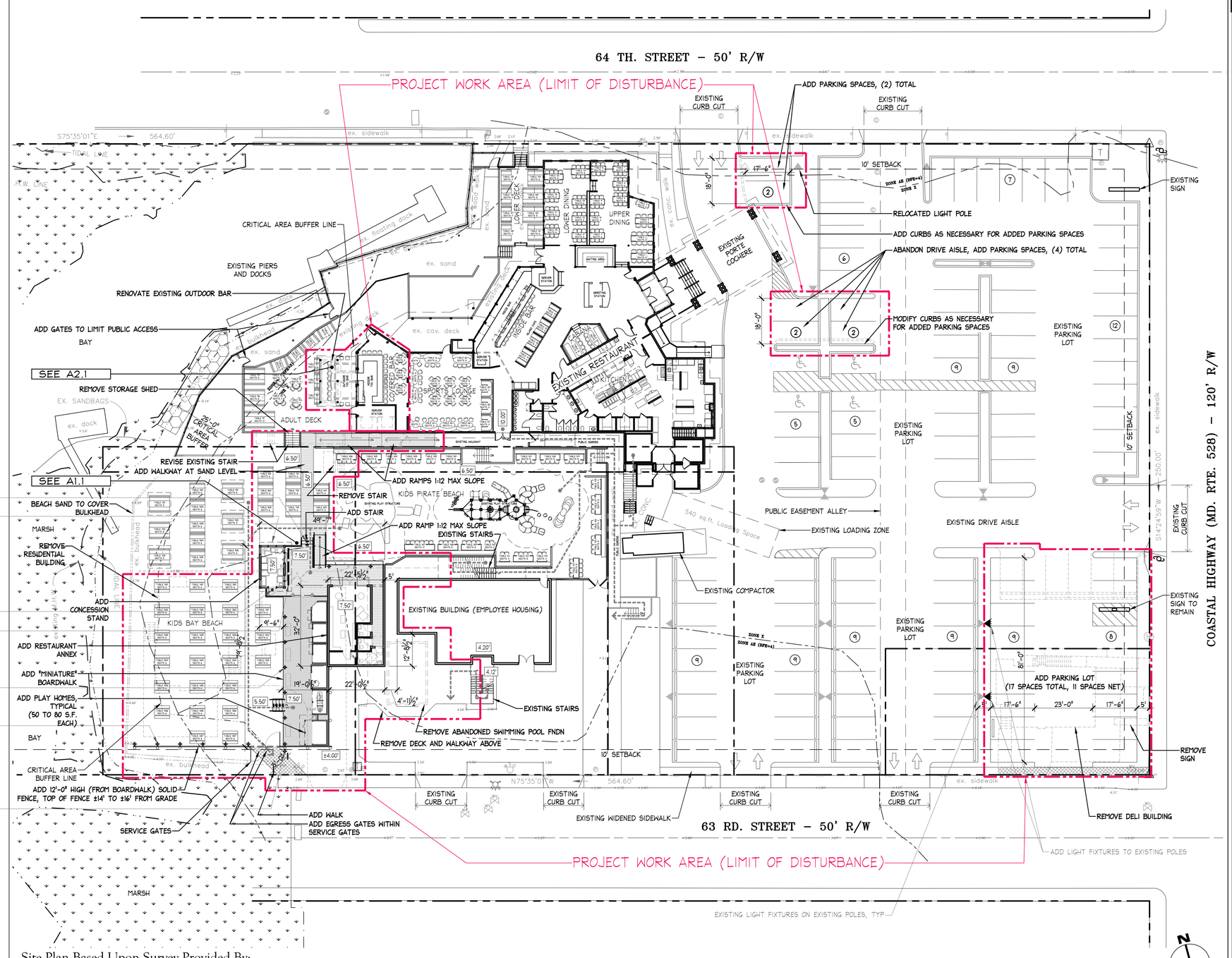
The project shall be improved to meet current landscape codes, see Civil Plans.

Existing compactor and loading zone shall remain as is and serve these improvements.

**Applicant Exhibit #1 pg. 1**

KEY TO DRAWINGS:

| | |
|---|---|
| AS1.1 | Overall Architectural Site Plan |
| A1.1 | Boardwalk Floor Plan |
| A1.2 | Exterior Elevations |
| A2.1 | Outdoor Bar Drawings |




Site Plan Based Upon Survey Provided By:
Frank G. Lynch, Jr. and Associates, Inc.
Surveying and Land Planning
10535 Racetrack Road, Berlin, Maryland 21811
(410) 641-5353
File No. 11540-16 Date: 08/25/2017

Overall Architectural Site Plan | Scale: 1" = 20'-0" | 1

The Design Group
Architecture Planning & Interior Design


Architect
Jeff Schoellkopf, AIA
PO Box 237
Warren VT 05674
tel 802-496-2166
fax 802-329-2311
www.tdgvt.com


Site Permit

| | |
|---|---|
| Drawn By: | PF |
| Checked By: | JS |

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# Freddies Family Zone
Boardwalk and Renovations
Phase Two

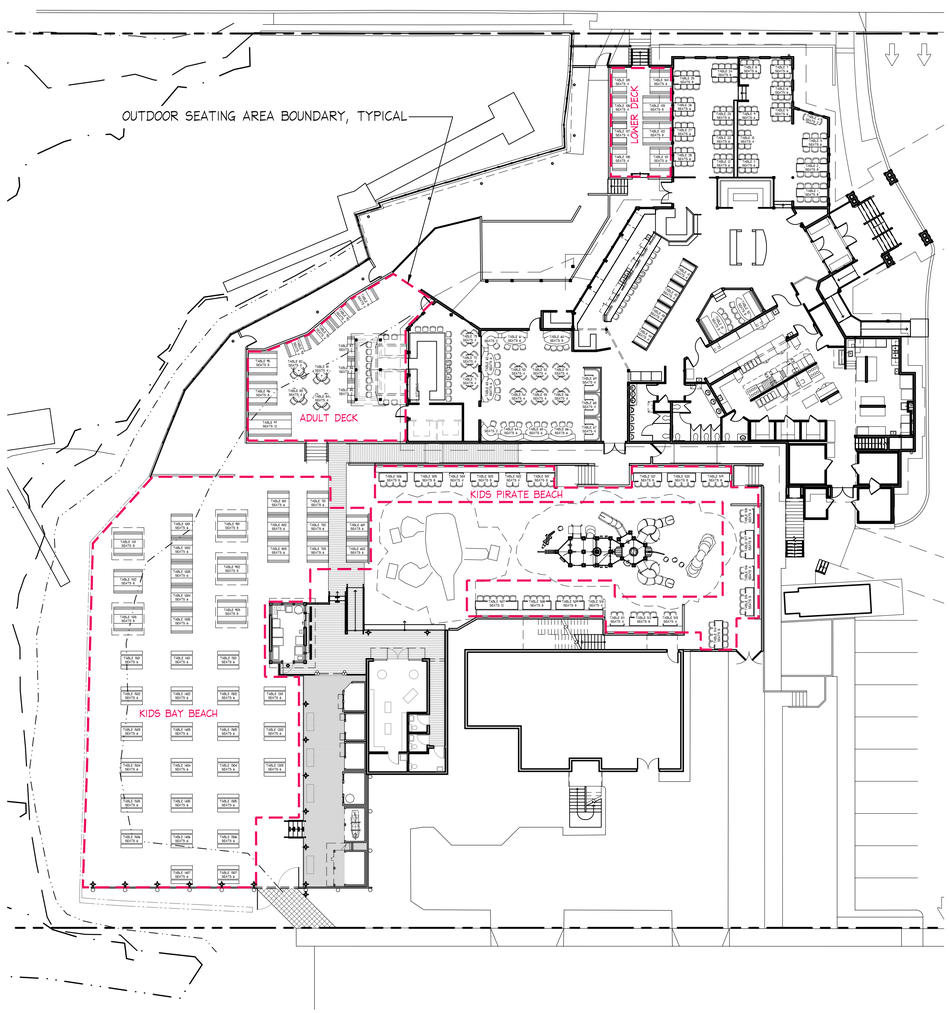
Coastal Highway between 63rd & 64th Streets
Ocean City, Maryland 21842

REVISIONS
1 12.5.24 Site Re-Submittal

DATE : 9.30.24

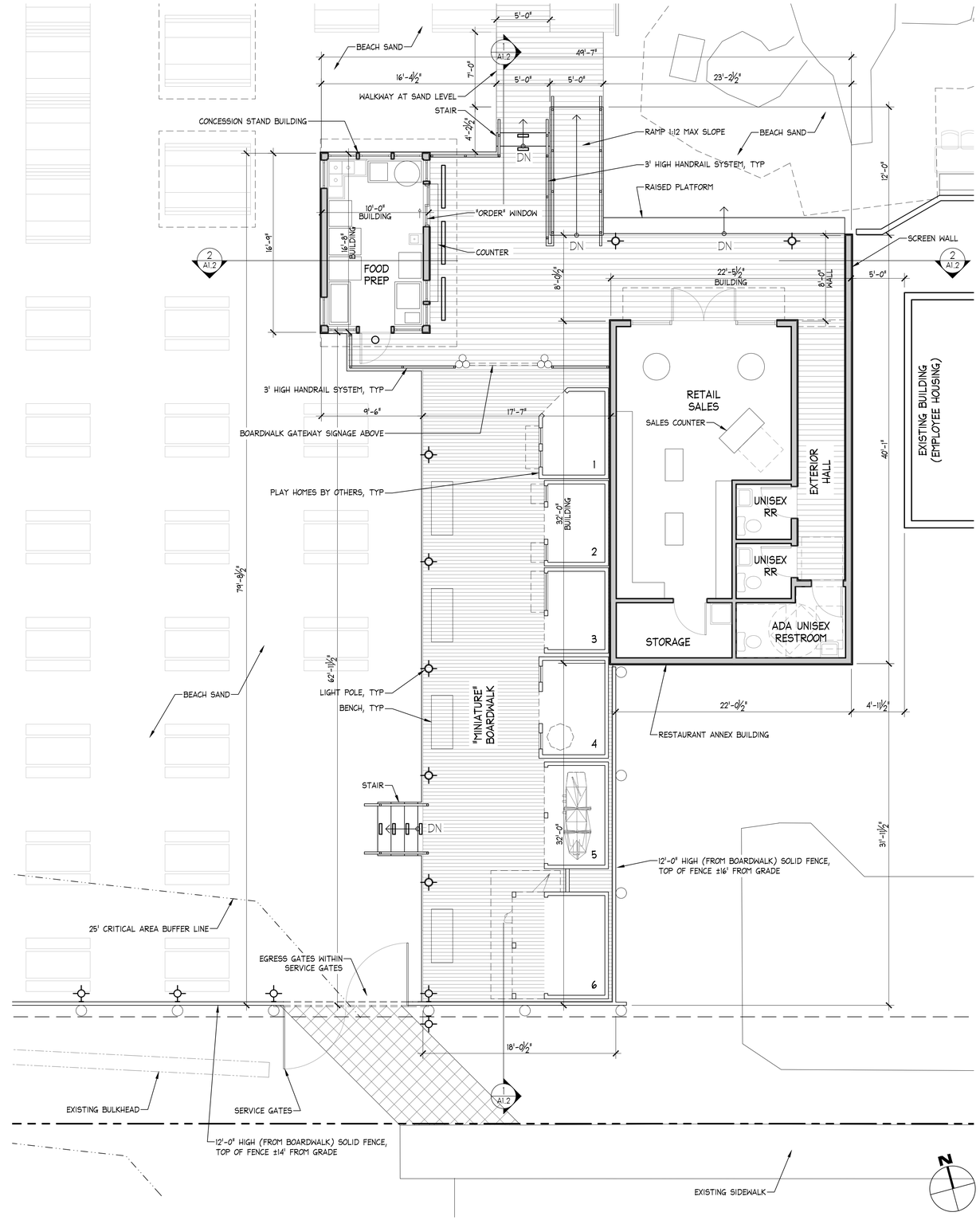
Overall Architectural Site Plan

AS1.1




| Outdoor Seating Area | |
|---|---|
| Seating Location | Area (S.F.) |
| Adult Deck | 1578 |
| Lower Deck | 509 |
| Kids Pirate Beach | 2012 |
| Kids Bay Beach | 6597 |
| | |
| Total | 10696 |

Outdoor Seating Areas | Scale: 1" = 20'-0" | 2




Applicant Exhibit #1 pg. 2

Boardwalk Floor Plan | Scale: 3/16" = 1'-0" | 1

The Design Group
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Boardwalk and Renovations
Phase Two
Coastal Highway between 63rd & 64th Streets
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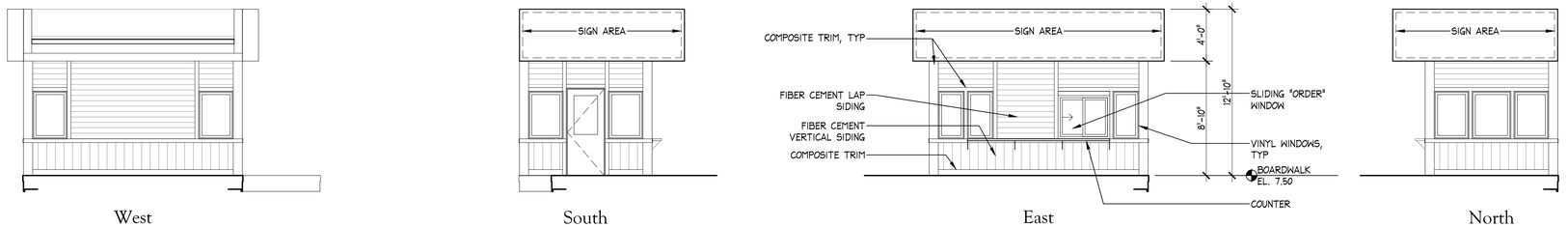
REVISIONS
1 12.5.24 Site Re-Submittal

DATE : 9.30.24

Boardwalk Floor Plan

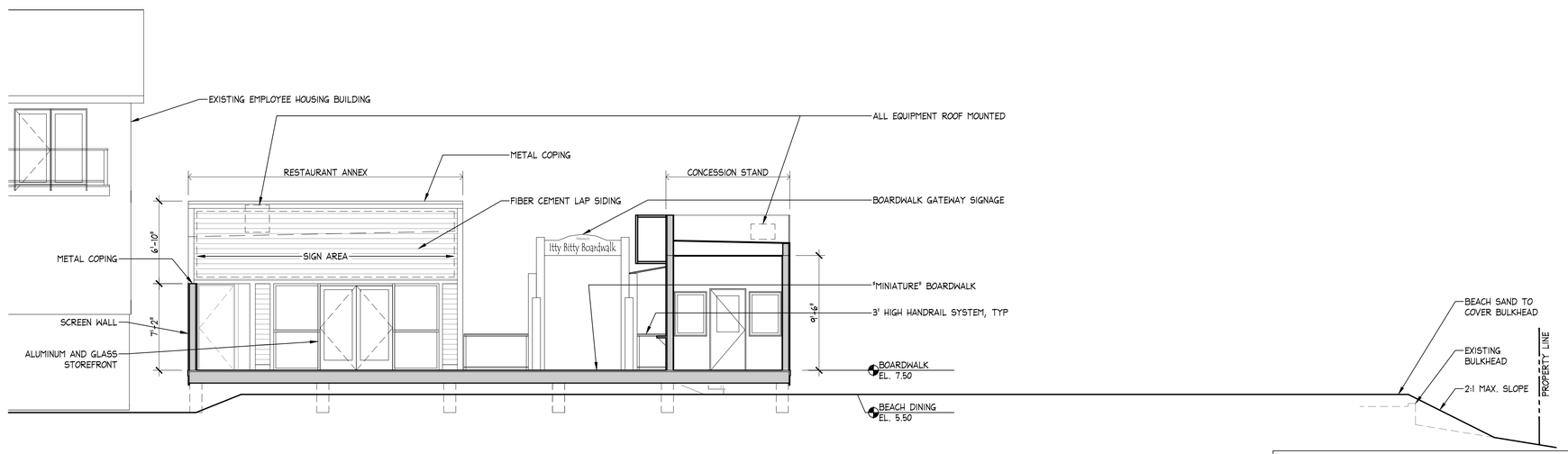
A1.1

**Applicant Exhibit #1 pg. 3**

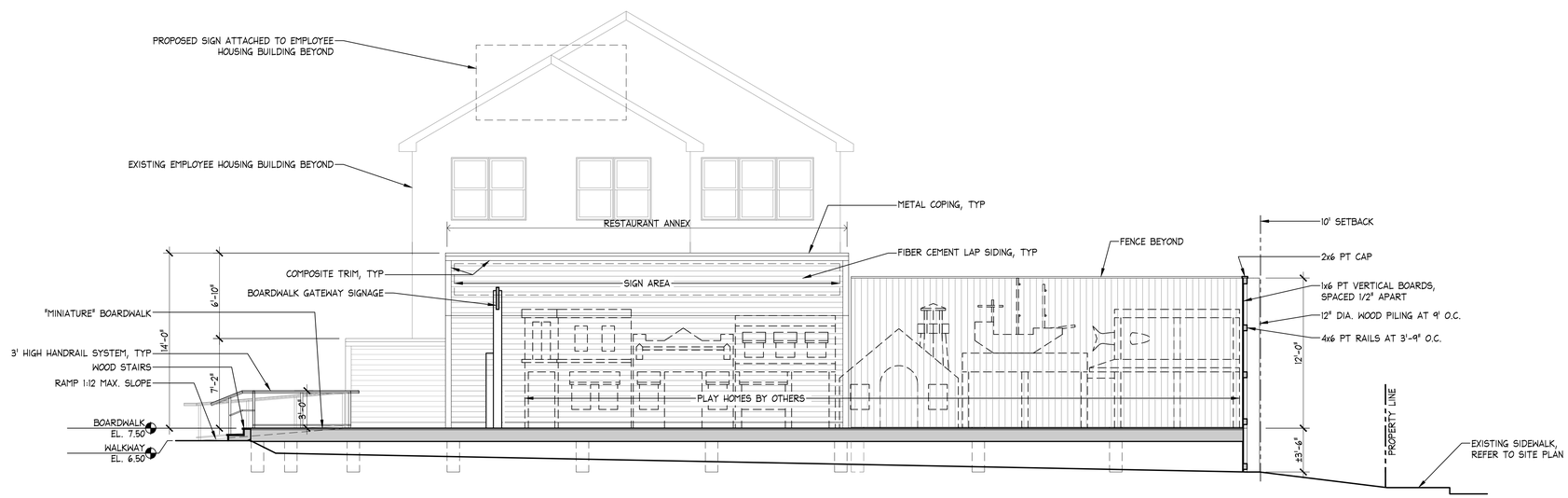



West — South — East "walk up order view" — North

Concession Stand Elevations | Scale: 3/16" = 1'-0" | 3




North Boardwalk Elevation | Scale: 3/16" = 1'-0" | 2




West Boardwalk Elevation | Scale: 3/16" = 1'-0" | 1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| Checked By: | JS |

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# Freddies Family Zone
Boardwalk and Renovations
Phase Two

Coastal Highway between 63rd & 64th Streets
Ocean City, Maryland 21842

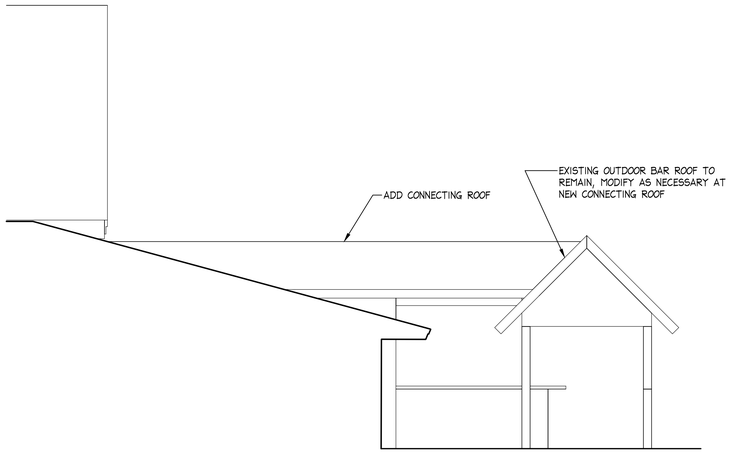
REVISIONS
1 12.5.24 Site Re-Submittal

DATE : 9.30.24

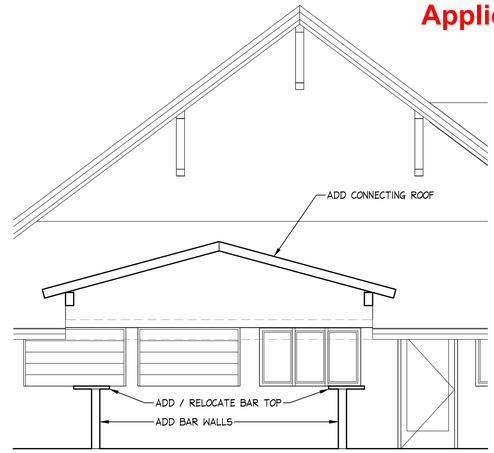
Exterior Elevations

A1.2

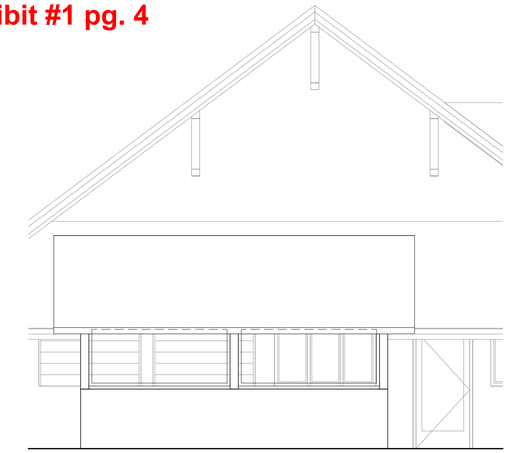
Applicant Exhibit #1 pg. 4




North

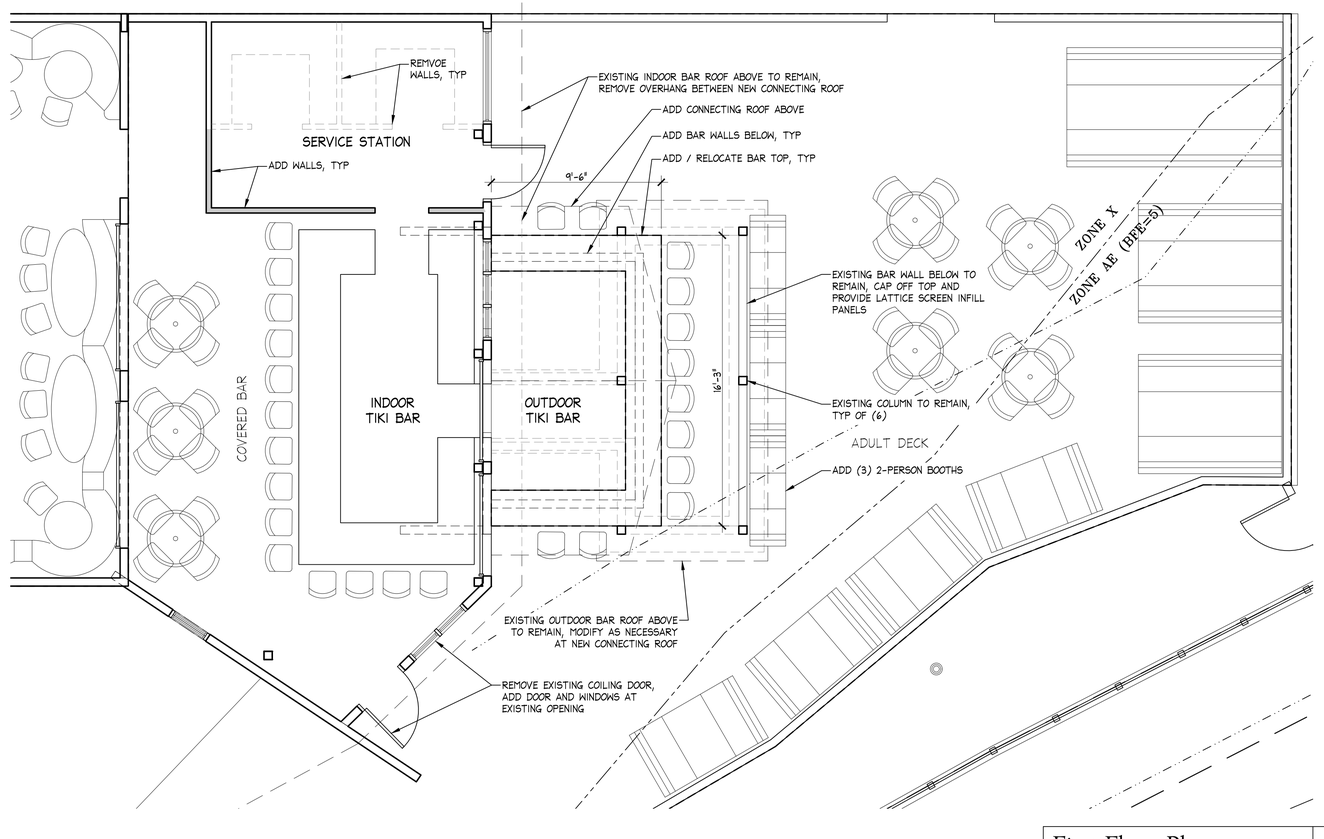



West at Bar



West

Elevations | Scale: 1/4" = 1'-0" | 2




First Floor Plan | Scale: 1/4" = 1'-0" | 1

The Design Group
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PO Box 237
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tel 802-496-2166
fax 802-329-2311
www.tdgvt.com

Site Permit

| | |
|---|---|
| Drawn By: | PF |
| Checked By: | JS |

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# Freddies Family Zone
## Boardwalk and Renovations
## Phase Two

Coastal Highway between 63rd & 64th Streets
Ocean City, Maryland 21842

REVISIONS
1 12.5.24 Site Re-Submittal

DATE : 9.30.24

Outdoor Bar Drawings

A2.1

Applicant Exhibit #1 pg. 5

# FREDDIES FAMILY ZONE - BOARDWALK & RENOVATIONS

## TOWN OF OCEAN CITY, MARYLAND

**VICINITY MAP**
SCALE: 1" = 5,000'

**SITE LOCATION MAP**
SCALE: 1" = 200'

### PROJECT AND SITE DATA

1. APPLICANT: OC LAND HOLDINGS, LLC
105 64TH STREET
OCEAN CITY, MARYLAND 21842
CONTACT: MR. STEPHEN CARULLO
EMAIL: STBM1234@GMAIL.COM
PHONE: 410-493-8685

2. ARCHITECT: JSD/THE DESIGN GROUP
PO BOX 237
WARREN, VERMONT 05674
CONTACT: MR. JEFF SCHOELLKOPF
EMAIL: JEFFS@MADRIVER.COM
PHONE: 802-777-1841

3. ENGINEER: EA ENGINEERING, SCIENCE, AND TECHNOLOGY, INC. PBC
11200 RACETRACK ROAD, UNIT 101A
OCEAN PINES, MARYLAND 21811
CONTACT: STEVEN LEMASTERS, P.E.
EMAIL: SLEMASTERS@EAEST.COM
PHONE: 410-641-5341

4. SITE ADDRESS: 105 64TH STREET
OCEAN CITY, MARYLAND 21842

5. PROPERTY : TAX MAP 113, GRID 18,
PARCEL: 6688 - 6698
BLOCK 120, LOTS: 1 TO 5 AND 11 TO 28
PLAT REF: ODC 2 / 23
OVERALL UPLAND AREA = 94,330 SQ. FT. (MEAN HIGH WATER)

6. ZONING: LC-1 LOCAL COMMERCIAL

7. EXISTING USE: RESTAURANT (OUTDOOR DINING AND PLAYGROUND)
RESIDENTIAL (EMPLOYEE HOUSING)

8. PROPOSED USE: NO CHANGE FROM EXISTING.

9. SETBACKS : FRONT, REAR, AND SIDE = 10 FEET
25' CRITICAL AREA

10. HEIGHT: ALLOWED: 5 STORIES / 50 FEET
PROPOSED: 1 STORY

11. AREA ASSESSMENT: EXISTING RESTAURANT AREA = 8,950 S.F.
EXISTING OFFICE: 1,460 S.F.
PROPOSED ANNEX: 595 SF
PROPOSED CONCESSION STAND: 167 S.F.
TOTAL = 11,172 S.F.

AREA OF OUTDOOR DINING: 10,696 S.F.

12. PARKING: EXISTING PARKING
DEDICATED TO CORNER DELI: 5 SPACES
UNDEDICATED (PREVIOUS WATER SPORT USE): 5 SPACES
EXISTING RESTAURANT: 85 SPACES
TOTAL EXISTING PARKING: 95 SPACES

REQUIRED PARKING
AS PER EXISTING CONDITIONS: 85 SPACES
RESTAURANT ANNEX (1 SPACE PER 100 S.F.): 6 SPACES
CONCESSION STAND (1 SPACE PER 100S.F.): 2 SPACES
TOTAL REQUIRED PARKING: 93 SPACES

PROPOSED PARKING
EXISTING REMAINING: 89 SPACES
NEW SPACES IN EXISTING LOT: 6 SPACES
NEW SPACES IN REMOVED DELI: 17 SPACES
TOTAL PROPOSED PARKING: 112

13. FLOODPLAIN: THE SITE IS WITHIN THREE FLOOD ZONES PER FIRM PANEL 24047C0064H, LAST REVISED JULY 16, 2015.
ZONE X (UNSHADED)
ZONE X (SHADED)
ZONE AE (EL.4)

14. SOILS PRESENT: UfA URBAN LAND FOX HILL COMPLEX- HSG D
UnA URBAN LAND-BROCKATONORTON - HSG D

15. PLANTABLE AREA: REQUIRED: 94,330*0.15 = 14,150 SQ. FT.
PROVIDED: 16,248 SQ. FT.

16. PROPOSED LIMITS OF DISTURBANCE = 18,761 SQ. FT = 0.43 AC.

17. NON-TIDAL WETLANDS WERE NOT FOUND WITHIN THE PROJECT LIMITS PER FIELD INVESTIGATION PERFORMED BY EA ENGINEERING, SCIENCE, AND TECHNOLOGY, INC. PBC IN NOVEMBER 2022.

### SHEET LIST

| DRAWING NO. | SHEET NO. | DRAWING TITLE |
|---|---|---|
| G-001 | 1 | TITLE SHEET |
| G-002 | 2 | GENERAL NOTES AND LEGEND |
| C-101 | 3 | EXISTING CONDITIONS AND KEY SHEET |
| C-102 | 4 | EXISTING CONDITIONS AND DEMOLITION PLAN |
| C-103 | 5 | SITE AND UTILITY PLAN |
| C-104 | 6 | GRADING AND STORMWATER MANAGEMENT PLAN |
| C-105 | 7 | EROSION AND SEDIMENT CONTROL PLAN |
| C-106 | 8 | PLANTING PLAN |
| C-501 | 9 | TOWN OF OCEAN CITY STANDARD DETAILS |
| C-502 | 10 | SITE DETAILS |
| C-503 | 11 | EROSION AND SEDIMENT CONTROL DETAILS |
| C-504 | 12 | EROSION AND SEDIMENT CONTROL NOTES |

### STORMWATER MANAGEMENT AS-BUILT CERTIFICATION

I HEREBY CERTIFY THAT THE STORMWATER MANAGEMENT FACILITIES (BOTH STRUCTURAL AND ESD PRACTICES) SHOWN ON THE PLANS HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE APPROVED PLANS, EXCEPT AS NOTED IN RED ON THE "AS-BUILT" DRAWINGS.

PRINTED NAME _____ SIGNATURE _____

MARYLAND REGISTRATION NUMBER (PE OR LS) _____ DATE _____

FACILITIES BEING CERTIFIED (LIST EACH INDIVIDUALLY USING FACILITY ID NUMBER AND/OR DESCRIPTION:

"CERTIFY" MEANS TO STATE OR DECLARE A PROFESSIONAL OPINION BASED ON SUFFICIENT AND APPROPRIATE ONSITE INSPECTIONS AND MATERIALS TEST CONDUCTED DURING CONSTRUCTION.

### CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY THAT I HAVE INSPECTED THIS SITE AND THAT DRAINAGE ONTO THIS SITE FROM OTHER UPGRADE PROPERTIES, AND FROM THIS SITE ONTO OTHER DOWNGRADE PROPERTIES HAS BEEN ADDRESSED IN SUBSTANTIAL ACCORDANCE WITH APPLICABLE CODES.

STEVEN LEMASTERS, P.E. DATE
MD P.E. NO. 55422

### CONSULTANTS CERTIFICATION

I CERTIFY THAT THIS PLAN OF EROSION AND SEDIMENT CONTROL REPRESENTS A PRACTICABLE AND WORKABLE PLAN BASED ON MY PERSONAL KNOWLEDGE OF THE SITE, AND THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF APPLICABLE SOIL EROSION AND SEDIMENT CONTROL CODES. I HAVE REVIEWED THIS EROSION AND SEDIMENT CONTROL PLAN WITH THE OWNER/DEVELOPER.

STEVEN LEMASTERS, P.E. DATE
MD P.E. NO. 55422

### OWNER/DEVELOPER CERTIFICATION

CERTIFICATION BY THE OWNER OR DEVELOPER THAT ANY CLEARING, GRADING, CONSTRUCTION, OR DEVELOPMENT WILL BE DONE PURSUANT TO THE APPROVED EROSION AND SEDIMENT CONTROL PLAN, INCLUDING INSPECTING AND MAINTAINING CONTROLS, AND THAT THE RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE A CERTIFICATE OF TRAINING AT A MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) APPROVED TRAINING PROGRAM FOR THE CONTROL OF EROSION AND SEDIMENT PRIOR TO THE BEGINNING OF THE PROJECT. ADDITIONALLY, THE OWNER OR DEVELOPER SHALL CERTIFY RIGHT OF ENTRY FOR PERIODIC ON-SITE EVALUATION BY THE APPROPRIATE ENFORCEMENT AUTHORITY AND/OR MDE.

OWNER/APPLICANT: DATE

OC LAND HOLDINGS, LLC
105 64TH STREET
OCEAN CITY, MARYLAND 21842
OCEAN CITY, MARYLAND 21842
CONTACT: MR. STEPHEN CARULLO

### STORMWATER MANAGEMENT CERTIFICATION

- ALL PHASES OF STORMWATER MANAGEMENT CALCULATIONS, STRUCTURE DESIGN, AND CONSTRUCTION WILL ADHERE TO CURRENT MARYLAND STANDARDS AND SPECIFICATIONS FOR STORMWATER MANAGEMENT AND THE STORMWATER MANAGEMENT PLAN FOR THIS SITE.
- ALL INFORMATION SET FORTH IN THIS PLAN ACCURATELY CONVEYS THIS SITE'S CONDITIONS TO THE BEST OF MY KNOWLEDGE.
- ALL STRUCTURAL DEVICES FOR STORMWATER MANAGEMENT WILL BE PROTECTED BY PROPER SOIL EROSION AND SEDIMENT CONTROL DEVICES UNTIL ALL CONTRIBUTING AREAS HAS PASSED FINAL STABILIZATION INSPECTION.
- UPON COMPLETION OF THE PROJECT, AN AS-CONSTRUCTED SURVEY, NOTICE OF CONSTRUCTION COMPLETION (NOCC), AND LETTER OF CERTIFICATION MUST BE SUBMITTED TO THE DEPARTMENT, EXCEPT INDIVIDUAL SINGLE FAMILY DWELLINGS. ONCE REVIEW IS COMPLETE AND APPROVED, A CERTIFICATE OF OCCUPANCY CAN BE ISSUED.

STEVEN LEMASTERS, P.E. DATE
PROJECT MANAGER
EA ENGINEERING, SCIENCE, AND TECHNOLOGY, INC. PBC

### CRITICAL AREA STATEMENT

THIS PROPERTY LIES WITHIN THE TOWN OF OCEAN CITY ATLANTIC COASTAL BAY CRITICAL AREA. ANY AND ALL PROOSED DEVELOPMENT ACTIVITIES MUST MEET THE REQUIREMENT OF SECTION 30 (ENVIRONMENT), ARTICLE VII (ATLANTIC COASTAL BAYS CRITICAL AREA) OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND, AS FROM TIME TO TIME AMENDED, IN EFFECT AT THE TIME OF THE PROPOSED DEVELOPMENT ACTIVITIES.

### STORMWATER MANAGEMENT SUPERVISION AND CERTIFICATION NOTE:

THE CONTRACTOR AND OWNER SHALL PROVIDE SUPERVISION AND CERTIFICATION OF ALL CONSTRUCTION OF STORMWATER MANAGEMENT PRACTICES THAT PROVIDE INFILTRATION AND FILTERING, BY A PROFESSIONAL ENGINEER DULY LICENSED IN THE STATE OF MARYLAND


EA Engineering, Science, and Technology, Inc., PBC

11200 Racetrack Road, Unit A101
Ocean Pines, Maryland 21811
(410) 641-5341

www.eaest.com


**HORIZONTAL DATUM:** LOCAL

**VERTICAL DATUM:** NAVD 88

FULL SIZE PLOT: 24" x 36"

**REVISIONS**

**SEAL**

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 55422
EXPIRATION DATE: DECEMBER 16, 2025

**PROJECT NAME**
FREDDIES FAMILY ZONE BOARDWALK AND RENOVATIONS

**PROJECT ADDRESS**
105 64TH STREET
OCEAN CITY, MD 21842

**DRAWING TITLE**
TITLE SHEET

**DRAWING INFORMATION**
DRAWN BY: NWH/SCL DESIGNED BY: SCL
CHECKED BY: DOK PROJECT MANAGER: SCL
PROJECT NUMBER: 6390601

**DRAWING NO.**
**G-001**
DATE: SEPTEMBER 2024 SHEET: 1 OF 12

SITE DEVELOPMENT PLANS - NOT FOR CONSTRUCTION


FILE PATH: \\OCEANPINES\PROJECTS\DOCS\6390601 - READ FREDDIES EXPANSION\CAD\PRODUCTION\DESIGN SET\6390601 - 00.00 - TITLE SHEET.DWG [G-001] LEMASTERS, STEVEN 10/18/2024 9:27 AM

## GENERAL NOTES

1. EXISTING CONDITIONS TOPOGRAPHIC AND BOUNDARY SURVEY WAS PERFORMED BY FRANK G. LYNCH, JR. & ASSOCIATES, INC., DATED FEBRUARY 3, 2017.

2. EXISTING FEATURES AND UTILITIES SHOWN OUTSIDE THE LIMIT OF THE SURVEY AND PROPERTY IS BASED ON THE BASED ON THE TOWN OF OCEAN CITY'S RECORD DRAWINGS, ACQUIRED IN AUGUST 2022.

3. ORIGINAL SITE PLANNING AND LAYOUT WAS PERFORMED BY THE DESIGN GROUP AND PROVIDED TO EA ENGINEERING, SCIENCE, AND TECHNOLOGY, INC. PBC FOR USE AND SITE DESIGN.

4. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THE MEANS, METHODS, TECHNIQUES, AND PROCEDURES UTILIZED FOR THE CONSTRUCTION UNDER THE SCOPE OF WORK. CONTRACTOR SHALL BE RESPONSIBLE FOR SAFETY OF THE PUBLIC AND CONTRACTOR'S EMPLOYEES. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS AND STANDARD CONSTRUCTION PRACTICES.

5. FAILURE TO MENTION SPECIFICALLY ANY WORK WHICH WOULD NORMALLY BE REQUIRED TO COMPLETE THIS PROJECT SHALL NOT RELIEVE THE CONTRACTOR FROM PERFORMING SUCH WORK.

6. ALL WORK ASSOCIATED WITH THE TOWN OF OCEAN CITY PUBLIC INFRASTRUCTURE SHALL BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH BY THE TOWN OF OCEAN CITY STANDARDS AND SPECIFICATIONS.

7. ALL DIMENSIONS, LOCATIONS, AND ELEVATIONS OF EXISTING STRUCTURES SHOWN ON THE CONTRACT DRAWINGS SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR. ALL DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE PROCEEDING WITH WORK.

8. ALL ASPECTS OF CONSTRUCTION INSTALLATION SHALL BE PERFORMED / INSTALLED PLUMB AND TRUE AND SHALL CONFORM TO THE PRACTICES OF GOOD WORKMANSHIP. POSITIVE DRAINAGE WITHIN ALL PAVEMENT AREAS SHALL BE PROVIDED TO ENSURE NO STANDING WATER OCCURS.

9. MATERIAL DEMOLISHED/SALVAGED DURING CONSTRUCTION SHALL BECOME THE CONTRACTOR'S PROPERTY UNLESS OTHERWISE NOTED ON THE PLANS.

10. LOCATIONS OF THE EXISTING UTILITIES SHOWN ON SITE PLANS ARE ACCORDING TO THE BEST AVAILABLE INFORMATION, AND ARE FOR THE CONVENIENCE OF THE CONTRACTOR ONLY. EXISTING SANITARY SEWER AND WATER LOCATIONS ARE APPROXIMATE AND ARE EXTRACTED FROM THE TOWN OF OCEAN CITY'S RECORD DATABASE.

11. CONTRACTOR SHALL TEST PIT, VERIFY, AND COORDINATE WITH THE ENGINEER AND UTILITY PROVIDER TO RESOLVE ANY CONFLICTS.

12. THE CONTRACTOR SHALL LOCATE AND TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES. CONTRACTOR SHALL NOTIFY "MISS UTILITY" AT LEAST THREE DAYS BEFORE INITIATING ANY SITE IMPROVEMENT WORK, (1-800-257-7777) OR (811).

13. THE CONTRACTOR SHALL TAKE NECESSARY PRECAUTIONS CONCERNING SAFETY AND PRESERVATION OF EXISTING UTILITIES ADJACENT TO ANY WORK AND IS RESPONSIBLE FOR THE PROTECTION OF EXISTING STRUCTURES (BELOW GRADE AND ABOVE GRADE) DURING THE COURSE OF DEMOLITION AND CONSTRUCTION. ANY DAMAGE CAUSED BY THE CONTRACTOR SHALL BE REPAIRED IMMEDIATELY AND THE COSTS OF SUCH REPAIR SHALL BE BORNE BY THE CONTRACTOR.

14. CONTRACTOR SHALL TAKE EVERY MEASURE TO PREVENT ANY AND ALL DAMAGE TO NEIGHBORING PROPERTIES. CONTRACTOR IS RESPONSIBLE FOR ANY AND ALL SUCH DAMAGE AND WILL REPAIR AND / OR REPLACE ANY OBJECT, PLANT OR PIECE OF PROPERTY TO ORIGINAL STATE ON ADJACENT PROPERTIES THAT IS DAMAGED IN ANY WAY DUE TO THIS CONSTRUCTION.

15. ALL CONSTRUCTED ITEMS WITHIN THE PUBLIC RIGHT-OF-WAY SHALL BE COORDINATED WITH THE TOWN OF OCEAN CITY, INCLUDING BUT NOT LIMITED TO SIDEWALK, CURB, ASPHALT, SANITARY SEWER SERVICE, AND WATER SERVICE. CONTACT THE TOWN OF OCEAN CITY ENGINEERING DEPARTMENT AT 410-289-8845 TO APPLY FOR AND OBTAIN A CONSTRUCTION STAGING PERMIT.

16. THE CONTRACTOR IS RESPONSIBLE FOR KEEPING THE CONSTRUCTION SITE SECURE AT ALL TIMES.

17. JOB SITE SAFETY SHALL BE SOLELY THE RESPONSIBILITY OF THE CONTRACTOR.

18. CONTRACTOR IS RESPONSIBLE FOR PERFORMING ALL WORK IN ACCORDANCE WITH STATE AND FEDERAL CONFINED SPACE SAFETY REGULATIONS AS REQUIRED AND IN ACCORDANCE WITH CURRENT OSHA REGULATIONS.

19. CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORATION OF SURFACES IN ALL DISTURBED AREAS.

20. THE CONTRACTOR SHALL EXECUTE DEMOLITION AND DISMANTLING WORK IN A MANNER TO ENSURE SAFETY OF PERSONS AND ADJACENT PROPERTY AGAINST DAMAGE BY SETTLEMENT, FALLING DEBRIS, OR OTHER CAUSES IN CONNECTION WITH THIS WORK.

21. THE CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND ELEVATIONS PRIOR TO PROCEEDING WITH CONSTRUCTION.

22. THE CONTRACTOR SHALL PROVIDE SURVEY CONSTRUCTION STAKEOUT FOR ALL NECESSARY LINE, GRADES, AND ELEVATIONS OF THE PROPOSED FACILITIES.

23. THE CONTRACTOR SHALL MAINTAIN AN "AS-BUILT" DRAWING RECORD OF THE PROPOSED CONSTRUCTION. THE CONTRACTOR SHALL RECORD ALL DEVIATIONS FROM THE CONTRACT DOCUMENTS AS THEY OCCUR, TO CLEARLY DEPICT HOW WORK WAS ACTUALLY CONSTRUCTED. PARTICULAR ATTENTION SHALL BE GIVEN TO ACCURATE RECORDINGS OF CONCEALED WORK. THE "AS-BUILT" RECORD SHALL INCLUDE DESCRIPTIONS, DRAWINGS, SKETCHES, MARKED PRINTS, AND SIMILAR DATA SHALL BE MAINTAINED AT THE JOB SITE AND SHALL BE KEPT CURRENT ON A DAILY BASIS AS WORK PROGRESSES. ALL "AS-BUILT" DRAWINGS AND RELATED DATA SHALL BE SUBJECT TO REGULAR SURVEILLANCE BY THE OWNER'S ON-SITE REPRESENTATIVE.

24. THE CONTRACTOR IS RESPONSIBLE FOR SUBMITTING AND OBTAINING ALL PERMITS AND CONSTRUCTION EASEMENTS ASSOCIATED WITH THE CONSTRUCTION ACTIVITIES.

25. CR-6 SHALL BE PLACED ON TOP OF ALL UTILITY TRENCHES AT THE END OF EACH DAY TO ENSURE TRAFFIC AND PEDESTRIAN ACCESS FOR NON-WORKING HOURS.

26. AT NO TIME SHALL AIRBORNE EIFS MATERIAL BE PERMITTED TO LEAVE THE SITE. ALL MATERIAL SHALL BE CONTAINED ONSITE OR BUILDING BE TARPED. SHOULD AIRBORNE MATERIAL BE FOUND TO BE LEAVING THE LIMITS OF THE SITE, THE PROJECT CAN BE SUBJECT TO FINES ISSUED BY THE TOWN OF OCEAN CITY.

## ABBREVIATIONS

| | |
|---|---|
| AC | ACRES |
| APPROX | APPROXIMATELY |
| ASTM | AMERICAN SOCIETY FOR TESTING AND MATERIALS |
| BC | BOTTOM OF CURB |
| BW | BOTTOM OF WALL |
| BGS | BELOW GROUND SURFACE |
| BLDG | BUILDING |
| CL - C/L | CENTER LINE |
| CY | CUBIC YARDS |
| CMP | CORRUGATED METAL PIPE |
| CATV | CABLE TELEVISION |
| COMM | COMMUNICATIONS |
| CONC | CONCRETE |
| DA | DRAINAGE AREA |
| DIA | DIAMETER |
| DOT | DEPARTMENT OF TRANSPORTATION |
| EL - ELEV | ELEVATION |
| EX - EXST | EXISTING |
| ECP | ENVIRONMENTAL CONCEPT PLAN |
| EPA | U.S. ENVIRONMENTAL PROTECTION AGENCY |
| ESC | SOIL EROSION AND SEDIMENT CONTROL |
| ESD | ENVIRONMENTAL SITE DESIGN |
| FT | FEET |
| FEMA | FEDERAL EMERGENCY MANAGEMENT AGENCY |
| GPS | GLOBAL POSITIONING SERVICE |
| INV | INVERT |
| MHW | MEAN HIGH WATER |
| MLW | MEAN LOW WATER |
| MSL | MEAN SEA LEVEL |
| NA | NOT APPLICABLE |
| NO. | NUMBER |
| NAD 83 | NORTH AMERICAN DATUM OF 1983 |
| NGS | NATIONAL GEODETIC SURVEY |
| NAVD 88 | NORTH AMERICAN VERTICAL DATUM OF 1988 |
| NRCS | NATIONAL RESOURCE CONSERVATION SERVICE |
| OH - OVHD | OVERHEAD |
| PR - PROP | PROPOSED |
| RCP | REINFORCED CONCRETE PIPE |
| RTK | REAL-TIME KINEMATIC |
| SD | STORM DRAIN |
| SF - SQ FT | SQUARE FEET |
| SS | SANITARY SEWER |
| SCH | SCHEDULE |
| SWM | STORMWATER MANAGEMENT |
| SWPPP | STORMWATER POLLUTION PREVENTION PLAN |
| TC | TOP OF CURB |
| TW | TOP OF WALL |
| TYP | TYPICAL |
| UG - UGND | UNDERGROUND |
| U.S. | UNITED STATES |
| USDA | U.S. DEPARTMENT OF AGRICULTURE |
| USGS | U.S. GEOLOGICAL SURVEY |
| USACE | U.S. ARMY CORPS OF ENGINEERS |
| W/ | WITH |
| WSEL | WATER SURFACE ELEVATION |

## LEGEND

| DESCRIPTION | EXISTING | PROPOSED |
|---|---|---|
| COMM MANHOLE | C | C |
| COMM VAULT | C | C |
| COMM CATV PEDESTAL | C | C |
| COMM CATV WITNESS POST | C | C |
| COMM FIBER OPTIC MANHOLE | FO | FO |
| COMM FIBER OPTIC VAULT | F | F |
| COMM FIBER OPTIC WITNESS POST | FO | FO |
| COMM TELEPHONE MANHOLE | T | T |
| COMM TELEPHONE VAULT | T | T |
| COMM TELEPHONE PEDESTAL | T | T |
| COMM TELEPHONE WITNESS POST | T | T |
| COMM CATV UTILITY MARKING | C | |
| COMM FIBER OPTIC UTILITY MARKING | FO | |
| COMM TELEPHONE UTILITY MARKING | T | |
| COMM OVHD LINE | OH | |
| COMM OVHD CATV LINE | OHC | OHC |
| COMM OVHD TELEPHONE LINE | OHT | OHT |
| COMM UGND CATV LINE | | C |
| COMM UGND FIBER OPTIC LINE | | FO |
| COMM UGND TELEPHONE LINE | | T |
| ELECTRIC MANHOLE | E | E |
| ELECTRIC HANDHOLE | H | H |
| ELECTRIC PULL BOX | PB | PB |
| ELECTRIC METER | M | M |
| ELECTRIC VAULT | E | E |
| ELECTRIC TRANSFORMER | T | T |
| ELECTRIC SUBSTATION | S | S |
| ELECTRIC LIGHT POST | # | # |
| ELECTRIC UTILITY POLE | # | # |
| ELECTRIC GUY WIRE | | |
| ELECTRIC GUY POLE | | |
| ELECTRIC WITNESS POST | E | E |
| ELECTRIC UTILITY MARKING | E | |
| ELECTRIC OVHD LINE | OHE | OHE |
| ELECTRIC UGND LINE | | E |
| FUEL MANHOLE | F | F |
| FUEL OIL VAULT | F | F |
| FUEL WITNESS POST | F | F |
| FUEL UTILITY MARKING | F | |
| FUEL OVHD LINE | OHF | OHF |
| FUEL UGND LINE | | F |
| LANDFILL GAS VENT | # | # |
| LANDFILL GAS MONITORING PROBE | # | # |
| LANDFILL GAS WELL | # | # |
| LANDFILL GAS VALVE | # | # |
| LANDFILL MONITORING WELL | # | # |
| LANDFILL PIEZOMETER | # | # |
| LANDFILL CELL BOUNDARY | | |
| LANDFILL GAS COLLECTION | LFG | LFG |
| LANDFILL LEACHATE LINER BOUNDARY | | |
| LANDFILL LEACHATE COLLECTION | LCP | LCP |
| NATURAL GAS MANHOLE | G | G |
| NATURAL GAS METER | G | G |
| NATURAL GAS VALVE VAULT | G | G |
| NATURAL GAS PLANT | GP | GP |
| NATURAL GAS WITNESS POST | G | G |
| NATURAL GAS UTILITY MARKING | G | |
| NATURAL GAS OVHD LINE | | OHG |
| NATURAL GAS UGND LINE | | G |
| PROPERTY MARKER | | |
| PROPERTY BOUNDARY | | |
| PROPERTY BOUNDARY ADJOINER | | |
| PROPERTY EASEMENT | | |
| PROPERTY RIGHT-OF-WAY | | |
| PROPERTY SETBACK | | |
| SANITARY SEWER MANHOLE | S | S |
| SANITARY SEWER CLEANOUT | CO | CO |
| SANITARY SEWER METER | S | S |
| SANITARY SEWER LIFT STATION | L | L |
| SANITARY SEWER VALVE VAULT | S | S |
| SANITARY SEWER WITNESS POST | S | S |
| SEPTIC TANK | ST | ST |
| SANITARY SEWER UTILITY MARKING | SS | |
| SANITARY SEWER UTILITY MARKING FM | FM | |
| SANITARY SEWER LINE | | SS |
| SANITARY SEWER FORCE MAIN | | FM |
| SITE CONTROL POINT | # | # |
| SITE BENCHMARK | BM | BM |
| SITE SOIL BORING | SB | SB |
| SITE MONITORING WELL | MW | MW |
| SITE PERCOLATION TEST | PT | PT |
| SITE PIEZOMETER | PZ | PZ |
| SITE WATER LEVEL MARKER | | |
| SITE FLOW ARROW | | |
| SITE MANHOLE UNKNOWN UTILITY | M | M |
| SITE SIGN | | |
| SITE FENCE POST | | |
| SITE GATE POST | | |
| SITE BOLLARD | | |
| SITE UNKNOWN FEATURE | UNK | UNK |
| SITE SPOT ELEVATION | EL | EL |
| SITE HANDICAP PARKING SPACE | | |
| SITE TRAFFIC ARROW | | |
| SITE TREE | # | # |
| SITE CONTOUR | # | # |
| SITE CONCRETE | | |
| SITE CRITICAL AREA | | |
| SITE EDGE OF WATER | | |
| SITE FEMA FLOODPLAIN | | |
| SITE FENCE | X | X |
| SITE GRADE BREAK | | |
| SITE POND | | |

## LEGEND

| DESCRIPTION | EXISTING | PROPOSED |
|---|---|---|
| SITE RAIL ROAD TRACK | | |
| SITE GUARD RAIL | | |
| SITE GRAVEL | | |
| SITE STEEP SLOPE AREA | | |
| SITE SOIL BOUNDARY | SIB | |
| SITE SOIL CLASSIFICATION | HSG B | |
| SITE STREAM CHANNEL | | |
| SITE TREE/BRUSH LINE | | |
| SITE ZONING | | |
| SITE WETLAND | | |
| SITE WETLAND BUFFER | WB | WB |
| SITE WATERS OF THE U.S. | WUS | WUS |
| SITE LIMIT OF FIELD RUN SURVEY | | |
| SITE UNKNOWN UTILITY LINE | UN | UN |
| STORM DRAIN MANHOLE | D | D |
| STORM DRAIN CATCH BASIN | CB | CB |
| STORM DRAIN HEADWALL | | |
| STORM DRAIN FLARED END SECTION | | |
| STORM DRAIN WITNESS POST | D | D |
| STORM DRAIN UTILITY MARKING | SD | |
| STORM DRAIN LINE | | SD |
| TRAFFIC MANHOLE | TR | TR |
| TRAFFIC VAULT | TR | TR |
| TRAFFIC CABINET | TR | TR |
| TRAFFIC PEDESTAL | TR | TR |
| TRAFFIC SIGNAL POLE | TR | TR |
| TRAFFIC WITNESS POST | TR | TR |
| TRAFFIC UTILITY MARKING | TR | |
| TRAFFIC SIGNAL OVHD LINE | OTR | OTR |
| TRAFFIC SIGNAL UGND LINE | | TR |
| WATER MANHOLE | W | W |
| WATER METER | W | W |
| WATER TANK | W | W |
| WATER VALVE VAULT | W | W |
| WATER WELL | W | W |
| WATER FIRE HYDRANT | | |
| WATER WITNESS POST | W | W |
| WATER UTILITY MARKING | W | |
| WATER LINE | | W |
| PLAN NORTH ARROW | | |
| PLAN NUMBER CALLOUT | # | |
| PLAN KEYNOTE CALLOUT | X | |
| PLAN REVISION CALLOUT | # | |
| PLAN STRUCTURE NAME/NUMBER | X # | |
| PLAN SECTION CUT VIEW BEGIN | X | |
| PLAN SECTION CUT VIEW END | X' | |
| PLAN POINT OF INVESTIGATION | | |
| ESC LIMIT OF DISTURBANCE | LOD | LOD |
| ESC STABILIZED CONSTRUCTION ENTRANCE | | |
| ESC DIVERSION FENCE | DF | DF |
| ESC SILT FENCE | SF | SF |
| ESC SUPER SILT FENCE | SSF | SSF |
| ESC TREE PROTECTION FENCE | TPF | TPF |
| ESC STONE CHECK DAM | | CD |
| ESC STANDARD INLET PROTECTION | | SIP |
| ESC REMOVABLE PUMPING STATION | | RPS |
| ESC SUMP PIT | | SP |
| ESC PORTABLE SEDIMENT TANK | | PST |
| ESC FILTER BAG | | FB |
| ESC CONCRETE WASHOUT STRUCTURE | | CWS |

EA Engineering, Science, and Technology, Inc., PBC

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Ocean Pines, Maryland 21811
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**HORIZONTAL DATUM:**
LOCAL

**VERTICAL DATUM:**
NAVD 88

FULL SIZE PLOT: 24" x 36"

**REVISIONS**

**SEAL**

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 55422
EXPIRATION DATE: DECEMBER 16, 2025

**PROJECT NAME**
FREDDIES FAMILY ZONE BOARDWALK AND RENOVATIONS

**PROJECT ADDRESS**
105 64TH STREET
OCEAN CITY, MD 21842

**DRAWING TITLE**
GENERAL NOTES AND LEGEND

**DRAWING INFORMATION**

DRAWN BY: NWH/SCL DESIGNED BY: SCL
CHECKED BY: DOK PROJECT MANAGER: SCL
PROJECT NUMBER: 6390601

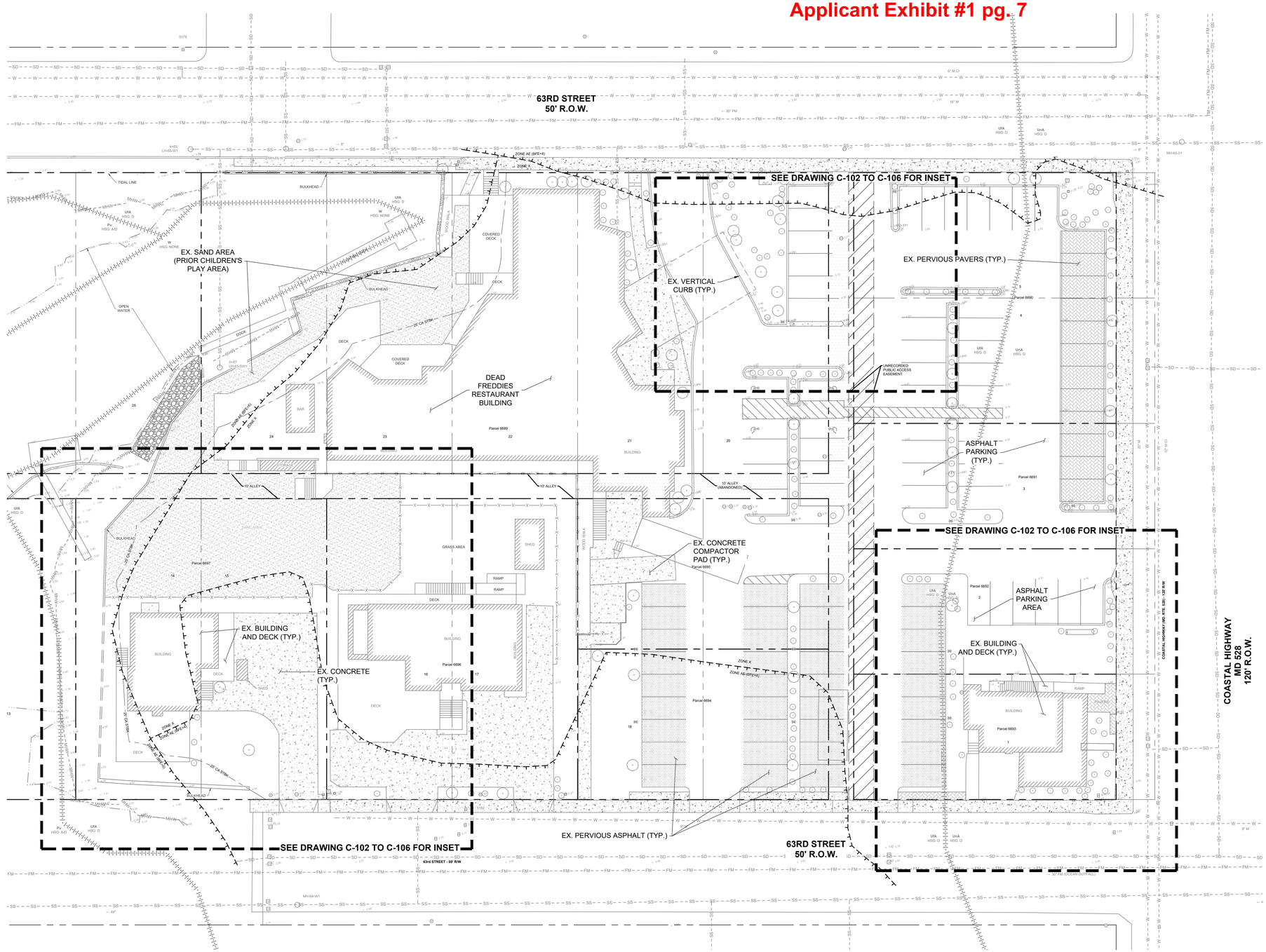
**DRAWING NO.**
**G-002**

DATE: SEPTEMBER 2024 SHEET: 1 OF 12

SITE DEVELOPMENT PLANS - NOT FOR CONSTRUCTION

FILE PATH: \\OCEANPINES\PROJECTS\DOCS\6390601 - DEAD FREDDIES EXPANSION\CAD\PRODUCTION\DESIGN SET\6390601 - 00.00 - TITLE SHEET.DWG [G-002] LEMASTERS, STEVEN 12/5/2024 2:48 PM

Applicant Exhibit #1 pg. 7




## EXISTING CONDITIONS PLAN AND KEY SHEET

SCALE: 1" = 20'

| | | EXISTING CONDITIONS COVERAGES - LIMIT OF DISTURBANCE | | | PROPOSED CONDITIONS COVERAGES - LIMIT OF DISTURBANCE | | |
|---|---|---|---|---|---|---|---|
| PARCEL AREA (S.F.) | PARCEL LIMIT OF DISTURBANCE (S.F.) | IMPERVIOUS COVERAGE (S.F.) | PERVIOUS COVERAGE - DECKS, PAVERS, ETC. (S.F.) | PERVIOUS - VEGETATED COVERAGE (S.F.) | IMPERVIOUS COVERAGE (S.F.) | PERVIOUS COVERAGE - DECKS, PAVERS, ETC. (S.F.) | PERVIOUS - VEGETATED COVERAGE (S.F.) |
| 94,330 | 18,761 | 10509* | 2500* | 7002 | 13109 | 10978 | 5652 |

**NOTES:**

1. *THERE IS 2,500 S.F. OF EXISTING PERVIOUS COVERAGE (DECKS, PAVERS, ETC.) WITHIN THE LIMIT OF DISTURBANCE. 50% OF THIS AREA (1,250 S.F.) IS REPORTED AS IMPERVIOUS COVERAGE PER THE USER'S MANUAL TO ENVIRONMENTAL SITE REVIEW.

