

CHAPTER 158: ZONING REGULATIONS

Section

General Provisions

- 158.001 Purpose
- 158.002 Definitions
- 158.003 Effective date; application within county

Districts Established; Maps and Boundaries

- 158.015 Districts established
- 158.016 District maps
- 158.017 Rules for interpretation of district boundaries

General Regulations

- 158.030 Minimum regulations; uniform application
- 158.031 Compliance required
- 158.032 Deferrals
- 158.033 Nonconforming uses
- 158.034 Uses prohibited under other county or state laws
- 158.035 Agricultural uses
- 158.036 Private kennels
- 158.037 Use of same yard space for more than one building prohibited
- 158.038 Major road plans
- 158.039 Utility equipment and towers
- 158.040 Distance requirements
- 158.041 Locating ancillary facilities
- 158.042 Traffic visibility across corner lots
- 158.043 Traffic visibility entering publicly maintained roads
- 158.044 Measurement of front yard depth
- 158.045 Principal dwellings
- 158.046 Game machines as accessory use
- 158.047 Temporary zoning certificates
- 158.048 Temporary/seasonal uses
- 158.049 County public buildings, structures, and uses
- 158.050 Compliance with Landscape Ordinance
- 158.051 Sewage sludge storage
- 158.052 Staff housing for group homes
- 158.053 Temporary real estate sales office
- 158.054 Communications towers
- 158.055 Rental of certain dwelling units
- 158.056 Outdoor parking of commercial vehicles on residential property

- 158.057 Outdoor storage of unlicensed vehicles
- 158.058 Subdivision of land; expiration of preliminary plans
- 158.059 Medical cannabis
- 158.060 Measurement of separation or distance between uses

Districts

- 158.070 A Agricultural District
- 158.071 C Conservation District
- 158.072 R-40,000 Residence District
- 158.073 R-20,000 Residence District
- 158.074 R-10,000 Residence District
- 158.075 R-7,500 Residence District
- 158.076 MHP Mobile Home Park District
- 158.077 C-1 Commercial Low Intensity District
- 158.078 C-2 Commercial Medium Intensity District
- 158.078.01 C-3 Commercial High Intensity District
- 158.079 I-1 Light Industrial District
- 158.080 I-2 Heavy Industrial District
- 158.081 EC Employment Campus District
- 158.082 Commercial, Industrial, and Employment Campus Districts: Regulation of Principal Uses
- 158.083 Commercial and Industrial Districts: Regulation of Accessory Uses
- 158.084 Commercial and Industrial Districts: Bulk Requirements

Overlay Districts

- 158.095 HDO Historic District Overlay
- 158.096 MRO Mineral Resource Overlay
- 158.097 H Heritage District
- 158.098 Commercial Camping Area

Signs

- 158.110 Applicability
- 158.111 Signs permitted without zoning certificate
- 158.112 Signs requiring zoning certificate
- 158.113 General regulations
- 158.114 Use-on-the-premises signs
- 158.115 Use-off-the-premises signs

Administration and Enforcement

- 158.130 Exceptions and modifications

- 158.131 Zoning Administrator
- 158.132 Zoning Certificates
- 158.133 Board of Zoning Appeals (BZA)
- 158.134 Amendments
- 158.135 Enforcement
- 158.136 Civil zoning violations

Specific Uses

- 158.150 Mobile homes
- 158.151 Small wind energy systems
- 158.152 Villages of Historic Importance
- 158.153 Solar energy conversion facilities
- 158.154 Adult entertainment business, massage establishment, or striptease business
- 158.155 Junkyards
- 158.156 Industrial Park
- 158.157 Above ground storage of petroleum products
- 158.158 Self-service storage facility
- 158.159 Business Park

- 158.999 Penalty

Cross-reference:

- Parking space requirements, see §§ 155.075 through 155.078*
- Cluster subdivisions, see § 155.095*
- Planned Business Centers (Shopping Centers), see § 155.094*
- Planned Unit Development, see § 155.093*

GENERAL PROVISIONS

§ 158.001 PURPOSE.

The purpose of this chapter is to:

(A) Promote the health, safety, morals, and the general welfare of the community, by regulating and restricting:

- (1) The height, number of stories, and size of buildings and other structures;
- (2) The percentage of lot that may be occupied;
- (3) The density of population;

- (4) The size of lots, yards, courts, and other open spaces; and
 - (5) The location and use of buildings, structures, and land for trade, industry, residence, and other purposes.
- (B) Provide for adequate light and air;
 - (C) Prevent congestion and undue crowding of land;
 - (D) Secure safety from fire, panic, and other danger; and
 - (E) Conserve the value of property.

§ 158.002 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Any words not defined herein shall have their generally accepted meaning.

ACCESSORY DWELLING UNIT. An additional attached or detached dwelling unit on a lot with a principal dwelling unit.

ACCESSORY USE. A use of land or all or part of a building which is customarily incidental and secondary to the principal use of the property and which is located on the same lot with the principal use.

ADULT ENTERTAINMENT BUSINESS. An adult store or an adult movie theater.

ADULT MOVIE THEATER. A business establishment open to the public, or to members, that maintains display devices for viewing on the premises, files, videos, or other viewable material, if a substantial portion of the stock or trade is characterized by an emphasis on matters depicting, describing or relating to sexual activities. This does not include a motion-picture theater which has seating for at least 50 persons per screen.

ADULT STORE. A business establishment open to the public, or to members, that offers for sale or rental any printed, recorded, photographed, filmed, or otherwise viewable material, or any sexually oriented paraphernalia, if a substantial portion of the stock or trade is characterized by an emphasis on matters depicting, describing, or relating to sexual activities. The term does not include a motion-picture theater which has seating for at least 50 persons per screen.

AGRICULTURAL or AGRICULTURAL PURPOSES. The raising of farm products for use or sale, including livestock or poultry husbandry, and the growing of crops such as grain, vegetables, fruit, grass for pasture or sod, trees, shrubs, flowers, and similar products of the soil, and including stables for boarding and training horses. ***AGRICULTURAL or AGRICULTURAL PURPOSES*** does not include the growing, cultivation, processing or dispensing of Marijuana, as

defined in the Criminal Law Article, § 5-101, of the Annotated Code of Maryland as amended, or Medical Cannabis, as defined in COMAR, Title 10, Subtitle 62.

AIR FIELD. A strip of land designed and altered to accommodate the takeoff and landing of aircraft.

AIRPORT. An area or tract of land including one or more airfields designed and intended to be used for and maintained as a facility to accommodate the takeoff and landing of aircraft and for receiving and discharging of passengers and/or cargo and that usually has facilities for the shelter and repair of aircraft.

AMUSEMENT ARCADE. Any facility for the use or operation of 5 or more game machines.

APARTMENT. An area within a two-family or multi-family dwelling arranged or designed as one dwelling unit.

APARTMENT BUILDING. Any building having or designed to have 3 or more apartments.

ARTISAN MANUFACTURING AND PRODUCTION. The manufacture and production of commercial goods by a manual worker or craftsman, in a building or indoor tenant space no greater than 3,500 square feet in size, including but not limited to jewelry, metalwork, cabinetry, stained glass, textiles, ceramics, or handmade food products.

ASSISTED-LIVING FACILITY. A facility to provide housing and supportive services, supervision, personalized assistance, health-related services, or a combination thereof, that meets the needs of individuals who are unable to perform or who need assistance in performing the activities of daily living in a way that promotes optimum dignity and independence for the individuals.

ATTACHED ACCESSORY DWELLING. A portion of a single-family dwelling that shall provide complete, independent living facilities for sleeping, eating, cooking, and sanitation within the main dwelling unit, but which is separate from the main dwelling unit's cooking area, bathroom(s), and living areas.

AUTOMOBILE SERVICE CENTER. Land and buildings in which any or all of the following are conducted:

- (1) The retail sale and installation of motor vehicle parts, accessories, and lubricants, including but not limited to tires, batteries, mufflers, brakes, radiators, lights, ignition system parts, oil, grease, and coolants for automobiles, pickup trucks and similar passenger-type vehicles; and
- (2) General automotive repair but excluding body repairs and vehicle painting or spray booths.

BED AND BREAKFAST. Any owner-occupied, residential dwelling in which rooms are rented to paying guests on an overnight basis.

BORROW PIT. An area from which soil or other unconsolidated materials are removed to be used, without further processing, as fill for activities such as landscaping, building construction, or highway construction and maintenance.

BREWERY. A facility that has been issued a Class 5 manufacturer’s license under the Alcoholic Beverages Article of the Annotated Code of Maryland.

BUILDING. An enclosed structure, anchored to a permanent foundation and having exterior or party walls and a roof designed for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

BUILDING HEIGHT. The vertical distance from grade plane to the height of the highest roof surface.

BUILDING SUPPLIES. Materials directly associated with building construction, including but not limited to lumber, hardware, hand tools, paint, prefabricated doors, windows, frames, roofing, and roofing supplies, plumbing, and electrical supplies.

BULK REQUIREMENTS. The dimensions relating to the size of structures or uses, including lot area, lot width, height, and yard requirements.

BUSINESS PARK. A self-contained development area of primarily business uses that is cohesive, with a common development scheme, and approved as a single development plan, which may be comprised of multiple lots under certain circumstances.

BUTCHER SHOP. A shop in which meat, poultry, and/or fish are processed and sold to the general public.

CATERING ESTABLISHMENT/BANQUET FACILITY. An establishment which is rented by individuals or groups to accommodate functions including but not limited to banquets, weddings, anniversaries, and other similar celebrations, and may also include on-site kitchen facilities. Food prepared on the premises may be delivered to another location for consumption.

CEMETERY. A place used for interment of human or animal remains or cremated remains, including a burial park for earth internments, a mausoleum for vault or crypt internments, a columbarium for cinerary internments, or a combination thereof.

COMMERCIAL CAMPING AREA. Any tract of land not less than 5 acres which is designed, maintained, or intended for the purpose of supplying a location or accommodation for 2 or more tents, recreational vehicles, or other camping vehicles as sleeping quarters for persons engaged in recreational or vacation activities, except where the facilities are maintained for private use of the land owner.

COMMERCIAL PARKING LOT OR GARAGE. A lot or portion thereof which is used for the storage of motor vehicles, which is not accessory to any other use on the same or any other lot, and which contains parking space rented to the general public or reserved for individuals by the hour, day, week, month, or year.

COMMERCIAL SAWMILL. A permanent operation or facility with an overall footprint greater than 2 acres in size, which has, as its predominant purpose, the sawing, splitting, shaving, chipping of timber or planing of logs or trees into rough slabs or semi-finished products. A **COMMERCIAL SAWMILL** does not conduct manufacturing or refining. The operation may process timber without regard to point of origination.

COMMUNICATIONS TOWER. A structure to support radio, cellular telephone and television transmission antennas; microwave relay towers; monopoles; and similar structures for transmission or reception and retransmission of electronic signals. **COMMUNICATIONS TOWER** includes accessory equipment buildings that do not have office space. **COMMUNICATIONS TOWER** does not include amateur radio operator antennas which are accessory to a residential use and television antennas which are accessory to a residential use.

- (1) A “freestanding tower” stands without support of guy wires or cables.
- (2) A “guyed tower” depends upon a pattern of supporting cables for its stability.

COMMUNICATIONS TOWER COMPLEX.

- (1) Any single parcel of land on which are situated or proposed to be situated 2 or more communications towers; or
- (2) More than one tower being used for a common purpose or enterprise and located on contiguous parcels.

CONCRETE OR ASPHALT RECYCLING. An area in which concrete or asphalt is collected and processed through grinding or crushing in preparation for reuse as base material.

CONCURRENT RECLAMATION. Mine reclamation system or procedures, including but not limited to, backfilling, grading, topsoil replacement, stabilization and revegetation of excavated material that proceeds concurrently with the progress of the mineral resource recovery operation.

CONDITIONAL USES. Uses which are specified for BZA approval prior to authorization and which uses, after public hearing, may be approved conditionally or disapproved in accordance with § 158.133(B) and (G). The term **CONDITIONAL USE** shall constitute the same meaning as “special exception” specified as one of the general powers of the BZA in accordance with Md. Code, Land Use Article.

CONFERENCE CENTER. A facility for conducting meetings, discussions, and seminars. A **CONFERENCE CENTER** may include meeting rooms, auditoriums, cafeterias,

dining rooms, and supporting services designed to accommodate planned meetings, and may be accessory to a hotel or motel.

CONTIGUOUS. The sharing of a common property line other than a corner, except where otherwise provided in this chapter.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC). A building or group of buildings providing a continuity of residential occupancy and health care for elderly persons. This facility includes dwelling units for independent living, assisted-living facilities, plus a skilled nursing care facility of a suitable size to provide treatment or care of the residents; it may include ancillary facilities for the further employment, service, or care of the residents. The facility is restricted to persons 55 years of age or older or couples where either occupant is 55 years of age or older.

CONTRACTOR. A person or entity engaged in the following or similar: carpentry, cleaning, construction, electrical, excavation, exterminating, heating/air conditioning, home improvement, landscaping, masonry, painting, paving, plumbing, roofing, septic system, snow removal, and well drilling.

CONTRACTOR'S EQUIPMENT STORAGE. The use of any space, whether inside or outside a building, for the storage or keeping of contractor's equipment or machinery, including building materials storage, construction equipment storage, or landscaping equipment, and associated materials.

CONVEYOR SYSTEM. Mechanical handling equipment that moves materials from one location to another which may cross over one or more property lines utilizing a covered and enclosed conveyor, which may run on the ground, underground, or above the ground depending on terrain or other site conditions. **CONVEYOR SYSTEM** does not include mechanical handling equipment utilized on-site that is accessory to any industrial, commercial, or extractive use.

COTTAGE INDUSTRY. Manufacturing or assembly conducted by a member or members of the family residing on the property with no more than 2 nonresident employees. The use is not a cottage industry if it generates traffic, parking, sewerage, or water use to a greater extent than would normally result from residential occupancy; includes inventory or merchandise kept for sale on the premises; changes the external appearance of the dwelling and is visible from the street; includes any outside storage or display, other than a sign not exceeding one foot by 2 feet; and creates a hazard to any person or property; results in electrical interference; or becomes a nuisance.

COUNTRY CLUB. A private club which offers recreational facilities, such as swimming, golf, or tennis, to its members and guests and may provide dining facilities or host catered events.

COUNTRY INN. Any dwelling in which rooms are rented to paying guests on an overnight basis with meals served daily. A **COUNTRY INN** may also provide catering and facilities for banquets, weddings, receptions, reunions, and similar one-time events which are not open to the public generally.

CREMATORIA. Locations within enclosed buildings containing properly installed, certified apparatus for use in the act of cremation of deceased persons.

CURTILAGE. Buildings and areas in close proximity to a dwelling which are habitually used for residential purposes.

CUSTOM. A service or retail establishment which has no more than 5 full-time equivalent employees, providing special orders to the specifications of an individual purchaser with artisan fabrication quality.

DAY CARE CENTER. A facility licensed for the care of more than 8 children or adults away from their own homes, on a daily rather than an overnight basis.

DETACHED ACCESSORY DWELLING. A dwelling unit (excluding mobile homes) on the same lot as the primary dwelling unit, but physically separated from the primary dwelling unit. A **DETACHED ACCESSORY DWELLING** unit shall provide complete, independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking, and sanitation.

DEVELOPMENT RIGHT. The potential for the creation of residential subdivision lots existing because of the zoning classification of the parcel.

DIMENSIONAL REGULATIONS. Any of the requirements specified in this chapter or any other chapter of Title XV, Land Use, having to do with setbacks, bulk requirements, separation distances, or similar requirements.

DISASTER. A sudden calamitous event bringing great damage or destruction such as fire, windstorm, flood, explosion, act of public enemy or accident, which event results in a home being declared unsafe for occupancy by the Code Official, as “Code Official” is defined in the Carroll County Construction Codes, or an unforeseen condition which renders a home unfit for human habitation for medically documented reasons due to the presence of contaminants which endanger the health of humans.

DISPLAY DEVICE. An electronically or mechanically controlled still or motion-picture machine, film projector, videotape player, or other image-producing device that may be activated directly or indirectly by viewers or at the request of viewers, for which a fee is charged.

DISTILLERY. A facility that has been issued a Class 1 Manufacturer’s license under the Alcoholic Beverages Article of the Annotated Code of Maryland.

DWELLING. Any building arranged, designed, or used in whole or in part for residential purposes, but not including a tent, cabin, trailer, or mobile home, or a room in a hotel or motel.

(1) **DWELLING, MULTI-FAMILY.** A detached building or a group of attached buildings, designed for or used exclusively for residential purposes by more than 2 families or

more than 2 housekeeping units.

(2) **DWELLING, SINGLE-FAMILY.** A detached building designed for or used exclusively for residential purposes by residents as a single dwelling unit.

(3) **DWELLING, TWO-FAMILY.** A detached building with one dwelling unit above the other (duplex) or 2 semidetached dwelling units located on abutting lots or on the same lot, separated by a party wall without openings, in either case for or used exclusively for residential purposes, but not more than a total of 2 families or two housekeeping units.

DWELLING UNIT. A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, cooking, eating, and sanitation.

ELECTRONIC MESSAGE SIGN. A computerized programmable electronic visual communication device capable of storing and displaying messages and images.

EXCAVATED MATERIAL. Material extracted or removed as a result of a mineral resource recovery operation, except for that material utilized in processing operations.

EXTRACTIVE OPERATIONS.

(1) The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals;

(2) Any activity or process constituting all or part of a process for the extraction or removal of minerals from their original location;

(3) The extraction of sand, gravel, rock, stone, or earth, for highway construction purposes or other public facilities; or

(4) Storage of excavated material shall not be considered an extractive operation for purposes of this chapter.

FAMILY DAY CARE. Care provided for not more than 8 children, in the provider's residence, on a daily basis rather than an overnight basis.

FARM ALCOHOL PRODUCER. A farm that grows and processes, stores, and/or sells agricultural products for the production of wine, beer, brandy, juice, or other similar beverage on an on- site producing vineyard, orchard, hopyard, or similar growing area.

FLOOR AREA. The total area of all floors within a building, measured from centerlines of joint partitions and/or exteriors of outside walls.

FUEL STATION. Any area of land, including buildings and other structures thereon that are used to dispense motor vehicle fuels, oil, and accessories at retail, and no storage or parking

space is offered for rent. Mechanical maintenance or repair is prohibited.

FUNERAL ESTABLISHMENT. A building or part thereof wherein a licensed undertaker prepares the deceased for internment.

GAME MACHINES. Includes but is not limited to video games, electronic novelty games, electro-mechanical and electronic target games, driving games, pinball machines, and other similar devices and machines.

GARAGE, RESIDENTIAL. An accessory building, portion of a main building, or building attached thereto, used for the storage of private motor vehicles.

GENERAL RETAIL USE. A commercial facility for the sale of commodities or goods directly to ultimate consumers.

GENERAL SERVICE USE. A commercial facility directly administering to the needs of persons, households, or businesses, including but not limited to establishments such as barber shop, beauty parlor, spa, pet grooming, shoe repair, tailoring, mailing and shipping services, laundry and dry-cleaning, watch repair, bank or other financial institution, electronics, appliance or furniture repair, photographic studio, and the rental of products, but excluding the rental of products with primarily outdoor storage and the manufacturing or fabrication of goods for wholesale distribution.

GOLF COURSE. An area of land laid out for playing golf with a series of holes, each including a tee, fairway, and putting green, and often one or more natural or artificial hazards.

GRADE PLANE. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane is established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

HEALTH DEPARTMENT. The Maryland Department of Health and Mental Hygiene or the Carroll County Health Department as applicable.

HEAVY MANUFACTURING AND PRODUCTION. A location used for the processing, manufacturing, or compounding of materials or products primarily from raw materials, which may include the storage of flammable or toxic matter and may include outdoor operations as part of the manufacturing process. The products may be intermediaries for use by other industries, and the manufacturing typically has a significant environmental impact on adjacent properties. Heavy manufacturing includes but is not limited to brick or clay products, paper, cloth, paints, spice, glucose, wire and perfume. This use may also include the accessory storage and distribution of products or parts. This use does not include other manufacturing uses specifically listed in the Table of Principal Uses.

HELIPORT. An area, either at ground level or elevated on a structure, licensed or

approved for the loading and takeoff of helicopters.

HOME OCCUPATION. Any use of a dwelling, conducted solely by a resident, or use of any accessory building which is incidental or subordinate to the main use of the principal building for dwelling purposes, provided that the use:

- (1) Utilizes space equal to not more than 500 square feet;
- (2) Does not generate vehicular parking or nonresidential traffic to a greater extent than would normally result from residential occupancy;
- (3) Does not involve retail sales from the premises;
- (4) Involves no evidence from the outside of the dwelling to indicate it is being used for anything other than residential purposes, other than a sign not exceeding 3 square feet; and
- (5) May involve mail order or internet-based sales, provided no customers come to the dwelling.

HOSPITAL. An institution which is licensed by the state and which receives inpatients or outpatients and provides medical, surgical, psychiatric, or obstetrical care. This term includes any health related facilities which are established in connection with a **HOSPITAL** and are located on the same site as the **HOSPITAL**. Such health related facilities shall include but not be limited to diagnostic facilities, rehabilitation centers, laboratories, training facilities, outpatient care facilities, facilities for chronic or convalescent care, and elderly housing facilities.

INDOOR RECREATIONAL FACILITY. A commercially operated indoor recreation or entertainment facility including but not limited to amusement arcade, bowling alley, billiard parlor, ice or roller skating rink, swimming pool, miniature golf, tennis or racquetball court, health or fitness club or gym, paintball, gymnastics, or game center. An **INDOOR RECREATIONAL FACILITY** may include space for teaching of the recreational activity.

INDUSTRIAL PARK. A self-contained development area of primarily industrial uses that is cohesive, with a common development scheme, and approved as a single development plan, which may be comprised of multiple lots under certain circumstances.

INDUSTRIALIZED BUILDING. A building assembly or system of building subassemblies manufactured in its entirety, or in substantial part, off site and transported to the point of use for installation or erection, with or without other specified components, such as a finished building or as part of a finished building comprising 2 or more **INDUSTRIALIZED BUILDING** units. An **INDUSTRIALIZED BUILDING** need not have electrical, plumbing, heating, ventilation, insulation, or other service systems, but when such systems are installed at the off site manufacture or assembly point they shall be deemed a part of such building assembly or system of building assemblies. **INDUSTRIALIZED BUILDING** does not include open frame construction which can be completely inspected on site.

JUNKYARD. Any area where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, stored, disassembled, handled, or abandoned, including the salvaging, storage, or wrecking of automobiles and other vehicles, machinery, or parts thereof, house wrecking yards, used lumberyards, and places for storage of salvaged building or structural steel materials and equipment, but not including a scrap pile kept on a farm for the purpose of providing spare parts and repair material.

KENNEL, COMMERCIAL. Any premises on which any person engages in the business of boarding (daily or overnight), breeding more than 2 litters per year, buying, letting for hire, training for a fee, or selling dogs.

KENNEL, PRIVATE. In conjunction with a residence, the keeping as personal pets of more than 3 dogs which have permanent canine teeth.

LAWN CARE AND MAINTENANCE SERVICE. A person or entity that provides services to residential and/or commercial properties that primarily provides mowing and lawn care services including but not limited to mowing, trimming, maintaining planting beds, shrubbery, trees and plowing of snow, but does not include primarily landscaping, hardscape installation and installation of plants, trees, bushes, retaining walls, patios, and pools.

LIGHT MANUFACTURING AND PRODUCTION. A location used for the manufacturing of finished products or parts, usually from previously prepared materials, including processing, fabrication, compounding, assembly, treatment, and packaging of such products or parts. The products are usually made for end-users, and such uses do not include processing of hazardous gases and chemicals. Light manufacturing includes but is not limited to electrical appliances, communications equipment, scientific instruments, photographic or optical products, apparel, cosmetics, musical instruments, commercial bakeries, and novelties. This use may also include the accessory storage, sales, and distribution of products or parts. This use does not include other manufacturing uses specifically listed in the Table of Principal Uses.

LIMITED DISTILLERY. A facility that has been issued a Class 9 Manufacturer's license under the Alcoholic Beverages Article of the Annotated Code of Maryland.

LIVABLE FLOOR AREA. Space within a dwelling unit utilized for living, sleeping, eating, and sanitation. Garages, unfinished basements, storage or utility spaces, and similar areas are not considered as **LIVABLE FLOOR AREA**.

LOT. A piece or parcel of land occupied or intended to be occupied by a principal building and its accessory buildings and uses, and meeting the minimum size requirements set forth in this chapter.

(1) **CORNER LOT.** A lot abutting 2 or more existing or planned publicly maintained streets at their intersection.

(2) **LOT FRONTAGE.** The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining **LOT FRONTAGE** on a lot served by a use-in-common

(“UIC”) driveway, the line of the UIC driveway may be considered the front.

(3) **LOT WIDTH.** The horizontal distance between side lot lines measured at the midpoints of the side lot lines.

MASSAGE. Any method of treating the external parts of the human body, for compensation, by touching, rubbing, stroking, kneading, tapping or vibrating with the hand, arm, foot or other body part, provided by a massage technician.

MASSAGE ESTABLISHMENT. Any establishment where a massage technician administers a massage to another person for compensation. This does not include a hospital, nursing home, medical clinic or other establishment where massages are administered by individuals certified as massage therapists as defined by Md. Code, Health Occupations Article, § 3-5A-01.

MASSAGE TECHNICIAN. An individual who administers a massage to another individual for compensation. This does not include:

- (1) A certified massage therapist as defined by Md. Code, Health Occupations Article, § 3-5A-01; or
- (2) A medical practitioner as defined by this chapter.

MASTER PLAN. The policies, statements, goals, and interrelated plans for private and public land use, transportation, and community facilities documented in text and maps which constitute the guide for the county’s future development.

MEDICAL CANNABIS. Any product defined as Medical Cannabis in COMAR 10.62.01 that is grown, processed, transported or sold pursuant to a license issued by the Natalie LaPrade Medical Marijuana Commission as stated in the Health-General Article §§ 13-3201 to 13-3206, of the Annotated Code of Maryland.

MEDICAL CANNABIS DISPENSARY. A person or entity licensed by the state as a dispensary as defined in COMAR 10.62.01.13 under a license issued by the Natalie LaPrade Medical Marijuana Commission as stated in the Health-General Article §§ 13-3201 to 13-3206, of the Annotated Code of Maryland.

MEDICAL CANNABIS GROWER. A person or entity licensed by the state as a grower as defined in COMAR 10.62.01.14 under a license issued by the Natalie LaPrade Medical Marijuana Commission as stated in the Health-General Article §§ 13-3201 to 13-3206, of the Annotated Code of Maryland.

MEDICAL CANNABIS PROCESSOR. A person or entity licensed by the state as a processor as defined in COMAR 10.62.01.16 under a license issued by the Natalie LaPrade Medical Marijuana Commission as stated in the Health-General Article §§ 13-3201 to 13-3206, of the Annotated Code of Maryland.

MEDICAL CENTER. A medical or dental clinic building occupied by medical practitioners and dispensing health services.

METEOROLOGICAL TOWER (MET TOWER). Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment, anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

MEDICAL PRACTITIONER. A physician, dentist, optometrist, chiropractor, podiatrist, psychologist, physical therapist, nurse, massage therapist, or other similar health professional licensed and/or certified by the state.

MICRO-BREWERY. A facility that has been issued a Class 7 manufacturer's license under the Alcoholic Beverages Article of the Annotated Code of Maryland.

MINERAL RESOURCE. Any solid material, aggregate, or substance of commercial value, whether consolidated or loose, found in natural deposits on or in the earth, including (but not limited to) clay, diatomaceous earth, gravel, marl, metallic ores, sand, shell soil, and stone.

MINERAL RESOURCE NOTIFICATION AREA (MRN). An area which is within one-half mile of a Mineral Resource Recovery Area or a Viable Resource Area and in which notification of property owners and clustering away from the mineral resource are required.

MINERAL RESOURCE RECOVERY AREA (MR). An area which is underlain by a mineral resource and under which mineral resource recovery is a principal permitted use.

MINERAL RESOURCE RECOVERY OPERATION. An operation composed of extractive operations, processing operations, and/or storage and removal of excavated material.

MOBILE HOME. A structure, transportable in one or more sections, and which is built on a permanent chassis with or without a permanent foundation and which is designed to be used or is used as a dwelling, or is used for the conduct of any business or for storage.

MOBILE HOME PARK. Any site, lot, parcel, or tract of land which is designed, used or intended to accommodate 3 or more mobile homes for living purposes.

MODULAR HOUSING. See definition of **INDUSTRIALIZED BUILDING**.

NONCONFORMING USE. Any building, structure, premises, or use lawfully existing at the time of the adoption of this chapter or lawfully existing at such time as this chapter is amended, and which does not conform with the use or dimensional regulations of the zone in which it is located.

NUDITY. The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; or the showing of the covered male genitals in a discernibly turgid state.

NURSING HOME. A residential health-care facility which provides institutional lodging, nursing care, personal care and supervision to aged, chronically ill, physically infirm, or convalescent patients who are not related to the owner or administrator of the facility.

OIL-CONTAMINATED SOIL FACILITY. A facility that receives oil-contaminated soil for treatment and storage; may include reuse and recycling of soils.

OPEN SPACE. Any parcel or area of land or water set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Yards on individual lots are not **OPEN SPACE**.

OUTDOOR RECREATIONAL AREA. A commercially operated outdoor recreation or entertainment facility including but not limited to miniature golf course, skating rink, ballfield, swimming pool, tennis court, paintball center, golf driving or batting range. An **OUTDOOR RECREATIONAL AREA** may include space for teaching of the recreational activity.

OVERLAY. Zoning requirements that are described in this chapter's text, are mapped, and are imposed in addition to those of the underlying district or districts.

OUTSIDE STORAGE. The keeping of inventory, goods, merchandise, and packaging materials not within an enclosed building.

PARTIALLY NUDE or IN A PARTIALLY NUDE CONDITION. The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.

PAVED SURFACE. A durable wearing surface of concrete, bituminous concrete, or other surface of suitable material and texture which:

- (1) Provides a smooth driving surface;
- (2) Resists weathering; and
- (3) Transmits traffic load to the underlying ground.

PETROLEUM PRODUCTS. Oil, utilized for fuel of any kind, and in any liquid form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with other waste,

crude oils, and every other nonedible liquid hydrocarbon regardless of specific gravity. Oil includes aviation fuel, gasoline, kerosene, light and heavy fuel oils, diesel motor fuels, asphalt, and crude oils, and liquefied petroleum gases, such as liquefied propane, and any edible oils.

PLANNED COMMERCIAL CENTER (PCC). Three or more retail stores, service establishments, medical facilities, or other commercial uses designed as a unit and primarily served by common accessories such as signs, parking lots, and walkways.

PRINCIPAL USE. The primary activities or structures for which a site is used. A **PRINCIPAL USE** may be either a permitted use, a conditional use, or a legally existing nonconforming use.

PROCESSING OPERATIONS. The crushing, polishing, washing, screening, stockpiling, and customer truck loading of extracted minerals.

PRODUCE STAND. A temporary structure from which to sell fresh fruit, vegetables, and other farm produce in season, which is grown on the premises.

PUBLICLY OWNED WASTEWATER TREATMENT PLANT. A facility designed and constructed to receive, treat, and store sewage or sewage combined with other waterborne waste and which is owned by the state, or a political subdivision or municipal corporation of this state or owned by another public entity incorporated for the purpose of treating sewage under Md. Code, Environment Article, §§ 9-601 et seq. or similar statute, if determined similar by the County Commissioners.

RECREATIONAL VEHICLE. A vehicular-type portable structure without permanent foundation, which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use, including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

RELIGIOUS ESTABLISHMENTS. Churches and other places of worship.

REMAINDER. The portion of a tract remaining after one or all eligible off conveyances have been created.

REMAINING PORTION. In the “A” District, the land remaining after residential subdivision lots have been created from a legally established parcel of land through the subdivision process.

RESIDENTIAL USES. Any single-family, two-family, semi-detached, multi-family, boarding houses, assisted living, retirement communities, continuum care, and nursing homes.

RESULTING LAND. The land derived from the reduction of lot sizes when clustering pursuant to Chapter 157, which shall constitute a single lot.

RETIREMENT HOME. A development consisting of one or more buildings designed to

meet the needs of, and exclusively for, the residences of senior citizens, or age-restricted adult housing as referenced in Chapter 155.

RETREAT FACILITY. A site used for professional, educational, or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing, and recreation for participants during the period of the retreat or program only. Such centers may not be utilized by the general public for meals or overnight accommodations. Housing for participants may be in lodges, dormitories, sleeping cabins (with or without baths), or in such other temporary quarters as may be approved by the BZA, but kitchen and dining facilities shall be located in a single centrally located building or buildings.

RIDING ACADEMY. An establishment where horses and ponies are boarded and cared for; where instruction in riding, jumping, and showing may be offered; or where the general public, for a fee, may hire horses for riding.

ROADSIDE STAND. A structure at which an individual farm sells farm products directly to the consumers on a farm year round.

