



Mayor & Council of Berlin

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www.berlinmd.gov

**Town of Berlin
Planning Commission
August 10, 2022– 5:30 PM
Berlin Town Hall – Council Chambers**

- 1. Call to Order**
- 2. Agenda Adoption**
- 3. Approval of Minutes: May 11th, 2022**
- 4. Text Amendment – Short Term Rental Ordinance #2022-06**
- 5. Comments from the Public**
- 6. Comments from the Staff**
- 7. Comments from the Chairman**
- 8. Comments from the Commissioners**
- 9. Adjournment**

Any persons having questions about the above-referenced meeting or any persons needing special accommodations should contact Dave Engelhart at 410-641-4143. Written materials in alternate formats for persons with disabilities are made available upon request. TTY users dial 7-1-1 in the State of Maryland

Town of Berlin
Planning Commission
May 11th, 2022

Chairman Chris Denny called the Planning Commission Meeting for May 11th, 2022, to order at 5:35PM. Members present were Chris Denny, Newt Chandler, Austin Purnell, Pete Cosby and Ron Cascio. Members absent were Matt Stoehr and Phyllis Purnell. Staff Present were Planning Director Dave Engelhart and Permit Coordinator Carolyn Duffy.

Chairman Chris Denny called for a motion to adopt the agenda. Mr. Newt Chandler made the motion to approve the agenda for May 11th, 2022. Mr. Ron Cascio seconded the motion, and it was unanimously accepted by the Commission. Chairman Denny called for a motion to approve the minutes from the March 9th, 2022, meeting. Mr. Ron Cascio made the motion to approve the minutes from the March 9th, 2022, meeting. Mr. Austin Purnell seconded the motion, and it was unanimously accepted by the commission.

Chairman Chris Denny called Case # 3-9-22-02 Continuation for West View at Purnell Crossing for Site Plan Approval. Mr. Mark Cropper Attorney stated they had been before the Commission and were back to address the concerns they had at the last meeting. Mr. Steve Engel stated they had concerns about landscaping and wanted to see streetlights and parking. The revised plan provides 14 parking spaces around the cul de sac another four off the cul de sac we provided street trees and with talking to Mr. Tim Lawrence have added six streetlights. Mr. Ron Cascio asked where the trees were located. Mr. Engel replied on the landscape plan. Mr. Pete Cosby asked if the lights were the ones you see around town. Mr. Engel stated the lights will be installed by Mr. Lawrence. Mr. Engel showed a picture of the townhouses. Chairman Denny asked for an arch over the doors. Mr. Engel comment on the roof lines of the townhouses this would be the look throughout the project. Mr. Cascio asked were they proposing what they were looking at or is this just for elevations. He stated the pictures were not consistent with what was in the packet shown.

Mr. Engel stated the rooflines were different then what was shown on the rendering. Same with the façade some has stone some without Mr. Cascio stated. Mr. Cascio stated he liked the garage doors with the glass, but you have some without the glass. Mr. Engle said the covered walkways they can change from stone to brick. Mr. Cascio thought this was an improvement. But stated that the rendering showing the shutters didn't match the windows. Mr. Cascio stated all they received was the front elevations and that is not 50% of what the public sees. He stated you have buildings facing different ways backs and sides with no elevations. He stated he finds it hard to approve something and they don't know what it looks like. Mr. Cropper stated he had talked with Mr. Engelhart about this if you're in favor of the site plan they could submit the rear elevations for the back part of the buildings. Mr. Cropper stated the comments about the garage doors they can reflect that also when they submit. Mr. Pete Cosby asked about the tax ditch a easement in the rear of property. Who would own the tax ditch? Mr. Cropper stated it would be owned by the Homeowners Association. Mr. Engel stated the residents don't have to pay for the tax ditch and the ditch helps with the drainage, so every lot benefits from the ditch.

Discussion continued with what types of trees they would plant. Mr. Engel stated with the amount of room they had to work with and utilities they wanted a smaller tree like the Ginkgo that didn't need a lot of space. Mr. Austin Purnell asked if they could put trees in the location of lots 1 through 12. Mr. Engel replied the town does not allow trees in an easement. Mr. Cropper asked Mr. Cascio if he wanted to propose a tree. He replied a tree like the Willow, Swamp Oak something like this. Mr. Pete Cosby asked about the 20-foot setbacks. Mr. Cropper said it is on here. Mr. Cascio asked about the lights in a rear yard. Mr. Engel replied the town electric department put the lights on for them where they wanted lights to be.

Chairman Denny asked for comments from the public. Mrs. Patty Corsic 510 Sunlight Lane stated at the last meeting she attended you said you were going to buffer Purnell Crossing from the new development. Mr. Engel stated they could put trees in the location she showed them on the plans. Mrs. Corsic had one more comment about the speed on Route 346. She stated right before you get to Purnell Crossing the speed limit is 50mph than drops to 30 mph with the new homes you will have more children lot of residents concerned about the speed limit.