**SOILS TABLE**

| MAP UNIT SYMBOL | MAP UNIT NAME | HSG RATING | K FACTOR (WHOLE SOIL) |
|---|---|---|---|
| Pu | PURNELL PEAT, 0 TO 1 PERCENT SLOPES, VERY FREQUENTLY FLOODED, TIDAL | A/D | NA |
| UfA | URBAN LAND-FOX HILL COMPLEX, 0 TO 2 PERCENT SLOPES, FREQUENTLY FLOODED | D | NA |
| UnA | URBAN LAND-BROCKATONORTON COMPLEX, 0 T0 2 PERCENT SLOPES, FREQUENTLY FLOODED | D | 0.02 |
| W | WATER | NA | NA |

**GENERAL NOTES:**

1. ALL ACCESS INTO AND OUT OF THE SITE SHALL BE DONE BY UTILIZING THE STABILIZED CONSTRUCTION ENTRANCE.
2. AREAS WITH STORMWATER MANAGEMENT FEATURES (PERVIOUS PAVEMENTS) SHALL BE MINIMALLY USED FOR HEAVY CONSTRUCTION TRAFFIC TO PREVENT THE COMPACTION OF THE UNDERLYING SOILS. SHOULD SOILS BECOME COMPACTED DURING CONSTRUCTION, CONTRACTOR SHALL EXCAVATE COMPACTED SOILS AND PERFORM INFILTRATION TESTING TO ENSURE A RATE OF 0.52 IN/HR IS MET.
3. SHOULD IT BECOME NECESSARY TO DEWATER AN OPEN TRENCH OR OTHER EXCAVATED PIT, A SUMP PIT OR APPROVED FILTER BAG SHALL BE UTILIZED PER DETAILS ON DRAWING C-701.
4. SILT FENCE OFFSET FOR CLARITY. SILT FENCE SHALL BE LOCATED AT AND ALONG PROPERTY LINE, FENCE, RETAINING WALL, OR BACK OF SIDEWALK AS APPLICABLE.
5. UTILITY POLES ADJACENT TO ANY DEMOLITION AREAS SHALL BE BRACED. POWER SHALL BE DISCONNECTED. CONTRACTOR SHALL COORDINATE WORK WITH DELMARVA POWER. UTILITY POLE TO THE WEST HAS A POLE MOUNTED TRANSFORMER. CONTRACTOR SHALL COORDINATE WITH UTILITY PROVIDER.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**HORIZONTAL DATUM:** LOCAL

**VERTICAL DATUM:** NAVD 88

0 10' 20' 40'
GRAPHIC SCALE IN FEET

FULL SIZE PLOT: 24" x 36"

**REVISIONS**

**SEAL**

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 55422
EXPIRATION DATE: DECEMBER 16, 2025

**PROJECT NAME**
FREDDIES FAMILY ZONE BOARDWALK AND RENOVATIONS

**PROJECT ADDRESS**
105 64TH STREET
OCEAN CITY, MD 21842

**DRAWING TITLE**
EXISTING CONDITIONS AND KEY SHEET

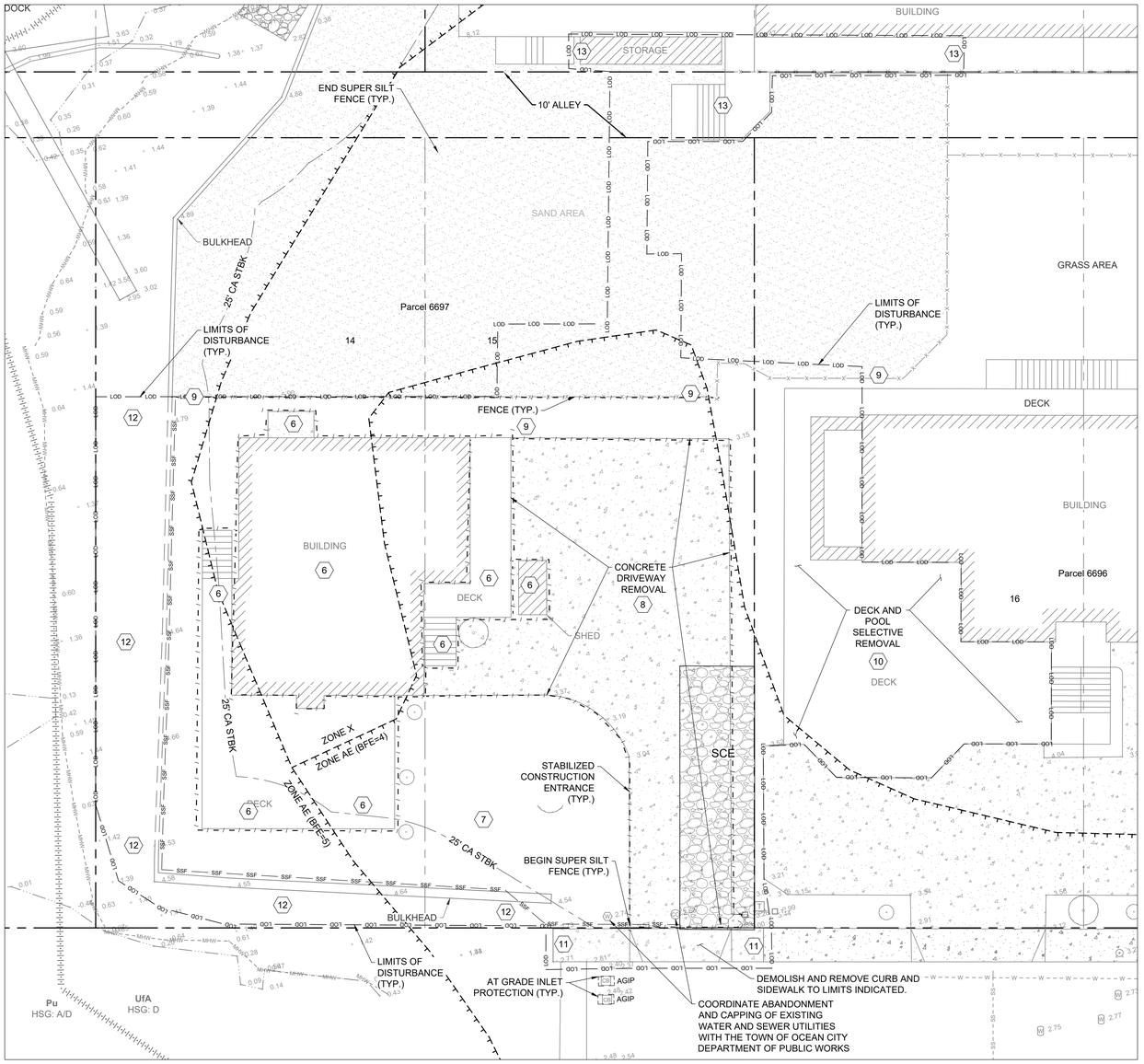
**DRAWING INFORMATION**
DRAWN BY: NWH/SCL DESIGNED BY: SCL
CHECKED BY: DOK PROJECT MANAGER: SCL
PROJECT NUMBER: 6390601

**DRAWING NO.**
**C-101**

DATE: SEPTEMBER 2024 SHEET: 3 OF 12

SITE DEVELOPMENT PLANS - NOT FOR CONSTRUCTION

FILE PATH: \\OCSDAPINES\PROJECTS\DOCS\5390601 - DEAD FREDDIES EXPANSION\CAD\PRODUCTION\DESIGN SET\5390601 - 01 00 - EXISTING CONDITIONS AND DEMOLITION PLAN.DWG [C-101] LEMASTERS, STEVEN 12/5/2024 2:47 PM



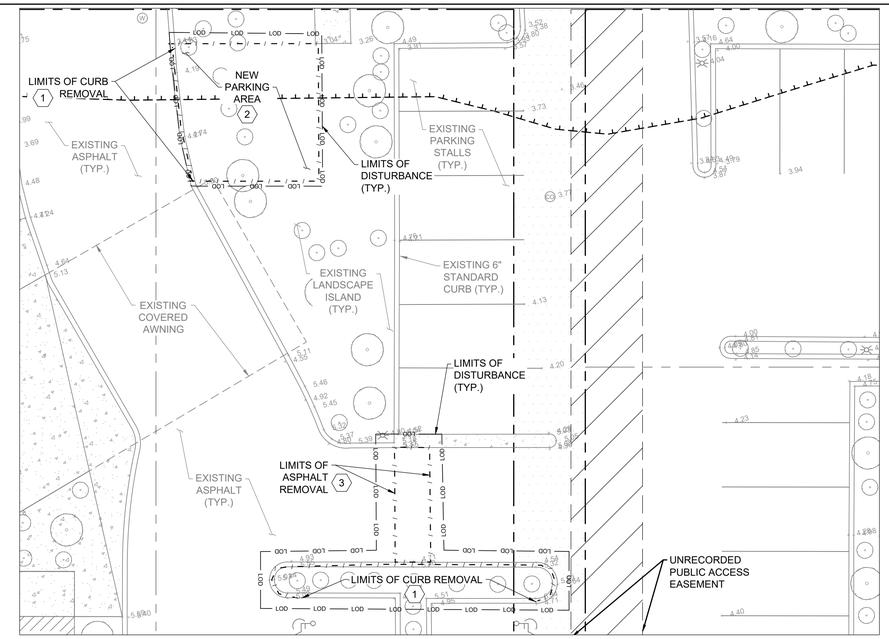

**EXISTING CONDITIONS AND DEMOLITION PLAN INSET**
SCALE: 1" = 10'

## GENERAL NOTES:

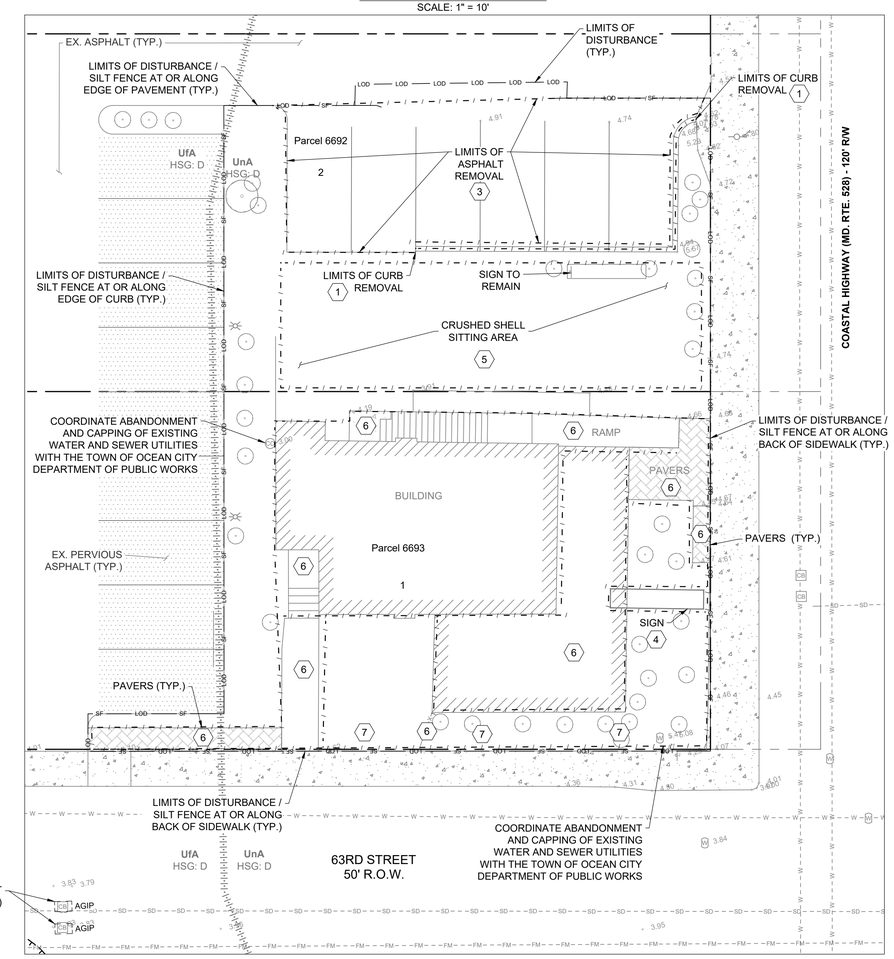
1. PRIOR TO DEMOLITION OR CLEARING, CONTRACTOR SHALL INSTALL EROSION AND SEDIMENT CONTROLS AS SHOWN ON THIS SHEET AND AS SPECIFIED ON DRAWINGS C-105.
2. UNLESS OTHERWISE NOTED, SITE FEATURES WITHIN THE LIMIT OF DISTURBANCE SHOWN HEREON SHALL BE DEMOLISHED AND REMOVED FROM THE SITE. CONTRACTOR SHALL REMOVED THE IDENTIFIED SITE FEATURES INCLUSIVE OF THEIR SUBSURFACE STRUCTURAL MATERIALS SUCH AS STONE, CONCRETE, FASTENERS, ETC. AND UNTIL CLEAN SOIL IS REACHED.
3. CONTRACTOR SHALL COORDINATE WITH THE APPROPRIATE JURISDICTIONAL AUTHORITY TO SHUTOFF WATER AND POWER SERVICES PRIOR TO DEMOLITION.
4. EXISTING SANITARY SEWER SERVICE LINES FROM BUILDINGS SHALL BE CUT AND CAPPED ADJACENT TO THE PROPERTY LINE.
5. EXISTING PAVEMENT SHALL BE SAWCUT TO FULL DEPTH AND REMOVED ALONG THE LIMIT OF DISTURBANCE. THE CUT EDGE SHALL BE SMOOTH AND UNIFORM PRIOR TO REPAVING.

## DEMOLITION NOTES:

1. DEMOLISH AND REMOVE PORTION OF CONCRETE CURB TO LIMITS INDICATED.
2. DEMOLISH AND REMOVE EXISTING LANDSCAPE ROCK AREA AND PREPARE SUBGRADE FOR ASPHALT PARKING.
3. DEMOLISH AND REMOVE ASPHALT PAVING SECTION TO LIMITS INDICATED.
4. DEMOLISH AND REMOVE SIGN AND FOUNDATION AND APPURTENANCES IN ITS ENTIRETY.
5. DEMOLISH AND REMOVE CRUSHED SHELL WALKWAY, WOODEN POSTS, AND SITTING AREA IN ITS ENTIRETY.
6. DEMOLISH AND REMOVE ALL COMPONENTS OF THE EXISTING BUILDING INCLUDING WOODEN WALKWAYS, CONCRETE WALKWAYS, PAVERS, FOUNDATION, DECKS, UTILITIES, FENCING, AND ALL APPURTENANCES. SEE GENERAL NOTES THIS SHEET.
7. DEMOLISH LANDSCAPING WITHIN THE LIMIT OF DISTURBANCE. SEE PLANTING PLAN FOR NEW LANDSCAPING.
8. DEMOLISH AND REMOVE CONCRETE DRIVEWAY AND APPURTENANCES IN THEIR ENTIRETY.
9. COORDINATE WITH ARCHITECTURAL DRAWINGS AND OWNER FOR EXACT LIMITS TO DEMOLISH AND REMOVE FENCE AND APPURTENANCES IN ITS ENTIRETY.
10. COORDINATE LIMITS OF DECK AND POOL DEMOLITION WITH OWNER AND ARCHITECTURAL PLAN FOR EXACT LIMITS OF DEMOLITION AND REMOVAL.
11. DEMOLISH AND REMOVE TOWN OF OCEAN CITY CURB AND SIDEWALK TO LIMITS INDICATED.
12. LIMIT OF DISTURBANCE SHOWN BEYOND EXISTING WOODEN BULKHEAD IS FOR THE SOLE PURPOSE OF PERFORMING ADDITIONAL LANDSCAPING. NO DEMOLITION OR GRADING IS TO BE PERFORMED WITHIN THIS AREA.
13. DEMOLISH EXISTING WOODEN WALKWALKS, STEPS, AND RAMPS FOR RECOFIGURATION. COORDINATE WITH DRAWING C-103 AND ARCHITECTURAL DRAWINGS FOR LIMIT OF REMOVAL.




**SITE AND UTILITY PLAN INSET**
SCALE: 1" = 10'




**SITE AND UTILITY PLAN INSET**
SCALE: 1" = 10'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**Applicant Exhibit #1 pg. 8**

HORIZONTAL DATUM: LOCAL

VERTICAL DATUM: NAVD 88

0 5' 10' 20'
GRAPHIC SCALE IN FEET

FULL SIZE PLOT: 24" x 36"

REVISIONS

SEAL

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 55422
EXPIRATION DATE: DECEMBER 16, 2025

PROJECT NAME
FREDDIES FAMILY ZONE BOARDWALK AND RENOVATIONS

PROJECT ADDRESS
105 64TH STREET
OCEAN CITY, MD 21842

DRAWING TITLE
EXISTING CONDITIONS AND DEMOLITION PLAN

DRAWING INFORMATION

| | |
|---|---|
| DRAWN BY: NWH/SCL | DESIGNED BY: SCL |
| CHECKED BY: DOK | PROJECT MANAGER: SCL |

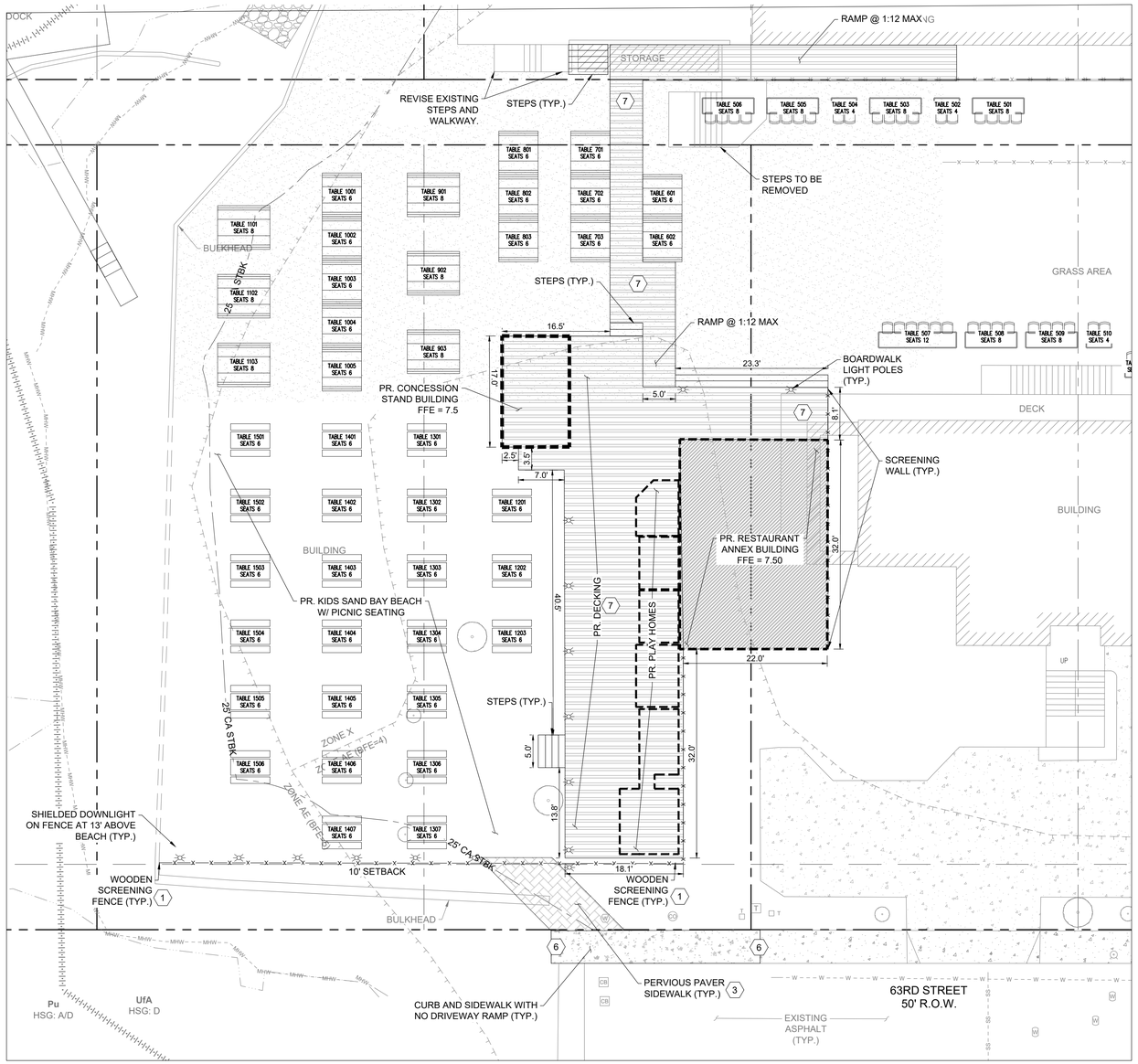
PROJECT NUMBER: 6390601

DRAWING NO.
**C-102**

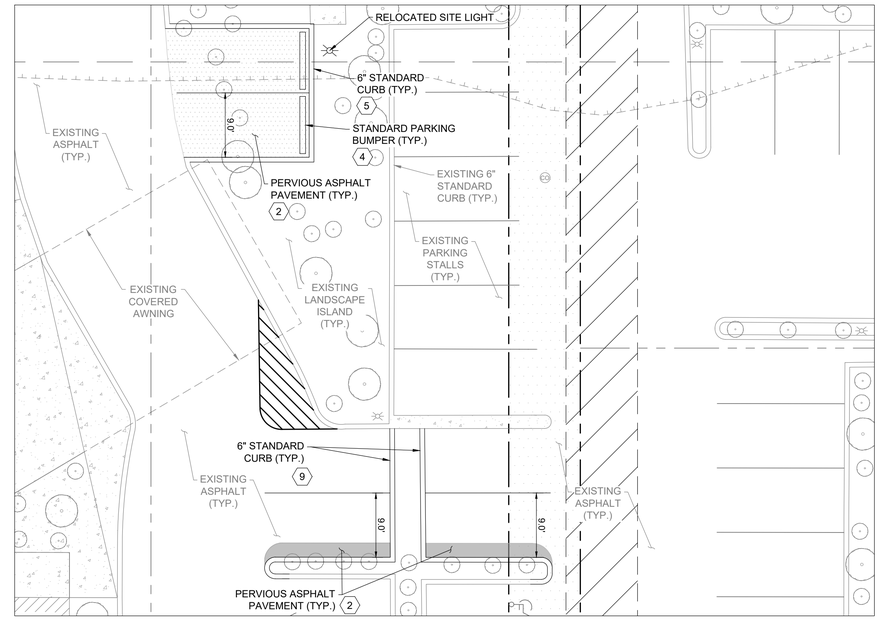
DATE: SEPTEMBER 2024 SHEET: 4 OF 12

SITE DEVELOPMENT PLANS - NOT FOR CONSTRUCTION

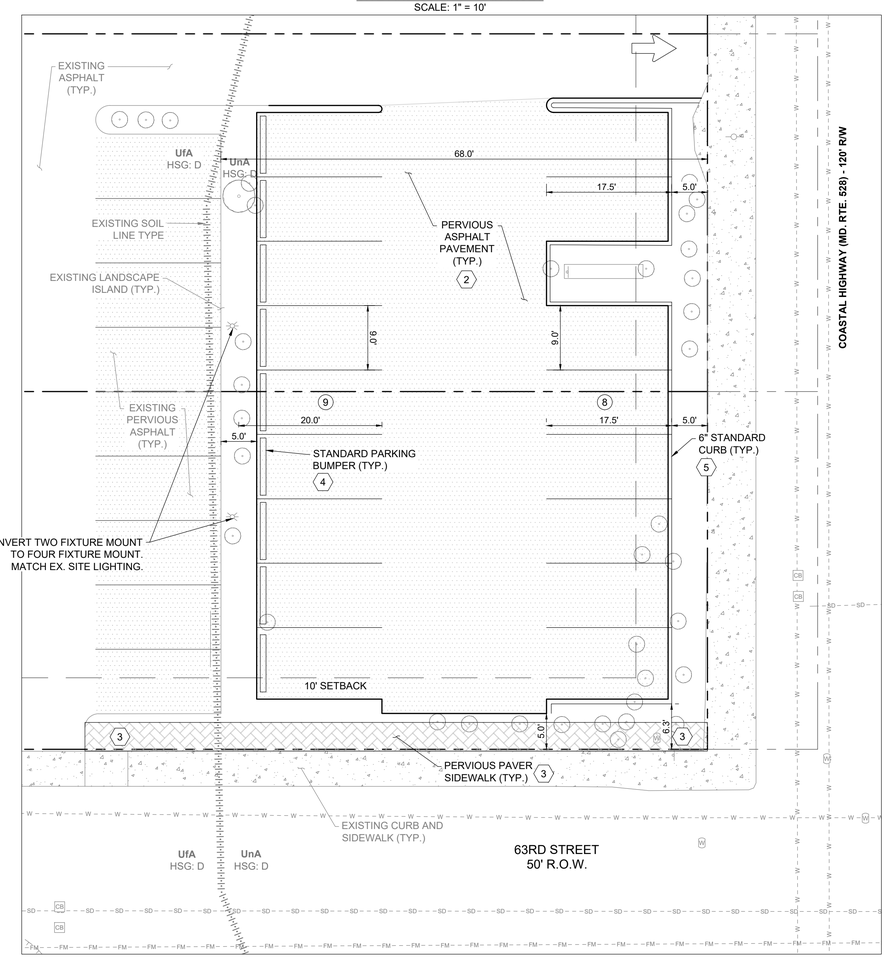
FILE PATH: \\OCEANPINES\PROJECTS\DOCS\6390601 - DEAD FREDDIES EXPANSION\CAD\PRODUCTION\DESIGN SET\6390601 - 01-00 - EXISTING CONDITONS AND DEMOLITION PLAN.DWG [C-102] LEMASTERS, STEVEN 25/09/24 2:47 PM




**SITE AND UTILITY PLAN INSET**
SCALE: 1" = 10'




**SITE AND UTILITY PLAN INSET**
SCALE: 1" = 10'




**SITE AND UTILITY PLAN INSET**
SCALE: 1" = 10'

## SITE AND UTILITY PLAN NOTES:

1. 16' TALL WOODEN SCREENING FENCE (12' FROM BOARDWALK, 16' TO FROM GRADE). SEE STRUCTURAL AND ARCHITECTURAL PLANS FOR DETAILS.
2. PERVIOUS ASPHALT PAVEMENT. SEE DETAIL ON DRAWING C-502.
3. PERVIOUS PAVER SIDEWALK. SEE DETAIL ON DRAWING C-502.
4. STANDARD PARKING BUMPER. SEE DETAIL ON DRAWING C-502.
5. 6" STANDARD CURB. SEE DETAIL ON DRAWING C-502.
6. TOWN OF OCEAN CITY 5' WIDE SIDEWALK AND CURB
7. WOODEN DECKING. SEE STRUCTURAL AND ARCHITECTURAL PLANS FOR DETAILS.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**Applicant Exhibit #1 pg. 9**

N

**HORIZONTAL DATUM:** LOCAL

**VERTICAL DATUM:** NAVD 88

0 5' 10' 20'
GRAPHIC SCALE IN FEET

FULL SIZE PLOT: 24" x 36"

**REVISIONS**

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EXPIRATION DATE: DECEMBER 16, 2025

**PROJECT NAME**
FREDDIES FAMILY ZONE BOARDWALK AND RENOVATIONS

**PROJECT ADDRESS**
105 64TH STREET
OCEAN CITY, MD 21842

**DRAWING TITLE**
SITE AND UTILITY PLAN

**DRAWING INFORMATION**

| | |
|---|---|
| DRAWN BY: NWH/SCL | DESIGNED BY: SCL |
| CHECKED BY: DOK | PROJECT MANAGER: SCL |

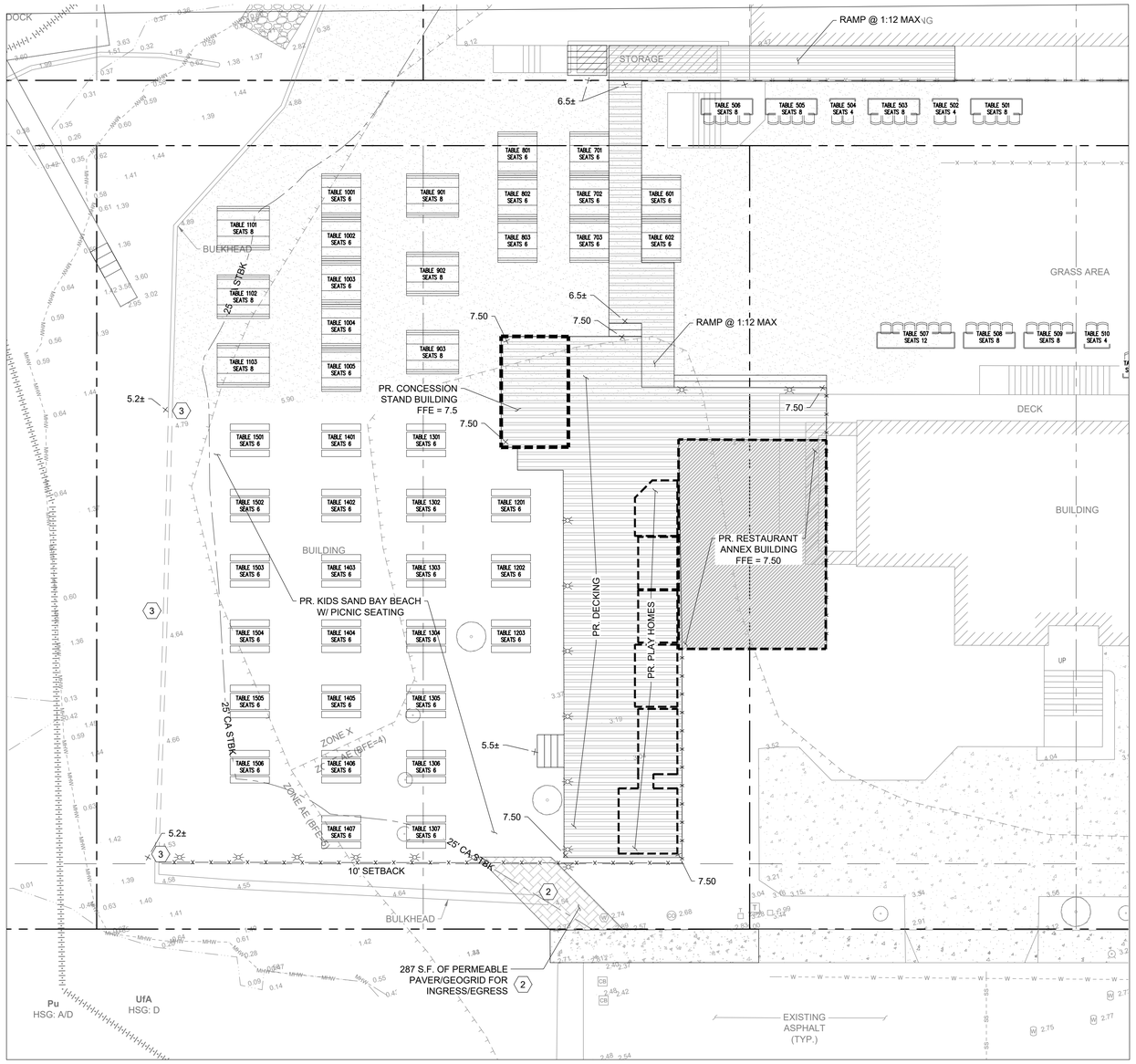
PROJECT NUMBER: 6390601

**DRAWING NO.**
**C-103**

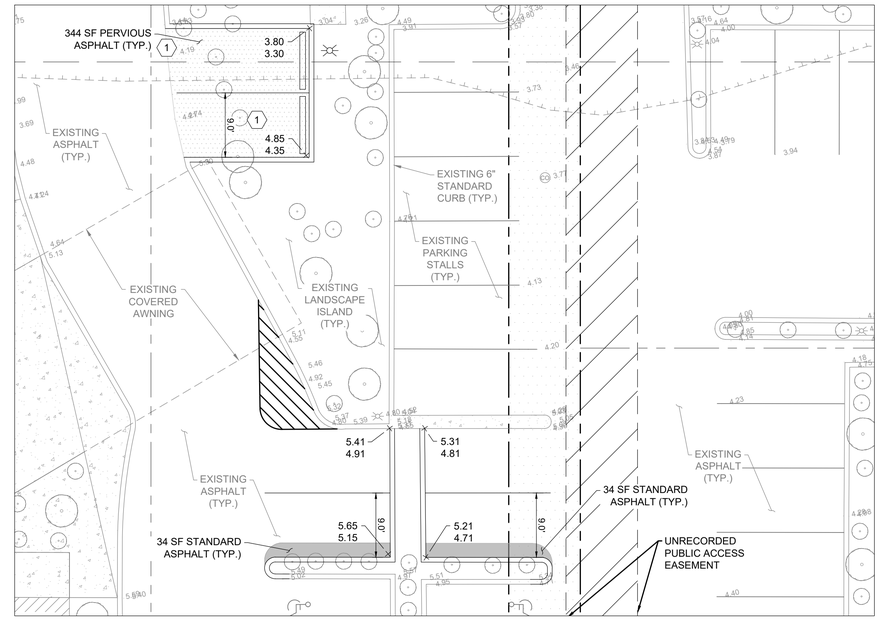
DATE: SEPTEMBER 2024 SHEET: 5 OF 12

SITE DEVELOPMENT PLANS - NOT FOR CONSTRUCTION

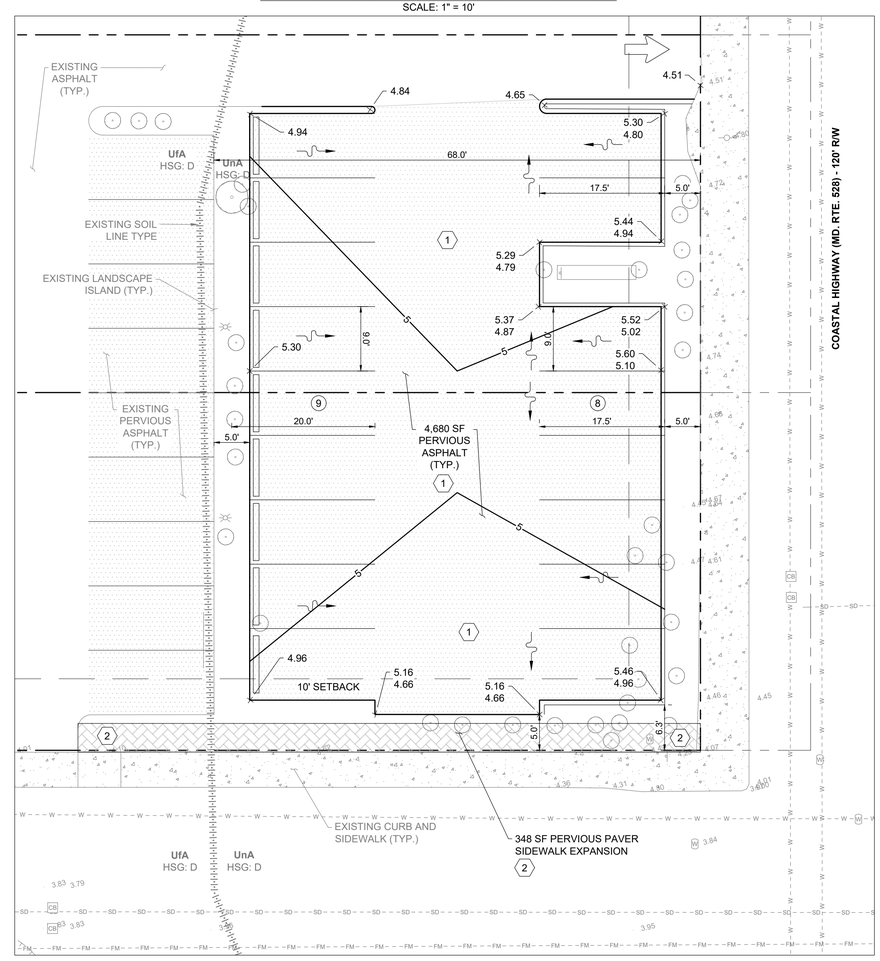
FILE PATH: \\DCSDAPINES\PROJECTS\DOCS\6390601 - DEAD FREDDIES EXPANSION\CAD\PRODUCTION\DESIGN SET\6390601 - 02.00 - SITE AND UTILITY PLAN.DWG [C-103] LEMASTERS, STEVEN 12/5/2024 2:48 PM




**GRADING AND STORMWATER MANAGEMENT PLAN INSET**
SCALE: 1" = 10'




**GRADING AND STORMWATER MANAGEMENT PLAN INSET**
SCALE: 1" = 10'




**GRADING AND STORMWATER MANAGEMENT PLAN INSET**
SCALE: 1" = 10'

## GENERAL NOTES

1. THE CONTRACTOR IS RESPONSIBLE FOR THE CONTRACTING OF A PROFESSIONAL SURVEYOR TO PERFORM CONSTRUCTION STAKEOUT FOR THE PROJECT.
2. IT IS THE CONTRACTOR'S RESPONSIBILITY FOR CONFIRMING EXISTING ELEVATIONS FOR FEATURES THAT ARE TO BE TIED INTO SUCH AS CURBING, PAVEMENT, SIDEWALKS, ETC.
3. THE CONTRACTOR SHALL CONTACT THE ENGINEER OF RECORD FOR DISCREPANCIES ON EXISTING ELEVATIONS GREATER THAN 0.17 FEET TO DETERMINE ADJUSTMENT NECESSARY FOR PROPOSED GRADING.
4. THE CONTRACTOR SHALL PERFORM GRADING SO THAT POSITIVE DRAINAGE IS ACHIEVED. STANDING WATER AT CONSTRUCTION COMPLETION WILL NOT BE ACCEPTED.
5. CONTRACTOR SHALL ADHERE TO THE GENERAL FLOW PATTERNS AND DIRECTIONS INDICATED ON THE PLANS.
6. IMPORTED EARTHEN FILL MATERIAL SHALL BE ENVIRONMENTALLY CLEAN AND FREE OF REFUSE, DEBRIS, ORGANIC MATTER, FROZEN MATERIAL, AND/OR DELETERIOUS MATERIALS. MATERIAL SHALL BE CLASSIFIED AS SM OR SP ACCORDING TO THE UNIFIED SOIL CLASSIFICATION SYSTEM. MATERIAL SHALL NOT CONTAIN STONES LARGER THAN 2 INCHES. MATERIAL SHALL HAVE A MAXIMUM DRY DENSITY NOT THAN THAN 100 POUNDS PER CUBIC FEET AS DETERMINED BY ASTM D-698. IT IS THE CONTRACTOR'S RESPONSIBLY TO REMOVE UNSUITABLE MATERIAL FROM BORROW SOURCES AND SUBMIT REPRESENTATIVE SAMPLES TO THE OWNER/ENGINEER FOR REVIEW PRIOR TO USE.

## GRADING AND STORMWATER MANAGEMENT PLAN NOTES:

1. PERVIOUS ASPHALT PAVEMENT.
2. PERVIOUS PAVER SIDEWALK.
3. COVER EXISTING WOODEN BULKHEAD WITH APROXIMATELY 6" OF SAND. PROVIDE SMOOTH TRANSITION TO EXISTING GRADE.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**Applicant Exhibit #1 pg. 10**

HORIZONTAL DATUM: LOCAL

VERTICAL DATUM: NAVD 88

0 5' 10' 20'
GRAPHIC SCALE IN FEET

FULL SIZE PLOT: 24" x 36"

REVISIONS

SEAL

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EXPIRATION DATE: DECEMBER 16, 2025

PROJECT NAME
FREDDIES FAMILY ZONE BOARDWALK AND RENOVATIONS

PROJECT ADDRESS
105 64TH STREET
OCEAN CITY, MD 21842

DRAWING TITLE
GRADING AND STORMWATER MANAGEMENT PLAN

DRAWING INFORMATION

| | |
|---|---|
| DRAWN BY: NWH/SCL | DESIGNED BY: SCL |
| CHECKED BY: DOK | PROJECT MANAGER: SCL |

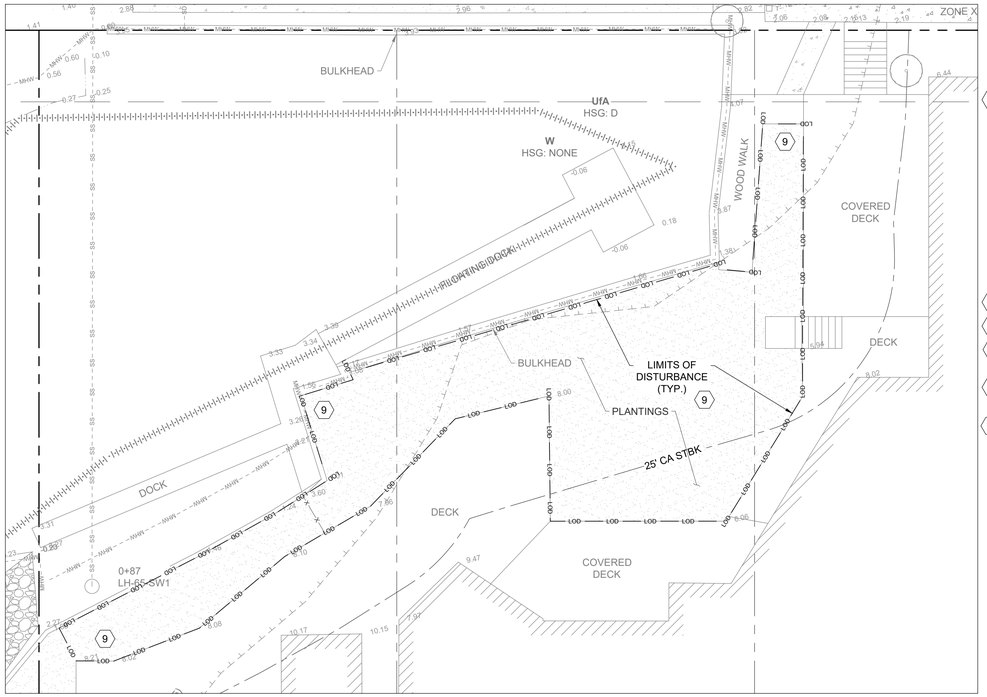
PROJECT NUMBER: 6390601

DRAWING NO.
**C-104**

DATE: SEPTEMBER 2024 SHEET: 6 OF 12

SITE DEVELOPMENT PLANS - NOT FOR CONSTRUCTION

FILE PATH: \\DCSNAPINESPROJECTS\DOCS\6390601 - DEAD FREDDIES EXPANSION\CAD\PRODUCTION\DESIGN SET\6390601 - 03.DD - GRADING AND STORMWATER MANAGEMENT PLAN.DWG [C-104] LEMASTERS, STEVEN 10/5/2024 2:48 PM




**EROSION AND SEDIMENT CONTROL PLAN INSET**
SCALE: 1" = 10'

## EROSION AND SEDIMENT CONTROL PLAN NOTES:

1. SEE EXISTING CONDITIONS FOR PLAN INSET LOCATION WITHIN THE EXISTING SITE AND DEMOLITION PLAN FOR THE REMOVAL OF EXISTING FEATURES.

(2) AREAS WITH STORMWATER MANAGEMENT FEATURES SHALL BE MINIMALLY USED FOR HEAVY CONSTRUCTION TRAFFIC TO PREVENT THE COMPACTION OF THE UNDERLYING SOILS. SHOULD SOILS BECOME COMPACTED DURING CONSTRUCTION, CONTRACTOR SHALL EXCAVATE COMPACTED SOILS AND PERFORM INFILTRATION TESTING TO ENSURE A RATE OF 0.52 IN/HR IS MET.

3. SHOULD IT BECOME NECESSARY TO DEWATER AN OPEN TRENCH OR OTHER EXCAVATED PIT, AN APPROVED SEDIMENT FILTERING BAG SHALL BE UTILIZED PER DETAILS ON THIS SHEET.

4. SILT FENCE OFFSET FOR CLARITY AND SHALL BE LOCATED ALONG PROPERTY LINE, EXISTING PERIMETER WALL, OR EDGE OF PAVEMENT.

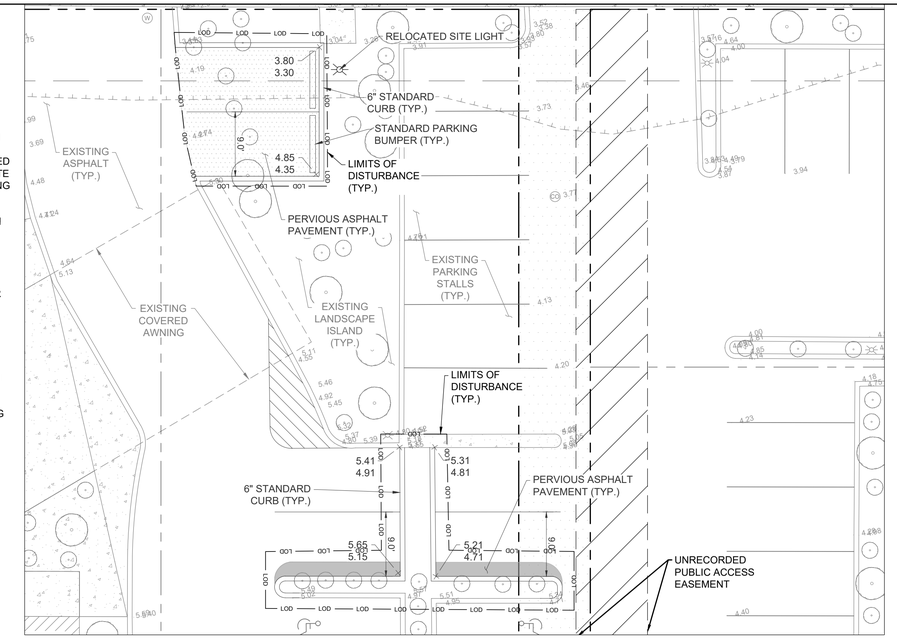
(5) STANDARD SILT FENCE. SEE DETAIL ON DRAWING C-503

(6) SUPER SILT FENCE. SEE DETAIL ON DRAWING C-503.

(7) STABILIZED CONSTRUCTION ENTRANCE. SEE DETAIL ON DRAWING C-503.

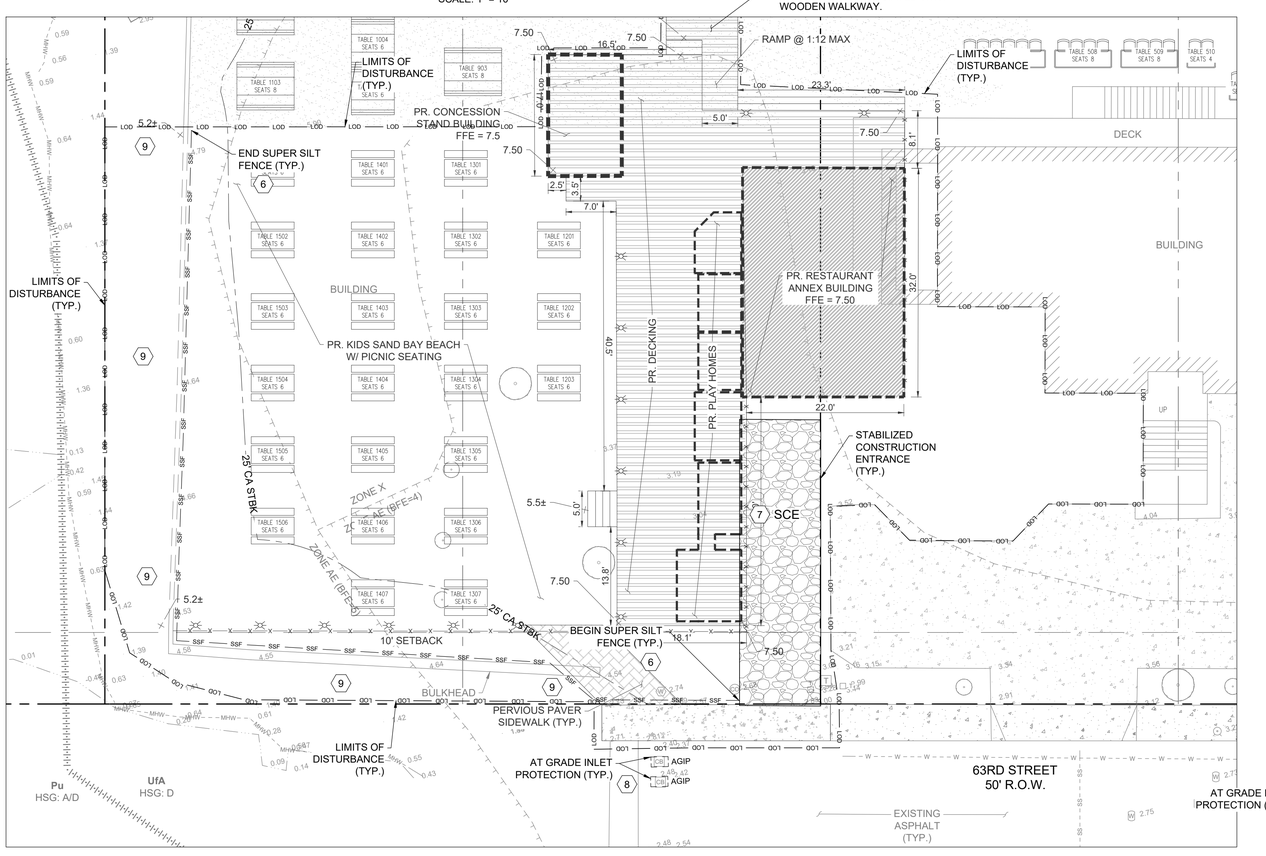
(8) AT-GRADE INLET PROTECTION. SEE DETAIL ON DRAWING C-503.

(9) AREA IDENTIFIED WITHIN THE LIMIT IS DISTURBANCE IS FOR THE SOLE PURPOSE OF THE INSTALLATION OF LANDSCAPING. EXISTING BULKHEAD PROVIDES PROTECTION FROM INADVERTENT RELEASE OF SEDIMENT.

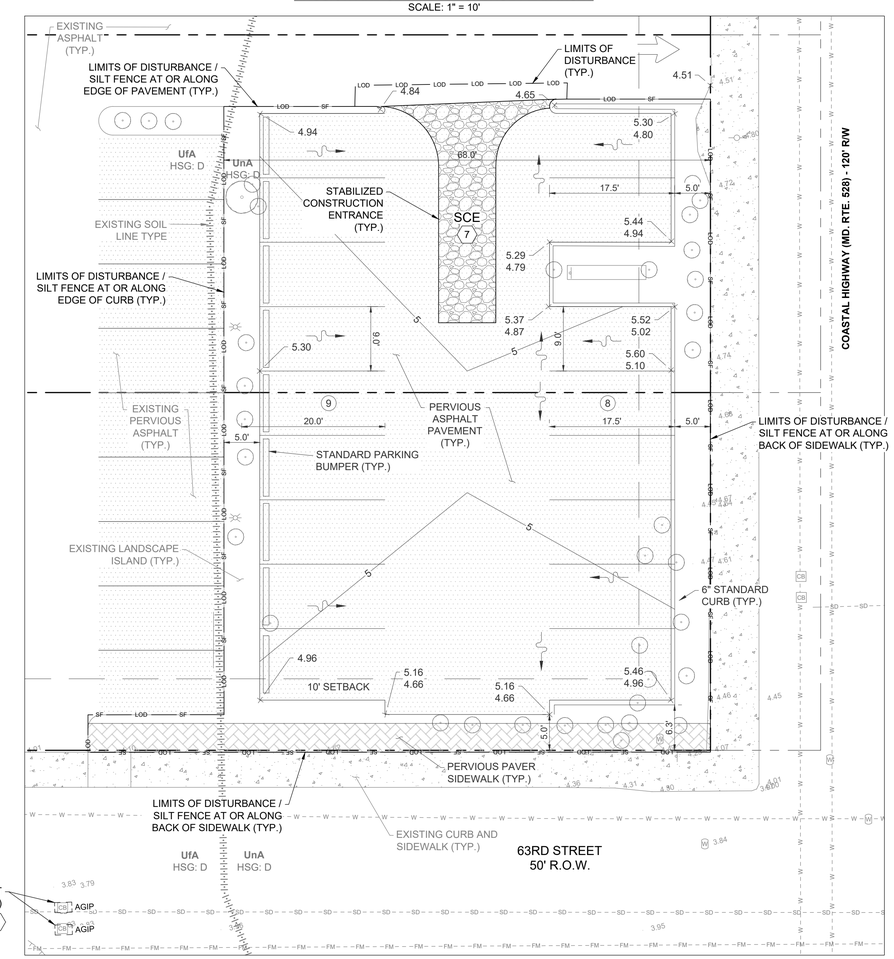



**EROSION AND SEDIMENT CONTROL PLAN INSET**
SCALE: 1" = 10'

SEE DRAWING C-101 FOR LIMIT OF DISTURBANCE ASSOCIATED WITH WOODEN WALKWAY.