ROTOR DIAMETER. The cross-sectional dimension of the circle swept by the rotating blades.

RURAL VILLAGE. An area designated in the Adopted Carroll County Master Plan and certified by the State of Maryland as a rural village pursuant to the Smart Growth Act of 1997.

SELF-SERVICE STORAGE FACILITY. A building or group of buildings divided into multiple, separate, self-contained compartments used to meet the temporary storage needs of residents and small businesses, and may include climate controlled facilities and accessory outdoor storage of vehicles. No commercial transactions are permitted other than the rental of storage units and the ancillary sale of related products.

SENIOR CITIZEN. A person at least 55 years of age.

SETBACK LINE. The line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which a structure must be erected or placed.

SEWAGE SLUDGE. The accumulated semiliquid suspension, settled solids, or dried residue of these solids that is deposited from sewage in a wastewater treatment plant, whether or not these solids have undergone treatment.

SEWAGE SLUDGE STORAGE. The interim containment of sewage sludge, treated sewage sludge, or any other product containing these materials after removal from the wastewater and before disposal or utilization. It does not mean the storage of sewage sludge generated on site incidental to the operation and as part of a permitted and duly licensed wastewater treatment plant.

SEXUAL ACTIVITIES. Includes nudity or partial nudity, as defined herein, and sexual

conduct, sexual excitement or sadomasochistic abuse, as defined in Md. Code, Criminal Law Article, Title 11.

SIGNS. A name, identification, description, display, logo, illustration, or device which is affixed, stationed, or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, person, institution, or business.

(1) **SIGN, ON PREMISES.** A sign which directs attention to a business or profession or to a commodity, service, or entertainment sold or offered upon the premises where the sign is located.

(2) **SIGN, OUTDOOR ADVERTISING.** A sign structure which directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located.

(3) **ARTICULATING SIGN.** A sign that consists of triangular prisms placed within a nonmoving frame and the prisms rotate 120 degrees within the frame at a time and displays a new message.

SMALL WIND ENERGY SYSTEM. A single-towered wind energy system that:

- (1) Is used to generate electricity;
- (2) Has a rated nameplate capacity of 50 kilowatts or less; and
- (3) Has a total height of 150 feet or less.

SOLAR ENERGY CONVERSION FACILITY. An area arranged and dedicated to the construction, operation and maintenance of a large scale solar collection system principally used to capture solar energy and convert it to electrical energy. Large scale solar energy conversion facilities consist of free-standing ground based or roof mounted collection devices, associated panels and arrays and/or aggregations of panels and arrays, supporting equipment, including light reflectors, concentrators, heat exchangers, substations, utility interconnection infrastructure, electric infrastructure, transmission lines, battery banks and related structures and facilities. In such instances, the use is considered the “principal” use on the subject property and any other use on the site shall be subordinate. **SOLAR ENERGY CONVERSION FACILITIES** are designed to supply power at the utility level, rather than on-site or to a local user. These facilities are intended to generate electricity to be sold, for profit, to an electricity market through a regional transmission organization and an inter-connection with the local utility power grid and/or for direct distribution.

SOLAR ENERGY CONVERSION FACILITY, ACCESSORY. A solar collection system consisting of one or more roof and/or ground mounted solar collection devices and associated supporting equipment that is primarily intended to reduce on-site consumption of utility power by generating electricity solely for the use and/or benefit of the individual property owner upon whose property the device is situated. A system is considered an “accessory” facility only

if it supplies power strictly for on-site use, except that when a property upon which the facility is situated also receives electrical power supplied by a utility company, incidental excess power generated, and not immediately utilized for on-site use, may be provided to the utility company in exchange for a credit.

SPECIAL EVENT. A grand opening, anniversary, holiday sale, or other similar unique occasion of limited duration as determined by the Zoning Administrator.

STABLE, BOARDING. A structure in which more than 2 horses or ponies are housed, boarded, or kept for consideration.

STABLE, COMMERCIAL. A boarding stable or a riding academy.

STABLE, PRIVATE. An accessory structure designed for the shelter, feeding, and care of no more than 5 horses, ponies, cattle, sheep, goats, or other ruminants, maintained on the property as pets or for domestic use, as distinguished from agricultural or commercial stables.

STEEL MILL. A facility where iron ore is processed into steel.

STORAGE LOT. A lot or portion thereof other than an automobile sales lot held out or used for the storage or parking of boats, trailers, recreational, motor vehicles, or commercial vehicles for consideration.

STORAGE MODULE. A self-contained storage unit which can only be delivered to the site in one piece and which has no chassis.

STORAGE OF UNLICENSED MOTOR VEHICLES. Any property occupied by an unlicensed vehicle. For the purpose of this section, a “vehicle” shall mean a vehicle of a type which would be subject to the licensing requirements of the Motor Vehicle Administration if operated on a public road. “License” and “licensing” as used in this definition shall also be interpreted to mean “registration” as defined in the Md. Code, Transportation Article.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between such floor and the ceiling next above it.

STREET. Any street existing or which may be approved by the Planning Commission. The word **STREET** may also include road, highway, boulevard, avenue, lane, way, circle, court, or drive.

STRIPTease BUSINESS. A commercial establishment where persons appear in a state of total or partial nudity in person. Such establishment shall, for example, include, but not be limited to, a restaurant, nightclub, dance club or social hall if such entertainment is provided as an accessory or principal use. For the purpose of this definition, an establishment which is duly licensed by the Board of License Commissioners for Carroll County (“Liquor Board”) and which features striptease dancing, nudity or partial nudity as an accessory use shall not be considered a

striptease establishment, except that it shall satisfy the setback limitation established for a **STRIPTEASE BUSINESS**.

STRUCTURE. Anything constructed, the use of which requires fixed location on the ground or which is attached to something having such location, but not including fences, power, gas, water, sewage, or communication lines or poles, towers, or pole structures, sidewalks, driveways, or curbs. A utility shed is a **STRUCTURE** whether or not it has a fixed location.

STRUCTURE, PRINCIPAL. A structure in which is conducted the main use of the lot on which the structure is situated.

SUBSTANTIAL PORTION.

(1) At least 20% of the stock in the establishment or on display consists of matters or houses devices depicting, describing or relating to sexual activities; or

(2) At least 20% of the usable floor area is used for the display or storage of matters or devices depicting, describing or relating to sexual activities.

TEMPORARY SIGN. Any sign, banner, pennant, or other advertising display constructed of cloth, canvas, light fabric, cardboard, plywood, wallboard, or other light materials, with or without frames, that is or that is intended to be displayed for a limited period of time.

TEMPORARY/SEASONAL USES. Uses which are seasonal and require prior approval of the Zoning Administrator and shall not consist of any permanent structure(s) and shall be limited in duration.

TEMPORARY USE. Any use which has been authorized under the provision of this chapter which is limited as to the time in which such use may legally continue.

TOTAL HEIGHT. The vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

TOWNHOUSE. One of a group of multi-family dwelling units in the same structure, each of which units is separated by a party wall from any adjacent unit and each of which dwelling units has its own entrance directly from the outside.

USABLE FLOOR AREA. The area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, stairwells, utilities, bathrooms, or closets shall be excluded from the computation of **USABLE FLOOR AREA**.

VARIANCE. A variance is a relaxation of the terms of this chapter, except where specifically prohibited, in accordance with §§ 158.130(A) and (C) and 158.133(B), where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the

property and not the results of the actions of the applicant, a literal enforcement of the chapter would result in practical difficulty or unreasonable hardship.

VEHICLE REPAIR SHOP. Land or buildings where motor vehicles, trailers, or other types of equipment are repaired, stored, or equipped for operation including automotive repairs, body repairs, vehicle painting or spray booths, but not including wrecking, sale, or storage of junked vehicles.

VEHICLE SALES LOT. Any property arranged, designed, or used for storage and display of motor vehicles for sale, including but not limited to automobiles, trucks, trailers, motorcycles, ATVs, boats, and snowmobiles, and where repair work is limited to minor incidental repair of vehicles displayed for sale on the premises.

VETERINARY FACILITY. An establishment maintained by a licensed veterinarian for the care, observation, and medical or surgical treatment of animals. Any boarding of animals may only be during their convalescence and accessory to facility use.

VIABLE RESOURCE AREA (VRA). An area identified as being underlain by a potentially recoverable mineral resource.

WAREHOUSE. A building or part of a building used or intended to be used primarily for the storage of goods that are to be sold at retail or wholesale from other premises or sold wholesale from the same premises; for the storage of goods to be shipped on mail order or internet sales; for the storage of equipment or materials to be used or installed at other premises by the owner or operator of the warehouse; or for similar storage purposes. The term **WAREHOUSE** does not include a retail establishment whose primary purpose is for the sale of goods stored on the premises; however, nothing in this definition is meant to exclude purely incidental retail sales in **WAREHOUSES**. Further, the term includes a distribution facility, at which storage is minor, transitory, and merely incidental to the purpose of facilitating order fulfillment and transportation of goods.

WHOLESALE. The sale of commodities or goods, usually in large quantities, to distributors or retail outlets for resale to ultimate consumers.

WIND ENERGY SYSTEM. Equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, guy wire, or other component used in the system.

WIND ENERGY SYSTEM OWNER. The individual that owns, or intends to own, the property upon which a small wind energy system will be operated in accordance with this chapter.

WIND GENERATOR. Means blades and associated mechanical and electrical conversion components mounted on top of the tower.

WIND TOWER. Means the monopole, freestanding, or guyed structure that supports a

wind generator.

YARD. An open area on the same lot with a principal building(s) which lies between such building(s) and the lot line and is open and unoccupied from the ground up.

(1) **FRONT YARD.** A yard extending across the full width of the lot and lying between the front lot line and the nearest line of the principal building. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as required herein, except that not more than one rear yard shall be required.

(2) **REAR YARD.** A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the principal building.

(3) **SIDE YARD.** A yard between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard.

ZONING CERTIFICATE. A written statement issued by the Zoning Administrator, authorizing buildings, structures, or uses in accordance with the provisions of this chapter.

§ 158.003 EFFECTIVE DATE; APPLICATION WITHIN COUNTY.

This chapter took effect on August 17, 1965, and applies to all lands, buildings, properties, and their uses within the territorial limits of the county outside of incorporated towns or municipalities therein.

DISTRICTS ESTABLISHED; MAPS AND BOUNDARIES

§ 158.015 DISTRICTS ESTABLISHED.

For the purpose of these regulations, the unincorporated area of the county is hereby divided into districts as follows:

<i>Abbreviation</i>	<i>District</i>
A	Agricultural District
C-1	Commercial Low Intensity District
C-2	Commercial Medium Intensity District
C-3	Commercial High Intensity District
C	Conservation District
EC	Employment Campus District
H	Heritage Zoning District

<i>Abbreviation</i>	<i>District</i>
HDO	Historic District Overlay
I-2	Heavy Industrial District
I-1	Light Industrial District
MHP	Mobile Home Park District
MRO	Mineral Resource Overlay District
R-40,000	Residence District
R-20,000	Residence, Suburban District
R-10,000	Residence, Urban District
R-7,500	Residence, Multi-Family District

§ 158.016 DISTRICT MAPS.

The districts shall be of the number, size, and shape as shown on the Zoning Maps of the county, and said maps with the necessary symbols, legends, and explanatory matter thereon, are hereby made and declared to be a part of this chapter. As evidence of the authenticity of said maps, they shall be signed by the County Commissioners of the county upon the adoption of these regulations.

§ 158.017 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to the boundaries of districts as shown on the official Zoning Maps, the following rules shall apply:

(A) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

(B) Boundaries indicated as approximately following property lines or platted lot lines shall be construed as following such lines.

(C) Boundaries indicated as approximately following city limits shall be construed as following city limits.

(D) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(E) Boundaries which are drawn parallel to road lines and which do not coincide with property lines or lot lines, and where not designated by dimensions, shall be deemed to be 200 feet back from the nearest road centerline.

(F) Boundaries which are in unsubdivided property or where a district boundary divides a lot shall be determined by the use of the map scale as shown thereon.

(G) Where a district boundary line as shown on the Zoning Map or Maps divides a lot which was in single ownership and of record at the time of enactment of this chapter the use authorized thereon and the other district requirements applying to the least restricted portion of such lot under this chapter shall be considered as extending to the entire lot, provided that the more restricted portion of such lot is entirely within 50 feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.

GENERAL REGULATIONS

§ 158.030 MINIMUM REGULATIONS; UNIFORM APPLICATION.

The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided.

§ 158.031 COMPLIANCE REQUIRED.

Except as hereinafter specified, no land, building, structure, or premises shall hereafter be used, and no building or part thereof or other structure shall be located, erected, reconstructed, extended, enlarged, converted, or altered except in conformity with the regulations herein specified for the district in which it is located.

§ 158.032 DEFERRALS.

The submittal, acceptance, review, processing, application for, approval, or decision of any pending map amendment, plan, Zoning Certificate, building permit, text amendment, development plan, subdivision plan, site plan, conditional use, variance, rezoning or other amendments or actions under this chapter may be temporarily postponed or deferred by ordinance approved by the County Commissioners, when in the discretion of the County Commissioners, the deferral of any such plan amendment or planning study or community investment plan or project or amendment thereto may promote orderly zoning, planning, and subdivision within the county and the outcome of which amendment, study, program, or project may substantially affect applications under consideration or which may be submitted.

§ 158.033 NONCONFORMING USES.

Any building, structure, premises, or use lawfully existing at the time of the adoption of this chapter, or lawfully existing at the time this chapter is amended, may continue to be used even though such building, structure or premises does not conform to use or dimensional regulations of the zoning district in which it is located; subject, however, to the following provisions:

(A) **Extension, expansion, or alteration of nonconforming use.** The Zoning Administrator may, subject to §§ 155.059 and 158.130, authorize the extension or expansion of a nonconforming use or the alteration of a nonconforming structure, with or without conditions, provided that:

(1) Any changes or additions to the activities taking place in connection with the nonconforming use will not change the use in any substantial way.

(2) Extension or expansion limits:

(a) A structure or use that was rendered nonconforming for failure to comply with bulk requirements may not exceed 50% of the gross floor area of structures or 50% of the gross acreage of the use above that which legally existed at the time the use first became nonconforming or above that which was approved by the Zoning Administrator or Board of Zoning Appeals as of October 30, 2015.

(b) All other nonconforming use extension or expansions shall be limited to 10% of the gross floor area of structures or 10% of the gross acreage of the use above that which legally existed at the time the use first became nonconforming or above that which was approved by the Zoning Administrator or Board of Zoning Appeals as of October 30, 2015.

(3) Any such extension or expansion may not increase residential density beyond that which is permitted by the zoning provisions of the zoning district in which the subject extension or expansion is located, or beyond that which existed at the time the subject nonconforming use became nonconforming, with the exception of attached accessory dwelling units that are permitted in the zoning district.

(4) The outdoor land area occupied by a nonconforming use may be enlarged only to provide additional parking area or to comply with an order of the Carroll County Health Department to improve, replace, or expand a well or septic area.

(5) An expansion would not exacerbate an existing bulk requirement nonconformity or create a new violation of the bulk requirements for the zoning district in which the property is located;

(6) The extension, expansion, or structural alteration would not cause an adverse effect on neighboring properties.

(7) Any request for an extension, expansion, or alteration that exceeds these criteria shall be forwarded and heard by the BZA.

(8) The Zoning Administrator may waive the hearing provisions of this section for structural alterations that would expand or extend a structure that is presently a nonconformity solely on the basis of failure to satisfy one or more dimensional requirements if the proposed expansion or extension does not exacerbate nor create new bulk requirement violations, and so long as the proposed alteration does not exceed 50% of the footprint of the existing structure.

(B) **Extension, expansion, or alteration of nonconforming use.** The BZA may, subject to §§ 155.059 and 158.133, authorize the extension or expansion of a nonconforming use or the alteration of a nonconforming structure, with or without conditions, provided that:

(1) Any changes or additions to the activities taking place in connection with the nonconforming use will not change the use in any substantial way.

(2) Extension or expansion limits:

(a) A structure or use that was rendered nonconforming for failure to comply with bulk requirements may not exceed 100% of the gross floor area of structures or 100% of the gross acreage of the use above that which legally existed at the time the use first became nonconforming, or above that which was approved by the Zoning Administrator or Board of Zoning Appeals as of October 30, 2015.

(b) All other nonconforming use extension or expansions shall be limited to 50% of the gross floor area of structures or 50% of the gross acreage of the use above that which legally existed at the time the use first became nonconforming, or above that which was approved by the Zoning Administrator or Board of Zoning Appeals as of October 30, 2015.

(3) Any such extension or expansion may not increase residential density beyond that which is permitted by the zoning provisions of the zoning district in which the subject extension or expansion is located, or beyond that which existed at the time the subject nonconforming use became nonconforming, with the exception of attached accessory dwelling units that are permitted in the zoning district.

(4) The outdoor land area occupied by a nonconforming use may be enlarged only to provide additional parking area or to comply with an order of the Carroll County Health Department to improve, replace, or expand a well or septic area.

(5) An expansion would not exacerbate an existing bulk requirement nonconformity or create a new violation of the bulk requirements for the zoning district in which the property is located.

(6) The extension, expansion, or structural alteration would not cause an adverse effect on neighboring properties.

(C) If no structural alterations are made, a nonconforming use of a building, structure, or premises may, with approval of the BZA, subject to § 158.133(G), be changed to another nonconforming use which in the opinion of the BZA is of the same or a more appropriate use or classification unless the use is specifically prohibited in the district. The use need not meet the bulk requirements, except for minimum lot area, of the underlying zoning district; however, it shall meet all other requirements of the County Code, including any requirement of the Carroll County Health Department. In the case of a nonconforming junkyard operation, the BZA may, based on specific findings of fact, decide upon an application filed by the land owner as to whether a

relocation of a nonconforming junkyard operation, either in whole or in part, to another location on the immediate property or to a location on an adjoining property, constitutes a suitable substitution of use which has substantially less adverse impact to the general public and adjoining property. In granting any such relocation as herein provided, the BZA shall attach such conditions or requirements as it may deem necessary to protect the public interest, the adjoining property owners, and the intent and purpose of this chapter.

(D) A nonconforming use may not be changed to another nonconforming use if the new nonconforming use would require structural alterations or require greater outdoor area to conduct the use or provide parking.

(E) No building, structure, or premises where a nonconforming use has ceased for 24 months or more, unless otherwise extended as herein provided, shall thereafter be used except in conformance with this chapter. Prior to the expiration of such 12-month period after the nonconforming use ceases, the owner of the property may make application to the Zoning Administrator for an extension of time for such use. The Zoning Administrator may extend such period for a reasonable time, up to 12 months, upon a finding that the property is either under active restoration, being offered for sale, involved with obtaining governmental approvals or other good cause as demonstrated by the owner. If the Zoning Administrator grants an extension, such extension shall be for at least 30 days, which shall run from the date of the written decision of the Zoning Administrator. If the Zoning Administrator denies such extension for any reason other than the failure to make a timely request, the owner shall be deemed to have an extension for 30 days from the date of such written denial.

(F) The owner or operator of any existing nonconforming use involving used car lots, service garages, or junkyards shall, not later than April 17, 1966, certify in writing, on a prescribed form, to the office of the Zoning Administrator, that such nonconforming use did exist on the adoption date of this chapter. In order that the exact nature and extent of such nonconforming use may be determined, a survey plat prepared by a professional engineer or registered surveyor shall accompany any prescribed form. The survey shall include the following:

- (1) North arrow;
- (2) Scale: one inch equal to 100 feet;
- (3) Election district;
- (4) Outline of parcel or parcels upon which the nonconforming use is located;
- (5) Bearings, distances, and acreage of that portion of the parcel or parcels expressly used for the nonconforming use on the effective date of this chapter;
- (6) Use, dimensions, and location of all existing buildings; and
- (7) Certification and seal of professional engineer or registered surveyor.

(G) Nothing in these regulations shall prevent the restoration of a nonconforming building or structure destroyed by fire, windstorm, flood, explosion, act of public enemy or accident, or prevent the continuance of the use thereof as it existed at the time of such destruction, provided that a zoning certificate is obtained and restoration begun within one year of such destruction, unless otherwise extended by the Zoning Administrator as provided for in division (E) above.

(H) The factual existence of a nonconforming use may be certified by the Zoning Administrator, upon review of an application filed by the property owner.

(1) The application shall contain the following:

(a) A statement and plans or other illustrations fully describing the magnitude and extent of the nonconforming use;

(b) A statement identifying the date the use became nonconforming to the use or dimensional requirements of this chapter;

(c) Documentation substantiating the existence of the use on the date it became nonconforming and clearly demonstrating the continued and uninterrupted use or operation thereof from the specified date to the time of filing the application. The burden shall be on the property owner to establish the existence of the nonconforming use; and

(d) A listing of all adjoining property owners.

(2) Whenever the Zoning Administrator issues a notice of violation alleging the illegal use of the property, the property owner may raise as a defense the fact that the alleged illegal use is a nonconforming use provided the property owner submits an application to certify the nonconforming status of the use pursuant to this division (H).

(3) Applications for certification of a nonconforming use shall be heard in accordance with § 158.130(G) and (H).

(4) The decision of the Zoning Administrator is appealable in accordance with § 158.133.

(I) A decision of the Zoning Administrator or BZA approving an extension, expansion, or alteration of a nonconforming use shall become void unless a building permit conforming to the plans for which the approval was granted is obtained within 6 months, and substantial construction in accordance therewith is completed within one year from the date of the written decision. An approval for which a building permit is not required shall become void unless the extension, expansion, or alteration is implemented within one year from the date of the written decision. If the decision is appealed, the time period shall be measured from the date of the last decision. An extension to these dates may be granted by the BZA for good cause.

§ 158.034 USES PROHIBITED UNDER OTHER COUNTY OR STATE LAWS.

Any existing or proposed use which is determined to be in conflict with any existing ordinance or laws of the county or law or regulation of this state or other governmental agency shall be prohibited, even though such use may be allowed under the terms of this chapter.

§ 158.035 AGRICULTURAL USES.

Except for compliance with yard requirements and distance requirements set forth in § 158.040, nothing in this chapter shall prohibit the use of land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located.

§ 158.036 PRIVATE KENNELS.

A private kennel as defined in § 158.002 may be permitted as an accessory use to a residential dwelling unit in any zoning district upon approval of the Zoning Administrator after a public hearing in accordance with § 158.130(G).

§ 158.037 USE OF SAME YARD SPACE FOR MORE THAN ONE BUILDING PROHIBITED.

No part of a minimum required yard or other open space provided for any building or structure for the purpose of complying with the provisions of this chapter shall be included as part of a minimum required yard or other open space required under this chapter for another building or structure.

§ 158.038 MAJOR ROAD PLANS.

In an area where a major road plan has been duly adopted in accordance with Md. Code, Land Use Article, showing a proposed new highway or street or a proposed relocation or widening of an existing highway or street, no building or part of a building shall be permitted to be erected within the lines of such proposed highway or street except as provided hereinafter:

(A) The Zoning Administrator shall issue a Zoning Certificate for such construction as applied for, provided that the State Highway Administration, the Carroll County Bureau of Roads, Operations, or its successor agency, or appropriate authority, upon and within 30 days of written notice thereof does not reaffirm and substantiate its plans to provide such construction in accordance with the major road plan.

(B) The owner of the property so affected shall, following the expiration time of such written notice, have the right to appeal to the BZA the refusal of a Zoning Certificate, and the BZA may give approval to build if it should find, after public hearing, and upon the evidence and

arguments presented to it upon such appeal, that:

(1) The entire property of the appellant of which the area affected by the major road plan forms a part cannot yield a reasonable return to the owner unless such appeal is granted; and

(2) Balancing the interest of the general public in preserving the integrity of the plan and the interest of the owner of the property in the use and benefits of the property, the granting of such permit is required by consideration of reasonable justice and equity.

§ 158.039 UTILITY EQUIPMENT AND TOWERS.

(A) **Allowed uses.** The following uses, exclusive of communications towers, are allowed in any district and are exempt from lot area, lot width, and yard requirements: overhead electric and telephone lines; underground utility lines and distributing equipment; conduits; vaults; pipeline laterals; mains; traffic signals; telephone booths and pedestals; sewerage pumping stations; sewerage treatment plants; water filtration plants; reservoirs; the structures in which these uses are housed; and other similar installations and equipment or accessories of public utility nature. However, the plans for overhead electric transmission lines of 69 kilovolts or more, cross-country telephone trunk lines, or a transmission pipeline shall be submitted before the beginning of construction to the Planning Commission for its review and approval, based upon consistency with the Master Plan.

(B) **Conditional uses.** The following uses, exclusive of communications towers, shall be conditional uses in all zoning districts: buildings, yards, stations or substations for transforming, boosting, switching, or pumping purposes where such facilities are constructed above ground; and telephone exchanges.

(C) Communications towers.

(1) Communications towers are prohibited in all Residence Districts, the H District, and the MHP District.

(2) Communications towers are permitted as a conditional use in the A District and in the C District subject to the conditions and exceptions noted hereafter, imposed elsewhere in this division (C), imposed elsewhere in this chapter, imposed elsewhere by law, and subject to the following:

(a) A minimum setback of a distance equaling the height of the tower. The setback shall be measured from the base of the tower to the boundary line of the property owned, leased, or controlled by easement by the applicant;

(b) Subject to a minimum distance requirement of a distance equaling the height of the tower plus 200 feet from all Residence Districts, the H District, and the MHP District or the nearest part of any existing dwelling, school, religious establishment, or institution for human care, in any other district;

(c) Subject to a minimum setback from all overhead transmission lines of a distance equaling 2 times the height of the tower and all masts; and

(d) Subject to site plan approval by the Planning Commission pursuant to § 155.059.

(3) Communications towers and tower complexes are permitted as a principal permitted use in the C-2 and C-3 Districts, and as a conditional use in the C-1 and Employment Campus Districts, subject to the conditions and exceptions noted hereafter, imposed elsewhere in this subsection, imposed elsewhere in this chapter, imposed elsewhere by law, and subject to the following:

(a) A minimum setback of a distance equaling the height of the tower. The setback shall be measured from the base of the tower to the boundary line of the property owned, leased, or controlled by easement by the applicant;

(b) Subject to a minimum distance requirement of a distance equaling the height of the tower plus 200 feet from all Residence Districts, the H District, and the MHP District or the nearest part of any existing dwelling, school, religious establishment, or institution for human care, in any other district;

(c) Subject to a minimum setback from all overhead transmission lines of a distance equaling 2 times the height of the tower and all masts; and

(d) Subject to site plan approval by the Planning Commission pursuant to § 155.059.

(4) Communications towers and tower complexes are permitted as a principal permitted use in the Industrial Districts subject to the conditions and exceptions noted hereafter, imposed elsewhere in this division (C), imposed elsewhere in this chapter, imposed elsewhere by law, and subject to the following:

(a) A minimum setback of a distance equaling twice the height of the towers. The setback shall be measured from the base of the tower to the boundary line of the property owned, leased, or controlled by easement by the applicant;

(b) Subject to a minimum distance requirement of a distance equaling twice the height of the tower plus 200 feet from all Residence Districts, the H District, and the MHP District or the nearest part of any existing dwelling, school, religious establishment, or institution for human care, in any other district;

(c) Subject to a minimum setback from all overhead transmission lines of a distance equaling 2 times the height of the tower and all masts; and

(d) Subject to site plan approval by the Planning Commission pursuant to §

155.059.

(5) Communications towers erected on existing structures other than communications towers shall be allowed in any district, provided that the height of the tower does not exceed one-third of the height of the existing structure and the total height of the existing structure and tower does not exceed 200 feet.

(6) The issuance of permit is as follows:

(a) No permit to construct a communications tower may be issued unless the applicant demonstrates to the Zoning Administrator or, where applicable, to the BZA, need for the tower and that the applicant has exhausted all alternatives to constructing a tower. To that end, before an application may be accepted, applicants are required to submit a written location analysis detailing need for the tower. The location analysis shall be reviewed by a qualified firm, corporation, or person chosen by the county as a telecommunications consultant. The consultant shall be selected competitively, and fees shall be reasonable and commensurate with time spent on the review. The entire fee of the county's consultant for the review shall be paid by the applicant. To ensure timely completion of the review, the applicant shall submit all information requested by the county or its consultant. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements;

2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements;

3. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;

4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;

5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable;

6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable; and

7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wire-line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the

technology unsuitable.

(b) Upon receipt of all information requested by the county and the completion of the review of the location analysis, an application shall be accepted for processing by the county. In the event of a disagreement as to need for the tower after a complete exchange of all information between the applicant and the county, the BZA shall rule on this issue at the hearing on the application.

(7) An application for a Zoning Certificate for a communications tower must be accompanied by an affidavit from the applicant stating that space on the proposed tower will be made available to future users, when possible.

(8) Except as required by the Federal Aviation Administration or other federal or state agencies, no tower may use artificial lighting or strobe lighting at night.

(9) An applicant for a Zoning Certificate for a communications tower must execute an agreement with the county, in a form legally sufficient to the county, requiring the removal of the tower within 6 months after the tower ceases to function as a communications tower.

(10) In reviewing any application or site plan under this section, among other things, an agency shall consider the extent to which the proposed use seeks to:

(a) Minimize adverse visual effects of towers through careful design, siting, and vegetative screening;

(b) Avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structures;

(c) Lessen traffic impacts on surrounding residential areas;

(d) Maximize the use of new communications transmission towers in order to reduce the number of towers needed; and

(e) Demonstrate that comparable sites are not available in nonresidential or rural areas, where the use is proposed in a residential or conservation zone when otherwise protected from residential development.

(11) The Zoning Administrator, BZA, and the Planning Commission may refer any application to appropriate agencies for comments.

(D) **Additional provisions.** The provisions of this section shall be subject to §§ 158.049 and 158.071(C)(9).

(E) **Conveyor systems.**

(1) Conveyor systems shall be a principal permitted use in I-2 and I-1 Industrial Zoning Districts and A District and shall be a conditional use in all other zoning districts, except for Residential Districts. In considering an application for a conditional use, and in considering site plan approval, the BZA and Planning Commission shall consider whether the proposed conveyor system is more beneficial to the community at large than alternative systems for the transportation of materials, for example, railroad, or truck transportation. In comparing the proposed conveyor system to alternative transportation systems, the BZA and Planning Commission may consider the following factors:

(a) Noise, dust control, odors, air emissions, and compliance with current environmental regulations;

(b) Traffic congestion and wear and tear on public infrastructure;

(c) Impacts upon fire, police, or emergency response services; or

(d) Any of the limitations, guides, and standards contained in § 158.133(G).

(2) Except in industrially zoned areas, conveyor systems shall be underground at all road crossings.

(3) Conveyor systems are exempt from lot area, lot width, setback and yard requirements, except for separation distance requirements described in division (E)(4) below.

(4) Separation distance requirements are as follows:

(a) In A and C Districts, the conveyor system shall be located the greater of 3 times its height above ground; or 150 feet from any existing residential structure or from a property line in any Residential District;

(b) This division (E)(4) supersedes the distance requirements of § 158.040; and

(c) The separation distance requirements of this division (E)(4) shall not apply to permitted residential structures which are constructed after the date of conditional use approval or site plan approval.

(5) The maximum decibel level caused by the operation of the conveyor system at any receiving property line shall not exceed 65 dBA during daytime hours and 55 dBA during nighttime hours as those terms are defined in § 93.02 of the County Code.

(6) Conveyor systems shall be subject to site plan approval in accordance with § 155.059. The Planning Commission may impose additional requirements as necessary to preserve human health, safety, and welfare, and may consider design, siting, and vegetative screening to minimize adverse effects.

§ 158.040 DISTANCE REQUIREMENTS.

(A) Any uses or buildings subject to compliance with this section, as referenced in § 158.082(A), shall be located at least 200 feet from:

- (1) Any lot in a Residence District.
- (2) Any lot of less than 3 acres in the A District which is:
 - (a) occupied by a dwelling not located on the same lot as the said use or buildings, or
 - (b) for which a residential lot has been recorded, or
 - (c) for which a construction permit for a dwelling has been issued.
- (3) Any lot occupied by a school, religious establishment, or institution for human care; and
- (4) On adjoining lots of 3 acres or more, minimum separation distance of 300 feet from dwellings shall be required.

(B) The following uses shall be subject to 2 times the distance requirement in subsection (A), above:

- (1) Coal yard;
- (2) Cooperage works;
- (3) Crematory;
- (4) Electric generating power plant;
- (5) Facility for the dispensing of medical cannabis;
- (6) Flour and grain milling;
- (7) Heavy manufacturing;
- (8) Indoor contractors' equipment storage yard;
- (9) Indoor growing of medical cannabis;
- (10) Indoor processing of medical cannabis; and

(11) Steel mill.

(C) The following uses shall be subject to 3 times the distance requirement in subsection (A) above:

- (1) Above ground petroleum products storage (2,000 gallons or greater);
- (2) Bituminous concrete mixing plant;
- (3) Commercial sawmill;
- (4) Concrete and ceramic products manufacture;
- (5) Concrete or asphalt recycling;
- (6) Oil-contaminated soil facility;
- (7) Outdoor contractors' equipment storage yard;
- (8) Solid waste acceptance facility; and
- (9) Truck or motor vehicle freight terminal.