Chairman Chris Denny called for a motion. He stated without the rear elevation and mentioned the six trees at the entrance. Mr. Austin Purnell made the motion to approve the Site Plan. Mr. Ron Cascio seconded the motion, and it was unanimously accepted by the commission.

Planning Director Dave Engelhart wanted to have a discussion on the proposed Sport Complex. He wanted to hear the commission's thoughts on requirements. He stated he had conversations with different members of the commission many times. They don't have a design yet; we know there will be traffic impacts on Route 50 and including the Flower Street corridor. We know we will have water & sewer impacts. The lift station that serves the area is on Route 346 Old Ocean City Blvd. It's not aging like the others not in bad shape like the others but may need replacing eventually. When you think of this being a destination it will affect the way of life in Berlin. He stated he has heard from a lot of the public by email and phone calls. Chairman Chris Denny asked if they would have access to Route 50. Mr. Cascio said no one from the County has spoken to State Highway. He stated there would be no access from the complex onto Route 50 so the leaves everyone trying to go through Flower Street. Mr. Madison Bunting from Bishopville, Maryland, also a County Commissioner, stated the access would have to be off Flower Street unless the State changes it. They were denied access off Route 50. He commented on the appraisal from the old deed which was 104 acres give or take. But is really 95 acres. Mr. Chandler asked if this was the only location for the complex. Mr. Bunting stated they had about 25 sites throughout the county, but they were rejected. Then was narrowed down to three different sites one owner didn't respond the other was sold. So, the land in Berlin was the other site.

Mr. Cascio asked who rejected the other sites. Mr. Bunting replied all he heard was they wouldn't work in the southern end of the county. He said it had to be in the northern end of the county or it wouldn't work. Mr. Bunting stated it was narrowed down by Parks & Recreation Mr. Perlozzo. Mr. Vince Grisrel disclosed that there is 103.54 acres of land, but the county is stating 95.2 acres. Mr. Madison Bunting replied to his statement and said most deeds are wrong. He stated the highway was put in and they needed land for that. Mrs. Gina Velong Intrepid Lane

asked about the entrance going thru Briddell Town when this area has been designated to be a historic area. Mr. Engelhart stated the property that we are discussing the Harrison property does not lay in town limits neither does Briddell Town. Town limits ends right at Cannery Village at the creek. He stated that the Middle School and Stephen Decatur High School are in town. If we were to service anything else out there, there would need to be an annexation. Mr. Engelhart read a letter from Matt Stoehr his thoughts and concerns. He believed the town's tax base couldn't handle this and the citizens would be paying for this for years to come.

Mr. John Gehrig stated he had been pushing for this for years. He discussed the 180-day options that was voted on in the meeting at Stephen Decatur. He stated they are talking indoor and outdoor facilities. He stated there is an opportunity to bring this together and he also agreed that it was a lot of unanswered questions. But thought it was an opportunity to partner with Berlin and Ocean City. He asked how could they drive economic development when costs are rising. He said this was one thing he was passionate about. Mr. Vince Grisral said he read the attraction is for sports. He said if the facility was able to be used by the citizens it detracted from the destination of the tourism and the promoters that are attracted to the facility. He stated it may not be available to the students in the area. He stated we don't have the youth base for this. He thought everyone should read the studies that are out. Mr. Chip Bertino said the interest in this is only by the County. He stated no one reached out to Berlin, or Ocean City for conversation. He stated there is no agreement. He said he didn't want them to think that conversations had been going on with Ocean City there has been none. He stated this is in your back yard here in Berlin. But didn't want taxpayers' money being used for it. He stated only the County has standing with this project.

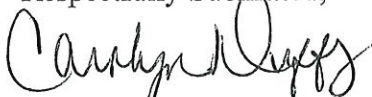
Chairman Chris Denny said twenty some years ago they were going to put a tech park across Route 50 and that didn't happen, and it still sits. He stated four golf courses have closed. Mr. Tony Weeg stated that Flower Street would be the most impacted and that they should keep their dream rolling somewhere else. Mr. Chip Bertino asked they share with the County commissioners. Mrs. Sharon Abbott said she was advocating for the southern end because they need it the most. She said there was land offered but never made it to the Commissioners. She said she had been told it will go here in Berlin and it had to go here. She said she didn't know if they got booking fees or what but look at the other parts of the County if you care about the County. Mr. Pete Cosby said we need a YMCA. He thought they should advocate for a YMCA make part of this a YMCA he said. Thought it should be used by local people. Mr. Cory Davis said get the answers first. Mr. Tony Weeg stated this is not being marketed for the local people. Mrs. Kate McCloskey thought they needed more questions answered. They have no access on Route 50, a bad location no sewer or water would have to be annexed. With the apartments on Seahawk Road and then onto Flower Street is the worst location. There are lots of other locations for this idea but against it being taxpayer funded. She stated they have private investors that want to take the risk with the project. She thought it was too risky to put on the backs of the taxpayers. Would love to see the town of Berlin and Ocean City work better together with the County. She said as a taxpayer it breaks her heart that they didn't come to the town with this. They should have got your opinion before they got a vote.