**EROSION AND SEDIMENT CONTROL PLAN INSET**
SCALE: 1" = 10'




**EROSION AND SEDIMENT CONTROL PLAN INSET**
SCALE: 1" = 10'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**Applicant Exhibit #1 pg. 11**

**HORIZONTAL DATUM:** LOCAL

**VERTICAL DATUM:** NAVD 88

0 5' 10' 20'
GRAPHIC SCALE IN FEET

FULL SIZE PLOT: 24" x 36"

**REVISIONS**

**SEAL**

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 55422
EXPIRATION DATE: DECEMBER 16, 2025

**PROJECT NAME**
FREDDIES FAMILY ZONE BOARDWALK AND RENOVATIONS

**PROJECT ADDRESS**
105 64TH STREET
OCEAN CITY, MD 21842

**DRAWING TITLE**
EROSION AND SEDIMENT CONTROL PLAN

**DRAWING INFORMATION**

| | |
|---|---|
| DRAWN BY: NWH/SCL | DESIGNED BY: SCL |
| CHECKED BY: DOK | PROJECT MANAGER: SCL |

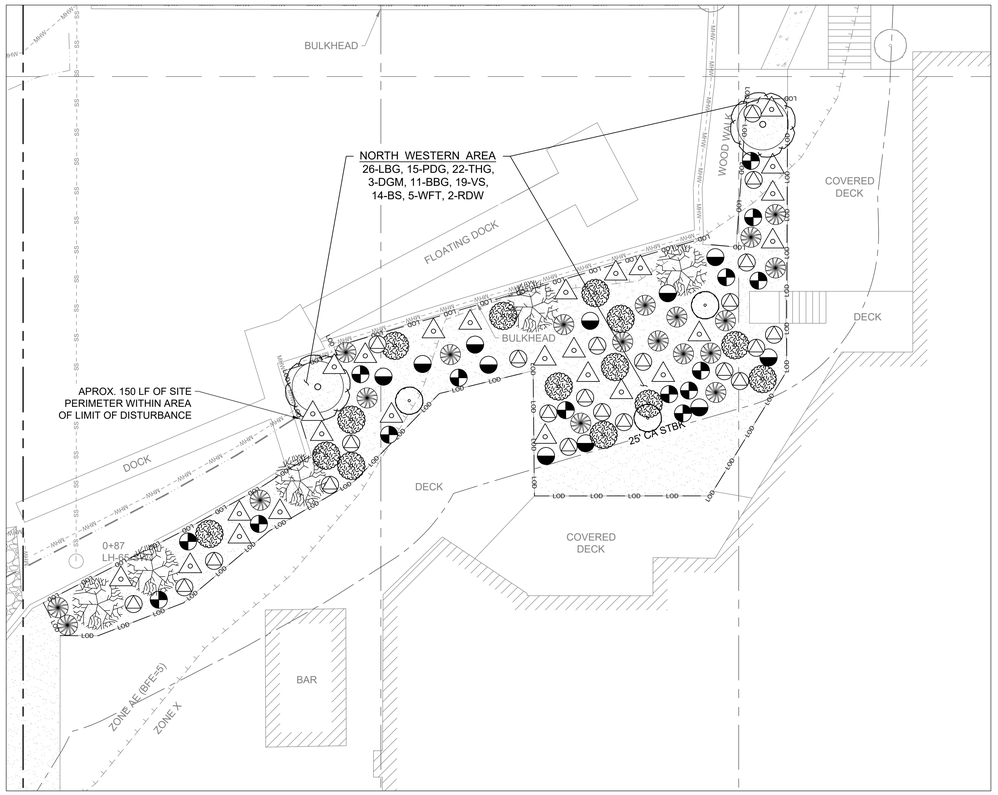
PROJECT NUMBER: 6390601

**DRAWING NO.**
**C-105**

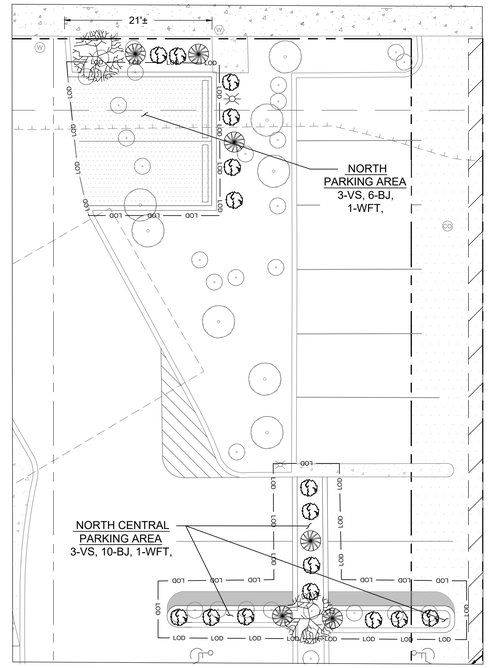
DATE: SEPTEMBER 2024 SHEET: 7 OF 12

SITE DEVELOPMENT PLANS - NOT FOR CONSTRUCTION

FILE PATH: \\OCEANPINES\PROJECTS\DOCS\6390601 - DEAD FREDDIES EXPANSION\CAD\PRODUCTION\DESIGN SET\6390601 - 04.00 - EROSION AND SEDIMENT CONTROL PLAN.DWG [C-105] LEMASTERS, STEVEN 12/5/2024 2:49 PM




**PLANTING PLAN INSET**
SCALE: 1" = 10'




**PLANTING PLAN INSET**
SCALE: 1" = 10'

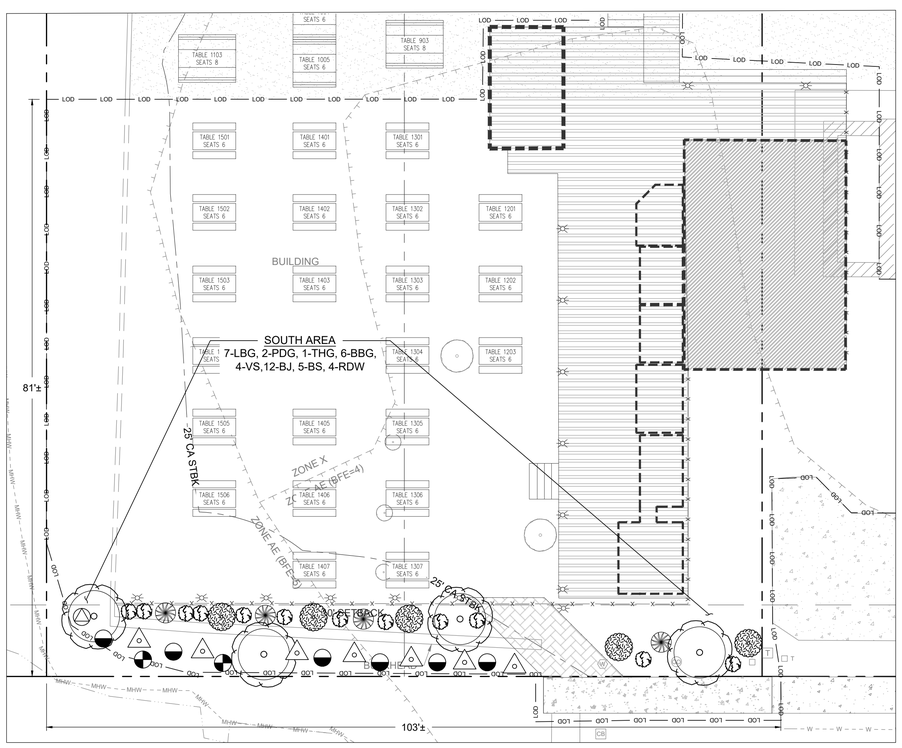
## CRITICAL AREA PLANTING PLAN TABLE

| IDENTIFIER | SCIENTIFIC NAME | COMMON NAME | SIZE | HEIGHT/ FORM | COUNT | CREDITS |
|---|---|---|---|---|---|---|
| HERBACEOUS PLANTS (2 CREDITS EACH) | | | | | **TOTAL 90 PLANT** | **TOTAL 180 CREDITS** |
| LBG | SCHIZACHYRIUM SCOPARIUM | LITTLE BLUESTEM | QUART | 1.5' - 3' | 33 | 66 |
| PDG | SPOROBOLUS HETEROLOPSIS | PRAIRIE DROPSEED | QUART | 2' - 3' | 17 | 34 |
| THG | DESCHAMPSIA CESPITOSA | TUFTED HAIR GRASS | QUART | 2' - 3' | 23 | 46 |
| BBG | ELYMUS HYSTRIX | BOTTLE BRUSH GRASS | QUART | 2.5' - 3' | 17 | 34 |
| SHRUBS (50 CREDITS EACH) | | | | | **TOTAL 125 SHRUBS** | **TOTAL 6,250 CREDITS** |
| DGM | CHAMAECYPARIS PISIFERA | DWARF GOLD MOP | 1 GALLON | 2 FT | 3 | 150 |
| VS | ITEA VIRGINICA | VIRGINIA SWEETSPIRE | #1 CONTAINER | 3-4 FT | 40 | 2,000 |
| BJ | JUNIPERUS HORIZONTALIS | CREEPING JUNIPER "BLUE CHIP" | 1 GALLON | 3 FT | 59 | 2,800 |
| BS | AMELANCHIER BARTRAMINANA | BARTRAM SERVICEBERRY | #1 CONTAINER | 2-3 FT | 23 | 1,150 |
| TREES (100 CREDITS EACH) | | | | | **TOTAL 25 TREES** | **TOTAL 2,500 CREDITS** |
| WFT | CHIONANTHUS VIRGINICUS | FRINGE TREE, WHITE | >1.5" CALIPER | 14 FT | 14 | 1,400 |
| RDW | CORNUS FLORIDA | FLOWERING DOGWOOD, RED | >1.5" CALIPER | 12 FT | 11 | 1,100 |

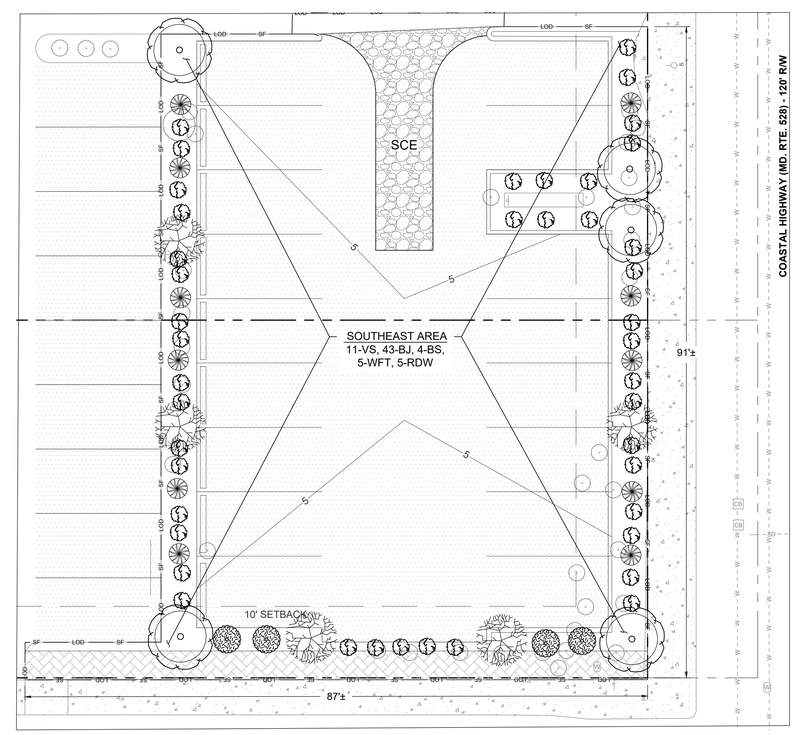
**TOTAL CRITICAL AREA CREDITS = 8,630**

## PLANTING PLAN NOTES:

1. SYMBOLS ON THIS SHEET DEPICT SUGGESTED PLANTING SCHEMES.
2. PLANTS SHOULD BE SPACED AT A MINIMUM DISTANCE SPECIFIED IN THE TABLE ON THIS SHEET AND IN A RANDOM OR CLUMPING PATTERN.
3. MINOR ADJUSTMENTS TO PLANT MATERIAL PLACEMENT LOCATIONS MAY BE SUBSTITUTED IN THE FIELD WITH THE APPROVAL OF THE TOWN OF OCEAN CITY BASED ON EXISTING PLANT COMMUNITY SPECIES.
4. THE CONTRACTOR SHALL PURCHASE ALL PLANTS FROM A LOCAL NURSERY, WITHIN APPROXIMATELY 50 MILES OF THE PROJECT SITE TO ENSURE NATIVE ECOTYPES.
5. COORDINATE WITH OWNER ON PREFERENCE OF PROVIDING RIVER ROCK, GRASS SEED, OR SOD IN OPEN AREAS.




**PLANTING PLAN INSET**
SCALE: 1" = 10'




**PLANTING PLAN INSET**
SCALE: 1" = 10'


EA Engineering, Science, and Technology, Inc., PBC

11200 Racetrack Road, Unit A101
Ocean Pines, Maryland 21811
(410) 641-5341

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**Applicant Exhibit #1 pg. 12**

N

**HORIZONTAL DATUM:** LOCAL

**VERTICAL DATUM:** NAVD 88

0 5' 10' 20'
GRAPHIC SCALE IN FEET

FULL SIZE PLOT: 24" x 36"

**REVISIONS**

**SEAL**

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 55422
EXPIRATION DATE: DECEMBER 16, 2025

**PROJECT NAME**
FREDDIES FAMILY ZONE BOARDWALK AND RENOVATIONS

**PROJECT ADDRESS**
105 64TH STREET
OCEAN CITY, MD 21842

**DRAWING TITLE**
PLANTING PLAN

**DRAWING INFORMATION**

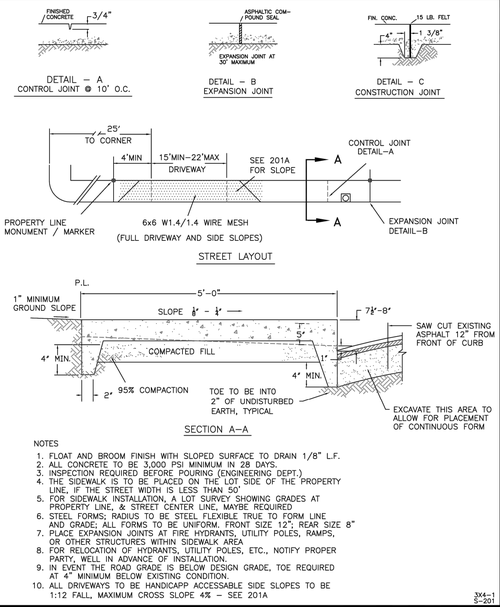
DRAWN BY: NWH/SCL DESIGNED BY: SCL
CHECKED BY: DOK PROJECT MANAGER: SCL
PROJECT NUMBER: 6390601

**DRAWING NO.**
**C-106**

DATE: SEPTEMBER 2024 SHEET: 8 OF 12

SITE DEVELOPMENT PLANS - NOT FOR CONSTRUCTION

FILE PATH: \\DOS\ANP\RES\PROJECTS\DOCS\6390601 - DEAD FREDDIES EXPANSION\CAD\PRODUCTION\DESIGN SET\6390601 - 00.00 - PLANTING PLAN.DWG JC-106\LEMASTERS, STEVEN 12/3/2024 2:30 PM

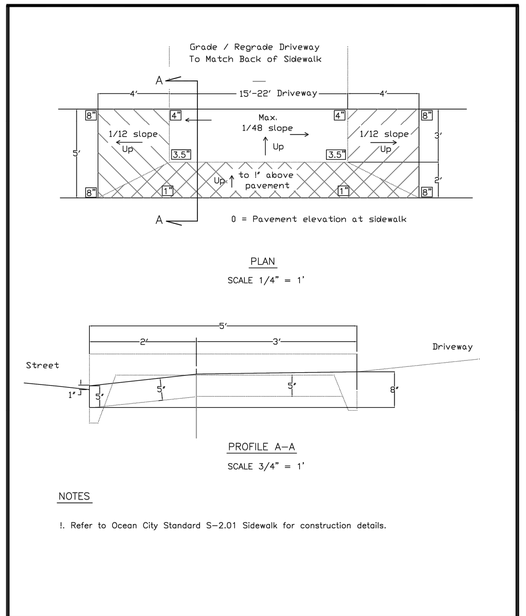



NOTES

1. FLOAT AND BROOM FINISH WITH SLOPED SURFACE TO DRAIN 1/8" L.F.
2. ALL CONCRETE TO BE 3,000 PSI MINIMUM IN 28 DAYS.
3. INSPECTION REQUIRED BEFORE POURING (ENGINEERING DEPT.)
4. THE SIDEWALK IS TO BE PLACED ON THE LOT SIDE OF THE PROPERTY LINE, IF THE STREET WIDTH IS LESS THAN 50'
5. FOR SIDEWALK INSTALLATION, A LOT SURVEY SHOWING GRADES AT PROPERTY LINE, & STREET CENTER LINE, MAYBE REQUIRED
6. STEEL FORMS; RADIUS TO BE STEEL FLEXIBLE TRUE TO FORM LINE AND GRADE; ALL FORMS TO BE UNIFORM. FRONT SIZE 12"; REAR SIZE 8"
7. PLACE EXPANSION JOINTS AT FIRE HYDRANTS, UTILITY POLES, RAMPS, OR OTHER STRUCTURES WITHIN SIDEWALK AREA
8. FOR RELOCATION OF HYDRANTS, UTILITY POLES, ETC., NOTIFY PROPER PARTY, WELL IN ADVANCE OF INSTALLATION.
9. IN EVENT THE ROAD GRADE IS BELOW DESIGN GRADE, TOE REQUIRED AT 4" MINIMUM BELOW EXISTING CONDITION.
10. ALL DRIVEWAYS TO BE HANDICAPP ACCESSABLE SIDE SLOPES TO BE 1:12 FALL, MAXIMUM CROSS SLOPE 4% – SEE 201A

3X4–1
S–201

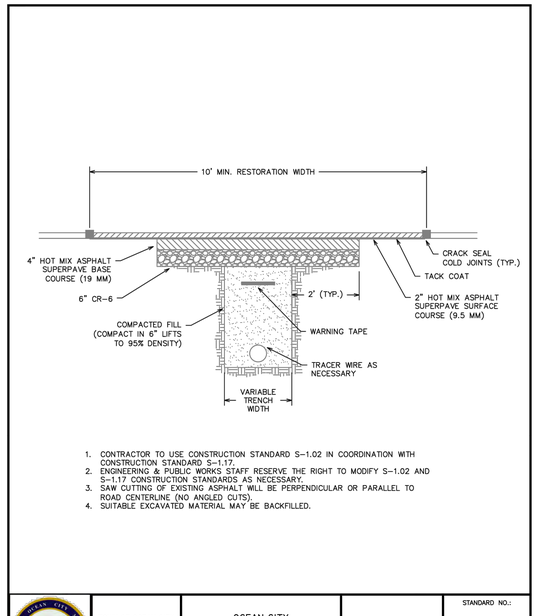
| DRAWN BY: K. JORDAN | APPROVED BY: | OCEAN CITY STANDARDS<br>SIDEWALKS / CURBS<br>5' WIDE CITY SIDEWALK | STANDARD NO. |
|---|---|---|---|
| DATE: 3–9–95 REV 4–11–07 10–23–13 | DATE: | | S–2.01 |




NOTES

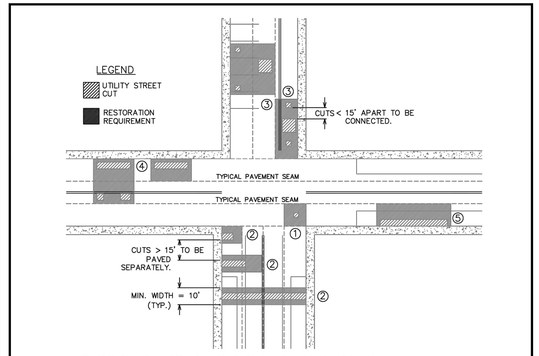
1. Refer to Ocean City Standard S–2.01 Sidewalk for construction details.

| DRAWN BY: K. JORDAN | APPROVED BY: | OCEAN CITY STANDARDS<br>SIDEWALKS / CURBS<br>ADA DRIVEWAY SLOPES | STANDARD NO. |
|---|---|---|---|
| DATE: 11–5–07 Revised 10–23–13 | DATE: | | S–201A |




1. CONTRACTOR TO USE CONSTRUCTION STANDARD S–1.02 IN COORDINATION WITH CONSTRUCTION STANDARD S–1.17.
2. ENGINEERING & PUBLIC WORKS STAFF RESERVE THE RIGHT TO MODIFY S–1.02 AND S–1.17 CONSTRUCTION STANDARDS AS NECESSARY.
3. SAW CUTTING OF EXISTING ASPHALT WILL BE PERPENDICULAR OR PARALLEL TO ROAD CENTERLINE (NO ANGLED CUTS).
4. SUITABLE EXCAVATED MATERIAL MAY BE BACKFILLED.

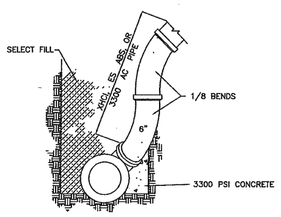
| | | | | |
|---|---|---|---|---|
| TOWN OF OCEAN CITY ENGINEERING DEPT. 301 BALTIMORE AVE. OCEAN CITY, MD 21842 (410) 289 – 8845 | OCEAN CITY CONSTRUCTION STANDARDS<br>PAVEMENT RESTORATION FOR UTILITY CUTS<br>(SECTION VIEW) | DATE: 2018.08.24<br>SCALE: 1/2" = 1'–0"<br>DESIGN BY: PBM | STANDARD NO.: | S–1.02 |



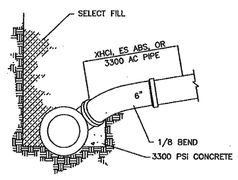

1. CONTRACTOR TO USE CONSTRUCTION STANDARD S–1.17 IN COORDINATION WITH CONSTRUCTION STANDARD S–1.02.
2. ENGINEERING & PUBLIC WORKS STAFF RESERVE THE RIGHT TO MODIFY S–1.17 AND S–1.02 CONSTRUCTION STANDARDS AS NECESSARY.
3. PER CODE OF THE TOWN OF OCEAN CITY, CHAPTER 94 – UTILITIES, ARTICLE IV. – UTILITY INSTALLATION, SEC. 94–83 – TECHNICAL AND CONSTRUCTION REQUIREMENTS, "THE DEPARTMENT OF PUBLIC WORKS SHALL PROVIDE DETAILS FOR TECHNICAL AND CONSTRUCTION REQUIREMENTS, WHICH EACH APPLICANT MUST BE IN COMPLIANCE." (Ord. No. 2017–15 , 10–2–2017)
https://library.municode.com/md/ocean_city/codes/code_of_ordinances?nodeId=PTIICOOR_CH94UT_ARTIVUTIN_S94–83TECORE

| S–1.17 PAVEMENT RESTORATION | |
|---|---|
| 1 | INTERSECTION DETAIL. |
| 2 | UTILITY CUTS PERPENDICULAR TO CENTERLINE. |
| 3 | UTILITY CUTS PERPENDICULAR TO CENTERLINE (INCLUDING TEST PITTING). |
| 4 | UTILITY CUTS PARALLEL TO CENTERLINE (INCLUDING TEST PITTING). |
| 5 | PAVEMENT DISTURBANCE DUE TO CONCRETE SIDEWALK REPLACEMENT. |

| | | | | |
|---|---|---|---|---|
| TOWN OF OCEAN CITY ENGINEERING DEPT. 301 BALTIMORE AVE. OCEAN CITY, MD 21842 (410) 289 – 8845 | OCEAN CITY CONSTRUCTION STANDARDS<br>PAVEMENT RESTORATION FOR UTILITY CUTS<br>(PLAN VIEW) | DATE: 2018.08.24<br>SCALE: 1" = 40'<br>DESIGN BY: PBM | STANDARD NO.: | S–1.17 |



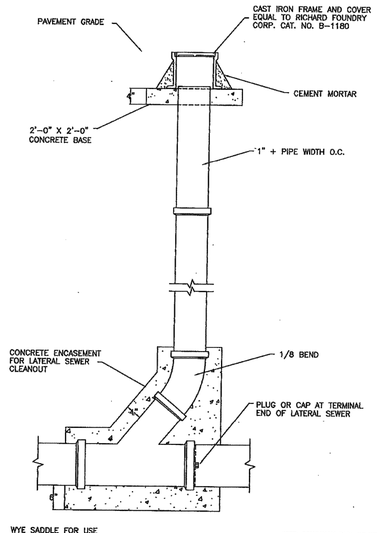

DEEP




SHALLOW

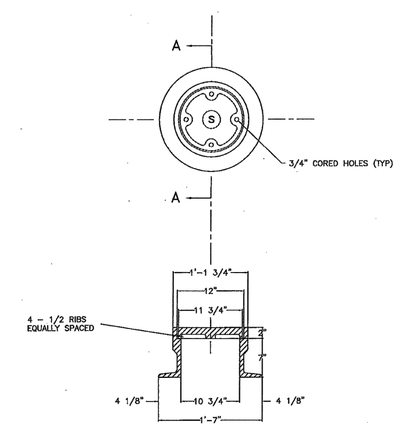
NOTE: ORIGINALLY WCSC STD–9
PLOT W/ 8X11S1–A AS BORDER
1–3/4

| DRAWN BY: K. JORDAN | APPROVED BY: | OCEAN CITY STANDARDS<br>WASTEWATER<br>STANDARD DROP HOUSE CONNECTION | STANDARD NO. |
|---|---|---|---|
| DATE: 2–6–97 | DATE: | | S–5.09 |




NOTE: ORIGINALLY PART OF WSCS STD–8
PLOT W/ 8X11S1–A AS BORDER
1–3/4

| DRAWN BY: K. JORDAN | APPROVED BY: | OCEAN CITY STANDARDS<br>WASTEWATER<br>STANDARD LATERAL CLEANOUT CONNECTION | STANDARD NO. |
|---|---|---|---|
| DATE: 1–31–96 | DATE: | | S–5.10 |




MINIUM AVERAGE WEIGHT
FRAME – 102 LBS
COVER – 31 LBS

NOTE: ORIGINAL – PART OF WSCS STD–1
PLOT W/ 8X11S1–A AS BORDER
1–1

| DRAWN BY: K. JORDAN | APPROVED BY: | OCEAN CITY STANDARDS<br>WASTEWATER<br>CLEAN OUT FRAME AND COVER | STANDARD NO. |
|---|---|---|---|
| DATE: 2–14–97 | DATE: | | S–502 |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**Applicant Exhibit #1 pg. 13**

HORIZONTAL DATUM: LOCAL

VERTICAL DATUM: NAVD 88

FULL SIZE PLOT: 24" x 36"

REVISIONS

SEAL

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 55422
EXPIRATION DATE: DECEMBER 16, 2025

PROJECT NAME
FREDDIES FAMILY ZONE BOARDWALK AND RENOVATIONS

PROJECT ADDRESS
105 64TH STREET
OCEAN CITY, MD 21842

DRAWING TITLE
TOWN OF OCEAN CITY STANDARD DETAILS

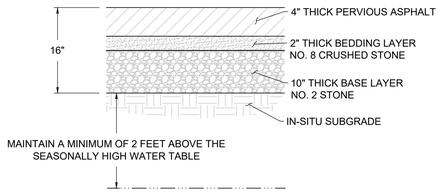
DRAWING INFORMATION
DRAWN BY: NWH/SCL DESIGNED BY: SCL
CHECKED BY: DOK PROJECT MANAGER: SCL
PROJECT NUMBER: 6390601

DRAWING NO.
**C-501**

DATE: SEPTEMBER 2024 SHEET: 9 OF 12

SITE DEVELOPMENT PLANS - NOT FOR CONSTRUCTION

FILE PATH: \\OCEANPINES\PROJECTS\DOCS\6390601 - DEAD FREDDIES EXPANSION\CAD\PRODUCTION\DESIGN SET\6390601 - 06.00 - DETAILS.DWG [C-501] LEMASTERS, STEVEN 10/3/2024 2:50 PM




**PERMEABLE ASPHALT PAVEMENT DETAIL**
NOT TO SCALE

NOTES:

1. SUBGRADE SHALL BE COMPACTED TO A MINIMUM OF 95% OF MAXIMUM DRY DENSITY IN ACCORDANCE WITH THE STANDARD MOISTURE DENSITY RELATIONSHIP TEST (ASTM D69).

2. SUBGRADE SHALL CONSIST OF SAND WITH AASHTO CLASSIFICATION A-2-4 OR MORE GRANULAR. PROOFROLL WITH LOADED TANDEM DUMP TRUCK OR RUBBER TIRE ROLLER WITH GROSS WEIGHT IN EXCESS OF 30 TONS, AND APPROVED BY A GEOTECHNICAL ENGINEER PRIOR TO PLACEMENT OF STONE.

3. UNSATISFACTORY SUBGRADE SHALL BE REWORKED OR REMOVED AT THE RECOMMENDATION OF A GEOTECHNICAL ENGINEER.

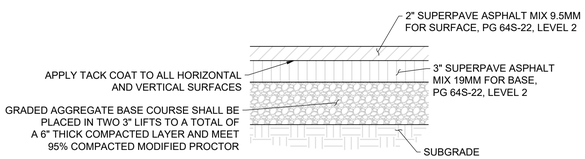
3. FINISHED BASE COURSE STONE SHALL BE COMPACTED WITH A STEEL DRUM VIBRATORY COMPACTOR.

4. FINISHED BASE COURSE STONE SHALL BE PROOFROLLED WITH A LOADED TANDEM AXEL DUMP TRUCK AND APPROVED BY A GEOTECHNICAL ENGINEER PRIOR TO PLACEMENT OF PERMEABLE ASPHALT.

MAINTENANCE AND INSPECTION REQUIREMENTS FOR ALTERNATIVE SURFACES

1. INSPECTION REQUIREMENTS
   - 1.1. DURING EXCAVATION TO SUBGRADE
   - 1.2. DURING PLACEMENT AND BACKFILL OF ANY DRAINAGE OR DISTRIBUTION SYSTEM(S)
   - 1.3. DURING PLACEMENT OF THE STONE SUBBASE MATERIAL
   - 1.4. DURING PLACEMENT OF SURFACE MATERIAL
   - 1.5. UPON COMPLETION OF FINAL GRADING AND ESTABLISHMENT OF PERMANENT STABILIZATION

2. MAINTENANCE REQUIREMENTS
   - 2.1. PAVEMENT SURFACE SHALL BE SWEPT AND VACUUMED AS NEEDED, OR AT A MINIMUM ANNUALLY, TO MAINTAIN POROSITY OF THE PAVEMENT. USE OF COMPRESSED AIR OR POWER WASHERS ARE NOT PERMITTED
   - 2.2. PERFORM FLUSHING/CLEANING OF ANY DRAINAGE OR DISTRIBUTION PIPES
   - 2.3. IMPLEMENT OPERATION MEASURES TO PREVENT HEAVY VEHICLES FROM UTILIZING ALTERNATIVE SURFACES TO REDUCE POTENTIAL OF SEDIMENTATION.
   - 2.4. USE OF DEICERS SHALL BE USED IN MODERATION. DEICERS UTILIZED ARE TO BE NON-TOXIC, ORGANIC, AND APPLIED AS EITHER CALCIUM MAGNESIUM ACETATE OR PRETREATED SALT.



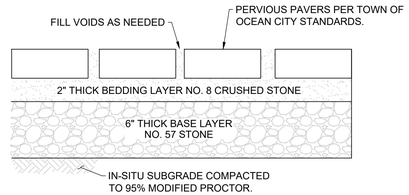

**STANDARD ASPHALT PAVEMENT DETAIL**
NOT TO SCALE

NOTES:

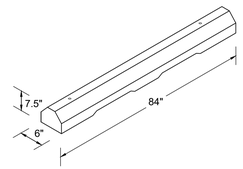
1. SHALL BE UTILIZED FOR ALL IMPERVIOUS ASPHALT AREAS WITHIN THE PROPERTY BOUNDARY. REFER TO CITY STANDARDS FOR ASPHALT REPAIR WITHIN TOWN LIMITS.

2. PAVEMENT SECTION SHALL BE VERIFIED BY A GEOTECHNICAL ENGINEER AND SUBMITTED TO THE ENGINEER FOR APPROVAL PRIOR TO INSTALLATION.

3. CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE. POOLING/PONDING OF WATER WILL NOT BE ACCEPTED.




**PERMEABLE PAVER DETAIL**
NOT TO SCALE



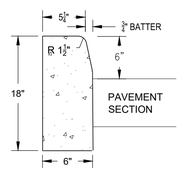

**STANDARD PARKING BUMPER DETAIL**
NOT TO SCALE

NOTES:

1. 7'-0" LONG - 370 LBS. TWO $\frac{5}{8}$"X18" ANCHOR PINS. 3/4" HOLES SHALL BE DRILLED THROUGH PAVEMENT SECTION AND PINS EPOXIED IN PLACE WITH SIKA ANCHOR FIX 500.

2. SMOOTH STEEL FORM FINISH.

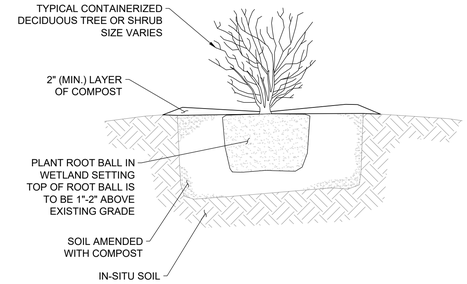
3. HIGH STRENGTH 4,500 PSI CONCRETE.




**6" STANDARD CURB**
NOT TO SCALE

NOTES:

1. CONCRETE SHALL BE MIX NO. 2, 3,000 PSI. 28-DAY COMPRESSIVE STRENGTH
2. SUBGRADE SHALL BE COMPACTED TO 95% MODIFIED PROCTOR DENSITY.



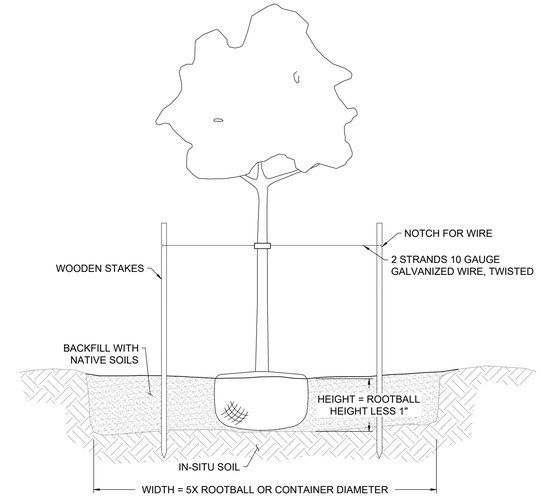

**CONTAINER STOCK PLANTING DETAIL**
NOT TO SCALE

NOTES:

1. SHRUB PIT CONFORMS WITH DEPTHS AND WIDTHS IN SPECIFICATIONS.

2. PRUNE SHRUBS ONLY AFTER INSTALLED AND AFTER THE PLANT HAS BEEN SUFFICIENTLY WATERED.

3. MULCH DIAMETER OF PLANTING HOLE, MINIMUM 2" DEPTH, WITH COMPOST.




**CONTAINER GROWN AND BALLED AND BURLAPPED TREE PLANTING AND STAKING DETAIL**
NOT TO SCALE

NOTES:

1. TO BE USED WHEN BALLED STOCK IS SUBSTITUTED FOR CONTAINERIZED.

2. TO BE USED FOR LARGE CALIPER, HIGH-VISIBILITY PLANTINGS.


EA Engineering, Science, and Technology, Inc., PBC

11200 Racetrack Road, Unit A101
Ocean Pines, Maryland 21811
(410) 641-5341

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**Applicant Exhibit #1 pg. 14**

**HORIZONTAL DATUM:**
LOCAL

**VERTICAL DATUM:**
NAVD 88

FULL SIZE PLOT: 24" x 36"

**REVISIONS**

**SEAL**

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 55422
EXPIRATION DATE: DECEMBER 16, 2025

**PROJECT NAME**
FREDDIES FAMILY ZONE BOARDWALK AND RENOVATIONS

**PROJECT ADDRESS**
105 64TH STREET
OCEAN CITY, MD 21842

**DRAWING TITLE**
SITE DETAILS

**DRAWING INFORMATION**

DRAWN BY: NWH/SCL DESIGNED BY: SCL
CHECKED BY: DOK PROJECT MANAGER: SCL
PROJECT NUMBER: 6390601

**DRAWING NO.**
**C-502**

DATE: SEPTEMBER 2024 SHEET: 10 OF 12

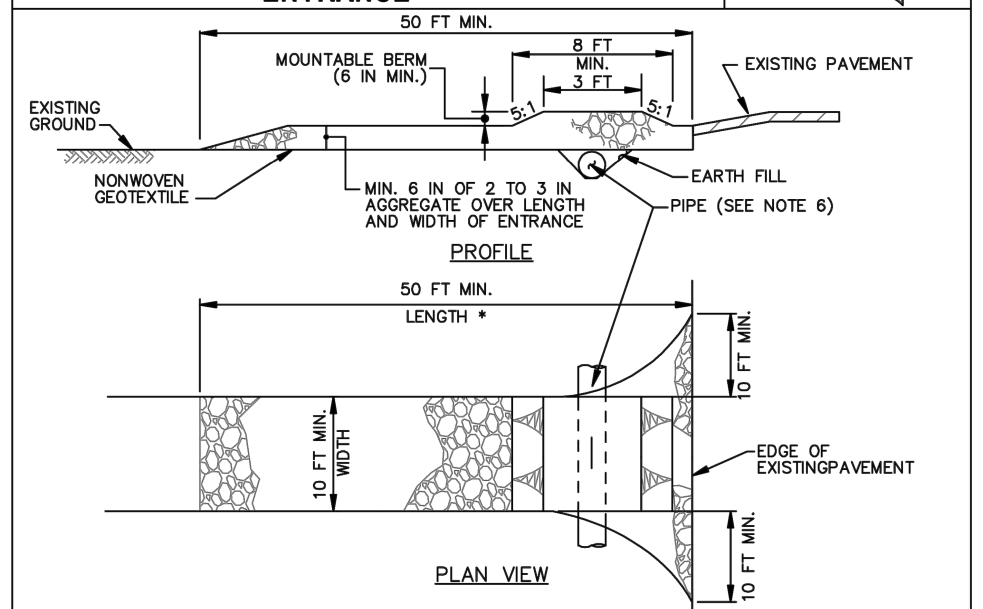
SITE DEVELOPMENT PLANS - NOT FOR CONSTRUCTION


FILE PATH: \\OCEANPNE\PROJECTS\DOCS\6390601 - DEAD FREDDIES EXPANSION\CAD\PRODUCTION\DESIGN SET\6390601 - 08.00 - DETAILS.DWG [C-502] LEMASTERS, STEVEN 12/5/2024 2:50 PM

Applicant Exhibit #1 pg. 15

## DETAIL B-1 STABILIZED CONSTRUCTION ENTRANCE

STANDARD SYMBOL: SCE




CONSTRUCTION SPECIFICATIONS

1. PLACE STABILIZED CONSTRUCTION ENTRANCE IN ACCORDANCE WITH THE APPROVED PLAN. VEHICLES MUST TRAVEL OVER THE ENTIRE LENGTH OF THE SCE. USE MINIMUM LENGTH OF 50 FEET (*30 FEET FOR SINGLE RESIDENCE LOT). USE MINIMUM WIDTH OF 10 FEET. FLARE SCE 10 FEET MINIMUM AT THE EXISTING ROAD TO PROVIDE A TURNING RADIUS.
2. PIPE ALL SURFACE WATER FLOWING TO OR DIVERTED TOWARD THE SCE UNDER THE ENTRANCE, MAINTAINING POSITIVE DRAINAGE. PROTECT PIPE INSTALLED THROUGH THE SCE WITH A MOUNTABLE BERM WITH 5:1 SLOPES AND A MINIMUM OF 12 INCHES OF STONE OVER THE PIPE. PROVIDE PIPE AS SPECIFIED ON APPROVED PLAN. WHEN THE SCE IS LOCATED AT A HIGH SPOT AND HAS NO DRAINAGE TO CONVEY, A PIPE IS NOT NECESSARY. A MOUNTABLE BERM IS REQUIRED WHEN SCE IS NOT LOCATED AT A HIGH SPOT.
3. PREPARE SUBGRADE AND PLACE NONWOVEN GEOTEXTILE, AS SPECIFIED IN SECTION H–1 MATERIALS.
4. PLACE CRUSHED AGGREGATE (2 TO 3 INCHES IN SIZE) OR EQUIVALENT RECYCLED CONCRETE (WITHOUT REBAR) AT LEAST 6 INCHES DEEP OVER THE LENGTH AND WIDTH OF THE SCE.
5. MAINTAIN ENTRANCE IN A CONDITION THAT MINIMIZES TRACKING OF SEDIMENT. ADD STONE OR MAKE OTHER REPAIRS AS CONDITIONS DEMAND TO MAINTAIN CLEAN SURFACE, MOUNTABLE BERM, AND SPECIFIED DIMENSIONS. IMMEDIATELY REMOVE STONE AND/OR SEDIMENT SPILLED, DROPPED, OR TRACKED ONTO ADJACENT ROADWAY BY VACUUMING, SCRAPING, AND/OR SWEEPING. WASHING ROADWAY TO REMOVE MUD TRACKED ONTO PAVEMENT IS NOT ACCEPTABLE UNLESS WASH WATER IS DIRECTED TO AN APPROVED SEDIMENT CONTROL PRACTICE.

MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL

| U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE | 2011 | MARYLAND DEPARTMENT OF ENVIRONMENT WATER MANAGEMENT ADMINISTRATION |
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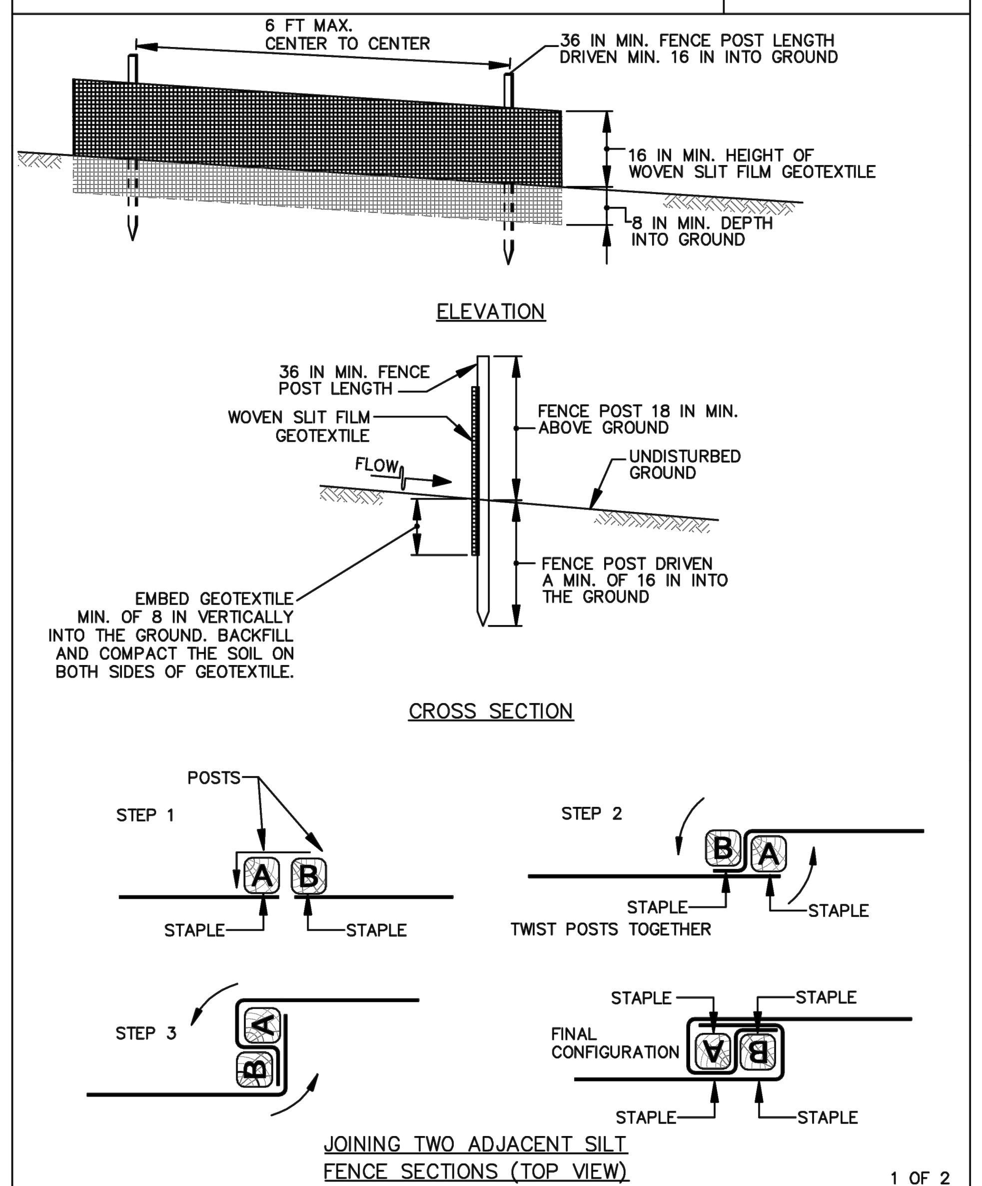
## DETAIL E-1 SILT FENCE

STANDARD SYMBOL: SF




1 OF 2

MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL

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## DETAIL E-1 SILT FENCE

STANDARD SYMBOL: SF

CONSTRUCTION SPECIFICATIONS

1. USE WOOD POSTS 1¾ X 1¾ ± 1⁄16 INCH (MINIMUM) SQUARE CUT OF SOUND QUALITY HARDWOOD. AS AN ALTERNATIVE TO WOODEN POST USE STANDARD "T" OR "U" SECTION STEEL POSTS WEIGHING NOT LESS THAN 1 POUND PER LINEAR FOOT.
2. USE 36 INCH MINIMUM POSTS DRIVEN 16 INCH MINIMUM INTO GROUND NO MORE THAN 6 FEET APART.
3. USE WOVEN SLIT FILM GEOTEXTILE AS SPECIFIED IN SECTION H–1 MATERIALS AND FASTEN GEOTEXTILE SECURELY TO UPSLOPE SIDE OF FENCE POSTS WITH WIRE TIES OR STAPLES AT TOP AND MID–SECTION.
4. PROVIDE MANUFACTURER CERTIFICATION TO THE AUTHORIZED REPRESENTATIVE OF THE INSPECTION/ENFORCEMENT AUTHORITY SHOWING THAT THE GEOTEXTILE USED MEETS THE REQUIREMENTS IN SECTION H–1 MATERIALS.
5. EMBED GEOTEXTILE A MINIMUM OF 8 INCHES VERTICALLY INTO THE GROUND. BACKFILL AND COMPACT THE SOIL ON BOTH SIDES OF FABRIC.
6. WHERE TWO SECTIONS OF GEOTEXTILE ADJOIN: OVERLAP, TWIST, AND STAPLE TO POST IN ACCORDANCE WITH THIS DETAIL.
7. EXTEND BOTH ENDS OF THE SILT FENCE A MINIMUM OF FIVE HORIZONTAL FEET UPSLOPE AT 45 DEGREES TO THE MAIN FENCE ALIGNMENT TO PREVENT RUNOFF FROM GOING AROUND THE ENDS OF THE SILT FENCE.
8. REMOVE ACCUMULATED SEDIMENT AND DEBRIS WHEN BULGES DEVELOP IN SILT FENCE OR WHEN SEDIMENT REACHES 25% OF FENCE HEIGHT. REPLACE GEOTEXTILE IF TORN. IF UNDERMINING OCCURS, REINSTALL FENCE.

2 OF 2

MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL

| U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE | 2011 | MARYLAND DEPARTMENT OF ENVIRONMENT WATER MANAGEMENT ADMINISTRATION |
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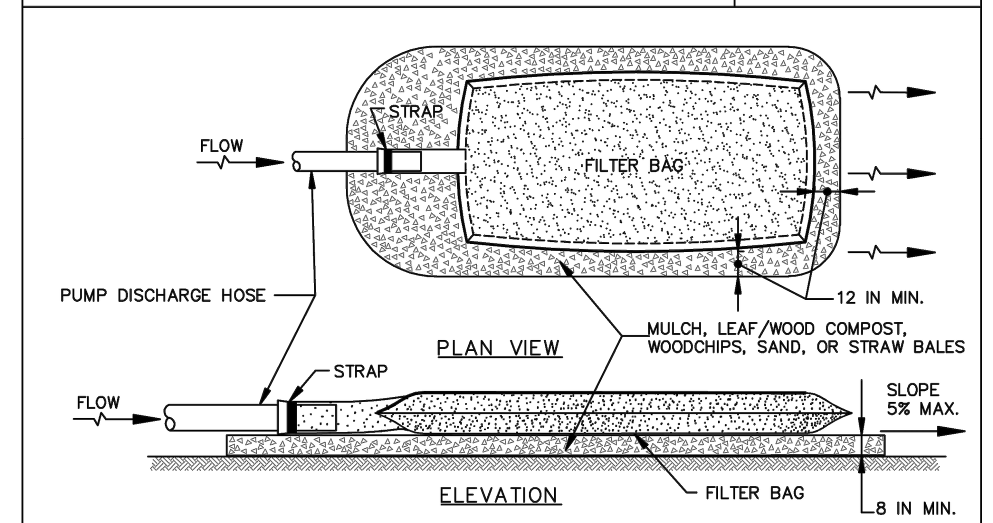
## DETAIL F-4 FILTER BAG

STANDARD SYMBOL: ☒FB




CONSTRUCTION SPECIFICATIONS

1. TIGHTLY SEAL SLEEVE AROUND THE PUMP DISCHARGE HOSE WITH A STRAP OR SIMILAR DEVICE.
2. PLACE FILTER BAG ON SUITABLE BASE (E.G., MULCH, LEAF/WOOD COMPOST, WOODCHIPS, SAND, OR STRAW BALES) LOCATED ON A LEVEL OR 5% MAXIMUM SLOPING SURFACE. DISCHARGE TO A STABILIZED AREA. EXTEND BASE A MINIMUM OF 12 INCHES FROM EDGES OF BAG.
3. CONTROL PUMPING RATE TO PREVENT EXCESSIVE PRESSURE WITHIN THE FILTER BAG IN ACCORDANCE WITH THE MANUFACTURER RECOMMENDATIONS. AS THE BAG FILLS WITH SEDIMENT, REDUCE PUMPING RATE.
4. REMOVE AND PROPERLY DISPOSE OF FILTER BAG UPON COMPLETION OF PUMPING OPERATIONS OR AFTER BAG HAS REACHED CAPACITY, WHICHEVER OCCURS FIRST. SPREAD THE DEWATERED SEDIMENT FROM THE BAG IN AN APPROVED UPLAND AREA AND STABILIZE WITH SEED AND MULCH BY THE END OF THE WORK DAY. RESTORE THE SURFACE AREA BENEATH THE BAG TO ORIGINAL CONDITION UPON REMOVAL OF THE DEVICE.
5. USE NONWOVEN GEOTEXTILE WITH DOUBLE STITCHED SEAMS USING HIGH STRENGTH THREAD. SIZE SLEEVE TO ACCOMMODATE A MAXIMUM 4 INCH DIAMETER PUMP DISCHARGE HOSE. THE BAG MUST BE MANUFACTURED FROM A NONWOVEN GEOTEXTILE THAT MEETS OR EXCEEDS MINIMUM AVERAGE ROLL VALUES (MARV) FOR THE FOLLOWING:

| | | |
|---|---|---|
| GRAB TENSILE | 250 LB | ASTM D–4632 |
| PUNCTURE | 150 LB | ASTM D–4833 |
| FLOW RATE | 70 GAL/MIN/$FT^2$ | ASTM D–4491 |
| PERMITTIVITY ($SEC^{-1}$) | 1.2 $SEC^{-1}$ | ASTM D–4491 |
| UV RESISTANCE | 70% STRENGTH @ 500 HOURS | ASTM D–4355 |
| APPARENT OPENING SIZE (AOS) | 0.15–0.18 MM | ASTM D–4751 |
| SEAM STRENGTH | 90% | ASTM D–4632 |

6. REPLACE FILTER BAG IF BAG CLOGS OR HAS RIPS, TEARS, OR PUNCTURES. DURING OPERATION KEEP CONNECTION BETWEEN PUMP HOSE AND FILTER BAG WATER TIGHT. REPLACE BEDDING IF IT BECOMES DISPLACED.

MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL

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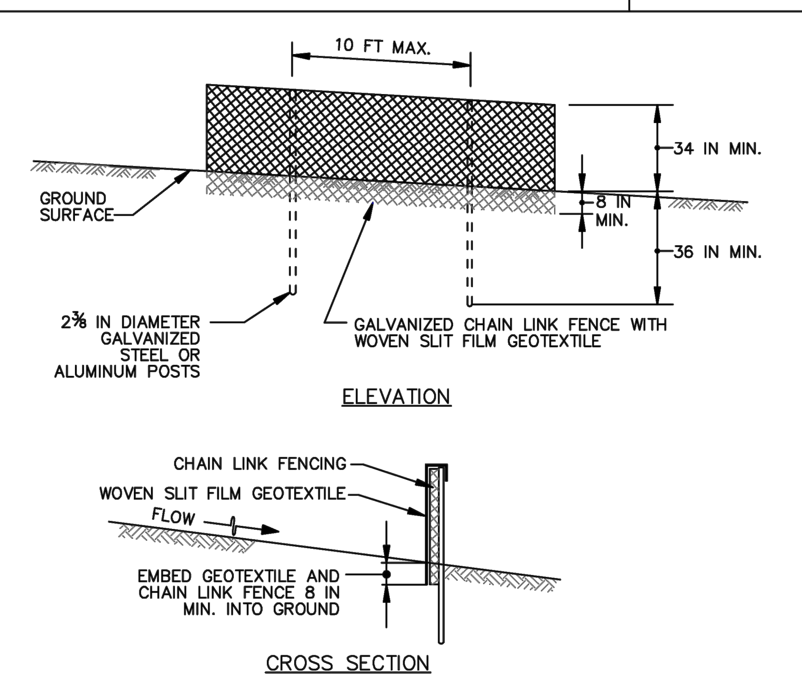
F.9

## DETAIL E-3 SUPER SILT FENCE

STANDARD SYMBOL: SSF




CONSTRUCTION SPECIFICATIONS

1. INSTALL 2⅜ INCH DIAMETER GALVANIZED STEEL POSTS OF 0.095 INCH WALL THICKNESS AND SIX FOOT LENGTH SPACED NO FURTHER THAN 10 FEET APART. DRIVE THE POSTS A MINIMUM OF 36 INCHES INTO THE GROUND.
2. FASTEN 9 GAUGE OR HEAVIER GALVANIZED CHAIN LINK FENCE (2⅜ INCH MAXIMUM OPENING) 42 INCHES IN HEIGHT SECURELY TO THE FENCE POSTS WITH WIRE TIES OR HUG RINGS.
3. FASTEN WOVEN SLIT FILM GEOTEXTILE AS SPECIFIED IN SECTION H–1 MATERIALS, SECURELY TO THE UPSLOPE SIDE OF CHAIN LINK FENCE WITH TIES SPACED EVERY 24 INCHES AT THE TOP AND MID SECTION. EMBED GEOTEXTILE AND CHAIN LINK FENCE A MINIMUM OF 8 INCHES INTO THE GROUND.
4. WHERE ENDS OF THE GEOTEXTILE COME TOGETHER, THE ENDS SHALL BE OVERLAPPED BY 6 INCHES, FOLDED, AND STAPLED TO PREVENT SEDIMENT BY PASS.
5. EXTEND BOTH ENDS OF THE SUPER SILT FENCE A MINIMUM OF FIVE HORIZONTAL FEET UPSLOPE AT 45 DEGREES TO THE MAIN FENCE ALIGNMENT TO PREVENT RUNOFF FROM GOING AROUND THE ENDS OF THE SUPER SILT FENCE.
6. PROVIDE MANUFACTURER CERTIFICATION TO THE INSPECTION/ENFORCEMENT AUTHORITY SHOWING THAT GEOTEXTILE USED MEETS THE REQUIREMENTS IN SECTION H–1 MATERIALS.
7. REMOVE ACCUMULATED SEDIMENT AND DEBRIS WHEN BULGES DEVELOP IN FENCE OR WHEN SEDIMENT REACHES 25% OF FENCE HEIGHT. REPLACE GEOTEXTILE IF TORN. IF UNDERMINING OCCURS, REINSTALL CHAIN LINK FENCING AND GEOTEXTILE.

MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL

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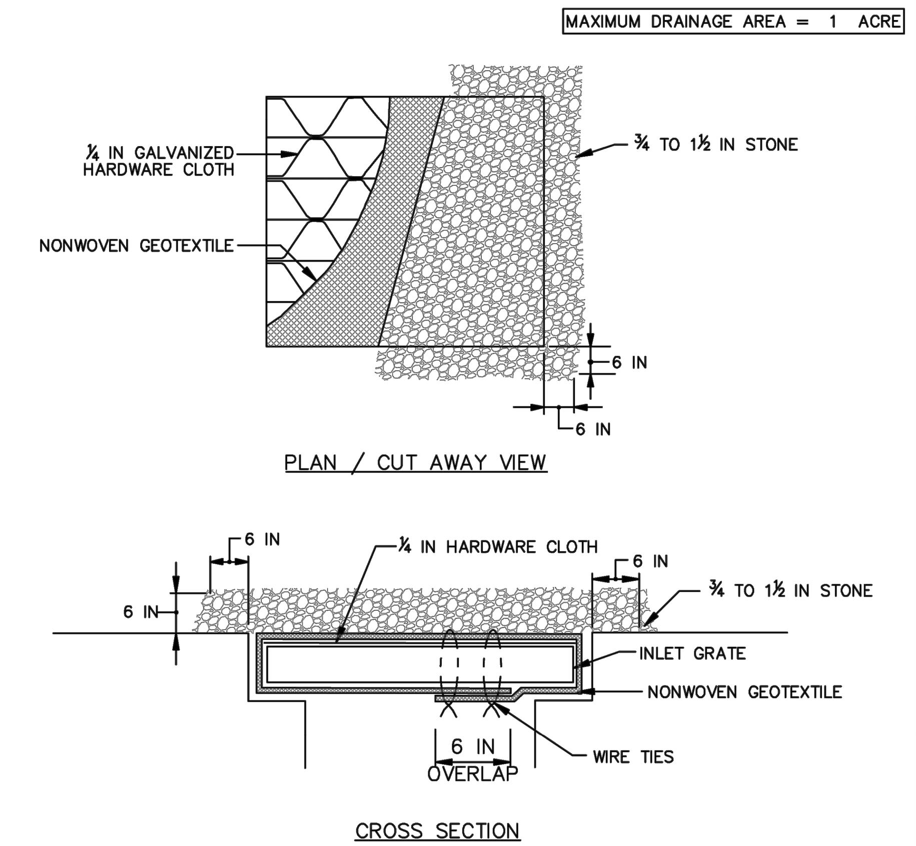
## DETAIL E-9-2 AT-GRADE INLET PROTECTION

STANDARD SYMBOL: AGIP

MAXIMUM DRAINAGE AREA = 1 ACRE




CONSTRUCTION SPECIFICATIONS

1. USE NONWOVEN GEOTEXTILE AS SPECIFIED IN SECTION H–1 MATERIALS.
2. LIFT GRATE AND WRAP WITH NONWOVEN GEOTEXTILE TO COMPLETELY COVER ALL OPENINGS. SECURE WITH WIRE TIES AND SET GRATE BACK IN PLACE.
3. PLACE CLEAN ¾ TO 1½ INCH STONE OR EQUIVALENT RECYCLED CONCRETE 6 INCHES THICK ON THE GRATE.
4. STORM DRAIN INLET PROTECTION REQUIRES FREQUENT MAINTENANCE. REMOVE ACCUMULATED SEDIMENT AFTER EACH RAIN EVENT TO MAINTAIN FUNCTION AND AVOID PREMATURE CLOGGING. IF INLET PROTECTION DOES NOT COMPLETELY DRAIN WITHIN 24 HOURS AFTER A STORM EVENT, IT IS CLOGGED. WHEN THIS OCCURS, REMOVE ACCUMULATED SEDIMENT AND CLEAN, OR REPLACE GEOTEXTILE AND STONE.

MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL

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11200 Racetrack Road, Unit A101
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(410) 641-5341
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HORIZONTAL DATUM: LOCAL

VERTICAL DATUM: NAVD 88

FULL SIZE PLOT: 24" x 36"

REVISIONS

SEAL

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 55422 EXPIRATION DATE: DECEMBER 16, 2025

PROJECT NAME
FREDDIES FAMILY ZONE BOARDWALK AND RENOVATIONS

PROJECT ADDRESS
105 64TH STREET
OCEAN CITY, MD 21842

DRAWING TITLE
EROSION AND SEDIMENT CONTROL DETAILS

DRAWING INFORMATION
DRAWN BY: NWH/SCL DESIGNED BY: SCL
CHECKED BY: DOK PROJECT MANAGER: SCL
PROJECT NUMBER: 6390601

DRAWING NO.
C-503

DATE: SEPTEMBER 2024 SHEET: 11 OF 12

SITE DEVELOPMENT PLANS - NOT FOR CONSTRUCTION

FILE PATH: \\OCEANPINES\PROJECTS\DOCS\36390601 - DEAD FREDDIES EXPANSION\CAD\PRODUCTION\DESIGN SET\36390601 - 06.00 - DETAILS.DWG [C-503] LEMASTERS, STEVEN 12/5/2024 2:50 PM

## B-4 STANDARDS AND SPECIFICATIONS FOR VEGETATIVE STABILIZATION

DEFINITION

USING VEGETATION AS COVER TO PROTECT EXPOSED SOIL FROM EROSION.