(D) The following uses shall be subject to 4 times the distance requirement in subsection (A) above, and shall be located not less than 1,000 feet from any Residence District:

- (1) Acid or heavy chemical manufacturing;
- (2) Airport;
- (3) Blast furnace, boiler works, foundry;
- (4) Cement, lime, gypsum manufacturing;
- (5) Distillation of bones, fat rendering, grease, lard or tallow manufacturing;
- (6) Explosive manufacturing or storage;
- (7) Fertilizer, potash, insecticide, glue, size, or gelatin manufacture;
- (8) Junkyard;
- (9) Outdoor trap, skeet, rifle, or archery ranges, including gun clubs;
- (10) Petroleum products refining; and

(11) Slaughterhouse.

§ 158.041 LOCATING ANCILLARY FACILITIES.

The following uses, when accessory to an authorized conditional or principal permitted use, may be located in a district different from that in which the authorized conditional or principal permitted use is located:

- (A) SWM facilities;
- (B) Septic systems;
- (C) Wells;
- (D) Sediment control devices and permanent drainage structures;
- (E) Water storage facilities for fire protection;
- (F) Berms for sight or noise abatement; and
- (G) Parking facilities and driveways.

§ 158.042 TRAFFIC VISIBILITY ACROSS CORNER LOTS.

On any corner lot, no fence, structure, or planting that would interfere with traffic visibility across the corner shall be erected or maintained within 20 feet of the intersection of the road right-of-way.

§ 158.043 TRAFFIC VISIBILITY ENTERING PUBLICLY MAINTAINED ROADS.

(A) A property owner or tenant of the property shall not maintain or erect a fence, wall, mailbox, hedge, tree, shrubbery, vines, weeds, plantings, etc., on private property at or near any existing access point or proposed access point to publicly maintained roads which causes an obstruction to vision for motorists entering publicly maintained roads.

(B) The Zoning Administrator shall determine, in conjunction with the Carroll County Bureau of Roads Operations, or its successor agency, whether an object constitutes an obstruction to vision.

(C) For any fence, wall, mailbox, hedge, tree, shrubbery, vines, weeds, plantings, etc., which is determined to be an obstruction to vision, this section shall supersede § 158.033.

§ 158.044 MEASUREMENT OF FRONT YARD DEPTH.

(A) Each front yard (setback) shall be measured at right angles or radially from the nearest street right-of-way line (front property line) where the right-of-way of any existing street is 50 feet in width in the case of a local or minor type street, or 60 feet in width in the case of any designated county collector or major street. Where the respective right-of-way widths of the above type streets are less, or where there may be doubt as to the width of the right-of-way, the minimum front yard depth or setback line shall be determined by adding the distances specified below to the minimum front yard requirement, and measuring from the centerline of the type of road involved:

- (1) All local or minor streets, add 25 feet; and
- (2) County collector or major streets, add 30 feet.

(B) In any district where a lot abuts a state highway, the minimum front yard otherwise required for any building where less than 100 feet shall be increased by an amount specified by the State Highway Administration, as would reflect and allow for future official widening and right-of-way lines, if applicable.

§ 158.045 PRINCIPAL DWELLINGS.

In any district where a dwelling is permitted, only one principal dwelling shall be permitted on any lot, as defined under § 158.002, except as may be otherwise provided for in this chapter for two-family, multi-family, and accessory dwellings.

§ 158.046 GAME MACHINES AS ACCESSORY USE.

In any commercial establishment or public facility, no more than 4 game machines may be permitted as an accessory use, and at any circus, carnival, or similar transient use, an unlimited number of game machines may be permitted as an accessory use.

§ 158.047 TEMPORARY ZONING CERTIFICATES.

The Zoning Administrator may issue a Temporary Zoning Certificate for any use in any district based on hardship resulting from the destruction of any existing building or structure by fire, wind storm, flood, explosion, or act of public enemy or accident. Any such use established under this section on property that is zoned for such use shall not establish any basis for a permanent change to the zoning classification.

§ 158.048 TEMPORARY/SEASONAL USES.

- (A) Temporary and other uses, subject to approval by the Zoning Administrator, shall be

as follows:

(1) Carnivals and fairs sponsored by a nonprofit organization, a volunteer fire company, or charitable, social, civic, or educational organization. Such use shall operate for a period of time not to exceed 10 days per event, and shall not be held more than once in any 30-day period at the same location;

(2) Seasonal sales of items, including but not limited to Christmas trees, pumpkins, plants, flowers, or other decorative plant materials;

(3) Stands for snowballs and similar confections:

(a) The floor area of the structure shall be no greater than 150 square feet;

(b) The use shall operate only between April 1 and October 1;

(c) Applicant shall demonstrate that there is adequate parking available;

(d) Setback requirements are the same as in the underlying zoning district;

(e) Except for seating, there shall be no outside storage of materials or equipment except as approved by the Zoning Administrator;

(f) An annual Zoning Certificate for the use shall be obtained and approved each year by the Zoning Administrator prior to the beginning of operation and sales, based upon compliance with the requirements listed above. The Zoning Certificate application shall include a plot plan showing the location and dimensions of structures, parking areas, and points of access; and

(g) Notwithstanding the provisions of § 158.033, all stands shall meet the requirements of this section.

(4) Sidewalk sales;

(5) Produce stands of a seasonal nature;

(6) Temporary shelter for commercial displays, sales, and services.

(a) The uses may include all commercial displays, sales, and services permitted in the respective business and industrial zones for promotional displays or sales, seasonal activities, fireworks, truckload sales of products, sidewalk sales, and demonstration of products in a parking lot;

(b) The shelter may include a trailer or tent; and

(c) The Zoning Certificate shall be issued for a limited period of time as

determined by the Zoning Administrator.

(7) Farmer's market or flea market.

(a) The Zoning Certificate shall only be issued for 30 days for a flea market and no more than 120 days for a farmer's market in any one calendar year;

(b) Stalls, sales tables, and any other facilities related to the farmer's or flea market shall be located at least 25 feet from any abutting street. If located within a parking lot, the facilities shall be located so as to provide sufficient parking facilities for the patrons; and

(c) The plot plan submitted with the Zoning Certificate application shall show all existing improvements on the property, off street parking areas and driveways (including traffic control patterns), and the specific area (dimensioned) of the property to be occupied by the farmer's or flea market.

(8) Dumpsters and other self-contained portable storage containers may be used in conjunction with a residential property for 60 days with up to 2 60-day extensions for good cause, for no more than 6 months in any calendar year.

(9) Farm alcohol producer events or activities, subject to the provisions of 158.070(aa)(13) and (14).

(B) The Zoning Administrator may revoke the Zoning Certificate for a temporary use if the use constitutes a nuisance because of noise, traffic, trash, or other cause.

(C) Notwithstanding the provisions of §§ 158.110 through 158.114, the Zoning Administrator may approve signs for temporary and other uses listed in division (A) above.

§ 158.049 COUNTY PUBLIC BUILDINGS, STRUCTURES, AND USES.

Notwithstanding anything herein to the contrary, uses of land, buildings, structures, or premises by the County Commissioners, including the location, erection, reconstruction, extension, enlargement, conversion, or alteration of buildings or structures or parts thereof may be located in any district as principal permitted uses and exempt from all subdivision regulations and bulk requirements. However, no land, building, structure, or premises owned or leased by the County Commissioners may be used without the approval of the County Planning Commission pursuant to Md. Code, Land Use Article, § 3.205.

§ 158.050 COMPLIANCE WITH LANDSCAPE ORDINANCE.

(A) No Zoning Certificate may be issued for any use of property hereafter started or for any change of use hereafter made or for any nonconforming use presently existing which hereafter expands or intensifies unless in compliance with Chapter 157 of the Code.

(B) Where a use is required to comply with § 155.059, failure to maintain the property in compliance with Chapter 157 shall be prohibited, and each day the property fails to comply shall be treated as a separate violation of this chapter.

(C) It shall be the joint and several responsibility of each person owning or using property to comply with Chapter 157 and the provisions of this chapter.

§ 158.051 SEWAGE SLUDGE STORAGE.

(A) The storage of sewage sludge is allowed in any district at a publicly owned wastewater treatment plant as an accessory use to the treatment of sewage, septage, or other wastes.

(B) The storage of pelletized or granular dried sewage sludge, or any derivative thereof, is allowed in any district as a principal permitted use certified by the Zoning Administrator under the following specific conditions:

(1) The pelletized or granular dried sewage sludge to be stored shall be of a Class A grade as defined by the federal Environmental Protection Agency (EPA) or equivalent definition by the Maryland Department of the Environment (MDE);

(2) The pelletized or granular dried sewage sludge storage facility shall possess all valid and necessary state and federal permits for the storage, handling, and transportation of pelletized or granular dried sewage sludge;

(3) The pelletized or granular dried sewage sludge storage facility shall be a closed contained system with adequate fire suppression;

(4) The pelletized or granular dried sewage sludge storage facility shall have adequate ventilation for air exchange to maintain appropriate worker protection and filtration for fine particulate and other potential airborne emissions for external venting of internal air; and

(5) The quantity of pelletized or granular dried sewage sludge stored shall be reported to the Zoning Administrator on a monthly basis.

(C) The storage of sewage sludge is prohibited, unless authorized in division (A) or (B) above.

(D) (1) Land application of sewage sludge, if properly permitted by the MDE, is allowed as an agricultural use; provided, however, that the application of sewage sludge shall be subject to the distance requirements of § 158.040. The Zoning Administrator may reduce the distance requirements of § 158.040 to that buffer distance authorized by the MDE, if to do so would not adversely affect the adjoining property affected thereby, in the sound discretion of the Zoning Administrator.

(2) The storage of sewage sludge is not accessory to the application of sewage sludge.

§ 158.052 STAFF HOUSING FOR GROUP HOMES.

Within a dwelling used as a group home, a separate living quarters for staff may be established as an accessory use.

§ 158.053 TEMPORARY REAL ESTATE SALES OFFICE.

A temporary real estate sales office for the sale of lots in the subdivision where it is located is authorized to be used in any zone under the following conditions:

(A) The office shall be located on a lot approved for that purpose by the Zoning Administrator.

(B) The sales office is housed in a modular office unit that has been approved by the state.

(C) The use shall not continue for more than one year. The Zoning Administrator may approve a one-year extension.

(D) The use shall not be established until a plan that includes landscaping has been approved by the Zoning Administrator.

(E) Structures approved under this section are subject to the yard requirements for dwellings in the zoning district in which the lot is located.

(F) In subdivisions that have multiple builders or developers there may be one sales office for each builder or developer who has a right through ownership or contract to develop eight or more lots at the time the builder or developer seeks to locate a temporary sales office on the site.

§ 158.054 COMMUNICATIONS TOWERS.

No communications tower permitted under § 158.039 or structure that is permitted under § 158.130(E) shall be erected, altered, or maintained at a height in excess of the applicable limitations established in Federal Aviation Regulation (FAR) 77, *Objects Affecting Navigable Airspace for the Carroll County Regional Airport*. These area and height limitations are delineated on a map generated for the Airport Manager entitled “Federal Airport Regulation (FAR) Part 77 Surfaces Approach Area (Proposed),” dated November, 1999 as may be amended and consisting of one sheet and shall be kept on file with the Airport Manager or his or her successor.

§ 158.055 RENTAL OF CERTAIN DWELLING UNITS.

All tenant houses, in-law apartments, attached accessory dwelling units or detached accessory dwelling units existing as of November 28, 2000, are granted relief from the zoning restrictions preventing rental of the unit. These units may be rented upon receipt of a Zoning Certificate, a use and occupancy certificate, and demonstrated compliance with Chapter 171, Livability Code.

§ 158.056 OUTDOOR PARKING OF COMMERCIAL VEHICLES ON RESIDENTIAL PROPERTY.

(A) For the purposes of this section, commercial vehicle shall mean a motorized vehicle of 10,000 pounds or more gross vehicle weight or capability, a trailer capable of gross vehicle weight of 10,000 pounds or more, or a trailer which may be used for commercial purposes. Motor homes, recreational vehicles, and school buses owned or operated by the resident shall not be deemed commercial vehicles under this chapter.

(B) Parking of one commercial vehicle shall be permitted as an accessory use to a single-family dwelling residential use upon a lot of one acre or less subject to the following requirements:

(1) The commercial vehicle must be actively used by a full-time resident of the single-family dwelling;

(2) The commercial vehicle shall be parked completely within the boundary lines of the lot on which the single-family dwelling exists; and

(3) The commercial vehicle shall not be parked in a way which blocks adequate sight distance for persons entering or exiting any public or private road and shall not be parked closer than 15 feet to the limit of a public right-of-way.

(C) Parking of no more than 2 commercial vehicles shall be permitted as an accessory use to a residential use upon a lot greater than one acre subject to the following requirements:

(1) The commercial vehicles must be actively used by a full-time resident of the dwelling;

(2) The commercial vehicles shall be parked completely within the boundary lines of the lot on which the residential use exists; and

(3) The commercial vehicles shall not be parked in a way which blocks adequate sight distance for persons entering or exiting any public or private road and shall not be parked closer than 15 feet to the limit of a public right-of-way.

(D) Outside the Residence zones, parking of no more than 5 commercial vehicles shall be allowed as an accessory use to a residential use upon lots of 10 acres or more subject to the following requirements:

(1) The commercial vehicles must be actively used or owned by a full-time resident of the dwelling;

(2) The commercial vehicles shall be parked completely within the boundary lines of the lot on which the residential use exists;

(3) The commercial vehicles shall not be parked in a way that blocks adequate sight distance for persons entering or exiting any public or private road and shall be parked no closer than 15 feet to the limit of a public right-of-way; and

(4) No more than 2 of the commercial vehicles shall be visible from the nearest public road or visible from the first floor of a residence on any adjoining property.

(E) Parking and storage of vehicles in any building is not intended to be limited by this chapter.

§ 158.057 OUTDOOR STORAGE OF UNLICENSED VEHICLES.

(A) For the purposes of this chapter, an unlicensed vehicle shall mean a vehicle previously licensed or required to be licensed to operate upon the public roads in this state, excluding mobile homes.

(B) One unlicensed vehicle shall be permitted as an accessory use to a residential dwelling upon a lot of 3 acres or less.

(C) No more than 2 unlicensed vehicles shall be permitted as an accessory use to a residential dwelling upon a lot greater than 3 acres and less than 20 acres.

(D) No more than 4 unlicensed vehicles shall be permitted as an accessory use to a residential dwelling upon lots of 20 acres or more, provided no more than 2 of the unlicensed vehicles shall be visible from the nearest public road or visible from the first floor of a residence on any adjoining property.

(E) Parking and storage of vehicles in buildings is not intended to be limited by this section.

(F) This section shall not be construed as authorizing a junkyard.

(G) Nothing in this section authorizes unsafe or unsanitary storage of an unlicensed vehicle or storage which otherwise violates environmental or other laws.

§ 158.058 SUBDIVISION OF LAND; EXPIRATION OF PRELIMINARY PLANS.

A preliminary plan of subdivision shall become void in accordance with § 155.056. A decision of the Director of the Department of Land and Resource Management, or its successor agency, to grant an extension to the expiration of a preliminary plan may be appealed to the BZA in accordance with § 158.133.

§ 158.059 MEDICAL CANNABIS.

Uses related to the growing, processing, or dispensing of medical cannabis shall comply with the following requirements:

(A) The outdoor growing of medical cannabis is prohibited in all districts.

(B) All lighting, including security lighting required by COMAR 10.62.10.05, shall comply with Carroll County site plan requirements as specified in § 155.059.

(C) The use shall be subject to site plan approval by the Planning Commission pursuant to § 155.059.

(D) No variances from the requirements of this section or the distance requirements set forth in § 158.040 shall be granted.

§ 158.060 MEASUREMENT OF SEPARATION OR DISTANCE BETWEEN USES.

When measuring a required separation between uses, distance shall be determined from the nearest point of the structure occupied by the use requiring separation to the nearest point of the boundary of the lot from which the separation is to be established. For the purpose of computing the distance from a multi-tenant building or site, any distance requirement shall be measured from the perimeter of the use and not from the entire building or site. In the case of an outdoor principal or accessory use requiring separation from another use, distance shall be measured from the nearest point of the outdoor use to the nearest point of the boundary of the lot from which the separation is to be established.

DISTRICTS

§ 158.070 A AGRICULTURAL DISTRICT.

(A) **Purpose.** The purpose of the A District is to provide for continued farming activities, conserve agricultural land, and reaffirm agricultural use, activities, and operations as the preferred dominant use of the land within the district, except in an area designated MR within the MRO where mineral resource recovery is also a preferred use. While relatively small existing hamlets, villages, and residential communities appear within, as do occasional dwellings, and other uses, the district is primarily composed of lands which, by virtue of their highly productive soils, rolling

topography, and natural beauty, are the very essence of the county’s farming heritage and character. A substantial portion of the residential development in the county has previously taken place in the A District. This has the effect of taking agricultural land out of production and creating a demand for public facilities and services (roads, water and sewerage, schools, and police and fire protection) in areas where provision for such additional services and facilities is not consistent with the purpose of the A District. The intent of this section is to recognize the need for and appropriateness of very limited residential development in the A District, but to prohibit residential development of a more extensive nature. It is the further purpose of this district to maintain and promote the open character of this land as well as to promote the continuance and viability of the farming and agribusiness uses.

(B) **Applicability.** The following regulations and the applicable regulations contained in other sections shall apply in the A District.

(C) **Agriculture as preferred use.** Agriculture is the preferred use in the A District. All agricultural operations shall be permitted at any time, including the operation of farm machinery, and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the district. Compliance with §§ 150.55 through 150.59, Right to Farm, is required.

(D) **Principal permitted uses.** Principal permitted uses shall be as follows:

(1) Agriculture, as defined in § 158.002, including commercial or noncommercial nurseries and greenhouses, and provided that any greenhouse heating plant, or any building or feeding pens in which farm animals are kept, shall comply with the distance requirements specified in § 158.040;

(2) Religious establishments;

(3) Circus, carnival, or similar transient enterprise, provided that such use shall not exceed 10 days at any one time, and does not include any permanent structures;

(4) Single-family and two-family dwellings;

(5) Recreation areas and centers (public or private noncommercial), including country clubs, swimming pools, golf courses, and summer camps;

(6) Forests and wildlife preserves and similar conservation areas including publicly owned or private parks of a nonprofit nature;

(7) Riding academies, boarding stables, subject to the distance requirements specified in § 158.040;

(8) Reserved.

(9) Schools and colleges, including nursery schools or day care centers;

(10) Public buildings, structures, and properties of the recreational, cultural, administrative, or public service type, including fire, ambulance, or rescue services;

(11) Temporary buildings which may be used incidental to construction work upon compliance with the requirements of the Carroll County Health Department, but shall be removed upon the completion or abandonment of the construction work;

(12) Veterinary clinics or animal hospitals, but not including any exercising runway, provided that any structure or area used for such purposes shall be at least 2 times the distance requirements specified in § 158.040;

(13) Conversion of buildings existing prior to August 17, 1965, to accommodate not more than 2 families, provided that any such use shall have a minimum lot area of one acre; and

(14) Mineral resource recovery operations in any areas shown and designated as within a MRO on the Zoning Maps of the county as from time to time adopted or amended, subject to the requirements of § 158.096 and as defined by § 158.002 and subject to the limitations and requirements of this chapter.

(E) Conditional uses requiring BZA authorization.

(1) Conditional uses requiring BZA authorization shall be as follows:

(a) Airports or airfields, public or private, subject to approval by the Maryland Aviation Administration, provided such uses shall comply with at least 5 times the distance requirements of § 158.040;

(b) Cemeteries, mausoleums, or memorial gardens;

(c) Contractor's equipment storage located in an area of the property comprising no more than 43,560 square feet and which shall comply with at least twice the distance requirements of § 158.040;

(d) Shops for the service, repair, and sale of farm machinery and farm equipment, including welding, but which are limited exclusively to the sale, service, and repair of farm machinery and farm equipment; and blacksmith shops. The uses authorized herein shall comply with at least twice the distance requirements of § 158.040;

(e) Extractive-type industries, subject to the requirements of § 158.096. As part of an application to the BZA, the same information required to be provided to the County Commissioners, specified under § 155.090(B) shall be provided;

(f) Fairgrounds and race tracks or courses for the conduct of seasonal or periodic meets of horses, dogs, aircraft, automobiles, motorcycles, off-road vehicles, etc., provided that such uses shall be subject to 3 times the distance requirements specified in § 158.040; and provided further that such uses shall require the filing of an environmental site delineation prepared

in accordance with Chapter 155 to demonstrate how use, maintenance, and activities will be conducted and operated so as not to adversely affect the natural resources;

(g) Farms for raising of animals for experimental or other purposes, such as rats, rabbits, mice, monkeys, etc., and fur farms, provided that such uses shall be subject to 3 times the distance requirements specified in § 158.040;

(h) Food processing and packing plants, wineries, slaughterhouses, and plants for the processing of animal by-products, provided that such use shall be located 3 times the distance requirements specified in § 158.040;

(i) Commercial kennels or animal hospitals with runways, provided that such use shall be subject to the distance requirements specified in § 158.040, except that where the kennel involves more than 10 dogs, the distance requirement shall be 2 times the requirements specified in § 158.040;

(j) Livestock sales yards and buildings, subject to a minimum of 10 acres being provided, and provided that such buildings or use shall be subject to 4 times the distance requirements specified in § 158.040 and a front yard of 400 feet is provided for any use pertaining thereto;

(k) Commercial swimming pools, parks, recreational areas, and golf ranges, provided that such use shall be 2 times the distance requirements specified in § 158.040, and commercial camping areas, subject to the requirements of § 158.098;

(l) Trap, skeet, rifle, or archery ranges, including gun clubs, provided that such use shall be 5 times the distance requirements specified in § 158.040 and all safety standards of county, state, and federal agencies are observed;

(m) Garden supply centers, including the sale of small or light garden supplies, equipment and tools, customary and incidental to the sale of garden plants and nursery stock; and including the sale of woodburning stoves, fireplaces, and their accessories;

(n) Liquid and/or dry fertilizer storage and/or sales;

(o) Commercial feed and grain mills and dryers; and farm seed distribution and storage facilities;

(p) Agricultural research laboratories and facilities on a minimum lot of 25 acres; however, the lot may be reduced, provided that the BZA finds the nature and scale of the operation can be appropriately accommodated and further provided that a site development plan shall be approved by the Commission;

(q) Storage lot for commercial vehicles, not to include truck or motor freight terminals, provided that the BZA shall have the authority to limit the number of vehicles based on the considerations enumerated in § 158.133(G), and provided that the BZA determines sufficient

space is available to park the vehicles without disturbance to neighboring properties. Notwithstanding the area requirements of § 158.070(H), the BZA may consider applications on sites of less than 3 acres;

(r) Nursing homes, continuing care retirement communities and assisted-living facilities, subject to prior concept site development plan and traffic study review and determination of density, exterior design, and site layout by the Planning Commission;

(s) Bed-and-breakfast (subject to § 158.071(D)(6));

(t) Country inn (subject to § 158.071(D)(7));

(u) Retreat or conference centers as defined in § 158.002, provided that a site development plan shall be approved by the Planning Commission, and subject to the following:

1. The use shall be located on a property of not less than 5 acres;
2. All buildings and housing shall be located not less than 100 feet from adjoining property;
3. Such use shall be designed so as to preserve the maximum amount of land for agricultural purposes; and
4. The BZA may limit the maximum occupancy of the site based on such factors as its proximity to a public water supply and adequacy of the access to the site.

(v) Rubble landfills subject to the following requirements, conditions, and limitations:

1. The use shall not be allowed unless authorized by valid permits issued by all governmental agencies which require a permit for any part of the activity or use performed;
2. Unless a valid close out permit has been issued and maintained for the site, termination or revocation of any permit required by the preceding section terminates any authority granted hereunder and constitutes a violation of this chapter;
3. This use shall be subject to § 155.059;
4. This use shall be subject to 5 times the distance requirements of § 158.040; and
5. Prior to beginning to use any property for this use, the owner shall enter into an indenture with the County Commissioners which guarantees that all of the requirements of this chapter and any permit required to conduct the use are met and further guarantees that the cost of eliminating any nuisance created by the rubble landfill, including fires, shall be borne by the property owner, and the owner shall provide a bond or other suitable guaranty to the County

Commissioners (in the discretion of the County Commissioners) to ensure the proper use of the property and performance of the covenants contained in the indenture. For purposes of this section, the County Commissioners may include any provisions in the indenture it deems necessary to protect the health, safety, and welfare of the people of the county, and the County Commissioners shall be the sole arbiters of what constitutes a nuisance.

(w) Manufacture of mulch, including processing, storage, and sale at retail and wholesale, provided that a site development plan shall be approved by the Commission, and subject to the following conditions:

1. The use shall not be located within 600 feet from any property line;
2. The use shall be shown by the owner not to adversely affect the quantity or quality of groundwater or surface waters, or be otherwise detrimental to neighboring properties;
3. The BZA may limit the maximum occupancy of the site based on factors, including but not limited to the proximity to a public water supply and adequacy of access of the site;
4. The BZA may require an environmental impact study based on the scale of the project and on the recommendation of technical staff;
5. The BZA shall limit the hours and days of operations; and
6. No Zoning Certificate shall be issued until documentation of all necessary permits or exemptions from state and county agencies are presented to the Zoning Administrator.

(x) Research laboratories and facilities conducting bioscience research through clinical and preclinical testing on animals, plants, or foods for the purpose of developing products which are technically, scientifically, or clinically useful, subject to the following requirements:

1. Such uses shall be located on a minimum lot of 25 acres;
2. The use shall be subject to a front, rear, or side yard of 200 feet, unless the use includes any exterior animal holding or living areas including kennels with or without runs, pens, corrals, barns or sheds, then the use shall be subject to a front, rear, or side yard of 400 feet;
3. Such uses may not exceed a classification of Biosafety Level (BSL) 2 as that term is defined by the Centers for Disease Control (CDC) as of May 1, 2004;
4. Such uses shall comply with the following certifications that apply to the testing and research being performed on site if recommended or mandatory for the industry including but not limited to: United States Food and Drug Administration (FDA), Association for

Assessment and Accreditation of Laboratory Animal Care International (AAALAC), National Institute of Health Office of Laboratory Animal Welfare (OLAW), United States Department of Agriculture (USDA), United States Drug Enforcement Agency (DEA), United States Environmental Protection Agency (EPA), and the United States Nuclear Regulatory Commission (NRC) and all other similar industry standards, laws, and regulations in effect; and

5. Such uses must meet all applicable Carroll County Health Department regulations and standards.

(y) Funeral establishments;

(z) Crematoria; and

(aa) Farm alcohol producer, subject to the following requirements, conditions, and limitations:

1. The primary use of the property shall continue to be agricultural in nature and any commercial aspects of this use shall not be used solely to warrant or justify the assignment of future land use designations or rezoning petitions.

2. A farm alcohol producer must have a valid Class 4 Limited Winery, Class 8 Farm Brewery, or Class 1 Distillery Maryland alcohol manufacturer license, or as may be amended.

3. The alcoholic beverage shall be manufactured with an ingredient from a Carroll County agricultural product produced on the licensed farm. If Maryland Department of Agriculture determines for the calendar year that an insufficient supply of Maryland agricultural products exist, a farm alcohol producer may use agricultural products from outside Carroll County or outside the state to manufacture its alcohol products.

4. The farm alcohol producer may purchase bulk beverage fermented, brewed, or distilled by a licensed alcohol manufacturer and blend the beverage with the farm alcohol producer's alcoholic beverage, if the aggregate purchase does not exceed 25% of the farm alcohol producer's annual beverage production.

5. All associated structures shall be subject to a 200-foot front, rear, and side yard setback. Parking must be consistent with Chapter 155, Development and Subdivision of Land, Parking Space Requirements.

6. Accessory uses at the farm alcohol producer are permitted, as outlined in § 158.070(F)(23). The floor area for beverage tasting, sales of alcohol produced on-site or other non-alcoholic beverages, accessory food sales related to the beverage tasting, and retail sales facility for sale of novelty and gift items related to the beverage shall not exceed the on-site floor area being used for production and storage of such beverage. Sales of non-agricultural products shall be limited to no more than 25% of the floor area of the entire retail sales facility.

7. Tours and tastings means tours of the farm alcohol producer and/or tastings of beverages produced by the farm alcohol producer during the operating hours prescribed in the license. The farm alcohol producer may serve food in conjunction with tours and tastings, provided:

A. All advertising to the public is only for tours and/or tastings;

B. The amount and type of food is intended to be secondary and complementary to the alcohol as part of the tours and tastings; and

C. The food arrives at the establishment ready for service or in a state generally ready for consumption.

8. Storage of beverages produced on the property is allowed.

9. A Health Department food service license is required if food is served.

10. Health Department approval for water supply and wastewater disposal systems is required. For farm alcohol producer facilities served by individual on-site sewage disposal systems (OSDS), the OSDS must provide adequate treatment and hydraulic capacity for the proposed or intended use.

11. Approval is required from the Bureau of Permits and Inspections for the use of any structures by the public, including sanitation facilities, as outlined in Chapter 170, Construction Codes.

12. All vehicles parked must be parked on an approved property and may not be parked on public roads or rights-of-way.

13. Any on-site event or activity at a farm alcohol producer that is expected to exceed site plan approval is considered a temporary/seasonal use and shall obtain a temporary zoning certificate from the Zoning Administrator by submitting a simplified application form as prescribed by the Zoning Administrator.

14. Those events or activities which require a temporary zoning certificate are subject to the following additional conditions and requirements:

A. The event or activity is intended to assist in the sale and direct marketing of alcoholic beverages produced by a Carroll County farm alcohol producer;

B. The event or activity must be clearly incidental, related, and subordinate to the farm alcohol producer's agricultural farming product and must be consistent with state manufacturing license requirements;

C. The event or activity must comply with the provisions of

Chapter 93, Nuisances, Noise;

D. The event or activity requires a temporary zoning certificate subject to the provisions of §§ 158.047 and 158.048 and must be consistent with state manufacturing license requirements. Multiple events may be approved under one temporary zoning certificate. Modifications and additions to an approved temporary zoning certificate may occur with the prior approval of the Zoning Administrator;

E. A temporary food permit license must be approved by the Health Department; and

F. Approval of a zoning certificate for a temporary use will be determined on a case-by-case basis depending on individual site conditions and the applicant's demonstration that potential impacts to neighboring properties will be adequately addressed and minimized, including, but not limited to, access and traffic impacts, off-street parking, availability of water and sanitation facilities, and anticipated noise levels. The Zoning Administrator may revoke the temporary zoning certificate for a temporary/seasonal use if the use constitutes a nuisance because of noise, traffic, trash, or other cause.

15. Banquet and meeting facilities.

A. The BZA may also authorize, in conjunction with a farm alcohol producer, facilities and catering for private events, such as banquets, weddings, receptions, and reunions.

B. Events at these facilities shall not be open to the public.

C. Food must be provided and served by a licensed caterer.

D. Site plan approval is required.

16. No variances of the above requirements may be granted, with the exception of those provisions specified in § 158.130(F), Application; limits.

(F) **Accessory uses.** Accessory uses shall be as follows:

(1) Accessory buildings and uses customarily incidental to any principal permitted use or authorized conditional use, including mobile homes subject to the applicable provisions of § 158.150;

(2) Home occupation, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(3) Keeping of not more than 4 roomers or boarders by a resident owner;

(4) Business signs, subject to the provisions of §§ 158.110 through 158.115;

- (5) One private stable as regulated in § 158.071(E)(2);
- (6) Saddlery and tack shop on the premises of any riding academy, boarding stable or horse farms;
- (7) In conjunction with contractor's equipment storage, the storage of building materials which are to be used by the contractor and which are not otherwise for sale;
- (8) Storage modules may be used in conjunction with an approved business use of the property, provided that:
 - (a) On property of less than 10 acres the storage module shall be subject to the following standards:
 - 1. The maximum size shall be eight feet by 24 feet.
 - 2. The exterior surface shall be painted and kept in good repair.
 - 3. The storage module shall be vented where needed for safety purposes.
 - 4. The storage module shall be screened from adjacent roadway and from residences on adjoining properties.
 - (b) On property of 10 acres or more, the storage module shall be subject to the following standards:
 - 1. The exterior surface shall be painted and kept in good repair.
 - 2. The storage module shall be vented where needed for safety purposes.
 - 3. The storage module shall be screened from adjacent roadway and from residences on adjoining properties.
- (9) Outdoor parking of commercial vehicles and outdoor storage of unlicensed vehicles as accessory use to residential use as defined and provided in §§ 158.056 and 158.057;
- (10) Family day care, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);
- (11) Attached accessory dwelling units which are subject to the following:
 - (a) An attached accessory dwelling must have direct access from the outside;
 - (b) Only one attached accessory dwelling is permitted on any principal dwelling unit;

(c) The property owner must occupy either the principal dwelling unit or the attached accessory dwelling unit on the property;

(d) The maximum size of an attached accessory dwelling shall be 800 square feet of the livable floor area or one-third of the total livable floor area of the principal dwelling unit, whichever is greater;

(e) The attached accessory dwelling unit shall have no more than 2 bedrooms;

(f) The attached accessory dwelling unit must meet all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE;

(g) Two additional off street parking spaces must be provided for the attached accessory dwelling unit; and

(h) Only one accessory dwelling unit (attached or detached) shall be permitted on a lot.

