

**PLANNING AND ZONING COMMISSION  
MINUTES  
June 16, 2015**

**ATTENDEES:**

**Members**

Pam Buckley  
John Staley  
Lauren Taylor  
Peck Miller  
Joel Brous  
Chris Shanahan  
Palmer Gillis

**Staff**

Blaine Smith  
Kay Stroud  
Diana Chavis  
Will Esham

**I. SITE PLAN REVIEW – 6:50 PM**

Revised Site Plan to expand an existing arcade and miniature golf complex by allowing the addition of an 18-hole miniature golf course and a laser tag building. The site of the application is described as Lots 3 through 8 and 12 through 16, Block 45, Fenwick Plat, further described as located on the west side of Coastal Highway and the east side of Sinepuxent Avenue between 145th and 146th Streets and known locally as 107–146th Street, in the Town of Ocean City, Maryland.

**APPLICANT: GOLF VENTURES, LLC C/O NOLEN GRAVES  
(FILE #15-18100004)**

Blaine Smith, Administrator, explained to the audience attendees the purpose for bringing this application back after initial site plan review on June 2, 2015. Nolen Graves produced the color rendering exhibits and explained that he had decided not to utilize a mural. The Planning Commission gave positive comments and then made this motion:

**MOTION/**Miller      **SECOND/**Taylor      Motion made to approve the final design review and voting was unanimous (7-0).

**II. PUBLIC HEARING – 7:00 PM**

To consider amending the Zoning Code, Article IV, Division 1, Sections 110-251-259 to create the R-1A Single Family Residential District; and to amend Section 110-2. Definitions. to create the following definition:

*Dwelling, single-family year round residence. A building designed for or occupied exclusively by one family for a period of not less than a twelve (12) month period.*

**APPLICANT: PLANNING & ZONING COMMISSION (FILE #15-14100003)**

Please go to [www.oceancitymd.gov](http://www.oceancitymd.gov) to access the full text of the proposed code amendments. Any inquiries please contact Blaine Smith, Zoning Administrator, at 410-289-8944 and

[bsmith@oceancitymd.gov](mailto:bsmith@oceancitymd.gov); or Kay Stroud, Zoning Analyst, at 410-289-8859  
and [kstroud@oceancitymd.gov](mailto:kstroud@oceancitymd.gov).

## **FULL TEXT OF PROPOSED CODE AMENDMENTS**

### **DIVISION 1. R-1A SINGLE-FAMILY RESIDENTIAL DISTRICT**

#### **Sec. 110-251. Purpose.**

The purpose of this district is to provide for established year round residents to maintain the integrity of family values, youth values, and the blessings of quiet seclusion and to make the area a sanctuary for people living in the neighborhood and to avoid the adverse effects of transient short-term rentals. This district is for single-family residential development, together with accessory uses as may be necessary or are normally compatible with residential surroundings.

#### **Sec. 110-252. Permitted uses.**

A building or land in the R-1A single-family residential district shall be used only for the following purposes:

- (1) Detached year round (12 months minimum) single-family dwellings. (Short-term rentals are prohibited within the R-1A district).
- (2) Essential services.

#### **Sec. 110-253. Uses permitted by special exception.**

The following uses are permitted by special exception in accordance with section 110-94:

- (1) Special parking exception in accordance with section 110-94(2).
- (2) Special yard exception in accordance with section 110-94(3).

#### **Sec. 110-254. Permitted accessory uses.**

The following accessory uses shall be permitted in the R-1A single-family residential district subject to the provisions of article V, division 2:

- (1) Private boat docks and boathouses subject to all other applicable governmental regulations.
- (2) Private parking garages, customary residential outbuildings, and other accessory uses normally associated with residential use, such as, but

**not limited to, domestic storage, swimming pools, game courts, home barbeque grills, and temporary canvas cabanas not used for sleeping or containing cooking facilities.**

- (3) Home occupation in accordance with section 110-908.**
- (4) Storage of a boat, boat trailer, or recreational vehicle, but none of these may be used for human occupancy.**
- (5) Accessory off-street parking spaces, which may only include one commercial vehicle of not more than one ton's capacity and used by the occupant of the dwelling to which the space is accessory.**
- (6) Temporary buildings, the use of which is incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision, and which shall be removed upon completion or abandonment of such construction or upon the expiration of a period of five years from the time of erection of such temporary buildings, whichever is sooner.**