PURPOSE

TO PROMOTE THE ESTABLISHMENT OF VEGETATION ON EXPOSED SOIL.

CONDITIONS WHERE PRACTICE APPLIES

ON ALL DISTURBED AREAS NOT STABILIZED BY OTHER METHODS. THIS SPECIFICATION IS DIVIDED INTO SECTIONS ON INCREMENTAL STABILIZATION; SOIL PREPARATION, SOIL AMENDMENTS AND TOPSOILING; SEEDING AND MULCHING; TEMPORARY STABILIZATION; AND PERMANENT STABILIZATION.

EFFECTS ON WATER QUALITY AND QUANTITY

STABILIZATION PRACTICES ARE USED TO PROMOTE THE ESTABLISHMENT OF VEGETATION ON EXPOSED SOIL. WHEN SOIL IS STABILIZED WITH VEGETATION, THE SOIL IS LESS LIKELY TO ERODE AND MORE LIKELY TO ALLOW INFILTRATION OF RAINFALL, THEREBY REDUCING SEDIMENT LOADS AND RUNOFF TO DOWNSTREAM AREAS.

PLANTING VEGETATION IN DISTURBED AREAS WILL HAVE AN EFFECT ON THE WATER BUDGET, ESPECIALLY ON VOLUMES AND RATES OF RUNOFF, INFILTRATION, EVAPORATION, TRANSPIRATION, PERCOLATION, AND GROUNDWATER RECHARGE. OVER TIME, VEGETATION WILL INCREASE ORGANIC MATTER CONTENT AND IMPROVE THE WATER HOLDING CAPACITY OF THE SOIL AND SUBSEQUENT PLANT GROWTH.

VEGETATION WILL HELP REDUCE THE MOVEMENT OF SEDIMENT, NUTRIENTS, AND OTHER CHEMICAL CARRIED BY RUNOFF TO RECEIVING WATERS. PLANTS WILL ALSO HELP PROTECT GROUNDWATER SUPPLIES BY ASSIMILATING THOSE SUBSTANCES PRESENT WITHIN THE ROOT ZONE.

SEDIMENT CONTROL PRACTICES MUST REMAIN IN PLACE DURING GRADING, SEEDBED PREPARATION, SEEDING, MULCHING, AND VEGETATIVE ESTABLISHMENT.

ADEQUATE VEGETATIVE ESTABLISHMENT

INSPECT SEEDED AREAS FOR VEGETATIVE ESTABLISHMENT AND MAKE NECESSARY REPAIRS, REPLACEMENTS, AND RESEEDINGS WITHIN THE PLANTING SEASON.

1. ADEQUATE VEGETATIVE STABILIZATION REQUIRES 95 PERCENT GROUNDCOVER.
2. IF AN AREA HAS LESS THAN 40 PERCENT GROUNDCOVER, RESTABILIZE FOLLOWING THE ORIGINAL RECOMMENDATIONS FOR LIME, FERTILIZER, SEEDBED PREPARATION, AND SEEDING.
3. IF AN AREA HAS BETWEEN 40 AND 94 PERCENT GROUNDCOVER, OVER-SEED AND FERTILIZE USING HALF OF THE RATES ORIGINALLY SPECIFIED.
4. MAINTENANCE FERTILIZER RATES FOR PERMANENT SEEDING ARE SHOWN IN TABLE B.6 FOUND WITHIN THE 2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL MANUAL.

## B-4-1 STANDARDS AND SPECIFICATIONS FOR INCREMENTAL STABILIZATION

DEFINITION

ESTABLISHMENT OF VEGETATIVE COVER ON CUT AND FILL SLOPES.

PURPOSE

TO PROVIDE TIMELY VEGETATIVE COVER ON CUT AND FILL SLOPES AS WORK PROGRESSES.

CONDITIONS WHERE PRACTICE APPLIES

ANY CUT OR FILL SLOPE GREATER THAN 15 FEET IN HEIGHT. THIS PRACTICE ALSO APPLIES TO STOCKPILES.

CRITERIA

A. INCREMENTAL STABILIZATION - CUT SLOPES

1. EXCAVATE AND STABILIZE CUT SLOPES IN INCREMENTS NOT TO EXCEED 15 FEET IN HEIGHT. PREPARE SEEDBED AND APPLY SEED AND MULCH ON ALL CUT SLOPES AS THE WORK PROGRESSES.
2. CONSTRUCTION SEQUENCE EXAMPLE (REFER TO FIGURE B.1):
   a. CONSTRUCT AND STABILIZE ALL TEMPORARY SWALES OR DIKES THAT WILL BE USED TO CONVEY RUNOFF AROUND THE EXCAVATION.
   b. PERFORM PHASE I EXCAVATION, PREPARE SEEDBED, AND STABILIZE.
   c. PERFORM PHASE 2 EXCAVATION, PREPARE SEEDBED, AND STABILIZE. OVERSEED PHASE 1 AREAS AS NECESSARY.
   d. PERFORM FINAL PHASE EXCAVATION, PREPARE SEEDBED, AND STABILIZE. OVERSEED PREVIOUSLY SEEDED AREAS AS NECESSARY.

NOTE: ONCE EXCAVATION HAS BEGUN, THE OPERATION SHOULD BE CONTINUOUS FROM GRUBBING THROUGH THE COMPLETION OF GRADING AND PLACEMENT OF TOPSOIL (IF REQUIRED) AND PERMANENT SEED AND MULCH. ANY INTERRUPTIONS IN THE OPERATION OR COMPLETING THE OPERATION OUT OF THE SEEDING SEASON WILL NECESSITATE THE APPLICATION OF TEMPORARY STABILIZATION.

B. INCREMENTAL STABILIZATION - FILL SLOPES

1. CONSTRUCT AND STABILIZE FILL SLOPES IN INCREMENTS NOT TO EXCEED 15 FEET IN HEIGHT. PREPARE SEEDBED AND APPLY SEED AND MULCH ON ALL SLOPES AS THE WORK PROGRESSES.
2. STABILIZE SLOPES IMMEDIATELY WHEN THE VERTICAL HEIGHT OF A LIFT REACHES 15 FEET OR WHEN THE GRADING OPERATION CEASES AS PRESCRIBED IN THE PLANS.
3. AT THE END OF EACH DAY, INSTALL TEMPORARY WATER CONVEYANCE PRACTICE(S), AS NECESSARY, TO INTERCEPT SURFACE RUNOFF AND CONVEY IT DOWN THE SLOPE IN A NON-EROSIVE MANNER.
4. CONSTRUCTION SEQUENCE EXAMPLE (REFER TO FIGURE B.2):
   a. CONSTRUCT AND STABILIZE ALL TEMPORARY SWALES OR DIKES THAT WILL BE USED TO DIVERT RUNOFF AROUND THE FILL. CONSTRUCT SILT FENCE ON LOW SIDE OF FILL UNLESS OTHER METHODS SHOWN ON THE PLANS ADDRESS THIS AREA.
   b. AT THE END OF THE DAY, INSTALL TEMPORARY WATER CONVEYANCE PRACTICE(S), AS NECESSARY, TO INTERCEPT SURFACE RUNOFF AND CONVEY IT DOWN THE SLOPE IN A NON-EROSIVE MANNER.
   c. PLACE PHASE 1 FILL, PREPARE SEEDBED, AND STABILIZE.
   d. PLACE PHASE 2 FILL, PREPARE SEEDBED, AND STABILIZE.
   e. PLACE FINAL PHASE FILL, PREPARE SEEDBED, AND STABILIZE. OVERSEED PREVIOUSLY SEEDED AREAS AS NECESSARY.

NOTE: ONCE THE PLACEMENT OF FILL HAS BEGUN, THE OPERATION SHOULD BE CONTINUOUS FROM GRUBBING THROUGH THE COMPLETION OF GRADING AND PLACEMENT OF TOPSOIL (IF REQUIRED) AND PERMANENT SEED AND MULCH. ANY INTERRUPTIONS IN THE OPERATION OR COMPLETING THE OPERATION OUT OF THE SEEDING SEASON WILL NECESSITATE THE APPLICATION OF TEMPORARY STABILIZATION.

## B-4-1 STANDARDS AND SPECIFICATIONS FOR SOIL PREPARATION, TOPSOILING, AND SOIL AMENDMENTS

DEFINITION

THE PROCESS OF PREPARING THE SOILS TO SUSTAIN ADEQUATE VEGETATIVE STABILIZATION.

PURPOSE

TO PROVIDE A SUITABLE SOIL MEDIUM FOR VEGETATIVE GROWTH.

CONDITIONS WHERE PRACTICE APPLIES

WHERE VEGETATIVE STABILIZATION IS TO BE ESTABLISHED.

CRITERIA

A. SOIL PREPARATION

1. TEMPORARY STABILIZATION
   a. SEED PREPARATION CONSISTS OF LOOSENING SOIL TO A DEPTH OF 3 TO 5 INCHES BY MEANS OF SUITABLE AGRICULTURAL OR CONSTRUCTION EQUIPMENT, SUCH AS DISC HARROWS OR CHISEL PLOWS OR RIPPERS MOUNTED ON CONSTRUCTION EQUIPMENT. AFTER SOIL IS LOOSENED, IT MUST NOT BE ROLLED OR DRAGGED SMOOTH BUT LEFT IN ROUGHENED CONDITION. SLOPES 3H:1V OR FLATTER ARE TO BE TRACKED WITH RIDGES RUNNING PARALLEL TO THE CONTOUR OF THE SLOPE.
   b. APPLY FERTILIZER AND LIME AS PRESCRIBED ON THE PLANS.
   c. INCORPORATE LIME AND FERTILIZER INTO THE TOP 3 TO 5 INCHES OF SOIL BY DISKING OR OTHER SUITABLE MEANS.
2. PERMANENT STABILIZATION
   a. A SOIL TEST IS REQUIRED FOR ANY EARTH DISTURBANCE OF 5 ACRES OR MORE. THE MINIMUM SOIL CONDITIONS REQUIRED FOR PERMANENT VEGETATIVE ESTABLISHMENT ARE:
      i. SOIL PH BETWEEN 6.0 TO 7.0.
      ii. SOLUBLE SALTS LESS THAN 500 PARTS PER MILLION (PPM).
      iii. SOIL CONTAINS LESS THAN 40 PERCENT CLAY BUT ENOUGH FINE GRAINED MATERIAL (GREATER THAN 30 PERCENT SILT PLUS CLAY) TO PROVIDE THE CAPACITY TO HOLD A MODERATE AMOUNT OF MOISTURE. AN EXCEPTION: IF LOVEGRASS WILL BE PLANTED, THEN A SANDY SOIL (LESS THAN 30 PERCENT SILT PLUS CLAY) WOULD BE ACCEPTABLE
      iv. SOIL CONTAINS 1.5 PERCENT MINIMUM ORGANIC MATTER BY WEIGHT.
      v. SOIL CONTAINS SUFFICIENT PORE SPACE TO PERMIT ADEQUATE ROOT PENETRATION
   b. APPLICATION OF AMENDMENTS OR TOPSOIL IS REQUIRED IF ON-SITE SOILS DO NOT MEET THE ABOVE CONDITIONS.
   c. GRADED AREAS MUST BE MAINTAINED IN A TRUE AND EVEN GRADE AS SPECIFIED ON THE APPROVED PLAN, THEN SCARIFIED OR OTHERWISE LOOSENED TO A DEPTH OF 3 TO 5 INCHES.
   d. APPLY SOIL AMENDMENTS AS SPECIFIED ON THE APPROVED PLAN OR AS INDICATED BY THE RESULTS OF A SOIL TEST.
   e. MIX SOIL AMENDMENTS INTO THE TOP 3 TO 5 INCHES OF SOIL BY DISKING OR OTHER SUITABLE MEANS. RAKE LAWN AREAS TO SMOOTH THE SURFACE, REMOVE LARGE OBJECTS LIKE STONES AND BRANCHES, AND READY THE AREA FOR SEED APPLICATION. LOOSEN SURFACE SOIL BY DRAGGING WITH A HEAVY CHAIN OR OTHER EQUIPMENT TO ROUGHEN THE SURFACE WHERE SITE CONDITIONS WILL NOT PERMIT NORMAL SEEDBED PREPARATION. TRACK SLOPES 3H:1V OR FLATTER WITH TRACKED EQUIPMENT LEAVING THE SOIL IN AN IRREGULAR CONDITION WITH RIDGES RUNNING PARALLEL TO THE CONTOUR OF THE SLOPE. LEAVE THE TOP 1 TO 3 INCHES OF SOIL LOOSE AND FRIABLE. SEEDBED LOOSENING MAY BE UNNECESSARY ON NEWLY DISTURBED AREAS.

B. TOPSOILING

1. TOPSOIL IS PLACED OVER PREPARED SUBSOIL PRIOR TO ESTABLISHMENT OF PERMANENT VEGETATION. THE PURPOSE IS TO PROVIDE A SUITABLE SOIL MEDIUM FOR VEGETATIVE GROWTH. SOILS OF CONCERN HAVE LOW MOISTURE CONTENT, LOW NUTRIENT LEVELS, LOW PH, MATERIALS TOXIC TO PLANTS, AND/OR UNACCEPTABLE SOIL GRADATION.
2. TOPSOIL SALVAGED FROM AN EXISTING SITE MAY BE USED PROVIDED IT MEETS THE STANDARDS AS SET FORTH IN THESE SPECIFICATIONS. TYPICALLY, THE DEPTH OF TOPSOIL TO BE SALVAGED FOR A GIVEN SOIL TYPE CAN BE FOUND IN REPRESENTATIVE SOIL PROFILE SECTION IN THE SOIL SURVEY PUBLISHED BY USDA-NRCS.
3. TOPSOILING IS LIMITED TO AREAS HAVING 2H:1V OR FLATTER SLOPES WHERE:
   a. THE TEXTURE OF THE EXPOSED SUBSOIL/PARENT MATERIAL IS NOT ADEQUATE TO PRODUCE VEGETATIVE GROWTH.
   b. THE SOIL MATERIAL IS SO SHALLOW THAT THE ROOTING ZONE IS NOT DEEP ENOUGH TO SUPPORT PLANTS OR FURNISH CONTINUING SUPPLIES OF MOISTURE AND PLANT MATERIAL.
   c. THE ORIGINAL SOIL TO BE VEGETATED CONTAINS MATERIAL TOXIC TO PLANT GROWTH.
   d. THE SOIL IS SO ACIDIC THAT TREATMENT WITH LIMESTONE IS NOT FEASIBLE.
4. AREAS HAVING SLOPES STEEPER THAN 2H:1V REQUIRE SPECIAL CONSIDERATION AND DESIGN.
5. TOPSOIL SPECIFICATIONS: SOIL TO BE USED AS TOPSOIL MUST MEET THE FOLLOWING CRITERIA:
   a. TOPSOIL MUST BE A LOAM, SANDY LOAM, CLAY LOAM, SILT LOAM, SANDY CLAY LOAM, OR LOAMY SAND. OTHER SOILS MAY BE USED IF RECOMMENDED BY AN AGRONOMIST OR SOIL SCIENTIST AND APPROVED BY THE APPROPRIATE APPROVAL AUTHORITY. TOPSOIL MUST NOT BE A MIXTURE OF CONTRASTING TEXTURED SUBSOILS AND MUST CONTAIN LESS THAN 5 PERCENT BY VOLUME OF CINDERS, STONES, SLAG, COARSE FRAGMENTS, GRAVEL, STICKS, ROOTS, TRASH, OR OTHER MATERIALS LARGER THAN 1 ½ INCHES IN DIAMETER.
   b. TOPSOIL MUST BE FREE OF NOXIOUS PLANTS OR PLANT PARTS SUCH AS BERMUDA GRASS, QUACK GRASS, JOHNSON GRASS, NUT SEDGE, POISON IVY, THISTLE, OR OTHERS AS SPECIFIED.
   c. TOPSOIL SUBSTITUTES OR AMENDMENTS, AS RECOMMENDED BY A QUALIFIED AGRONOMIST OR SOIL SCIENTIST AND APPROVED BY THE APPROPRIATE APPROVAL AUTHORITY, MAY BE USED IN LIEU OF NATURAL TOPSOIL.
6. TOPSOIL APPLICATION
   a. EROSION AND SEDIMENT CONTROL PRACTICES MUST BE MAINTAINED WHEN APPLYING TOPSOIL.
   b. UNIFORMLY DISTRIBUTE TOPSOIL IN A 5 TO 8 INCH LAYER AND LIGHTLY COMPACT TO A MINIMUM THICKNESS OF 4 INCHES. SPREADING IS TO BE PERFORMED IN SUCH A MANNER THAT SODDING OR SEEDING CAN PROCEED WITH A MINIMUM OF ADDITIONAL SOIL PREPARATION AND TILLAGE. ANY IRREGULARITIES IN THE SURFACE RESULTING FROM TOPSOILING OR OTHER OPERATIONS MUST BE CORRECTED IN ORDER TO PREVENT THE FORMATION OF DEPRESSIONS OR WATER POCKETS.
   c. TOPSOIL MUST NOT BE PLACED IF THE TOPSOIL OR SUBSOIL IS IN A FROZEN OR MUDDY CONDITION, WHEN THE SUBSOIL IS EXCESSIVELY WET OR IN A CONDITION THAT MAY OTHERWISE BE DETRIMENTAL TO PROPER GRADING AND SEEDBED PREPARATION.

C. SOIL AMENDMENTS (FERTILIZER AND LIME SPECIFICATIONS)

1. SOIL TESTS MUST BE PERFORMED TO DETERMINE THE EXACT RATIOS AND APPLICATION RATES FOR BOTH LIME AND FERTILIZER ON SITES HAVING DISTURBED AREAS OF 5 ACRES OR MORE. SOIL ANALYSIS MAY BE PERFORMED BY A RECOGNIZED PRIVATE OR COMMERCIAL LABORATORY. SOIL SAMPLES TAKEN FOR ENGINEERING PURPOSES MAY ALSO BE USED FOR CHEMICAL ANALYSES.
2. FERTILIZERS MUST BE UNIFORM IN COMPOSITION, FREE FLOWING AND SUITABLE FOR ACCURATE APPLICATION BY APPROPRIATE EQUIPMENT. MANURE MAY BE SUBSTITUTED FOR FERTILIZER WITH PRIOR APPROVAL FROM THE APPROPRIATE APPROVAL AUTHORITY. FERTILIZERS MUST ALL BE DELIVERED TO THE SITE FULLY LABELED ACCORDING TO THE APPLICABLE LAWS AND MUST BEAR THE NAME, TRADE NAME OR TRADEMARK AND WARRANTY OF THE PRODUCER.
3. LIME MATERIALS MUST BE GROUND LIMESTONE (HYDRATED OR BURNT LIME MAY BE SUBSTITUTED EXCEPT WHEN HYDROSEEDING) WHICH CONTAINS AT LEAST 50 PERCENT TOTAL OXIDES (CALCIUM OXIDE PLUS MAGNESIUM OXIDE). LIMESTONE MUST BE GROUND TO SUCH FINENESS THAT AT LEAST 50 PERCENT WILL PASS THROUGH A #100 MESH SIEVE AND 98 TO 100 PERCENT WILL PASS THROUGH A #20 MESH SIEVE.
4. LIME AND FERTILIZER ARE TO BE EVENLY DISTRIBUTED AND INCORPORATED INTO THE TOP 3 TO 5 INCHES OF SOIL BY DISKING OR OTHER SUITABLE MEANS.
5. WHERE THE SUBSOIL IS EITHER HIGHLY ACIDIC OR COMPOSED OF HEAVY CLAYS, SPREAD GROUND LIMESTONE AT THE RATE OF 4 TO 8 TONS/ACRE (200-400 POUNDS PER 1,000 SQUARE FEET) PRIOR TO THE PLACEMENT OF TOPSOIL.

## B-4-3 STANDARDS AND SPECIFICATIONS FOR SEEDING AND MULCHING

DEFINITION

THE APPLICATION OF SEED AND MULCH TO ESTABLISH VEGETATIVE COVER.

PURPOSE

TO PROTECT DISTURBED SOILS FROM EROSION DURING AND AT THE END OF CONSTRUCTION.

CONDITIONS WHERE PRACTICE APPLIES

TO THE SURFACE OF ALL PERIMETER CONTROLS, SLOPES, AND ANY DISTURBED AREA NOT UNDER ACTIVE GRADING.

CRITERIA

A. SEEDING

1. SPECIFICATIONS

ALL SEED MUST MEET THE REQUIREMENT OF THE MARYLAND STATE SEED LAW. ALL SEED MUST BE SUBJECT TO RE-TESTING BY A RECOGNIZED SEED LABORATORY. ALL SEED USED MUST HAVE BEEN TESTED WITHIN THE 6 MONTHS IMMEDIATELY PRECEDING THE DATE OF SOWING SUCH MATERIAL ON ANY PROJECT. REFER TO TABLE B.4 FOUND WITHIN THE 2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL MANUAL REGARDING THE QUALITY OF SEED. SEED TAGS MUST BE AVAILABLE UPON REQUEST TO THE INSPECTOR TO VERIFY TYPE OF SEED AND SEEDING RATE.

MULCH ALONE MAY BE APPLIED BETWEEN THE FALL AND SPRING SEEDING DATES ONLY IF THE GROUND IS FROZEN. THE APPROPRIATE SEEDING MIXTURE MUST BE APPLIED WHEN THE GROUND THAWS.

INOCULANTS: THE INOCULANT FOR TREATING LEGUME SEED IN THE SEED MIXTURES MUST BE A PURE CULTURE OF NITROGEN FIXING BACTERIA PREPARED SPECIFICALLY FOR THE SPECIES. INOCULANTS MUST NOT BE USED LATER THAN THE DATE INDICATED ON THE CONTAINER. ADD FRESH INOCULANTS AS DIRECTED ON THE PACKAGE. USE FOUR TIMES THE RECOMMENDED RATE WHEN HYDROSEEDING. NOTE: IT IS VERY IMPORTANT TO KEEP INOCULANT AS COOL AS POSSIBLE UNTIL USED. TEMPERATURES ABOVE 75 TO 80 DEGREES FAHRENHEIT CAN WEAKEN BACTERIA AND MAKE THE INOCULANT LESS EFFECTIVE.

SOD AND SEED MUST NOT BE PLACED ON SOIL WHICH HAS BEEN TREATED WITH SOIL STERILANTS OR CHEMICALS USED FOR WEED CONTROL UNTIL SUFFICIENT TIME HAS ELAPSED (14 DAYS MIN.) TO PERMIT DISSIPATION OF PHYTO-TOXIC MATERIALS.

2. APPLICATION
   a. DRY SEEDING
      i. INCORPORATE SEED INTO THE SUBSOIL AT THE RATES PRESCRIBED ON TEMPORARY SEEDING TABLE B.1, PERMANENT SEEDING TABLE B.3, OR SITE-SPECIFIC SEEDING SUMMARIES AS FOUND WITHIN THE 2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL MANUAL.
      ii. APPLY SEED IN TWO DIRECTIONS, PERPENDICULAR TO EACH OTHER. APPLY HALF THE SEEDING RATE IN EACH DIRECTION. ROLL THE SEEDED AREA WITH A WEIGHTED ROLLER TO PROVIDE GOOD SEED TO SOIL CONTACT.
   b. DRILL OR CULTIPACKER SEEDING: MECHANIZED SEEDERS THAT APPLY AND COVER SEED WITH SOIL.
      i. CULTIPACKING SEEDERS ARE REQUIRED TO BURY THE SEED IN SUCH A FASHION AS TO PROVIDE AT LEAST ¼ INCH OF SOIL COVERING. SEEDBED MUST BE FIRM AFTER PLANTING.
      ii. APPLY SEED IN TWO DIRECTIONS, PERPENDICULAR TO EACH OTHER. APPLY HALF THE SEEDING RATE IN EACH DIRECTION.
   c. HYDROSEEDING: APPLY SEED UNIFORMLY WITH HYDROSEEDER (SLURRY INCLUDES SEED AND FERTILIZER).
      i. IF FERTILIZER IS BEING APPLIED AT THE TIME OF SEEDING, THE APPLICATION RATES SHOULD BE EXCEED THE FOLLOWING: NITROGEN, 100 POUNDS PER ACRE TOTAL SOLUBLE NITROGEN; $P_2O_5$ (PHOSPHOROUS), 200 POUNDS PER ACRE; $K_2O$ (POTASSIUM), 200 POUNDS PER ACRE.
      ii. LIME: USE ONLY GROUND AGRICULTURAL LIMESTONE (UP TO 3 TONS PER ACRE MAY BE APPLIED BY HYDROSEEDING). NORMALLY, NOT MORE THAN 2 TONS ARE APPLIED BY HYDROSEEDING AT ANY ONE TIME. DO NOT USE BURNT OR HYDRATED LIME WHEN HYDROSEEDING.
      iii. MIX SEED AND FERTILIZER ON SITE AND SEED IMMEDIATELY AND WITHOUT INTERRUPTION.
      iv. WHEN HYDROSEEDING, DO NOT INCORPORATE INTO THE SOIL.

B. MULCHING

1. MULCH MATERIALS (IN ORDER OF PREFERENCE)
   a. STRAW CONSISTING OF THOROUGHLY THRESHED WHEAT, RYE, OAT, OR BARLEY AND REASONABLE BRIGHT IN COLOR. STRAW IS TO BE FREE OF NOXIOUS WEED SEEDS AS SPECIFIED IN THE MARYLAND SEE LAW AND NOT MUSTY, MOLDY, CAKED, DECAYED, OR EXCESSIVELY DUSTY. NOTE: USE ONLY STERILE STRAW MULCH IN AREAS WHERE ONE SPECIES OF GRASS IS DESIRED.
   b. WOOD CELLULOSE FIBER MULCH (WCFM) CONSISTING OF SPECIALLY PREPARED WOOD CELLULOSE PROCESSED INTO A UNIFORM FIBROUS PHYSICAL STATE.
      i. WCFM IS TO BE DYED GREEN OR CONTAIN A GREEN DYE IN THE PACKAGE THAT WILL PROVIDE AN APPROPRIATE COLOR TO FACILITATE VISUAL INSPECTION OF THE UNIFORMLY SPREAD SLURRY.
      ii. WCFM, INCLUDING DYE, MUST CONTAIN NO GERMINATION OR GROWTH INHIBITING FACTORS.
      iii. WCFM MATERIALS ARE TO BE MANUFACTURED AND PROCESSED IN SUCH A MANNER THAT THE WOOD CELLULOSE FIBER MULCH WILL REMAIN IN UNIFORM SUSPENSION IN WATER UNDER AGITATION AND WILL BLEND WITH SEED, FERTILIZER AND OTHER ADDITIVES TO FORM A HOMOGENEOUS SLURRY. THE MULCH MATERIAL MUST FORM A BLOTTER-LIKE GROUND COVER, ON APPLICATION, HAVING MOISTURE ABSORPTION AND PERCOLATION PROPERTIES AND MUST COVER AND HOLD GRASS SEED IN CONTACT WITH THE SOIL WITHOUT INHIBITING THE GROWTH OF THE GRASS SEEDLINGS.
      iv. WCFM MATERIAL MUST NOT CONTAIN ELEMENTS OR COMPOUNDS AT CONCENTRATION LEVELS THAT WILL BY PHYTO-TOXIC.
      v. WCFM MUST CONFORM TO THE FOLLOWING PHYSICAL REQUIREMENTS: FIBER LENGTH OF APPROXIMATELY 10 MILLIMETERS, DIAMETER APPROXIMATELY 1 MILLIMETER, PH RANGE OF 4.0 TO 8.5, ASH CONTENT OF 1.6 PERCENT MAXIMUM AND WATER HOLDING CAPACITY OF 90 PERCENT MINIMUM.
2. APPLICATION
   a. APPLY MULCH TO ALL SEEDED AREAS IMMEDIATELY AFTER SEEDING.
   b. WHEN STRAW MULCH IS USED, SPREAD IT OVER ALL SEEDED AREAS AT THE RATE OF 2 TONS PER ACRE TO A UNIFORM LOOSE DEPTH OF 1 TO 2 INCHES. APPLY MULCH TO ACHIEVE A UNIFORM DISTRIBUTION AND DEPTH SO THAT THE SOIL SURFACE IS NOT EXPOSED. WHEN USING A MULCH ANCHORING TOOL, INCREASE THE APPLICATION RATE TO 2.5 TONS PER ACRE.
   c. WOOD CELLULOSE FIBER USED AS MULCH MUST BE APPLIED AT A NET DRY WEIGHT OF 100 POUNDS PER ACRE. MIX THE WOOD CELLULOSE FIBER WITH WATER TO ATTAIN A MIXTURE WITH A MAXIMUM OF 50 POUNDS OF WOOD CELLULOSE FIBER PER 100 GALLONS OF WATER.
3. ANCHORING
   a. PERFORM MULCH ANCHORING IMMEDIATELY FOLLOWING APPLICATION OF MULCH TO MINIMIZE LOSS BY WIND OR WATER. THIS MAY BE DONE BY ONE OF THE FOLLOWING METHODS (LISTED BY PREFERENCE), DEPENDING UPON THE SIZE OF THE AREA AND EROSION HAZARD:
      i. A MULCH ANCHORING TOOL IS A TRACTOR DRAWN IMPLEMENT DESIGNED TO PUNCH AND ANCHOR MULCH INTO THE SOIL SURFACE A MINIMUM OF 2 INCHES. THIS PRACTICE IS MOST EFFECTIVE ON LARGE AREAS, BUT IS LIMITED TO FLATTER SLOPES WHERE EQUIPMENT CAN OPERATE SAFELY. IF USED ON SLOPING LAND, THIS PRACTICE SHOULD FOLLOW THE CONTOUR.
      ii. WOOD CELLULOSE FIBER MAY BE USED FOR ANCHORING STRAW. APPLY THE FIBER BINDER AT A NET DRY WEIGHT OF 750 POUNDS PER ACRE. MIX THE WOOD CELLULOSE FIBER WITH WATER AT A MAXIMUM OF 50 POUNDS OF WOOD CELLULOSE FIBER PER 100 GALLONS OF WATER.
      iii. SYNTHETIC BINDERS SUCH AS ACRYLIC DLR (AGRO-TACK), DCA-70, PETROSET, TERRA TAX II, TERRA TACK AR OR OTHER APPROVED EQUAL MAY BE USED. FOLLOW APPLICATION RATES AS SPECIFIED BY THE MANUFACTURER. APPLICATION OF LIQUID BINDERS NEEDS TO BE HEAVIER AT THE EDGES WHERE WIND CATCHES MULCH, SUCH AS IN VALLEYS AND ON CRESTS OF BANKS. **USE OF ASPHALT BINDERS IS STRICTLY PROHIBITED.**
      iv. LIGHTWEIGHT PLASTIC NETTING MAY BE STAPLED OVER THE MULCH ACCORDING TO MANUFACTURER RECOMMENDATIONS. NETTING IS USUALLY AVAILABLE IN ROLLS 4 TO 15 FEET WIDE AND 300 TO 3,000 FEET LONG.

## B-4-4 STANDARDS AND SPECIFICATIONS FOR TEMPORARY STABILIZATION

DEFINITION

TO STABILIZE DISTURBED SOILS WITH VEGETATION FOR UP TO 6 MONTHS.

PURPOSE

TO USE FAST GROWING VEGETATION THAT PROVIDES COVER ON DISTURBED SOILS.

CONDITIONS WHERE PRACTICE APPLIES

EXPOSED SOILS WHERE GROUND COVER IS NEEDED FOR A PERIOD OF 6 MONTHS OR LESS. FOR LONGER DURATION OF TIME, PERMANENT STABILIZATION PRACTICES ARE REQUIRED.

CRITERIA

1. SELECT ONE OR MORE OF THE SPECIES OR SEED MIXTURES LISTED IN TABLE B.1 FOR THE APPROPRIATE PLANT HARDINESS ZONE (FROM FIGURE B.3), AND ENTER THEM IN THE TEMPORARY SEEDING SUMMARY BELOW ALONG WITH APPLICATION RATES, SEEDING DATES AND SEEDING DEPTHS. IF THE SUMMARY IS NOT PUT ON THE PLAN AND COMPLETED, THEN TABLE B.1 PLUS FERTILIZER AND LIME RATES MUST BE PUT ON THE PLAN. THE TABLES AND FIGURE CAN BE FOUND WITHIN THE 2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL MANUAL.
2. FOR SITES HAVING SOIL TESTS PERFORMED, USE AND SHOW THE RECOMMENDED RATES BY THE TESTING AGENCY. SOILS TESTS ARE NOT REQUIRED FOR TEMPORARY SEEDING.
3. WHEN STABILIZATION IS REQUIRED OUTSIDE OF A SEEDING SEASON, APPLY SEED AND MULCH OR STRAW MULCH ALONG AS PRESCRIBED IN SECTION B-4-3.A.1.1B AND MAINTAIN UNTIL THE NEXT SEEDING SEASON.

## B-4-5 STANDARDS AND SPECIFICATIONS FOR PERMANENT STABILIZATION

DEFINITION

TO STABILIZE DISTURBED SOILS WITH PERMANENT VEGETATION.

PURPOSE

TO USE LONG-LIVED PERENNIAL GRASSES AND LEGUMES TO ESTABLISH PERMANENT COVER ON DISTURBED SOILS.

CONDITIONS WHERE PRACTICE APPLIES

EXPOSED SOILS WHERE GROUND COVER IS NEEDED FOR 6 MONTHS OR MORE.

CRITERIA

A. SEED MIXTURES

1. GENERAL USE
   a. SELECT ONE OR MORE OF THE SPECIES OR MIXTURES LISTED IN TABLE B.3 FOR THE APPROPRIATE PLANT HARDINESS ZONE (FROM FIGURE B.3) AND BASED ON THE SITE CONDITION OR PURPOSE FOUND ON TABLE B.2 AS FOUND WITHIN THE 2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL MANUAL. ENTER SELECTED MIXTURE(S), APPLICATION RATES, AND SEEDING DATES IN THE PERMANENT SEEDING SUMMARY. THE SUMMARY IS TO BE PLACED ON THE PLAN AS SHOWN ON THIS SHEET.
   b. ADDITIONAL PLANTING SPECIFICATIONS FOR EXCEPTIONAL SITES SUCH AS SHORELINES, STREAM BANKS, OR DUNES OR FOR SPECIAL PURPOSES SUCH AS WILDLIFE OR AESTHETIC TREATMENT MAY BE FOUND IN USDA-NRCS TECHNICAL FIELD OFFICE GUIDE, SECTION 342 - CRITICAL AREA PLANTING.
   c. FOR SITES HAVING DISTURBED AREA OVER 5 ACRES, USE AND SHOW THE RATES RECOMMENDED BY THE SOIL TESTING AGENCY.
   d. FOR AREAS RECEIVING LOW MAINTENANCE, APPLY UREA FORM FERTILIZER (46-0-0) AT 3 ½ POUNDS PER 1000 SQUARE FEET (150 POUNDS PER ACRE) AT THE TIME OF SEEDING IN ADDITION TO THE SOIL AMENDMENTS SHOWN IN THE PERMANENT SEEDING SUMMARY.
2. TURFGRASS MIXTURES
   a. AREAS WHERE TURFGRASS MAY BE DESIRED INCLUDE LAWNS, PARKS, PLAYGROUNDS, AND COMMERCIAL SITES WHICH WILL RECEIVE A MEDIUM TO HIGH LEVEL OF MAINTENANCE.
   b. SELECT ONE OR MORE OF THE SPECIES OR MIXTURES LISTED BELOW BASED ON THE SITE CONDITIONS OR PURPOSE. ENTER SELECTED MIXTURE(S), APPLICATION RATES, AND SEEDING DATES IN THE PERMANENT SEEDING SUMMARY. THE SUMMARY IS TO BE PLACED ON THE PLAN:
      i. KENTUCKY BLUEGRASS: FULL SUN MIXTURE: FOR USE IN AREAS THAT RECEIVE INTENSIVE MANAGEMENT. IRRIGATION REQUIRED IN THE AREAS OF CENTRAL MARYLAND AND EASTERN SHORE. RECOMMENDED CERTIFIED KENTUCKY BLUEGRASS CULTIVARS SEEDING RATE: 1.5 TO 2.0 POUNDS PER 1000 SQUARE FEET. CHOOSE A MINIMUM OF THREE KENTUCKY BLUEGRASS CULTIVARS WITH EACH RANGING FROM 10 TO 35 PERCENT OF TOTAL MIXTURE BY WEIGHT.
      ii. KENTUCKY BLUEGRASS/PERENNIAL RYE: FULL SUN MIXTURE: FOR USE IN FULL SUN AREAS WHERE RAPID ESTABLISHMENT IS NECESSARY AND WHEN TURF WILL RECEIVE MEDIUM TO INTENSIVE MANAGEMENT. CERTIFIED PERENNIAL RYEGRASS CULTIVARS/CERTIFIED KENTUCKY BLUEGRASS SEEDING RATE: 2 POUNDS MIXTURE PER 1000 SQUARE FEET. CHOOSE A MINIMUM OF THREE KENTUCKY BLUEGRASS CULTIVARS WITH EACH RANGING FROM 10 TO 35 PERCENT OF THE TOTAL MIXTURE BY WEIGHT.
      iii. TALL FESCUE/KENTUCKY BLUEGRASS: FULL SUN MIXTURE: FOR USE IN DROUGHT PRONE AREAS AND/OR FOR AREAS RECEIVING LOW TO MEDIUM MANAGEMENT IN FULL SUN TO MEDIUM SHADE. RECOMMENDED MIXTURE INCLUDES; CERTIFIED TALL FESCUE CULTIVARS 95 TO 100 PERCENT, CERTIFIED KENTUCKY BLUEGRASS CULTIVARS 0 TO 5 PERCENT. SEEDING RATE: 5 TO 8 POUNDS PER 1000 SQUARE FEET. ONE OR MORE CULTIVARS MAY BE BLENDED.
      iv. KENTUCKY BLUEGRASS/FINE FESCUE: SHADE MIXTURE: FOR USE IN AREAS WITH SHADE IN BLUEGRASS LAWNS. FOR ESTABLISHMENT IN HIGH QUALITY, INTENSIVELY MANAGED TURF AREA. MIXTURE INCLUDES; CERTIFIED KENTUCKY BLUEGRASS CULTIVARS 30 TO 40 PERCENT AND CERTIFIED FINE FESCUE 60 TO 70 PERCENT. SEEDING RATE: 1 ½ TO 3 POUNDS PER 1000 SQUARE FEET.

      NOTES:
      SELECT TURFGRASS VARIETIES FROM THOSE LISTED IN THE MOST CURRENT UNIVERSITY OF MARYLAND PUBLICATION, AGRONOMY MEMO #77, "TURFGRASS CULTIVAR RECOMMENDATIONS FOR MARYLAND".

      CHOOSE CERTIFIED MATERIAL. CERTIFIED MATERIAL IS THE BEST GUARANTEE OF CULTIVAR PURITY. THE CERTIFICATION PROGRAM OF THE MARYLAND DEPARTMENT OF AGRICULTURE, TURF AND SEED SECTION, PROVIDES A RELIABLE MEANS OF CONSUMER PROTECTION AND ASSURES A PURE GENETIC LINE.
   c. IDEAL TIMES OF SEEDING FOR TURF GRASS MIXTURES

      WESTERN MARYLAND: MARCH 15 TO JUNE 1, AUGUST 1 TO OCTOBER 1 (HARDINESS ZONES: 5B, 6A)

      CENTRAL MARYLAND: MARCH 1 TO MAY 15, AUGUST 15 TO OCTOBER 15 (HARDINESS ZONE: 6B)

      SOUTHERN MD, EASTERN SHORE: MARCH 1 TO MAY 15, AUGUST 15 TO OCTOBER 15 (HARDINESS ZONES: 7A, 7B)
   d. TILL AREAS TO RECEIVE SEED BY DISKING OR OTHER APPROVED METHODS TO A DEPTH OF 2 TO 4 INCHES, LEVEL AND RAKE THE AREAS TO PREPARE A PROPER SEEDBED. REMOVE STONES AND DEBRIS OVER 1 ½ INCHES IN DIAMETER. THE RESULTING SEEDBED MUST BE IN SUCH CONDITION THAT FUTURE MOWING OF GRASSES WILL POSE NO DIFFICULTY.
   e. IF SOIL MOISTURE IS DEFICIENT, SUPPLY NEW SEEDINGS WITH ADEQUATE WATER FOR PLANT GROWTH (½ TO 1 INCH EVER 3 TO 4 DAYS DEPENDING ON SOIL TEXTURE) UNTIL THEY ARE FIRMLY ESTABLISHED. THIS IS ESPECIALLY TRUE WHEN SEEDINGS ARE MADE LATE IN THE PLANTING SEASON, IN ABNORMALLY DRY OR HOT SEASONS, OR ON ADVERSE SITES.

B. SOD: TO PROVIDE QUICK COVER ON DISTURBED AREAS (2H:1V GRADE OR FLATTER).

1. GENERAL SPECIFICATIONS
   a. CLASS OF TURFGRASS SOD MUST BE MARYLAND STATE CERTIFIED. SOD LABELS MUST BE MADE AVAILABLE TO THE JOB FOREMAN AND INSPECTOR.
   b. SOD MUST BE MACHINE CUT AT A UNIFORM SOIL THICKNESS OF ¾ INCHES, PLUS OR MINUS ¼ INCH, AT THE TIME OF CUTTING. MEASUREMENT FOR THICKNESS MUST EXCLUDE TOP GROWTH AND THATCH. BROKEN PADS AND TORN OR UNEVEN ENDS WILL NOT BE ACCEPTABLE.
   c. STANDARD SIZE SECTIONS OF SOD MUST BE STRONG ENOUGH TO SUPPORT THEIR OWN WEIGHT AND RETAIN THEIR SIZE AND SHAPE WHEN SUSPENDED VERTICALLY WITH A FIRM GRASP ON THE UPPER 10 PERCENT OF THE SECTION.
   d. SOD MUST NOT BE HARVESTED OR TRANSPLANTED WHEN MOISTURE CONTENT (EXCESSIVELY DRY OR WET) MAY ADVERSELY AFFECT ITS SURVIVAL.
   e. SOD MUST BE HARVESTED, DELIVERED, AND INSTALLED WITHIN A PERIOD OF 36 HOURS. SOD NOT TRANSPLANTED WITHIN THIS PERIOD MUST BE APPROVED BY AN AGRONOMIST OR SOIL SCIENTIST PRIOR TO ITS INSTALLATION
2. SOD INSTALLATION
   a. DURING PERIODS OF EXCESSIVELY HIGH TEMPERATURE OR IN AREAS HAVING DRY SUBSOIL, LIGHTLY IRRIGATE THE SUBSOIL IMMEDIATELY PRIOR TO LAYING THE SOD.
   b. LAY THE FIRST ROW OF SOD IN A STRAIGHT LINE WITH SUBSEQUENT ROWS PLACE PARALLEL TO IT AND TIGHTLY WEDGED AGAINST EACH OTHER. STAGGER LATERAL JOINTS TO PROMOTE MORE UNIFORM GROWTH AND STRENGTH. ENSURE THAT SOD IS NOT STRETCHED OR OVERLAPPED AND THAT ALL JOINTS ARE BUTTED TIGHT IN ORDER TO PREVENT VOIDS WHICH WOULD CAUSE AIR DRYING OF THE ROOTS.
   c. WHEREVER POSSIBLE, LAY SOD WITH THE LONG EDGES PARALLEL TO THE CONTOUR AND WITH STAGGERING JOINTS. ROLL AND TAMP, PEG OR OTHERWISE SECURE THE SOD TO PREVENT SLIPPAGE ON SLOPES. ENSURE SOLID CONTACT EXISTS BETWEEN SOD ROOTS AND THE UNDERLYING SOIL SURFACE.
   d. WATER THE SOD IMMEDIATELY FOLLOWING ROLLING AND TAMPING UNTIL THE UNDERSIDE OF THE NEW SOD PAD AND SOIL SURFACE BELOW THE SOD ARE THOROUGHLY WET. COMPLETE THE OPERATION OF LAYING, TAMPING AND IRRIGATING FOR ANY PIECE OF SOD WITHIN EIGHT HOURS.
3. SOD MAINTENANCE
   a. IN THE ABSENCE OF ADEQUATE RAINFALL, WATER DAILY DURING THE FIRST WEEK OR AS OFTEN AND SUFFICIENTLY AS NECESSARY TO MAINTAIN MOIST SOIL TO A DEPTH OF 4 INCHES. WATER SOD DURING THE HEAT OF THE DAY TO PREVENT WILTING.
   b. AFTER THE FIRST WEEK, SOD WATERING IS REQUIRED AS NECESSARY TO MAINTAIN ADEQUATE MOISTURE CONTENT.
   c. DO NOT MOW UNTIL THE SOD IS FIRMLY ROOTED. NO MORE THAN ⅓ OF THE GRASS LEAF MUST BE REMOVED BY THE INITIAL CUTTING OR SUBSEQUENT CUTTINGS. MAINTAIN A GRASS HEIGHT OF AT LEAST 3 INCHES UNLESS OTHERWISE SPECIFIED.

## B-4-8 STANDARDS AND SPECIFICATIONS FOR STOCKPILE AREAS

DEFINITION

A MOUND OR PILE OF SOIL PROTECTED BY APPROPRIATELY DESIGNED EROSION AND SEDIMENT CONTROL MEASURES.

PURPOSE

TO PROVIDE A DESIGNATED LOCATION FOR THE TEMPORARY STORAGE OF SOIL THAT CONTROLS THE POTENTIAL FOR EROSION, SEDIMENTATION, AND CHANGES TO DRAINAGE PATTERNS.

CONDITIONS WHERE PRACTICE APPLIES

STOCKPILE AREAS ARE UTILIZED WHEN IT IS NECESSARY TO SALVAGE AND STORE SOIL FOR LATER USE.

CRITERIA

THE STOCKPILE LOCATION AND ALL RELATED SEDIMENT CONTROL PRACTICES MUST BE CLEARLY INDICATED ON THE EROSION AND SEDIMENT CONTROL PLAN.

1. THE FOOTPRINT OF THE STOCKPILE MUST BE SIZED TO ACCOMMODATE THE ANTICIPATED VOLUME OF MATERIAL AND BASED ON A SIDE SLOPE RATIO NO STEEPER THAN 2H:1V. BENCHING MUST BE PROVIDED IN ACCORDANCE WITH SECTION B-3 LAND GRADING OF THE 2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL MANUAL.
2. RUNOFF FROM THE STOCKPILE AREA MUST DRAIN TO A SUITABLE SEDIMENT CONTROL PRACTICE.
3. ACCESS THE STOCKPILE AREA FROM THE UPGRADE SIDE.
4. CLEAR WATER RUNOFF INTO THE STOCKPILE AREA MUST BE MINIMIZED BY USE OF A DIVERSION FENCE SUCH AS AN EARTH DIKE, TEMPORARY SWALE OR DIVERSION FENCE. PROVISIONS MUST BE MADE FOR DISCHARGING CONCENTRATED FLOW IN A NON-EROSIVE MANNER.
5. WHERE RUNOFF CONCENTRATES ALONG THE TOE OF THE STOCKPILE FILL, AN APPROPRIATE EROSION/SEDIMENT CONTROL PRACTICE MUST BE USED TO INTERCEPT THE DISCHARGE.
6. STOCKPILES MUST BE STABILIZED IN ACCORDANCE WITH THE 3/7 DAY STABILIZATION REQUIREMENT AS WELL AS STANDARD B-4-1 INCREMENTAL STABILIZATION AND STANDARD B-4-4 TEMPORARY STABILIZATION.
7. IF THE STOCKPILE IS LOCATED ON AN IMPERVIOUS SURFACE, A LINER SHOULD BE PROVIDED BELOW THE STOCKPILE TO FACILITATE CLEANUP. STOCKPILES CONTAINING CONTAMINATED MATERIAL MUST BE COVERED WITH IMPERMEABLE SHEETING.

MAINTENANCE

THE STOCKPILE AREA MUST CONTINUOUSLY MEET THE REQUIREMENTS FOR ADEQUATE VEGETATIVE ESTABLISHMENT IN ACCORDANCE WITH SECTION B-4 VEGETATIVE STABILIZATION. SIDE SLOPES MUST BE MAINTAINED AT NO STEEPER THAN A 2H:1V RATIO. THE STOCKPILE AREA MUST BE KEPT FREE OF EROSION. IF THE VERTICAL HEIGHT OF A STOCKPILE EXCEEDS 20 FEET FOR 2H:1V SLOPES, 30 FEET FOR 3H:1V SLOPES OR 40 FEET FOR 4:1 SLOPES, BENCHING MUST BE PROVIDED IN ACCORDANCE WITH SECTION B-3 LAND GRADING.

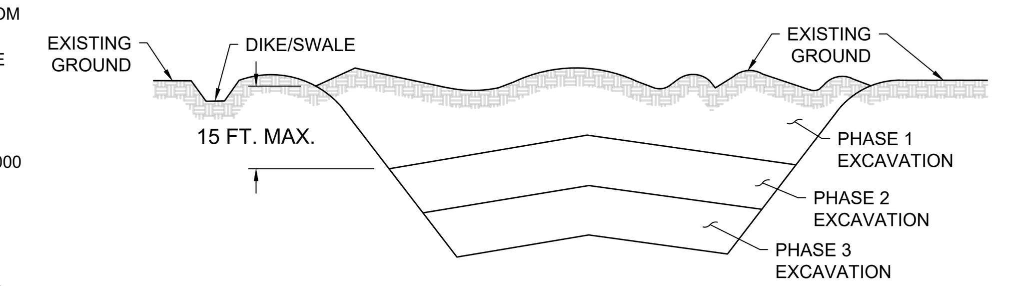



**FIGURE B.1: INCREMENTAL STABILIZATION - CUT**

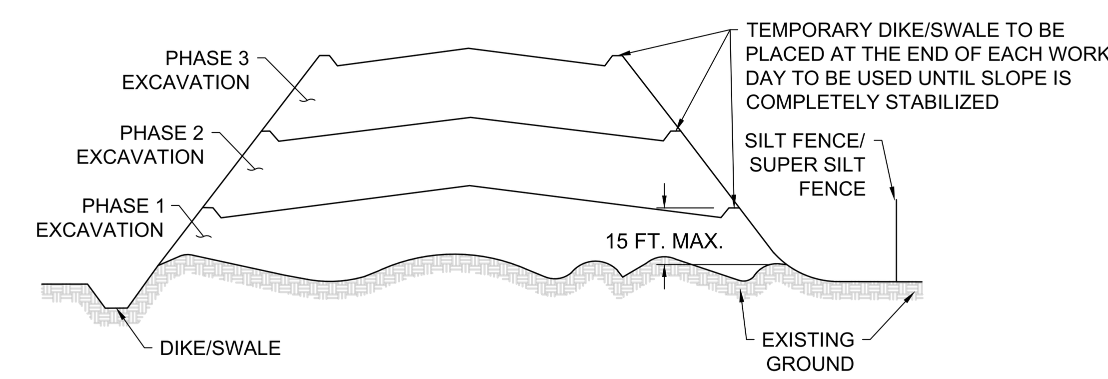



**FIGURE B.2: INCREMENTAL STABILIZATION - FILL**

**TEMPORARY SEEDING SUMMARY**

| NO. | SPECIES | APPLICATION RATE (LB/AC) | SEEDING DATES | SEEDING DEPTHS | FERTILIZER RATE (10-20-20) | LIME RATE |
|---|---|---|---|---|---|---|
| HARDINESS ZONE (FROM FIGURE B.3): | | | | 7B | | |
| SEED MIXTURE (FROM TABLE B.1): | | | | | | |
| | ANNUAL RYEGRASS | 40 | 2/15-4/30<br>8/15-1130 | 1/2" | 436 LB/AC (10 LB/1000 SF) | 2 TONS/AC (90 LB/1000 SF) |
| | FOXTAIL MILLET | 30 | 5/1-8/14 | 0'-0 1/2" | | |

**PERMANENT SEEDING SUMMARY**

| NO. | SPECIES | APPLICATION RATE (LB/AC) | SEEDING DATES | SEEDING DEPTHS | FERTILIZER RATE (10-20-20) N | $P_2O_5$ | $K_2O$ | LIME RATE |
|---|---|---|---|---|---|---|---|---|
| HARDINESS ZONE (FROM FIGURE B.3): | | | | 7B | | | | |
| SEED MIXTURE (FROM TABLE B.3): | | | | #9 | | | | |
| 9 | TALL FESCUE (COYOTE, GENESIS, LANCER) | 60 | 2/15-4/30<br>8/15-10/30 | 1/4" TO 1/2" | 45 LB/AC (1 LB/ 1000 SF) | 90 LB/AC (2 LB/ 1000 SF) | 90 LB/AC (2 LB/ 1000 SF) | 2 TONS/AC (90 LB/ 1000 SF) |
| | KENTUCKY BLUEGRASS (AMERICA, FREEDOM, MIDNIGHT) | 40 | | 1/4" TO 1/2" | | | | |
| | PERENNIAL RYE GRASS (PENNFINE) | 20 | | 1/4" TO 1/2" | | | | |

**STANDARD STABILIZATION NOTE:**

a. THREE (3) CALENDAR DAYS AS TO THE SURFACE OF ALL PERIMETER DIKES, SWALES, DITCHES, PERIMETER SLOPES, AND ALL SLOPES STEEPER THAN 3 HORIZONTAL AND 1 VERTICAL. (3:1).

b. SEVEN (7) CALENDAR DAYS AS TO ALL OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE NOT UNDER ACTIVE GRADING.

**SEQUENCE OF CONSTRUCTION**

1. CONTACT THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) AT 410-901-4020 AND THE TOWN OF OCEAN CITY ENVIRONMENTAL ENGINEER AT 410-289-8845 TO SCHEDULE A PRE CONSTRUCTION MEETING AT LEAST 48 HOURS PRIOR TO COMMENCING ANY WORK AT THE SITE. FAILURE TO DO SO MAY RESULT IN A "STOP WORK" ORDER.
2. OBTAIN ALL PROPER PERMITS AND CONTACT MISS UTILITY 800-257-7777 AT LEAST 24 HOURS PRIOR TO STARTING ANY WORK.
3. ALL MATERIALS STORED ON SITE SHALL BE PROTECTED AND PROPER SAFETY MEASURES SHALL BE PROVIDED TO ENSURE MATERIALS DO NOT FAIL TO REMAIN ONSITE.
4. CLEAR AND GRUB ANY MATERIAL NEEDED TO INSTALL ALL SEDIMENT AND EROSION CONTROL DEVICES, AND THEN INSTALL SILT FENCE, SUPER SILT FENCE, INLET PROTECTION, AND STABILIZED CONSTRUCTION ENTRANCE.
5. COMPLETE DEMOLITION OF ITEMS SHOWN ON C-102, DEMOLITION PLAN.
6. STRIP AND TOPSOIL AND STOCKPILE OFFSITE AT AN APPROVED LOCATION.
7. IMPORT FILL DIRT AND PERFORM ROUGH GRADING OF THE LOT.
8. PROPOSED PARKING LOTS ON NORTH AND EAST SIDE OF THE PROPERTY MAY BE CONSTRUCTED INDEPENDENTLY TO THE REMAINDER OF THE SITE.
   8.1. EXCAVATE SOILS TO A DEPTH FOR PLACEMENT OF STONE SUBGRADE AND BRIDGING LAYER, IF APPLICABLE.
   8.2. FORM AND POUR CONCRETE CURB
   8.3. INSTALL STONE SUBGRADE AND BRIDGING LAYER
   8.4. INSTALL ASPHALT PAVEMENTS.
9. COMMENCE CONSTRUCTION OF BUILDING AND BOARDWALK FOUNDATION/PILINGS.
10. EXCAVATE AND INSTALL SEWER AND WATER SERVICES PER PLUMBING PLANS.
11. FINALIZE BUILDING CONSTRUCTION.
12. INSTALL WOODEN SCREENING FENCE.
13. INSTALL LANDSCAPING PER THE PLANS.
14. UPON 95% VEGETATIVE ESTABLISHMENT AND WITH THE WRITTEN APPROVAL FROM THE WORCESTER COUNTY DEPARTMENT OF ENVIRONMENTAL PROGRAMS, REMOVE TEMPORARY STABILIZATION AND STABILIZE ANY RE-DISTURBED AREAS.

**LIMIT OF DISTURBANCE: 18,761 SF OR 0.43 AC**

**ESTIMATED FILL: 200± CY**


**EA Engineering, Science, and Technology, Inc., PBC**

11200 Racetrack Road, Unit A101
Ocean Pines, Maryland 21811
(410) 641-5341

www.eaest.com


Applicant Exhibit #1 pg. 16

**HORIZONTAL DATUM:** LOCAL

**VERTICAL DATUM:** NAVD 88

FULL SIZE PLOT: 24" x 36"

**REVISIONS**

**SEAL**

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 55422
EXPIRATION DATE: DECEMBER 16, 2025

**PROJECT NAME**
FREDDIES FAMILY ZONE BOARDWALK AND RENOVATIONS

**PROJECT ADDRESS**
105 64TH STREET
OCEAN CITY, MD 21842

**DRAWING TITLE**
EROSION AND SEDIMENT CONTROL NOTES

**DRAWING INFORMATION**
DRAWN BY: NWH/SCL DESIGNED BY: SCL
CHECKED BY: DOK PROJECT MANAGER: SCL
PROJECT NUMBER: 6390601

**DRAWING NO.**
**C-504**

DATE: SEPTEMBER 2024 SHEET: 12 OF 12

SITE DEVELOPMENT PLANS - NOT FOR CONSTRUCTION

FILE PATH: \\OCEANPINES\PROJECTS\DOCS\36390601 - DEAD FREDDIES EXPANSION\CAD\PRODUCTION\DESIGN SET\36390601 - 06.00 - DETAILS.DWG [C-504] LEMASTERS, STEVEN 12/5/2024 2:51 PM

# MEMORANDUM

DATE: December 13, 2024

TO: Planning and Zoning Commission

FROM: George Bendler, Director of Planning and Community Development
Kay Gordy, Zoning Administrator
Bill Neville, City Planner

RE: PZC #24-14100004 Phillips Plaza Inc.
2100 Philadelphia Avenue
Zoning Map Amendment

---

The Mayor and City Council met on November 18, 2024 and received the Planning Commission recommendation regarding the above referenced zoning map amendment application. Following discussion, a motion to approve failed. A second motion passed to remand the application back to the Planning Commission for the Commission to consider whether the recommendation and findings of fact should be based on a substantial change in the character of the neighborhood. Minutes from the meeting are attached and the meeting may be viewed here: https://oceancitymd.gov/oc/meeting-portal/ in the Mayor and City Council archives.

Planning Commission's review and recommendation, must be based primarily on a review of the public hearing record (Transcript) and application materials presented during the public comment period. Staff recommends the following process for reconsideration:

1) For '**change**' to apply, there must be strong evidence presented on the record of significant change in a reasonably defined area surrounding the property since the most recent comprehensive zoning affecting the property.