(12) Detached accessory dwelling units, provided that the lot or parcel is either eligible to be subdivided to separate the detached accessory dwelling or subject to an agricultural land preservation easement, and which are subject to the following:

(a) Only one detached accessory dwelling unit is permitted on any lot or parcel. Buildings converted in accordance with § 158.070(D) shall be considered detached accessory dwelling units;

(b) The property owner must occupy either the principal dwelling unit or the detached accessory dwelling unit on the lot or parcel;

(c) The detached accessory dwelling unit must meet all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE;

(d) Two off street parking spaces must be provided for the detached accessory dwelling unit; and

(e) Detached accessory dwelling units shall not be subject to any size limits.

(13) Antique and arts and crafts shops, in conjunction with a residence or farming operation, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(14) Beauty parlors and barbershops, in conjunction with a residence, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(15) Roadside stands for the sale of fresh fruits, vegetables, and other farm products,

subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(16) Offices to conduct mail order and catalog-type operations where operated by a resident of the property, provided that no inventory or merchandise is kept on the premises for sale (except samples, etc.), and provided that the Zoning Administrator may approve no more than 2 nonresident employees, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(17) Dance studios, when conducted within a dwelling by a resident, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(18) Cottage industry, provided that it is conducted within the dwelling or within an accessory building which does not exceed 2,000 square feet in area, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(19) Within a dwelling, the professional office of a physician, insurance agent, realtor, or other profession determined by the Zoning Administrator to be similar in use and characteristics, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(20) Lawn care and maintenance service, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(21) The above or below ground storage of not greater than 2,000 gallons, in aggregate capacity of petroleum products which is not sold at retail or wholesale, and subject to Chapter 170 of the Carroll County Code and all applicable Maryland Department of the Environment (MDE) and National Fire Protection Association (NFPA) regulations;

(22) Above-ground petroleum storage exceeding 2,000 gallons but less than 50,000 gallons, in aggregate capacity, provided however, that no individual container may exceed 30,000 gallons. These petroleum products may not be sold at retail or wholesale, and shall be subject to the following:

(a) 100 feet of separation from all existing or proposed residential dwellings on the same property;

(b) Setback requirements as specified by NFPA, but not less than 100 feet from all property lines;

(c) Compliance with Chapter 170 of the Carroll County Code;

(d) Compliance with all state and NFPA regulations; and

(e) No variances of the above requirements may be granted.

(23) Subject to the provisions of § 158.040, accessory sawmills on lots greater than

5 acres in conjunction with the storage and processing of forest products, as well as the storage of finished products, provided, however, that any such operation be limited to a total average daily output of 2,500 board feet, that timber deliveries of logs and trees be limited to one truck or trailer load per day, that the total footprint of any such operation be limited to 2 acres, and further, that hours of operation be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to noon on Saturdays. The setback and lot size requirements set forth herein shall not be subject to variance.

(24) When associated with a farm alcohol producer:

- (a) Tasting rooms;
- (b) Accessory food sales to accompany the beverage tasting;
- (c) Retail sales facility for the sale of novelty and gift items related to the beverage;
- (d) Sales of beverages produced on-site;
- (e) Guided tours; and
- (f) Promotional activities.

(G) **Height regulations.** Except as provided in § 158.130(E), no building or structure or part thereof shall be constructed or extended to exceed 2 ½ stories or a height of 35 feet. The height limit for accessory buildings shall be 2 stories, but not over 25 feet.

(H) **Bulk requirements.** The following minimum requirements shall apply, except as hereinafter modified in § 158.130:

(1) **Dwellings, schools, etc.**

<i>Use</i>	<i>Lot Area</i>	<i>Lot Width (feet)</i>	<i>Front Yard Depth (feet)</i>	<i>Side Yard (Width Each Side Yard) (feet)</i>	<i>Rear Yard Depth (feet)</i>
Antique or beauty shops, barbershops or arts and craft shops	20,000 sq. ft.	100	40	20	50
Conversion apartments	1 acre	150	40	30	50
Dwelling	1 acre	150	40	20	50
Nursery schools; day centers	20,000 sq. ft.	100	40	30	50
Religious establishments	2 acres	200	100	50	50
Schools:					
Elementary	5 acres	400	150	100	50

<i>Use</i>	<i>Lot Area</i>	<i>Lot Width (feet)</i>	<i>Front Yard Depth (feet)</i>	<i>Side Yard (Width Each Side Yard) (feet)</i>	<i>Rear Yard Depth (feet)</i>
High	10 acres	500	150	100	50
Colleges	15 acres	500	150	100	50
Other principal permitted or conditional uses	3 acres	200	40	30	50

(2) **Nursing homes and assisted living facilities.**

<i>Use</i>	<i>Lot Area</i>	<i>Lot Width (feet)</i>	<i>Density</i>	<i>Front Yard Depth (feet)</i>	<i>Side Yard Width (each side yard) (feet)</i>	<i>Rear Yard Depth (feet)</i>
Nursing homes, assisted living facilities	3 acres	150	1 bed/ 3,000 sq. ft. ¹	50 min. ²	40 min. ²	50 min. ²
¹ For those areas in excess of 180,000 square feet, the determination of the density factor will be made by the Commission and the Health Department upon the review and approval of the site development plan.						
² As lot area increases above minimum of 45,000 square feet, increased provision for front, side, and rear yards shall be determined by the Planning Commission and the Carroll County Health Department based on the site development plan.						

§ 158.071 C CONSERVATION DISTRICT.

(A) **Purpose.** The purpose of the C District is to prescribe a zoning category for those areas where, because of natural geographic factors and existing land uses, it is considered feasible and desirable to conserve open spaces, water supply sources, woodland areas, wildlife, and other natural resources. This district may include extensive steeply sloped areas, stream valleys, water supply sources, and wooded areas adjacent thereto.

(B) **Applicability.** The following regulations and the applicable regulations contained in other articles shall apply in the C District.

(C) **Principal permitted uses.**

(1) Agriculture, as defined in § 158.002, provided that any greenhouse heating plant or any building or feeding pens in which farm animals are kept shall comply with the distance requirements specified in § 158.040;

(2) Forests and forestation and wildlife preserves;

(3) Publicly owned or private parks of a nonprofit nature, including campgrounds, riding trails, summer or winter resort areas, hunting, fishing, or country clubs, game preserves and

similar uses for the purpose of preserving and enjoying the natural resources of the property;

(4) Water supply works, flood control or watershed protection works, and fish and game hatcheries;

(5) Single-family dwellings;

(6) Schools and colleges, subject to the approval of a site development plan by the County Planning Commission;

(7) Conversion of buildings, existing prior to August 17, 1965, to accommodate not more than 2 families;

(8) Public buildings, structures, and properties of the recreational, cultural, or administrative type; or public service-type buildings or properties, including fire, ambulance, or rescue services;

(9) Cable television (CATV) facilities of any person, firm, or corporation which is franchised by the County Commissioners to provide cable television services within the county subject to site plan approval by the Planning Commission; and

(10) Golf courses subject to site plan review under § 155.059 and the filing of a professionally prepared environmental impact plan demonstrating how use, maintenance, and activities will be conducted and operated so as to not adversely affect the natural resources and comply with water resources protection standards as may be adopted by the county.

(D) Conditional uses requiring BZA authorization.

(1) Trap, skeet, rifle, or archery range, including gun clubs, provided that such use shall be 5 times the distance requirement specified in § 158.040;

(2) Veterinary clinics, animal hospitals, or kennels with or without runways, provided that the minimum area is 10 acres for any of the aforesaid uses, and provided that any structure or area used for such purposes shall be subject to twice the distance requirement as specified in § 158.040, except that a kennel for 10 dogs or less shall require a minimum of 5 acres and shall be subject to the distance requirements of § 158.040;

(3) Cemeteries, mausoleums, and memorial gardens;

(4) Religious establishments;

(5) Landscaping service (and the storage of vehicles in connection therewith) in conjunction with a nursery operation on the same premises, provided that:

(a) The minimum tract size shall be 20 acres;

(b) The storage of vehicles and other equipment shall be subject to 2 times the distance requirements of § 158.040, and the maximum size of such storage yard shall not exceed 3 acres; and

(c) A site plan shall be required and subject to § 155.059.

(6) Bed-and-breakfast inn, subject to the following minimum conditions:

(a) The primary use of the structure and property shall be residential;

(b) Interior residential features shall be retained in a manner which allow reconversion to a residential use;

(c) The dwelling shall be owner-occupied and managed;

(d) Parking shall be provided on site with one additional space required for each room that is available to be rented;

(e) Other than an authorized sign, the bed-and-breakfast use shall be shown to be compatible with the neighborhood and shall be maintained and landscaped to eliminate outward signs of transient use;

(f) Meals shall be served only to customers who are actually using the bed-and-breakfast accommodations overnight, nonpaying residents, or their *bona fide* guests;

(g) No more than one nonresident person may be employed on the premises; and

(h) A bed-and-breakfast shall not have any sign or other evidence of its use except one sign not exceeding 2 feet by 3 feet in area, which may be double-faced and illuminated.

(7) Country inn, subject to the following conditions:

(a) Individual rooms which are rented by paying occupants shall not contain cooking facilities;

(b) Unless owner-occupied, the manager must reside on the premises;

(c) Parking shall be provided on site and screened by natural vegetation from public streets and adjoining properties. The BZA may require additional screening in its discretion in such form as it deems appropriate considering the proximity of the site to adjoining properties or the public street. In addition to any requirements otherwise contained in this chapter, one parking space shall be provided for each room that is available to be rented;

(d) Except as provided for by division (D)(7)(g) below, meals shall be served only to customers who are actually using the country inn accommodations overnight, nonpaying residents, or their *bona fide* guests;

(e) In addition to providing meals as allowed hereunder, the BZA may authorize a country inn to provide facilities and catering for banquets, weddings, receptions, reunions, and similar one-day events. These events shall not be open to the public;

(f) A country inn shall not be authorized on any lot of less than 3 acres; and

(g) A country inn shall not have a sign in excess of 2 feet by 3 feet in area, which may be double-faced and illuminated.

(8) Retreat or conference centers as defined in § 158.002, provided that a site development plan shall be approved by the Planning Commission, and subject to the following:

(a) The use shall be located on a property of not less than 5 acres;

(b) All buildings and housing shall be located not less than 100 feet from adjoining property; and

(c) The BZA may limit the maximum occupancy of the site based on such factors as its proximity to a public water supply and adequacy of the access to the site.

(9) Dance studios, when conducted within a dwelling by a resident thereof;

(10) Blacksmith shops and shops for the service and repair of and sale of farm machinery and farm equipment, subject to the following conditions and limitations:

(a) The use is limited to the sale, service, and repair of farm machinery and farm equipment, including welding;

(b) The use shall not occupy more than one acre;

(c) The use shall comply with twice the distance requirements of § 158.040; and

(d) The person using the property shall obtain prior to filing an application for this use a certification from the appropriate county agency, as determined by the Zoning Administrator, that the use will have no detrimental effect on an existing or proposed water supply.

(11) Nursing homes, continuing care retirement communities, and assisted-living facilities, all subject to prior concept site development plan and traffic study review and determination of density, exterior design, and site layout by the Planning Commission; and

(12) Farm alcohol producers, provided that such use shall be subject to a front, rear, and side yard setback of 200 feet. Farm alcohol producer shall be subject to the same conditions and requirements outlined under § 158.070(E)(1)(aa), Agricultural District, conditional uses requiring BZA authorization.

(E) **Accessory uses.** Accessory uses shall be as follows:

(1) Accessory buildings and uses customarily incidental to any principal permitted use or authorized conditional use, including mobile homes subject to the applicable provisions of § 158.150;

(2) One private stable as defined in § 158.002 in a rear yard on a lot or tract of 3 acres or more. A private stable shall be located a minimum of 75 feet from all property lines;

(3) Saddlery and tack shop on the premises of any riding academy, boarding stable, or horse farm;

(4) Storage modules may be used in conjunction with an approved business use of the property, provided that:

(a) On property of less than 10 acres, the storage module shall be subject to the following standards:

1. The maximum size shall be 8 feet by 24 feet;
2. The exterior surface shall be painted and kept in good repair;
3. The storage module shall be vented where needed for safety purposes;

and

4. The storage module shall be screened from any adjacent roadway and from residences on adjoining properties.

(b) On property of 10 acres or more, the storage module shall be subject to the following standards:

1. The exterior surface shall be painted and kept in good repair;
2. The storage module shall be vented where needed for safety purposes; and

3. The storage module shall be screened from any adjacent roadway and from residences on adjoining properties.

(5) Outdoor parking of commercial vehicles and outdoor storage of unlicensed vehicles as accessory use to residential use as defined and provided in §§ 158.056 and 158.057;

(6) Attached accessory dwelling units which are subject to the following:

- (a) An attached accessory dwelling must have direct access from the outside;

(b) Only one attached accessory dwelling is permitted on any principal dwelling unit;

(c) The property owner must occupy either the principal dwelling unit or the attached accessory dwelling unit on the property;

(d) The maximum size of an attached accessory dwelling shall be 800 square feet of the livable floor area or one-third of the total livable floor area of the principal dwelling unit, whichever is greater;

(e) The attached accessory dwelling unit shall have no more than 2 bedrooms;

(f) The attached accessory dwelling unit must meet all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE Codes;

(g) Two additional off street parking spaces must be provided for the attached accessory dwelling unit; and

(h) Only one accessory dwelling unit (attached or detached) shall be permitted on a lot.

(7) Detached accessory dwelling units, provided that the lot or parcel is eligible to be subdivided to separate the detached accessory dwelling and which are subject to the following:

(a) Only one attached or detached accessory dwelling unit is permitted on any lot or parcel. Buildings converted in accordance with § 158.071(C)(7) shall be considered detached accessory dwelling units;

(b) The property owner must occupy either the principal dwelling unit or the detached dwelling unit on the lot or parcel;

(c) The detached accessory dwelling unit must meet all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE Codes;

(d) Two off street parking spaces must be provided for the detached accessory dwelling unit; and

(e) Detached accessory dwelling units shall not be subject to any size limits.

(8) Home occupation, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(9) Family day care, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(10) Antique shops, barbershops, or beauty parlors, in conjunction with a

residence or farm, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(11) Within a dwelling, the professional office of a physician, insurance agent, realtor, or other profession determined by the Zoning Administrator to be similar in use and characteristics, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(12) Lawn care and maintenance service, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G).

(13) The above or below ground storage of not greater than 2,000 gallons, in aggregate capacity of petroleum products which is not sold at retail or wholesale, and subject to Chapter 170 of the Carroll County Code and all applicable MDE and NFPA regulations.

(14) When associated with a farm alcohol producer:

- (a) Tasting rooms;
- (b) Accessory food sales to accompany the beverage tasting;
- (c) Retail sales facility for the sale of novelty and gift items related to the beverage;
- (d) Sales of beverages produced on-site;
- (e) Guided tours; and
- (f) Promotional activities.

(F) **Height regulations.** Except on farms and except as provided in § 158.130(E), no building or structure shall exceed 2 ½ stories or 35 feet.

(G) **Bulk requirements.**

(1) **Dimensions.** The following minimum requirements shall apply as hereinafter modified in § 158.130:

<i>Use</i>	<i>Lot Area</i>	<i>Lot Width (feet)</i>	<i>Front Yard (feet)</i>	<i>Side Yard (feet)</i>	<i>Rear Yard (feet)</i>
CATV facilities	3 acres	200	50	50	50
Dwellings*	3 acres	300	50	50	50
Other uses	5 acres	300	50	100	50
*Requirements only apply to off conveyances and nonclustered subdivisions.					

(2) **Nursing homes and assisted living facilities.**

<i>Use</i>	<i>Lot Area</i>	<i>Lot Width (feet)</i>	<i>Density</i>	<i>Front Yard Depth (feet)</i>	<i>Side Yard Width (Each Side yard) (feet)</i>	<i>Rear Yard Depth (feet)</i>
Nursing homes, assisted living facilities	5 acres	150	1 bed/ 3,000 sq. ft. ¹	50 min. ²	40 min. ²	50 min. ²
¹ For those areas in excess of 180,000 square feet, the determination of the density factor will be made by the Planning Commission and the Carroll County Health Department upon the review and approval of the site development plan.						
² As lot area increases above minimum of 45,000 square feet, increased provision for front, side, and rear yards shall be determined by the Planning Commission and the Carroll County Health Department based on the site development plan.						

§ 158.072 R-40,000 RESIDENCE DISTRICT.

(A) **Purpose.** The purpose of the R-40,000 Residence District is to provide a location for single-family residential development, the individual lots of which contain a minimum of 40,000 square feet. This district is generally not intended to be served with public water or sewerage facilities although in special situations, it may be. The district would generally coincide with areas designated for low-density residential development on the Master Plan.

(B) **Applicability.** The following regulations including the applicable regulations of other articles shall apply in the R-40,000 Residence District.

(C) **Principal permitted uses.** Principal permitted uses shall be as follows:

(1) Agriculture, as defined in § 158.002, provided that any building or feeding pens in which farm animals are kept shall comply with distance requirements specified in § 158.040;

(2) Religious establishments, schools, and colleges;

(3) Single-family dwellings;

(4) Buildings and properties of a cultural, civic, educational, social, or community service type such as libraries, ponds, playgrounds, community centers, but not warehouses, service garages, and storage yards; and

(5) Conversion of a building existing prior to August 17, 1965, to accommodate 2 families; provided that all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE Codes are complied with.

(D) **Conditional uses requiring BZA authorization.** Conditional uses requiring BZA

authorization are as follows:

- (1) Nursery schools or day care centers;
 - (2) Golf courses, country clubs, and similar recreational uses privately owned and/or operated;
 - (3) Nursing homes, retirement homes, continuing care retirement communities and assisted-living facilities, hospitals (Class A), medical and dental clinics, subject to prior concept site development plan and traffic study review and determination of density, exterior design, and site layout by the Planning Commission;
 - (4) Bed-and-breakfast (subject to § 158.071(D)(6));
 - (5) Country inn (subject to § 158.071(D)(7)); and
 - (6) Landscaping service (and the storage of vehicles in connection therewith) in conjunction with a nursery operation on the same premises, provided that:
 - (a) The minimum tract size shall be 50 contiguous acres;
 - (b) The storage of vehicles and other equipment shall be subject to 2 times the distance requirements of § 158.040, and the maximum size of such storage yard shall not exceed 3 acres;
 - (c) A site plan shall be required and subject to § 155.059, showing the limits of the area to be utilized and any distance requirements applicable; and
 - (d) Any division of the property described in the required site plan is prohibited.
- (E) **Accessory uses.** Accessory uses shall be as follows:
- (1) Accessory buildings and uses customarily incidental to any principal permitted use or authorized conditional use, including a mobile home used in connection with an interim agricultural use, subject to the provisions of § 158.150(B);
 - (2) Home occupation, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);
 - (3) Existing cemeteries, when accessory to a religious establishment;
 - (4) Swimming pools, tennis, and other similar courts when accessory to a residence;
 - (5) The keeping of not more than 4 roomers or boarders by a resident owner;
 - (6) One private stable as regulated in § 158.071(E)(2);

(7) Outdoor parking of commercial vehicles and outdoor storage of unlicensed vehicles as accessory use to residential use as defined and provided in §§ 158.056 and 158.057;

(8) Attached accessory dwelling units which are subject to the following:

(a) An attached accessory dwelling must have direct access from the outside;

(b) Only one attached accessory dwelling is permitted on any principal dwelling unit;

(c) The property owner must occupy either the principal dwelling unit or the attached accessory dwelling unit on the property;

(d) The maximum size of an attached accessory dwelling shall be 800 square feet of the livable floor area or one-third of the total livable floor area of the principal dwelling unit, whichever is greater;

(e) The attached accessory dwelling unit shall have no more than 2 bedrooms;

(f) The attached accessory dwelling unit must meet all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE Codes;

(g) Two additional off street parking spaces must be provided for the attached accessory dwelling unit; and

(h) Only one accessory dwelling unit (attached or detached) shall be permitted on a lot.

(9) Detached accessory dwelling units, provided that the lot or parcel is eligible to be subdivided to separate the detached accessory dwelling and which are subject to the following:

(a) Only one attached or detached accessory dwelling unit is permitted on any lot or parcel. Buildings converted in accordance with § 158.072(C)(5) shall be considered detached accessory dwelling units;

(b) The property owner must occupy either the principal dwelling unit or the detached dwelling unit on the lot or parcel;

(c) The detached accessory dwelling unit must meet all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE Codes;

(d) Two off street parking spaces must be provided for the detached accessory dwelling unit; and

(e) Detached accessory dwelling units shall not be subject to any size limits.

(10) Antique shops and arts and craft shops where operated by the resident, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(11) Beauty shops or barbershops, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(12) Cottage industry, provided it is conducted solely within the dwelling, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(13) Family day care, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(14) Within a dwelling, the professional office of a physician, insurance agent, realtor, or other profession determined by the Zoning Administrator to be similar in use and characteristics, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(15) Lawn care and maintenance service, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G); and

(16) The above or below ground storage of not greater than 2,000 gallons, in aggregate capacity of petroleum products which is not sold at retail or wholesale, and subject to Chapter 170 of the Carroll County Code and all applicable MDE and NFPA regulations.

(F) **Height regulations.** No principal structure shall exceed 2 ½ stories or 35 feet in height, and no accessory structure shall exceed 2 stories or 20 feet in height, except as provided in § 158.130(E).

(G) **Bulk requirements.**

(1) **Dwellings, religious establishments, schools, hospitals, etc.** The following minimum requirements shall be observed subject to the modified requirements of § 158.130:

<i>Use</i>	<i>Lot Area</i>	<i>Lot Width (feet)</i>	<i>Front Yard Depth (feet)</i>	<i>Side Yard Width (each side yard) (feet)</i>	<i>Rear Yard Depth (feet)</i>
Dwellings	40,000 sq. ft.	150	40	20	50
Hospitals	5 acres	400	150	100	50
Religious establishments	2 acres	200	100	50	50
Schools:					
Elementary; middle	5 acres	400	150	100	50
High	10 acres	500	150	100	50
Colleges	15 acres	500	150	100	50

<i>Use</i>	<i>Lot Area</i>	<i>Lot Width (feet)</i>	<i>Front Yard Depth (feet)</i>	<i>Side Yard Width (each side yard) (feet)</i>	<i>Rear Yard Depth (feet)</i>
Other permitted or conditional uses	40,000 sq. ft.	150	60	25	75

(2) **Nursing homes, assisted living facilities, and retirement homes.**

<i>Use</i>	<i>Lot Area</i>	<i>Lot Width (feet)</i>	<i>Density</i>	<i>Front Yard Depth (feet)</i>	<i>Side Yard Width (each side yard) (feet)</i>	<i>Rear Yard Depth (feet)</i>
Nursing homes, assisted living facilities	45,000 sq. ft.	150	1 bed/3,000 sq. ft. ¹	50 ²	40 ²	50 ²
Retirement homes, multi-family units	45,000 sq. ft.	150	As determined by the Planning Commission but not exceeding 1 DU/3,000 sq. ft.	50 ²	40 ²	50 ²
Retirement homes, single-family and town homes	45,000 sq. ft.	150	As determined by the Planning Commission but not exceeding 1 DU/7,500 sq. ft.	50 ²	40 ²	50 ²
¹ For those areas in excess of 180,000 square feet, the determination of the density factor will be made by the Planning Commission and the Carroll County Health Department upon the review and approval of the site development plan.						
² As lot area increases above minimum of 45,000 square feet, increased provision for front, side, and rear yards shall be determined by the Planning Commission and the Carroll County Health Department based on the site development plan.						

§ 158.073 R-20,000 RESIDENCE DISTRICT.

(A) **Purpose.** The purpose of the R-20,000 District is to provide a location for single-family residential development, the individual lots of which contain a minimum of 20,000 square feet (or approximately 2 families per acre). The area may or may not be served with public water and/or public sewerage facilities.
(2004 Code, § 223-76)

(B) **Applicability.** The following regulations and the applicable regulations contained in other articles shall apply in the R-20,000 District.

(C) **Principal permitted uses.** Principal permitted uses shall be as follows:

- (1) Agriculture, as defined in § 158.002, provided that any building or feeding pens in which farm animals are kept shall comply with distance requirements specified in § 158.040;
- (2) Religious establishments, schools, and colleges;
- (3) Single-family dwellings;
- (4) Buildings and properties of an educational, or community service-type such as libraries, ponds, playgrounds, community centers, but not warehouses, service garages, and storage yards; and
- (5) Conversion of a building existing prior to August 17, 1965, to accommodate 2 families; provided that all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE Codes are complied with.

(D) **Conditional uses requiring BZA authorization.** Conditional uses requiring BZA authorization shall be as follows:

- (1) Nursing homes, retirement homes, continuing care retirement communities and assisted-living facilities, hospitals (Class A), medical and dental clinics, subject to prior concept site development plan and traffic study review and determination of density, exterior design, and site layout by the Planning Commission;
- (2) Funeral establishments;
- (3) Golf courses, country clubs, private clubs and similar recreational uses privately owned and/or operated;
- (4) Nursery schools or day care centers;
- (5) Bed-and-breakfast (subject to § 158.071(D)(6));
- (6) Country inn (subject to § 158.071(D)(7)); and
- (7) Clubs, fraternal organizations, lodges, and similar organizations, provided that they are not conducted for profit and obtain and maintain appropriate designation as nonprofit entities exempt from federal income tax requirements pursuant to federal tax law regulating the conduct of such businesses; subject to site plan approval under § 155.059.

(E) **Accessory uses.** Accessory uses shall be as follows:

- (1) Accessory buildings and uses customarily incidental to any principal permitted use or authorized conditional use, including a mobile home used in connection with an interim agricultural use, subject to the provisions of § 158.150(B);

- (2) Home occupations, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);
- (3) Existing cemeteries, when accessory to a religious establishment;
- (4) Swimming pools, and tennis and other similar courts when accessory to a residence;
- (5) The keeping of not more than 4 roomers or boarders by a resident owner;
- (6) One private stable as regulated in § 158.071(E)(2);
- (7) Outdoor parking of commercial vehicles and outdoor storage of unlicensed vehicles as accessory use to residential use as defined and provided in §§ 158.056 and 158.057;
- (8) Family day care, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);
- (9) Attached accessory dwelling units which are subject to the following:
 - (a) An attached accessory dwelling must have direct access from the outside;
 - (b) Only one attached accessory dwelling is permitted on any principal dwelling unit;
 - (c) The property owner must occupy either the principal dwelling unit or the attached accessory dwelling unit on the property;
 - (d) The maximum size of an attached accessory dwelling shall be 800 square feet of the livable floor area or one-third of the total livable floor area of the principal dwelling unit, whichever is greater;
 - (e) The attached accessory dwelling unit shall have no more than 2 bedrooms;
 - (f) The attached accessory dwelling unit must meet all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE Codes;
 - (g) Two additional off street parking spaces must be provided for the attached accessory dwelling unit; and
 - (h) Only one accessory dwelling unit (attached or detached) shall be permitted on a lot.
- (10) Detached accessory dwelling units, provided that the lot or parcel is eligible to

be subdivided to separate the detached accessory dwelling and which are subject to the following:

(a) Only one attached or detached accessory dwelling unit is permitted on any lot or parcel. Buildings converted in accordance with § 158.073(C)(5) shall be considered detached accessory dwelling units;

(b) The property owner must occupy either the principal dwelling unit or the detached accessory dwelling unit on the lot or parcel;

(c) The detached accessory dwelling unit must meet all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE Codes;

(d) Two off street parking spaces must be provided for the detached accessory dwelling unit; and

(e) Detached accessory dwelling units shall not be subject to any size limits.

(11) Antique shops and arts and crafts shops where operated by the resident, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(12) Beauty parlors or barbershops, in conjunction with a residence, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(13) Within a dwelling, the professional office of a physician, insurance agent, realtor, or other profession determined by the Zoning Administrator to be similar in use and characteristics, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(14) Cottage industry, provided that it is conducted solely within the dwelling, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(15) Lawn care and maintenance service, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G); and

(16) The above or below ground storage of not greater than 2,000 gallons, in aggregate capacity of petroleum products which is not sold at retail or wholesale, and subject to Chapter 170 of the Carroll County Code and all applicable MDE and NFPA regulations.

(F) **Height regulations.** No principal structure shall exceed 2 ½ stories or 35 feet in height, and no accessory structure shall exceed 2 stories or 20 feet in height, except as provided in § 158.130(E).

(G) **Bulk requirements.** The following minimum requirements shall be observed, subject to the modified requirements in § 158.130:

(1) **Dwellings, schools, etc.**

<i>Use</i>	<i>Lot Area</i>	<i>Lot Width (feet)</i>	<i>Lot Area per Family (sq. ft.)</i>	<i>Front Yard Depth (feet)</i>	<i>Side Yard (Width Each Side Yard) (feet)</i>	<i>Rear Yard Depth (feet)</i>
Dwellings	20,000 sq. ft.	100	20,000	40	12	50
Funeral establishment	2 acres	150	-	100	30	50
Hospitals	5 acres	400	-	150	100	50
Religious establishments	2 acres	200	-	100	50	50
School:						
Elementary	5 acres	400	-	150	100	50
High	10 acres	500	-	150	100	50
Colleges	15 acres	500	-	150	100	50
Other principal or permitted conditional uses	20,000 sq. ft.	100	-	40	25	50

(2) **Nursing homes and assisted living facilities.**

<i>Use</i>	<i>Lot Area</i>	<i>Lot Width (feet)</i>	<i>Density</i>	<i>Front Yard Depth (feet)</i>	<i>Side Yard (Width Each Side Yard) (feet)</i>	<i>Rear Yard Depth (feet)</i>
Nursing homes, assisted living facilities	45,000 sq. ft.	150	1 bed/3,000 sq. ft. ¹	50 ²	40 ²	50 ²
Retirement homes, multi-family units	45,000 sq. ft.	150	As determined by the Planning Commission but not exceeding 1 DU/3,000 sq. ft.	50 ²	40 ²	50 ²
Retirement homes, single- family and town homes	45,000 sq. ft.	150	As determined by the Planning Commission but not exceeding 1 DU/7,500 sq. ft.	50 ²	40 ²	50 ²

¹ For those areas in excess of 180,000 square feet, the determination of the density factor will be made by the Planning Commission and the Carroll County Health Department upon the review and approval of the site development plan.

² As lot area increases above the minimum of 45,000 square feet, increased provision for front, side, and rear yards shall be determined by the Planning Commission and the Carroll County Health Department

<i>Use</i>	<i>Lot Area</i>	<i>Lot Width (feet)</i>	<i>Density</i>	<i>Front Yard Depth (feet)</i>	<i>Side Yard (Width Each Side Yard) (feet)</i>	<i>Rear Yard Depth (feet)</i>
based on the site development plan.						

§ 158.074 R-10,000 RESIDENCE DISTRICT.

(A) **Purpose.** The purpose of the R-10,000 District is to provide for smaller lot sizes (10,000 square feet minimum) for single- and two-family dwellings, based on the use of public water and sewerage facilities. This would essentially mean more dwellings per acre (approximately 3 to 4 families) and less open area than in the R-20,000 District.

(B) **Applicability.** The following regulations and applicable regulations contained in other articles shall apply in the R-10,000 District.

(C) **Principal permitted uses.** Principal permitted uses shall be as follows:

(1) Any use or structure permitted and as regulated as a principal permitted use in the R-20,000 District, except as hereinafter modified;

(2) Conversion of a building existing prior to August 17, 1965, to accommodate 2 families; provided that all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE Codes are complied with; and

(3) Planned unit development, subject to the provisions of § 155.093.

(D) **Conditional uses requiring BZA authorization.** Conditional uses requiring BZA authorization shall be as follows:

(1) Any conditional use permitted and as regulated in the R-20,000 District, except as hereinafter modified;

(2) Boarding or rooming houses or tourist homes;

(3) Clubs, fraternal organizations, lodges and similar organizations, provided that they are not conducted for profit and obtain and maintain appropriate designation as nonprofit entities exempt from federal income tax requirements pursuant to federal tax law regulating the conduct of such businesses; subject to site plan approval under § 155.059;

(4) Community centers and swimming pools associated therewith; and

(5) Two-family dwellings.

