

§ ZS 1-318(d)(1) Campground Subdivisions - Occupancy

Text Amendment Application
Planning Commission Review
June 6, 2019

Campground Subdivisions

- White Horse Park
 - 465 sites
 - Zoned A-2 Agricultural District

- Assateague Pointe
 - 529 sites
 - Zoned A-2 Agricultural District

Campground Subdivision Occupancy Restrictions

“Units or sites in a campground subdivision shall be occupied only on a seasonal basis and shall not be occupied as a place of primary residence or domicile. Between September 30 of each year and April 1 of the succeeding year, units or sites shall not be occupied for more than thirty consecutive days or an aggregate of sixty days. Any condominium declaration or declaration of restrictions of a homeowners' association shall include language providing for such limited occupancy.”

§ ZS 1-318(d)(1)J. [2009 Zoning Code]

§ ZS 1-312(c)(1)J. [1992 Zoning Code]



Residential Subdivision vs. Campground Subdivision Standards

- Road Requirements
 - Minimum 50' road right-of-way for Residential Subdivision
 - White Horse Park has existing 20' and 40' road rights-of-way
 - Assateague Pointe has existing 30', 40' and 50' road rights-of-way
- Density
 - Maximum density in an R-4 General Residential District is **8** units per net acre
 - Maximum density in a Campground Subdivision is **10** units per net acre
- Lot Area
 - Lot area in R-4 District: 5,000 square feet
 - Lot area in White Horse Park Campground: est. 2,000+ square feet
 - Lot area in Assateague Pointe Campground: est. 3,000+ square feet

Residential Subdivision vs. Campground Subdivision Standards

- Setbacks
 - R-4 General Residential Setbacks:
 - Front yard setback 25 feet [subject to § ZS 1-305(b)]
 - Side yard setback 6 feet
 - Rear yard setback 30 feet
 - Campground Subdivision Setbacks:
 - Front yard setback 10 feet
 - Left side yard setback 7 feet, Right side yard setback 3 feet
 - Rear yard setback 5 feet
- Open Space required
 - Residential development: 30%; Campground Subdivision: 25%

Residential Subdivision vs. Campground Subdivision Standards

- **Occupancy Types and Building Size**
 - **Stick-built dwelling, Manufactured Home, or Modular Home in a Residential Zoning District:**
 - **500** square feet of gross floor area **minimum**
 - **Recreational Vehicle, Park Trailer, Manufactured Home, or Modular Home in a Campground Subdivision:**
 - **400** square feet of gross floor area **maximum** for RV's and Park Trailers
 - Additions shall not exceed a total of 350 square feet of gross floor area
 - **750** square feet of gross floor area **maximum** for manufactured or modular homes and any additions

Assessment Records

- Claims have been made that the Maryland Department of Assessments & Taxation Records clearly document whether the campsite is a principal residence, therefore it should justify occupancy full-time.
- This claim does not invalidate the Zoning Code limitation on occupancy.
- Issuance of building permits for new or replacement units in conformance with the campground subdivision standards also does not justify full-time occupancy in violation of the current regulations.

Assessment Records

- As with any property improvement, taxes are based on the value of the property and the improvements, not the length of occupancy.
- However, those that currently claim primary resident status within the Park are receiving a Homestead Tax Credit (i.e. cap) on their tax increases, whereas those for whom this property is a secondary dwelling are not.
- “The Homestead Credit limits the increase in taxable assessments each year to a fixed percentage. Every county and municipality in Maryland is required to limit taxable assessment increases to 10% or less each year.”

<https://dat.maryland.gov/realproperty/Pages/Maryland-Homestead-Tax-Credit.aspx>

Utility Implications for White Horse Park Campground Subdivision

- **Current Configuration**
 - Allocated 186 Equivalent Dwelling Units (EDUs)
 - Assessed at 100 gallons per day (gpd) per lot for seasonal occupancy
 - Billed at \$134/quarter with no debt service
 - Master meter for entire property
- **With Full-time Occupancy**
 - Would require one EDU per dwelling
 - That would require purchase of 279 EDUs for water and sewer at \$15,218 per EDU for a total of \$4,245,822
 - Additionally, quarterly rates will be assessed at \$195 per quarter (\$780 yearly cost) plus consumption for each property
 - **Ocean Pines Sanitary Service Area does not have the sanitary capacity to serve an application of this quantity at this time**