2) Define the relevant neighborhood

3) For legal standards, please refer to the staff report page 5 below

4) Incorporate deciding factors into each of the 6 required draft findings
    - Population change
    - Availability of public facilities
    - Present and future transportation patterns
    - Compatibility with existing and proposed development for the area
    - The recommendation of the Planning Commission
    - The relationship of such proposed amendment to the Comprehensive Plan

5) Revise the Planning Commission recommendation, and forward to the Mayor and City Council

For easy reference, the applicant did present a case for either a 'mistake' or 'change in the neighborhood' that was summarized beginning on page 27 of the Transcript and continuing on page 29. At the request of the Mayor and City Council, the Planning Commission should review the public record and reconsider the draft findings of fact.

Copy of previous staff report attached for reference:

**Site Description**

The existing city block north of 21st Street is improved by a 15,372 square foot shopping center, second floor office (and workforce housing), and associated off-street parking facing Philadelphia Avenue and located within the LC-1 zoning district. The remainder of the block facing Baltimore Avenue is improved with a paved off-street parking lot formerly serving the Phillips Restaurant and located in the R-3 zoning district.

Land and property ownership in this location is divided between JAMB, LLC (owners of the land and long-term lease or lessor), and Phillips Plaza, Inc. (owner of the property improvements, lessee and tax payer per SDAT records). The applicant has indicated that a 50-year lease condition established

in 1968 (Db240/Pg90) and currently renewed, limits residential use of the entire property and supports the request for a commercial zoning district. Deed records also indicate that the land is also subject to covenants, restrictions and conditions contained in an earlier 1946 document.

The zoning map amendment request proposes to extend the LC-1 zoning district eastward to Baltimore Avenue to coincide with the district boundary south of 21st Street. No additional information regarding future site development plans has been provided at this time.

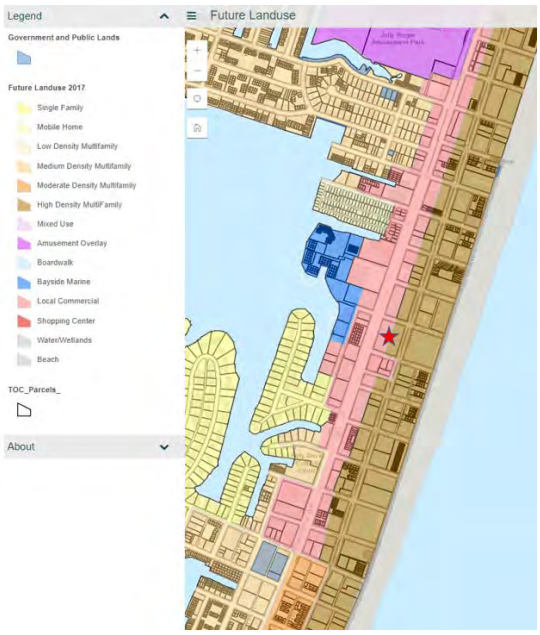
**Staff Analysis:**

A zoning map amendment application follows the process that is established in Town Code, beginning with Sec. 110-143. Established planning practices for consideration of a property 'rezoning' also include several boundaries:

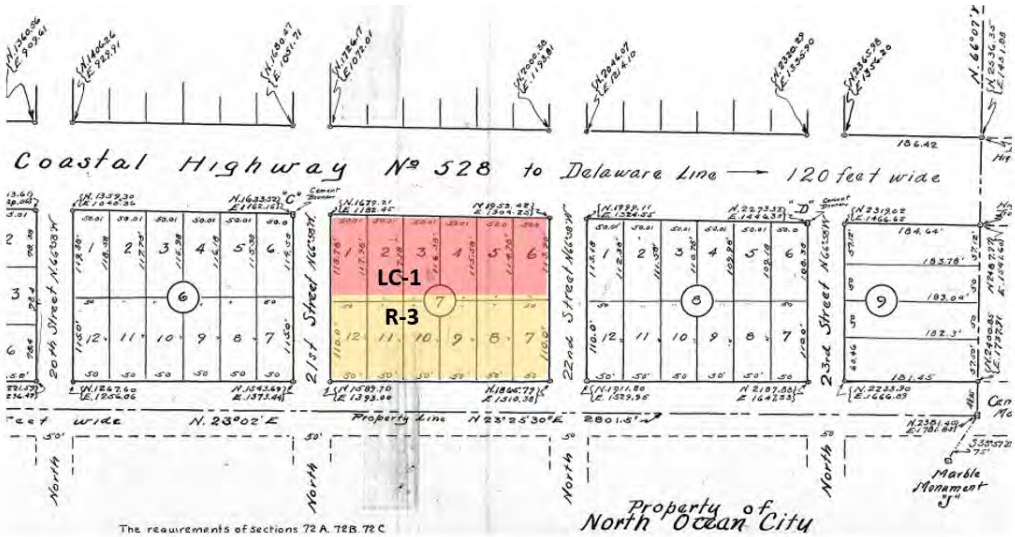
- Conformance with the adopted Comprehensive Land Use Plan

  Zoning district boundaries in this location conform with the Future Land Use map of the Town of Ocean City, MD Comprehensive Plan. Location of business use along the Philadelphia Avenue corridor was established by the Mayor and City Council over 50 years ago and was specifically dimensioned at 100 feet east of the street right of way. An exception to this zoning district is located south of 21st Street at the site of the Phillips Restaurant, constructed in 1950 according to SDAT records. Any proposed application for change to this long-established business use corridor zoning district must be preceded or accompanied by a request for change to the Comprehensive Plan.

> ***Sec. 110-7. - Purpose of regulations and districts.***
> *The zoning regulations and districts, as herein established, are intended to promote the health, safety and general welfare of the residents and tourists of Ocean City by* ***implementing Ocean City's comprehensive plan*** *to serve the following purposes: to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, parks, and other public requirements; to conserve the value of buildings and other structures; to encourage the most appropriate use of land throughout Ocean City; and to divide Ocean City into zoning districts of such character, number, shape, and area as are best suited to effect the foregoing purposes.*
>
> ***Sec. 110-143. – Procedure for map amendments***
> *(c) Findings. Where the purpose and effect of the proposed amendment is to change the zoning classification, the Mayor and Council shall make findings of fact in each specific case, including, but not limited to, the following matters:*
> *(1) Population change.*
> *(2) Availability of public facilities.*
> *(3) Present and future transportation patterns.*
> *(4) Compatibility with existing and proposed development for the area.*
> *(5) The recommendation of the planning commission.*
> ***(6) The relationship of such proposed amendment to the comprehensive plan.***
> *The Mayor and Council may grant the reclassification based on a finding that there has been a substantial change in the character of the neighborhood where the property is located or that there is (was) a mistake in the existing zoning classification.* ***In addition, the Mayor and Council may change the zoning classification as a revision to the comprehensive plan pursuant to section 110-224.***



In addition to purposefully limiting the Philadelphia Avenue/Coastal Highway corridor to commercial use, the Baltimore Avenue corridor has consistently been designated for residential use to the east in the ocean block and to the west for half a block. The original mapping of the districts followed the general practice of recognizing lot boundaries, and extending zones the street centerlines. In this case, the original subdivision of Block 6 divided lots with frontage on streets to the east and west with a clear division down the middle.




Property Map from 1945 – now considered as one parcel for tax purposes

- <u>Avoid 'spot zoning'</u>

  Consideration of the zoning map amendment application should evaluate the following description of "spot zoning" in order to recognize established legal precedents:

  > *"Spot zoning occurs when a small area in a district is placed in a different zoning classification than the surrounding property. (Citations omitted.) Spot zoning is not valid per se. Rather, its validity depends on the facts of each individual case. (Citation omitted.) While spot zoning is illegal if it is inconsistent with an*

*established comprehensive plan and is made solely for the benefit of a private interest, it is a valid exercise of the police power where the zoning is in harmony with the comprehensive plan and bears a substantial relationship to the public health, safety, and general welfare."*

- <u>Follow the Maryland 'mistake or change' test</u>

  Maryland Land Use Article - Section 4-204 sets forth the criteria that local jurisdictions must follow to consider a zoning map amendment, including the rule regarding a determination of 'mistake or change'. Discussion of this issue has been provided by the City Solicitor's office.

  *Legal Standard:*

  *General - In all individual applications for reclassification, there must first be a finding of substantial change in the character of the neighborhood or mistake in the comprehensive plan. Yet this finding merely permits the legislative body to grant the requested rezoning but does not require it to do so.*

  *Change or Mistake- There must be strong evidence of significant **change** in a reasonably defined area surrounding the property since the most recent of the original or last comprehensive zoning affecting the property; or a strong showing that the underlying assumptions or premises relied upon by the legislative body in the last comprehensive zoning were incorrect as a **mistake** in fact (or law) rather than a mere mistake in judgment.*

  *Mistake- In order to find mistake, there must be evidence that assumptions or premises relied upon by the [city] council at the time of zoning were invalid. It is more than the exercise of bad judgment based on complete and accurate information.*
  *The burden is upon the applicant to show the conditions that made the comprehensive zoning incorrect, and the failure of the council to consider those conditions. Hardship, economic disadvantage and consistency with the master plan are insufficient. There must be a showing that the owner is deprived of all reasonable use of his property.*
  *The finding of mistake merely permits the grant of requested zoning, but does not compel or require rezoning as a matter of law unless the existing zoning classification unconstitutionally deprives the owner of any reasonable use of the property.*

  *The burden of showing mistake or error in zoning is to show both:*
  *(1) The then existing facts and conditions that allegedly made the comprehensive zoning incorrect; and also*
  *(2) The literal failure of the council to have considered those facts and conditions*

  ***Change – The applicant for a rezoning has the burden of showing: 1) the area constituting the 'neighborhood' surrounding his property; 2) all changes occurring in this neighborhood since the last comprehensive zoning affecting the property; and 3) a resulting change in the character of that neighborhood.***

- <u>Hold a public hearing with proper advertising to hear public testimony</u>

  Maryland Land Use Article Section 4-203, and Town Code Sec. 110-161 establish the requirements for public notice of the zoning map amendment hearing. The Planning Commission should evaluate the need for additional notice and public comment to recommend a concurrent comprehensive plan amendment.

- <u>Provide a recommendation to Mayor and City Council with sufficient information to establish findings.</u>

The application does not include information regarding proposed site development plans that would support the need for a zoning map amendment, or allow for a full review of the necessary findings in support of the request.

The current R-3 zoning district allows for a variety of uses including residential, hotel, limited commercial and off-street parking.

***DIVISION 6. - R-3 GENERAL RESIDENTIAL DISTRICT***

***Sec. 110-391. - Purpose.***
*The purpose of this district is to encourage a durable and attractive vacation-living environment which includes variety in housing types at relatively high densities, and new development of buildings over five stories in height subject to special regulations, as well as a number of commercial services.*
*(Code 1999, § 110-391; Ord. No. 1993-1, § 105-10.1, 1-19-1993)*

***Sec. 110-392. - Permitted uses.***
*A building or land in the R-3 general residential district shall be used only for the following purposes:*
*(1) Any use permitted in the R-1 single-family residential district or the R-2 medium residential district.*
*(2) Banks, building and loan associations and trust companies.*
*(3) Offices, business and professional, including, but not limited to, physicians, dentists, lawyers, engineers, architects, accountants, salesmen, real estate agents, insurance agents or other similar occupations.*
***(4) Off-street parking lots and garages (commercial) for passenger automobiles and trucks up to three-fourths ton only, constructed in accordance with the design standards of section 110-935.***
*(5) Private clubs.*

***DIVISION 10. LC-1 LOCAL COMMERCIAL DISTRICT***
***Sec. 110-511. Purpose.***
*The purpose of this district is to provide primarily for retail shopping, personal service uses, and recreational activities to meet the daily needs of residents and vacationers and to provide sufficient space in appropriate locations by conditional use to permit a variety of commercial and miscellaneous amusement and service activities which are considered to be of a more intensified use or which might adversely impact neighboring properties. To enhance the general character of the district and its compatibility with its residential surroundings, signs are limited to those accessory to business conducted on the premises and authorized directional signs.*
*(Code 1999, § 110-511; Ord. No. 1993-1, § 105-14.1, 1-19-1993)*
***Sec. 110-512. Permitted uses.***
*A building or land in the LC-1 local commercial district shall be used only for the following purposes, provided all business, processing, repair work and fabrication activities shall be conducted wholly within completely enclosed buildings, except for the retail sale of fuels and lubricants and incidental services at service stations and marinas, and the sale of nursery products and produce. Storage shall be within completely enclosed buildings or screened on all sides from adjacent properties and public road rights-of-way by a solid wall, fence or dense landscaping, except as otherwise provided in this chapter.*

*(1) Any use permitted in the R-3 general residential district.*
*(2) Individual business and neighborhood shopping centers, not to exceed 40,000 square feet in gross floor area, including:*
*a. Bakeries, provided that all products produced on the premises shall be sold at retail on the premises.*
*b. Barbershops or beauty salons.*
*c. Bicycle sales, indoor/outdoor rental, and repair shops.*
*d. Bowling alleys.*
*e. Billiard parlors.*
*f. Catering or delicatessen businesses.*
*g. Day care facility.*
*h. Self-service laundromats.*
*i. Flower shops.*
*j. Restaurants, cocktail lounges, taverns or nightclubs, including outdoor cafe dining.*
*k. Shoe repair shops.*
*l. Shops for sale, service or repair of home appliances, office machines and electrical, television and radio equipment.*

Monday, November 18, 2024
Mayor and City Council Regular Meeting
Town of Ocean City, Maryland

## 1) CALL TO ORDER

**THE HONORABLE MAYOR AND CITY COUNCIL PRESIDING**

| Attendee Name | Status |
|---|---|
| Matthew M. James, Council President | Present |
| Tony DeLuca, Council Secretary | Present |
| John F. Gehrig Jr., Council Member | Present |
| Carol L. Proctor, Council Member | Present |
| William C. Savage III, Council Member | Present |
| Larry R. Yates, Council Member | Present |
| Jake Mitrecic, Council Member | Present |
| Richard W. Meehan, Mayor | Present |

STAFF IN ATTENDANCE: City Manager Terry McGean, Deputy City Manager Elton J.R. Harmon, City Clerk Diana Chavis, City Attorney Heather Stansbury, Finance Director Chuck Bireley, Fire Marshal/Deputy Chief Josh Bunting, Recreation/Parks Director Susan Petito, Planning and Community Development Director George Bendler, Members of the Press and Interested Parties.

Council President James called this meeting to order at 6:00 PM in the City Hall Council Chambers, 301 N. Baltimore Avenue, Ocean City, MD 21842.

## 2) PRAYER AND PLEDGE

Council Member Yates led the prayer and Pledge of Allegiance to the United States of America.

## 3) ITEMS PRESENTED BY THE MAYOR AND CITY COUNCIL

## 4) CONSENT AGENDA

**Motion to approve Consent Agenda Items A-E.**

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Tony DeLuca, Council Secretary |
| **SECONDER:** | Larry R. Yates, Council Member |
| **AYES:** | Matthew M. James, Council President, Tony DeLuca, Council Secretary, John F. Gehrig Jr., Council Member, Carol L. Proctor, Council Member, William C. Savage III, Council Member, Larry R. Yates, Council Member, Jake Mitrecic, Council Member |

A) Request to Approve Minutes
1. Work Session dated October 29, 2024
2. Regular Meeting #17 dated November 4, 2024

B) Acknowledgement of Standing Committee Draft Agenda
1. Pension Committee - November 20

C) Acknowledgement of Standing Committee Reports
1. Police Commission - November 13 - Canceled
2. Recreation and Parks Committee - November 7
3. Coastal Resources Legislative Committee - November 13

D) Private Event Approval Request for Winterfest of Lights 5K - December 8, 2024

E) Private Event Approval Request for Christmas Eve Service on the Boardwalk - December 24, 2024

## 5) MISCELLANEOUS REPORTS AND PRESENTATIONS

A) Further Consideration to Modify Sunset Park to Establish a Fire Lane presented by KYMA Hotel Developer Christos Sarantis and Counsel Hugh Cropper

George Stoll, Dortheann Sadusky, Scott Houston, Tammi Jester, Linda Deaton, Karen Nelsen, Denis Jenkins, Scott Chismar, Rick Rawl and Brian Teague expressed objections to the project in general and to the proposed use of Sunset Park.

Attorney Hugh Cropper, Iott Architecture President Keith Iott and Developer Christos Sarantis attended to review the request to modify a portion of Sunset Park and use that portion of the Park as the fire lane to access the north side of their new hotel. As to the bayside boardwalk, Mr. Cropper informed the Mayor and Council the developer will open the bayside boardwalk when the hotel opens for business and will provide the Mayor and Council a perpetual easement. The developer requested the Mayor and Council write a letter to the Worcester County Liquor Control Board to support the serving of alcohol beverages on the beach over the bayside boardwalk.

**Motion to approve that Sunset Park be used as the formal fire lane for the Kyma development under the condition that in order to offset the loss of flexibility for the use and/or improvements to the Park, the Developer provides the city a recorded easement and through an executed Use Agreement to allow permanent public access to a bayside boardwalk along the west side of the Kyma property as proposed and refer this matter to City Staff and the City Solicitor to prepare/modify the Easement and the Use Agreement and direct staff if approved, to write a letter to the Worcester County Liquor Control Board in support of alcoholic beverage service on the beach over the bayside boardwalk.**

| | |
|---|---|
| **RESULT:** | **APPROVED** |
| **MOVER:** | William C. Savage III, Council Member |
| **SECONDER:** | Larry R. Yates, Council Member |
| **AYES:** | Matthew M. James, Council President, Tony DeLuca, Council Secretary, John F. Gehrig Jr., Council Member, William C. Savage III, Council Member, Larry R. Yates, Council Member, Jake Mitrecic, Council Member |
| **NAYS:** | Carol L. Proctor, Council Member |

B) Request to Rezone Areas between Philadelphia Avenue and Baltimore Avenue and 21st and 22nd Streets, locally known as Phillips Plaza Shopping Center, 2100 Philadelphia Avenue presented by Planning and Community Development Director George Bendler

JAMB, LLC, property owner of the block between Baltimore Ave and north of 21st Street, requested to rezone the eastern Residential District to LC-1 Local Commercial District. Attorney Hugh Cropper explained the Phillips Restaurant block located south of 21st Street was entirely rezoned for business use by the Mayor and City Council on May 6, 1974. The current application for zoning map amendment proposes the Phillips Plaza block located north of 21st Street should also be zoned entirely for business use based on the continuous and coordinated site development of the two blocks over the years. The Planning and Zoning Commission held a public hearing on October 8, 2024, and upon further deliberation on October 22, 2024, forwarded a favorable recommendation of the zoning map amendment from R-3, General Residential District, to LC-1, Local Commercial District, and submitted the Findings of Fact. The Mayor and Council, however, requested further clarification as to whether the recommendation of reclassification was based on a finding that there has been a substantial change in the character of the neighborhood where the property is located or that it was based on a mistake in zoning classification. Reference Town Code Sec. 110-143(c).

**Motion to approve map amendment/rezoning application to rezone the eastern 1/2 of Tax Map 111, Parcel 4234, Block 7 as LC-1, Local Commercial Zoning District. Block 7 in its entirety will be zoned LC-1, and adopt the draft Findings of Fact.**

| | |
|---|---|
| **RESULT:** | **FAILED** |
| **MOVER:** | John F. Gehrig Jr., Council Member |
| **SECONDER:** | Carol L. Proctor, Council Member |
| **AYES:** | John F. Gehrig Jr., Council Member, Carol L. Proctor, Council Member |
| **NAYS:** | Matthew M. James, Council President, Tony DeLuca, Council Secretary, William C. Savage III, Council Member, Larry R. Yates, Council Member, Jake Mitrecic, Council Member |

**Motion to reject the Planning Commissions Findings of Fact as presented and remand the issue back to the Planning Commission to clarify reason for the rezoning recommendation as to whether it was based on a change in the character of the neighborhood or whether it was based on a zoning mistake.**

| | |
|---|---|
| **RESULT:** | **APPROVED** |
| **MOVER:** | William C. Savage III, Council Member |
| **SECONDER:** | Larry R. Yates, Council Member |
| **AYES:** | Matthew M. James, Council President, John F. Gehrig Jr., Council Member, Carol L. Proctor, Council Member, William C. Savage III, Council Member, Larry R. Yates, Council Member, Jake Mitrecic, Council Member |
| **NAYS:** | Tony DeLuca, Council Secretary |

## 6) PUBLIC HEARINGS

## 7) ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY MANAGER AND STAFF

## 8) ITEMS REFERRED TO AND PRESENTATIONS FROM THE CITY SOLICITOR

A) Resolution 2024-17 to Authorize the Disposition of Surplus Personal Property

**Motion to adopt Resolution 2024-17.**

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Tony DeLuca, Council Secretary |
| **SECONDER:** | William C. Savage III, Council Member |
| **AYES:** | Matthew M. James, Council President, Tony DeLuca, Council Secretary, John F. Gehrig Jr., Council Member, Carol L. Proctor, Council Member, William C. Savage III, Council Member, Larry R. Yates, Council Member, Jake Mitrecic, Council Member |

## 9) COMMENTS FROM THE PUBLIC

Kevin Renninger commented on LED lights on town businesses. Scott Chismar asked that tram service be reinstated.

## 10) COMMENTS FROM THE CITY MANAGER

A) Comments from the City Manager
A. Review of the November 26, 2024, draft Work Session agenda
B. Department Activity Report

## 11) COMMENTS FROM THE MAYOR AND CITY COUNCIL

Council Member Gehrig requested that a review of mayor, council and city manager duties and responsibilities be scheduled for an upcoming work session.

## 12) ADJOURN

**Motion to adjourn at 8:16 PM.**

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Tony DeLuca, Council Secretary |
| **SECONDER:** | Larry R. Yates, Council Member |
| **AYES:** | Matthew M. James, Council President, Tony DeLuca, Council Secretary, John F. Gehrig Jr., Council Member, Carol L. Proctor, Council Member, William C. Savage III, Council Member, Larry R. Yates, Council Member, Jake Mitrecic, Council Member |

Approved by the Mayor and City Council on this 2nd day of December, 2024

Diana L. Chavis, MMC
City Clerk

Public Hearing held before the Town of Ocean City Planning and Zoning Commission, held on the 8th day of October, 2024, at City Hall 301 N. Baltimore Avenue Ocean City, Maryland

* Members present:
* Joe Wilson, Chairman
* Pam Robertson
* Kevin Rohe
* Joel Brous
* Michael Quade
* Janet Hough
*

----------/

OFFICIAL TRANSCRIPT OF PROCEEDINGS

IN RE: Request to rezone eastern half of Tax Map 11, Parcel 4234, Block 7, Lots 7-12.

APPEARANCES:

Spencer A. Cropper, Esquire
Attorney for the Town of Ocean City

Hugh Cropper, IV, Esquire
Attorney for the Applicant, JAMB, LLC

Also Present:

Present: Kay Gordy, Zoning Administrator
George Bendler, Planning & Community Development Director

Court Reporter:
Valerie M. Dawson, RMR
443-783-3113



C O N T E N T S


| WITNESSES: | Page: |
|---|---|
| Lisa Garfield | 39 |
| Frank Lynch | 42 |
| Michael Ramadan | 48 |

| EXHIBITS: | Page: |
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| Exhibit 9 | 37 |
| Exhibit 10 | 44 |
| Exhibit 11 | 49 |
| Exhibit 12 | 53 |




P R O C E E D I N G S

MR. WILSON: Good evening, everyone. I'll go ahead and call the Planning and Zoning Commission meeting to order for Tuesday, October 8th, 2024.

The first item on our agenda is a public hearing pursuant to the provisions of Chapter 110, Division 6, Changes and Amendments, Section 110-143, Procedure for map amendments, of the Code of the Town of Ocean City. An application has been filed to rezone the eastern half of Tax Map 111, Parcel 4234, Block 7, specifically lots 7, 8, 9, 10, 11 and 12, from R-3, General Residential zoning District, to LC-1, Local Commercial zoning district.

The entire property described as Tax Map 111, Parcel 4234, Block 7, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, is located between Philadelphia Avenue and Baltimore Avenue and 21st and 22nd Streets, and locally known as Phillips Shopping Plaza -- Phillips Plaza Shopping Center, master address being 2100 Philadelphia Avenue and associated parking, in the Town of Ocean City, Maryland.

Applicant: Hugh Cropper, IV, Esquire, attorney for JAMB, LLC, file number 24-14100004.



Before I begin the public hearing, any person in attendance may object to a Commission member taking part in this public hearing due to a conflict of interest. The Commission, excluding the person in question, shall decide by majority vote whether the challenged person may take part.

Does anyone have any objections?

(No response.)

MR. WILSON: Okay. Seeing none, we'll go ahead and move forward.

(Ms. Kay Gordy and George Bendler were duly sworn as follows:)

MR. SPENCER CROPPER: Do you swear and affirm to tell the truth, the whole truth, and nothing but the truth in front of the Town of Ocean City Planning Commission?

MS. GORDY: I do.

MR. SPENCER CROPPER: And please state your name and address for the record.

MS. GORDY: Yes, Kay Gordy. And I'm the Zoning Administrator here at City Hall, Town of Ocean City.

MR. SPENCER CROPPER: Thank you.

MR. BENDLER: George Bendler, Director of Planning and Community Development, Town of Ocean City, 301 Baltimore Avenue, Ocean City, Maryland.

MR. SPENCER CROPPER: Thank you.

MS. GORDY: First of all, just so that we understand that everything has been advertised per law. The ad, the legal advertisement, was run in the Ocean City, and it's not Digest any longer, Ocean City Today/Dispatch, and it ran for three weeks. It was published on September 19th, September 26th, and October 3rd of 2024. And it did run just the way you just described it, Joe, Chairman Wilson, on the introduction.

And then we did have the property posted. We had four placards up, one on each street side, that gave the date, time, place, and purpose of this meeting. And we did send out adjacent property mailings 300 feet, as is our general practice, so that everyone could be advised. It was put on the meeting portal on Saturday afternoon, and it was put on the website as of Friday, the agenda.

So, everybody should have, that is signed up for everything, should have gotten their notification since the



4th. So we believe that that is, all happened as to law.

Okay. This is a rezoning application. Let's just look at the staff report here. And I've got some maps here that we will refer to. I have to say, even though Bill put my name to it, because I'm the one doing the presentation, he is the one who did a lot of this work on this; and, therefore, I am trusting that everything is absolutely as true as it can possibly be.

The Applicant, Hugh Cropper, IV, landowner, JAMB, LLC, zoning amendment application, Maxine F. Rosen, member, Judith M. Garfield, member. Property owner, Phillips Plaza, Inc., and that is according to the current SDAT records, 2004 North Philadelphia Avenue, Ocean City, Maryland, 21842. And the location 2100 Philadelphia Avenue, Ocean City, Maryland, 21842.

And the request is a petition to consider a zoning map amendment of approximately 37,800 square feet from the R-3 District to the LC-1 District.

The Applicant has requested to rezone the eastern half of Tax Map 111. I'll show you first the current map. This is the subject property. Okay. It is outlined in



yellow right here. And you can see where the red line, which is the zoning district line that bisects it in between, I believe the deeds actually talk about it's the first 100 feet from Philadelphia Avenue, but it's as close to the lots as they could get them when they did the zoning map, so.

The portion on Philadelphia Avenue is zoned LC-1. And that has been a commercial zoning corridor ever since we have had our first zoning map back in 1946.

It's hard to see here, let's see... this is actually Philadelphia south and north. So, what you're seeing here is, this is 21st Street, the block, right here. And it was zoned 7, which is business use. The first 100 feet. And the remainder of it was zoned 4. And that is residential use.

So that is the way it has traditionally been throughout our zoning maps from 1946, if you look at page 2 of your staff report, and I'm going to try to put one here on the... right there.

The existing city block north of 21st Street is improved by a 15,372 square foot shopping center, second



floor office and work force housing, and associated off-street parking facing Philadelphia Avenue and located within the LC-1. So, this is the pink area here.

The remainder of the block facing Baltimore Avenue is improved with a paved off-street parking lot formerly serving the Phillips Restaurant and located in the R-3 zoning district.

And a parking lot is an allowed use, principal use in the R-3.

Land and property ownership in this location is divided between JAMB, LLC, owners of the land and long-term lease or lessor, and Phillips Plaza, Inc., owner of the property improvements, lessee, and taxpayer per SDAT records. The Applicant has indicated that a 50-year lease condition established in 1968, and there's a reference here, and currently renewed, limits residential use of the entire property and supports the request for a commercial zoning district. Deed records also indicate that the land is also subject to covenants, restrictions, and conditions contained in the earlier 1946 document.

The zoning map amendment request proposes to

extend the LC-1 zoning district eastward to Baltimore Avenue to coincide with the district boundary south of 21st Street. No additional information regarding future site development plans has been provided at this time.

Okay. So, what we have here as well is the block that is south of it, where the former Phillips Restaurant was, where the 21st Street housing currently exists, since our records back in 1970 have shown that to be totally LC-1 in nature. The split of the zoning district as it runs north goes down Upshur and then across Baltimore and then back down 21st, and then begins bisecting the blocks again. There's a number 1 on here, but currently I have been unable in all of our research to find the exact document that asks for that to be rezoned as to that.

We know that the restaurant, according to the tax records, was built in 1950. And, of course, all of the structures behind it were residential in nature, so it was still keeping with what was proposed and the comprehensive plan had supported for Baltimore Avenue corridor which was residential.

So, I am a little bit at a loss for that, and



perhaps maybe the Applicant or some other of the staff members can give us more information on that.

This is the 1991 map which shows it being the same.

And this is the 2000 map that, again, shows this block with the former restaurant as being totally LC-1 and the subject block to the north being bisected by the zoning line.

Staff analysis. A zoning map amendment application follows the process that is established in Town Code, beginning with section 110-143. Established planning practices for consideration of a property rezoning also includes several boundaries.

The first bullet is: Conformance with the adopted comprehensive land use plan. Zoning district boundaries in this location conform with the Future Land Use map of the Town of Ocean City, MD comprehensive plan. Location of business use along the Philadelphia Avenue corridor was established by the Mayor and City Council over 50 years and was specifically dimensioned at 100 feet east of the street right-of-way. An exception to this zoning district is



located south of 21st Street at the site of the Phillips Restaurant, that I have just described to you, constructed in 1950 according to SDAT records.

Any proposed application for a change to this long-established business use corridor zoning district must be preceded or accompanied by a request for change to the comprehensive plan. And Section 110-7 is, this is all part of our zoning code, Purpose of Regulations and Districts, and that is for the health, safety, general welfare of the residents and tourists of Ocean City by implementing Ocean City's comprehensive plan to serve the following purposes: To lessen congestion in the streets, to securely, to secure safety from fire, panic, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, parks, and other public requirements, to conserve the value of buildings and other structures, to encourage the most appropriate use of land throughout Ocean City, and to divide Ocean City into zoning districts of such character, number, shape, and area as are best suited to effect the foregoing



purposes.

Then you skip down to section 110-143, Procedure for map amendments. They have to have findings. Where the purpose and effect of the proposed amendment is to change the zoning classification, the Mayor and City Council shall make findings of fact in each specific case, including but not limited to, the following matters. And these I believe are general, the ones when you send a recommendation up, these are findings that you find and then we often, the Mayor and City Council adopt them as well. Population change, the availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, and the recommendation of the Planning Commission.

But then number 6 says, the relationship of such proposed amendment to the comprehensive plan. The Mayor and Council may grant the reclassification based on a finding that there has been a substantial change in the use of the character of the neighborhood where the property is located or that there is, or was, a mistake in the existing zoning classification.

In addition, the Mayor and Council may change the zoning classification as a revision to the comprehensive plan pursuant to Section 110-224.

And that's when you're doing a comprehensive rezoning.

Let's go to the next page here. Let's see if I can't... I'll put this up here.

So, these are our two, we have our zoning district map that is over on the right side of the page, and then we have a future land use map that's shown at the top of this page. And you can see that it is in conformance with the land use, the Ocean City zoning districts. In addition to purposefully limiting the Philadelphia Avenue/Coastal Highway corridor to commercial use, the Baltimore Avenue corridor has consistently been designated for residential use to the east in the ocean block and to the west for half a block. The original mapping of the districts followed the general practice of recognizing lot boundaries and extending zones the street centerlines.

In this case, the original subdivision of Block 6 divided lots with frontage on the streets to the east and



west with a clear division down the middle.

Then the next bullet is, we have to avoid spot zoning. Consideration of the zoning map amendment application should evaluate the following description of spot zoning in order to recognize established legal precedents. This definition is as follows: Spot zoning occurs when a small area in a district is placed in a different zoning classification than the surrounding property. Spot zoning is not valid, per se. Rather its validity depends on the facts of each individual case. While spot zoning is illegal if it is consistent with an established comprehensive plan and is made solely for the benefit of a private interest, it is a valid exercise of the police power where the zoning is in harmony with the comprehensive plan and bears a substantial relationship to the public health, safety, and general welfare.

Our next bullet is, Follow the Maryland "mistake or change" test. And I mentioned that previously. Maryland Land Use Article-Section 4-204 sets forth the criteria that local jurisdictions must follow to consider a zoning map amendment, including the rule regarding a determination of



mistake or change. Discussion of this issue has been provided by the City Solicitor's office.

Legal standard: General - in all individual applications for reclassification, there must first be a finding of substantial change in the character of the neighborhood or mistake in the comprehensive plan. Yet this finding merely permits the legislative body to grant the requested rezoning but does not require it to do so.

Then you've got Change, specifically by itself. There must be strong evidence of significant change in a reasonably defined area surrounding the property since the most recent of the original or last comprehensive zoning affecting the property; or a strong showing that the underlying assumptions or premises relied upon by the legislative body in the last comprehensive zoning were incorrect as a mistake in fact, or law, rather than a mere mistake in judgment.

And then you have Mistake, by itself. In order to find mistake, there must be evidence that assumptions or premises relied upon by the City Council at the time of zoning were invalid. It is more than the exercise of bad



judgment based on complete and accurate information. The burden is upon the applicant to show the conditions that made the comprehensive plan incorrect, and the failure of the council to consider these conditions. Hardship, economic disadvantage, and consistency with the master plan are insufficient. There must be a showing that the owner is deprived of all reasonable use of this property. The finding of mistake merely permits the grant of requested zoning, but does not compel or require rezoning as a matter of law unless the existing zoning classification unconstitutionally deprives the owner of any reasonable use of the property.

The burden of showing mistake or error in zoning is to show both the then existing facts and conditions that allegedly made the comprehensive zoning incorrect, and also the literal failure of the council to have considered those facts and conditions.

The next thing we have to do is hold a public hearing, which we're doing right now, and with proper advertising to hear public testimony. And according to the Land Use Article and Town Code section we did establish that

we have followed everything that we're supposed to as far as public hearing advertising is concerned.

You can evaluate the need for additional notice and public comment to recommend a concurrent comprehensive plan amendment should you choose.

The next bullet. Provide a recommendation to the Mayor and City Council with sufficient information to establish the findings.

The current R-3 Zoning District allows for a variety of uses, including residential, hotel, limited commercial, and off-street parking. But if you will look at the permitted uses there, banks, building and loan associations, and trust companies; offices, business and professional, including, but not limited to, and it lists the types of different offices. Number 4 is the off-street parking lots and garages for passenger automobiles and trucks up to three-fourths tons only. And that is what they have been using that portion of the block for to date. So, they have been using that in conformance.

So, I've read all that so that people that may be listening to us may understand, because they don't have this



necessarily in front of them to look at.

So, based upon the limited application materials submitted, I would like for you now to go on and listen to the Applicant's presentation. And then George may follow-up with some statements. So, we're on to that portion of the public hearing, unless you have any questions of me.

MR. BENDLER: Commissioners, do you understand this, and do you have any questions for the staff or the solicitor?

MR. WILSON: Any questions?

MS. ROBERTSON: The renewal of the lease, was that another 50 years?

MR. BENDLER: I believe we'll let the Applicant answer that question.

MS. ROBERTSON: Okay.

MR. WILSON: The only question I did have, just about one part of the presentation, is, it sounded like somewhere between 1946 and 1970 they kind of looped in that one piece for Phillips.

MS. GORDY: Yes.

MR. WILSON: Was there any reasoning or?



MS. GORDY: I have not been able to discover that yet. I don't believe there --

MR. WILSON: But, basically, between those two maps --

MS. GORDY: Yes.

MR. WILSON: -- between each one, there was some sort of change that was authorized.

MS. GORDY: And I have been as far back as in the sixties, and I've not found anything. And, of course, this was '46, so there's, there's more in there but I have not discovered when or what that was.

MR. WILSON: Okay.

MS. GORDY: And I don't know that anyone else on staff has --

MR. BENDLER: We do not have any of that information.

MS. GORDY: Right.

MR. WILSON: Very good.

We'll hear from the Applicant.

MR. HUGH CROPPER: Hello. For the record, my name is Hugh Cropper. I represent JAMB, LLC.



Just by way of a little bit of explanation, JAMB, LLC, owns the fee simple interest in this property. So, they owned it pre-1968, and the Benjamin family has owned this property dating back to the 1950's. The B in JAMB stands for Benjamin. You'll hear later what the rest of it is. But, anyway, they've owned it dating back to the 1950's.

In 1968 they entered into a long-term 50-year recorded lease. And that lease got recorded and that was to the Phillips Plaza, Inc. That lease was renewed for another 50 years. So, we are just a few years into that second lease.

So, if we look at the future land use map, and I'd like to mark this as an exhibit, I've got copies for everybody but I don't know if you'd just rather look at it on the screen.

And to whom I should give my exhibits, Chase?

If anybody wants copies... or you can just see it? Okay.

(Exhibit No. 1 was marked.)

MR. HUGH CROPPER: And to go off topic just a

minute, and to answer Mr. Wilson's question, we can't, in all the files that we have, we can't find evidence of any rezoning. So, I think the assumption we have to make is that during the 1970 comprehensive rezoning the Phillips complex was rezoned LC-1 as part of that 1970 comprehensive rezoning. Every time the Town updates its zoning maps it does a comprehensive rezoning.

So, not being able to find any application between '46 and '70, I think we assume that when they redid the maps in '70 they included it at that time.

This property, what I've done is I've put a sharpie line -- if you could just zoom in just a little bit closer. Maybe. There we go. Thank you.

The piece on the left is the existing Phillips Crab House. To the left of that is Calvin B. Taylor Bank. And the piece on the right is the subject piece.

I refer to what's around this black box as the Phillips Complex or the Phillips Square. For 55 years there was a sign on Philadelphia Avenue that said Phillips Square. There was a sign on Baltimore Avenue that said Phillips Square. There was a ticket booth that had Phillips Square



on top of it. The shopping center was the same architecture as Phillips Crab House. It had the mansard roof with the shingles. And for all intents and purposes this appeared to be one single property.

It was indeed a unified development by one, by one group, which was the Phillips family.

So, the Phillips were the fee simple owners of the Phillips restaurant, and they were the lessors by virtue of a recorded long-term lease of the lot next to it.

So, I suggest to you that in the future land use map, two thirds or three quarters of the Phillips property for 55 years was commercial and approximately one third was residential.

And I do want, my next exhibit, Number 2, and I would like to pass these out because there is some, there is some details. And I think that's, they should be stapled together. Oh, I'll take one back. Okay.

(Exhibit No. 2 was marked.)

MR. HUGH CROPPER: We can put it right there, would be perfect.

This is important, and this will be Exhibit No. 2,



this shows the tax assessment for the subject property for the entire block. The tax assessor has the owner has Phillips Plaza, Inc. We know that's a bit of a technical legal mistake because the fee owner is really JAMB, LLC, but because Phillips Plaza, Inc. has a recorded lease recorded in the land records and they've assumed the responsibility of paying all the taxes, the tax assessor has put it in their name.

And it shows the use of the entire property as commercial, meaning that the property is subject to a commercial tax assessment. So the tax assessor looks at the entire block as one parcel, parcel 4234, with a commercial tax assessment.

If we look through these, if we page through these documents to the lease, and I really don't expect you to be able to read that on the screen but we'll put that there. And this is the 1968 lease. The lessors and the lessee acknowledge and agree that this lease is a lease for property to be used exclusively for commercial or business purposes and for the construction of improvements for commercial or business use as the same may be lawfully



permitted from time to time by zoning ordinances, regulations, as distinguished from residential purposes as provided by Section 108 of Article 21 of the Annotated Code of Maryland.

So, it's to be used exclusively for commercial or business purposes and for the construction of improvement for commercial or business purposes.

Obviously, a private deed restriction does not control zoning. But this does show the intent of the owners to use this property as commercial for what's now been 56 years. And it has been commercial for 56 years. And it's been taxed as commercial for 56 years.

Yet, if we look at this as Phillips Square or a unified Phillips development, three quarters of it is zoned commercial, one quarter of it is zoned residential.

Next, I'd like to show you the current, this is the current land use map, not the future land use map, so this is the current land use map out of the comprehensive plan. And what it shows is, here we have the properties, we have Phillips Crab House here, and we have the subject property here.

(Exhibit No. 3 was marked.)

MR. HUGH CROPPER: And the Town current use map shows the subject property as being entirely used for commercial. So, the Town's comprehensive plan 2017 shows the entirety of the property used for commercial. The tax assessment shows the entirety of the property being used for commercial. The deed restriction from 1968, which has been a matter of record since that time, requires the property to be entirely commercial.

What I'm going to mark as Exhibit Number 4 is the current zoning map, which Ms. Gordy was kind enough to refer to.

If you could zoom in just a little bit more, Chase. Thank you.

This will be Exhibit Number 4.

(Exhibit No. 4 was marked.)

MR. HUGH CROPPER: And this is the current zoning map.

And, again, it shows the unified, the Phillips development that was tied together by virtue of the 50, now 100 year, recorded lease. And it has a black box around



that unified development.

By the way, the Town of Ocean City code, I mean, the Town of Ocean City comprehensive plan encourages mixed use large scale unified development. And that's exactly what this was. Probably one of the highest grossing largest seafood restaurants in Ocean City for many, many years, if not the Eastern Shore, and if not the entire state. This was the required parking, Phillips Square was the required parking for Phillips Restaurant. It was also used by the shopping center in the front.

I'm not going fuss with Mrs. Gordy, but she said the property, the shopping center fronts on Philadelphia Avenue, it also fronts back to Baltimore Avenue. I was there today. The entrance on Baltimore Avenue side looks exactly the same as the one on the Philadelphia Avenue side, and people were parked equally behind it in the residential zone as they were in the front.

I guess the question is, why didn't, in 1970, knowing that this was the Phillips' parking lot, knowing it was part of a unified development, it looked like Phillips, it had a Phillips Square sign on both streets that was of



the same architecture, why didn't they just draw the line for the commercial like I've drawn it with a black sharpie?

I suggest to you that that is a mistake. That was a zoning mistake in 1970. The line should have looked like my enhanced line. I just, I cannot think of a reason why they would have excluded the parking lot, again, it was advertised, was part of the required parking, it was advertised as the parking, and had a deed restriction that it had to be commercial. The Phillips Square accommodated 70 required parking spaces that were 70 required spaces for the Phillips Restaurant. You know, mistakes can be good faith mistakes, and no one, I've never done a rezoning where I've had a bad faith mistake before, so they can certainly be good faith mistakes.

Mistakes can be a mistake of the scrivener. I saw that in a court case. I had to Google the definition of scrivener before I got here. In the old days that was people who could write clearly and accurately before they had lawyers and doctors and such, so some of the court cases talk about a mistake of the scrivener, meaning that somebody just drew the line in the wrong place, right? They sat down



and they said, hey, remember in 1970 these maps were drawn by hand, we didn't have GIS. They drew the whole, they drew the whole town all the way up to the Delaware line, and it was all drawn by hand. And they could've said put the line around Phillips and the parking and they just put the line around the restaurant.

We all have to wonder why the line went around the back of Phillips, which for years had been a residential dormitory, right? We all have to wonder that. But, again, that bolsters my argument that this was a unified development, and it was intended to be, the entire thing looked at commercial and that was part of this mixed use unified development. It was parking. It was a shopping center. It was a dormitory to house the, back then it was waitresses, now we have servers, waiters and waitresses. Again, as part of a good faith mistake, maybe a mistake of the scrivener.

If we go up to 32nd Street and look at Higgins, you'll see that the line is drawn around their parking lot, so their parking lot is actually zoned commercial, the line went around it. Which is how it should be. Although

commercial parking is permitted in an LC-3, or in an R-3, I don't think any land planner or staff person would suggest that we should take a restaurant and zone it commercial and zone its adjacent parking lot as residential, you know. And we don't want to go through town certainly and down zone all the business parking to residential just because we can.

Again, it's our position that this was a unified development. And it was a mistake.

As your staff points out, as Ms. Gordy correctly cited Maryland law, once you find a mistake, then you have to decide whether the zoning is desirous in terms of the comprehensive plan, whether it makes sense.

You could also find substantial change in the character of the neighborhood. And we believe that there is a substantial change. If you stand on this property and look towards Phillips, again, as I've said, Phillips Crab House, since 2000 one of biggest restaurants in Ocean City has closed, become a dormitory, and now this piece of property is somewhat, is somewhat lost as to what we do with it.

It's currently being used as commercial parking



for the shopping center. It fills up, I suspect other people are just parking there randomly. But we look that way, one of the biggest restaurants, again, in town closes. If we look at the, if we go back to the exhibit of the current land use map, which is Number 4, we see that the lot to the north is vacant. And we'll mark this as Exhibit Number 5. It is no longer vacant. It is now... we'll mark this as Exhibit Number 5.

(Exhibit No. 5 was marked.)

MR. HUGH CROPPER: It's now an improved Days Inn, improved Days Inn parking lot, representing a change. If we look across the street to, across Philadelphia Avenue we have Nick's Golf, which has now become a very successful large operation over there, which was done by virtue of a conditional use so that's not something that, that's not a change that was planned for. That's a real change.

So, if we just talk about the neighborhood being, stand on this piece of property and look around what's happened since 2000, every single direction we see, every single direction we see, we see change.

So, if you find mistake, or if you find change, I



think there was a mistake. There's clearly change in the neighborhood. I mean, there's no question about that. Is LC-1 more desirable in terms of the comprehensive plan? That's the next thing you have to consider.

The comprehensive plan, you know, is more than just the future land use map. The comprehensive plan is the written comprehensive plan. It's also a broad brush approach, or it's a guide to future zoning. That's clearly, the land use article says that, the comprehensive plan says that in the preamble, and Maryland case law says it. It's a guide to future growth.

But, again, it's not just about the land use map. If the land use map controlled, we wouldn't need zoning districts. We would just have a land use map. The land use map is a guide to future growth. And then we look at specifics, properties to properties, to determine what the zoning should be.

But we can look right in this neighborhood, if you'll put the land use map next to the actual zoning map, you'll see inconsistencies, unfortunately, all over the place. That's just because the land use is a guide. It's a



strong guide. It should be followed, but it's a guide.

One of the things the comprehensive plan says, and I'm going to mark this as Exhibit Number. 6.

(Exhibit No. 6 was marked.)

MR. HUGH CROPPER: Moving right along here.

Nobody objects if I move briskly, do you?

I'm going to pass this one around because it is a little harder to, my Google Earth is not the greatest.

Exhibit No. 6 is, we're standing overtop of Phillips Restaurant and we're looking north towards, and we can see the Kings Arms all the way up at the top. We can see the American Legion. Which is, by the way, a blue roof, which is a bar where that blue roof is, by the way, it's a commercial business, it's in the residential zone. We see the new parking lot for the Days Inn.

I'm not going to mark this as an exhibit, but just to quote from the plan, several trends are causing an increase of interim service parking lots, particularly in the downtown area.

So, I suggest to you as a matter of planning, as a matter of the comprehensive plan, talks about the increase

in parking lots, if you look at this, what we don't need is another parking lot on that road. It is just parking, it is just commercial parking lot after commercial parking lot, because that's the only thing you can do in a half a block really of R-3 right now in this economy.

We rode up, all the way up Baltimore Avenue today, and at least 50 percent, if not more, of the land area has to be consumed with asphalt parking lots. You don't need another asphalt parking lot. You need redevelopment. You need repurposing. That's what the comprehensive plan says.

If we look at chapter 3, which is the land use chapter of the comprehensive plan, and, again, the written comprehensive plan is just as important, if not more so, than the map. The map follows the plan.

And I'm going to hand these around because, again... I don't know how quickly Chase can keep up with me. He's a pretty spry young fellow.

(Exhibit No. 7 was marked.)

MR. HUGH CROPPER: If I suggested to you, I said the land use chapter is the most important, and if you read the first sentence it says the land use chapter should be



considered the most important element of this comprehensive plan. It talks about mixed use development. And then if you'll turn to the second page -- and, I'm sorry, if any of the staff wants these exhibits, I've got extra copies, because I know they're hard to read on the screen.

But if we look at the second page of, again, this is the objectives of the land use chapter of our comprehensive plan, to me, this is the heart of the comprehensive plan, encourage infill and redevelopment of existing vacant or underutilized sites. Which is exactly what this is. Look at that aerial picture, and that's exactly what this is. Maintain opportunities to grow the tourist economy and support a viable diversified economic base.

Unfortunately, there's nothing about that split zoning on that block that's been a commercial lot that supports a viable diversified economic base.

Encourage new development and redevelopment to minimize the impacts of strip commercial development.

If this zoning stays the way it is, you will forever have a strip center along Philadelphia Avenue. If



the entire block becomes LC-1, we can have a great mixed use infill type of development there that utilizes the property.

So, if it stays the way it is, you're going to have a strip center and you're either going to have a, be next to either condos, a motel, or a parking lot, that's what you can do in the R-3.

And that's, respectfully, where it will end up.

If we look at the, next I'd like to look at recommendations of the land use chapter. Again, the land use chapter being the most important part. And you don't have to rely on me for that one because it says it's the most important part. So when you read the entire land use section, it starts out with objectives, goals, and it ends with recommendations.

And these are the recommendations. And it says right at the top, Summary of the Future Land Use and Major Proposals and Projects. Number 3, we know we're looking for a quality image for Ocean City, not parking lot after parking lot. Number 8, hotel/motel needs should be monitored to evaluate current market conditions as well a current room inventory.



I'm going to have witnesses in a minute come up here and talk about, this is not a great place for a motel. It has no non-conformity, so you're going to have a full complement of parking. Any motel you put there is going to have to be up on stilts or up on pilings so you park underneath, and it looks to the twelve-story planned overlay district, which is the Grand. So, if you have a motel here and you look east, you're going to be looking at a twelve-story POD building, which is the Grand. You look the other way, you're going to be looking at a shopping center. Again, unique to this piece of property.

And if we go onto page 3 of this, which is page 328 of the comprehensive plan, this is very important. Develop guidelines for transition of non-compatible land use along property lines commercial properties adjacent to residential, and look at number 23, this is a recommendation, look for pockets of local commercial should be evaluated by conditional use or zoning map amendment in appropriate locations based on performance separation criteria on the ocean side of Philadelphia Avenue and Coastal Highway.

The comprehensive plan in the recommendation, paragraph 23, look for pockets of local commercial land use by zoning map amendment, which is just what I'm asking for here today, on the ocean side of Philadelphia Avenue. Exactly what I'm asking to do is a recommendation of the land use provision of the comprehensive, of the written comprehensive plan. And that's about ten pages before we get to the land use map.

And, finally, I know you guys like the comp plan because you wrote it, my final one, and it's only a one-liner.

(Exhibit No. 9 was marked.)

MR. HUGH CROPPER: This is no longer in the land use section, but I've already fast forwarded up to section 9 of the comp plan, and I just think this is, this being Exhibit Number 9, it's just a sentence but it's an incredibly important sentence, which is, establish measures to preclude displacement of basic commercial retail uses by condominium development in appropriate locations. The comp plan must say in ten different places that Ocean City, particularly upper downtown area, is under pressure from



condominium development, pressure from condominium development. It's in there at least ten times. And we need to protect these areas.

And, again, when you reflect back this, for 55 years this was a vibrant unified mixed use development. The whole thing should have been zoned commercial. And that would allow for redevelopment of this property.

So, that being said, I'd like to ask Mrs. Garfield, if you would come up and have a seat in this chair.

And Mr. Cropper, who is of no kin to me but has a great surname, will swear you in.

I want to put that on the record since you asked about all those conflicts.

Stand up, raise your right hand and look that way.

MR. SPENCER CROPPER: Do you swear and affirm to tell the truth, the whole truth, and nothing but the truth in front of the Town of Ocean City Planning Commission?

MS. GARFIELD: Yes.

MR. SPENCER CROPPER: Please state your name and address for the record, thank you.



MS. GARFIELD: Lisa Garfield, 5000 Stock Creek Lane, Salisbury, Maryland, 21801.

MR. HUGH CROPPER: You can sit down.

**EXAMINATION OF MS. GARFIELD BY HUGH CROPPER**:

BY MR. HUGH CROPPER:

Q. Ms. Garfield, your mother is Judy Garfield, who is the managing member of JAMB, LLC; is that right?

A. Yes.

Q. And JAMB stands for what?

A. Judy, or Judith, and Maxine Benjamin.

Q. And they are, Judith is your mother and Maxine is your aunt, and they were both members of the Benjamin family?

A. Correct.

Q. And, obviously, you are as well. And the Benjamins got this property in 1966 from Sandy Plains; is that correct?

A. Yes.

Q. And Sandy Plains was also a development company owned by the Benjamins, correct?

A. Correct.



Q. And they owned quite a bit of land around this area?

A. Yes.

Q. You saw, and I know you have a copy back there, you saw Exhibit No. 2, which was the SDAT sheet, the deed, and the lease; is that right?

A. Yes.

Q. And those are all accurate documents that show the ownership of the property as being in JAMB, LLC?

A. Yes.

Q. And it's being leased by Phillips Plaza, Inc.?

A. Yes.

Q. And that situation has been in effect for about 56 years?

A. Yes.

Q. And has 44 more years to go?

A. Indeed.

Q. Now, has your family always assumed that this property was zoned commercial?

A. Yes, they have.

Q. And right in your lease you had a commercial

provision?

A. Correct.

Q. And if you go on the SDAT website where it says use, it says commercial?

A. Yes.

Q. And do you believe the residential zoning to be a mistake?

A. Yes, I do.

MR. HUGH CROPPER: Thank you very much.

Please don't go anywhere.

I want to ask Mr. Lynch to come up next, if you would.

Go ahead and get sworn in.

MR. SPENCER CROPPER: Do you swear and affirm to tell the truth, the whole truth, and nothing but the truth in front of the Town of Ocean City Planning Commission?

MR. LYNCH: I do.

MR. SPENCER CROPPER: Name and address for the record, please.

MR. LYNCH: Frank Lynch, Jr., 10535 Racetrack Road, Berlin, Maryland.



**EXAMINATION OF MR. LYNCH BY MR. HUGH CROPPER:**

BY MR. HUGH CROPPER:

Q. Mr. Lynch, you are a registered professional surveyor in the State of Maryland?

A. Yes.

Q. And how long have you been so registered?

A. I've been a licensed surveyor since 1984.

Q. And have you done surveys in Ocean City?

A. Countless surveys.

Q. How many, have you done probably thousands?

A. I would say so, yes.

Q. And you've been surveying for how long?

A. Since 1969 I've been working in the surveying profession.

Q. With whom did you start?

A. Well, I actually started with Prince William Engineering in Ocean Pines, then I moved from there to Burt Cropper, a local engineer/surveyor, used to be located at First Street.

Q. And Mr. Cropper actually did the Neptune plat which is across the street from this property?



A. That's correct.

Q. And this property was subdivided in 1945; is that correct?

A. That's correct.

Q. In your history since 1969, do you have occasion to work with the Town of Ocean City zoning code and staff, the comp plan, all those things?

A. Yes.

Q. Now, the staff report, and if you scale the zoning map, it appears that the commercial zoning is 100 feet from the right-of-way line of Coastal Highway.

Is that right?

A. That's correct.

Q. How deep are the lots that front on Coastal Highway?

A. It's the south, southerly lot is a little over 118 feet deep, and the northerly lot, you know, that fronts on Philadelphia Avenue is little over 113 feet.

Q. Do you have a copy of the, did you bring the plat?

A. Yes, here's small copies, here is one large copy.

MR. HUGH CROPPER: We'll mark one of these as an



exhibit. I think I am up to Exhibit No. 10.

(Exhibit No. 10 was marked.)

BY MR. CROPPER:

Q. So this is the North Ocean City Realty Corporation plat which was done by Mr. Pitts back in 1945?

A. That's correct.

Q. And it shows --

Now you can go ahead and zoom in if you would, Chase, on that lot. A little further, a little closer.

Okay. So you've scaled a 100-foot zoning line, and the 100-foot zoning line does not align with the lot lines that bisect this parcel?

A. That's correct.

Q. 18 feet on one end and 13 feet on the other end?

A. That's correct.

Q. So if JAMB, LLC, were to try to sell lots 1 through 6, they would have a non-conformity because part of the, part of this shopping center would be zoned residential?

A. Well, I mean, the shopping center, that building is, was constructed to the 10-foot rear yard setback, then,

yes, it would be an existing non-conformity.

Q. Because part, actually it's an illegally existing non-conformity --

A. That's correct.

Q. -- because actually a piece of the shopping center is in the residential zoning?

A. Correct.

Q. Which, in your opinion, is that a mistake?

A. Yes.

Q. Now, the remainder of this property, it does not enjoy any non-conformities, right?

A. Correct.

Q. I said earlier, so if you were to design a motel on this site you'd have to provide the, and when I say on this site, on lots 7 through 12, you'd have to provide the full complement of parking?

A. That's correct.

Q. So any, and given that it's a long and narrow piece, any motel would, you told me, I believe, would have to be on pilings or concrete pillars with parking underneath?



A. That's right.

Q. It would be a difficult design?

A. Yes.

Q. And the same would be true for condominiums?

A. Yes.

Q. In your opinion as a land planner, would a motel, a hotel, or even condominiums be a good land use for this property?

A. No, I do not believe so.

Q. If the property is rezoned to LC-1 commercial, in your opinion, will it have any impact on transportation patterns?

A. No.

Q. Well, I mean, it's essentially been a vibrant commercial use there for 50-some years?

A. That's correct.

Q. I think Phillips Crab House in the '80's and '90's generated about as much traffic as anybody could.

A. Yes. That was their job, to turn over tables. The more people the better.

Q. Do you also agree with me that there's been a



change in the character of the neighborhood?

A. Absolutely.

Q. And do you, finally, as somebody who's been surveying in the Town of Ocean City for 69 years and started out working for Mr. Burt Cropper, do you agree that the proposed rezoning is more desirable in terms of the comprehensive plan and represents good planning?

A. Yes, I do.

Q. All right. Thank you.

MR. HUGH CROPPER: I would like to ask Mr. Mike Ramadan to come up and sworn.

MR. SPENCER CROPPER: Raise your right hand.

Do you swear and affirm to tell the truth, the whole truth, and nothing but the truth in front of the Town of Ocean City Planning Commission?

MR. RAMADAN: I do.

MR. SPENCER CROPPER: Name and address for the record, please.

MR. RAMADAN: Mike Ramadan, 13037 Drum Point Road, Ocean City, Maryland, 21842.

MR. SPENCER CROPPER: Thank you.



**EXAMINATION OF MR. RAMADAN BY MR. HUGH CROPPER:**

BY MR. HUGH CROPPER:

Q. Now, Mike, you purchased the Phillips Crab House, is that correct, which is south of the subject property?

A. That is correct.

Q. And as part of that purchase you were required to essentially buy out and take an assignment of the lease on this property?