(E) **Accessory uses.** Accessory uses shall be as follows:

(1) Accessory buildings and uses customarily incidental to any principal permitted use or authorized conditional use, including a mobile home used in connection with an interim agricultural use, subject to the provisions of § 158.150(B);

(2) Keeping of no more than 4 roomers or boarders by a resident owner;

(3) Outdoor parking of commercial vehicles and outdoor storage of unlicensed vehicles as accessory use to residential use as defined and provided in §§ 158.056 and 158.057;

(4) Family day care, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(5) Attached accessory dwelling units which are subject to the following:

(a) An attached accessory dwelling must have direct access from the outside;

(b) Only one attached accessory dwelling is permitted on any principal dwelling unit;

(c) The property owner must occupy either the principal dwelling unit or the attached accessory dwelling unit on the property;

(d) The maximum size of an attached accessory dwelling shall be 800 square feet of the livable floor area or one-third of the total livable floor area of the principal dwelling unit, whichever is greater;

(e) The attached accessory dwelling unit shall have no more than 2 bedrooms;

(f) The attached accessory dwelling unit must meet all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE Codes;

(g) Two additional off street parking spaces must be provided for the attached accessory dwelling unit; and

(h) Only one accessory dwelling unit (attached or detached) shall be permitted on a lot.

(6) Detached accessory dwelling units, provided that the lot or parcel is eligible to be subdivided to separate the detached accessory dwelling and which are subject to the following:

(a) Only one attached or detached accessory dwelling unit is permitted on any lot or parcel. Buildings converted in accordance with division (C)(2) above shall be considered detached accessory dwelling units;

(b) The property owner must occupy either the principal dwelling unit or the

detached dwelling unit on the lot or parcel;

(c) The detached accessory dwelling unit must meet all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE Codes;

(d) Two off street parking spaces must be provided for the detached accessory dwelling unit; and

(e) Detached accessory dwelling units shall not be subject to any size limits.

(7) Within a dwelling, the professional office of a physician, insurance agent, realtor, or other profession determined by the Zoning Administrator to be similar in use and characteristics, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(8) Home occupation, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(9) Lawn care and maintenance service, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G); and

(10) The above or below ground storage of not greater than 2,000 gallons, in aggregate capacity of petroleum products which is not sold at retail or wholesale, and subject to Chapter 170 of the Carroll County Code and all applicable MDE and NFPA regulations.

(F) **Height regulations.** Height regulations shall be the same as specified in the R-20,000 District.

(G) **Bulk requirements.** The following minimum requirements shall be observed, subject to the modified requirements in § 158.130:

<i>Use</i>	<i>Lot Area</i>	<i>Lot Width (feet)</i>	<i>Lot Area per Family (sq. ft.)</i>	<i>Front Yard Depth (feet)</i>	<i>Side Yard (Width Each Side Yard) (feet)</i>	<i>Rear Yard Depth (feet)</i>
Boarding or tourist homes	20,000 sq. ft.	100	-	35	20	40
Clubs, fraternal organizations	20,000 sq. ft.	100	-	35	20	40
Planned unit development	Subject to the provisions of § 155.093					
Semi-detached	7,500 sq. ft.	37.5	7,500	35	12 (one side only)	40
Single-family dwellings	10,000 sq. ft.	70	10,000	35	12	40
Two-family dwellings	15,000 sq. ft.	75	7,500	35	12	40
Other principal permitted	Same as specified in R-20,000 District					

<i>Use</i>	<i>Lot Area</i>	<i>Lot Width (feet)</i>	<i>Lot Area per Family (sq. ft.)</i>	<i>Front Yard Depth (feet)</i>	<i>Side Yard (Width Each Side) (feet)</i>	<i>Rear Yard Depth (feet)</i>
or conditional uses						

§ 158.075 R-7,500 RESIDENCE DISTRICT.

(A) **Purpose.** The purpose of the R-7,500 Residence District is to enable in the urban areas of the county, where both public water and sewerage facilities are available, a greater number of dwellings per acre. The minimum lot size for single-family dwellings is 7,500 square feet. This district also enables the use of multi-family structures.

(B) **Applicability.** The following regulations and the applicable regulations contained in other sections shall apply in the R-7,500 Residence District.

(C) **Principal permitted uses.** Principal permitted uses shall be as follows:

- (1) Single-family and two-family dwelling;
- (2) Multi-family dwellings, but only in a planned unit development (“PUD”);
- (3) Boarding or lodging houses;
- (4) PUD, subject to § 155.093; and

(5) Any use or structure permitted and as regulated as a principal permitted use in the R-10,000 District.

(D) **Conditional uses requiring BZA authorization.** Conditional uses requiring BZA authorization shall be as follows:

- (1) Any conditional use permitted and as regulated in the R-10,000 District; and

(2) Nursing homes, retirement homes, continuing care retirement communities and assisted-living facilities, subject to prior approval of the site development plan and exterior design of the structure by the Commission.

(E) **Accessory uses.** Accessory uses shall be as follows:

(1) Accessory buildings and uses customarily incidental to any principal use or authorized conditional use;

(2) Outdoor parking of commercial vehicles and outdoor storage of unlicensed

vehicles as accessory use to residential use as defined and provided in §§ 158.056 and 158.057;

(3) Family day care, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(4) Attached accessory dwelling units which are subject to the following:

(a) An attached accessory dwelling must have direct access from the outside;

(b) Only one attached accessory dwelling is permitted on any principal dwelling unit;

(c) The property owner must occupy either the principal dwelling unit or the attached accessory dwelling unit on the property;

(d) The maximum size of an attached accessory dwelling shall be 800 square feet of the livable floor area or one-third of the total livable floor area of the principal dwelling unit, whichever is greater;

(e) The attached accessory dwelling unit shall have no more than 2 bedrooms;

(f) The attached accessory dwelling unit must meet all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE Codes;

(g) Two additional off street parking spaces must be provided for the attached accessory dwelling unit; and

(h) Only one accessory dwelling unit (attached or detached) shall be permitted on a lot.

(5) Detached accessory dwelling units, provided that the lot or parcel is eligible to be subdivided to separate the detached accessory dwelling and which are subject to the following:

(a) Only one attached or detached accessory dwelling unit is permitted on any lot or parcel. Buildings converted in accordance with § 158.074(C)(2) shall be considered detached accessory dwelling units;

(b) The property owner must occupy either the principal dwelling unit or the detached dwelling unit on the lot or parcel;

(c) The detached accessory dwelling unit must meet all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE Codes;

(d) Two off street parking spaces must be provided for the detached accessory dwelling unit; and

(e) Detached accessory dwelling units shall not be subject to any size limits.

(6) Within a dwelling, the professional office of a physician, insurance agent, realtor or other profession determined by the Zoning Administrator to be similar in use and characteristics, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(7) Home occupation, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);

(8) Lawn care and maintenance service, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G); and

(9) The above or below ground storage of not greater than 2,000 gallons, in aggregate capacity of petroleum products which is not sold at retail or wholesale, and subject to Chapter 170 of the Carroll County Code and all applicable MDE and NFPA regulations.

(F) **Height regulations.** No principal structure shall exceed 3 stories or 40 feet in height and no accessory structure shall exceed 1 ½ stories or 25 feet, except as provided in § 155.093 and § 158.130(E).

(G) **Bulk requirements.** The following minimum requirements shall be observed, subject to the modified requirements in § 158.130:

(1) **Dwellings, PUDs, etc.**

<i>Use</i>	<i>Lot Area</i>	<i>Lot Width (feet)</i>	<i>Lot Area per Family (sq. ft.)</i>	<i>Front Yard Depth (feet)</i>	<i>Side Yard (Width Each Side Yard) (feet)</i>	<i>Rear Yard Depth (feet)</i>
One-family - 1 and 1-1/2 stories	7,500 sq. ft.	60	7,500	25	8	35
One-family - 2 and 2-1/2 stories	7,500 sq. ft.	60	7,500	25	10	40
PUD	10 acres	Subject to provisions of § 155.093				
Semi-detached dwelling	5,000 sq. ft.	37.5	5,000	25	12 (one side only)	40
Two-family - 1 and 1-1/2 stories	10,000 sq. ft.	75	5,000	25	10	40
Two-family - 2 and 2-1/2 stories	10,000 sq. ft.	75	5,000	25	12	40
Other principal permitted or conditional uses	20,000 sq. ft.	100	-	25	20	40

(2) **Nursing homes and retirement homes.**

<i>Use</i>	<i>Lot Area</i>	<i>Lot</i>	<i>Density</i>	<i>Front</i>	<i>Side Yard</i>	<i>Rear</i>
------------	-----------------	------------	----------------	--------------	------------------	-------------

		<i>Width (feet)</i>		<i>Yard Depth (feet)</i>	<i>(width each side yard) (feet)</i>	<i>Yard Depth (feet)</i>
Nursing homes	45,000 sq. ft.	150	1 bed/3,000 sq. ft. ¹	50 ²	40 ²	50 ²
Retirement homes, multi-family units	45,000 sq. ft.	150	As determined by the Planning Commission but not exceeding 1 DU/3,000 sq. ft. ¹	50 ²	40 ²	50 ²
Retirement homes, single family and town homes	45,000 sq. ft.	150	As determined by the Planning Commission but not exceeding 1 DU/7,500 sq. ft. ¹	50 ²	40 ²	50 ²
¹ For those areas in excess of 180,000 square feet, the determination of the density factor will be made by the Planning Commission and the Carroll County Health Department upon the review and approval of the site development plan.						
² As lot area increases above the minimum of 45,000 square feet, increased provision for front, side and rear yards shall be determined by the Planning Commission and the Carroll County Health Department based on the site development plan.						

§ 158.076 “MHP” MOBILE HOME PARK DISTRICT.

(A) **Purpose.** The purpose of the MHP District is to prescribe a zoning category wherein mobile home parks meeting minimum development standards established by the county may be authorized in limited locations deemed appropriate and compatible within the existing neighborhood.

(B) **Applicability.** The following regulations and applicable provisions contained in other sections shall apply in the MHP District.

(C) **Principal permitted uses.** Principal permitted uses shall be as follows:

(1) Mobile home parks, subject to the provisions of § 155.096 and one times the distance requirements of § 158.040;

(2) Religious establishments;

(3) Buildings and properties of a cultural, civic, educational, social, or community service-type such as libraries, ponds, playgrounds, community centers, but not warehouses, service garages, and storage yards;

(4) Conversion of a building existing prior to August 17, 1965, to accommodate 2 families, provided that all applicable building construction and Maryland Department of Health

and Mental Hygiene and MDE Codes are complied with; and

(5) Agriculture, as defined in § 158.002, provided that any building or feeding pens in which farm animals are kept shall comply with distance requirements specified in § 158.040.

(D) **Conditional uses requiring BZA authorization.** Conditional uses requiring BZA authorization shall be as follows: none provided.

(E) **Accessory uses.** Accessory uses shall be accessory buildings and uses customarily incidental to any principal use and subject to § 155.096 where applicable. The above or below ground storage of not greater than 2,000 gallons, in aggregate capacity of petroleum products which is not sold at retail or wholesale, and subject to Chapter 170 of the Carroll County Code and all applicable MDE and NFPA regulations, shall be considered an accessory use.

(F) **Height regulations.** No principal structure shall exceed 2 ½ stories or 35 feet in height, and no accessory structure shall be 2 stories or 20 feet in height except as provided in § 158.130(E) and subject to § 155.096 where applicable.

(G) **Bulk requirements.** The following minimum requirements shall be observed subject to modified requirements in § 158.130:

<i>Use</i>	<i>Lot Area</i>	<i>Lot Width</i>	<i>Lot Area Per Family</i>	<i>Front Yard Depth</i>	<i>Side Yard Depth</i>	<i>Rear Yard Depth</i>
Mobile home parks	Subject to requirements of § 155.096					
Religious establishments	Same as specified in R-20,000 Residence District					
Other permitted uses	Same as specified in R-7,500 Residence District					

§ 158.077 C-1 COMMERCIAL LOW INTENSITY DISTRICT.

(A) **Purpose and intent.** The purpose of the C-1 District is to provide locations for small-scale, low intensity retail and service commercial uses which are intended to provide goods and services primarily serving the residents of the surrounding neighborhoods with a minimum of consumer travel and convenient auto access. Uses allowed in the C-1 District include but are not limited to retail sales and services, personnel services, medical facilities, eating establishments, recreation and entertainment, and small professional office uses.

(B) **Applicability.** The following regulations and applicable regulations contained in other sections shall apply in the C-1 District.

(C) **Principal uses.** The regulation of principal uses is set forth in § 158.082.

(D) **Site plan review.** Site plan review, if required, shall be as provided as per Chapter 155.

§ 158.078 C-2 COMMERCIAL MEDIUM INTENSITY DISTRICT.

(A) **Purpose and intent.** The purpose of the C-2 District is to provide locations for a diverse range of medium-intensity retail, service and professional office uses needed by a larger population than those provided for in the C-1 District. This district is also intended to provide locations for compatible institutional and recreational uses, limited residential uses, and some of the general neighborhood uses associated with the C-1 District. Bicycle and pedestrian access are encouraged where possible to ensure compatibility with nearby neighborhoods.

(B) **Applicability.** The following regulations and applicable regulations contained in other articles shall apply in the C-2 District.

(C) **Principal uses.** The regulation of principal uses is set forth in § 158.082.

(D) **Site plan review.** Site plan review, if required, shall be as provided as per Chapter 155.

§ 158.078.01 C-3 COMMERCIAL HIGH INTENSITY DISTRICT.

(A) **Purpose and intent.** The purpose of the C-3 District is to provide locations for high-intensity, large-scale retail businesses and destinations of a regional nature, planned business parks, clusters of commercial development, wholesale businesses, offices, and certain light processing operations. This district is also intended to provide locations for compatible institutional and recreational uses and some of the medium-intensity uses associated with the C-2 District. Uses in this district should be located in proximity to transportation infrastructure and major corridors. Developments in the C-3 District should, where possible and appropriate, facilitate pedestrian circulation.

(B) **Applicability.** The following regulations and applicable regulations contained in other sections shall be permitted in the C-3 District.

(C) **Principal uses.** The regulation of principal uses is set forth in § 158.082.

(D) **Site plan review.** Site plan review, if required, shall be as provided as per Chapter 155.

§ 158.079 I-1 LIGHT INDUSTRIAL DISTRICT.

(A) **Purpose and intent.** The purpose of the I-1 District is to provide locations for certain types of nonagricultural, nonresidential, and generally nonretail commercial activities characterized by light manufacturing, assembling, fabricating, warehousing, wholesale distribution, and limited office and commercial uses which are supportive or directly related to

industrial uses, which may not be as intense as those provided for in the I-2 District and which, with proper landscaping, separation, setback, and buffering, will not significantly detract from adjoining residential or commercial properties. It is intended that such districts be located in areas with access to major thoroughfares or other major modes of transportation, depending upon the specific demands of the industry being served. Industrial Parks are encouraged in this district to provide for clustering of similar industrial uses with common access and infrastructure, as well as the provision of open spaces, stormwater management, and adequate buffering.

(B) **Applicability.** The following regulations and applicable regulations contained in other sections shall be permitted in the I-1 District.

(C) **Principal uses.** The regulation of principal uses is set forth in § 158.082.

(D) **Business/Industrial Parks.** Business/Industrial Parks, approved as Business Parks prior to April 1, 2019, and any subsequent revisions or amendments thereto, are permitted in the I-1 District, as regulated in § 158.079(D). Commercial uses which are delineated as accessory uses in division (8) below, or general service, general retail and other commercial uses delineated as principal permitted and conditional uses in § 158.082(A), which are not otherwise permitted or conditional uses in the I-1 District, may be located on separate lots or parcels within a business park provided that:

(1) The gross acreage of such uses does not exceed 15% or 15 acres, whichever is lesser, of the business park.

(a) The area of the commercial uses not otherwise permitted in the I-1 District shall be computed as the building area containing the commercial uses and the supporting parking lot area, but shall not include required yard setbacks and open space;

(b) No variance of the 15% limitation may be granted; and

(c) Medical or dental centers, while not otherwise permitted in the I-1 District, shall be permitted in a business/industrial park and shall not be included in the calculation of commercial uses which are not otherwise permitted in the I-1 District.

(2) The size of any individual commercial use permitted in the commercial districts but not otherwise permitted in the I-1 District may not exceed a maximum of 25,000 square feet. The area of a canopy over gasoline pumps shall not be included in the size limitation for a convenience store with gasoline pumps;

(3) The business/industrial park shall be ineligible for additional accessory uses under § 158.083(B)(2);

(4) The development of the business/industrial park with retail or commercial uses shall not constitute a substantial change in the neighborhood with respect to a petition to change the zoning of the property pursuant to § 158.134(C);

(5) An average of 4+ parking spaces per 1,000 square feet of building area shall be provided for the lots within a business/industrial park;

(6) Notwithstanding anything in this subchapter to the contrary, the following uses are prohibited in a business/industrial park:

- (a) Day treatment or care facility;
- (b) Funeral establishments;
- (c) Kennels, commercial;
- (d) Nonprofit clubs and fraternal organizations;
- (e) Religious establishments;
- (f) Residential dwelling units;
- (g) Retail greenhouses;
- (h) Retirement homes;
- (i) Tattoo or body-piercing shops; and
- (j) Vehicle repair shops.

(7) Signage requirements are as follows:

(a) A signage plan shall be submitted with the site plan.

(b) One freestanding sign, or an additional sign if fronting on more than one street, shall be allowed to identify the business/industrial park. This sign may not exceed 30 feet in height or 200 square feet per side, unless a variance is granted pursuant to § 158.130. This sign may include identification of the tenants or other entities within the business park.

(c) All other buildings or lots within the business/industrial park may have signs in accordance with § 158.114.

(8) Provided all accessory uses do not exceed 15% of the lot or parcel, and provided no individual use exceeds 3,000 square feet except as provided below, the following retail or other commercial uses in conjunction with a principal permitted or approved conditional use, not exceeding 15% of the lot or parcel, and subject to authorization of the BZA after a public hearing:

- (a) Retail bakeries;

- (b) Banks or savings and loan institutions;
- (c) Beauty salons or barbershops;
- (d) Convenience stores, including gasoline pumps, however the area of canopy over the gasoline pumps is excluded from the 3,000 square foot size limitation but included as part of the 15% gross acreage limitation;
- (e) Day care centers not exceeding 6,000 square feet;
- (f) Pharmacies;
- (g) Laundry or dry-cleaning establishments;
- (h) Office supply stores;
- (i) Shoe repair shops;
- (j) Restaurants or lunchrooms;
- (k) Tailor establishments;
- (l) Health clubs not exceeding 6,000 square feet; and
- (m) Florist or garden shops.

(E) **Site plan review.** Site plan review, if required, shall be the same as provided as per Chapter 155.

§ 158.080 I-2 HEAVY INDUSTRIAL DISTRICT.

(A) **Purpose and intent.** The purpose of the I-2 District is to provide locations for certain types of nonagricultural, nonresidential, and noncommercial activities characterized by heavy manufacturing, refining, processing, or compounding of materials or products predominantly from raw materials. This district may also accommodate some of the light manufacturing uses permitted in the “I-1” (Light Industrial) District. The uses associated with this district are intensive and frequently include operations that emit strong odors; loud noises; and some level or volume of dust, vibrations, smoke, soot, vapors, light, and pollution. It is intended that properties in this district be located with access to major thoroughfares or other major modes of transportation, depending on the specific demands of the industry being served. It is not the purpose of this district to promote or encourage the use of land within this district for retail services, Planned Commercial Centers, or similar uses typically expected to be located within the established commercial districts.

(B) **Applicability.** The following regulations and applicable regulations contained in other sections shall apply in the I-2 District.

(C) **Principal uses.** The regulation of principal uses is set forth in § 158.082.

(D) **Site plan review.** Site plan review, if required, shall be as provided as per Chapter 155.

§ 158.081 EC EMPLOYMENT CAMPUS DISTRICT.

(A) **Purpose and intent.** The purpose of the E-C District is to provide for and foster comprehensively planned employment centers in campus-like settings to attract employers of highly skilled workers and primarily higher paying jobs, including but not limited to research and development, institutional, office, flex space, and other light and limited industrial uses, while also providing a more flexible approach to design and development. In this district, the integration of trails, sidewalks, communal plazas, and share amenities is encouraged. The following objectives are sought in providing for the E-C District:

(1) To facilitate a well-planned development with higher standards of development than are typically found in other employment districts;

(2) To provide for development that will incorporate the natural features of the land and protect the environment;

(3) To maintain a harmonious relationship between the various buildings and sites contained within the district;

(4) To provide development patterns that recognize the character of established surrounding neighborhoods and other types of land uses;

(5) To provide for interaction and integration among users, thereby contributing to a positive and healthy working environment;

(6) To ensure that the limited number of permitted and accessory residential, retail, service, eating and drinking uses within the district have the principal purpose of serving the employment campus;

(7) To encourage green spaces, walking trails and other recreational uses;

(8) To serve as an economic development tool in the effort to increase the County's commercial and industrial tax base;

(9) To encourage development of buildings that can be easily adapted as the range of tenants and regional market for employment evolves; and

(10) To provide a flexible employment district.

(B) **Development plan.** The developer of any employment campus (prior to any construction), shall present to the Planning Commission for its review, a development plan of the proposed campus. The purpose of the development plan is to provide the Planning Commission with the necessary information to ascertain whether the proposed employment campus is consistent with the purposes of the district as articulated in subsection (A) above. The development plan shall show such items as the size of the project, the location and approximate shapes of buildings, road ingress and egress patterns, parking areas, storm drainage, and water and sewerage facilities, and such other information as is necessary for the Planning Commission to give the necessary consideration. The Planning Commission shall require phasing of construction of the residential, retail, and service portions of the employment campus to ensure that these components are in support of the primary employment uses.

(1) It shall be the duty of the Planning Commission to ascertain whether the location, size, and other characteristics of the site, and the proposed plan, comply with the following conditions:

(a) The proposed development will not cause points of traffic congestion on existing or planned roads in the areas of such proposed location; and

(b) The plans provide for a development consisting of one or more groups of establishments in buildings of integrated and harmonious design, together with adequate and properly arranged traffic patterns, parking facilities and landscaping, so as to result in an attractive and efficient development.

(C) **Parking.** For all commercial, industrial, institutional, and public uses, parking shall be provided in accordance with a formula of 5 parking spaces for every 1,000 square feet of building space.

(D) **Outdoor Storage.** No outdoor storage of equipment, material or products will be permitted.

(E) **Signage.** A signage plan shall be submitted at the time of development plan review to assure that the appearance, size, height, type of material, and other aspects of signs are consistent with the purposes and intent of the district. The regulations set forth in §§ 158.112, 158.113, and 158.114 shall also apply in the Employment Campus District.

(F) **Landscaping.** The minimum open space and landscaped area on any development shall not be less than 20% of the gross land area of the development. All development in this district shall comply with Chapter 157 of the Carroll County Code and to the technical standards established in the Carroll County Landscape Manual. Supplemental landscaping may be required in order to comply with the objectives set forth in subsection (A).

(G) **Architecture.** Building architectural renderings or plans shall be submitted at the time of development plan review to assure that the appearance, size, type of building material, and other aspects of the buildings are consistent with the purposes and intent of the district.

(H) **Solar Energy Conversion Facilities.** Solar energy conversion facilities may be approved as part of the development plan, provided they are roof-mounted, subject to the requirements of § 158.153, or mounted on a canopy in a parking area.

(I) **Principal uses.** The regulation of principal uses is set forth in § 158.082.

(J) **Mix of Uses.** The following limitations shall apply:

(1) General retail, general service, eating and drinking uses, including principal and accessory uses, shall not comprise more than 25% of the total area of the structures located in the employment campus development.

(2) Where permitted in § 158.082, the total developed area for residential uses shall not collectively comprise more than 15% of the total area of the employment campus development. Such residential uses shall be architecturally compatible with and supportive of the employment uses. All residential uses shall be subject to Chapter 156, Adequate Public Facilities and Concurrency Management.

(K) **Accessory Uses.** Accessory uses shall be as follows:

(1) Uses customarily accessory and incidental to any principal permitted use or authorized conditional use.

(2) Solar energy conversion facility, either roof mounted or mounted on the canopy of a parking area, subject to the requirements of § 158.153(B).

(3) General retail, general service, eating and drinking establishments, and indoor recreation uses, provided that an individual use does not exceed 3,000 square feet, except health clubs and day care centers, which may not exceed 6,000 square feet.

(L) **Bulk Requirements.** With the exception of building height, the bulk requirements shall be established at the time of site plan approval. The maximum allowable height in this district shall be 60 feet.

(M) **Site Plan Review.** Site plan review, if required, shall be as provided as per Chapter 155.

§ 158.082 COMMERCIAL, INDUSTRIAL, AND EMPLOYMENT CAMPUS DISTRICTS: REGULATION OF PRINCIPAL USES.

(A) Table of Principal Land Uses. In the Table below, the following applies:

- (1) The letter "P" indicates that the use is permitted in the district indicated.
- (2) The letter "C" indicates that the use requires the authorization of the BZA in accordance with § 158.133 of this Chapter.
- (3) The letter "X" indicates that the use is prohibited.
- (4) The letters "NA" indicate that the use is not applicable.
- (5) Any use not listed is prohibited unless the BZA determines that the use is similar in impact, nature, function, and duration to an allowed use listed in the Table of Land Uses, and which would not be detrimental to the public health, safety, or general welfare of the community, unless otherwise specifically prohibited.
- (6) The particular and specific control the general.
- (7) In case of any difference of meaning or implication between the text and any caption, the text controls.
- (8) In case of any difference of meaning or implication between the text and any language in the definition of the use or the Purpose and Intent of the zoning district, the text controls.
- (9) Words used in the singular include the plural (and vice versa).
- (10) Words or phrases not specifically defined in this Chapter shall be construed according to the common and generally recognized usage of the language. Technical words and phrases, and others that have acquired a specific meaning in the law, shall be construed according to that meaning.
- (11) A variance may not be granted to permit a use in a district where the use is prohibited or to eliminate the requirement that a conditional use approval be granted for a use.

LAND USE CATEGORY SUBCATEGORY DESCRIPTION	C- 1	C- 2	C-3	I-1	I-2	EC	ADDITIONAL REGULATIONS
AGRICULTURAL							
Agriculture	P	P	P	P	P	P	158.002, 158.035
Agricultural research laboratories and facilities	X	X	C	C	P	P	158.070

LAND USE CATEGORY SUBCATEGORY DESCRIPTION	C-1	C-2	C-3	I-1	I-2	EC	ADDITIONAL REGULATIONS
Feed or grain sales, may include storage	X	P	P	P	P	X	
Flour or grain milling, drying, storage	X	X	X	P	P	X	158.040
Shop for the service, repair, or sale of farm equipment	C	P	P	P	X	X	158.040
COMMUNICATIONS							
Communications tower	C	P	P	P	P	C	158.002,158.039, 158.054
Communications tower complex	C	P	P	P	P	C	158.002,158.039, 158.054
Radio or Television Studio	X	C	C	C	X	C	
COMMERCIAL							
Vehicle Sales/ Service							
Automobile service center	C	P	P	C	C	X	158.002, 158.083
Car wash (self or full service)	X	P	P	X	X	X	
Fuel station	C	P	P	X	X	X	158.002
Vehicle repair shop	X	P	P	P	X	X	158.002, 158.083
Vehicle sales lot (under 10,000 lbs. gross vehicle weight) ¹	X	P	P	C	X	X	158.002, on a lot of less than 5 acres in the I-1 District
Vehicle sales lot (10,000 lbs. or more gross vehicle weight) ²	X	C	P	C	X	X	158.002, on a lot of less than 5

¹ A variance may not be granted to the weight or acreage requirements for this use.

² A variance may not be granted to the weight or acreage requirements for this use.

Chapter 158, Zoning – Proposed Commercial, Industrial, and Employment Campus Districts Amendments related to the proposed Countywide Rezoning -- 2019

LAND USE CATEGORY SUBCATEGORY DESCRIPTION	C-1	C-2	C-3	I-1	I-2	EC	ADDITIONAL REGULATIONS
							acres in the I-1 District
Eating and Drinking Establishments							
Catering establishment or banquet facility	P	P	P	X	X	P	158.002
Restaurant	P	P	P	X	X	P	158.083
Restaurant, with drive thru	X	P	P	X	X	X	
Tavern/Bar	P	P	P	X	X	P	158.083
Funeral and Interment							
Cemetery, mausoleum, or memorial garden	C	C	C	X	X	X	158.002
Crematorium	X	P	P	X	P	X	158.002, 158.040
Funeral establishment	X	P	P	X	X	X	158.002
Lodging							
Bed and breakfast	C	X	X	X	X	X	158.002, 158.071
Country inn	C	X	X	X	X	X	158.002, 158.071
Hotel or motel	X	C	P	X	X	P	
Hotel or motel, as part of an Industrial Park or a Business/Industrial Park	NA	NA	NA	P	NA	NA	158.002, 158.156, 158.079
Office/Health Care							
Contractor's Office	P	P	P	P	X	P	158.002, 158.083
Facility for dispensing of medical cannabis	X	P	P	X	X	X	158.002, 158.040, 158.059
Facility for dispensing of medical cannabis, in conjunction with a medical cannabis growing and/or processing facility	X	X	X	P	P	X	158.002, 158.040, 158.059
Medical or dental center	P	P	P	X	X	P	158.002

LAND USE CATEGORY SUBCATEGORY DESCRIPTION	C-1	C-2	C-3	I-1	I-2	EC	ADDITIONAL REGULATIONS
Professional or business office	P	P	P	P	X	P	158.083
Veterinary facility, without runways	C	P	P	X	X	X	158.002, 158.040
Veterinary facility, with runways	X	C	C	X	X	X	158.002, 158.040
Recreational/Entertainment							
Adult entertainment business, massage establishment, striptease business	X	X	X	X	P	X	158.002, 158.154
Amusement park	X	X	P	X	X	X	
Conference center	X	C	P	X	X	P	158.002, 158.070
Conference center as part of an Industrial Park or a Business/Industrial Park	NA	NA	NA	P	NA	NA	158.002, 158.156, 158.079
Golf course	X	X	X	X	X	P	158.002
Indoor recreational facility	P	P	P	P	X	P	158.002
Indoor theater	X	C	P	X	X	X	
Indoor trap, skeet, rifle, or archery ranges, including gun clubs	X	P	P	P	X	X	158.040
Outdoor drive-in theater	X	X	C	X	X	X	
Outdoor recreational area	P	P	P	C	X	P	158.002
Outdoor trap, skeet, rifle, or archery ranges, including gun clubs	X	X	X	X	X	X	158.040
Retreat facility	X	X	X	X	X	X	158.002, 158.070
Retail/Service							
Building or landscaping supplies sales and storage yard	X	X	C	P	X	X	158.002
Butcher shop	P	P	P	X	X	X	158.002
Fertilizer (liquid or dry) sales and storage	X	X	C	X	X	X	

LAND USE CATEGORY SUBCATEGORY DESCRIPTION	C-1	C-2	C-3	I-1	I-2	EC	ADDITIONAL REGULATIONS
General retail or general service, less than 10,000 square feet ³	P	P	P	X	X	P	158.002, 158.083
General retail or general service, between 10,000 and 60,000 square feet ⁴	X	P	P	X	X	C	158.002, 158.083
General retail or general service, more than 60,000 square feet	X	C	P	X	X	X	158.002, 158.083
Rental of vehicles and goods with primarily outdoor equipment storage	X	C	P	P	X	X	
RESIDENTIAL							
Household Living							
Dwelling in a Business Park, all types	NA	NA	P	NA	NA	NA	158.002, 158.159
Single-family or two-family dwelling in a Rural Village	P	P	NA	P	NA	NA	158.002
Multi-family dwelling	X	X	X	X	X	P	158.002, 158.081
Retirement home/age-restricted adult housing	P	P	X	X	X	P	158.002
Single-family dwelling constructed after November 1, 2019	X	X	X	X	X	P	158.002, 158.081
Single-family dwelling constructed prior to November 1, 2019	P	P	P	X	X	X	158.002
Townhouse	X	X	X	X	X	P	158.002, 158.081
Two-family dwelling	X	X	X	X	X	P	158.002, 158.081
Group Living							
Assisted-living facility	P	P	P	X	X	X	158.002
Continuing care retirement community	P	P	P	X	X	X	158.002
Nursing home	P	P	P	X	X	X	158.002
INSTITUTIONAL/COMMUNITY SERVICE							

³ A variance may not be granted to the square footage requirements for this use

⁴ A variance may not be granted to the square footage requirements for this use

Chapter 158, Zoning – Proposed Commercial, Industrial, and Employment Campus Districts Amendments related to the proposed Countywide Rezoning -- 2019

LAND USE CATEGORY SUBCATEGORY DESCRIPTION	C-1	C-2	C-3	I-1	I-2	EC	ADDITIONAL REGULATIONS
Art, business, dance, music or similar school	P	P	P	X	X	P	
Community meeting hall, social club, fraternal organization	P	P	P	X	X	X	
Community recreational facility	P	P	P	X	X	X	
Day care center	P	P	P	X	X	P	158.002
Hospital	X	X	P	X	X	X	158.002
Nursery school	P	P	P	X	X	P	
Museum	P	P	P	X	X	P	
Private school	P	P	P	X	X	P	
Religious establishment	P	P	P	X	X	X	158.002
Trade school or professional training center	P	P	P	P	P	P	
INDUSTRIAL							
Manufacturing/Production							
Acid or heavy chemical manufacture, processing, or storage	X	X	X	X	C	X	158.040
Artisan manufacturing	P	P	P	P	P	P	158.002
Bituminous concrete mixing plant	X	X	X	C	P	X	158.040
Blast furnace, boiler works, foundry	X	X	X	X	P	X	158.040
Brewery	X	X	P	P	P	X	158.002, 158.040, 158.083
Cement, lime, gypsum, or plaster of paris manufacturing	X	X	X	X	C	X	158.040
Concrete and ceramic products manufacturing	X	X	X	C	P	X	158.040
Concrete or asphalt recycling	X	X	X	C	P	X	158.002, 158.040