**Sec. 110-255. Bulk regulations.**

**Bulk regulations are as follows except as otherwise provided in article V, division 2:**

- (1) Minimum lot area: 7,500 square feet.**
- (2) Minimum lot width: 60 feet.**
- (3) Minimum lot depth: 100 feet.**
- (4) Minimum depth of front yard: 20 feet.**
- (5) Minimum width of each side yard:**
  - a. Five feet, except as provided in subsections b. and c. below.**
  - b. If the width of the lot is more than 50 feet, the minimum total side yards shall be 15 feet with no side yard being less than five feet.**
- (6) Minimum depth of rear yard: 15 feet.**
- (7) Maximum building height:**
  - a. Principal building: Shall be no more than 35 feet, and shall be no more than three stories.**

- b. Accessory building: Shall be no more than 20 feet, and shall be no more than 1½ stories.**

**Sec. 110-256. Off-street parking spaces.**

**Off-street parking spaces shall be provided in accordance with the provisions contained in article V, division 3 of this chapter.**

**Sec. 110-257. Signs.**

**Signs shall be permitted and maintained in accordance with the provisions contained in section 110-259 of this chapter.**

**Sec. 110-258. Landscaping.**

**Landscape shall be provided in accordance with the provisions contained in section 110-259 of this chapter.**

**Sec. 110-259. Site plan.**

**Site plans are required for all uses in accordance with the provisions contained in article II, division 8 of this chapter.**

**Secs. 110-260 – 100-270. Reserved.**

Blaine Smith, Assistant Director and Zoning Administrator, introduced this application to create a new zoning district that would limit the ability to rent single-family dwellings for a term shorter than a year. This public hearing has resulted from several different discussions, meetings, and hearings to determine how to protect established, single-family neighborhoods and their unique character. Mr. Smith outlined this history, then summarized the proposed code amendments as included above this narrative.

Those who testified in favor of creating this district:

- 1) John Adkins – 8802 Caribbean Drive, Ocean City MD
- 2) John Wright – 1524 Teal Drive, Ocean City MD
- 3) Geoff Robbins – 1559 Teal Drive, Ocean City MD
- 4) Frank Knight – 1556 Teal Drive, Ocean City MD
- 5) Phil Houck – 1582 Teal Drive, Ocean City MD
- 6) Jeffrey Mathias – 1519 Teal Drive, Ocean City MD
- 7) Jerry Greenspan – 1521 Teal Drive, Ocean City MD
- 8) Robert Layton – 1552 Teal Drive, Ocean City MD
- 9) Patti Miller – 621 S. Pacific Avenue, Ocean City MD

Those who testified in opposition:

- 1) Joe Wilson – 322 Bayshore Drive, Ocean City MD
- 2) Laura Niewenhaus – 4705 Cummings Avenue, Prince Frederick MD (519 Harbor Drive)
- 3) John Medlin – 60<sup>th</sup> Street, Ocean City MD

- 4) Bernie Roach – 1403 St. Louis Avenue, Ocean City MD – also testifying on behalf of Glenn Slocum, 1513 Teal Drive (rental property owner)
- 5) Paul Freed – 34739 Pear Tree Road, Millsboro DE
- 6) Terry Miller – 9004 E. Biscayne Drive, Ocean City MD
- 7) Ellie Dieglemann – 106-120<sup>th</sup> Street, Ocean City MD

**MOTION/Taylor      SECOND/Miller**      Motion made to close the hearing for deliberations. After extensive deliberations, the following motion/second and vote was taken:

**MOTION/Taylor      SECOND/Gillis**      Motion to recommend forwarding the R-1A Single-Family Zoning District on to the Mayor and City Council. Vote was (5-2) with Chris Shanahan and John Staley voting in opposition.

**ADJOURNMENT – 9:15 PM**

John Staley      7/21/15  
**JOHN STALEY, SECRETARY      DATE**