A. That is correct.

Q. Because at the time the required parking for Phillips Crab House was on the subject property?

A. That is correct.

Q. And it was, the requirement was 70 spaces?

A. Correct.

Q. And as the current owner of Phillips Crab House and as the current holder of the long-term recorded lease, do you agree with me that for 55 years this operated as a unified mixed use commercial development?

A. Yes.

Q. And that zoning line through what I call this, this unified development was essentially arbitrary?

A. Correct.

Q. And now we've heard from Mr. Lynch, not only was it arbitrary, that three or four feet of the actual shopping center is imposing in the, into the residential zoning?

A. That is correct.

Q. And in addition to being the property owner, you're also a developer of properties in Ocean City, correct?

A. That's correct.

Q. And, in your opinion, is this property appropriate for some of the residential uses, such as single-family homes or condominiums?

A. No, I do not.

Q. Do you think it's appropriate for town homes?

A. No, I do not.

Q. How about a hotel or motel?

A. No, I do not.

MR. HUGH CROPPER: And what I'm going to mark as Exhibit No. 11, I'm also going to pass this around again because there's a lot of detail.

(Exhibit No. 11 was marked.)



BY MR. HUGH CROPPER:

Q. And I'm going to proffer to you, this is the Grand hotel that's directly across the street, which is a planned overlay district, so when you, if you look at the bottom of this picture, that's your parking lot and the view towards the beach is of the large Grand hotel?

A. That's correct.

Q. So if you were to build a, say, a four-story hotel or motel on your property, it would be looking directly at that?

A. That is correct.

Q. And to the back it would be looking at the shopping center?

A. That is also correct.

Q. And in your opinion is that something that's either desirable or economically feasible?

A. No, not financially in any way.

Q. And would condos be desirable or economically feasible?

A. None whatsoever.

Q. And I go back to the aerial picture that shows up



and down Baltimore Avenue, do you think a parking lot is desirable or economically feasible for this property?

A. No.

Q. So do you agree with me that it was a mistake?

A. I do believe it was a mistake.

Q. We talked about the, we talked about the changes in the neighborhood, essentially when you bought it Phillips Crab House was in the process of being closed down?

A. That is correct.

Q. The parking to the north has now become, has been paved and become the Days Inn parking?

A. Correct.

Q. Used to be behind Mario's?

A. Correct.

Q. And Nick's Golf is across the street?

A. Yes, that's correct.

Q. And that was obtained by virtue of a conditional use?

A. Correct.

Q. So, when we stand on this property and we look north, we look south, we look west, everything we see has



changed since the last comprehensive rezoning?

A. That is correct.

Q. And as the property owner and the leaseholder, do you agree that the LC-1 commercial district is more desirable in terms of the comprehensive plan?

A. Yes, it is.

Q. And do you agree with me that this property is unique because it was part of this unified development for 55 years, so if the Planning Commission saw fit to recommend this rezoning, it wouldn't set a precedent because no other property enjoys these conditions?

A. Exactly.

Q. No other property has a 55-year lease with a commercial, or, well, a 50 plus 50 year lease with a commercial restriction?

A. Correct.

Q. And no other property has been part of any kind of, go up and down Baltimore Avenue, any type of unified development like this?

A. Correct.

Q. And then -- okay, that's good enough.

MR. HUGH CROPPER: Again, don't be mad at me if I move quickly.

You know, that's our presentation. In conclusion, I just want to remind you that the future land use map also has to go with the written comp plan. The comp plan is a guide for future growth, and in Ocean City it's a great guide. And I think if we look at the land use article, or the land use provision of the comp plan, it supports this rezoning. It specifically talks about the area north of 17th Street, and it talks about using rezoning map amendments where appropriate to protect those properties.

You have a little legal blurb in your staff report, so I didn't want to be left out so I brought you a little legal summary that you can take with you.

We'll mark that as 12.

(Exhibit No. 12 was marked.)

MR. HUGH CROPPER: And I promise that's my last exhibit, I'm superstitious, so even if you give me something I won't mark it as 13, I'll skip it. But this is just, that's just for you to have, that basically says the comp plan is a great guide and it's a great guide for future



growth. Which is what the law says.

But I think this is, I think there was a mistake. I think there's no question there's a change in the character, no one can stand on this property and look around and tell me that neighborhood hadn't changed since 2000. I think the comp plan is a guide, but I actually think the comp plan completely supports this. The only part of it that doesn't is the future land use map. And I think that was just a mistake, again, a mistake of the scrivener, that somebody drew the line in the wrong place in 1970 before they had GIS, before they had a lot of trained staff like they have today, that somebody sat down with a pencil and paper and drew the whole town, probably in a week.

And that would be our presentation.

So, unless you have any questions.

MR. WILSON: Any questions?

Pam.

MS. ROBERTSON: The lease, I'm sorry, the owners of the lease, the Benjamins, is it the whole block that they have or just a part that --

MR. HUGH CROPPER: The whole block.



MS. ROBERTSON: Okay, even the part that you're asking for rezoning and --

MR. HUGH CROPPER: It's the whole thing, it's one, it's one piece for tax, the whole block, it's one piece for tax purposes, for the lease, for everything.

MS. ROBERTSON: So that one account --

MR. HUGH CROPPER: One account for the whole block.

MR. ROHE: That's the 50-year lease?

MR. HUGH CROPPER: That's the 50-year lease, that's recorded.

MR. ROHE: The commercial building and the property and the parking lot.

MR. HUGH CROPPER: The whole thing.

MS. HOUGH: Is there a proposal or, or an idea of, if this were to pass, the change, what would be done with that property?

MR. HUGH CROPPER: Yeah, that's a great question, you know, I've always been, in 36 years of doing this, I've always been told you can't really promise anything because once it's rezoned they can, they're eligible for any use



that's allowed. I can tell you that the plan from Mr. Ramadan would be to upgrade and sort of double the size of the shopping center, build a mirror version of it on the east side, have an attractive facade facing both ways, and have more employee housing and offices above it.

MS. HOUGH: How does that affect the parking requirements for the Phillips Crab House project?

MR. HUGH CROPPER: The Phillips Crab House, the 21st Street housing does not use this as part of its required parking. So this is free of, this is free of that. Those are the lots that are across the street.

MR. ROHE: That's the parking lot across the street.

MR. HUGH CROPPER: Correct.

MS. HOUGH: Which is now listed for sale for commercial development.

MR. HUGH CROPPER: Yes. But if, you know, if this doesn't happen, if this doesn't happen then it won't be for sale.

MS. ROBERTSON: How much parking is the current retail plus new retail?

MR. HUGH CROPPER: It would depend on Mr. Lynch to figure out how much, how big he could make it. But, again, there's no non-conformity there, so it's going to have to provide the full, it's going to have to stand alone as a mixed use unified development, and provide the full complement of parking, and require all the required landscape, it enjoys no non-conformity, so it's going to have to be a new fully reviewed by you and approved --

MS. HOUGH: So they would then keep the property across on --

MR. HUGH CROPPER: As the required parking.

MS. HOUGH: -- Philadelphia as the Phillips parking.

MR. HUGH CROPPER: Yes. Or like anybody else, I guess, they could replace it but I don't know where else they would go, so. Yes, as a practical matter that's where that, that's where that required parking would stay.

But any future use would have to come back here. And, again, there are no, they'd have to do landscaping, have to do parking, have to do density, have to do everything.



MR. WILSON: Any other questions for the Applicant?

Okay. Hugh, thank you.

MR. HUGH CROPPER: I do, you know, I do think it's the right thing to do. I, you know, I've been reading, I've actually enjoyed reading the history, as you have. My grandfather was mayor in 1968 when they wrote the comprehensive plan. He didn't run for reelection in 1970 so he missed signing it by a couple of months. Harry Kelly signed it in the spring of 1970, so.

Thank you. Have a good night.

MR. WILSON: Thank you.

At this point in the public hearing I'm going to ask if there's anyone that would like to speak for or against the application?

(No response.)

MR. WILSON: Okay. Seeing none, I'll entertain a motion to close the public hearing.

I've got a motion from Pam to close.

A second from Mike.

All those in favor? Aye.



(Answers in the affirmative.)

MR. WILSON: All right. No more testimony will be taken at this time.

George, do you have anything else to add at this point?

MR. BENDLER: Again, just for the record, George Bendler, Director of Planning and Community Development for the Town of Ocean City.

I just wanted to make a couple points of clarification. In regards to the SDAT record, I just remind you that Maryland does give municipalities the land use control and that's codified by C 4-115 in our code.

As far the land use map on there, the R-3 zoning does give you limited commercial applications there, so it can be considered commercial because it does give you limited commercial application.

Also, we did certify the zoning map this year.

Chase, will you pull that up?

On January 16, 2024, we certified the zoning map, brought it before the Mayor and Council, had a public hearing on that, and we had no comments on any zoning



mistakes or changes in that map.

Another point of clarification, there is a lease on the Phillips property for parking, because the 21st Street housing could not fully meet the commitments of completing the parking, so there is an active lease that will expire November of this year, just to note that.

Other than that, we, again, go by our staff recommendation of what's noted in the packet.

MR. WILSON: Okay. And the staff recommendation is to move it to a work session.

MR. BENDLER: Yes, so we can fully analyze what's been presented today to you.

MR. WILSON: Sounds good.

Any other questions for George, and then have some discussion up here?

No more questions for George?

Okay. Any discussion or feedback while we have the Applicant here in the room?

MR. BROUS: I do like the idea of encouraging more commercial development, obviously, with, especially with the most recent town home movement, if you will, it's nice to

have, I think, more commercial in town.

MR. WILSON: I would agree. I think it's a good use of the site. I think it gets away from the, a lot of what we talk about here is trying to limit condominium development in these zones, we lose commercial to condominium development, this is kind of doing the opposite.

And I don't think, it's not like we're adding any density from a residential perspective either, because I think, for the most part, LC-1 and R-3 have the same density as that.

Correct?

MR. BENDLER: Yes. Pretty much, I mean.

MR. WILSON: Okay.

Kevin, do you have anything?

Janet?

MS. HOUGH: I agree it's probably the best use to leave it as it is and allow the limited commercial that it is, there's so much limited commercial available for lease in town. I know that from personal experience. You know, having it be retail or food related, restaurant related, would be a much better use than what it is now.



MR. WILSON: Okay. Mike, anything from you?

MR. QUADE: I agree, I agree with what she just said.

MR. WILSON: Okay. Sounds good.

With all that being said, staff had requested that we move it to a work session. I'll entertain a motion for such.

MS. ROBERTSON: So moved.

MR. WILSON: Pam, to move it to a work session?

MS. ROBERTSON: Sure.

MR. ROHE: Second.

MR. WILSON: A second from Kevin.

Any further discussion?

All those in favor?

(Answers in the affirmative.)

MR. WILSON: And are we going to schedule the work session now, or?

MS. GORDY: The next meeting is the 22nd, and it's the one with the code amendments.

MR. WILSON: Can we do it then?

MR. BENDLER: We certainly can.



MR. WILSON: I think that would move it along for the Applicant, that would probably be the best case scenario.

MR. BENDLER: Okay. So we will place that on the October 22nd agenda.

MR. WILSON: Okay. Very good.

MR. HUGH CROPPER: Can I... one second?

MR. WILSON: Sure.

MR. HUGH CROPPER: I'm sorry, I have to go get a CAT Scan of my throat on the 22nd.

(Pause in proceedings.)

MR. HUGH CROPPER: We'll do it on the 22nd.

MR. BENDLER: Okay.

MR. WILSON: Very good.

MR. HUGH CROPPER: I'll get back or I'll send Kristina, thank you.

MR. WILSON: I think that's all good on that, we will go ahead and move on to approval of the minutes.

MR. HUGH CROPPER: Thank you. Thank you for your patience.

(End of Proceedings.)



COURT REPORTER'S CERTIFICATE

I, Valerie M. Dawson, Registered Merit Reporter, certify that I recorded verbatim by stenotype the Proceedings in the above-entitled cause before the Town of Ocean City Planning Commission, on the 8th day of October, 2024.

I further certify that to the best of my knowledge and belief, the foregoing transcript constitutes a true and correct transcript of the said proceedings.

Given under my hand this 18th day of October, 2024, at Salisbury, Maryland.

Valerie M. Dawson

Valerie M. Dawson, RMR
Court Reporter

First Reading _____

Second Reading _____

**ORDINANCE 2025 - ____**

**AN ORDINANCE TO AMEND CHAPTER 14, ARTICLE II, ENTITLED LICENSED OCCUPATIONS, SECTION 14-38, ENTITLED SUSPENSION AND REVOCATION; AND ARTICLE V, ENTITLED RENTAL HOUSING, SECTION 14-173, ENTITLED ENFORCEMENT; SECTION 14-174, ENTITLED LICENSE; INSPECTION OF PREMISES; RECORDS; SECTION 14-175, ENTITLED VIOLATION; SECTION 14-176, ENTITLED ENFORCEMENT; AND SECTION 14-177, ENTITLED PREMISES FOR HABITATION/RENTAL HOUSING UNITS IN R-1 SINGLE FAMILY RESIDENTIAL DISTRICT AND MH MOBILE HOME RESIDENTIAL DISTRICT - OCCUPANY, OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND**

**WHEREAS,** the Mayor and City Council desires to protect and preserve the Town's primary residential neighborhoods, to include year-round residents, from the impacts of rental units, and provide safe residential neighborhoods; and

**WHEREAS,** Charter Sections 801-803 state the Mayor and City Council of Ocean City shall have the power to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes; and within the individual zoning districts the Mayor and Council may regulate and restrict the use of buildings, structures or land; and

**WHEREAS,** the Mayor and City Council has considered the character of the districts and their suitability for particular uses, and with a view to conserving the value of neighborhoods and encouraging the most appropriate use of land throughout the Town, they desire to prevent overcrowding of land and avoid undue concentration of population in the wrong zones caused by rental properties, to protect against noise and other disturbances; and

**WHEREAS,** that in order to promote and protect the public's health, safety and welfare, it is necessary and reasonable to amend the Code of the Town of Ocean City to update the rental housing program to provide occupancy limitations in the R1 and MH zones, and to update the enforcement process to address rental properties.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT CHAPTER 14, ARTICLE II, ENTITLED LICENSED OCCUPATIONS, SECTION 14-38, ENTITLED SUSPENSION AND REVOCATION; AND ARTICLE V, ENTITLED RENTAL HOUSING, SECTION 14-173, ENTITLED ENFORCEMENT; SECTION 14-174, ENTITLED LICENSE; INSPECTION OF PREMISES; RECORDS; SECTION 14-175, ENTITLED VIOLATION; SECTION 14-176, ENTITLED ENFORCEMENT; AND SECTION 14-177, ENTITLED PREMISES FOR HABITATION/RENTAL HOUSING UNITS IN R-1 SINGLE FAMILY RESIDENTIAL DISTRICT AND MH MOBILE HOME**

**RESIDENTIAL DISTRICT-OCCUPANCY OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND, BE AND THEY ARE HEREBY AMENDED, AS FOLLOWS:**

…

Chapter 14 - Businesses

…

**ARTICLE II. - LICENSED OCCUPATIONS**

…

**Sec. 14-34. - Payment of license fees; term of license; fee schedule**

…

(b) The license fees to be paid annually as above provided to the Mayor and City Council of Ocean City for conducting the businesses and engaging in occupations and activities herein named, at the place designated in the license certificate issued therefor, shall be as from time to time passed by resolution of the Mayor and City Council of Ocean City; provided, however, that any such license not timely obtained shall be subject to a late charge of ten percent after 15 days and two percent each month every 30 days thereafter.

…

(51) Premises for habitation:

a. Condominium units, cooperatives, and townhouses, whether rented individually or by a rental pool agreement, per unit.

b. 1. Apartments, cottages.

2. Hotels, motels, inns, motor courts, cabins or other similar establishments offering accommodations on the premises for public rental.

c. Rooming houses, boarding houses, dormitories or private houses offering rooms for public rental (per room).

d. Single family home.

e. Any other rental housing unit.

f. Short-term rental housing unit.

…

**Sec. 14-38. - Suspension and revocation.**

(a) *Suspension of a business license.* The city manager may suspend a business license for a period of time not to exceed 30 days if the city manager determines that a licensee or an employee of a licensee has committed any one or more of the following acts:

(1) A licensee has breached any condition upon which their license was issued or has failed to comply with the provisions of this chapter.

(2) A licensee has committed an offense under a law or ordinance regulating business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods.

(3) A licensee has engaged in an unlawful activity or nuisance related to the business.

(4) A license has failed to correct a building, zoning, fire or life safety violation within the timeframe directed in the notice of violation.

(b) *Revocation of a business license.* The city manager may revoke a business license if the city manager determines:

(1) A license has been mistakenly or improperly issued, or issued contrary to law.

(2) A license has been obtained through fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application.

(3) A cause of suspension under this section occurs and the license has been previously suspended within the preceding 12 months.

(4) There is any violation of the provisions of this chapter or any other ordinance of the town, or any statute of the state or any statute of the United States of America, other than motor vehicle violations, if the city manager determines the violation is contrary to the public health, safety and general welfare.

(c) *Hearings.* Upon reasonable belief that a violation of this chapter has occurred, the city manager shall notify the licensee in writing of the alleged violation and pending penalty by hand-delivery to the licensee or an employee of suitable age and discretion, or certified mailing, and shall schedule a hearing within three business days after notice of said violation. At the hearing the licensee shall have the opportunity to be heard as to why the license should not be suspended or revoked. After the hearing thereon, if the city manager determines upon a preponderance of the evidence, that a violation has occurred, the city manager may take the appropriate action as herein set forth in subsections (a) and (b) of this section for a business license and 14-176(a) and (b) for a rental license. If the licensee fails to appear, without good cause, the city manager may consider the evidence and make a determination in the absence of the licensee. If mitigating circumstances so warrant, in lieu of a suspension, the city manager may levy a fine not to exceed $1,000.00 per violation.

(d) *Appeals.* If the city manager fines, suspends or revokes a license, the city manager shall send to the licensee, by certified mail, return receipt requested, written notice of the action and the right of appeal. The licensee may appeal the decision of the city manager to the city council in accordance with the following procedures. The filing of an appeal does not stay the action of the city manager in fining, suspending or revoking a license until the city council makes a final decision.

(1) The aggrieved licensee may, not later than ten calendar days after receiving notice of the fine, suspension or revocation, file with the city clerk a written request for an appeals hearing before the city council.

(2) If a written request is filed with the city clerk within the ten-day limit, the city council shall consider the request. The city clerk shall set a date for the hearing within three business days from the date the written request is received.

(3) The city council shall hear and consider evidence offered by any interested person to determine whether the city manager properly fined, suspended or revoked the license in accordance with the provisions of this chapter. The formal rules of evidence do not apply. If the licensee fails to appear, without good cause, the decision of the city manager shall become final.

(4) The city council shall grant or deny the appeal by majority vote. Failure to reach a majority vote will result in denial of the appeal. Any dispute of fact must be decided on a basis of a preponderance of the evidence. The decision of the city council is final.

(5) If the city council denies the appeal of a revocation, the aggrieved licensee may not reapply until at least 12 months have elapsed since the date of the city council's action.

(Code 1999, § 14-38; Ord. No. 2007-16, 7-2-2007; Ord. No. 2007-22, 10-1-2007; Ord. No. 2022-03, 3-21-2022)

…

## ARTICLE V. - RENTAL HOUSING

### Sec. 14-171. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Booking transaction* means a reservation transaction between a property owner or their agent and a prospective renter for the rental of a housing unit.

*Code violations* means violations of this Code or any other code, law, ordinance or regulation adopted and incorporated by reference in this Code.

*Division of rental housing* means the department of planning and community development or such other department or agency charged by the Mayor and City Council of Ocean City with the duty to implement and enforce the provisions of this article.

*Hosting platform* means an entity that in exchange for a fee:

(1) Facilitates reservations of rental housing units;

(2) Serves as a conduit of communication between property owners and property managers and renters; or

(3) Otherwise facilitates any transactions for rental housing units.

*Long Term Rental Housing Unit* means the use or occupancy, in exchange for consideration, of all or part of a dwelling unit to provide accommodations to a person for thirty-one (31) or more consecutive days in a calendar year. (Excluding hotels, motels, apartments, dormitories and employee housing).

*Person* means an individual, group of individuals, partnership, joint venture, corporation, association and any other entity, however named or called.

*Property manager* means an individual or company that oversees the day-to-day operations of a rental housing unit, including but not limited to, making a rental housing unit available for use by renters.

*Rental housing unit* means any space in any building which, for a consideration, is made available by any person to another person for habitation purposes.

*Short Term Rental Housing Unit* means the use or occupancy in exchange for consideration, of all or part of a dwelling unit to provide accommodations to a person for no more than thirty (30) consecutive days in a calendar year. (Excluding hotels, motels, apartments, dormitories and employee housing).

(Code 1972, § 61C-2; Code 1999, § 14-171; Ord. No. 2021-12, 5-17-2021; Ord. No. 2022-03, 3-21-2022)

**Sec. 14-172. - Purpose.**

The purpose of this article is to ensure compliance with all laws, ordinances and regulations applicable to rental housing units within the corporate limits of Ocean City. It is further the purpose of this article to promote and ensure safe, healthy and habitable housing conditions in rental housing units, to prevent deterioration of rental housing units and to encourage responsible management, maintenance and use of rental housing units by the inspection and licensing of these units.

(Code 1972, § 61C-1; Code 1999, § 14-172)

**~~Sec. 14-173. - Enforcement.~~ Reserved.**

~~The Mayor and City Council of Ocean City may initiate proceedings in the Circuit Court for Worcester County, Maryland, or any other court of competent jurisdiction to enforce the provisions of this article.~~

**Sec. 14-174. - License; inspection of premises; records.**

(a) *Licensing generally; certifications.* Any person renting a premises for habitation described in section 14-34(b)(51) of the Code or a rental housing unit shall obtain the applicable license from the town in accordance with chapter 14, article II. The holder of a license shall be the property owner of the premise for habitation or rental housing unit. Application for

a rental license (non-business license uses) and/or business license (for hotels, motels, apartments, dormitories, lodging/rooming house and employee housing) (hereinafter collectively "license") shall be on forms prescribed by the town. All property owners shall ~~certify to~~ provide to the town the name, address and telephone number of ~~an agent~~ a person qualified and legally authorized by the owner: (1) to accept service of process; (2) to address any issue on the property to include authorizing repairs and other remedial action; (3) respond to any code violation ~~accept notice and authorize repairs on behalf of the property owner.~~ and be able to respond in sixty (60) minutes to the property. The application shall contain a consent to inspection during reasonable hours for the entire term of the license and a declaration by the property owner stating the number of bedrooms on the property and the required and/or approved onsite parking available. The property owner shall not provide incorrect information on the application.

…

(c) *Review of license application.* The division of rental housing (hereinafter "division") or its designee shall issue or deny a license within 14 days of receiving an application. The division shall receive all applications and coordinate a review process involving the building official, zoning administrator, license inspector, fire marshal and other appropriate Ocean City, county or state agencies. A license may be denied by the division or its designee if material false statements exist in the initial or renewal application; a license is obtained fraudulently or deceptively for oneself or for another; a license is used fraudulently or deceptively; a rental housing unit has been cited for a violation of chapter 30, article V and failed to remediate the noise issue; the property owner fails to comply with chapter 14, article V; the property owner or occupant thereof is in violation of an order issued pursuant to chapter 18; or a rental housing unit fails to comply with all other provisions of the Code. The issuance of a license is not to be construed as proof or acknowledgment by the town that the subject property complies with all applicable laws. The division or its designee shall provide not less than ten days' notice of a denial, in writing, setting forth the code violation(s) and reason(s) for such denial, and allowing the property owner an opportunity to be heard as to why the license should not be denied and advising the property owner if any corrective measures can be taken. If the property owner fails to show cause or fails to take corrective action as directed by the division or its designee, the director or his designee may deny the application.

…

(e) *Inspection of rental housing ~~units~~.*

(1) *Inspection prior to issuance of license.* An inspection of the property for which application has been made may be conducted prior to the issuance of a license upon recommendation of any reviewing agency. If an inspection indicates that a rental housing unit is not in compliance with all applicable laws as required, the license application may be denied until remedial action, as determined by the ~~division~~ department who issued the violation, remedies the violation.

(2) *Inspections during term of license.*

a. ~~The division,~~ U~~u~~pon recommendation of any appropriate Ocean City, County or State agency, ~~shall cause the~~ there shall be an inspection of a rental housing unit

when there exists the belief that a property is not in compliance with all applicable laws. The inspection shall be coordinated between Town departments. Inspection scope and procedures as set forth in chapter 10 (the International Property Maintenance Code, as amended), chapter 34, chapter 110, and this article, shall be followed.

b. Rental properties shall obtain and maintain all required and/or approved, on-site parking, as parking spots available for use by the renter or tenant(s). Parking spots shall not be used for any other purposes.

c. The owner may request any appropriate Ocean City, county or state agency to perform an inspection of a rental housing unit(s). ~~Ocean City inspection procedures as set forth in the International Property Maintenance Code, as adopted in chapter 10, and this article, shall be followed.~~ A qualifying inspection will stand for one calendar year from date of inspection.

d. If an inspection indicates that a rental housing unit(s) is not in compliance with all applicable laws, the license may be subject to suspension, revocation or other remedial action as determined by the city manager in consultation with the division, or its designee. The city manager shall follow the procedures in section 14-38. A license may be suspended or revoked immediately by the city manager in consultation with the division, or its designee, if, in the opinion of city manager and the division, the health, safety or welfare of the person(s) in the rental housing unit, or i~~o~~f the general public are in imminent danger. Revocation or suspension of a license shall be in addition to and not in substitution for such other penalties as may be provided for in other laws or ordinances.

e. The property owner may appeal the suspension or revocation of the license as stated in section 14-38(d).

f. If a license is suspended or revoked, the rental housing unit cannot lawfully be used for a rental.

(f) *Term of license.* Licenses shall be issued for a term of one year, pursuant to section 14-34 and renewable for additional one-year terms, subject to payment of the license fee, certification of tax payment, and compliance with all applicable laws.

…

(i) *Records*.

(1) The property owner of the rental housing unit shall:

~~(1)~~a. Make a record of all their rentals;

~~(2)~~b. Maintain said record of the rentals for at least five years;

~~(3)~~c. On request, make the records available to the division for inspection;

~~(4)~~d. Prominently display in the rental housing unit emergency contact information for the property owner or their authorized representative; and

~~(5)~~e. Include in all advertisements or listings, whether by print, electronic, audible or in any other form or substance designed to inform as to the availability of any property for rent, the valid rental license control number or business license control number of the rental housing unit.

(2) The property owner of the rental housing unit(s) shall not advertise the unit(s) or building as having more bedrooms than permitted on the unit's or the building's approved building permit plans.

…

(l) *Rooms*. No room, attic, habitable attic or garage shall be converted into a bedroom without complying with all Town requirements and permitting processes.

**Sec. 14-175. - Violation.**

(a) *Generally*. Any violation of this article by the property owner of the rental housing unit(s) shall be unlawful and is subject to a municipal infraction. Each day of violation shall be considered a separate violation. Prior to a municipal infraction being issued, the license inspector or other Town employee, will provide the property owner written notice of the violation and allow the property owner ten days from the date of the letter to correct said violation.

(b) *Violation of an emergency order*. A rental housing license or a business license may be revoked by the ~~division~~ city manager if the holder of the license violates or allows an occupant of the rental housing unit to violate an emergency order issued pursuant to chapter 18. Such revocation shall be processed in accordance with section 14-174(~~d~~e)(2)(~~b~~d).

(c) *Process not exclusive*. The issuance of an infraction to enforce this article does not preclude the town from pursuing any other civil remedy or enforcement action authorized by law.

(Ord. No. 2022-03, 3-21-2022)

**Sec. 14-176. - Enforcement.**

(a) *Suspension of a license*. The city manager may suspend a business license in accordance with section 14-38. The city manager may suspend a rental license for a period of time not to exceed thirty (30) days if the city manager determines that a licensee has committed or allowed to be committed any one or more of the following acts:

(1) A licensee has breached any condition upon which their license was issued;

(2) A licensee has failed to comply with the provisions of this chapter;

(3) A licensee has failed to comply with chapters 10, 34 and 110 of the Code;

(4) A licensee has engaged in an unlawful activity or nuisance related to the use of the property;

(5) Any adverse effect on public health, safety and the general welfare; or

(6) If there are three (3) documented calls for service that require a response and/or citations issued to the property for different incidents in a twelve-month period year.

A call for service includes a response by law enforcement, the fire marshal's office and/or an official from the division or its designee. If there are three (3) documented calls for service, that require a response, for disturbance of the peace, public drunkenness, drinking in public, harassment, loitering, public urination, lewd conduct, overcrowding, exceeding occupancy loads or noise, vandalism, parking nuisances, trespassing and/or citations issued to the property for different incidents on the property, or on the parking lot for the building or dwelling, in a twelve-month period year, the rental license is automatically suspended for up to thirty (30) days. The owner or local agent must have been notified of the call for service. The twelve-month period starts from the first call for service or citation. The procedure for suspension of a rental license shall follow section 14-38 (c) and (d). This is limited to acts of the owner(s), and his renters, guests, and invitees.

(b) *Revocation of a license*. The city manager may revoke a business license in accordance with section 14-38. The city manager may revoke a rental license if the city manager determines that a licensee has committed any one or more of the following acts:

(1) A license has been mistakenly or improperly issued, or issued contrary to law;

(2) A license has been obtained through fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application;

(3) A cause of suspension under this section occurs and the license has been previously suspended within the preceding twelve (12) months; or

(4) There is any violation of the provisions of this chapter or any other ordinance of the town, or any statute of the state or any statute of the United States of America, other than motor vehicle violations, if the city manager determines the violation is contrary to the public health, safety and general welfare.

The procedure for revocation of a rental license shall follow section 14-38 (c) and (d).

(c) *Other*. The Mayor and City Council of Ocean City may initiate proceedings in the Circuit Court for Worcester County, Maryland, or any other court of competent jurisdiction to enforce the provisions of this article.

**Sec. 14-177. – Premises for Habitation/Rental Housing Units in R-1 single family residential district and MH mobile home residential district – overnight occupancy.**

The maximum occupancy in a dwelling in the R-1 single family residential district and the MH mobile home residential district being used as a premises for habitation/rental housing unit, is two (2) persons per bedroom, plus two additional persons, excluding children aged ten (10) years old and younger, between the hours of 12:00 midnight and 7:00 A.M, provided that occupancy does not exceed the maximum allowed occupancy under chapter 10 and the dwelling's or building's allowed occupancy use for its provided fire protection features required under chapter 34.

## 14-17~~6~~8—14-200. - Reserved.

…

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on January _____, 2025.

ADOPTED AND PASSED by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on _____.

ATTEST:

| | |
|---|---|
| _____ | _____ |
| DIANA L. CHAVIS, Clerk | RICHARD W. MEEHAN, Mayor |
| Approved as to form: | _____ |
| | MATTHEW M. JAMES, President |
| _____ | _____ |
| HEATHER STANSBURY<br>Ayres, Jenkins, Gordy & Almand, P.A.<br>Office of City Solicitor | ANTHONY J. DELUCA, Secretary |

First Reading _____

Second Reading _____

**ORDINANCE 2025 - ____**

**AN ORDINANCE TO AMEND CHAPTER 14, ARTICLE V, ENTITLED RENTAL HOUSING, OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND**

**WHEREAS,** the Mayor and City Council desires to protect and preserve the Town's primary residential neighborhoods, to include year-round residents, from the impacts of rental units, and provide safe residential neighborhoods; and

**WHEREAS,** Charter Sections 801-803 state the Mayor and City Council of Ocean City shall have the power to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes; and within the individual zoning districts the Mayor and Council may regulate and restrict the use of buildings, structures or land; and

**WHEREAS,** the Mayor and City Council has considered the character of the districts and their suitability for particular uses, and with a view to conserving the value of neighborhoods and encouraging the most appropriate use of land throughout the Town, they desire to prevent overcrowding of land and avoid undue concentration of population in the wrong zones caused by rental properties, to protect against noise and other disturbances; and

**WHEREAS,** that in order to promote and protect the public's health, safety and welfare, it is necessary and reasonable to amend the Code of the Town of Ocean City to update the rental housing program to add minimum length of stay requirements in certain circumstances, in the R-1 single family residential district.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT CHAPTER 14, ARTICLE V, ENTITLED RENTAL HOUSING, OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND, BE AND THEY ARE HEREBY AMENDED, AS FOLLOWS:**

…

Chapter 14 - Businesses

…

…

**Sec. 14-178. – Premises for Habitation/Rental Housing Units in R-1 single family residential district- length of stay.**

Effective January 1, 2026, a dwelling in the R-1 single family residential district may only be rented for a period of thirty-one (31) consecutive days or more, except that any property in the R-1 single family residential district that has a current and valid rental license as of the effective date of this ordinance may continue to rent the dwelling for rental license year ending on April 30, 2026, and for rental license year May 1, 2026 through April 30, 2027, regardless of the length of stay, provided that that owner obtains the appropriate licenses for each relevant license year.

…

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on January _____, 2025.

ADOPTED AND PASSED by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on _____.

ATTEST:

| | |
|---|---|
| _____ | _____ |
| DIANA L. CHAVIS, Clerk | RICHARD W. MEEHAN, Mayor |
| Approved as to form: | _____ |
| | MATTHEW M. JAMES, President |
| _____ | _____ |
| HEATHER STANSBURY<br>Ayres, Jenkins, Gordy & Almand, P.A.<br>Office of City Solicitor | ANTHONY J. DELUCA, Secretary |

First Reading _____

Second Reading _____

**ORDINANCE 2025 - ____**

**AN ORDINANCE TO AMEND CHAPTER 110, ENTITLED ZONING, ARTICLE I, ENTITLED IN GENERAL, SECTION 110-2, ENTITLED DEFINITIONS, OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND**

**WHEREAS,** the Mayor and City Council desires to protect and preserve the Town's primary residential neighborhoods, protect year-round residents from the impacts of rental units, and provide safe residential neighborhoods; and

**WHEREAS,** Charter Sections 801-803 state the Mayor and City Council of Ocean City shall have the power to regulate and restrict the density of population and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes; and within the individual zoning districts the Mayor and Council may regulate and restrict the use of buildings, structures or land; and

**WHEREAS,** the Mayor and City Council has considered the character of the districts and their suitability for particular uses, and with a view to conserving the value of neighborhoods and encouraging the most appropriate use of land throughout the Town, they desire to prevent overcrowding of land and avoid undue concentration of population in the wrong zones caused by rental properties; and

**WHEREAS,** while pursuing these goals the Mayor and City Council desire to update the definition of "family" in the Town to reflect modern concepts of what a family may be while continuing to control occupancy in districts to an appropriate level.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT CHAPTER 110, ENTITLED ZONING, ARTICLE I, ENTITLED IN GENERAL, SECTION 110-2, ENTITLED DEFINITIONS OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND, BE AND THEY ARE HEREBY AMENDED, AS FOLLOWS:**

…

**Chapter 110 – ZONING**

**ARTICLE I. - IN GENERAL**

…

**Sec. 110-2. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

…

(1) *R-1, single-family residential, and MH, mobile home districts.* The term "family" means an individual or two or more persons ~~who are related by blood or marriage~~ living together, sharing household expenses, ~~and~~ occupying and using the entire premises as a single housekeeping unit with a single culinary facility and legally sharing in the ownership or possession of the premises and~~, including caregivers employed and residing on the premises, or a group of not more than four persons living together by joint agreement~~ and ~~occupying a single housekeeping unit with single culinary facility on a cost sharing basis.~~ not exceeding the number of occupants allowed by the building code, housing code, fire code, and if rented, the rental housing code.

(2) *R-2A, low density multiple-family; R-2, medium residential, R-3, general residential, all commercial districts, and the mixed use and overlay districts.* The term "family" means an individual or two or more persons ~~who are related by blood or marriage~~ living together, sharing household expenses, sharing household duties and occupying and using the entire premises as a single housekeeping unit with a single culinary facility, ~~or a group of persons~~ not exceeding the number of occupants allowed by building and housing code, fire code, and if rented, the rental housing code ~~regulations living together by joint agreement and occupying a single housekeeping unit with single culinary facility on a cost-sharing basis~~.

**Editor's note—** The effective date of this definition shall be January 1, 20~~01~~25, except that any rental leases in effect on the effective date of this definition shall not be affected by this definition until the end of the current rental term.

…

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on January_____, 2025.

ADOPTED AND PASSED by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on _____.

ATTEST:

DIANA L. CHAVIS, Clerk

RICHARD W. MEEHAN, Mayor

Approved as to form:

MATTHEW M. JAMES, President

HEATHER STANSBURY
Ayres, Jenkins, Gordy & Almand, P.A.
Office of City Solicitor

ANTHONY J. DELUCA, Secretary

Public Hearing held before the Town of Ocean City Planning and Zoning Commission, held on the 19th day of November, 2024, at City Hall, 301 N. Baltimore Avenue, Ocean City, Maryland
----------/

* Members present:
* Joe Wilson, Chairman
* Pam Robertson
* Palmer Gillis
* Joel Brous
* Janet Hough
* Kevin Rohe
*

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

IN RE: Applicant:
Planning and Zoning Commission
(PZ File #24-14100008)

APPEARANCES:

Maureen F.L. Howarth, Esquire
Attorney for the Town of Ocean City

Also Present:

Kay Gordy, Zoning Administrator
George Bendler, Planning and Community Development Director
Elton J.R. Harmon, Dep. City Manager
Chase Phillips

Court Reporter:
Valerie M. Dawson RMR
443-783-3113



P R O C E E D I N G S

CHAIRMAN WILSON: Good evening, everyone, and thank you all very much for coming out. It is nice to see all the citizens of Ocean City here to discuss something that's really, really important. I can tell you that the majority of the time you're sitting looking at an empty room, so I'm excited for some participation from the public, which is great, so thank you all for coming.

The first item on the agenda is the approval of the minutes from our November 6th.

MR. GILLIS: So moved.

CHAIRMAN WILSON: I've got a motion to approve the minutes from Palmer.

MR. ROHE: Second.

CHAIRMAN WILSON: Got a second from Kevin.

Any discussion?

(No response.)

CHAIRMAN WILSON: All those in favor?

(Answers in affirmative.)

CHAIRMAN WILSON: The motion carries unanimously.

Before we begin our public hearing, any person in



attendance may object to a commission member taking part in this public hearing due to a conflict of interest. The commission, excluding the person in question, shall decide by a majority vote whether the challenged person may take part.

Does anyone in the audience have any objection to any of the commissioners up here taking part in this public hearing?

(No response.)

CHAIRMAN WILSON: Okay. Seeing none, we will go ahead and --

MR. BENDLER: Let's not open it just yet.

CHAIRMAN WILSON: Okay. I'll wait until your background.

MR. BENDLER: Hello, everyone.

My name is George Bendler. I'm the Director of Planning & Community Development here at the Town of Ocean City. I just want to explain how this evening is going to go, in case you had any questions or concerns.

Tonight is a public hearing in front of the Board of, or the Planning Commission. This is the first of our



public hearings. We will hear the ordinance proposed. The commissioners will take in, and make comments in regards to that ordinance. And then we welcome the public to come and speak.

We're asking, we have a very long list of people who want to speak tonight, we're asking you to limit it to five minutes. Chase Phillips over here has a list of people that will be called up to speak.

If the Planning Commission feels that it's going on too long, they might ask you to politely end the conversation. And then, if anybody additionally that did not sign up for the meeting, you can feel free to speak after that.

Also, we had some public comments that were submitted by e-mail. They are in your packets. We had 36 against this ordinance and three for this in your packet. Also, there is some additional ones in your packet, and they're stapled, that were received today and a couple were just received recently.

We're going to wait for a few more people to arrive and let everybody fill in, and then we will start as

5

1 soon as everybody gets settled in.
2 Do the Commissioners have any questions or
3 concerns before we start this about procedure?
4 CHAIRMAN WILSON: I don't think so.
5 (Pause in the proceedings.)
6 CHAIRMAN WILSON: All right. I will go ahead, the
7 time is 6:12, I will go ahead and open the public hearing.
8 George, take it away.
9 MR. BENDLER: Tonight we have our public hearing
10 on rentals. And this is PZ file number 24-14100008. I'll
11 read into the record, to consider amending Chapter 14,
12 entitled Business, Article II, entitled Licensed
13 Occupations, Section 14-38, entitled Suspension and
14 Revocation; and Article V, entitled Rental Housing, Section
15 14-173, entitled Enforcement; Section 14-174, entitled
16 License; Inspection of Premises; Records; Section 14-175,
17 entitled Violation; Section 14-176, entitled Enforcement;
18 and Section 14-177, entitled Premises for Habitation/Rental
19 Housing Units in R-1 Single Family Residential District; to
20 add a length of stay requirement in the R-1 and MH zones; to
21 add a maximum occupancy limit in the R-1 and MH zones; to

6

1 add provisions to the enforcement process; to amend the
2 requirement for a local agent for all rental properties; to
3 address advertising and room conversion issues and other
4 amendments.
5 And to consider amending Chapter 110, entitled
6 Zoning, Article I, entitled In General, Section 110-2,
7 entitled Definitions of the Code of the Town of Ocean City,
8 Maryland; to amend the definition of family.
9 Commissioners, we are going to follow along with
10 the code change here. I'm going to go through the code
11 items by what is being changed. Again, in the code
12 amendment, what is being changed is the underlined words
13 that will be changed and what is also being changed what's
14 crossed out.
15 The first page is, basically, setting up where the
16 location of this code will start. There's no changes on
17 page 2. I just want to get into details of what we're
18 talking about tonight as well before I get deeply into this.
19 Will these changes as proposed affect all rentals?
20 Revisions to the enforcement regulations will impact all
21 zoning districts. If the dwelling is not a mobile home or

7

1 standalone house; i.e. if you live in a condo or structure
2 attached to another, these changes will not impact occupancy
3 or length of stay.
4 And, again, when we're talking about this, what is
5 the MH and R-1 zoning districts? The purpose of these
6 districts is to facilitate low-density single-family
7 residential development and compatible accessory uses. It
8 aims to protect existing developments of this nature.
9 Again, we're talking about R-1 and MH districts.
10 Currently, just to give you some detail what is in
11 the R-1, which is our single-family neighborhood, and our
12 MH, we have 230 rentals currently in those neighborhoods,
13 and 147 rental units in the MH district.
14 Does anybody have any questions?
15 And, again, if you want to interrupt me as we go
16 through each one, please feel free to.
17 Not in your packet is what was requested at the
18 last Planning Commission meeting, this is a police call for
19 service data for rental properties in MH and R-1 zones.
20 This is for a two year period and ten months.
21 As we can see, it only specifically talks about

8

1 R-1 and MH1. I do not have a total data for the entire
2 city. That would encompass too much and wouldn't really
3 capture where rentals are located. But this is the current
4 data for a two year ten month period.
5 Getting back into the ordinance, we're going to go
6 to page 3 of the draft ordinance.
7 All right. This is 14-38, suspension and
8 revocation. We added a new line here. You'll see it
9 underlined at the bottom, number 4. This provision is
10 necessary to address situations where a licensee fails to
11 remedy violations related to building, zoning, fire, or life
12 safety within the allotted time. Whereas the goal is to
13 ensure a timely resolution of issues and promotes adherence
14 to safety and regulatory standards. So, that's one new
15 addition.
16 Next is page 3. This is adding a new section
17 entitled Enforcement. It's just a cleanup effort, and this
18 puts that at the end of the, this is...
19 MR. GILLIS: I'm following along with these
20 changes, but the pages --
21 MR. BENDLER: Oh, I'm on the power point, I'm

1 sorry. Page 3 of this document right here.
2 MR. GILLIS: It's farther into the packet.
3 MR. BENDLER: It's (c), it's 14-38(c).
4 On page 3 of the ordinance.
5 MR. GILLIS: Well, I think the confusion is, you
6 have a preface here that's many, many pages long, and it
7 follows along with different sections. So, I'm going have
8 to catch up with you, I guess --
9 MS. HOUGH: We've got this.
10 MR. ROHE: We have the draft ordinance.
11 MR. BENDLER: Do you have the ordinance?
12 MS. HOUGH: I don't think so.
13 MS. GORDY: It's in the packet.
14 MR. ROHE: We have what you are showing on the
15 screen right now.
16 MR. BENDLER: If you can pull up the ordinance,
17 which looks like this document right here, it should be all
18 the way in the back.
19 There's a lot of pages there.
20 MS. ROHE: So what page do you want us to --
21 MR. BENDLER: I'm on page 3 on the ordinance, the



1 clean ordinance that's proposed to the Council.
2 MR. GILLIS: So what is the, you've got a whole
3 bunch of things that are numbered the same way --
4 MR. BENDLER: Okay.
5 MR. GILLIS: -- in the front, so these pages here,
6 it's...
7 So, on our page 3, right here, it starts with
8 14-38. And then it goes onto the underlined, but that's on
9 page 4. See this?
10 I just want to be on the same page. And the --
11 MS. HOUGH: I've got two page 3's.
12 MR. GILLIS: So, what's all this other...
13 (Miscellaneous conversation between the
14 Commissioners and Mr. Bendler.)
15 MR. GILLIS: So this is mine? So we can follow
16 along in parallel.
17 MR. BENDLER: Yes, sir. Everybody good?
18 All right.
19 MR. GILLIS: So we're following two, in parallel
20 the ordinance and the power point.
21 MR. BENDLER: Ready to continue?



1 All right. We're going to go to the next slide.
2 Draft ordinance page 5. We're taking out this language.
3 Why this language is being taken out is because we wanted to
4 make this code more user friendly. We don't want the
5 enforcement part to be the first thing you read. We want
6 you to know how to get a license first before we start
7 getting into enforcement standards. So, we moved the
8 enforcement to the last part of the ordinance.
9 The next slide we're going to talk about draft
10 ordinance, page 5 and 6. If you look at the underline where
11 we add lodging and rooming house, this was a request from
12 the Fire Marshal because in their licensing code they
13 require having a license provision for lodging and rooming
14 house. This is also one where we redefined what a local
15 agent is.
16 And I want to read this one to you. This is
17 legally authorized by the owner to accept service of process
18 to address any issues on the property to include authorizing
19 repairs and other remedial actions, respond to any code
20 violations, and be able to respond in sixty minutes to the
21 property. The property owner shall not provide incorrect



1 information in the application. So, this is new verbiage in
2 here requiring somebody to be available and to be
3 responsible for the property within sixty minutes. And
4 that's day, night, 24 hours.
5 MR. GILLIS: The inspector that you're, that the
6 owner is hiring --
7 MR. BENDLER: It's called a local agent, I don't
8 want to say inspector.
9 MR. GILLIS: Okay. So the local agent that the
10 landlord is hiring, do they have to be licensed?
11 MR. BENDLER: It's somebody that can respond, be
12 responsible for the property, has authorization to make
13 determinations, to call contractors, they don't have to be a
14 licensed person, I mean, it's --
15 MR. GILLIS: So Bob's brother-in-law could handle
16 the sixty-minute call.
17 MR. BENDLER: If Bob's brother-in-law has a key to
18 the property, can respond to the police, and respond to
19 repairs or any accidents, then Bob's brother-in-law would
20 suit the bill.
21 MR. GILLIS: And that person, Bob's brother-in-law

1 would be identified on the rental license then?
2 MR. BENDLER: Yes, they would identify, there
3 would be a number to call Bob's brother-in-law, and he
4 should be there within sixty minutes to respond to a police
5 officer or enforcement agent, anybody that, you know, calls
6 about that property, that needs assistance with anything.
7 MR. GILLIS: And that's available to the police
8 department, that number?
9 MR. BENDLER: That will be, yes.
10 MR. GILLIS: Okay. Do you have that number, that
11 phone number of Bob's brother-in-law?
12 (Laughing...)
13 MR. BENDLER: It's Gillis Gilkerson.
14 So that's talking about local agents. This is a
15 new addition.
16 Next page. This is talking about how we are
17 changing who reviews these license applications. Again,
18 greater flexibility to designate a responsible party for the
19 license application process. Again, I'm going to go to the
20 next page, that's page 4. I want to, what currently the
21 code says is the Division of Rental Housing means the



1 Department of Planning and Community Development or such
2 other department or agency charged by the Mayor and City
3 Council with the duty to implement and enforce the
4 provisions of this article.
5 Currently the Division of Rental Housing is
6 managed collaboratively by three departments: Planning and
7 Community Development, the Fire Marshal, and Finance. These
8 changes introduce greater flexibility in determining which
9 department or personnel is responsible for overseeing and
10 operating the division. It just cleans that up because the
11 Fire Marshal has different zoning categories and different
12 building types that they handle, not zoning categories,
13 different building types they handle versus what we handle
14 at Planning and Community Development. So we just want to
15 make sure there's flexibility with who's responsible if the
16 agencies were to review this.
17 Draft ordinance, page 6, department who issues the
18 violation, again, we took out the word "division" just for
19 cleanup purposes and put department.
20 Switching the page. Pages 6 and 7 of the draft
21 ordinance. Again, this provides greater flexibility in our



1 responsible party, it specifies location where the
2 International Property Maintenance Code is adopted. The
3 International Property Maintenance Code is the code adopted
4 by the Town of Ocean City. It is put together by the
5 International Code Council, and that's the code we use for
6 property management. So we want to make sure that's clear.
7 Page 7.
8 MR. GILLIS: When a landlord gets a license to,
9 and pays their license, are they aware and does that license
10 -- I have two licenses, but that being said, are they signed
11 in an affidavit that they are aware of the International
12 Property Maintenance Code?
13 MR. BENDLER: They sign a document that says they
14 will be applied to all codes of the Town of Ocean City,
15 which the IPMC is the adopted code.
16 MR. GILLIS: Inherently, okay.
17 MR. BENDLER: We're at page 7 now. This is, we're
18 adding the City Manager or his designee to enforce this, so,
19 again, just clean up.
20 Draft ordinance, page 7 and 8. This was just
21 changed for consistency. There really is no change here.



1 It's just renumbering them, just to how it properly is in
2 the code.
3 Draft ordinance, page 8. This is new. And I'm
4 going to read these into the record. So, this is 2. The
5 property owner of the rental housing unit shall not
6 advertise the units or building as having more bedrooms than
7 permitted on the unit's or the building's approved building
8 permit plans. (1), rooms, no room or garage shall be
9 converted into a bedroom without complying with all Town
10 requirements and permitting process.
11 This is to give us more latitude in enforcement to
12 make sure that no one is trying to convert garages, sun
13 rooms, sun porches, attics, into bedrooms without either
14 getting a permit that requires parking or meeting the zoning
15 code and building code.
16 MR. GILLIS: Should you say in there attic as well
17 as room or garage?
18 MR. BENDLER: Yeah, we'll add that. Yeah, those
19 are new.
20 Draft ordinance page 8. Again, this is adding
21 different language to give flexibility in who is designated

1 responsibility as to issuing violations. It also grants the
2 authority to revoke a violation of an emergency order to the
3 City Manager in line with existing code.
4 Draft ordinance, page 8 and 9. The changes to
5 this section 14-176 specify the conditions under which the
6 City Manager may suspend a business or rental license. The
7 suspension process follows procedures outlined in Section
8 14-38 and apply to the actions of the property owner,
9 renters, guests, and invitees. Additionally, the changes
10 clarify what constitutes a "documented call for service".
11 So, I want to read these, because these are all
12 new, into the record. Section 14-176, Enforcement.
13 Suspension of a license. The City Manager may suspend a
14 business license in accordance with Section 14-38. The City
15 Manager may suspend a rental license for a period of time
16 not to exceed 30 days if the City Manager determines that a
17 licensee has committed or allowed to be committed any one or
18 more of the following acts: 1, a licensee has breached any
19 condition upon which their license was issued; 2, a licensee
20 has failed to comply with the provisions of this chapter; 3,
21 a licensee has failed to comply with Chapters 10, 34, and



1 110 of the code; 4, a licensee has engaged in an unlawful
2 activity or nuisance related to the use of the property; 5,
3 any adverse effect on public health, safety, and general
4 welfare; or, 6, if there are three documented calls for
5 service that require a response and/or citation issued to
6 the property for different incidents in a twelve-month
7 period. If there are three documented calls for service
8 that require a response for disturbance of the peace, public
9 drunkenness, drinking in public, harassment, loitering,
10 public urinations, lewd conduct, overcrowding, exceeding
11 occupancy loads or noise, vandalism, parking nuisances,
12 trespassing, and/or citations issued to the property for
13 different incidents on the property, on the parking lot for
14 the building or dwelling, in a twelve-month period, the
15 rental license is automatically suspended for up to 30 days.
16 The owner or local agent must have been notified of the call
17 for service. A call for service includes a response by law
18 enforcement, the Fire Marshal's office, and/or an official
19 from the division or its designee. The twelve-month period
20 starts from the first call for service or citation. The
21 procedure for suspension of a rental license shall follow



1 Section 14-38 (c) and (d). This is limited to acts of the
2 owners, and his renters, guests, and invitees.
3 Why this was so detailed out was we wanted to make
4 sure that it just wasn't, you know, a call because there
5 was, you know, a mild nuisance, somebody parking their car
6 too close to somebody's house or, you know, the grass is too
7 high. We wanted to kind of really nail down what was
8 determined are these calls for service, it needs to be
9 well-documented.
10 Draft ordinance --
11 MR. ROHE: George.
12 MR. BENDLER: Yes, sir.
13 MR. ROHE: Let me chime in for a second. On the
14 violation part, there is a twelve-month cap, so a rental
15 property can go through violations after violations, noise
16 complaints, et cetera, so, you know, twelve months just
17 allows the rental property to just reenact it again year
18 after year and disrupt the different neighborhoods.
19 MR. BENDLER: Uh-huh.
20 MR. ROHE: So, is there a way that we can address
21 that piece?



1 MR. BENDLER: Yes, we were looking at giving some
2 latitude to it where, if you did not correct yourself and
3 you had your license suspended it would definitely be a
4 consideration for not renewing your license, if it was
5 suspended over that twelve-month period. And what
6 corrective actions you, we're looking for corrective
7 actions, too.
8 MR. ROHE: Well, you know, I feel like this should
9 be extended more than 12 months. I think it should be 24
10 plus months. And that would straighten up the management of
11 the property and make you come to the realization that, you
12 know, one more day and lose your rental license for good.
13 MR. BENDLER: Okay. We'll add that. We can put
14 that into consideration.
15 Page 9. These changes specify the conditions
16 under which the City Manager may revoke a business or rental
17 license. Again, this is new so I'm going to read it into
18 the record. (b) revocation of license. The City Manager
19 may revoke a business license in accordance with Section
20 14-38. The City Manager may revoke a rental license if the
21 City Manager determines that a licensee has committed any

1 one or more of the following acts: 1, a license has been
2 mistakenly or improperly issued contrary to law; 2, a
3 license has been obtained through fraud, misrepresentation,
4 a false or misleading statement, evasion or suppression of a
5 material fact in the license application; 3, a cause of
6 suspension under this section occurs and the license has
7 been previously suspended within the preceding twelve
8 months; or, 4, there is any violation of the provisions of
9 this chapter or any other ordinance of the Town, or any
10 statute of the state or any statute of the United States of
11 America, other than motor vehicle violations, if the City
12 Manager determines the violation is contrary to the public
13 health, safety, and general welfare. The procedure for
14 revocation of a rental license shall follow Section 14-38
15 (c) and (d). (c) Other. The Mayor and City Council of
16 Ocean City may initiate proceedings in the Circuit Court for
17 Worcester County, Maryland, or any other court of competent
18 jurisdiction to enforce the provisions of this article.
19 MR. GILLIS: Question.
20 MR. BENDLER: Yes, sir.
21 MR. GILLIS: What happens if the complaints have



1 been on a property that doesn't have a license, is there any
2 way to put them on probation and not be able to apply for a
3 license for a certain period of time?
4 MR. BENDLER: We would take that on a case-by-case
5 basis. Basically, that would be a nuisance to the Town, we
6 would do it under the property maintenance codes, depending
7 on what the situation is. What our policy is, if they do
8 have outstanding violations, we would not issue a license
9 until those things are remediated.
10 Draft ordinance, pages 9 and 10. This is the
11 newer ones, this is going to specifically talk about R-1 and
12 single-family and MH. I'm going to read this one into the
13 record. This is Section 14-177, Premises for
14 Habitation/Rental Housing Units in R-1 single family
15 residential district and MH mobile home residential
16 district.
17 (a) Length of Stay. A dwelling in the R-1 single
18 family residential district and the MH mobile home
19 residential district shall not be rented for less than five
20 consecutive days from May 1st through September 30th and
21 shall not be rented for less than three consecutive days



1 from October 1st through April 30th. We've also put an
2 alternative approach in there. You can look at that as
3 well.
4 I want to give you some national data statistics
5 and, also, Maryland data statistics. Maryland's minimum
6 night stay on average, Maryland has 30,000 rental units,
7 AirBnB style short-term rentals, and the average is a
8 two-night minimum stay. Also, the national average is two
9 nights, 2.808 nights, is the national average.
10 MR. GILLIS: In a similar zone?
11 MR. BENDLER: Those data, those statistics are not
12 available.
13 MR. GILLIS: I mean, you're not discriminating
14 between RH-1, I mean, R-1 and MH? And R-2 and R-3 and --
15 MR. BENDLER: I'm just giving you national data
16 statistics.
17 MR. GILLIS: That's hard to, I mean, that's kind
18 of almost hard to weave into this discussion, because we're
19 only talking about two zones here.
20 MR. ROHE: It taps into commercial and --
21 MR. GILLIS: Well, I don't know if it taps,



1 because it says residential but it doesn't, when you say
2 commercial, are you referring to --
3 MR. ROHE: Condos and...
4 MR. GILLIS: Yeah, but those are in residential
5 zones, the condos. Anyway, it's just hard to, when you're
6 throwing out that statistic, it's kind of hard to segue that
7 into this when we're discriminating zoning districts here,
8 and in that data you just gave us it's not discriminating.
9 MR. BENDLER: Yeah, it muddies the water a little
10 bit, but I wanted to just give you statistically where it
11 is. This has been one of the ones that people have had many
12 concerns about, so I wanted to give that information to you.
13 Move on to the next one. Draft ordinance on page
14 10. (b) Occupancy. The maximum occupancy in a dwelling
15 unit in the R-1 single family residential district and the
16 MH mobile home residential district being used as a premises
17 for habitation/rental housing unit, is two persons per
18 bedroom, plus two additional persons, excluding children
19 aged 10 years old and younger, between the hours of 12:00
20 midnight and 7:00 a.m., provided that occupancy does not
21 exceed the maximum allowed occupancy under Chapter 10 and

25

1 the dwelling's or building's allowed occupancy use for its
2 provided fire protection features required under Chapter 34.
3 So I'd just like to go and explain how we did, how
4 we currently do our, how our current occupancy is determined
5 and I'll show you how, what the current occupancy, or what
6 the proposed occupancy will be.
7 So, our current occupancy is determined based on
8 70 square feet minimum bedroom, 40 square feet per person
9 for bedroom, as well as there's 120 square feet of living
10 space. So, if you see here on this diagram, first our
11 inspectors go in and determine that there is living room
12 size of 120 square feet. Then we go and determine if the
13 bedroom meets the minimum 70 square feet. And then we add
14 the square footage, 40 plus plus, to get the total, and then
15 we add that all together. So if we had, you know, a 200
16 square foot bedroom we could possibly have five. If we have
17 a 300 square foot bedroom we could possibly have seven and a
18 half people in that bedroom. We also give a credit, ten
19 square foot credit, for closets. That's how we currently do
20 this.
21 What makes it difficult is, if an officer or an

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1 inspector comes to the property, there is a complaint, you
2 know, unless they have the data right in front of them they
3 can't really automatically determine, unless they go into
4 each bedroom to see what the occupancy is.
5 With the new proposed process for determining
6 rental occupancy, this would be based on two persons per
7 bedroom, plus two additional persons. So, you know, a
8 living room, you've got two people, and then each bedroom
9 counts as two occupancies. So if you have a three-bedroom,
10 you would have an eight occupancy.
11 We're also excluding children under the age of 10
12 in this count, so if there's children on the property they
13 won't count towards the overall occupancy. And the
14 occupancy limit only applies to overnight guests from twelve
15 a.m. to seven a.m., this is only overnight occupancy.
16 Finally, page 12 of the draft ordinance. This is
17 taking out the provisions about relations of blood and
18 marriage and, also, the removing four persons living
19 together under joint agreement to more align with the new
20 occupancy.
21 If you have no other questions at this time, I do

27

1 welcome any more questions from the Commissioners, but I
2 would like to give the public an opportunity to speak on
3 this.
4 MR. GILLIS: What other businesses are allowed to
5 operate in an R-1 and an MH district? Are there businesses
6 that are allowed to operate in those --
7 MR. BENDLER: You can operate a home occupancy
8 business, I don't have the exact, you know, it's very
9 limited, (indiscernible..) state agent want to work it
10 personally, basically, very, very low impact.
11 MR. GILLIS: I mean, is there, can you put like a
12 hair salon?
13 MR. BENDLER: I don't believe --
14 Kay, could you speak on that, please?
15 MS. GORDY: I don't believe so.
16 MR. BENDLER: Kay Gordy, our zoning administrator
17 --
18 MS. GORDY: I can find the --
19 MR. GILLIS: -- can you put a real estate office?
20 MS. GORDY: -- let me find the code real quick and
21 I will answer your question.