LAND USE CATEGORY SUBCATEGORY DESCRIPTION	C-1	C-2	C-3	I-1	I-2	EC	ADDITIONAL REGULATIONS
Distillation of bones, fat rendering, grease, lard or tallow manufacturing or processing	X	X	X	X	C	X	158.040
Distillery	X	X	P	P	P	X	158.002, 158.040, 158.083
Explosive manufacturing or storage	X	X	X	X	C	X	158.040
Fertilizer, potash, insecticide, glue, size or gelatin manufacture	X	X	X	X	C	X	158.040
Food processing and packing plant	X	X	X	P	P	X	158.040
Heavy manufacturing	X	X	X	X	P	X	158.002, 158.040
Indoor processing of medical cannabis	X	X	X	P	P	X	158.002, 158.040, 158.059
Light manufacturing	X	C	P	P	P	C	158.002
Limited distillery	C	P	P	P	X	P	158.002, 158.083
Micro-brewery	C	P	P	P	X	P	158.002, 158.083
Petroleum products refining	X	X	X	X	C	X	158.002, 158.040, 100' setback from all property lines, NFPA Code
Sawmill, commercial	X	X	X	C	P	X	158.002, 158.040
Steel mill	X	X	X	X	P	X	158.002, 158.040
Winery	X	P	P	P	P	X	158.083
Trades							
Bottling (may include distribution) of soft drinks, alcoholic beverages, or milk	X	X	X	P	P	X	
Printing shop	C	P	P	P	P	P	
Welding, sheet metal, machine, carpentry, or similar shop	X	P	P	P	P	X	158.040

Chapter 158, Zoning – Proposed Commercial, Industrial, and Employment Campus Districts Amendments related to the proposed Countywide Rezoning -- 2019

LAND USE CATEGORY SUBCATEGORY DESCRIPTION	C-1	C-2	C-3	I-1	I-2	EC	ADDITIONAL REGULATIONS
Transportation/Utilities							
Airfield	X	X	X	X	X	X	158.002
Airport	X	X	X	C	P	X	158.002, 158.040
Coal yard	X	X	X	X	P	X	158.040
Commercial parking lot or garage	P	P	P	X	X	X	158.002
Electric generating power plant	X	X	X	X	P	X	158.040
Heliport	X	X	X	C	P	X	158.002, 158.040
Solar energy conversion facility, ground mounted	X	C	P	P	P	X	158.002, 158.081, 158.153
Towing service	X	X	C	P	P	X	On a lot of 5 acres or less in Industrial Districts
Truck or motor freight terminal	X	X	X	C	P	X	158.040
Utility equipment building, yard, above-ground station or substation, or telephone exchange	C	C	C	C	C	C	158.039
Utility equipment, all others	P	P	P	P	P	P	158.039
Warehouse/Storage/Distribution							
Above ground petroleum products storage (2,000 gallons or greater)	X	C	X	C	C	X	158.002, 158.040, 158.157
Contractor's equipment storage facility	C	P	P	P	P	X	158.002, 158.040
Self-service storage facility	X	P	P	X	X	X	158.002, 158.158, 158.083
Storage of pelletized or granular dried sewage sludge	X	X	X	P	P	X	158.002, 158.051
Underground petroleum products storage	X	X	X	P	P	X	158.002, 158.040

Chapter 158, Zoning – Proposed Commercial, Industrial, and Employment Campus Districts Amendments related to the proposed Countywide Rezoning -- 2019

LAND USE CATEGORY SUBCATEGORY DESCRIPTION	C-1	C-2	C-3	I-1	I-2	EC	ADDITIONAL REGULATIONS
Warehouse or distribution facility	X	C	P	P	P	X	158.002
Waste-Related							
Garbage, offal, or dead animal reduction	X	X	X	X	X	X	
Junkyard	X	X	X	X	C	X	158.002, 158.040, 158.155
Oil-contaminated soil facility	X	X	X	C	P	X	158.002,158.040
Solid waste acceptance facility, as defined in Chapter 50 of the Carroll County Code	X	X	X	C	P	X	50.01, 158.040
Miscellaneous							
Business Park	X	X	P	X	X	X	158.002, 158.159
Business/Industrial Park	X	X	X	P	X	X	158.079
Carpet and rug cleaning plant, industrial laundry or dry cleaning	X	X	X	P	P	X	158.040
Commercial kennel	X	C	C	X	X	X	158.002
Conveyor system	C	C	C	P	P	X	158.002, 158.039
Extractive operation, with a MRO designation	X	X	X	P	P	X	158.002, 158.096
Indoor growing of medical cannabis	X	X	X	P	P	X	158.002, 158.040,158.059
Industrial Park	X	X	X	P	X	X	158.002, 158.156
Laboratory (chemical, physical, or biological), not including agricultural	X	P	P	P	P	P	158.040
Planned Commercial Center	P	P	P	X	X	X	158.002, 155.094
Slaughterhouse	X	X	X	X	C	X	158.040
Use-off-the premises signs	P	P	P	P	P	X	158.115
PUBLIC							

LAND USE CATEGORY	C-1	C-2	C-3	I-1	I-2	EC	ADDITIONAL REGULATIONS
SUBCATEGORY							
DESCRIPTION							
Public facility	P	P	P	P	P	P	158.049

§ 158.083 COMMERCIAL AND INDUSTRIAL DISTRICTS: REGULATION OF ACCESSORY USES.

(A) **Accessory Uses in the Commercial Districts.** Accessory uses in the commercial districts shall be as follows:

(1) Uses and structures customarily accessory and incidental to any principal permitted use or authorized conditional use, including but not limited to:

(a) Business signs pertaining to "use on the premises", provided that such signs are located as regulated in § 158.114.

(b) Storage modules subject to the following standards:

1. The exterior surface shall be painted and kept in good repair;
2. The storage module shall be vented as needed for safety purposes;
3. The storage module shall be screened from the adjacent roadway;
4. Storage modules shall not be stacked; and
5. The number of storage modules shall be determined by the Zoning Administrator, but shall not exceed 25% of the area of the principal structure.

(c) The above or below ground storage of not greater than 2,000 gallons, in aggregate capacity, of petroleum products which is not sold at retail or wholesale, and subject to all applicable MDE and NFPA regulations. Commercial establishments providing petroleum for retail sale shall be regulated in the same manner as a principal use.

(d) Drive-thru service when accessory to a principal permitted or conditional use in the C-2 or C-3 district.

(e) Car wash when accessory to a principal permitted or conditional use in the C-2 or C-3 district.

(f) Outdoor storage of vehicles when accessory to a self- service storage facility.

(g) Equipment, vehicle and materials storage when accessory to general service or office, provided that in the C-1 District, the storage is located in an area of the property comprising no more than 43,560 square feet.

(h) Winery, micro-brewery, and limited distillery when accessory to a restaurant or tavern.

(i) Consumption or tasting of alcohol produced on-site, food sales to accompany the beverage tasting, retail sales of novelty or gift items related to the beverage, guided tours, and promotional activities at a micro-brewery, limited distillery, or winery.

(j) Fertilizer storage or sales, not in prepared packing, when accessory to a permitted or conditional use in the C-2 or C-3 district, subject to approval by the Zoning Administrator in accordance with § 158.130(G).

(k) Solar energy conversion facility, subject to the requirements of § 158.153.

(l) Pursuant to § 155.094, dwellings accessory to a Planned Commercial Center.

(m) A single dwelling directly related to a commercial use.

(B) Accessory uses in the Industrial Districts. Accessory uses in the industrial districts shall be as follows:

(1) Uses and structures customarily accessory and incidental to any principal permitted use or authorized conditional use, including but not limited to:

(a) A mobile home or dwelling directly related to an industrial use.

(b) Storage modules subject to the following standards:

1. The exterior surface shall be painted and kept in good repair;
2. The storage module shall be vented as required for safety purposes;
3. The storage module shall be screened from the adjacent roadway;
4. Storage modules shall not be stacked; and

5. The number of storage modules shall be determined by the Zoning Administrator, but shall not exceed 25% of the area of the principal structure.

(c) Retail sales and service of products manufactured on or distributed from the site.

(d) Towing service, when accessory to an automobile service center or vehicle repair shop.

(e) Car wash, when accessory to a permitted or conditional use.

(f) Motor vehicle rental and leasing, when accessory to an automobile service center or vehicle repair shop.

(g) Consumption or tasting of alcohol produced on-site, food sales to accompany the beverage tasting, retail sales of novelty and gift items related to the beverage, guided tours, and promotional activities at a brewery, micro-brewery, distillery, limited distillery, or winery.

(h) The above or below ground storage of not greater than 2,000 gallons, in aggregate, of petroleum products, which is not sold at retail or wholesale, and subject to Chapter 170 of the Carroll County Code and all applicable MDE and NFPA regulations.

(i) Solar energy conversion facility, subject to the requirements of § 158.153.

(2) A single nonindustrial accessory use, provided the accessory use does not exceed 15% of the lot or parcel, and provided the individual use does not exceed 3,000 square feet, except as provided below, and subject to the site plan requirements of Chapter 155, the following retail or other commercial uses in conjunction with a principal permitted or approved conditional use (the above restrictions shall not be varied):

(a) Retail bakeries;

(b) Banks or savings and loan institutions;

(c) Beauty salons or barbershops;

(d) Convenience stores, including gasoline pumps;

(e) Day care centers not exceeding 6,000 square feet;

(f) Pharmacies;

- (g) Laundry or dry-cleaning establishments;
- (h) Office supply stores;
- (i) Shoe repair shops;
- (j) Restaurants;
- (k) Tailor establishments;
- (l) Health clubs not exceeding 6,000 square feet; and
- (m) Florist or garden shops.

§ 158.084 COMMERCIAL AND INDUSTRIAL DISTRICTS: BULK REQUIREMENTS.

(A) Bulk requirements in the Commercial Districts.

(1) The following requirements shall be observed for nonresidential and group living uses in the commercial districts, subject to the provisions of § 158.130:

- (a) Front yard: minimum 10 feet.
- (b) Side yard: minimum 10 feet.
- (c) Rear yard: minimum 15 feet.
- (d) Height: maximum 50 feet.

(2) Additional bulk requirements for Planned Commercial Centers are as provided for in § 155.094.

(3) The bulk requirements for dwellings in the Rural Villages shall be the same as in the R-10,000 District, and where adjoining any Residence District, the side yard shall be not less than 25 feet.

(4) The bulk requirements for dwellings not in the Rural Villages shall be as follows:

(a) For dwellings that were in the B-NR District, the bulk requirements shall be the same as in the R-10,000 District, and where adjoining any Residence District, the side yard shall be not less than 25 feet.

(b) For dwellings that were in the B-G District, the bulk requirements shall be the same as in the R-7,500 District, and where adjoining any Residence District, the side yard shall not be less than 15 feet.

(5) The bulk requirements for age-restricted housing shall be the same as for nonresidential uses.

(6) Within a Business Park, the yards on both sides of an interior lot line may be zero, and the Planning Commission may reduce other yard requirements.

(B) Bulk requirements in the Industrial Districts.

(1) The following requirements shall be observed in the industrial districts, subject to the provisions of § 158.130:

(a) Front yard: minimum 10 feet.

(b) Side yard: minimum 20 feet.

(c) Rear yard: minimum 20 feet.

(d) Height: maximum 50 feet.

(C) Bulk requirements for accessory uses in the commercial and industrial districts shall be as set forth in § 158.130(C) (2).

(D) Within a Business/Industrial Park or an Industrial Park, the yards on both sides of an interior lot line may be zero, and the Planning Commission may reduce other yard requirements.

OVERLAY DISTRICTS

§ 158.095 HDO HISTORIC DISTRICT OVERLAY.

(A) Purpose.

(1) The purpose of the HDO is to provide a mechanism for the preservation of sites, structures, and districts of historical, archaeological, or architectural significance, together with their appurtenances and environmental settings. The HDO is meant to enhance, not substitute for, the underlying zoning classification which regulates land use. This section imposes additional requirements during the construction, alteration, reconstruction, moving, and demolition of sites and structures located within the HDO. These requirements are in addition to those of the existing conventional underlying zoning district which controls land use.

(2) This subchapter is intended to:

- (a) Safeguard the heritage of the county by preserving sites, structures, or districts which reflect elements of the county’s cultural, social, economic, political, architectural, or archaeological history;
- (b) Stabilize and improve property values of such sites, structures, or districts;
- (c) Foster civic beauty;
- (d) Strengthen the economy of the county;
- (e) Preserve and enhance quality of life;
- (f) Promote the preservation and appreciation of the sites, structures, and districts for the education and welfare of the residents of the county;
- (g) Develop an awareness among property owners of the value of preserving, protecting, and restoring areas of historical, archaeological, or architectural significance; and
- (h) Enable the county to identify and officially designate sites, structures, and districts of historical, archaeological, or architectural importance to the county in order to make such sites, structures, and districts eligible for specific benefits that may be available from various local, state, or federal programs.

(B) Definitions applicable to HDO and H District.

(1) As used in this subchapter and as used in § 158.097, the following words have the meanings ascribed to them in Md. Code, Land Use Article, § 8.101, as amended from time to time: demolition, district, structure, site, and routine maintenance.

(2) For the purpose of this section and as used in § 158.097, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ALTERATION. Any exterior change that would affect the historic, archaeological, or architectural significance of a designated site or structure, any portion of which is visible or intended to be visible from a public way, including but not limited to construction, reconstruction, moving, or demolition.

APPURTENANCES AND ENVIRONMENTAL SETTINGS. All that space of grounds and structures thereon which surrounds a designated site or structure and to which it relates physically or visually. **APPURTENANCES AND ENVIRONMENTAL SETTINGS** shall include but not be limited to walkways and driveways (whether paved or not), trees, landscaping, pastures, croplands, waterways, open space, setbacks, parks, public spaces, and rocks.

EXTERIOR FEATURES. Include the architectural style, design, and general arrangement of the exterior, the nature and texture of building material, and the type and style of

all windows, doors, light fixtures, signs, and similar items found on, or related to, the features of a historic site or the exterior features of a historic resource within a historic district.

HISTORIC DISTRICT OVERLAY WORK PERMIT. A permit approved by the HPC and issued by the Chief of the Bureau of Permits and Inspections, or its successor agency, authorizing work on any property located within the HDO.

RECONSTRUCTION. The process of reproducing by new construction the exact form and detail of a vanished structure, or part thereof, as it appeared at a specific period of time.

RESTORATION. The process of accurately recovering the form and details of a property as it appeared at a specific period of time by means of removal of later work and the replacement of work missing from that period.

(C) **HPC.**

(1) **Establishment; members.** The HPC of Carroll County shall consist of 5 full members and an alternate member appointed by the County Commissioners. The alternate member shall vote on matters before the HPC in the absence of any other member. A majority of the members shall be residents of the county. The County Commissioners shall make a good-faith effort to have a majority of the full members be residents of the HDO area(s). Each member shall possess a demonstrated special interest, specific knowledge, or professional or academic training in such fields as history, architecture, architectural history, planning, archaeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design, or related disciplines. At least 2 members shall possess professional or academic training in one or more of the above-listed fields in accordance with the minimum professional requirements of the United States Department of the Interior for certifying local governments under 36 C.F.R. Part 61 to the extent that such professionals are available in the community. A good-faith effort to locate and appoint such professionals will be made, and documentation as to how this effort was accomplished shall be retained by the County Commissioners. The County Commissioners may consult private societies or agencies to request the names of possible members on the HPC. Members shall be appointed for terms of 3 years. No more than 2 appointments shall expire in any given year. Members of the HPC are eligible for reappointment.

(2) **Membership requirements.** The requirement for HPC membership under the category of “demonstrated special interest” may be satisfied either by formal training in one or more of the fields listed in division (C)(1) above or by active membership in a preservation-related organization. The requirement for membership under the category of “specific knowledge” may be satisfied by formal post-secondary education, employment, or practical experience in one or more of the above-listed fields, or practical experience in the restoration or preservation of a historic structure (including restoration or preservation of a historic structure located outside of the HDO). The requirement for HPC membership under the category of “professional or academic training” may be satisfied by, at a minimum, 2 years experience as a professional or a bachelor’s degree in one or more of the above-listed fields.

(3) **Vacancies.** Any vacancy on the HPC shall be filled by the County Commissioners for the unexpired term of the particular position. Any vacancy shall be filled within 60 days. In the case of the expiration of a term, a member may continue to serve until the member's successor is appointed.

(4) **Initial appointments.** The members of the HPC shall serve as members of the HPC until the expiration of their terms of appointment to the HPC, or until such member resigns, whichever occurs first. These persons are eligible for reappointment at the expiration of their terms, provided that they meet the qualifications for appointment specified in division (C)(1) above at the time of such reappointment.

(D) Duties and powers of HPC.

(1) As part of its duties and powers, the HPC:

(a) Shall adopt rules for the organization and conduct of meetings;

(b) Shall act upon all applications for HDO work permits as required by division (G) below;

(c) Shall maintain and update the *State Inventory of Historic Properties for Carroll County*;

(d) Shall review all petitions for designation as a historic site, structure, or district and submit recommendations to the County Planning Commission and County Commissioners;

(e) Shall review any application for a zoning text or map amendment, conditional use, variance, site plan, or subdivision approval, and any legislation or other proposals affecting properties which are located within a designated historic site, structure, or district, or which have preservation easements, including preparation and amendment of master plans, and may make recommendations thereon to the appropriate authorities;

(f) Shall have the right to accept and use gifts and services for the exercise of its functions which are given to the County Commissioners specifically for use by the HPC;

(g) Shall adopt rehabilitation and new construction design guidelines and criteria for construction, alteration, reconstruction, repair, moving, and demolition of property in the HDO which are consistent with the Secretary of the United States Department of the Interior's *Standards for Rehabilitation*. Guidelines may include design characteristics intended to meet the needs of particular types of sites, structures, and districts, and may identify categories of changes that do not require review by the HPC because they are minimal in nature and do not affect historic, archaeological, or architectural significance. These design guidelines shall be used in the HPC's review of applications for HDO work permits;

(h) May, at the request of an applicant, receive information concerning the

location and configuration of interior features in connection with an application for a HDO work permit, which information may be used by the applicant in connection with explaining the applicant's request for the HDO work permit. The HPC may receive this information for use in understanding the particular application before the HPC but shall not render any decision concerning interior features and shall not require any applicant to submit any information concerning interior features;

(i) May institute an action for injunctive relief to require routine maintenance of a site or structure within the HDO, to require compliance with the provisions of this subchapter or any permit issued thereunder, and to prohibit a violation of the provisions of this subchapter; and

(j) May acquire easements in connection with individual sites or structures, or with sites or structures located in or adjacent to an HDO area. Such easements may grant to the HPC, the residents of the HDO area, and the general public the right to ensure that any site or any structure and surrounding property upon which the easement is applied is protected in perpetuity from changes which would affect its historic, archaeological, or architectural significance.

(2) In addition, the HPC shall have all the powers and authority enumerated in the Md. Code, Land Use Article, §§ 8.01 et seq., as presently codified and as may be amended from time to time.

(E) Criteria for designation as historic site, structure, or district.

(1) The County Commissioners may designate boundaries for sites, structures, or districts of historic, archaeological, or architectural significance consistent with adopted criteria for such designation.

(2) In considering any property for designation as a county historic site/structure/district, the reviewing agencies, boards, or commissions shall consider the following criteria:

(a) Historic, archaeological, and cultural significance.

1. The property has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the county, state, or nation;

2. The property is the site of a historic event;

3. The property is identified with a person or group of persons who influenced society; or

4. The property exemplifies the cultural, economic, social, political, or historic heritage of the county and its communities.

(b) Architectural and design significance.

1. The property embodies the distinctive characteristics of a type, period, or method of construction or architecture;
2. The property represents the work of a master craftsman, architect, or builder;
3. The property possesses significant artistic value;
4. The property represents a significant and distinguishable entity whose components may lack individual distinction;
5. The property represents an established and familiar visual feature of the neighborhood, community, or county, due to its singular physical characteristics, landscape, or historical event; or
6. The property is a rare example of a particular period, style, material, or construction technique.

(3) The procedure for designation or expansion of HDO is as follows:

(a) Petitions for designation as a historic site or structure shall be initiated by the legal owners of the site or structure. Petitions for designation of an HDO District shall be initiated by the legal owners of a majority of the properties comprising the proposed district.

(b) Petitions for designation shall be filed with, and on forms provided by the Office of Administrative Hearings. The Office of Administrative Hearings will refer the petition to the Planning Commission.

(c) The Planning Commission will refer the petition to the HPC and other appropriate agencies for comment. In addition, the Planning Commission will cause its staff to review the facts and relevant information concerning a petition and render a report thereon. The report shall be completed within 90 days of the Planning Commission's receipt of a referral of a petition from the Office of Administrative Hearings.

(d) Within 60 days of the receipt of its staff report and the comments of the HPC on the petition, the Planning Commission shall review that report and give its recommendations and the report to the Office of Administrative Hearings.

(e) Upon receipt of the recommendations of the Planning Commission, the Office of Administrative Hearings shall schedule a hearing on the petition which must be held within 45 days of the receipt of those recommendations. The hearing shall be before the County Commissioners. The County Commissioners may extend the time for holding the hearing by advising the Office of Administrative Hearings that a time extension is necessary.

(f) Upon finding that a proposed designation or expansion meets the intent of

this subchapter, and that such designation or expansion is in the general interest of the citizens of the county, the County Commissioners may designate or expand a historic site/structure/district and, if such a designation is made, shall cause the change in the HDO to be posted on the official County Zoning Map. After concluding a hearing on a petition, the County Commissioners shall issue its decision within 30 days of the hearing.

(g) If the decision of the County Commissioners is to make such designation, the County Attorney shall prepare an ordinance to effect that result within 5 days and the Zoning Administrator shall cause a change in the map within 30 days of the decision.

(h) The County Commissioners may extend the time limitations imposed by this section in its sole discretion.

(4) If the County Commissioners declines to designate a proposed, or expand an existing, historic site/structure/district, after a public hearing thereon, no new petition for designation or expansion for all or part of the same area may be filed within 2 years of the final decision by the County Commissioners.

(5) The HDO also applies to any property in the HDO District as of December 1, 1995, which is designated a Historic District.

(F) Removal of HDO designation.

(1) Petitions for removal of the HDO designation from a historic site or structure which is not located in an HDO District shall be initiated by the legal owners of such site or structure.

(2) Each petition for removal of the HDO designation from a portion of a Historic District shall be initiated by both the legal owners of a majority of the properties comprising the HDO District and by the legal owners of a majority of the properties comprising the area of proposed reduction.

(3) Petitions for removal of the HDO designation shall be filed with, and on forms provided by, the Office of Administrative Hearings. The Office of Administrative Hearings will refer the petition to the Planning Commission.

(4) The Planning Commission will refer the petition to the HPC and other appropriate agencies for comment. In addition, the Planning Commission will cause its staff to review the facts and relevant information concerning a petition and render a report thereon. The report shall be completed within 90 days of the Planning Commission's receipt of a referral of a petition from the Office of Administrative Hearings.

(5) Within 60 days of the receipt of its staff report and the comments of the HPC on the petition, the Planning Commission shall review that report and give its recommendations and the report to the Office of Administrative Hearings.

(6) Upon receipt of the recommendations of the Planning Commission, the Office of Administrative Hearings shall schedule a hearing on the petition which must be held within 45 days of the receipt of those recommendations. The hearing shall be before the County Commissioners. The County Commissioners may extend the time for holding the hearing by advising the Office of Administrative Hearings that a time extension is necessary.

(7) If the County Commissioners find, after a public hearing on petition for removal, that the property continues to meet the intent of this section, the County Commissioners may reduce the HDO area by removing said part of the HDO and shall cause the change in the overlay to be posted on the official County Zoning Map. After concluding a hearing on a petition, the County Commissioners shall issue their decision within 30 days of the hearing.

(8) If the decision of the County Commissioners is to make such reduction, the County Attorney shall prepare an ordinance to effect that result within 5 days, and the Zoning Administrator shall cause a change in the map within 30 days of the decision.

(9) If the County Commissioners find, after a public hearing on a petition for removal, that the property continues to meet the intent of this section, no new petition for removal for all or part of the same area may be filed within 2 years of the final decision by the County Commissioners.

(10) The County Commissioners may extend the time limitations imposed by this section in its sole discretion.

(G) Work permits.

(1) Prior to the construction, alteration, reconstruction, repair, moving, or demolition of any property in the HDO that would involve exterior changes which would affect the historic, archaeological, or architectural significance of such property, which is visible, or is intended to be visible, either wholly or partially, from a publicly maintained municipal, county, or state road or pathway, the person or entity proposing to make such change shall file with the HPC an application for permission to undertake the requested work and receive approval for the requested work from the Commission.

(2) Activities which require a HDO work permit include, but are not limited to:

(a) Repair or replacement of roofs, gutters, siding, masonry, external doors and windows, trim, lights, and other appurtenant fixtures, with different materials or different design;

(b) Removal or relocation of a building, structure, or object, or a visible portion thereof, including outbuildings;

(c) New construction or any enlargement, modification, or alteration of the exterior of an existing building, structure, or object which requires a building permit;

(d) Removal, replacement, or enclosure of porches;

(e) Basic alteration of materials, including installation of siding, shingles, or masonry facing;

(f) Removal or topping of healthy trees which are significant because of their substantial age or size, relationship to a historic structure or event, recognition as an important species, or identification as having unusual or unique character or form; or which have been identified in a survey or inventory of historic structures;

(g) Installation or removal of fencing or fence walls;

(h) Installation or removal of shutters;

(i) New paving, modification of paving materials, or removal of paving;

(j) Removal, installation, modification, or alteration of exterior architectural features;

(k) Exterior sandblasting, water blasting, other abrasive cleaning, or chemical cleaning; and

(l) First-time painting or permanent removal of paint.

(3) All applications for a HDO work permit shall be referred to and considered by the HPC which shall accept or reject the application. The Commission shall act upon a completed application within 45 days from the date that the completed application was filed with the Commission unless an extension of this 45-day period is agreed upon mutually by the applicant and the Commission or unless the application has been withdrawn. No permit for any such construction or change may be granted until the HPC has acted thereon. An application which is identical to the rejected application shall not be resubmitted within a period of one year after the rejection.

(4) Activities which do not require a HDO work permit are the following:

(a) Routine maintenance, as defined in Md. Code, Land Use Article, § 8.01;

(b) Tree trimming or ground vegetation control activities in the vicinity of electric and telephone wires when such work is necessary to the public safety and maintenance of service reliability and is performed by or for a utility according to American National Standards Institute A300 standards or other tree trimming and vegetation control standards set by agreement between the utility and a state or local governmental agency; or

(c) Performance of emergency work on overhead or underground public utility facilities, so long as the area in which such work is performed is returned to substantially the same condition as before performance of the work.

(5) If, after having first attempted to obtain an HDO work permit, the property owner can show that a modification or denial of the proposal will cause undue financial hardship, the property owner may apply for a variance pursuant to § 158.130. The burden of proof is on the property owner to prove that the failure to approve an HDO work permit will result in undue financial hardship or preclude any reasonable use of the property.

(6) All applications for an HDO work permit shall be reviewed by the HPC in accordance with the guidelines and criteria adopted pursuant to division (D)(1)(g) above. Pursuant to Md. Code, Art. 66B, § 8.07, interior features of a structure shall not be considered by the Commission. In addition, in reviewing applications filed under the provisions of division (G)(2) above, the HPC shall give consideration to:

(a) The historic, archaeological, or architectural significance of the site or structure and its relationship to the historic, archaeological, or architectural significance of the surrounding area;

(b) The relationship of the exterior architectural features of a structure to the remainder of the structure and to the surrounding area;

(c) The general compatibility of exterior design, scale, proportion, arrangement, texture, and materials proposed to be used;

(d) Any other factors, including aesthetic and environmental factors, which the Commission deems pertinent; and

(e) In cases of an application for work by a public utility company, the need for the work in order to meet Public Service Commission requirements or to meet public need.

(H) **Appeals.** Any person aggrieved by any action or decision of the HPC has the right of appeal to the BZA for the county, which shall hold a hearing thereon, and thereafter to the Circuit Court for Carroll County in accordance with the Maryland Rules of Civil Procedure and in accordance with the provisions of Md. Code, Land Use Article.

§ 158.096 MRO MINERAL RESOURCE OVERLAY.

(A) **Purpose.** This subchapter provides for the creation of an overlay designation to be placed on the Zoning Maps, consisting of a MR wherein any land uses that preempt resource recovery are prohibited, for a VRA where potentially recoverable mineral resources have been identified and will be protected from preemptive development and for a half-mile MRN surrounding the MR and the VRA in which any development should be clustered away from the resource and notification of potential resource recovery activity is given.

(B) Mineral resource overlay (MRO).

(1) Within the county, there is hereby established an area designated an MRO. This

MRO includes areas identified as containing a MR, a VRA, and those areas surrounding the resource, identified as MRN. This overlay shall exist only in the “A” District, I-2 or I-1 on the Zoning Maps as adopted or amended. There shall be no new Agricultural Land Preservation Districts created pursuant to the Maryland Agricultural Land Preservation Program on any portion of a parcel assigned an MR or a VRA designation.

(2) The owner of property which is not identified as being within an MR may petition the county to place an MR designation on that person’s property subject to the following:

(a) The applicant for an MR designation shall submit for the property a delineation of the extent of the mineral resource as mapped by the Maryland Geologic Survey on the Mineral Resource Quadrangle Maps, scale 1:24,000. The applicant may request a modification of the MR boundaries based upon an analysis performed by a qualified geologist which identifies, locates, and estimates the amount and quality of the resource proposed for recovery. This analysis may include a literature search, well logs, existing geologic maps, flood control studies, historic aerial photographs, or other relevant data.

(b) Lands with an agricultural land preservation easement are not eligible for the MR designation.

(c) To establish the MR boundary, the minimum horizontal distances between the following features and the mapped limit of the resource shall be:

1. One thousand feet from the nearest boundary of a village of historic importance as defined in § 158.152, which has been designated at the time of approval of the petition for the MR boundary.

2. Seven hundred feet from the nearest boundary of an area zoned for residential use (R-40,000, R-20,000, R-10,000, R-7,500) at the time of establishment of the MR boundary.

3. Seven hundred feet from the nearest property lines of schools, hospitals, religious establishments, sewage pumping stations, sewage treatment plants, reservoirs, and water filtration plants which are in existence at the time of establishment of the MR boundary.

(d) In addition to the criteria in § 158.096(B)(2), the Planning Commission may use such additional criteria as it deems applicable in recommending the MR boundary.

(e) The Planning Commission shall review the information submitted by the applicant and make a recommendation to the County Commissioners. The County Commissioners, after holding a public hearing, shall approve, approve with modifications, or deny the petition for an MRO designation.

(3) In a mineral resource recovery area (MR), all uses which are or may be permitted in the underlying zone are prohibited except the following which are regulated as designated in the underlying zone:

- (a) Mineral resource recovery operations as defined in § 158.002;
 - (b) Agriculture as defined in § 158.002;
 - (c) Commercial and noncommercial nurseries and greenhouses, provided that any greenhouse heating plant, or any building or feeding pens in which farm animals are kept, shall comply with the distance requirements specified in § 158.040;
 - (d) Borrow pits as defined in § 158.002;
 - (e) Riding academies and boarding stables in existing structures;
 - (f) Manufacture of brick or clay products;
 - (g) Coal yards;
 - (h) Copperage works;
 - (i) The use of heavy machinery for extracting, refining, processing, removing and storing of excavated material, crushing, moving, washing, and screening;
 - (j) Bituminous concrete (blacktop) mixing plants;
 - (k) Concrete and ceramic products manufacture, including ready-mix concrete plants;
 - (l) Cement, lime, gypsum, or plaster of paris manufacturing; and
 - (m) Public buildings, structures, and properties of the recreational, cultural, administrative, or public service type, including fire, ambulance, or rescue services.
- (4) Permitted uses are as follows:
- (a) In the MRN, processing operations as defined in § 158.002 shall be a permitted use, provided that the distances outlined in § 158.096(B)(2) are met and provided that the processing operation is contiguous to an extractive operation in an adjacent MR. In the MRN, extractive operations are not permitted.
 - (b) In the MRN, the uses allowed in the underlying district are permitted, with special recommendations for clustering away from the resource and for notification.
 - (c) Excavated material stockpile areas are permitted within the approved final site development plan area, and shall always be constructed behind landscaping, berms, and visual buffers.

(d) Landscaping, berms, and visual buffers shall comply with the provisions of the Carroll County Landscape Manual as adopted by § 157.02 of this code.