Mr. Vince Grisrel talked about trends and encouraged they commission to read the study. Mr. John Gehrig stated there is so much money in travel sports. The families that have money can travel it's like the have and the have nots. Mr. Chip Bertino this is on the taxpayers back if it goes through. Mr. John Gehrig it's like a puzzle we will dump all the pieces out and then put them back together. The town of Ocean City probably won't invest in something so far away they have a responsibility to the citizens of Ocean City. He stated they had gone to see a facility in Virginia with the County Administrator. He stated they need to keep an open mind. Mr. Bertino stated the only purse open is the taxpayers. Mr. Pete Cosby stated right now you have a six-month study period. Didn't think that was enough time. Mr. Gehrig said they have a bond for this project. Mr. Cosby trying to understand asked why would they have a bond on it. Chairman Denny stated he thought the Town owned all the way to Tractor Supply.

Mr. Vince Grisrel said he knew of only two ways to stop this the bond bill. To have a petition of referendum with signatures it states the law, and the voters have the say. The only other way is to have the Commissioners to go back and repeal it and that is always an option. More discussion on the appeal process. Planning Director Dave Engelhart thanked everyone for attending the meeting. Mr. Cascio recapped the issues concerning the sports complex.

Chairman Chris Denny called for a motion to adjourn. Mr. Newt Chandler made the motion to adjourn. Mr. Austin Purnell seconded the motion to adjourn.

Respectfully Submitted,


Carolyn Duffy

ORDINANCE 2022-06

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND, A MARYLAND MUNICIPAL CORPORATION, AMENDING CHAPTER 8, ARTICLE II, SECTION 8-30, CONCERNING REGULATIONS GOVERNING SHORT TERM RENTALS OF DWELLINGS LOCATED WITHIN THE TOWN OF BERLIN

BE IT ENACTED BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN THAT CHAPTER 8, ARTICLE II, SECTION 8-30 BE AMENDED AS FOLLOWS:

§8-30. Short Term Rental Licensing.

- (a) *Generally.* It is the intent of this section and the regulations stated herein to maintain the character of residential neighborhoods in the Town of Berlin and to protect the health, safety and general welfare of residents while allowing short term rentals to exist under certain conditions and circumstances.

- (b) Definitions.

Permanent Residence means a dwelling unit, located within the Town of Berlin, in which the owner resides for an aggregate of at least 180 days annually and the dwelling unit carries the official designation as the owners' principal residence in accordance with the criteria governing the State of Maryland Department of Assessment and Taxation Homestead Tax Credit Program.

Short Term Residential Rental means the use of all or any part of a dwelling unit to provide accommodations, not to exceed 28 consecutive days, to guests for sleeping or lodging purposes in exchange for a monetary remuneration, including accommodations facilitated by an internet hosting platform. A Bed and Breakfast is not included in this definition.

~~(c) *Eligible Zone.* Short Term Residential rentals are permitted in the incorporated limits of the Town of Berlin in permanent residences within the R-1, R-2, R-3, R-4, B-1, B-2, and B-3 Districts, subject to the licensing requirements and regulations contained herein.~~

(C). ELIGIBLE ZONE. SHORT TERM RESIDENTIAL RENTALS ARE PERMITTED IN THE INCORPORATED LIMITS OF THE TOWN OF BERLIN IN PERMANENT RESIDENCES WITHIN THE R-1 RESIDENCE DISTRICT AND R-2 RESIDENCE DISTRICT SUBJECT TO THE LICENSING REQUIREMENTS AND REGULATIONS CONTAINED HEREIN. RENTAL UNITS WITHIN THE R-3 APARTMENT DISTRICT, R-4 RESIDENCE DISTRICT, B-1 TOWN CENTER DISTRICT, B-2 SHOPPING DISTRICT, AND B-3 GENERAL BUSINESS DISTRICT ARE PERMITTED SUBJECT TO THE LICENSING REQUIREMENTS AND REGULATIONS CONTAINED HEREIN. RENTAL UNITS IN ANY ZONING DISTRICT MUST ALSO COMPLY WITH THE REQUIREMENTS FOR DWELLING UNITS CONTAINED IN THE CODE OF THE TOWN OF BERLIN, CHAPTER 108, "ZONING," AND CHAPTER 6, "BUILDINGS AND BUILDING REGULATIONS."

(d) *Requirements.* Any dwelling unit or portion thereof offered as a short term rental shall conform to the provisions of this Section.