28

1 MR. GILLIS: I'm asking if there's other
2 businesses that are allowed in the R-1 or an MH.
3 MR. BENDLER: It would --
4 MS. HOUGH: You can only have one employee that
5 would be in the home.
6 MR. GILLIS: But, I mean, I'm talking about a
7 specific type of business.
8 MS. HOWARTH: Palmer, do you... I don't think my
9 mic is on, do you want the permitted uses in the R-1?
10 MR. GILLIS: If there's other businesses that are
11 permitted, that's what I'm asking.
12 MS. GORDY: Do you have the zoning code with you?
13 She has the zoning code with her.
14 MS. HOWARTH: Can you hear me? Because my mic is
15 not working.
16 Does this one work?
17 So the permitted uses in the R-1 are detached
18 single family dwellings and essential services. Those are
19 the two things listed as permitted uses in your R-1. Then
20 you have other uses allowed by special exception and other
21 uses allowed by conditional use.

29

1 MR. GILLIS: Such as? I mean, is it --
2 MS. HOWARTH: Sure. Special exceptions, family
3 daycare homes, private boat docks with no established
4 principal use, there's a special building moving exception,
5 a special parking exception, special yard. Uses permitted
6 by conditional use, churches, temples, synagogues, including
7 customary accessory uses to those such as classrooms,
8 community halls, and then small wind energy systems.
9 CHAIRMAN WILSON: Anybody else have any questions?
10 I'm just curious, where did you come up with age
11 10 for children?
12 MR. BENDLER: This went back and forth between
13 different departments and the Commissioners and -- sorry,
14 Mayor and Council, and that was the number we ended up with,
15 was 10.
16 CHAIRMAN WILSON: Okay. Just picked out of a hat,
17 essentially?
18 MR. BENDLER: Well, they didn't want 16, they
19 wanted under 16, and they thought, because they didn't want
20 anybody driving, we wanted to reduce cars, so that's why we
21 went under 16. But 10 they thought was more identifiable.

30

1 MR. GILLIS: Good job on the power point, by the
2 way.
3 MR. BENDLER: Thank you.
4 MR. GILLIS: Did you do that or did Kay do that?
5 MS. GORDY: No, he did that.
6 MR. BENDLER: We're (indiscernible..) better next
7 time, though.
8 MR. GILLIS: Looks good.
9 MR. BENDLER: Are you all ready for public
10 comments?
11 CHAIRMAN WILSON: I think so.
12 MR. BENDLER: Chase, would you be able to lead us
13 in this?
14 MR. PHILLIPS: Chase Phillips with the Planning
15 Department. I'll go one by one here, be sure everyone that
16 will speak will need to be sworn in with their name and
17 place of residence. If you do have any documents that you
18 would like to use as part of your testimony, you can use the
19 document camera here. Just be advised that if you do
20 submit, if you do use that document then it will need to be
21 forfeited for the public record, so.

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1 Our first speaker is Linda Tucker.
2 LINDA TUCKER: Do I come up there?
3 MR. PHILLIPS: Yes. And please speak into the
4 microphone.
5 MS. HOWARTH: And, ma'am, before you get started
6 -- I'm over here -- you'll be sworn in.
7 (The speaker was duly sworn.)
8 MS. HOWARTH: Name and address.
9 LINDA TUCKER: Linda Tucker, 303 South Ocean
10 Drive, Ocean City, Maryland, 21842. But that's not my
11 permanent address. Do you need that permanent --
12 MS. HOWARTH: Your local address is okay. And you
13 have to get right in front of that mic for it to get picked
14 up well on the recording.
15 LINDA TUCKER: Okay. Is that good?
16 First, I want to thank the Planning and Zoning
17 Commission for putting this out for public hearing.
18 Otherwise we would not have been allowed to speak on this
19 matter. Restricting homeowners of single family homes in
20 R-1 and mobile homes to a limited number of days that their
21 private homes can be rented, which is the proposal being

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1 suggested by the members of City Council, who they
2 themselves are involved in and own companies that own
3 hotels, condos, manage restaurants, and own websites, design
4 and marketing firms hired by these companies and hotels is a
5 huge conflict of interest. They all stand to line their
6 pockets based on losses shared by homeowners. At the
7 previous meeting it seemed most problems that were mentioned
8 were bachelor and bachelorette parties that were renting
9 places for three days. A Council member spoke of noise
10 complaints and also a loss of revenue for hotels and
11 restaurants when private rentals are made available to
12 homeowners instead of forcing people to rent motels and
13 condos, both of which will not be affected by these changes.
14 One such company owned by a Council member even advertises
15 specials for two and three-day rentals with discounts.
16 Copies of the flyers are attached.
17 So, I guess I do pictures of them later?
18 MR. GILLIS: What zone is that in?
19 LINDA TUCKER: Those are -- what zone are what --
20 MR. GILLIS: The advertisement you're referring
21 to.

1 LINDA TUCKER: They're, like, advertised online.
2 They're, like, not in the R-1 or M3 --
3 MR. GILLIS: They're not?
4 LINDA TUCKER: Correct.
5 MR. GILLIS: Okay. So they're not in the --
6 LINDA TUCKER: Right, so they won't be affected by
7 the changes, but Council members are involved in that, so
8 they stand to --
9 MR. GILLIS: Okay.
10 LINDA TUCKER: -- profit off that.
11 Crime analyst Brandon Reim of the Ocean City
12 Police Department has provided exact numbers of calls for
13 service in the affected neighborhoods, and even though that
14 list was up there I'm going to say, as documented Montego
15 Bay had one noise complaint in 2023 and three in 2024. That
16 is not even saying that those complaints were from renters,
17 but I guess it was because that's what it said online.
18 Caine Woods had 20 complaints in 2023 and 21 in 2024. Off
19 of 94th Street, also known as Little Salisbury, 2023 had
20 four noise complaints and twelve in 2024. All of these
21 numbers are so small compared to the amount of homes that



1 are owned privately and rented based on rental licenses.
2 Most homeowners take better care of their properties than
3 any hotels and use their homes to rent to families who can't
4 always afford to take a full five-day vacation due to
5 pricing.
6 On April 2nd, 2024, OC Deputy City Manager J.R.
7 Harmon informed the Mayor and Council that there were a
8 total of 8,938 rental licenses in Ocean City. He also
9 stated that there were 230 rental licenses in R-1 zones,
10 which is 2.6 of total rental licenses. I was informed that
11 Montego Bay has 147 rentals, which is 1.65 of total rentals.
12 The targeted R-1 and mobile home rental zones are about 4.25
13 percent of all rentals available in Ocean City. This
14 percentage would have a negligible impact on hotels or
15 restaurants. Yet the changes proposed are likely to have a
16 devastating impact on the small business owners, the private
17 owners, to the point of utter failure, business closure, and
18 sale. Not only will owners be severely affected, but the
19 families these rentals have served will go to a more family
20 and economically friendly area such as Delaware.
21 Restricting the rights of any homeowner is a violation of



1 our constitutional rights. The U.S. Constitution provides
2 protection from private property owners when the government
3 intervenes through official regulations restricting an
4 owner's rights in land or housing. The property rights of
5 affected owners are protected under the Fourteenth Amendment
6 and the takings clause of the Fifth Amendment of the U.S.
7 Constitution. I beg you to please reconsider these absurd
8 changes. And, if nothing else, make every single Council
9 member involved in the renting of a condo or hotel, no
10 matter what the exact involvement is, have them recuse
11 themselves from being allowed an opinion or a vote on this
12 due to their conflict of interest by making money off the
13 backs of the homeowners. Their involvement in this also
14 raises ethical questions. People who will benefit
15 financially from this decision should not be allowed to make
16 a decision regarding this.
17 (Applause.)
18 CHAIRMAN WILSON: You can give that to Chase right
19 behind you.
20 LINDA TUCKER: Thank you.
21 MR. PHILLIPS: Terry Miller.



1 MS. HOWARTH: Ms. Miller, if you don't want to
2 stand you can also borrow the mic right in -- you okay?
3 TERRY MILLER: I'm okay. Thank you very much.
4 MR. PHILLIPS: We do have a chair, also.
5 (Ms. Miller was duly sworn.)
6 MS. HOWARTH: Name and address, and if you could
7 get that mic just tilted over towards yourself.
8 TERRY MILLER: Terry Miller, 116 Bering Road,
9 Ocean City, Maryland, 21842.
10 I've been a resident in R-1 neighborhoods for over
11 50 years, primarily in Little Salisbury. I'm going to give
12 you a little background. I'm a realtor with over 40 years
13 of experience in sales and rentals. And I've owned multiple
14 rentals in R-1 districts. Though I currently don't rent my
15 property short term, I want to retain my rights and those of
16 all R-1 owners should we choose to in the future.
17 I'm surprised that this issue is being raised
18 again. When I attended the first meeting on August 19th,
19 2014, the number of noise complaints and percentage that
20 were in the R-1 neighborhoods was read into the record by a
21 City employee. As I listened it was such a small percentage

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1 that I thought why are we here trying to change the zoning?
2 The facts clearly demonstrate this is not a problem. And
3 what was a small number then is even lower today and
4 continues to decline. When they showed the numbers up on
5 the screen, I just don't understand why we're here for this,
6 those numbers are so small. We are a resort town and
7 telling visitors they aren't welcome in single-family
8 neighborhoods unless they stay a minimum of five days is a
9 mistake. The trend in rentals is less days, not more. You
10 even stated that. Guests that want to rent a single-family
11 home aren't going to make do with a condo or hotel. They
12 will go elsewhere where they can be accommodated. And many
13 of these renters are future owners. Many property owners
14 that rent become year-round residents. I know in our
15 neighborhood, this year alone we added two wonderful, at
16 least two wonderful families that used to rent their
17 properties over these last 20 years and now they live here
18 year-round. Limiting property by the number of bedrooms as
19 opposed to square footage is arbitrary. A 1,200 square foot
20 three-bedroom home won't accommodate as many people as a
21 3,600 square feet home. Occupancy should be based on the

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1 number a property can reasonably accommodate.
2 I am here today to express my opposition to the
3 proposed changes to short-term rental regulations in the R-1
4 district. I feel the current regulations are adequate to
5 handle any problems with the guests. While I feel the
6 current regulations are sufficient, I understand people have
7 concerns about short-term rentals. However, I don't think
8 that the proposed changes will help with these concerns or
9 promote neighborhood cohesion. A good place to start would
10 be with an online registry with owner's contact information,
11 including cell number and e-mail. If a property owner rents
12 that is not local, they need to have a local representative
13 and their contact information, too. The occupancy limit on
14 each property could be listed on this registry and all
15 members of the neighborhood could have access to this
16 registry. This way neighbors can contact each other with
17 concerns. Rentals in these districts should be limited to
18 families. We should have online resources on what it means
19 to be a good landlord and guest, educate both the owner and
20 guest on the noise ordinance, parking rules, and trash
21 pickup. Fine the guest if they violate the noise ordinance

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1 and remove the guest for more than one noise violation.
2 Length of occupancy does not make someone a better guest.
3 If people are violating Town ordinances, it should be dealt
4 with, and it doesn't matter the length of stay or if they're
5 owners or guests. I don't support adding more fees and
6 length of stay restrictions.
7 Thank you.
8 (Applause.)
9 MR. PHILLIPS: Neal Scully.
10 (Mr. Scully was duly sworn.)
11 MS. HOWARTH: Name and address.
12 NEAL SCULLY: Neal Scully, 710 142nd Street, Ocean
13 City, Maryland.
14 Thank you very much to everybody that's here, and
15 to the Planning Commission for this consideration. I'll be
16 a lot shorter now because the first two comments really
17 echoed, but I am an R-1 owner and renter of R-1 properties.
18 I own three properties in Ocean City, Maryland. One is not
19 an R-1, two are by accident, I didn't plan it that way, they
20 just so happen to be R-1. My intention has always been to
21 live in one when I retire, and then I'll rent the other two

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1 properties to supplement my income. I just wanted to give
2 you a little bit of my experience with the rentals. I am
3 against modifying the length of stay. That's my primary
4 concern. Last year in 2024, we probably had 45 across the
5 two properties, 45 different check-ins. I have one that was
6 seven days or more. The majority of those are now four
7 days, sometimes three days. I use AirBnb. I have a local
8 host that resides in town that is my manager. She actually
9 manages nine properties in R-1 properties, it's her
10 full-time income. She would've been here tonight but she's
11 in California on vacation after a long busy summer. I also
12 employ local cleaners. Last year in Ocean City I spent
13 $20,000 cleaning my two R-1 properties. The economic impact
14 of restricting those rentals would be pretty dramatic. In
15 addition to the 20,000 for cleaning, my property manager
16 earned $20,000 in commissions from managing my properties.
17 I paid almost $16,000 in rental tax. That's just two
18 properties. We're talking about hundreds of properties. I
19 paid $12,000 in property tax. Another consideration I think
20 that the Planning Commission needs to consider is that I
21 personally and probably, you know, I'm later in my life and

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1 my career, I receive Social Security, I have a pension and I
2 still work full-time. I don't know who's going to pick up
3 and buy my $800,000 property and pay my $7,500 taxes, my
4 $5,000 insurance, it's probably not a local. Most likely
5 it'll be somebody from out of town that can afford it and
6 can also afford not to come. If they can afford not to
7 rent, you'll probably find that they won't be here that
8 often.
9 The families that we brought in this year are
10 largely multigenerational families. It's grandparents, we
11 don't rent to groups, I have no interest in any groups in my
12 house and I have no interest in parties at my house. We
13 rent to families. We rent to grandparents. They come with,
14 you know, with the grandchildren. They've come from, this
15 past year they came from Wyoming and Colorado. Years past
16 it's been California, you know, we cast a wide net. Most of
17 the reason the people come to Ocean City is because, someone
18 in their sphere of life had stayed here when they were
19 younger, they like the amenities, they come back here. I
20 can't imagine the economic impact that 45 families have on
21 this town. If you have six adults and six children in here

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1 for four days, someone here might know, but that's got to be
2 pretty dramatic. And that's just two properties.
3 So, I just wanted to make these points, that the
4 economic impact is extreme. I think that, speaking for
5 myself, I am not interested in any groups or parties, we
6 screen for that, we advertise that they're not allowed.
7 We're a family rental. We bring families to this town to
8 spend their money here. Thank you.
9 (Applause.)
10 MR. PHILLIPS: Charlene Stine.
11 (Ms. Stine was duly sworn.)
12 MS. HOWARTH: Name and address.
13 CHARLENE STINE: Charlene Stine. My Ocean City
14 address is 3100 Skipjack Lane.
15 I am opposed to the proposed rental revision
16 14-177 (a) regarding length of stay for dwellings in the R-1
17 and MH districts. My deceased parents, brother, and former
18 sister-in-law have owned this home since 1979. As property
19 taxes, HOA fees, home insurance and flood insurance have
20 increased over the last several years, we have had to rent
21 property in order to update and maintain the house. Our

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1 request for full weekly rentals have decreased to three to
2 four-day rentals. We fear that the proposed rental revision
3 will decrease our rentals further and financially affect our
4 ability to retire, modernize, and even keep our home of 45
5 years. Similarly, other property owners subject to
6 increased fees and decreased rentals may be pressured to
7 sell, which will impact Ocean City's income from rental
8 licenses.
9 On a broader scale, requiring tourists to rent for
10 a minimum of five days could result in lower income for
11 Ocean City where tax revenue is concerned if visitors are
12 forced to travel to locations without the five-day
13 requirement.
14 Additionally, Ocean City is increasingly promoting
15 two to three-day events, such as Oceans Calling, Sunfest,
16 Country Calling, Springfest, Ocean City Film Festival. This
17 proposal would require visitors using the R-1 and MH zones
18 to rent a minimum of five days, a clear conflict with the
19 expansion of these promotions.
20 I am also concerned that these restrictions will
21 extend beyond the R-1 and MH zones affecting all of Ocean

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1 City. Charles River Associates, a consulting firm which
2 offers strategic research and expertise to governments
3 around the world conducted an economic analysis of
4 short-term rentals in New Orleans. The report concluded
5 that restricting short-term rentals would negatively affect
6 tourism, a crucial industry for New Orleans and Ocean City.
7 Loss of short-term rentals are likely to decrease tourism,
8 occupancy taxes and negatively impact the local economy.
9 I know my husband and I are more likely to
10 patronize restaurants and entertainment venues, not less
11 when we are only visiting Ocean City for a few days.
12 Short-term rentals bring flexible lodging that can increase
13 tourists, traffic to New Orleans and Ocean City by reducing
14 lodging costs, allowing visitors to spend more money on
15 other goods and services. While restrictions on these
16 rentals may benefit hotels, they are detrimental to
17 restaurants, retailers, entertainment venues and
18 transportation providers.
19 As an owner and visitor to Ocean City for over 50
20 years, I thank you for welcoming tonight and I reiterate my
21 opposition to the proposed rental revisions. I ask you to

1 oppose the short-term rental revision.
2 I have the resources that I used for my research
3 regarding New Orleans if anyone needs those resources.
4 Thank you.
5 (Applause.)
6 MR. GILLIS: There's a lot of definition and
7 nuances within this Power Point that George gave us tonight.
8 So, what I'm hearing so far tonight is opposition to the
9 number of days as a restriction. There's a lot of other
10 information in this. So, I'm getting a pretty good sense
11 that nobody is really in support of limiting days, but I'm
12 also concerned about all the other nuances that are in this
13 ordinance.
14 CHAIRMAN WILSON: I understand.
15 MR. GILLIS: I don't know how to bifurcate that.
16 CHAIRMAN WILSON: Well, I think what we'll do is
17 continue, we haven't heard everybody's testimony yet --
18 MR. GILLIS: Right.
19 CHAIRMAN WILSON: -- so while, at this point, yes,
20 most people are opposed to the length of stay, there may be
21 people in support of it as well. So, why don't we get



1 through everybody's testimony as best we can, and we'll go
2 from there.
3 MR. GILLIS: Okay, thanks.
4 CHAIRMAN WILSON: Then try to start discussion on
5 the other items.
6 MR. PHILLIPS: Robert Knauer.
7 (Mr. Knauer was duly sworn.)
8 MS. HOWARTH: Name and address.
9 ROBERT KNAUER: Robert Knauer, 13201 Peachtree
10 Road.
11 Good evening, ladies and gentlemen. My name is
12 Robert Knauer. I'm a property owner in the Montego Bay
13 community. I've been visiting Ocean City since I was a,
14 since I was a kid. I currently serve as a major in the Army
15 and have dedicated over 27 years to military service. After
16 my last appointment, my wife and I fulfilled our dream of
17 purchasing a waterfront property in Ocean City. We built a
18 new home in 2019 as part of our retirement strategy. To
19 manage the costs associated with a secondary home, it is
20 essential for families like mine to have the ability to rent
21 our properties. It is disheartening to witness the proposed



1 changes to the rules governing short-term rentals at a time
2 when tourism is already facing challenges. The restrictions
3 being considered are unjust, unwarranted, and not based on
4 factual evidence as seen through the data earlier. They
5 will have significant negative impacts on tourism and
6 property values in Ocean City. The changes will stifle
7 investment in the community and cause future homeowners to
8 go elsewhere. This is definitely critical when it comes to
9 Montego Bay and the investment and getting rid of the, uh,
10 or investment in the trailers. First, initial discussions
11 regarding the short-term rental restrictions were
12 exclusively focused on the R-1 district. However, the
13 inclusion of the MH district seems to stem from subjective
14 feelings rather than facts. The MH district has established
15 by law and a civic association, short-term rentals have
16 successfully operated in Montego Bay for over 50 years and
17 any changes to these restrictions should be voted on by all
18 community members and dictated by their bylaws.
19 The Town should not impose a single MH regulation,
20 MH district without the full community input.
21 Second, the current occupancy limits are more than



1 adequate and align with the building codes designed to
2 insure safety. It provides property owners to have the
3 flexibility to manage their homes as they see fit. Many
4 property owners already establish their own occupancy limits
5 that are more restrictive than what the Town provides. The
6 proposed restrictions represent an overreach of government
7 authority and lack a sound, a solid foundation. How can you
8 realistically say that a three-bedroom 3,000 square foot
9 home be held to the same occupancy as a three-bedroom single
10 wide trailer?
11 Similarly, it defies logic that a condo or town
12 home would accommodate more guests than a single-family
13 home. You definitely tax me on a full single-family home
14 versus trailer. I host multigenerational families and
15 groups of, elder groups who come back on a yearly basis. I
16 have a group of ten seventy-year-old women who come around
17 and sit by the water and knit all weekend and I have annual
18 golf returns. These are people who love the experience that
19 I provide and they come back year after year because they
20 love our house, our quiet community, and our neighborhood in
21 Ocean City.

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1 Should I tell these cherished guests that they are
2 no longer welcome in Ocean City due to the new occupancy
3 restrictions? It doesn't make sense.
4 Furthermore, the occupancy restriction for guests
5 ten and over also is impractical and it has its own
6 concerns. Shall I refuse entry to a family who has visited
7 and stayed at my home for years simply because their
8 children are now teenagers? That proposal is not practical
9 and not realistic.
10 Let me be clear. No property owner wants to host
11 bachelor or bachelorette parties or senior week. Most
12 property owners have restrictions on them and evade them at
13 all costs. Also, most owners provide guidance to their
14 tenants to minimize the vehicles that they bring to their
15 thing. The commission referenced the towns such as
16 Rehoboth, Virginia, Bethany Beach as other examples.
17 However, Ocean City is a much larger market and these
18 comparisons are not applicable. If the town feels that they
19 want to adopt these restrictions, then they should apply
20 across all zoning districts in Ocean City and not just the
21 R-1 and MH districts.

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1 Third, the proposed minimum night stay as was
2 previously mentioned is counterproductive. It unfairly
3 targets MH and R-1 districts, and a minimum of five-night
4 rentals in May through September would severely impact
5 short-term rentals during these shoulder months when the
6 Town is seeking to boost tourism. Economic realities show
7 that visitors are increasingly opting for shorter stays
8 often reduced from a week down to three or four nights. If
9 the Town believes that this is going to help property owners
10 generate more revenue, then their assumption is inaccurate.
11 It will decimate the short-term market and force guests to
12 go to other towns that are more accommodating, not hotels.
13 Seven-day rentals are no longer a reality in much of Ocean
14 City.
15 If the Town or the hotel industry believes that
16 implementing restrictions on single-family homes will drive
17 visitors back to hotels, they are sorely mistaken. Our Town
18 thrives on diversity. Some families prefer hotels, others
19 beach front condos, and many enjoy as well single-family
20 homes on the bay. Instead of trying to restrict homeowners,
21 the Town of Ocean City should appreciate that families like

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1 mine open our doors to visitors to allow them to use our
2 homes to visit the Town of Ocean City and not chastise us
3 and further restrict us on complying with the regulations as
4 seen by the data that was submitted earlier. Restricting
5 single-family homes will only drive visitors to the other
6 towns, taking their revenue and their contributions with
7 them.
8 So, based off of the data earlier or that was
9 mentioned earlier, there is no evidence to establish a need
10 to demand hiring a local agent. I live an hour and 20
11 minutes from here. So you're asking me, based off the
12 proposed regulations, you're asking me to hire a local agent
13 who I don't know to possibly rent to people who I have not
14 vetted and then hold me accountable when those said people
15 violate your violations by threatening to now want to remove
16 my business license for 24 months. That's unacceptable.
17 (Applause.)
18 ROBERT KNAUER: Self-managing property owners
19 often have a closer relationship with their guests and their
20 neighbors. I have to look my neighbors in the face if I
21 messed up. Thankfully I have not messed up, but I have to

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1 answer to them. And we have a great rapport, to the point
2 where my neighbors will write a letter on my behalf. Many
3 of us who manage our properties take pride in providing
4 exceptional experiences. My neighbors have my contact
5 information and can contact me any time. I look out for
6 their property and they look out for me.
7 Noise concern, I urge the Town to provide clarity.
8 Last year there were only five noise citations reported by
9 the town police, with no complaints that logged on the
10 citizen report page. The data here demonstrates a two, a
11 two-year period, which is less than one percent for the MH
12 district. Why are we here tonight wasting our time on noise
13 complaints when less than one percent in the MH district
14 have noise violations over two years? That is unacceptable.
15 If noise is indeed an issue, the Town should enforce the
16 existing noise ordinance rather than create a new one that
17 may be more harmful than helping. The Town collects
18 approximately 235,000 annually in noise ordinance permits,
19 how is that revenue used?
20 Restricting occupancy in the R-1 and MH districts
21 does little to address parking concerns in Ocean City. This

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1 requires a full examination across all zoning districts, not
2 just R-1 and MH. It is unjust to attribute parking issues
3 solely to single-family homes. According to your records,
4 only four percent of rentals come from the R-1 and MH
5 districts. The reality is that many businesses, hotels,
6 condos and day visitors contribute to the parking congestion
7 in the R-1 and MH areas. The new town homes at 140th Street
8 is just a clear example of how R-2 zoning will encroach on
9 the R-1 communities. The R-1 property owners should not be
10 penalized due to those plans that were approved at this
11 commission.
12 Also, home occupancy is not directly --
13 CHAIRMAN WILSON: We're going to give you one more
14 minute.
15 ROBERT KNAUER: Yep. Home occupancy is not
16 directly related to vehicles. So, I often, guests bring
17 multiple vehicles, some guests bring multiple vehicles, some
18 don't. It's all subjective.
19 In conclusion, the proposed restrictions appear
20 arbitrary, unwarranted, and will not help the Town achieve
21 its goals. Instead it will only harm property owners, local

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1 businesses, and visitors to Ocean City. They seem to
2 unjustly target law abiding taxpayers. The restrictions
3 will not increase revenue for the hotels and will deter
4 visitors to go to neighboring towns and take their rental
5 income with them.
6 Also, it will discourage investment in our
7 community, ultimately leading to a decrease in property
8 values, decrease in revenue for business, decrease in tax
9 revenue as visitors seek alternatives.
10 Thank you for your time.
11 CHAIRMAN WILSON: Thank you.
12 (Applause.)
13 CHAIRMAN WILSON: To circle back to Commissioner
14 Gillis's question, as a reminder to everyone, occupancy and
15 length of stay have been the main points of discussion so
16 far tonight; but the other things that are up are local
17 agent within sixty minutes, harsher enforcement restrictions
18 essentially with the three violations within, it's proposed
19 as a twelve-month period, and also the number of bedrooms
20 that are advertised must meet the actual number of bedrooms
21 in the home.

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1 So, as you come up and talk, occupancy, length of
2 stay, continue what you're doing, but also those are the
3 other topics if you have any opinion on those three.
4 And, yes, just a reminder it's a five-minute
5 limit.
6 MS. HOUGH: I think we should address what the
7 previous gentleman was speaking about. I don't think we're
8 requiring you to hire an agent. As we said, it needed to be
9 someone who could respond within an hour to a police call or
10 another complaint. So, it could be one of your neighbors
11 that you're close to, it can be that. You don't have to
12 hire someone to rent your property, you can continue to rent
13 your own property. You just need someone that can respond
14 to the complaint within an hour.
15 ROBERT KNAUER: I can respond.
16 CHAIRMAN WILSON: Thank you.
17 MR. BROUS: We also hear, the process for
18 determining rental occupancy, and anybody have any ideas on
19 that? I mean, we've, the way it is now does not work. And
20 I think a lot of people think that, but if you don't like --
21 AUDIENCE MEMBER: The question is why, though, why

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1 do you think --
2 AUDIENCE MEMBER: We've got a --
3 MR. BROUS: I just would like to have testimony
4 why you like that, don't like that, or recommendations on
5 how to determine rental occupancy. Because there's a bunch
6 of different ways to look at it, and we want feedback.
7 AUDIENCE MEMBER: What's the problem with --
8 MS. HOWARTH: We can't have anybody call out from
9 the audience, but you can obviously make sure you sign up
10 and come up for public comments.
11 CHAIRMAN WILSON: Chase, next up.
12 MR. PHILLIPS: Jerome Milko.
13 (Mr. Milko was duly sworn.)
14 MS. HOWARTH: Name and address.
15 JEROME MILKO: Jerome Edward Milko, 12526 Deer
16 Point Circle.
17 Let me introduce myself. I'm the broker and owner
18 of Holiday Real Estate in Ocean City, licensed in Maryland,
19 Delaware, Georgia, and South Carolina. I've got 37 years
20 experience in vacation rental management. The occupancy and
21 the length of stay limits are very difficult to enforce.

1 The local agent portion of this, as long as owners can
2 respond and be their own agent, I think is one of the things
3 that Ocean City has been missing and it's been response. We
4 have, my company has a 24-hour response, throughout the
5 year. The calls are screened. We can show up on site. And
6 if there's a problem we can issue an order to vacate and get
7 rid of them, as long as we have some assistance from the
8 police. And usually that assistance is, the police stand
9 there as a deterrent and don't interfere with the process
10 we're going through. We have been, we have had occasions
11 where they've said, oh, you can't do that, you can't, you
12 know, tell us that we can't remove the people, and we have a
13 contract that says we can, when there is a problem.
14 Now, the occupancy, I would suggest you let the
15 landlords apply for the occupancy for their unit. I think
16 I've heard a lot of responsible property owners here that
17 understand that the key to having a successful rental
18 property is repeat business, because you have a track record
19 with them. It's when strangers come in, and we promote
20 that, some of our properties are booked 80 to 100 percent
21 come November 1st because of our policy of getting return



1 people in, that we know who they are and what they are. I
2 think that I would try that route first, because if you put
3 an occupancy limit on the landlord, how is he going to
4 enforce that? Okay. He can say, okay, you're limited to
5 six and eight people show up, he's going to be penalized.
6 He put it in the agreement, but he didn't necessarily have
7 the ability to sit there and count the people as they come
8 in.
9 I think the ten-year-old limit is a very bad idea.
10 If you want to promote families coming to a family resort, a
11 single-family neighborhood, then trying to say you're eleven
12 years old, we want to see your birth certificate, I don't
13 know how you enforce that, why you would even do that.
14 Again, the response, I think, to a complaint is
15 very important. And when you look at the number of
16 complaints that you had over just under three years, I think
17 it was two years and ten months, they weren't that
18 significant. It almost looks like a solution looking for a
19 problem.
20 (Applause.)
21 JEROME MILKO: I think the, I think having the



1 response is going to solve a lot of your concerns, not only
2 in these districts, but in any district where there's a
3 rental. We've put, where we're allowed to we put stickers
4 with an emergency number on there, so a neighbor can call if
5 there's a problem and we can respond in kind and do what we
6 have to do with regards to solving the problem.
7 So, I think that you need to reconsider these and
8 look at Ocean City as a whole. And the length of stay,
9 also, length of stay is something that's determined by the
10 market. And as long as we have these various types of
11 properties, hotels, condos, everything, we have elasticity
12 in the market to adjust to it. Because once you start
13 telling people they can only stay here for a certain period
14 of time, one of two things are going to happen, they're
15 either going to stay at Deep Creek Lake or the landlord is
16 going to say, okay, I'm supposed to rent it to you for five
17 days, you want it for three, I'm going to rent it to you for
18 three days, the agreement is going to say five. They're
19 going to work around this some way or another. And, you
20 know, again, the occupancy I think is unenforceable. The
21 length of stay will be worked around. But I like the,



1 finally having a way to respond when there is a problem,
2 because the properties that I'm overseeing, I want to
3 prevent a problem before it gets worse, and let these people
4 know, if you've got a problem in the unit you want to get
5 there before they damage the unit and ruin the rental before
6 the next occupancy, so. That's what I have. Thank you.
7 (Applause.)
8 MR. PHILLIPS: Dennis Dare.
9 (Mr. Dare was duly sworn.)
10 MS. HOWARTH: Name and address.
11 DENNIS DARE: Dennis Dare, 14139 Sea Captain Road.
12 You've heard from the realtors. Now you're going to hear
13 from a resident, a full-time resident. I've lived in Caine
14 Woods since 1990. I raised my three sons in Caine Woods.
15 Thirty years ago there were a lot of families in the
16 immediate neighborhood. Everybody knew everyone. More
17 recently the residents know each other, but there are more
18 non-residents and some of them you get to know and some you
19 don't, and some of those have taken to short-term rentals
20 most recently.
21 I'm going to tell you about two experiences.

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1 Because neither of them got reported to the police, and
2 there's a lot of things that happen that don't get reported
3 to the police. Several doors down the street there was a
4 group of eight with five cars that partied on the deck into
5 the night every evening. One night a young woman was on the
6 phone with her boyfriend. It became apparent that she was
7 with another male, and the conversation became heated. She
8 then told her boyfriend exactly and explicitly what she was
9 going to do with the male, she was loud enough for everyone
10 on the canal to hear. And as an old sailor it made me
11 blush.
12 The second incident involved the police. A
13 neighbor called us and said there had been a car in the
14 driveway with the engine running, that had been sitting on
15 the street all day. Turns out it was an OCPD detective
16 surveilling the house next to ours. The renter's car
17 license plate was of interest to the police since the owner
18 of the car had been arrested for running a prostitution
19 operation in Ocean City in the past. After two days it was
20 apparent that pimps and ho's just like to go on vacation and
21 drive go-carts and play miniature golf. They also like to

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1 sunbathe naked on the rear deck.
2 The existing code tries to regulate who rents it,
3 but it's been difficult if not impossible to enforce, and
4 that's why you're wrestling with it again. The enforcement
5 with what's in front of you tonight is going to be
6 difficult, if not impossible. The Town can't effectively
7 monitor what the, you know, what, 377 rentals that we're
8 talking about tonight, if there's 9,000 rentals in the town.
9 How do you tell if they leave early? How do you tell if
10 there's only two adults per bedroom plus two more living in
11 a room, and an undefined number of children? A
12 three-bedroom rancher such as mine could have eight adults
13 and an unlimited number of children. That means there could
14 be as many as eight cars but only a two-car driveway is
15 required. The impact of the quality of life in our
16 single-family neighborhoods is being severely impacted by
17 these short-term rentals. I'm afraid the exodus of
18 full-time residents will increase, as I've seen, as they go
19 elsewhere to seek what they had in Ocean City. Fewer
20 residents means less business in town. And it's critical,
21 especially in the offseason, to support the businesses that

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1 do stay open. A very large number of the residents, AKA
2 voters, live in R-1 and MH zoning districts throughout the
3 town. They not only shop local, but they volunteer in our
4 service organizations, our churches, commissions,
5 committees, and coach our youth in sports. They're the
6 backbone of our community, and they need to be protected.
7 You all know the comprehensive plan and how it
8 promises the well-being of our single-family neighborhoods
9 and protects the Town from commercialism and the resulting
10 traffic and parking. Caine Woods is about to be impacted by
11 the parking deficiencies of the terrible townhouses, and
12 this will be further compounded by short-term rentals and
13 more cars and more people.
14 The Commission also knows the impact of paramental
15 zoning. You can build a single-family residence in a
16 commercial zone, but you can't build a commercial entity in
17 a single-family zone such as R-1 and MH. My belief is a
18 short-term rental is a commercial activity and should not be
19 allowed in single-family zones.
20 When money changes hands for a night, a weekend, a
21 week, a month, or a season, that's a commercial activity.

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1 Commercial activity is not allowed on the beach unless it's
2 a franchise. I recently found out that weekly rentals of
3 house boats in the marina is not permitted. Why should mini
4 motels be allowed in Caine Woods, Montego Bay, Little
5 Salisbury, and other single-family zoned neighborhoods?
6 There are nearly 9,000 rental licenses with only several
7 hundred in R-1 and MH districts, with about 29,000 dwelling
8 units in Ocean City. There are many other areas for
9 investors to buy and operate short-term rentals, mini
10 motels.
11 Save our single-family neighborhoods from the
12 overcrowding and disruption that short-term rentals bring.
13 Uphold the principles of the comprehensive plan and send a
14 recommendation to the Mayor and Council to protect us.
15 Thank you.
16 (Applause.)
17 MR. PHILLIPS: Mike Sherman.
18 (Mr. Sherman was duly sworn.)
19 MS. HOWARTH: Name and address.
20 MICHAEL SHERMAN: Michael Sherman, 7601 Coastal
21 Highway, Unit 406, in Coral Seas. My wife and I bought

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1 here, what, three years ago. I've been coming down here
2 since I was a kid. And we went through two property
3 managers, which we fired. Now we manage the unit ourselves.
4 We're very strict on the number of people that stay and who
5 stays. Eight people is about the max, we allow children
6 when they're younger and we have the room. What I have a
7 problem with is telling people they have to only rent for
8 five days or three days. You're taking money out of their
9 pocket and putting into the pockets of the hotels and
10 everything else. I can choose what I want because I live in
11 a condo building, I don't live in R-1. We don't rent
12 usually less than four days, sometimes five, but you have
13 events that are three days or four days. The air show is
14 two days. Who wants to rent, come down and rent for five
15 days just to come down to see the air show? They're only
16 going to rent for three days. Or two. You should have a
17 way to limit the occupancy on the units. We have two units
18 in Coral Seas. They're combined, they took the railing out
19 many years ago. And they'll have 16 and 18 people in there.
20 And they'll have bachelor parties and bachelorette parties,
21 and they can get pretty wild with glass and bottles and

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1 arguing, fighting, that kind of thing. But I don't think
2 we've ever had the police called to our unit. And as far as
3 an agent for an hour, hour response time? I live two hours
4 away when we're not staying in Ocean City, and if someone,
5 if I get a call from the police or the president of the HOA,
6 I'll be down here to deal with the issue. He has my
7 permission, and it's even in my contract that he has the
8 right to go into my unit if there's an issue and deal with
9 it. And even evict the tenants if they violate my contract
10 or violate Ocean City ordinances.
11 When you say you have 8,930 rental units, how many
12 are being rented illegally, that you see no revenue on? All
13 you're going to do when you do these limits on the nights
14 occupancy is drive those people to do it underground. You
15 will not have licenses or they'll report it as a, I didn't
16 rent that week or I didn't rent those days. It's very easy
17 to do, and you lose the money. Or they'll say, oh, they're
18 my cousins, they're family staying for free. You will lose
19 that money.
20 There's got to be a better way to regulate it.
21 There's got to be an easier way. You're building townhouses

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1 in north Ocean City, they gave parking variances for that.
2 Those townhouses being built on 75th Street, they got a
3 parking variance. All those side streets and all those
4 public streets, what is it, Bayside Skillet, Saltwater 75,
5 and other businesses, those streets are packed with the
6 employees because there's not enough parking. Where is
7 everybody going to park that come down? With those
8 townhouses and everything else and all the other people.
9 I don't want to see people lose revenue, but I
10 don't want to see their lives ruined either by the
11 short-term rentals. There's got to be something that can be
12 done. Better regulation, where the homeowners and the
13 property owners have a say in it, to say, hey, if we do a
14 three-day rental, what can I do? If I do a five-day rental,
15 what can I do? It's more turnover, it's more cleaning cost,
16 it's more maintenance, the whole nine yards. You have more
17 wear and tear on a property the more people you have.
18 My wife and I go through it. We come down and
19 clean the unit ourselves every Saturday, two hour drive
20 down, clean, drive back home. We take care of all the
21 maintenance, everything.

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1 That's all I've got to say. Thank you.
2 (Applause.)
3 MR. PHILLIPS: Keagen Brown.
4 KEAGEN BROWN: Before you ask me to swear in, I am
5 Mennonite and therefore I don't swear under a religious, but
6 I am happy to affirm.
7 MS. HOWARTH: Absolutely.
8 Do you solemnly affirm to tell the truth, the
9 whole truth, and nothing but the truth in front of the
10 Planning Commission?
11 KEAGEN BROWN: I do.
12 MS. HOWARTH: Name and address.
13 KEAGEN BROWN: Keagen Brown, 12620 Dawn Circle,
14 Bishopville. I represent Sheppard Realty who has an office
15 on 78th Street. So, there's three things specifically I
16 would like to address. And then I actually have the numbers
17 that you were asking for about short-term rentals versus R-1
18 here in the City, because I pulled our data before I came so
19 I have those numbers for you, and I'm happy to turn that
20 over to you. Because every bit of it is reported so it's in
21 the system.

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1 So the three things that I would like to address
2 is, one, to the gentleman who spoke before me, he seemed
3 very reasonable, but one of the things that we have
4 experienced, both in our R-1 and in regular rentals, is
5 there are some neighbors who do not want rentals and will
6 call constantly, bringing the police out asking for people
7 to be removed when there are no issues. And even the police
8 will tell us we know this person is just against rentals.
9 So, the first question that that brings up to me
10 is, what is the appeal process? There was a lot that was in
11 there about what the, what the, not restrictions, but, you
12 know, like what the, enforcement, thank you, what the
13 enforcement would be but not what the appeal process was. I
14 believe that that needs to be worked into there as well to
15 protect both the City, which I understand what you're trying
16 to do, and the neighbors, but also the owners. If there is
17 no appeal process, we don't have a judicial system. So we
18 need that.
19 The second thing that I wanted to address was
20 that, we have had issues where we've gone out because the
21 neighbors have told us and we responded, many times within

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1 30 minutes. When we've had an issue where we've asked for
2 the police to come, they have told us they can't come
3 because short-term rentals fall underneath of the rental
4 process and that we are, that they only support the hotels.
5 That if we have a person who needs to leave our properties,
6 that they actually have tenancy and we have to take them to
7 the Worcester County courts and have them evicted. And
8 until we have a court order with their eviction, the police
9 cannot help us.
10 So, I think, if we're going to have this rule,
11 which many of us support, there needs to also be protection
12 for the property owners that you're asking for, so that when
13 we go out the police will support us. Because we cannot
14 always remove a belligerent person, they're not going to
15 comply, right? A police officer will get them to comply.
16 And we need the police to support us.
17 The third thing I wanted to point out was that, I
18 understand the thought process around the length of stay.
19 The length of stay doesn't keep away bad guests. What it
20 will do is it will keep them there longer. And when we
21 combine that with the fact that the police won't help us, we

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1 can't get them out. And so the same person that the
2 neighbors are being affected by, which we don't want in our
3 properties any more than the neighbors want them there,
4 because we want good guests who come from, enjoy the city,
5 take advantage of all the amenities, and then, candidly, go
6 home and leave our property ready for the next person.
7 Right? Without our cleaners, who we employ here in the
8 city, having to spend extra time to repair, or last-minute
9 repairs to the place, to get it ready for the next person.
10 We don't want people staying longer if they're bad people.
11 That's what this is going to set up.
12 So, to answer your question about numbers. So,
13 the way that it lands out for our properties is, throughout
14 the city, we had 1,633 stays. They averaged 3.57 days in
15 their stays. If you filter that down to just our R-1
16 property, it was 17 stays at 3.41. The impact to this rule
17 is the owner that we represent has lost 100 percent of their
18 revenue.
19 I think I'm good with that.
20 (Applause.)
21 MR. PHILLIPS: Kelly B.

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1 KELLY BEHRENS. Behrens?
2 MR. PHILLIPS: Yes.
3 KELLY BEHRENS: You know, I originally just
4 thought I was signing in. Can I ask a question?
5 MR. PHILLIPS: Yes, you do need to come up,
6 though.
7 KELLY BEHRENS: Just any microphone?
8 MR. PHILLIPS: That one, and you will need to be
9 sworn in.
10 (Ms. Behrens was duly sworn.)
11 MS. HOWARTH: Name and address.
12 KELLY BEHRENS: Kelly Behrens, 615 Twin Tree Road.
13 So, I'm not going to drone on and on, everybody who spoke
14 before me who spoke eloquently and articulated my exact
15 sentiments regarding the proposal. I strongly oppose,
16 particularly the length of stay limitation, but my question
17 is this. How was the length of stay limitation determined?
18 Given that we have, I forget how many thousands, how many
19 thousands of rentals do we have in Ocean City? 3,000?
20 9,000? How did we decide that we needed to focus on, what
21 is that total number, 337 with so few complaints, why are we

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1 focusing on that number and then how was the length of stay
2 determined? That's my biggest question. And how will that
3 deter any nefarious activity? And, further, who benefits
4 from that? And, finally, are the hotels going to have the
5 same restrictions imposed on them?
6 (Applause.)
7 KELLY BEHRENS: So, what do I, where do I get the
8 answers to that, is the next question, who can answer that?
9 Like, where do I get those answers? It's a sincere
10 question.
11 CHAIRMAN WILSON: So, as far as the minimum length
12 of stay, that was a proposal by staff.
13 So, I don't know if staff can elaborate on it --
14 KELLY BEHRENS: How was it determined?
15 CHAIRMAN WILSON: -- the actual number of days.
16 KELLY BEHRENS: Like, what criteria?
17 MR. BENDLER: The minimum length of stay was
18 determined by recommendation from the Mayor and Council. We
19 disseminated that and brought that as, for exact...
20 KELLY BEHRENS: Regardless of the fact that
21 statistics are showing two to three night minimums, and even

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1 in the Dispatch back in, I think it was 2019, Ocean City was
2 declining from five, six, seven nights down to three and
3 four?
4 So, again, I still don't understand how it was
5 determined, it was just people that determined it, their
6 opinions, like, what's the actual data?
7 AUDIENCE MEMBER: Well, they're just trying to get
8 rid of them.
9 MR. BENDLER: There was a, it was --
10 MR. GILLIS: Can I ask a question that coincides
11 with what she's saying, kind of diffuse the issue a little
12 bit? This is something that's brought to us. We have a
13 mandated process in the State of Maryland, the ordinance of
14 Ocean City -- and Maureen can jump in and stop me, and
15 George can stop me, whoever -- so this is information that's
16 coming to us. And our job here, for our fee that we get
17 every meeting, is to process a request on this ordinance.
18 So, this is brought to us. We haven't had a
19 chance to talk about it very much. So, I guess the question
20 is, I think, I think, George, the number of nights is a
21 placeholder, it's a variable that we don't know the answer

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1 to, and that's why we're having the public hearing. It may
2 be zero, it may be 30, I mean, we've got some letters in
3 here that say 30 and some that say zero. So, that's a, it's
4 a placeholder to generate this discussion.
5 KELLY BEHRENS: Thank you for that, I appreciate
6 that.
7 And so just, listen, I'm just going to highlight
8 what everybody else has already said. And I, I recognize I
9 have a few neighbors, lovely, wonderful neighbors, who are
10 primary residents, you're laughing at me --
11 AUDIENCE MEMBER: No, I want to say everything you
12 said and copy it.
13 KELLY BEHRENS: -- primary residents as well as,
14 you know, homeowners with investment properties who take
15 tremendous pride and care in their property. Somebody else
16 before me said, I have to look at my neighbors every single
17 day, I answer to all of them before I answer to anybody
18 else, it's equally as important as an investment property
19 owner and a primary resident of the beautiful neighborhood
20 of Caine Woods to vet all of my guests and to respond to my
21 guests. And, also, I love, I love where I live. I want

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1 good guests that come down here and patronize our
2 businesses, our restaurants, spend the money here, so why
3 the focus on this R-1, MS, I don't know, 13 is what I'm
4 gonna call it, I just, I'm sincerely looking for answers. I
5 really wasn't prepared with a speech, this came up last
6 minute when I was going through my schedule, my work
7 schedule today, I said, oh, my gosh, I have this meeting
8 that I have to go to tonight. So I am truly concerned and I
9 do, I urge you all to please reconsider particularly,
10 especially the length of stay. I mean, I don't, I don't
11 think that that is going to benefit a single person in this
12 room. Or anybody else in Ocean City.
13 But anyhow, thank you for your time.
14 MR. HARMON: I can add to your answer somewhat
15 about the length of stay.
16 KELLY BEHRENS: Okay. Do you want me to stand up
17 there --
18 MR. HARMON: No, that's fine, you're fine.
19 Part of the reason that the length of stay was
20 suggested was to take pressure off of the neighborhood's
21 full-time residents. And what it was, was people moving in

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1 and out and the frequency of it during the summertime, and
2 the disruption to the neighborhoods from residents, not
3 renters, who have voiced this opinion to us in the past.
4 The five-day, it started as a seven-day stay, then it kind
5 of went to a five-day stay because of comments we were
6 getting from it. And, also, if you look at it, it's
7 modified for, there's a suggestion for in season and out of
8 season as well. We've heard people talk about the bumper
9 seasons with the three-day events. Well, it's modified
10 during that timeframe.
11 So, we really shouldn't be going back and forth,
12 I'm just trying to answer a direct question with that --
13 KELLY BEHRENS: But it's not, because what is the
14 disruption? People moving in and out, I mean, they're not
15 in the house every day --
16 MR. HARMON: Yeah, I --
17 KELLY BEHRENS: -- move boxes in my car, I mean...
18 MR. HARMON: I'm just telling you where it came
19 from, and I'm not going back and forth with it.
20 KELLY BEHRENS: That's fine, but that's not a
21 statistic, it's not a quantifiable statistic, like the

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1 police numbers and the reports. It's not.
2 MR. HARMON: I understand. And listen, let's
3 point something out, too, about the statistics. I've got a
4 lot of experience in this. I did 27 and a half years with
5 the police department --
6 KELLY BEHRENS: Thank you for your service, I
7 respect that.
8 MR. HARMON: -- as a captain, thank you, ma'am.
9 These numbers aren't representative of the calls. When a
10 police officer goes to a place for a noise complaint, and
11 noise has been isolated and we didn't isolate noise when we
12 did this, we, it was, it was nuisance calls, is what we did,
13 is, is kind of went to look at. When we go to a call, or
14 when the police go to a call for a noise complaint, and it's
15 an unverifiable call, it doesn't mean that it didn't happen,
16 it means that it's not going on when the officer got there.
17 There is no report on it.
18 AUDIENCE MEMBER: So it might not be happening.
19 MR. HARMON: Well, it may have, it may --
20 AUDIENCE SPEAKER: It could have but --
21 MR. HARMON: So, the frequency of a police

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1 response is not accurately reflected, is my point.
2 KELLY BEHRENS: So that makes it difficult to have
3 these conversations then --
4 CHAIRMAN WILSON: Ma'am, respectfully, we're going
5 to ask everyone in the audience to hold their comments, and
6 if you'd like to comment you need to come up to the podium.
7 With that being said, I appreciate, J.R., you
8 answering a direct question, but we can't just have a bunch
9 of back and forth between the audience and staff and the
10 Commissioners, so.
11 MR. HARMON: I agree.
12 CHAIRMAN WILSON: Chase, go ahead and call the
13 next person, please.
14 MR. PHILLIPS: Alex Piela. Sorry if mispronounced
15 I that.
16 (Mr. Piela was duly sworn.)
17 MS. HOWARTH: Name and address.
18 ALEX PIELA: Alexander Piela, 11216 West Marie
19 Drive, Bishopville. Though I own a property in town that I
20 rented, this would've been my 28th summer. I'll mention,
21 too, I'm also a realtor.

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1 So, I had comments prepared, but I guess, as we've
2 gone on I'll ad lib a little bit, it seems a very big topic
3 close to me and a lot of people. Mr. Milko mentioned it,
4 Mr. Dare kind of touched upon it, is, what happens when the
5 police get called to a property that there's a nuisance?
6 Now, for perhaps ten years I did short-term rentals, and my
7 contract stated that the tenants can be kicked out for any
8 reasons whatsoever, simply them being unreasonable,
9 obnoxious or something to that effect. And a few times over
10 the years I've had the police come by and one was, you know,
11 kids with underage drinking and I didn't want to be
12 responsible for that. And I think, too, this, I don't know
13 who said that, the police said that it's a tenancy, it has
14 to go to the sheriff. As a realtor, and I think Mr. Wilson
15 who is a realtor, may I kindly suggest that perhaps, of all
16 the police departments in the State of Maryland, the OCPD
17 should perhaps come to a realtor class, continuing ed, and
18 have it explained the difference between a leasehold
19 interest and a license.
20 So, I will read the one thing that I had prepared.
21 A friend of mine has a property on Bay Shore Drive, bay

1 front boat slips, and they said, and he told me that there
2 was a family there for an entire week, so there goes your
3 quality renters for five days or more, and the fact that
4 they had money because they had a boat and it was an
5 expensive rental, and this gentleman, this family was
6 obnoxious to beat the band, drinking, yelling over to my
7 friend who owns a boat, your boat is bad, and I won't say
8 such things at a meeting but you can imagine what this
9 gentleman was saying. And they called the police department
10 several times. And I don't know, I wasn't there, but he
11 said that it ended up nothing was done because the police
12 kind of seemed like they had no, you know, they had no idea
13 what to do, it was like a border collie with no sheep kind
14 of, I guess. And they even called the owner in Allentown
15 and the owner said, guess what the owner said? I'm in
16 Allentown, what do you expect me to do?
17 So there's any number of angles to this, I mean,
18 maybe having an agent might not be a bad thing.
19 But what I've experienced over the years, with
20 senior weekers, trust me, I said it was a deal I did with
21 the devil over the years, to get the high rent, you know how



1 much you get for senior week rentals, and I think perhaps,
2 you know, there should be some guidance for the police
3 department, some sort of, there was somebody trespassing on
4 my property the one time, somebody was passed out sleeping,
5 and the police officer said you're the owner, you have to
6 tell this person that you're trespassing and you have to
7 leave, I'm the owner. And then the police escorted him off
8 the property. Perhaps there's a way to modify it and be
9 specific, and I'm sure it won't be perfect starting out,
10 some things might fall through the cracks, but these moments
11 that you have, Mr. Dare here, the woman on the back porch
12 screaming the, you know, very, very vulgar phone call and
13 the smashed glass, once -- I have video and it's obvious to
14 anybody that there's a huge party going on, the police
15 department can then say, you know, according to this
16 contract you can be removed for whatever and we are now
17 going to allow the owners to do that, get out, and follow
18 through. And then somehow, I mean, I'm not a city
19 councilman, I don't work in local government, and I'm sure
20 the police department can find a better way to do this, to
21 make, give guidance, to get specific, and have the police



1 understand, this is not a leasehold interest, you don't have
2 to call the sheriff. Anything what, what's long-term
3 rentals now? It was four months and a day before. Whatever
4 the time is for short-term rentals. And so then, you know,
5 this will nip it in the bud, you know, this will be, you
6 know, this won't be a solution looking for a problem, this
7 will be a way of dealing with the problem.
8 So, as it's written I don't think this is a good
9 idea. I think we're just kind of, you know, punching in the
10 dark. But I think police should be instructed and educated
11 as to what should be done and what the expectations of
12 short-term owners and their neighbors are.
13 (Applause.)
14 CHAIRMAN WILSON: Thank you.
15 MR. PHILLIPS: Bob Kappos.
16 (Mr. Kappos was duly sworn.)
17 MS. HOWARTH: Name and address.
18 BOB KAPPOS: Bob Kappos, 304 North Heron Gull
19 Court. There's not too much I can add to what I've been
20 hearing on this thing. I oppose this limitation. And I
21 have a question. Not only on the minimum stay, where the



1 May to September and we've changed the dates, you know, why
2 are these limitations different, too, between the different
3 months, where did that come from?
4 CHAIRMAN WILSON: I can provide the logic that was
5 given to us behind that. The logic was that there are a lot
6 of two and three-day events that are stuffed into the
7 shoulder season, so that was why they looked at a reduction
8 for the shoulder and off season for the minimum length of
9 stay.
10 BOB KAPPOS: We've had a rental over 20 years back
11 there. We've had a rental license. We've been paying the
12 taxes. We've been doing everything right. We haven't had
13 one complaint. But, once again, what I'm hearing here,
14 Mr. Dare, is, responsibility amongst neighbors. I also have
15 some full-time neighbors, they have our number, they have
16 all that stuff. I also don't want to look at a mad neighbor
17 when I, if we are coming into town. This past year my wife
18 and I have been down here almost ninety-five percent of the
19 time, because I've been working on a project on the next
20 beach. We love it here. The plan was, we have two houses
21 back there, one is a rental. It's a large rental. One we

1 don't rent. That's the one we're in all the time. We do
2 have an agent. We have Vacasa, because we don't want to
3 have to go in and clean it every time and all that. But,
4 once again, we monitor it. We know what's going on. I
5 understand that. If there's a problem I make the call right
6 to Vacasa, because, you know, I don't necessarily want them
7 knowing we own the house. So, our families, we've seen that
8 change in 20 years, just like the statistics. And, once
9 again, I'm looking, out of our rentals we looked at, this
10 past year, seventy percent of our rentals don't fit your
11 criteria anymore. It just doesn't fit. These families are
12 coming down, you know, we've got families that really can't
13 vacation until the end of June. Sports start some time at
14 the, either the end of July, beginning of August, families
15 gone. But we get multigenerational people that come into
16 our houses. Or our house, I shouldn't say houses. But,
17 once again, I don't see the problem that we've had with
18 noise complaints or anything, because we haven't had any of
19 that. We haven't taken one bit of resources from Ocean
20 City. I guess I look at how much money I've given to Ocean
21 City and what do I get back?



1 (Applause.)
2 BOB KAPPOS: You know, really. Really. I don't
3 get it back. But I don't come here, it's like Ocean City
4 going over there to the county and asking for money back for
5 the services that we provide over to West Ocean City. I
6 don't get any of this. So, all I'm saying is, we need to
7 look at that. And I, I don't understand why, well, I do
8 understand, this world has no respect anymore for neighbors
9 or anything. I don't have the problem back there. And the
10 other thing is, don't look at R-1 across the board. You
11 want to treat every R-1 district the same. One item, it
12 just doesn't fit.
13 So, that's all I really have to say, because you
14 guys have just done a great job tonight. And I'm learning a
15 lot, too. We are no different than you.
16 (Applause.)
17 MR. PHILLIPS: David Ricker.
18 (Mr. Ricker was duly sworn.)
19 MS. HOWARTH: Name and address.
20 DAVID RICKER: David Ricker, 602 Twin Tree Road,
21 Ocean City.