(5) In a VRA, uses shall be clustered away from the mineral resource when possible. If such clustering is not possible, then a transfer of development rights, as provided for in § 155.090(D), or development of the property as provided for in § 155.059, may occur at the owners' option.

(C) General regulations for the mineral resource recovery area. Extractive operations are allowed only in an area designated MR; the storage and removal of excavated material is allowed within the approved final site development plan area; processing operations are allowed in the MR, and may be allowed in the MRN, subject to the provisions of § 158.096(B)(4) of this chapter. All mineral resource recovery operations are subject to the following:

(1) Mineral resource recovery operations, except for the storage and removal of excavated material, shall be no closer than 200 feet to all adjoining property lines or any existing or proposed public road right-of-way and 400 feet from any existing principal building on an adjoining property. The Planning and Zoning Commission may increase the distance requirements if it determines that adjacent land uses, geological, hydrogeological, topographical, natural vegetative, or any other environmental feature causes a greater adverse effect at the proposed site than desired.

(2) The minimum setback distances shall not apply to the common boundary where the adjoining lot is used or planned for mineral resource recovery operations. Setbacks on the remaining property lines shall meet the setback requirements in division (C)(1) of this section.

(3) A person engaging in mineral resource recovery operations shall locate and conduct those operations on the site in a way that minimizes visual, auditory, and other sensory effects on surrounding property owners.

(4) Processing operations outside the pit perimeter shall be housed in a covered structure unless the Planning Commission determines, because of specific site conditions, this is unnecessary based on the effects of the use on nearby properties.

(5) The site shall be developed and maintained in compliance with Chapter 157 and the Carroll County Landscaping Manual.

(6) The line of sight shall be interrupted to the extent possible between mineral resource recovery operations and adjacent properties zoned for residential use, or improved by a residential dwelling, so as to reduce the visual intrusion of the operation on adjacent and nearby properties.

(7) All permanent access roads shall be paved for a distance of at least 200 feet from the adjoining public road. The paved cartway width shall be a minimum of 22 feet, and the pavement type must be approved by the Carroll County Department of Public Works, or its success

agency. Roads marked on a site plan and approved by the Planning Commission as temporary may be of a stone construction type (i.e., crusher run).

(8) All excavated material stockpile operations and storage shall be conducted in accordance with an approved site plan as set forth in Chapter 155.

(9) When the height of the excavated material stockpiles exceed the height of adjacent landscaping berms for a period of time greater than 12 months, then such stockpiles must be constructed using concurrent reclamation methods.

(10) Hours of operation are as follows:

(a) Extractive operations, and the storage and removal of excavated material, shall be restricted to the hours of 6:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 7:00 p.m. Saturday.

(b) Processing operations, and nonextractive related activities (i.e., administrative, maintenance, repair), may be carried out on the premises beyond the allowed hours of operation, provided that the sound level does not exceed the maximum acceptable limit allowed by the state or Chapter 93, Noise.

(c) On Sundays and during atypical business hours, extractive operations will be allowed if expressly permitted by the Zoning Administrator because of an operating emergency or because of local or state need.

(11) The mineral resource recovery operations shall comply with all applicable federal and state air pollution control laws and regulations. In the event of conflict between these laws and regulations, the most restrictive legally applicable law or regulation shall apply. The operator shall control and contain dust to prevent visible emissions from crossing the boundary of the property.

(12) The mineral resource recovery operations shall comply with all federal, state, and local laws regulating water resources management and protection. In the event of conflict between these laws and regulations, the most restrictive legally applicable law or regulation shall apply.

(13) The operator shall provide, prior to beginning a mineral resource recovery operation, a contingency plan for well replacement whenever a public water supply surface intake, public water supply well, or private water supply well is within the zone of influence as designated by the state.

(14) Indenture provisions are as follows:

(a) Prior to the issuance of any Zoning Certificate under this chapter for mineral resource recovery operation, the owner and operator shall enter into an indenture with and provide a satisfactory bond or guaranty to the County Commissioners to ensure compliance with

this chapter and the provision of related public improvements, adequate landscaping, fencing, screening, health and safety safeguards, reclamation and restoration plans including regrading, site access, draining, or other treatment as required by this chapter at the completion of the extraction or processing operation. The indenture shall be prepared by the County Attorney, and the bond or guaranty shall be satisfactory to the County Commissioners.

(b) The indenture shall include language discussing the availability of the water pumped in dewatering a site for a public water supply and the use of any resulting reservoir when the site is abandoned for a public water supply.

(c) The indenture shall require the applicant to provide the County Commissioners a copy of all necessary state permits or letters of certification from each state agency that it has completed its review of the proposed mining operations and is prepared to issue its permit before the Zoning Certificate may be issued.

(d) Prior to the completion of an indenture, the County Commissioners may impose any other condition, limitation, or requirement which they deem necessary, to protect the public health, safety, or welfare of the people of the county.

(15) The reclamation plan shall consider providing for use of any water-filled pits as a public water supply. Other proposed land uses for the reclaimed site shall be detailed. Reclamation plans shall be developed with consideration to the condition of adjoining mineral resource recovery operations.

(16) When the property on which the mineral resource recovery is planned to take place contains a historic structure, or a known archaeological site, any documentation sent to the state concerning the structure shall also be forwarded to the Carroll County Department of Land and Resource Management, or its successor agency, to ensure that the structure and site are surveyed.

(17) All plans for mineral resource recovery operations shall be submitted to the Planning Commission pursuant to the provisions of § 155.059.

(18) Prior to site plan approval, the Planning Commission shall determine the adequacy of transportation facilities on the local land route as detailed in the traffic impact study. If inadequacy is determined by the Planning Commission, the Planning Commission will consult with the County Commissioners and the Director of Public Works, or its success agency, to make a determination as to the extent the public works agreement may be adjusted to include road improvements that would alleviate the inadequacy.

§ 158.097 H HERITAGE DISTRICT.

(A) **Applicability.** The following regulations and applicable regulations contained in other sections and subchapters shall apply in the H District.

(B) **Principal permitted uses.** Principal permitted uses shall be as follows:

(1) Agriculture, as defined in this chapter, provided any building or feeding pens in which farm animals are kept shall comply with distance requirements specified in § 158.040;

(2) Religious establishments;

(3) Single-family dwellings and two-family dwellings;

(4) Buildings and properties of a cultural, civic, educational, social or community service type, such as libraries, ponds, playgrounds, and community centers but not warehouses, service garages, and storage yards; and

(5) Conversion of a building existing prior to August 17, 1965 to accommodate 2 families, provided that the requirements of §§ 155.075 through 155.078 as well as the requirements of the Carroll County Health Department are complied with.

(C) **Conditional uses requiring BZA authorization.** Conditional uses requiring BZA authorization shall be as follows:

(1) Antique and gift shops;

(2) Reestablishment of C-1 and C-2 District type uses on locations where such uses became vacant or discontinued prior to November 12, 1970;

(3) Agricultural uses for the raising of animals for fur, experimental, or other similar purposes, such as rats, rabbits, mice, monkeys, etc., provided that such uses shall be subject to 3 times the distance requirements specified in § 158.040;

(4) Conversion of existing buildings to accommodate more than 2 families;

(5) Relocation of businesses existing as of November 12, 1970, to another site within the H District upon application by the legal landowner of record at the location of the existing business use;

(6) Bed-and-breakfast inn, subject to the provisions of § 158.071(D)(6); and

(7) Country inn, subject to the provisions of § 158.071(D)(7).

(D) **Accessory uses.** Accessory uses shall be those as enumerated in § 158.073(E).

(E) **Height regulations.** Height regulations shall be as enumerated in § 158.073(F).

(F) **Bulk requirements.**

(1) **Bulk requirements.** Bulk requirements shall be as follows:

<i>Use</i>	<i>Lot Area</i>	<i>Lot Width</i>	<i>Lot Area per Family</i>
Conditional uses	20,000 sq. ft.	100	-
Dwellings and other principal permitted uses	20,000 sq. ft.	100	20,000 sq. ft.
Religious establishments	2 acres	200	-

(2) **Front, rear, and side yard depths.** Front minimum setbacks shall be determined on a case-by-case basis by computing the existing front yard depths of adjacent properties as measured from the centerline of the public right-of-way upon which the property borders to the front of the principal building. Minimum front setbacks shall be a distance equal to the shortest front yard depth of the adjacent properties. Side yards must be at least 10% of the width of the lot. Rear yards must be at least 10% of the depth of the lot.

§ 158.098 COMMERCIAL CAMPING AREA.

(A) **General regulations.** Every commercial camping area shall comply with all sanitary and other requirements prescribed by law or regulations, and the following requirements, unless the following requirements are waived or modified by the Planning Commission:

(1) Every such area where permitted shall be generally located in a wooded area or be screened either by a wooded area or by the natural topography and be at least 1,000 feet from any Residence District, 500 feet from any existing dwelling on adjacent property, or officially designated federal or state numbered highway or county road designated as a primary or secondary highway on the Major Road Plan of Carroll County, 100 feet from any other public road, and 50 feet from any property line in any case.

(2) Each campsite shall have an area of at least 2,000 square feet including parking space for one car, and no camp site shall be closer than 100 feet to any property line. The campsites, together with any nonaccessory buildings, shall not occupy in the aggregate more than 35% of the gross area of the designated camping area.

(3) An adequate water supply having the approval of the Carroll County Health Department shall be provided at one or more convenient locations in every camping area, not less than 150 feet from every site.

(4) Sanitary toilet facilities approved by the Carroll County Health Department shall be provided not more than 600 feet from any site, and if not of a flush-type connection with a sewage disposal unit, such disposal facilities shall be at least 200 feet from all campsites.

(5) Showers or other commonly accepted bathing facilities shall be provided at a ratio of 4 (2 for men, 2 for women) per 30 campsites at one or more locations, provided that the Planning Commission may waive this requirement when the camping area is of a small primitive type and contains less than 15 campsites.

(6) Sanitary receptacles for the collection and storage of refuse shall be provided at convenient locations to be emptied regularly and the contents disposed of in a sanitary manner.

(7) No vehicular entrance to or exit from any camping area containing more than 15 individual campsites shall be located within 400 feet along the roads of any school, religious establishment, or any institution for children or dependents.

(8) No retail business or merchandising other than that which is subordinate to the operation of the camping areas and intended only for its occupants shall be permitted.

(B) Standards.

(1) **Access points.** Provision for separating entering and exiting traffic shall be by means of a grassed median or island-type arrangement, unless owing to exceptional or unusual topographic conditions the Planning Commission agrees to an alternate method.

(2) **Camping area road/drives.** Provision shall be made to limit two-way traffic whenever possible; where necessary, such roads should be a minimum width of 25 feet. One-way roads and drives should be a minimum of 12 feet in width. All roads and drives shall be designed with regard to the topography and constructed and stabilized to withstand all weather, with dust controlled wherever possible.

(3) **Clearing.** This activity shall be strictly limited in order to retain as much natural cover as possible. In this connection, provision shall be made for stable and level areas or pads on each individual site to safely accommodate camping vehicles and facilities.

(4) **Campsite arrangements.** Campsites shall be arranged along loop, horseshoe, or daisy-type drives in order to promote the maximum amount of privacy possible to the individual campsite unless an alternate method can be clearly demonstrated to carry out the objective of maximum privacy and adequate design. Open space areas shall effectively separate groups of campsites (usually not exceeding 30) from one another. Each individual campsite shall be numbered and clearly marked on a concrete, redwood, or other acceptable permanent marker and correspond with any approved site development plan.

(5) **Fencing and screening.** This shall be provided wherever necessary and needed by virtue of topographic or other conditions.

(6) **Fire control.** In addition to any requirements of state or county fire laws, a fire control plan shall be outlined and submitted for the Planning Commission's review and consideration. In addition, the site development plan shall indicate fire pits to be provided and designed to discourage indiscriminate fire building throughout the camping area.

(7) **Site development plan.** Any new commercial camping area or any expansion or modification of an existing commercial camping area shall be subject to the requirements of § 155.059 and the Development Review Manual.

SIGNS

§ 158.110 APPLICABILITY.

In order to properly integrate all regulating provisions affecting signs, as defined in § 158.002, and to regulate such devices in an orderly and comprehensive manner, it is hereby provided that signs are subject to regulations as set forth herein. These provisions shall apply equally to all signs located in the unincorporated areas of the county.

§ 158.111 SIGNS PERMITTED WITHOUT ZONING CERTIFICATE.

The following signs are permitted without a Zoning Certificate in any district, provided that the following conditions are adhered to:

(A) Signs indicating the name and/or premises or accessory use of a home for a home occupation or professional purposes, not exceeding 3 square feet in area;

(B) Signs not exceeding 30 square feet on a farm advertising farm products primarily grown on the premises, provided that they are located off the highway right-of-way and do not interfere with traffic visibility;

(C) Directional or informational signs of a public or quasi-public nature, such as those containing the meeting date of a community or civic club or the advertising of an event of public interest;

(D) Temporary real estate signs which offer a residential property for sale or lease, subject to the following conditions and limitations:

(1) On a property having an area of less than 2 acres, the sign may have 2 sides (or faces), and the area of each sign face shall be no larger than 9 square feet, and the top of the sign shall be no higher from the ground than 5 feet. On a property of 2 acres or larger, the sign may have 2 sides (or faces), and each sign face shall not exceed 24 square feet and the top of the sign can be no higher than 10 feet from the ground.

(2) Only one sign is allowed on a property offered for sale or lease, except in situations where the property fronts on more than one street, in which case no more than 2 signs are allowed on the property.

(3) Signs shall not be placed on a property closer than 6 feet to any property line.

(4) Any sign set up or located pursuant to this section must be removed on the day of settlement of the real estate transaction. The person who placed the sign and the company whose

name appears on the sign shall be responsible to remove signs as required by this section.

(5) In addition to those signs authorized in division (D)(2) above, one additional sign for each sign authorized therein is authorized on the property to advertise an open house during the time period of 12:00 noon Saturday until sunset Sunday or during the time period the house is actually open for showing without prior appointment.

(6) Signs offering a property for sale or lease and advertising an open house may be located off the premises when the property being offered has limited or no road frontage as determined by the Zoning Administrator. In those cases where there is limited or no road frontage, one sign is allowed on the property being offered, and one sign is authorized on another property. For purposes of this section, limited road frontage is less than 15 feet of frontage, unless the Zoning Administrator rules otherwise as to a specific property.

(7) No sign shall be located on a property that is not being offered for sale or lease without the express permission of the person having authority to grant such permission for the property on which the sign is located. For purposes of this section, if the permission of the property owner has not been given in writing, it shall be presumed that no permission was given.

(8) Between the hours of 12:00 noon on Saturday and sunset on Sunday, signs advertising property for sale or lease may be placed in a road right-of-way owned by the county whether the right-of-way is owned in fee or otherwise, subject to the rights of the owners of the underlying fee, if any. Signs that are placed in a county road right-of-way may have 2 sides (or faces), and each sign face may have an area of no larger than 4 square feet, and the top of the sign may be no higher from the ground than 3 feet. If a sign is placed in a county right-of-way, no object may be placed on the sign that extends above the top of the sign or extends the width of the sign to more than 2 feet.

(9) Notwithstanding any provision herein to the contrary, no sign shall be located in any place where its location constitutes a condition adverse to traffic safety. Such signs may be removed at any time, and the company and agent of the company so locating the sign shall be liable for any damage that is caused as a result of the sign's location, and each shall be in violation of this chapter and liable to the county for the cost of removing a sign located on property in violation of this chapter. The Bureau of Roads Operations, or its successor agency, is hereby authorized to establish areas in which signs are prohibited in any county right-of-way.

(10) Notwithstanding any provision herein to the contrary, signs shall not be placed in the traveled portion of any highway or on the shoulder of any highway.

(11) Signs shall not be attached to utility poles, trees, fences, or other signs.

(E) Notwithstanding any other provision of this chapter, temporary real estate signs which offer for sale or lease properties comprised of 5 lawfully recorded lots may have a sign face area of no larger than 100 square feet per sign face;

(F) Building contractors and professional persons temporary signs on buildings under

construction, limited to a total area for all such signs of 150 square feet;

(G) Directional signs, intended to move traffic, direct the flow of traffic, or manage a specific activity on the site; and signs that warn of construction activity either on site or in the immediate vicinity. These signs may not include advertising; and

(H) Political signs and signs on the inside of store windows are exempt from regulation hereunder.

§ 158.112 SIGNS REQUIRING ZONING CERTIFICATE.

The following signs are permitted in accordance with zoning district regulations and require a Zoning Certificate:

- (A) Signs, business; and
- (B) Signs, outdoor advertising.

§ 158.113 GENERAL REGULATIONS.

All signs shall be subject to the following general provisions:

(A) No sign shall be permitted which is an imitation of or which resembles an official control device, railroad sign, or signal, or which hides from view or interferes with the effectiveness of an official traffic control device or any railroad sign, signal, or traffic sight lines. Illuminated signs shall be constructed to avoid glare or reflection on any portion of an adjacent highway or residential buildings. However, no flashing or rotating flashing illumination shall be permitted.

(B) No sign which uses the word “stop” or “danger,” or presents or implies the need or requirement of stopping or the existence of danger shall be displayed.

(C) No sign shall be permitted which contains statements, words, or pictures of an obscene indecent, or immoral character, or such as will offend public morals or decency.

(D) No sign shall be placed on rocks, trees, or poles maintained by public utilities.

(E) No sign shall be permitted which becomes unsafe or endangers the safety of a building, premises, or person, and unless maintained in a good general condition and in a reasonable state of repair, the Zoning Administrator shall order such sign to be made safe or repaired, and such order shall be complied with within 5 days of the receipt of such order.

(F) No sign shall be located on the right-of-way for any road.

§ 158.114 USE-ON-THE-PREMISES SIGNS.

Business signs pertaining to use-on-the-premises, as an accessory use in all districts, provided that the following provisions are adhered to:

(A) No such sign shall project over or into any street right-of-way or more than 4 feet above the parapet wall or roofline.

(B) Any sign which is attached to the ground shall be located in such a manner that traffic visibility is not impaired.

(C) The total area of all signs shall not exceed 4 times each linear foot of the building wall being used as a tenant front. Only one building frontage shall be used in computing the sign area allowance, except on a corner lot, in which case an additional 25% of the sign area allowed may be authorized. In no case shall the area of any one sign exceed 200 square feet on any one side. Computations of signs shall include all sides (where applicable) including the entire face of the sign and any wall work incidental to its decoration and shall include the space between letter figures and designs or the space within letter figures and designs.

(D) No exterior sign shall exceed 30 feet in total height, as measured from the adjacent public road, if freestanding. Only one freestanding sign is permitted, except if located in a PCC, Business Park, Industrial Park, or Business/Industrial Park.

(1) A PCC, Business Park, or Industrial Park fronting on more than one street may erect one additional sign not exceeding 200 square feet in area containing the names of the PCC or Park, or establishments located therein, that may be placed in any location within the boundaries of the project within the required yard area along each street.

(2) For each interior business in a PCC, Business Park, Industrial Park, or Business/Industrial Park, signs may be permitted not to exceed an area 4 square feet for each linear foot of store frontage and located in accordance with a signage plan approved by the Planning Commission.

(E) No business sign shall obstruct the vision of motorists using entranceways, driveways, or any public road intersection.

(F) A sign must be set back from a public road right-of-way line by at least 5 feet. No freestanding sign shall be located closer than 20 feet to a side property line or 5 feet to a front property line.

(G) Temporary signs located on the premises of a business which advertise special events of the business subject to all distance, yard, and setback requirements and subject to the following limitations:

(1) **Area.** The sign shall be no larger than 36 square feet per side and shall have no

more than 2 sides. If temporary single faced signs are used, no more than 2 temporary single faced signs may be used.

(2) **Time limit.** The sign may not be located at the business for longer than 30 days prior to the special event. The Zoning Administrator shall prohibit the use of temporary signs if it appears that the use is intended to avoid the restrictions on permanent signs. Temporary signs may be used no more than twice per calendar year.

(3) **Anchoring.** The sign must be anchored to the ground or to a permanent structure to prevent it from being moved by force of nature.

(4) **Signs on wheels.** Signs on wheels are prohibited, as are signs designed to be affixed to a wheeled chassis but which have either been removed from the chassis or have never been so attached.

(5) **Approval.** Prior to using the sign, a person shall have been issued a zoning certificate and must obtain the approval of the Zoning Administrator, who shall review the request to determine if the sign constitutes a potential hazard to health, safety, or welfare; or whether the use of the sign is for a truly temporary purpose rather than for a purpose that would require additional regulation under other provisions of this chapter.

(6) **May be allowed.** The Zoning Administrator may allow the use of pennants, banners, streamers, tethered balloons, or inflatables.

(H) Notwithstanding any other provision of this chapter, the total area of all signs on the premises of a fuel station shall not exceed 200 square feet, except as authorized in division (C). Canopy signage at a fuel station may not exceed 36 square feet at each face.

(I) In the Employment Campus District, the following provisions shall also be adhered to:

(1) Sign locations shall be permitted as follows for each building:

- (a) One freestanding sign at a point near the parking or building entrance; and
- (b) A building mounted tenant identification system for each tenant.

(2) The following are prohibited:

- (a) Flashing or moving signs;
- (b) Exposed neon signs; and
- (c) Pennants, banners, streamers, tethered balloons, and inflatables.

§ 158.115 USE-OFF-THE-PREMISES SIGNS.

(A) Outdoor advertising signs pertaining to use off the premises may be permitted in the Commercial and Industrial Districts, except as further restricted.

(B) Outdoor advertising signs shall be subject to the following restrictions:

(1) A maximum height of 10 feet, measured from the grade of the adjacent roadway including any extensions or cutouts or the grade of the sign location, whichever is greater;

(2) A maximum sign area of 32 square feet. Side-by-side signs shall be subject to this maximum of 32 square feet, and back-to-back signs may have 32 square feet for each side;

(3) A minimum setback of 10 feet;

(4) A minimum of 300 feet between outdoor advertising signs located in a Business District and 800 feet between outdoor advertising signs located in an Industrial District. In the case of existing dual-lane highways, each side of such dual-lane highway shall be considered separately in determining such spacing requirement. In the case of single-lane highways, spacing shall be determined and measured between signs regardless of the side of the highway on which they are located or proposed;

(5) A minimum of 300 feet from an intersection on the following major highways, State Routes 26, 30, 140, and 97 from 26 and 140; and 100 feet from any other intersection; provided, however, that outdoor advertising signs may be affixed to or located directly adjacent to a building at intersections in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. The distance from an intersection shall be measured from the centerline of an intersecting street; and

(6) Prior to issuance of a Zoning Certificate for an outdoor advertising sign, the Zoning Administrator or the Administrator's designee shall conduct an informal conference on the Zoning Certificate application to allow for public notice and comment. The Zoning Administrator or the Administrator's designee shall allow all persons who are present at the conference an opportunity to be heard concerning the application.

(a) Prior to the informal conference, the Zoning Administrator shall cause the property to be posted with notice of the pendency of the application and cause the adjoining property owners to be notified of the application by first class mail. The notice shall contain the date, time, and place of the conference.

(b) Within 15 days of the conference, the Zoning Administrator shall decide whether to issue the Zoning Certificate or issue a written denial.

(c) The Zoning Administrator shall not issue the Zoning Certificate if to do so would violate the spirit and intent of this chapter, or cause or be likely to cause substantial injury to the public health, safety, and general welfare. The Zoning Administrator shall be guided in

making this decision by the considerations set forth in § 158.133(G).

(C) Unless lawfully removed by county or state action, legal nonconforming signs may continue to be used, the copy may be changed, and such signs may be rebuilt or replaced; provided, however, that notwithstanding the provisions of § 158.033, such nonconforming signs may not be enlarged in height or area beyond that which existed on August 18, 2003. All nonconforming signs shall be registered with the Zoning Administrator by completing a registration application, including but not limited to: the location of the sign including distances from all property boundaries and roadways; the height, size and dimensions of the sign; the building materials that the sign is constructed of; an affidavit of the property owner; and an affidavit of the lessee of the property and/or developer of the sign.

(D) Conversion of existing outdoor advertising signs.

(1) Signs located in the C-1, C-2, C-3, I-1, and I-2 Zoning Districts may be changed to an electronic message or Trivision outdoor advertising sign provided that any such sign converted shall meet the following standards:

(a) Each electronic message outdoor advertising sign must have a light sensing device that will adjust brightness as the ambient light changes.

(b) Each message on the sign must be displayed for a minimum of 10 seconds.

(c) Transition times between messages shall be more or less instantaneous but not exceed one second.

(d) All electronic message outdoor advertising signs must be equipped with automatic dimming-capability that adjusts the luminance of the displayed information based on ambient light conditions so as to not exceed 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance as listed. Signs up to 300 square feet of area to be measured at a distance of 150 feet; signs greater than 300 square feet shall be measured at a distance of 250 feet. A written certification from the sign manufacturer that the light intensity of the sign display will be pre-set to conform to the brightness levels established by this code shall be required prior to approval.

(2) Prior to issuance of a Zoning Certificate for an outdoor advertising sign to be converted to an electronic message outdoor advertising sign in the commercial Districts, the Zoning Administrator shall conduct a Zoning Administrator's hearing in accordance with § 158.030(G) and (H), on the Zoning Certificate application to allow for public notice and comment. The Zoning Administrator shall allow all persons who are present at the hearing an opportunity to be heard concerning the application.

(a) Prior to the hearing, the Zoning Administrator shall cause the property to be posted with notice of the pendency of the application and cause the adjoining property owners to be notified of the application by first-class mail. The notice shall contain the date, time, and place of the conference.

(b) Within 15 days of the hearing, the Zoning Administrator shall decide whether to issue the Zoning Certificate or issue a written denial.

(c) The Zoning Administrator shall not issue the Zoning Certificate if to do so would violate the spirit and intent of this chapter, or cause or be likely to cause substantial injury to the public health, safety, and general welfare. The Zoning Administrator shall be guided in making this decision by the considerations set forth in § 158.133(I).

(d) The provisions of § 158.115(D)(1)(a) through (D)(1)(d) herein shall apply.

(E) Hampstead Route 30 Bypass.

(1) Notwithstanding the restrictions set forth in divisions (B) and (C) above, no outdoor advertising sign shall be located within 1,000 feet of the public road right-of-way along either side of the Hampstead Route 30 Bypass measured from the closest part of the proposed outdoor advertising sign located to the closest area of the right-of-way.

(2) All outdoor advertising signs erected under this provision shall conform to all front, rear and side yard setbacks and lot area requirements for the zoning district in which they are constructed. Variances to the 1,000-foot distance requirement in division (E)(1) above may not be obtained.

(3) No outdoor advertising signs shall be located within 1,000 feet of another outdoor advertising sign if on the same side of the Hampstead Route 30 Bypass. The distance shall be measured along a straight line between the nearest point of the existing outdoor advertising sign and the nearest point of the proposed outdoor advertising.

(4) The restrictions set forth in this section shall not apply to use-on-premises signs.

ADMINISTRATION AND ENFORCEMENT

§ 158.130 EXCEPTIONS AND MODIFICATIONS.

(A) **Applicability.** The regulations specified in this chapter and Chapter 155 shall be subject to the following exceptions, modifications, and interpretations.

(B) **Lot area modification.** In any district where a single-family dwelling is permitted, a dwelling may be erected on any lot or parcel of record, despite the fact that the lot or parcel does not meet the minimum area requirements of this chapter, provided that:

(1) The lot or parcel (including any yard requirements) was lawfully created in compliance with all zoning and subdivision regulations applicable at the time the lot or parcel was created;

(2) For yards, where the lot or parcel was created prior to August 17, 1965:

(a) The side yards must be at least 10% of the width of the lot, but need not exceed the side yard requirements of the district in which the lot is located;

(b) The front yard shall be determined on a case-by-case basis by computing the average of existing front yard depths of adjacent properties as measured from the centerline of the public right-of-way upon which the properties border within 200 feet in each direction; and

(c) The rear yard shall be at least 10 feet, but need not exceed the rear yard requirements of the district in which the lot is located.

(3) All other regulations, including the standards of the Maryland Department of Health and Mental Hygiene and the Carroll County Health Department, are complied with. The Zoning Administrator may deny a permit for the erection of a dwelling on a lot which is substandard in area or yard if, because of extraordinary conditions, construction of a dwelling on the lot would present a danger to health or safety.

(C) Setback modification.

(1) Where the average setback line of at least 2 existing buildings on lots which are on the same side of the street or road and within 200 feet of the lot in question is less than the minimum setback prescribed by this chapter, the minimum setback line shall be the average setback line of all buildings within 200 feet of the proposed building. However, in no case shall the setback line be less than 35 feet from the centerline of any abutting road or street.

(2) Accessory buildings shall adhere to minimum front and side yard requirements unless they are located totally in the rear yard, in which case the side and rear setbacks shall be a minimum of 5 feet.

(D) Projection into yards.

(1) If attached to the principal building, a carport or a one-story open porch with or without a roof may extend into any required yard not more than 25% of the minimum required depth of a front or rear yard or of the minimum required width of a side yard.

(2) Projections such as bay windows, chimneys, entrances, vestibules, balconies, eaves and leaders may extend into any required yard not more than 4 feet, provided that such projections (except eaves) are not over 10 feet in length.

(3) Fences and walls shall be exempt from building line and yard requirements unless they cause obstructions to vision.

(4) Canopies designed to shelter pump islands at fuel stations are exempt from the yard requirements of this chapter, but shall be subject to review and approval pursuant to the

requirements for site plan approval in § 155.059. In addition, a canopy may be prohibited or restricted if the Zoning Administrator determines that the canopy constitutes an obstruction to traffic or the visibility of motorists on or entering a highway. Pump islands and support for a canopy shall comply with all yard and setback requirements of this chapter.

(E) Height.

(1) Building height limitations shall not apply to water tanks, barns, windmills, silos, or other accessory farm structures; or to material storage silos or bins, belfries, steeples, spires, electric or communication poles or towers, electric generating plants, electric transforming or switching equipment, radio, television, or radar towers, chimneys or smoke stacks, flagpoles, fire or observation towers, cupolas, domes, monuments, penthouses, or roof structures for housing stairways; or to tanks, ventilating fans, air-conditioning equipment or similar equipment required to operate and maintain the building. No penthouse or roof structure shall have a total area greater than 25% of the roof area. This provision shall not apply to wind energy systems.

(2) In any A or R District, the height of a building may be extended to not over 40 feet, if each side yard is increased in width one-half foot for each additional one foot of height above the normal maximum limit.

(3) On any lot where the average finished slope adjoining the building exceeds 7% grade, one story in addition to the number permitted in the zone in which such lot is situated shall be permitted on the downhill side of any building erected, but the building height limit shall not otherwise be increased above that specified for the zone.

(4) In any zone where public or quasi-public buildings or schools (public or private) are permitted, such buildings may be erected to a height of 120 feet, but the minimum front, rear, and side yards shall be increased one foot for each foot of height above the limit established for the zone in which the building is erected.

(F) Application; limits.

(1) A person shall apply to the Zoning Administrator for a variance or administrative adjustment from the height, setback, parking, loading, dimensional, area, width, sign, and distance requirements as specified in this chapter or as specified in Chapter 155 unless a simultaneous application for a conditional use has been filed with the BZA pursuant to § 158.133(D). The application shall be made on a form and in a manner prescribed by the Zoning Administrator.

(2) The maximum variation from a requirement as listed in division A shall be as follows:

- (a) Height: 75%;
- (b) Setback: 75%;
- (c) Parking: 75%;

(d) Loading: 75%;

(e) Distance: 80%;

(f) Area of solar energy conversion facilities as accessory uses in the C Conservation district: 80%;

(g) Other dimensional requirements: 80%; and

(h) Area: 75%.

(3) For the following variances or administrative adjustments, a person shall apply to the BZA:

(a) Setback or distance requirements for communications towers; and

(b) Variances or administrative adjustments exceeding the maximum variation in division B, or which would be necessary to abate a permit or zoning violation.

(G) Procedure.

(1) The Zoning Administrator shall conduct a public hearing on the application for the variance or administrative adjustment. Any person may be present, and the Zoning Administrator shall allow all persons who are present an opportunity to present evidence or testimony concerning the application.

(2) Prior to the public hearing, the Zoning Administrator shall post the property with notice of the pendency of the application at least 14 days in advance of the hearing and shall notify the adjoining property owners of the application by first class mail of the date, time, and place of the hearing at least 14 days in advance of the hearing.

(H) Decision. Within 15 days of the public hearing, the Zoning Administrator shall decide the issue raised by the application. The decision shall be in writing and provide a brief explanation of the law and findings of fact which support it. In making the decision, the Zoning Administrator may grant the variance or administrative adjustment only in cases where the strict compliance with the terms of this chapter or Chapter 155 would result in practical difficulty or unreasonable hardship which has not been caused by the act of the applicant or the applicant's predecessors in title. The Zoning Administrator may not grant a variance or administrative adjustment if to do so would violate the purpose and intent of the regulation, or cause or be likely to cause substantial injury to the public health, safety, and general welfare. The Zoning Administrator shall be guided in making this decision by the considerations set forth in § 158.133(G).

(I) Appeals.