(1) *License.* Prior to offering a dwelling unit or portion thereof as a short term rental, the property owner shall file an application for a short term residential rental license on forms provided by the Town. The application must be accompanied by an initial application fee in the amount of \$350.00 and the property owner must agree to make the dwelling unit available for inspection in order to verify that the dwelling unit is in compliance with all applicable building code provisions, including those of the Worcester County Fire Marshal's office. Applications must include a floorplan indicating the intended rental space and an emergency egress plan. Floorplans with

an emergency egress plan are required to be posted in each rented sleeping area of a short term rental. Upon passing said inspection, the property owner will be issued an annual short term residential rental license upon the payment of an annual license fee of \$200.00. The license must be renewed annually, and the Town of Berlin reserves the right to inspect subject properties at any time and before annual renewal. Each property owner shall provide the name and contact information for a responsible agent(s) who are available for contact twenty-four (24) hours per day and seven (7) days per week. A responsible agent(s) must be capable of responding to the property twenty-four hours per day and seven days per week and be located within a thirty (30) mile radius of the Town of Berlin's incorporated limits. The licensee is responsible for ensuring accurate emergency contact information is on file with the Town of Berlin. The rental license shall be posted in both a prominent interior location and a prominent exterior location on the addressed side and visible from the roadway. -All advertising, whether by print, electronic, audible, or in any other forms or substance designed or used to inform as to the availability of any property for rent which is the subject of the license, shall contain the valid rental license number associated with the property. A short term residential rental license is not transferable.

Short term residential units are subject to the State of Maryland lodging taxes as administered by the Worcester County Maryland Treasurer's office.

- (2) *Duration of License.* Licenses are issued for the duration of one (1) fiscal year concurrent with the Town of Berlin's fiscal year. Licenses will not be pro-rated.
- (3) *Renewal of License.* A Short Term Rental License may be renewed as long as the licensee is in compliance with this Section and other Sections of the Town Code and upon payment

of the annual license fee of \$200.00.

- (4) *Lapse of License.* Short Term Rental Licenses that are not in compliance with this Section or other Sections of the Town Code for more than thirty (30) calendar days will be deemed expired and must complete a new application.
- (5) *Occupancy.* Every bedroom occupied for sleeping accommodations shall contain not less than 70 square feet of floor area unobstructed other than by furniture for each occupant. The number of occupants shall not exceed the sum total of all occupants permitted in each bedroom of the structure as per Chapter 6, Article V, "Housing Standards," Section 6-121, "Floor Space and Occupancy," of this Code.
- (6) *Parking.* One additional off-street parking space per each bedroom rented shall be required in addition to the parking required in the zoning district where the structure is located.
- (7) *Records.* A record of the names of all lodging guests who stay at the property, including their address, phone number, email address and the amount of monetary remuneration received shall be provided upon request to Town officials and to Worcester County Treasurer's Office officials.
- (8) *Signage.* On premise signage shall not be permitted on licensed property .
- (9) *Events.* The hosting of functions and events, including but not limited to wedding ceremonies, wedding receptions, family reunions, birthday and anniversary celebrations, corporate and employee parties, and other similar gatherings of persons other than the authorized lodging guests, shall be prohibited in association with any short term rentals, regardless of whether or not any form of compensation or barter has been paid or received by any individual or firm for the event.

The Mayor and Council by Resolution may establish additional standards, regulations, or require additional information as deemed necessary to enforce the provisions of this Section and protect

the integrity of the community.

(e) *Violations.* Violations and enforcement are the responsibility of the Planning Director or Housing Inspector pursuant to the Town Charter. A decision by the Planning Director to revoke a license may be appealed to the Housing Board of Review.

(1) *Renting without a License.* Rental of a property as defined by this Ordinance without a license will result in a reoccurring fine of \$600.00.

(2) *Other Violations.* A violation of any requirement of this Section or other Sections of the Town Code, excluding renting without a license as defined in Section (e)(1), will result in a Civil Violation of \$100.00. Repeat or continuing violations will result in a fine of \$200 .00 per day and may result in revocation of the Short Term Rental License for the remainder of the licensing period plus (1) year.

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the _____ day of _____, 2022, and thereafter a statement of the substance of the Ordinance having been published as required by law.

A PUBLIC HEARING was held and this Ordinance was adopted this ____ day of _____, 2022, by the Mayor and Council of the Town of Berlin, Maryland by affirmative vote of _____ in favor, to _____ opposed, with _____ abstaining.

Elroy Brittingham, Vice-President

Approved on this _____ day of _____, 2022 by the Mayor of the Town of Berlin and was therefore effective twenty (20) calendar days later on the ____ day of _____, 2022.

Zackery Tyndall, Mayor

ATTEST: Mary Bohlen, Acting Town Administrator