1 The previous speakers have covered everything
2 pretty well. I wanted to voice my displeasure with the
3 whole idea. All three of them. All three of them. I think
4 it's grossly unfair. You look in the police blotter of the
5 local paper, you see all kinds of things happening in these
6 condominiums, the kind of behavior that you're trying to
7 address here, it's not, it's not in the R-1's. It's in
8 those condos. You look in there and you see all kinds of
9 gross behavior and things like that. Downtown. Uptown.
10 Midtown. But it's not in the R-1's. Your own statistics
11 bear that out, which are, you know, that's just my opinion.
12 I think you're taking money away from people that are small
13 business owners, trying to make a go, they're paying their
14 taxes, doing everything, they're trying to do everything
15 right. They don't want the abnormal aggressive behavior in
16 their units. I just think it's unfair. We had one renter
17 this year that stayed for two weeks, all the other, fifteen
18 of them were three days, so. You're going to basically suck
19 the wind out of the rental market, the short-term rental
20 market. If that's the intention, just say so, but you ought
21 to do it across the board.



1 (Applause.)
2 MR. PHILLIPS: Hunter Isaac.
3 MR. BENDLER: And you do have Hunter's letter in
4 the packet as well.
5 HUNTER ISAAC: I made some changes in the last
6 little bit as well.
7 (Mr. Isaac was duly sworn.)
8 MS. HOWARTH: Name and address.
9 HUNTER ISAAC: Hunter Isaac, 10000 Coastal
10 Highway.
11 Good evening, Chair Wilson, and the members of the
12 Planning and Zoning Commission. My name is Hunter Isaac.
13 I'm here on behalf of Coastal Association of Realtors. I
14 also serve as the government affairs director there. Our
15 association represents real estate professionals and
16 affiliates in Somerset, Wicomico, Worcester Counties, and
17 I'm here to share some of the feedback that I've been
18 hearing from a lot of our members, even though you see a, or
19 have heard a lot tonight already. So, I'll start off with
20 the existing protections that are for R-1 communities,
21 right, we have a conspicuous rental map in the R-1

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1 communities that allows neighbors to easily access
2 properties that are up for rent. Additionally, right, I'd
3 like to point out the important difference between leasing
4 and lodging, right? These contracts are typically for
5 lodging, right, which makes it an easier eviction process
6 should there be any instances of a breach of contract.
7 So, with that said, we'll move into some suggested
8 changes here. So, I'd like to start off with Section
9 14-174, which has to do with the local agent. We agree with
10 the ordinances required for a local agent to manage R-1 and
11 mobile home properties and for this information to be
12 available to the Town; however, we ask for clarification
13 regarding the term local agent. Specifically, we would
14 propose local agent with short-term rental manager or
15 property manager or property owner. These are professionals
16 experienced in managing rental properties and they're best
17 equipped to handle these responsibilities outlined in the
18 ordinance as written, right? These are local people. They
19 live here. They know the neighbors, right? When it comes
20 down to enforcement, which has been a topic that we've
21 talked a lot about tonight, put in power the people who have

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1 a vested interest in maintaining these properties. We heard
2 a lot about repeat business, right, when the word is out
3 that this is not a great rental, that is a loss of business
4 for these property owners and these property rental
5 companies. So, yeah, they have an interest in maintaining
6 the quality of life in this area.
7 So, additionally, I've heard a lot about, like,
8 the turnover, right, we've heard about the turnover tonight,
9 too. The turnover affects these properties as well as
10 rentals. With this turnover, though, there is some money
11 that goes into the local economy with cleaning and whatnot.
12 So, it's important to remember that, too.
13 So, not to belabor the length of stay, but we
14 stand very much opposed to this. We request this section be
15 removed for the following reasons. One, it infringes on
16 property rights. Imposing a minimum length of stay
17 restricts the property owner's rights to use the property as
18 they see fit. Ocean City is a second home market, and many
19 buyers purchase properties with the intent of renting them
20 until they are ready to move here full time. This is a
21 financial strategy that allows them to, you know, pay off

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1 the mortgage bit by bit and then finally come in to move,
2 right? And we feel that a length of stay minimum would
3 hinder this process and deter potential home buyers from
4 investing in Ocean City, particularly if neighboring towns
5 do not have these ordinances, which they do not. Which
6 moves me to my next point, which is market competitiveness.
7 If Ocean City becomes the only municipality on the Eastern
8 Shore to enforce length of stay minimums it risks losing
9 potential vacationers to nearby towns and previously
10 mentioned home buyers. I know you've seen some suggestions
11 from other towns, too, like Bethany Beach, Rehoboth Beach,
12 Lewes beach, right? They have some variation of maintaining
13 quality of life, things like person-based occupancy limits,
14 requiring designated local contact, or a good neighbor
15 brochure. What they do not have is all of those things in
16 one place and they do not have a minimum length of stay.
17 So, again, that would put us at a competitiveness
18 disadvantage for people who are looking for a short-term
19 rental.
20 And then the general trend in the short-term
21 rental industry, we've heard it plenty tonight, that the

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1 day, or the days of the seven-day stay have decreased. And
2 we've seen this year over year. In fact, from 2022 to 2023
3 it's decreased by almost a day, right. We've hovering
4 around that three and four right now.
5 So, we fear that Ocean City will unintentionally
6 exclude potential vacation goers, decrease rental inventory,
7 which can harm local tourism economies, especially
8 considering events like Oceans Calling and Country Calling
9 that the Town has been successful in hosting and do not last
10 more than a week at a time. And with projects, like the
11 sports center, say there's a weekend lacrosse tournament, if
12 you have three kids that are participating in this and you
13 want to make it a family affair for Friday, Saturday, Sunday
14 in the peak season, you can't do that in R-1 communities so
15 why not look to Rehoboth Beach, why not look to Fenwick
16 Island? It's not too far away.
17 Additionally, we have some concerns with the, with
18 the difference between calls and citations here, right?
19 Calls can be abused. We've seen the data up here, too.
20 There have not been a lot of calls, but when you do merit
21 and you do put grounds for termination of a rental contract

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1 on calls, that can be abused. So we would ask you to look
2 at that in maybe more of an empirical way so that there's
3 concrete, this is a violation, right? Under this current
4 edition of the ordinance, we could see maybe three calls in
5 one day and then the entire rest of the season everything is
6 smooth sailing, but that would still be grounds for
7 termination, right? And, additionally, with the occupancy,
8 and, again, I know I'm echoing a lot of the sentiments here,
9 you know, we would ask that you take another approach to
10 this. This is a very much blanket kind of approach to R-1.
11 So, a potential alternative would be maybe require owners to
12 state a requested occupancy limit and have that inspected
13 through the City and make sure it's up to code, right? And
14 that way a room can be accommodating ten people, or that may
15 be a bad example, but you'd be losing out on a little bit of
16 revenue in that respect.
17 So, we've heard a lot from our members here.
18 We've heard a lot from our boots on the ground realtors and
19 property management professionals. I would like to thank
20 you for your time. Thank the Planning and Community
21 Development Department for putting this together and make

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1 sure that we're available to you in any way that you need,
2 whether it be data, whether it be feedback from our
3 membership, too.
4 (Applause.)
5 MR. PHILLIPS: John Clayton.
6 (Mr. Clayton was duly sworn.)
7 MS. HOWARTH: Name and address.
8 JOHN CLAYTON: John Clayton, 151 Channel Buoy.
9 Number one, thank you all for hearing us all out here. We
10 definitely appreciate it. And, my God, I think by the
11 majority of everyone's voice here, I'm not going to be that
12 eloquent. But I'm glad you all were, right, there were a
13 lot of awesome points put up here. We bought last year,
14 right? We came down to Ocean City every year with my
15 family. My parents owned a place down here, right? And a
16 good reason why they could afford it was they helped offset
17 some of the mortgage with rent. I want to do the same thing
18 for my family, right? So, we bought last year. Again,
19 affordability. It's tough to buy a primary home these days
20 let alone a secondary home, right? My fear for you all,
21 take that away and start restricting folks with what they

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1 can do with their property, you're going to get less of a
2 drive for folks to come down here and want to buy, right?
3 The five-day rental, again, it's already been
4 said, right? But quick question around the room, right, how
5 many of us in this room have ever looked out their front
6 porch window and said, you know, the neighbor across the
7 street from me, my God, there's people coming in and out of
8 here, people with suitcases and they're unloading their
9 trunk, and I'm like, I've never had that feeling, right?
10 So, stats, if we could go back to the stats page
11 there, I'm not that good at math. I'm going to take the
12 noise complaint, right? Because that's obviously an issue.
13 This is three years, two years, ten months, so we'll call it
14 three beach seasons. 32 noise complaints. Again, I'm not
15 good at math, but 32 divided by three seasons is how many?
16 UNIDENTIFIED SPEAKER: 3.2.
17 JOHN CLAYTON: Ten. I think we're considering May
18 to September as the primary rental season, right? So, how
19 many weeks is that? That's 20 weeks. Ten noise complaints
20 in 20 weeks, half a complaint per week. I don't know.
21 Thank you all.

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1 (Applause.)
2 MR. PHILLIPS: Matthew Poulos.
3 (Mr. Poulos was duly sworn.)
4 MS. HOWARTH: Name and address.
5 MATTHEW POULOS: 622 North Pacific. I'm against
6 the proposal, all the sections. Different reasons. A lot
7 of people have said a lot of them. The first thing I want
8 to call out is pages 8 and 9, bullet point 6. If you can
9 put it up on the screen.
10 So, bullet point 6 states that a call and then
11 three calls to the police, it could be anybody, a neighbor,
12 whatever, that could terminate your ability to rent. That
13 is basically penalizing someone before a crime is proven.
14 So, I have a problem with that because, you know, anyone can
15 call in a noise complaint. Now, that would segue into my
16 next comment, which is, obviously, some citizens of Ocean
17 City have a problem with short-term rentals. What isn't
18 clearly defined in all this is what is the goal here? Like,
19 what are we trying to achieve here? So -- (applause.)
20 There's probably a better way to achieve some of
21 the things. One thing that was clearly stated as a problem

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1 is officers responding to calls can't figure out what the
2 occupancy is. All the rentals, whether short-term or
3 long-term, have to have the noise occupancy sticker on the
4 front door. We could easily produce what the occupancy for
5 that building is and put it on a sticker. That would solve
6 the police thing. There's other ways to solve a lot of
7 these problems that would be a lot less confrontational.
8 But stating what the goals are is probably the best way to
9 start with that.
10 So, it's unclear what's trying to be achieved with
11 this, other than some people don't want short-term rentals,
12 and this is a resort town where there should be short-term
13 rentals.
14 (Applause.)
15 MR. PHILLIPS: Terry Looney.
16 TERRI LOONEY: I was originally going to speak,
17 but everything that I would've said has been said over and
18 over. So, I'm not going to waste anybody's time, except to
19 say I'm against.
20 MR. PHILLIPS: David M.
21 DAVID MARCINIAK: Marciniak?

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1 MR. PHILLIPS: Marciniak, yes.
2 (Mr. Marciniak was duly sworn.)
3 MS. HOWARTH: Name and address.
4 DAVID MARCINIAK: David Marciniak, 14122 Laurel
5 Avenue. I am a R-1 zoning resident. I rented my property
6 prior to living here full time. And I also own a rental
7 company here in Ocean City. So, I guess you might say I am
8 the subject matter expert here on this. You know, one of
9 the things I'm looking at is these proposed changes to the
10 R-1 zoning, it really looks to me like a short term solution
11 to create good will with some well-voiced homeowners that
12 live in the R-1 zoning areas. These changes are taken into
13 consideration, long term negative impact on home value
14 resales, and are going to bring more issues to the
15 communities than it's initially intending to protect. Many
16 of my owners who live in R-1's, they fell in love with Ocean
17 City and many of them came in here during Covid. Or they
18 grew up coming to Ocean City and always just wanted to live
19 here. They purchased the property with the goal of living
20 here full time, but aren't at a point in their life where
21 they can make that change and they rely on the rental income

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1 on that property to be able to afford it. Again, they rely
2 on the rental income of that property to be able to afford
3 it.
4 Any changes to that minimum stay is going to
5 further limit the occupancies and negatively impact the
6 rental income for those properties and their ability to
7 afford their dream. Many of you who are homeowners here and
8 are against it may say so what? You know, well, here's
9 what's going on. Rentals have already been declining for
10 the last two years. So now you want to put restrictions and
11 reduce rental income to those owners who are already
12 hurting. If they can't afford that rental any longer,
13 what's their option? They're going to have to go and sell
14 it. Most potential buyers nowadays can't afford to just go
15 and buy a home when they're owned, they need that rental
16 income to go and afford it. And if the rental history
17 doesn't support the purchase price, people aren't going to
18 go and buy that home.
19 The well-voiced homeowner who's been talking to
20 the Council members and such, again, they say I don't care,
21 I just want peace and quiet. The current rules actually

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1 make it more difficult for groups to rent, if, and that's an
2 if, if the property manager, homeowner, is following the
3 guidelines that are established. I can't tell you how many
4 reservations that we decline each year because they don't
5 meet the current guidelines and also in an effort to keep
6 good will with our neighbors. We, basically, we hardly ever
7 have a complaint from our neighbors. All my neighbors have
8 my card. If there's any issues or concerns on their part,
9 they give me a call directly and we come out and we go and
10 visit them. And, in addition, if you're going to put a
11 minimum number of days on a property, our only tool is, if
12 we can't go and change the number of days, is to lower the
13 price. So, do you think we're going to get a higher end
14 clientele that's going to come to the property if we're
15 lowering prices or do you think we're going to go and maybe
16 get somebody who can, you know, now afford it? You're also
17 going to get these larger groups that are coming in, because
18 one of the things about the new, the current ruling is, we
19 do, we are looking for four non-related individuals in
20 there. So we do ask everyone, what's your relationship to
21 each other, one there? If the new guidelines come in,

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1 you're going to have groups of individuals. So, you're
2 going to have, you know, a bunch of 21-year-olds,
3 22-year-olds, 25 years, as long as they have one person
4 usually who's 25, for us it's 25 for everyone on there. So,
5 I don't think that that's necessarily going to go and solve
6 the problem on there.
7 So, I think, you know, looking at things, I think
8 a local contact is important, or someone who truly can get
9 here in sixty minutes. That doesn't need to be me or one of
10 my partners, who are out here right now, if you can have
11 somebody reasonably local doing it. I think the four
12 non-related individuals, that can work if enforced. I will
13 tell you I had a situation in my own neighborhood where I
14 needed to call, because there was an issue that I saw, it
15 wasn't necessarily they were being rowdy or anything, but I
16 could tell that they weren't following the guidelines. It
17 was a group of kids, I'd say 23 or 24 or so, and I called up
18 the rental license office. And they basically told me,
19 well, that's zoning, we're going to have to call zoning.
20 And then zoning was like, well, that's not me. And,
21 meanwhile, no one really went out and took a look at

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1 anything on it.
2 So, and what I didn't understand is, if they
3 would've called me and that was my property and said, hey,
4 Dave, we've got a complaint on one of your properties, you
5 know, what's the relationship to everybody on there?
6 Because it looks like it's a bunch of kids. I would've said
7 here's what we have, we have this, this, this, it's brothers
8 and sisters, it's supposed to be family, if that's not the
9 case we'll go out and take a look at it. Meanwhile, me as a
10 rental agent can't even get an answer from the bureaucracy.
11 The minimum night stays, they're not effective,
12 again, because if you have a bad renter, I think somebody
13 already mentioned this, you're going to have a bad renter
14 for a longer period of time. And that's, obviously, not the
15 goal of anyone who, from the owners who are here, you can
16 tell that they care about Ocean City, they love Ocean City,
17 they care about their owners, I think we all do. I think
18 it's just, you know, if you do get a bad seed, it's how do
19 you deal with that one bad seed or two bad seeds that might
20 be out there, and, you know, and I would recommend that, you
21 know, there be some sort of way for neighbors to be able to

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1 contact, if they don't already know who's the owner of that
2 property, to be able to contact them. Thank you.
3 (Applause.)
4 MR. PHILLIPS: Bob Marshall.
5 (Mr. Marshall was duly sworn.)
6 MS. HOWARTH: Name and address.
7 BOB MARSHALL: Bob Marshall, 1209 Atlantic Avenue.
8 Thank you so much for allowing us to come up here and speak,
9 I greatly appreciate it, thank you.
10 I had all this stuff written down, but I agree
11 with a lot of people here, there's no way I could say
12 anything, back row right there, I think it was Kelly, my
13 goodness gracious, Linda, everybody. I strongly opposed to
14 all of it. It doesn't really make any sense. I kind of
15 agree, I don't really understand what the goal is here when
16 you look at the complaints, it's just, it's not logical. It
17 doesn't really make sense. And then I think to myself,
18 like, something that we really haven't discussed so much
19 would be, like, we have a house that's 6,500 square feet and
20 it's four bedrooms, you can only have ten people there?
21 That would be absurd, like, that's crazy, some of the

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1 bedrooms are bigger than some of the homes. So it's just a,
2 why would you want to limit the amount of people that want
3 to come to Ocean City and spend money? It doesn't make any
4 sense to me.
5 (Applause.)
6 BOB MARSHALL: And then to have, you're going to
7 put in, like, an age requirement? Like, when I was a kid I
8 was kind of taller than everybody else so when it was bat
9 day at Oriole and it was 12 and under and they wouldn't give
10 me a bat because they thought I was 14. Can you imagine
11 going over to these people and telling them, they've spent
12 their money and it's a hard economic time right now, it's
13 not easy for anybody, so, this is a lot of money that people
14 spend to come down here. It's insane, the harassment to go
15 over and question, this kid doesn't look ten. It's
16 baffling. It doesn't make any sense. Strongly oppose it.
17 Thank you all so much, greatly appreciate it, thank you.
18 (Applause.)
19 MR. PHILLIPS: Bridgette Garchek.
20 (Ms. Garchek-Stone was duly sworn.)
21 MS. HOWARTH: Name and address.

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1 BRIDGETTE GARCHEK-STONE: Bridgette Garchek-Stone,
2 and I live at 401 142nd Street in Caine Woods. I will try
3 to amend my remarks because, my husband and I met, have
4 owned our property since 2016, we've lived here permanently
5 full-time since 2018. We strongly agree with the crowd here
6 in opposing the proposed changes, especially for the minimum
7 night stay and specifically a local agent restriction. The
8 last couple folks said, like, why are we doing this, what's
9 the purpose? If you read the paperwork, I thought it was
10 kind of funny. They want, we're doing this because of the,
11 to safeguard the health, welfare, and safety of our
12 residential communities, stability in the community, quality
13 of life, and preserving the character.
14 So, I was sort of wondering about my welfare if I
15 can't bring in income and support myself and be prosperous.
16 Stability in the community, I thought this was hysterical.
17 The gentleman earlier talked about, like, the disrupt, like,
18 the noise and disruption from all of this turnover, right?
19 Okay. Neal has, my neighbor, he's got a full-time rental
20 and, Neal, I really don't like the doors of the cars opening
21 and closing all the time, but you know what? My neighbor

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1 across the street that owns full time and comes here every
2 weekend opens and closes their door, too, and they don't
3 rent to anybody. So, again, I'm not sure about that
4 problem.
5 And the preservation of character. I moved here,
6 we all know who lives here. There are people that live here
7 year round. There are people that live here part time and
8 don't rent. There's people that just rent full time and
9 don't live there. And then there's that other mix. That's
10 stable. If we make these changes, we're going to sell out
11 to people that can afford a second home and will not be at
12 their house and will not maintain their lawn and will not
13 maintain their property. That is going to create
14 instability in my neighborhood.
15 I also want to mention that I have a short-term
16 rental, renter, rental in Washington D.C. on Capitol Hill.
17 This is a slippery slope. It is a very, very slippery
18 slope. My rental there is limited to ninety days per year.
19 I live four blocks from the Capitol. My lost revenue is in
20 the five figures. And I think that if we begin to accept
21 this restriction, there will be another one and another one.

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1 (Applause.)
2 And I want to make specific reference to the local
3 representation. Does everyone have an, does everyone have
4 an iPhone? Okay. Our house in D.C. is three and a half
5 hours away. I've had plumbing backups. I have had, okay,
6 you name it, we've all had it, right? I have never not been
7 able to manage that problem from where I am. I am a phone
8 call away. I believe that this is a veiled proposal to
9 eliminate national companies like VRBO and AirBnB. And this
10 is a bad thing for Ocean City. We've had visitors from as
11 far away as Wisconsin and Kentucky, who literally, if you
12 can believe this, East Coast people, have never heard of
13 Ocean City, Maryland. And now they have. And they're
14 telling their friends and their friends. And the only way
15 they figured that out was through VRBO. So, let's not
16 discourage that, please. And if you choose to keep the
17 wording about the local representative, it is so vague, and,
18 like, does it mean I have to, like, sometimes, I mean, I
19 live here but what if I, like, I don't know, go to Easton
20 for the day, do I get penalized because, like, I can't go
21 out to dinner in Easton? Because then I won't be within an

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1 hour, like, what does it mean to be, like, local? So, that
2 needs to be far more clarified.
3 And I thought I was going to be brief, but, sorry,
4 the bottom line is, I live in, I'm a Navy veteran, I've
5 lived in nine states. This is hopefully my home for good.
6 But, geez, folks, if you keep going in this direction, I
7 will really consider that tenth state. Thanks.
8 (Applause.)
9 MR. PHILLIPS: Steven Lasik.
10 (Mr. Lasik was duly sworn.)
11 MS. HOWARTH: Name and address.
12 STEVEN LASIK: Steven Lasik, 8701 Atlantic Avenue,
13 Unit 307. Yeah, just like everybody else, a laundry list of
14 stuff to say but it's kind of echoing what most of the
15 people have said. I think the biggest problem that I see
16 with trying to help or trying to assess some of the things
17 you guys are trying to do is, figuring out what the cause
18 is. Or the stated goal is. What's causing us to talk about
19 this and what are we trying to resolve? You know, with
20 regards to occupancy, Ocean City already has what seems to
21 be a very logical way of calculating how many people you can

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1 have in a unit. The size of the unit seems to be the
2 smartest way to decide that. Arbitrarily changing it to an
3 age restriction where you're going to have to, the only way
4 I see being able to enforce this is by asking people, which
5 is far more intrusive than, say, requiring a rental agent to
6 have some sort of requirement or just enabling people to
7 stay based on the occupancy. Which you could set, again,
8 based off of something as simple as the rental license.
9 When people get their rental license, why not have an
10 occupancy for that designated property? Very easy for
11 anybody going to check the property, whether it's the police
12 or a neighbor, to see if the correct number of people, or
13 even a reasonable number of people is on site.
14 With regards to, you know, three calls being, you
15 know, a qualifying factor, the only reason I know that the
16 rules that we have around the R-1 is because I own a rental
17 company in town and we've had an issue with one of our R-1
18 properties. You guys actually have a very good set of rules
19 in place if it's actually enforced. You send a letter to
20 the homeowner. My owner got a letter and immediately let us
21 know. We took action. Everybody that's here that has a

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1 property is not the reason you're setting these rules up.
2 You're setting these rules up easily for the ones that
3 aren't paying attention to that stuff and don't really care
4 or don't respond when there are issues. Why not just
5 enforce the rules you already have in place and actually
6 take action on them? I don't know the number of hearings
7 that have taken place or the number of R-1 rental licenses
8 that have even been restricted, but in the current code I'm
9 pretty sure it gives you guys, or it gives someone the
10 ability to do that. I don't know who that individual is,
11 whether it's the city manager, but it's written in there,
12 that you have the power right now to take rental licenses
13 from R-1 owners if there's issues.
14 You know, the other thing regarding, just the
15 number of complaints, 82 complaints in three and a half
16 years and only six ordinance violations. So, like, again,
17 you have an ordinance that requires people to follow it but
18 you don't actually enforce that right now. So, again, it
19 just seems like you're trying to make rules for something
20 that you don't know the game yet. And it just seems very
21 arbitrary.

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1 The specific rule around the number of rental
2 nights, it just, you're basically picking a number out of a
3 hat. The data shows that it's under four nights nationally,
4 like, why not pick something that's actually backed by some
5 sort of data or logic rather than what it sounds like is
6 maybe a loud neighbor getting in the Council's ear about an
7 issue in a neighborhood? I mean, the fact that, the
8 gentleman here said that there's been a certain number of
9 calls but that it, that list doesn't actually list the
10 number of times the police have been called, arrived at the
11 property and not found an issue, like, would that call be
12 against the property owner under this current rule, but then
13 the cops show up and there's no real issue? So, if
14 anything, that speaks to the fact that there isn't an issue
15 in the R-1 communities, if they're getting phone calls from
16 people who maybe don't like the number of turnovers, but
17 then the cops show up and there's not a problem.
18 I just think that we should be very, very, very
19 cautious about government overreach into private citizen's
20 properties. They have spent their hard-earned money on
21 places, and now we're going to come in arbitrarily and say

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1 this is what you can and cannot do based on what maybe one
2 or two homeowners are pushing for? It seems a little
3 backwards. And, you know, I think there's a lack of
4 clarity, a lack of understanding with why and, you know, if
5 anything, if we're going to make rules we should base it
6 based on some data so that at least people in the community
7 understand what you're trying to do. Because it seems to
8 me, like, the legality of it is highly questionable. And
9 that's all I have to say.
10 (Applause.)
11 MR. PHILLIPS: I promise I'm doing my best with
12 some of these last names. Gordon Kretser.
13 GORDON KRETSER: You got it perfectly actually.
14 (Mr. Kretser was duly sworn.)
15 MS. HOWARTH: Name and address.
16 GORDON KRETSER: Gordon Kretser, 1529 Teal Drive.
17 I live there with my wife and two young daughters. About to
18 turn one and about to turn three next week, so it's pretty
19 exciting. So, yeah, we have lived in Mallard Island, Teal
20 Drive, for about six years now. I moved from Diamond Beach
21 on 39th Street sitting on the ocean in a condo to that

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1 neighborhood because it was R-1. You know, because my wife
2 and I wanted to raise a family, and currently that's what
3 we're trying to do. And it is in my opinion that it's
4 becoming harder and harder to do with short-term rentals in
5 our neighborhood. It's funny, because I also oppose these
6 restrictions, but because I think that they're much, much,
7 much too lenient. It actually legitimizes R-1 rentals,
8 short-term, where if you really look at the code, from a
9 legality standpoint, it really shouldn't exist anyhow. Why?
10 Because it's commercial operations, there's more than four
11 unrelated individuals in that property most of the time.
12 So, really, if you think about it, like, allowing five-day
13 to be in code rolls out the red carpet for more short-term
14 rentals. You look at AirBnB as a whole or VRBO, it's a wave
15 and a lot of people sitting in this room have taken that
16 opportunity to capitalize on it, and really that's what
17 we're talking about here, is, you know, my wife and I own a
18 house that we're trying to live in and we're trying to raise
19 a family in a community. We don't own two, three, four or
20 five houses and complaining about not being able to pay our
21 bills because of some regulation. How about just own a

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1 house and try to make the best of it? That's what we're
2 trying to do. And I, again, I may actually agree with you
3 guys more than I thought when I entered this room, because
4 really you're doing my work, which is you're not going to
5 legitimize the short-term rentals in R-1. I have letters
6 that I'm going to submit from all the residents that I
7 canvassed over the weekend. It was over the last couple
8 days but everybody is motivated, everybody feels the same
9 way I do, that any allowances for short-term rentals should
10 be off the table in an R-1.
11 I want to reiterate, the Ocean City comprehensive
12 plan calls to protect the same sanctity of our R-1 and MH
13 zones. So that's the, that's the motto. That's what you
14 live by. That's what we're trying to protect, some families
15 that still exist and they're still trying to raise some kids
16 that maybe will turn over, my, my wife, her grandfather was
17 Fish Powell. And, you know, one of the few people that were
18 born and raised, Susie Powell Winsloff, Sarah Powell Kretser
19 now, and my daughters, and I hope, and I love this
20 community, and I, I want to see the R-1s protected as much
21 as humanly possible.

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1 The question that keeps coming up is, what is the
2 goal here with these restrictions? That is it, in itself.
3 We are trying to protect the sanctity of R-1s. Without that
4 motto the next neighbor and the next neighbor and the next
5 neighbor will be short-term rentals. That is where the
6 money is and where it goes, you know. So, six years ago we
7 bought, last year our neighbors across the alley sold to an
8 unknown third party that hosts a new family or a group or a
9 party, if not every three or four or five days, definitely
10 every week. So, five days, that sounds like a great deal
11 for you guys, I really do, so, I, uh, that's all I have.
12 Thank you for your time.
13 (Applause.)
14 MR. PHILLIPS: Chris Menzel.
15 (Mr. Menzel was duly sworn.)
16 MS. HOWARTH: Name and address.
17 CHRIS MENZEL: Chris Menzel, 105 144th Street,
18 Ocean City, Maryland. So, my name is Chris Menzel. I live
19 here with my wife, my soon-to-be-born child, my wife is two
20 centimeters dilated right now. So, I'm lucky that I'm even
21 here. Then I also have a 22-month-old son, so my life is

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1 going to be very interesting with two under two for a little
2 bit. But I also own a short-term rental agency here. We
3 manage over 100 homes in the area. And, you know, I'm not
4 going to sit up here and waste your guys' time any longer.
5 I think, or I hope I'm the last one up here, but I 100
6 percent disagree with the changes. I think it's an
7 overreach and an overstep by the government. Also, as a
8 former resident of Little Salisbury and a new resident of
9 the Caine Woods area, the last thing that I want to do after
10 I've spent all day, what seems like 24/7 a day in the
11 summertime managing, you know, tourism, I don't want to come
12 home to loud guests that are being disruptive. You know,
13 that being said, I think the local agent is a good idea.
14 Obviously, I would favor that being a local agent. But, you
15 know, the only reason that I do agree with that is, because
16 I think it is in certain circumstances hard to get to your
17 property when there are altercations happening. Do I think
18 that from a legal standpoint that you should have to do
19 that? No, I don't. Again, I think that's an overreach of
20 the government. And I think that you are more than capable
21 of managing most aspects of the rental experience. But, you

1 know, again, I think that having someone here locally who
2 can respond 24/7, get there and stop the problem that's
3 going on, if it's actually going on, is important.
4 One of the things that we do, and I'm not trying
5 to, you know, add cost to anyone's lives is, we have decibel
6 and occupancy monitors in a handful of our units. They do
7 not record people and you do have to disclose that that is
8 in the unit, you know, similar to a smoke detector on the
9 wall. And it reads levels and occupancy. And that way if
10 someone calls, a neighbor that might not want something
11 going on at a property, maybe they just don't want it to be
12 a rental next to them, and they call and report something
13 that's false, you can go back to this decibel monitor and
14 say no, this was active at that time and these were the
15 decibels coming from that home. And I think that that
16 would, you know, kind of CYA and you would have something to
17 show that there was nothing going on at the property.
18 But, anyway, that's all I have to say, and thank
19 you very much for letting us come up here and talk.
20 (Applause.)
21 MR. PHILLIPS: Jim Mulligan.



1 (Mr. Mulligan was duly sworn.)
2 MS. HOWARTH: Name and address.
3 JIM MULLIGAN: Jim Mulligan. I'm at 500 South
4 Surf Road. I'm here just to speak against the proposal, but
5 thank you all for being here, I appreciate your time. So,
6 my wife and I, we're owner-occupied, and we had this vision
7 that part of our retirement strategy was that we could get
8 away for a long weekend and rent our place out for a long
9 weekend. And this would curb that ability to do that.
10 Although we probably would just do it illegally and just
11 hope our neighbors lie for us.
12 I mean, that's primarily it. Secondarily is that
13 we're on 100 South Surf, which is 136th Street, so as you
14 come up you turn left at Five Guys and you look to the left,
15 all of those units are in the R-2A zone, I guess, Caine
16 Woods has this R-2A zone, so none of those, it wouldn't
17 apply to anyone there abutting the MH zone. So, you'd have
18 this pot of gold running up 136th where the investors can
19 buy those up and not mine.
20 So, when I come out the front door I look across
21 the street and all of those houses are not in the same zone



1 that I'm in. So they could all have daily rentals, but I
2 couldn't. So that's a little bit unjust. If I look out the
3 other door, I look up the street and all of them can have it
4 as well. If I look over to my right, I've got one AirBnb,
5 known AirBnb, and they have short-term rentals and they
6 haven't been an impact to us at all. I could see where
7 there could be problems, but I would rely on enforcement,
8 you know, enforce the codes that you have existing. So, if
9 you have occupancy for --
10 (Applause.)
11 -- if you have occupancy for homes or any other,
12 you know, dwelling place, it should apply to the rental
13 property. And if you violate that, then you should be
14 subject to enforcement. The same with noise. It should
15 just apply. The rental license should be pretty slim, you
16 know, you want to rent, you rent. If you don't comply with
17 the ordinances, then you can lose your rental license, and
18 that goes back to enforcement as well.
19 So, that's it. Thank you very much for your time.
20 (Applause.)
21 MR. PHILLIPS: Chris Mitchell.



1 (Mr. Mitchell was duly sworn.)
2 MS. HOWARTH: Name and address.
3 CHRIS MITCHELL: Chris Mitchell, 5200 Coastal
4 Highway, 5001 Atlantic Avenue. I'm here to voice my
5 opposition to the proposed changes to the rental
6 restrictions. Many of you may recall, about ten years ago
7 we were having similar discussions about an R-1A zone being
8 amended in Ocean City that would restrict all short-term
9 rentals in certain zones. And we came up, working with
10 Council, working with members of the community, working with
11 Coastal Association of Realtors, the current plan that we
12 have in place for these communities, which I feel has been
13 highly effective since it's been implemented. You know, the
14 current requirements for the related parties and the
15 registration document for all R-1 zoned rentals, I think is
16 key to enforcement, both at the local standpoint, be it the
17 individual property owner or the agency, because we get a
18 list in advance of who's going to be in the property, we can
19 vet it, we can see, insure that it is related parties if
20 it's a family rental. I can't tell you how many times, you
21 know, we have seen the opposite and we've been able to take

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1 action well before the guests were to arrive and get the
2 right guest in there. So, making changes, I think, is a
3 step in the wrong direction. I think we have an effective
4 plan in place. I think it's been very effective over the
5 last ten years. In fact, surprised we're here. We've had
6 very little issues as we've seen with the statistics here.
7 I think the current plan when enforced gives us all the
8 ammunition we need as locals, as property management, as
9 town officials, to enforce, good neighbors, good rentals,
10 and good situations in these neighborhoods. And moving in a
11 different direction, I think, is a bad decision for the
12 company, I mean for the town.
13 And really what we come down to is, we talk about
14 length of stay, as everyone's already alluded, we're seeing
15 that diminish year over year. When I first started in this
16 business 32 years ago, it was all seven-night rentals,
17 Saturday to Saturday worked primarily, and we saw changes in
18 that time, and now we're down to three night, four-night
19 stays when we're lucky and that's the norm. And it's
20 because, you know, people can't vacation like they used to.
21 Taking a full week isn't on the table for a lot of families

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1 who still want to enjoy Ocean City, but they want to come
2 for four nights, they want to come for three nights. And
3 many of these multigenerational families want to stay in a
4 single-family home under one roof as opposed to multiple
5 condos scattered amongst a building on different floors, so
6 that togetherness can't be had necessarily in a condo
7 situation like it can in a single-family home.
8 And another thing, you know, just to point out
9 some of the obvious things we said, you know, Ocean City
10 I've always said is a second home environment, not
11 necessarily an investment home environment. Many of the
12 people buy in Ocean City to use that property for their
13 families to drive, it's a drive-to destination, they drive
14 to Ocean City for the weekend. They supplement their
15 income. By making these restrictions it's going to change
16 the dynamic. And it's going to change, you know, who is
17 going to invest in Ocean City for that second home, that
18 retirement, their income, their livelihood, their family
19 experiences.
20 So I'm, again, in opposition to any of the
21 changes, particularly the length of stay. I think the

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1 current regulations we have are strong and sound, and if we
2 enforce those, you know, we'll continue to have limited
3 issues like we've seen since they were implemented.
4 That's it. Thank you.
5 (Applause.)
6 MR. PHILLIPS: Lauren Bunting.
7 (Ms. Bunting was duly sworn.)
8 MS. HOWARTH: Name and address.
9 LAUREN BUNTING: Lauren Bunting, 1545 Teal Drive,
10 Ocean City. This one is a, this is kind of a tough, like, I
11 can't quite know which hat to put on tonight, because I am
12 the president of the local realtors association this year,
13 but I grew up in Ocean City and I've lived here since I was
14 five. Started in English Towers and moved to Edgewater
15 Avenue and have lived here and was fortunate to raise my
16 family here on Teal Drive. And have seen the changes, like,
17 no one can deny the character of our communities are
18 changing. But it's really just kind of demographics and,
19 you know, younger families being priced out of being able to
20 live in town, truthfully.
21 And, you know, what the hard part is, I've watched

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1 our neighborhood slowly change as we have more second
2 homeowners come in, and, you know, I wish all of my
3 neighbors were year-round sometimes but that's not the case.
4 And that's, it's not part of living in Ocean City and, you
5 know, I'm okay with that. I guess what I'm saying is, I
6 grew up working a beach stand, making cotton candy on the
7 boardwalk, making tee shirts, like, Ocean City is a tourist
8 town. And I understand that, you know, we're going to have
9 investors that want to buy here. I've been able to make a
10 living off of selling the town that I, you know, selling
11 condos and homes in the town that I love.
12 So, I feel like there just has to be, I'm glad
13 that there is this discussion. I'm thankful that you guys
14 invited us all here to talk about this, because there should
15 be some middle ground that we can all, you know, try to work
16 towards. For me specifically, like, where my house is, on
17 one side I have a short-term rental and a very good
18 relationship with that owner. And on the other side of me I
19 have a year-round rental, that recently the town code
20 officer came by to let us know how many people would be
21 allowed to be in that home. It's a three-bedroom home. On

1 the smaller side, probably under 2,000 square feet, I'm not
2 exactly sure. But they were told they could have 19 people
3 live in the home. So, you know, sometimes I'm like which is
4 better, should I, you know, do I want the short-term because
5 they'll be here for three or five or seven days or, you
6 know, do I want the long-term that all of a sudden, you
7 know, I used to have a nice family that I knew and now
8 there's many, many, people in the house, we can't even get a
9 count on how many people. And we don't know our neighbors
10 again. You know, and I want to know my neighbors. I want
11 to meet them.
12 So, I just, I thank you for taking into
13 consideration the comments from our year-round residents,
14 you know, I think it's important. But, again, we live in a
15 resort town. We all make our livings off the resort town,
16 and a town that I think we are all proud of. So, I hope we
17 can find a good middle ground. Thank you.
18 (Applause.)
19 MR. PHILLIPS: We have two folks left.
20 Valerie Glover.
21 Valerie?



1 (No response.)
2 MR. PHILLIPS: And Pam Buckley.
3 PAM BUCKLEY: I am the last one.
4 Okay. Well, I for one, know exactly what you're
5 going through, so. Just a little history here, I've lived
6 in Ocean City since 1974. My husband and I bought our house
7 in Little Salisbury in 1980 where we could raise three
8 children. I've been a broker since 1981, a rental
9 management agent for 16 years, and I've also been appraising
10 real estate here for 38. I go up and down the beach from
11 Lewes to Pocomoke, Somerset County even. I also do not like
12 this new code. I think that it makes no sense for the R-1
13 or the MH1 district. This is not what the goal was. I
14 spent 34 years sitting up there where Joe is sitting right
15 now, trying to maintain the integrity of the R-1 district.
16 To such a point we've changed zoning codes throughout the
17 town from R-2 to R-2A, we've done that in a couple of places
18 in North Ocean City on the, in the Caine Woods area where it
19 was an R-2 zone. Then we've got R-3, which is an R-2A which
20 is somewhere between R-1 and R-2. We did it back in Heron
21 Harbor Isle, we've got some R-2A back there. And our R-1



1 districts account for less than three percent of the Ocean
2 City area. Three percent.
3 It is the responsibility of our town and this
4 board up here that will make a recommendation to the Mayor
5 and Council, I know we've got several Council members here,
6 and they are ultimately the ones that have to make this
7 decision. In 34 years I've not necessarily agreed with
8 Council's decisions, but I always respected their decisions,
9 in which I will do so again.
10 That being said, Worcester County defines a
11 short-term rental as anything less than four months and a
12 day. Ocean City has always, in my 16 years of rental
13 experience, I did, I rented all types of property up and
14 down the Ocean City area and managed a company of about 280
15 some units. Kids were always the issue during June week,
16 which is understandable, but we have places to put them.
17 But you know what? We never had the issue in the R-1
18 district. Because people lived there. That being said, the
19 market does drive the length of stay, I agree with that, I
20 am a member of the Coastal Association of Realtors. And
21 they have no place in an R-1 district in my opinion.



1 The terms should be, I think it should be over
2 four months and a day. I think they should be seasonal
3 rentals or year-round rentals. I know there's a few people
4 in our community I've got letters from that want a 30-day
5 period as the minimum. We have 97 percent of the rest of
6 the town which can be rental properties and make money on
7 them. As a real estate appraiser, I'm having, I don't know
8 how many lenders we have in the room, but I hope you're not
9 counting for income on an Airbnb on a 1007 form, because
10 that is for a year-round or a, a year-round term rental. It
11 is not for AirBnb or VRBO's or anything else. Those are
12 considered business entities. And as a certified general
13 real estate appraiser, that's what you have to have to do
14 one. You can't just have a real estate, a general real
15 estate person do an appraisal on AirBnb properties.
16 The lenders are catching on because there's been
17 more and more research and data on this as they expand
18 throughout the towns and cities throughout the country.
19 The one gentleman that spoke up, and, Dennis, I
20 know he raised his three children, I raised my three
21 children. And my children love Ocean City so much that they

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1 won't go away. They have all lived here. They lived on
2 West Biscayne Drive for their entire lives. And the idea of
3 a family and raising a family is what this town should also
4 be about. We are a resort town, and I understand that.
5 That's why we have 97 percent of the town that's commercial
6 and hotel/motels. And high density residential properties.
7 That's why we have multiunit buildings. Because it is a
8 resort. That's why we have all types of community amenities
9 and, you know, golf courses and different things. As a
10 commissioner we always, and I, and we -- I went through, I
11 think, six or seven of the comprehensive plans for the Town
12 of Ocean City and every one of them said to support the R-1
13 district and the ability for someone to actually live here
14 and raise a family. Either that or you're going to have to
15 start getting your commission and your council members
16 outside of Ocean City. I would love to see, since there is
17 a shortage of rentals, I would love to see more
18 single-family homes going to year-round. Then we've got a
19 place for people to live, that maybe can afford to live here
20 and work in Ocean City and contribute to our community and
21 our business entities. And they, too, maybe they can't

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1 afford the home, I bought my house in 1980, it was $55,000.
2 I think Zillow told me the other day it was worth 850. I'm
3 like, okay, uh-huh, everybody should look at Zillow for
4 sure.
5 But the thing is, is that I didn't have to worry
6 about there being a strange person coming in next door or
7 across the street. I didn't have to worry about my children
8 going out on the sidewalk and riding their bicycle or
9 skating. I didn't have to concern myself that there was a
10 predator coming in, and don't tell me that it hasn't
11 happened yet so we shouldn't worry about it, that's not what
12 this is about. This is where you have to plan ahead for
13 this.
14 And I've got some short-term rentals on my street
15 and around the corner and I have had absolutely no issue
16 with them whatsoever. None. I don't. I disagree with, I
17 do disagree -- but I still don't think they should be where
18 they are. I think that we, as a citizen of the Town of
19 Ocean City I have rights, too. I deserve to come home at
20 night, take my children for a walk, and not worry about
21 someone coming down the street that I don't know. I, too,

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1 like to know my neighbors. My three children have lived
2 here, they loved Ocean City so much, they've gone to school,
3 they've travelled worldwide, all three of them, and they all
4 three are now productive citizens contributing to their
5 community in Worcester County, and I'm very proud of them.
6 But that couldn't have happened, they couldn't have had --
7 the thing that Ocean City gives a family, it gives them the
8 integrity to be someone, to be a small business owner, to
9 have that type of freedom. You don't have that in most
10 towns. Having three children that have travelled from
11 Cambodia to Iceland, to wherever Amanda went, Ghana,
12 somewhere, they come back here and they go, you know what,
13 Ocean City is such a, such a wonderful town. And they want
14 to live here. They can't afford Ocean City, but they do
15 live in surrounding communities, my son does live in Ocean
16 City, he's in a condo. But he, too, wants a home when he's
17 raising his children. And that's what I think this should
18 be about. It shouldn't be about number of days and rentals
19 and who's going to, I mean, it certainly should be about the
20 enforcement and that sort of thing. I remember when people
21 wanted to build on that Coastal Highway area between the

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1 church and the, what is that, Exxon station, and they wanted
2 all that to turn into commercial space. Well, it backs up
3 to single-family homes. Even the Council, we took, or we
4 took churches out of R-1 because we didn't feel that it gave
5 them the opportunity to expand as they would need to. The
6 Greek church, and then the Council put it back in, and now
7 they've since taken it out again, because they found that to
8 be the case. You can't expand something in an R-1 because
9 you can't go any direction. We're having that problem with
10 the bank, the Calvin B. Bank that's being sold. It can only
11 be a bank, you know, they can't go back in there and make it
12 something it's not because it's R-1.
13 So, there's so many things, and I will leave you
14 with this, and let me make sure I... there is a fine line on
15 this decision. And it's going to be a very, very tough one.
16 And I understand that. I just would like for people to
17 understand that any short-term activity that's done through
18 a major company is considered business, and that is not
19 allowed in R-1. And that Worcester County assesses taxes on
20 short-term and long-term rentals, and long-terms are over
21 four months and a day.

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1 I would like for you to put those in your thinking
2 caps, and I don't wish, I'm kind of glad I'm not up there
3 right now, but the, it's very important that we maintain a
4 single-family district so that we can continue to produce
5 people and children and the people from those children that
6 want to be here and want to support this town as well. If
7 you don't have people that want to support, be on
8 commissions and if you don't live here, you can't do that.
9 You can't do that. You can't do that in second home owners
10 either. I love them dearly. Most of my work comes from
11 second home property owners. But at the same time, I love
12 my neighborhood. I love the fact that my children love to
13 live here and love to grow up here.
14 And thank you for your time. I know it's been a
15 long night, but I appreciate you. And I appreciate the
16 staff, thank you so much. And I appreciate all the people,
17 even though we disagree, I do, I do oppose this amendment
18 for you.
19 (Applause.)
20 MR. PHILLIPS: That's it.
21 CHAIRMAN WILSON: Anyone else?

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1 MR. PHILLIPS: No, that's it.
2 CHAIRMAN WILSON: Did everyone get a chance to
3 speak that wanted to speak?
4 Come on up.
5 (Mr. Kotwica was duly sworn.)
6 MS. HOWARTH: Name and address.
7 SHAWN KOTWICA: Shawn Kotwica, 12654 Whisper
8 Trace.
9 My only statement is pretty clear, when you say in
10 your own statements here, I'm not sure if it's the whether
11 or it's the length of stay, when you already are saying to
12 permit three-day stays in the off season, that's saying you
13 should permit three-day stays in an R-1 community versus a
14 five-day stay, so right there you're already laying the path
15 to say it's reasonable to have three-night minimums rather
16 than five-night minimums. That's it.
17 (Applause.)
18 CHAIRMAN WILSON: Was there anybody else that
19 wished to speak before we -- go ahead.
20 (Ms. Schriber was duly sworn.)
21 MS. HOWARTH: Name and address.

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1 CASSIE SCHRIBER: Cassie Schriber. I'm at 307
2 Fifth Street. I just had one, one thing that keeps popping
3 up, it seems like we're laying a roll-over to everybody over
4 a few problem issues or a problem house or, and I hear
5 everybody, like, I live on Fifth Street. And I have a
6 five-year-old and soon to be seven-year-old, and we have
7 considered not living here all the time because of some of
8 the issues that people are talking about. We're the
9 previous owners of the Atlantic House Bed and Breakfast, so
10 we've lived with renters in our house among us. And I
11 understand having people in your home that you don't know.
12 And I do, I hear both sides, and I think that Ms. Bunting
13 did a really good job of bringing people together.
14 I have one question, whenever they were talking
15 about the occupancy and they were saying two people per
16 bedroom, what about the bedrooms that have more than one
17 bed? Does that change that occupancy? Because we have,
18 like, very large bedrooms in a historic home, where there's
19 two queens in a bedroom, so does that now make it four or
20 not? So, I did have that question.
21 But, yeah, I just wanted to say that I live here,

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1 too. I do love this community. And I have had some safety
2 concerns myself, some that had to do with rentals and others
3 that did not have to do with rentals. And I hope that we
4 can talk about some of those other issues at another time.
5 (Applause.)
6 CHAIRMAN WILSON: Anyone else that would like to
7 make comment?
8 Okay. Seeing none, I will entertain a motion to
9 close the public hearing.
10 MS. ROBERTSON: Move to close.
11 CHAIRMAN WILSON: Motion from Pam.
12 Second from Janet.
13 All those in favor?
14 (Answers in the affirmative.)
15 CHAIRMAN WILSON: Very good.
16 From here we will have a brief discussion, and I
17 know we've absorbed quite a bit of information tonight. I
18 don't know if we want to make a recommendation or take time
19 to process this and make a recommendation following the next
20 meeting.
21 MR. GILLIS: You got notes.

1 CHAIRMAN WILSON: Go ahead. Do you want to just
2 run down the, we'll run down the line --
3 MR. GILLIS: I'll go.
4 CHAIRMAN WILSON: -- with some feedback and
5 then...
6 MS. ROBERTSON: Go ahead.
7 MR. GILLIS: I'll go.
8 So, first of all, thanks to everybody for coming
9 out tonight. You've really had an impact on my thought
10 process on this. And I'm happy, it's music to my ears to
11 hear some of the residents of Caine Woods and Little
12 Salisbury, specifically Caine Woods, understand that the
13 townhouse projects will become, will become more of a
14 detriment to your neighborhood than some of these rentals,
15 short-term rental things.
16 However, so I'm thankful that you all are
17 recognizing that and maybe you'll see it as it grows as a
18 problem. We have two things in our comprehensive plan that
19 we create and the Mayor and City Council approve and agree
20 to. One is, park where you reside. So, when you're renting
21 properties, it's imperative that you have parking that



1 supports the number of occupants that is in that. So, when
2 I hear about a single-family home that can create occupancy
3 for 19 people, the first question I have to ask on that is,
4 where are they parking? And when they don't have adequate
5 parking, they're going to overflow and negatively impact the
6 neighborhood. So, parking is a big deal for me. So,
7 occupancy, that's something we need to discuss.
8 In the comprehensive plan, and I think Janet will
9 probably read more specifically maybe, some of the excerpts
10 from the goals of the comprehensive plan, and these are
11 long-term ten-year plans, is that we are, we have an
12 obligation to protect our neighborhoods. And I take that
13 probably as seriously as anybody in this community, because
14 I've seen in other communities how erosion of neighborhoods
15 negatively impacts a community because it prevents people
16 from, it discourages people from living here year-round, and
17 the residents and the people, specifically year-round
18 residents, are ones that are the glue that bind a community.
19 So, it's important that we do something to make
20 sure that we have an enclave. Three percent is not a big
21 deal of this community holistically. So we have an



1 obligation to protect the existing neighborhoods. In an R-1
2 zone you're not allowed to have a mechanics garage. In an
3 R-1 zone you're not allowed to have a hair salon. In an R-1
4 zone you're not allowed to have a real estate broker
5 license. Rentals are a business. And I guess that would
6 apply to rentals as a business as it would a garage, a
7 mechanic's garage, or a hair salon, or something like that.
8 So, I have some issues with commingling businesses with
9 single-family, with an R-1 zoning.
10 I don't know how, the ability to enforce these
11 lengths of stay. Because there's always a way around it,
12 and I think some of the folks have actually mentioned ways
13 around it. Where you can rent it for, you can sign a
14 five-year, or a five-day rental and only, you just stay
15 there for three days and have the same dollar amount. So,
16 it's going to be kind of hard to enforce that. I do believe
17 that a local contact person, and I think some of the, there
18 needs to be, more definition on that is important.
19 Off-street parking is, again, I'm going to repeat
20 myself on parking. But parking has got to be a part of any
21 occupancy limits that you have on any type of rental



1 property. It's important that you have that. Because if
2 you don't, you're negatively impacting the other neighbors.
3 When you see the erosion of these residential zones, you see
4 erosion of property values. So, it may feel good to be able
5 to generate some income today, but in the long term it may
6 not necessarily be the best interest of the real estate
7 investor to have lots and lots and lots of transient people.
8 Because when you start doing that, people start leaving the
9 neighborhood. And when people start leaving the
10 neighborhood, then the property values go down.
11 So, I don't know what the answer is on this, and I
12 appreciate everybody's comments tonight, but you want to
13 preserve your property values, please let us have a
14 neighborhood in this community. And I don't think three
15 percent is asking too much. So that a family can raise a
16 family and be year-round residents and participate on the
17 planning and zoning board and the city council. And I'm
18 glad to see some of the city leadership here tonight to hear
19 some of these comments that we're getting, because this is
20 not completely fresh to us but it's relatively fresh to us.
21 We have letters, just so everybody knows, and we

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1 don't have anybody here tonight espousing this point of
2 view, but some of the letters we have want a 30-day minimum
3 stay in a single-family, in an R-1 and MH zone. So, while
4 we have a lot of people, which is typical, that are opposed
5 to what is being discussed tonight, there's a lot of people
6 that support what we're discussing tonight.
7 So, that being said, those are kind of my points
8 after listening to the great, great comments that we've
9 heard tonight. And I'm respectful of people's property and
10 their rights. And someone said, are we trying to solve a
11 problem that doesn't exist? And one of the concerns I have
12 here, and that made a big point to me, is, looking at the
13 crime, looking at the statistics that have been published,
14 albeit we can't compare it to the whole community, we're
15 only looking at R-1 and MH, we don't really seem to have a
16 high concentration of statistics to back up what we're
17 trying to protect. Again, we don't have a comparison to the
18 overall community, all we have are crime statistics and
19 complaint statistics based on the RH1 and the, I mean the
20 R-1 and the MH zones, that's all we have.
21 So, there's a little bit, we need a little bit,

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1 maybe more information on that. So that's kind of my
2 comments, and I appreciate your time.
3 CHAIRMAN WILSON: Pam.
4 MS. ROBERTSON: I think the only, my observation
5 from the totality of a lot of the regulations that are
6 already in place and enforcement with so many things and
7 being a complaint-based philosophy and things of that
8 nature, maybe staffing, in addition, I'm not sure whatever
9 other regulations that we may end up supporting or adopting,
10 but even the ones that are in place need to be addressed at
11 some point. That's a point I took away from it.
12 CHAIRMAN WILSON: Joel.
13 MR. BROUS: Really, I heard the testimony tonight,
14 I agree with a lot that was said about the minimum night
15 stay. It's a moving target, and I agree that that's
16 probably not the best thing to move forward. I am in favor
17 of more enforcement and some of the proposals in that. And
18 I'm still trying to find a way that, to determine rental
19 occupancy, I just, I don't like the way it's done now. I
20 don't love the proposal, but I like it, I'm hoping we can
21 find a way to tweak it. Like, Lauren's story about having

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1 19 people next door could have that, the current way we do
2 the occupancy does not work, and we just need to find a way,
3 I think, to nail that down. I'm not saying this is the
4 answer, but we need to try to find a better solution to
5 determining that.
6 CHAIRMAN WILSON: Very good.
7 Yes, we appreciate the feedback from everyone. It
8 resonated loud and clear with me. Just as someone who is 34
9 and has a two-year-old and has a second baby on the way
10 coming December 30th, I just would like to say that I think
11 this is an amazing community to raise a family in. I know
12 that some people think that it's difficult here, but this
13 is, as someone who was kind of on their own at a young age,
14 my parents both passed away when I was 22, I was very
15 fortunate because this community looked out for me. And I
16 really, I just have a fundamental disagreement that, you
17 know, the vacationers make this a bad place or you don't
18 want to deal with them, because I think that's a privilege.
19 Getting to know new people every week is, to me, a very
20 beautiful thing.
21 (Applause.)

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1 CHAIRMAN WILSON: And I say it's a privilege,
2 because living in Ocean City is not inexpensive. As someone
3 who is younger, I have a lot of friends that are fortunate
4 enough to live in town, but it's not a cheap proposition.
5 And there are a lot of families out there who would like to
6 live in Ocean City, I'll give you a perfect example, is Zach
7 Bankert with OCDC, he'd love to buy a house in an R-1
8 neighborhood but he can't afford it. If he had the
9 opportunity to rent it on a short-term basis, it would
10 create an opportunity for him to eventually move here full
11 time and be here closer to work during the off season.
12 So, truly, it is a privilege to live in this
13 community. It's a privilege to raise a family here. I
14 enjoy it every single day. I love it and I plan on never
15 leaving. So I just have a fundamental disagreement with
16 strange people being in the neighborhood, I just don't, I
17 just don't, it doesn't bother me, so.
18 MR. GILLIS: I'm moving next door to you then,
19 Joe.
20 CHAIRMAN WILSON: Perfect.
21 MS. HOUGH: We're tasked with a very difficult

1 recommendation to make and ultimately the Council's
2 decision. I don't know whether anyone that's voicing a lot
3 of opposition to this has read the comprehensive plan and
4 why it's so difficult for us with this task. Just two of
5 the, from our land use and community character section, in
6 our objectives it states, residential, maintain the
7 integrity of existing residential neighborhoods, to promote
8 long-term property ownership, and quality of life for
9 year-round resident populations. And the next bullet point
10 is, residential, to mitigate impacts to residential
11 neighborhoods from incompatible traffic and encroachment by
12 commercial activity, short-term property rentals, and excess
13 demand for street parking.
14 That's part of our comprehensive plan. So we are
15 tasked with meeting somewhere, probably meeting somewhere in
16 the middle because the horse is kind of already out of the
17 barn. I was a rental agent for 19 years. My husband owned
18 a real estate company in town. I worked with Chris Mitchell
19 for most of those 19 years. If we are going down the road
20 of trying to find some middle ground, I know things have
21 shifted where the three days, you know, the five days would



1 be difficult. I think occupancy is much more important,
2 that it goes to the quality of life, especially in a
3 single-family neighborhood where you have large homes, where
4 maybe having ten people in that home is not as much of a
5 challenge as having 19 people in that home. With everything
6 else that goes with that. Noise, traffic, parking. Losing
7 the ability of single-family homeowners to enjoy their
8 quality of life, so.
9 It's a tough decision, tough recommendation for us
10 to make.
11 CHAIRMAN WILSON: Any other comments?
12 If not, do we want to take some time to process
13 everything and deliberate at our next meeting? There's a
14 lot to take in?
15 Okay. Very good.
16 Thank you, everybody, so much for coming out, I
17 really appreciate your time.
18 (Applause.)
19 (End of meeting.)
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1 COURT REPORTER'S CERTIFICATE
2 I, Valerie M. Dawson, RMR, Court Reporter,
3 certify that I recorded verbatim by stenotype the
4 Proceedings in the above-entitled cause before the
5 Worcester County Planning & Zoning Commission, held
6 on the 19th day of November, 2024.
7 I further certify that to the best of my
8 knowledge and belief, the foregoing transcript
9 constitutes a true and correct transcript of the said
10 proceedings.
11 Given under my hand this 4th day of December,
12 2024, at Salisbury, Maryland.
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17
18 _____
19 Valerie M. Dawson, RMR
20 Court Reporter
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25