(1) An appeal of a variance, accessory use, or administrative adjustment decision to the BZA may be filed within 30 days of the date of the Zoning Administrator’s written decision in accordance with § 158.133(D).

(2) A decision of the Zoning Administrator made pursuant to this subchapter is final and constitutes a zoning action. Unless timely appealed, parties may not thereafter challenge the decision.

(3) The BZA may grant or deny the requested variance, accessory use, or administrative adjustment based on the evidence before it after a *de novo* hearing applying the same standards and criteria set forth in § 158.130(H). The BZA shall issue a written decision within 30 days of the hearing, unless otherwise extended by the BZA.

§ 158.131 ZONING ADMINISTRATOR.

(A) There is hereby established the office of Zoning Administrator. The office shall be filled by a person appointed by the County Commissioners. Any person appointed to the office shall be or become, upon appointment, a resident of the county and shall be qualified by education, experience, or training to administer and enforce the provisions of this chapter. Any person so appointed shall maintain no interest in any matter which may be construed by the County Commissioners to be in conflict with the duties and decisions of the office of Zoning Administrator.

(B) The provisions of this chapter, Chapter 155, and Chapter 157 shall be enforced by the Zoning Administrator. Appeal from a decision of the Zoning Administrator shall be made to the BZA as provided in § 158.133(D).

(C) All departments, officials, and public employees of the county which are vested with the duty or authority to issue permits or licenses shall issue no permit or license for any use, building, or purpose if the same would be in conflict with the provisions of this chapter. Any permit issued in conflict with the provisions of this chapter shall be null and void.

(D) The Zoning Administrator shall maintain a file for inspection by the public of issues of interpretation of this chapter and Chapter 155.

§ 158.132 ZONING CERTIFICATES.

(A) It shall be unlawful for an owner to use or to permit the use of any building, structure, or land or part thereof, hereafter created, erected, changed, converted, or enlarged, wholly or in part, until a Zoning Certificate shall have been issued by the Zoning Administrator. A Zoning Certificate shall be revocable, subject to continued compliance with all requirements and conditions.

(B) All applications for Zoning Certificates shall be accompanied by plans drawn to scale, showing the dimensions and shape of the lot to be built upon; the size and location of existing buildings, if any; and the location and dimensions of the proposed building or alteration. Where no buildings are involved, the location of the present use and/or proposed use to be made of the lot shall be shown. The application and/or plans shall include such other information as reasonably may be required by the Zoning Administrator to determine conformance with and provide for the enforcement of this chapter. The plans shall be retained in the office of the Zoning Administrator.

(C) The Zoning Administrator shall approve the issuance of a Zoning Certificate only if the application complies with the requirements of this chapter, and provided that such Zoning Certificate shall be conditioned where necessary on the approval of the Carroll County Health Officer, state and/or County Bureau of Roads Operations, Planning Commission, or any other agency concerned, and provided the application is accompanied by the required fee. The Zoning Administrator shall maintain a record of all Zoning Certificates and copies shall be furnished upon request to any person upon payment of the cost therefor. If a Zoning Certificate is issued, such approval and issuance thereof does not sanction variance from the terms of this chapter.

(D) If the Zoning Administrator shall find any of the provisions of this chapter being violated, the Zoning Administrator shall notify in writing, by first class mail, the owner or the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Proof of mailing shall be sufficient evidence that the notice was delivered, and notice shall be deemed delivered upon the expiration of 5 days from the date the notice was mailed. The Zoning Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or additions or alterations or structural changes thereto; discontinuance of any illegal work being done; and shall, unless compliance is met within a reasonable time, take any other action authorized by this chapter to ensure compliance with or prevent violation of its provisions.

(E) A Zoning Certificate shall become void one year after the date of issuance if the construction or use for which the certificate was issued has not been started.
Penalty, see § 158.999

§ 158.133 BOARD OF ZONING APPEALS.

(A) **Creation; composition in accordance with statute.** The BZA of Carroll County is hereby created and designated the BZA. The number of members of said BZA, their terms of office, succession, removal, filling of vacancies, alternate membership, and their powers and duties shall be as provided in Md. Code, Land Use Article.

(B) **General powers.**

(1) The BZA shall have the following powers:

(a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in regard to the

enforcement of this chapter, Chapter 155, or Chapter 157;

(b) To hear and decide conditional uses; and

(c) To authorize, upon appeal in special cases, such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions, the enforcement of the provisions of this chapter will result in unwarranted hardship and injustice and which will most nearly accomplish the purpose and intent of the regulations of this chapter.

(2) In exercising the above-mentioned powers, the BZA may, in conformity with the provisions of law and this chapter and amendments thereto, reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made.

(3) The BZA is also empowered to adopt and promulgate such rules and regulations as it shall deem necessary in the conduct of its hearings and the issuance of its decisions or testimony pertaining to its hearings.

(4) Prior to consideration of any conditional use pursuant to this section, the BZA shall cause the application to be forwarded to the Secretary of the Planning Commission for a formal finding with regard to comprehensive plan consistency in accordance with the provisions of Md. Code, Land Use Article, §§ 1-301 and 1-303.

(C) Organization; technical assistance; records. The BZA shall be organized and its rules shall be amended, if necessary, in accordance with the provisions of this chapter. Meetings of the BZA shall be held at the call of the Chair, and at such other times as the BZA may determine. The Chair, or in the Chair's absence, the Vice Chair, may administer oaths and compel the attendance of witness. For assistance in reaching decisions relative to appeals, conditional uses, or variances, the BZA may request testimony at its hearings for purposes of securing technical aid or factual evidence from the Planning Commission or any county agency. All meetings of the BZA shall be open to the public pursuant to the State Open Meetings Act. The BZA shall keep minutes of its proceedings and shall keep records of all its official actions, all of which shall be public records.

(D) Appeals and applications.

(1) An appeal to the BZA pursuant to Md. Code, Land Use Article, § 4.07, pursuant to division (B)(1)(a) above, or pursuant to an application for a conditional use pursuant to division (B)(1)(b) above shall be filed as part of an application for a Zoning Certificate.

(2) An appeal from an order, requirement, determination, or a decision of an administrative official enforcing the provisions of Md. Code, Art. 66B, this chapter, Chapter 155, or Chapter 157 shall be filed within 30 days from the date of the action being appealed.

(3) The appeal or application shall be on forms approved by the BZA and shall include the names and addresses of all owners of property contiguous to the property which is the

subject of the proceedings as of the date the application is filed. In the event a transfer of ownership has occurred prior to the filing of the application and after its preparation, the appellant or applicant shall advise the BZA of the transfer within 10 days of the date the application or appeal was filed by giving the name and address of the new owners.

(4) Upon receipt of an application or appeal made or filed pursuant to division (D)(1), the Zoning Administrator shall review the application or appeal for completeness, shall reject those applications which are not complete, and reject those that do not seek relief available by law.

(5) Upon determination that the application is proper or an appeal complete, the BZA shall notify the administrative official from whom the appeal is taken that an application or appeal has been filed.

(6) The BZA shall schedule hearings promptly upon the receipt of an appeal or a completed application.

(7) If evidence is offered during the hearing concerning site plans, site or building locations, or any plans of construction which are not included as part of the application for a building permit/Zoning Certificate, those plans shall be incorporated in the application, and no substantial change shall be made in the plans presented to the BZA without the approval of the BZA. The BZA shall not approve a substantial change in the plans unless a hearing is held.

(8) The BZA shall decide all cases within 30 days of the date of its last hearing on the matter and issue its written decision during that period, unless the time for making the decision is extended during that period by the BZA.

(9) Time shall be calculated in accordance with the Maryland Rules of Civil Procedure.

(E) Notice of hearings.

(1) Notice of a hearing shall be advertised in one issue of a newspaper having general circulation in the county. The notice shall be published in the newspaper at least 14 calendar days prior to the hearing.

(2) Property upon which the application or appeal is concerned shall be posted conspicuously by a notice no less in size than 22 inches by 28 inches at least 14 calendar days before the date of the hearing.

(3) Notice of the hearing shall be sent by first class mail to the appellant or person making application to the BZA no less than 14 calendar days prior to the first scheduled hearing.

(4) At least 14 calendar days prior to the first scheduled hearing, notice of the hearing shall be sent by first-class mail to those persons identified by the appellant or applicant as

persons owning property contiguous to the property which is the subject of the proceeding. Notice shall be sufficient if given to the person shown as the owner on the tax rolls and sent to the address where tax bills are sent.

(5) The notice required by division (E)(1) and (E)(3) above shall be limited to notice that an appeal or application has been filed with the BZA and shall provide information concerning who may be contacted to obtain additional information about the proceeding.

(6) Regarding utility equipment and towers, notwithstanding any other provision in this chapter, any application filed under § 158.039, shall require the following:

(a) Notice of a hearing shall be advertised in one issue of a newspaper having general circulation in the county at least 60 calendar days prior to the hearing.

(b) Property which is the subject of the application or appeal shall be posted conspicuously by a notice or notices not less in size than 22 inches by 28 inches at least 60 calendar days before the date of the hearing.

(c) Notice of the hearing shall be sent by first-class mail to the appellant or person making application to the BZA and to those persons identified by the appellant or applicant as persons owning property contiguous to the property which is the subject of the proceeding no less than 60 calendar days prior to the first scheduled hearing. In cases where a contiguous property is also owned by the applicant, this notice shall also be sent to property owners whose property abuts the applicant's contiguous property. Notice shall be sufficient if given to the person shown as the owner on the tax rolls and sent to the address where tax bills are sent.

(7) Notice is not defective under division (E)(2) above if it would cause a reasonable person to inquire into the proceedings. Notice is not defective under division (E)(4) above unless:

(a) The applicant or appellant caused the wrong address or name to be included on the application or appeal and the person who claims defective notice proves a lack of actual notice; and

(b) That constructive notice was given in such a way that it was unlikely to have caused that person's inquiry into the proceedings.

(F) Hearings.

(1) Hearings shall be conducted according to the BZA's rules of procedure, and any party may appear and be heard in person or by agent or attorney.

(2) Requests for postponement of a scheduled hearing shall be filed in writing with the BZA not less than 10 days prior to the date of hearing and shall be accompanied by a sum of money sufficient to pay the cost of advertising the postponement and the rescheduled hearing. The granting of such requests shall be at the discretion of the Chair of the BZA.

(3) Requests for postponement filed later than 10 days prior to the date of a scheduled hearing shall, in addition to the other requirements set forth in division (F)(2) above, be supported by an affidavit of the party making the request or of some other credible person. The affidavit shall be based on personal knowledge and set forth all facts upon which the request for postponement is based. The granting of such request shall be at the discretion of the BZA in cases of extreme hardship or upon good cause shown.

(4) The BZA may, upon its own initiative, postpone a scheduled hearing at any time.

(5) The BZA may continue a hearing to another time and/or date once such hearing has been started; however, the BZA shall announce the date and hour of continuance for such hearing while in session.

(6) The BZA, upon application in writing by any interested party filed with the BZA no less than 10 days prior to the date of scheduled hearing, the BZA shall visit the specific property involved prior to the hearing. The BZA, in its discretion, may otherwise visit the property prior to or after the hearing. The BZA shall include in the record of its proceedings the fact of site visits and advise the parties of the date and time of the visit if made prior to a decision but after the hearing has opened.

(G) Limitations, guides, and standards. Where in these regulations certain powers are conferred upon the BZA or the approval of the BZA is required before a conditional use may be issued, the BZA shall study the specific property involved, as well as the neighborhood, and consider all testimony and data submitted. The application for a conditional use shall not be approved where the BZA finds the proposed use would adversely affect the public health, safety, security, morals, or general welfare, would result in dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the BZA shall give consideration, among other things, to the following:

- (1) The number of people residing or working in the immediate area concerned;
- (2) The orderly growth of a community;
- (3) Traffic conditions and facilities;
- (4) The effect of the proposed use upon the peaceful enjoyment of people in their homes;
- (5) The conservation of property values;
- (6) The effect of odors, dust, gas, smoke, fumes, vibrations, glare, and noise upon the use of surrounding property values;
- (7) The most appropriate use of land and structures;
- (8) Public convenience and necessity;

(9) Type and kind of structures in the vicinity where public gatherings may be held, such as schools, religious establishments, etc.;

(10) Compatibility; and

(11) The purpose of this chapter as set forth herein.

(H) **Decision.**

(1) **Time frame.** If the application is disapproved by the BZA, thereafter the BZA shall take no further action on another application for substantially the same proposal, on the same premises, until after 2 years from the date of such disapproval.

(2) **Appeals.** If an appeal to the BZA is filed and the public hearing date is set and duly advertised and properly posted and thereafter the applicant withdraws the appeal, the applicant shall be precluded from filing another appeal on the same issues.

(3) **Approvals.**

(a) If the application is approved by the BZA which does not require a site plan, the approval shall become void unless a building permit conforming to the plans for which the approval was granted is obtained within 6 months.

(b) An approval for which a building permit is not required shall become void unless the use or variance is implemented within one year of the date of the written decision.

(c) An approval for which a site plan is required shall become void unless the concept site plan has been submitted for distribution to the reviewing agencies and accepted by the Bureau of Development Review, or its successor agency, within 6 months from the date of the written decision. An approval for which a site plan is required may become void if the property owner or developer fails to take action to secure an approval of the site plan from the Planning Commission in a timely manner, as determined by the Bureau of Development Review.

(d) An applicant may apply to the BZA for one extension of up to 12 months upon a showing of good cause.

(4) **Reconsideration.** An applicant may request reconsideration of a condition of approval within 30 days of the date of the written decision. At the BZA's discretion, the BZA may hold a hearing on the request or may reissue the decision with modifications or corrections. A reconsideration may not challenge the granting or denial of the application. A request for reconsideration stays the time for appealing the decision granting or denying the application until such time as the BZA decides on the reconsideration request.

(I) **Fees.** A filing fee shall accompany each application for an appeal to the BZA, as may be determined by the County Commissioners.

§ 158.134 AMENDMENTS.

(A) Amendments; public hearing; annexed areas.

(1) These regulations, restrictions, and provisions and the boundaries of the districts may from time to time be amended, supplemented, changed, modified, or repealed by the County Commissioners. Any person or officer, department, board, commission, or bureau of the county may petition for such change or amendment; however, no such change or amendment shall become effective until 10 days after at least one public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. The county shall publish notice of the time and place of a public hearing, together with a summary of the proposed regulation, restriction, or boundary, in at least one newspaper of general circulation in the county once each week for 2 successive weeks.

(2) In the event any area is annexed by an incorporated town or municipality, upon receipt of a copy of the annexation resolution of the incorporated town or municipality and a certification from the incorporated town or municipality that no further legal action is possible to prevent the annexation resolution from becoming fully effective, the County Commissioners shall immediately thereafter cause a change in the official Zoning Maps without regard to the procedures or regulations set forth in § 158.134.

(B) Referral to Planning Commission.

(1) The County Commissioners shall refer all proposed changes and amendments to these regulations or amendments to Chapter 155 or Chapter 158 or proposed changes in a zoning district or Zoning Map to the Planning Commission for review and comment.

(2) The Planning Commission shall study zoning, its development, application, and relation to public and private development and its relation to other phases of the Master Plan for the development and may, from time to time, submit amendments to these regulations or changes in the district boundaries to the Commissioners of the county. However, no such amendment or change shall become effective until approved by the County Commissioners, as required by this subchapter.

(C) Factors and process to be considered by the County Commissioners for change of zoning classification on a specific property (piecemeal rezoning).

(1) A petition to change the zoning of a specific property shall be filed with the Department of Planning or its successor agency.

(2) The property shall be:

(a) Posted at least 14 days before the hearing date; and

(b) The county shall publish notice of the time and place of the public hearing, together with a summary of the proposed change, in one newspaper of general circulation in the county once each week for 2 successive weeks.

(3) Where the purpose and effect of the proposed amendment is to change the zoning classification, the local legislative body shall make findings of fact that include the following matters:

- (a) Population change;
- (b) The availability of public facilities;
- (c) Present and future transportation patterns;
- (d) Compatibility with existing and proposed development for the area;
- (e) The recommendation of the Planning Commission; and
- (f) The relationship of the proposed amendment to the county's Master Plan.

(4) The County Commissioners may grant the amendment to change the zoning classification based on a finding that there was:

- (a) A substantial change in the character of the neighborhood where the property is located; or
- (b) A mistake in the existing zoning classification.

(5) The County Commissioners shall keep a complete record of the hearing and the votes of all members.

(6) If a petition for a change in a zoning district boundary has been filed, and is withdrawn by the petitioner, after the Planning Commission has caused its staff to render a report thereon, or if the County Commissioners declines to rezone the property after a hearing thereon, no new petition for a change of zoning for all or part of the same property may be filed within one year of the date the applicant withdraws the petition or the action of the County Commissioners to decline to rezone becomes final.

(7) Every application for a change in zoning of district boundaries shall be accompanied by a scale drawing, showing the existing and proposed boundaries and such other information as may be needed to properly locate and plat the amendment on the official Zoning Maps. All plats shall be submitted on a labeled CD-ROM in a digital format compatible with the county's current geographic information system.

(8) A filing fee shall be charged for processing an application for a change in zoning, as may be determined by the County Commissioners of the county.

(D) Comprehensive rezoning.

(1) The County Commissioners or staff may recommend for review the entire county or a geographic portion thereof for a comprehensive rezoning. Any such rezoning shall be referred to the Planning Commission for review and comment. No such change shall take effect until 10 days after at least one public hearing has been held by the County Commissioners where parties in interest and citizens have had an opportunity to be heard.

(2) The county shall publish notice of the time and place of the public hearing, together with a summary of the proposed change, in one newspaper of general circulation in the county once each week for 2 successive weeks.

§ 158.135 ENFORCEMENT.

In addition to other remedies, the County Commissioners, the Zoning Administrator, or any adjacent or neighboring property owner may institute injunction, *mandamus*, abatement, or other appropriate action or proceedings to compel compliance with the provisions of this chapter.

§ 158.136 CIVIL ZONING VIOLATIONS.

(A) In addition to and not in substitution for any other penalty imposed for a violation hereof, or for any other right or remedy available hereunder, there is hereby established a civil penalty for a violation of this chapter, as set forth in § 158.999.

(B) A citation may be delivered either by personal delivery to the person named on the citation or by mail to the person named on the citation at the address of the zoning violation or the address to which tax bills for the property are sent, or both.

(C) For purposes of this chapter, notice is effective if given by mail, and delivery of a citation is effective if accomplished by mail at the end of the fifth day after deposit in the mail, postage prepaid, of the notice or citation, respectively.

Penalty, see § 158.999

SPECIFIC USES

§ 158.150 MOBILE HOMES.

No person shall park, store, or occupy a mobile home (nor allow or permit parking, storage, or occupancy of a mobile home), for living or other purposes, except:

(A) As a temporary accessory use by a licensed contractor in any district for road,

commercial, public, or quasi-public construction projects. Such use shall be limited to construction office or storage, and shelter for a caretaker;

(B) In order to provide assistance in the pursuit of agriculture by providing for the shelter of tenant labor necessary for successful operation of agricultural enterprises, or members of an immediate family of the owner of the farm who provide assistance in the operation of said farm, the Zoning Administrator may approve the use of no more than 2 mobile homes on such a farm, subject to the following conditions:

(1) To provide a home for members of an immediate family of said farm who assist the owner in the operation of the subject farm;

(2) To provide a home for tenant labor employed full time on the farm;

(3) The requirements of the Carroll County Health Department and the Carroll County Construction Codes shall be met;

(4) The mobile home shall be located in the immediate vicinity of and as an integral part of other major farm buildings, and in no case more than 300 feet therefrom, and abide by the setback and side yard requirements of the district in which the property is located;

(5) A farm or any portion thereof that is not actively employed in agricultural production shall not be considered by the Zoning Administrator in connection with a request for the placement of a mobile home thereon. Farms or portions thereof enrolled in United States Department of Agriculture soil bank programs, or similar programs shall be considered inactive and not eligible for consideration under this provision; and

(6) A minimum of 50 acres engaged in the active production of the land shall be required for location of a mobile home under this section, provided that where annual gross sales from the raising of farm products on the premises exceeds \$50,000, the minimum acreage requirement shall be 20 acres.

(C) As a nonpaying guest as an accessory use in any district in which the owner of the land may permit parking or occupancy for a period not to exceed one month in any calendar year;

(D) In conjunction with an industrial location as an accessory use in an I-1 or I-2 Districts for such purposes as a caretaker;

(E) Camping or recreational mobile homes in any district, as an accessory use, and not used for living or business purposes unless in a *bona fide* recreational camping area or as specified under division (H) below;

(F) In case of fire or other disaster, one mobile home may be permitted on the same premises with Zoning Administrator approval for living purposes as a temporary use in any district as a supplementary residence for a period of one year from date of establishment. The Zoning Administrator shall consider and may approve any additional extension of time beyond the one-

year period;

(G) In the event any existing mobile home is required to be moved, the Zoning Administrator may, in case of proven, extreme hardship, extend such use for a specified temporary period of time; or

(H) In the event of a major rehabilitation or rebuilding of an existing home, one mobile home may be permitted on the same premises with Zoning Administrator approval, for living purposes as a temporary use in any district, subject to the following conditions:

(1) Documentation by the property owner of sufficient evidence to establish the rehabilitation or rebuilding of the home, including but not limited to construction plans, building permits, and approved financing;

(2) The property shall be a minimum of one acre;

(3) The mobile home shall be connected to a private well and septic system;

(4) The temporary use shall not exceed a period of one year;

(5) The mobile home shall be disconnected from the water supply and sanitation and removed from the site within 60 days of issuance of the use and occupancy certificate for the home; and

(6) While being used for living purposes pursuant to this division (H), the mobile home, camper, or recreational vehicle shall be equipped with proper smoke detectors.

§ 158.151 SMALL WIND ENERGY SYSTEMS.

(A) **Applicability.** In order to properly integrate all regulating provisions affecting small wind energy systems, as defined in § 158.002, and to regulate such systems in an orderly and comprehensive manner, it is hereby provided that small wind energy systems are subject to the regulations as set forth herein. The purpose of this subchapter is to oversee the permitting of small wind energy systems, and to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system. These provisions shall apply to all small wind energy systems located in the county.

(B) **Standards.** A small wind energy system shall be an accessory use in all zoning districts subject to the following requirements:

(1) **Setbacks.** A wind tower for a small wind energy system shall be set back a distance equal to its total height plus an additional 20 feet from:

(a) any state or county right-of-way or the nearest edge of a state or county roadway, whichever is closer;

- (b) Any right of ingress or egress on the owner’s property;
- (c) Any overhead utility lines;
- (d) All property lines; and
- (e) Any existing guy wire, anchor, or small wind energy tower on the property.

(2) **Access.**

(a) All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access; and

(b) The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground.

(3) **Electrical wires.** All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the wind tower wiring, the wind tower wiring to the disconnect junction box, and the grounding wires shall be located underground.

(4) **Lighting.** A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). Lighting of other parts of the small wind energy systems, such as appurtenant structures, shall be limited to that required for safety purposes, and shall be reasonably shielded from abutting properties.

(5) **Appearance, color, and finish.** The wind generator and wind tower shall remain painted or finished the color or finish that was originally applied by the manufacturer.

(6) **Signs.** All signs, other than the manufacturer’s or installer’s identification, appropriate warning signs, or owner identification on a wind generator, wind tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.

(7) **Code compliance.** A small wind energy system including wind tower shall comply with all applicable construction and electrical codes.

(8) **Utility notification and interconnection.** Small wind energy systems that connect to the electric utility shall comply with the Public Service Commission (“PSC”) regulations.

(9) **Attachment to building.** Small wind energy systems may be attached to any building, including guy wires, provided the county approves the submittal of documentation sealed by an engineer licensed by the state showing the proposed connection of the system to the structure and whether any additional reinforcing is required. The county may not be found liable for damage

caused by noise or vibration created by the system.

(10) **Met towers.** Met towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system.

(11) **Quantity.** Each property is eligible for 2 small wind energy systems only, except properties of at least 50 contiguous acres may be allowed one additional system for an accessory structure only. An accessory structure does not include a detached accessory dwelling on the property.

(C) **Abandonment.**

(1) A small wind energy system that is out-of-service for a continuous 6 month period will be deemed to have been abandoned. The Zoning Administrator may issue a notice of abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The owner shall have the right to respond in writing to the notice of abandonment setting forth the reasons for operational difficulty and providing a reasonable timetable for corrective action, within 30 days from the date of the notice. The Zoning Administrator shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned.

(2) If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator from the wind tower at the owner's sole expense within 3 months of the date of notice of abandonment. If the owner fails to remove the wind generator from the wind tower, the Zoning Administrator may pursue a legal action to have the wind generator removed at the owner's expense.

(D) **Public Service Commission.** In accordance with the Md. Code, Public Utilities Companies Article, § 7-207.1, any property owner seeking to construct a small wind energy system and connect such system to the main power grid with the capability of transporting energy back to their main power company shall apply to the PSC for approval and provide documentation of such approval to the County prior to construction and being issued a building permit.

(E) **Variations.** Variations to the distances, restrictions, and standards contained in this subchapter are not permitted.

(F) **Noise.** All small wind energy systems shall comply with the limitations contained in the County Code, Chapter 93, Noise.

(G) **Violations.** It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this chapter or with any condition contained in a building permit issued pursuant to this chapter.
Penalty, see § 158.999

§ 158.152 VILLAGES OF HISTORIC IMPORTANCE.

(A) **Purpose.** The intent of this designation is to recognize a town or village as historically important. No parallels exist between this designation and any other historic preservation program. No historic district commissions will be created nor precluded from being created as a result of applying this designation, and no property owners' rights within the designated area will be affected in any way as a result of this designation. Alterations, conversions, or demolition procedures and regulations are in no way affected by the inclusion of land within this designation.

(B) **Designation procedure.**

(1) Nominations in writing may be made by a municipality, the Carroll County Historical Society, the Planning Commission, the Carroll County HPC, a local citizen group, or heritage committee.

(2) In submitting a nomination, the applicant shall delineate a boundary for the designation which follows distinguishable physical land features (e.g., roads, fence lines, hedge rows, streams, property lines, easements, or other landmarks).

(3) The Planning Commission staff will prepare a report following a field investigation and study upon the receipt of a nomination and present the report to the Planning Commission for its consideration.

(4) Prior to making a determination and recommendation the Planning Commission shall consider the following:

(a) The number and location of identifiable historic structures and properties and their architectural significance;

(b) Any and all information and documentation that has been provided by the County HPC together with the Planning Commission assessments as to the nomination's historic importance and its recommendation on the nomination; and

(c) The location of the proposed boundary and its placement with respect to existing historical structures.

(5) In making recommendations to the BZA regarding the location of any boundary for an area being considered for a Village of Historic Importance designation, only that area which the Planning Commission deems to be reasonably and rationally related to the historic structures and properties which form the historic area shall be included.

(6) The Planning Commission may recommend approval, approval with modifications, or disapproval of a nomination to the BZA.

(7) Upon receipt of the Planning Commission's recommendation, the BZA will hold a public hearing on the nomination, together with the report and recommendation of the Planning

Commission. All property owners within or contiguous to the boundary of any area under consideration will be notified by first class mail of the date and time of public hearing by the applicant for the Village of Historic Importance designation on forms provided by the county.

(8) The BZA, following public hearing and review, will render a decision as to whether to designate a Village of Historic Importance and make a final determination on the location of the boundaries which form the designation. Any approved designation shall be adopted as an amendment to the Master Plan, and the boundary of such designation shall be accurately represented on the Zoning Map to enable a determination of any applicable distance requirement pursuant to § 158.096(B)(2).

§ 158.153 SOLAR ENERGY CONVERSION FACILITIES.

(A) **Purpose.** The intent of this section to provide for the safe, effective and efficient utilization of solar energy systems while protecting the rights, health, safety and welfare of adjoining land uses and landowners through appropriate zoning and land use controls.

(B) **Solar energy conversion facilities, accessory.**

(1) This use shall be permitted in all districts.

(2) Size limits:

(a) In the R and C Districts, the physical size of the system shall be limited to the size of the roof, or roofs of structures, situated on the subject property, when roof mounted. Ground-mounted systems shall be no larger than the square footage of solar panel surface area allowed based on the size of the lot as shown below. In the event that a combination of roof-mounted and ground-mounted systems is utilized, the total solar panel surface area cannot exceed the aggregate square footage of the roof areas on the property on which the system is installed. No variance or waiver to the size or setback requirements of the ground-mounted system is allowed in the Residential districts. A variance may be requested under § 158.130(F)(2)(f) for lots more than 3 acres in size in the C District; documentation from a North American Board of Certified Energy Practitioners (NABCEP) certified professional solar panel installer must be included to demonstrate that the total size allowable is inadequate to power 100% of the home and accessory structures based on the previous 12 months of usage and identify the additional size and number of panels needed to meet 100% of the expected energy use. Wall-mounted systems are not permitted.

<i>Lot Size</i>	<i>Solar Panel Surface Area Maximum Square Footage for Ground-Mounted Systems</i>
Less than or equal to one-half acre	120 square feet
More than one-half acre to one acre	240 square feet
More than one acre to 3 acres	480 square feet
More than 3 acres	Aggregate square footage of the roof, or roofs of structures,

	situated on the subject property
--	----------------------------------

(b) In the A District, the physical size of the system shall be limited to the size of the roof, or roofs of structures, situated on the subject property, when roof mounted, or no larger than the aggregation of the roof area of all permitted structures on site, when ground mounted. In the event that a combination of roof-mounted and ground-mounted systems is utilized, the total area cannot exceed the aggregate square footage of the roof areas on the property on which the system is installed.

(c) In the Commercial, Employment Campus, and Industrial Districts, the physical size of the system shall be limited to the size of the roof, or roofs, of structures situated on the subject property, when roof mounted, or in the C-2 and C-3 Districts, no larger than the aggregate of the roof area of all permitted structures on site, when ground mounted. Ground-mounted systems up to 120 square feet may be authorized in the C-1 District. No variance or waiver to the size of ground-mounted systems is allowed.

(3) **Setbacks.** Ground-mounted facilities shall satisfy the minimum side and rear yard setback requirements for the district in which the use is situated. No portion of such facility shall be located within a front yard in any district.

(4) **Height limits.** No portion of the system shall extend more than 10 feet from the highest portion of the principal structure to which it is attached. The total height of the building, including all portions of the solar facility, shall comply with the height regulations as set forth in the bulk requirements for the individual district in which the use is proposed. Ground-mounted systems may not exceed a total height of 10 feet above existing grade.

(5) **Miscellaneous provisions.**

(a) Electrical connections:

1. If interconnected to the local utility grid, a copy of the conditional approval from the local utility must be provided prior to, or at the time of, permit application.
2. All systems must meet all applicable construction and electrical codes.
3. Systems that connect to the electric utility power grid shall comply with all utility notification requirements.
4. A copy of the signed certificate of completion from the utility company shall be provided prior to occupancy permit issuance.
5. When batteries are included, they must be placed in a secure container or enclosure per manufacturer's specifications; screened from view.

(b) Appearance:

1. Color must remain as it was originally provided by the manufacturer, or match the exterior of the principal structure.
2. No signs other than the manufacturer's, or installer's identification, appropriate warning signs; and not more than 2 manufacturers' signs may be on the system.
3. Glare must be mitigated away from an adjoining property or adjacent road, which shall be certified by the solar installer prior to installation.
4. The system cannot unreasonably interfere with the view of, or from, a site of significant public interest (scenic road, historic resources, etc.).
5. Ground-mounted systems may not be affixed to a block wall or a fence.
6. Roof-mounted systems shall be installed in such a manner that there is no change in relief or projection.
7. A property owner who has installed or intends to install a solar energy conversion facility shall be responsible for negotiating with adjacent property owners for any necessary solar access easement and shall record the easement with the Clerk of the Court. Property owners who fail to secure an easement for the receipt of solar energy act at their own peril.

(C) Solar energy conversion facilities, in Commercial and Employment Campus Districts.

(1) Solar energy conversion facilities shall be permitted in the C-1 and Employment Campus Districts when roof mounted. No ground mounted systems shall be permitted in the C-1 or Employment Campus Districts. Solar energy conversion facilities mounted on parking canopies are considered roof-mounted systems.

(2) Solar energy conversion facilities shall be permitted in the C-2 District when roof mounted. Ground mounted systems are permitted by conditional use in the C-2 District.

(3) Solar energy conversion facilities shall be permitted by right in the C-3 District whether roof mounted or ground mounted.

(4) Size limits:

(a) In the C-1 and Employment Campus Districts, the physical size of the system shall be limited to the size of the roof.

(b) There shall be no size limit for systems in the C-2 and C-3 Districts.

(5) Setbacks:

(a) Setbacks shall be 400 feet from the boundaries of all adjoining residentially zoned properties, and 200 feet from the boundary lines of adjoining nonresidential zoned properties.

(b) The Planning Commission may reduce required setback for any yard setback by up to 50% provided that supplemental landscaping, as may be determined by the Planning Commission, is provided.

(6) Height limits: No portion of the system shall extend more than 10 feet from the highest portion of the principal structure to which it is attached. The total height of the building, including all portions of the solar facility, shall comply with the height regulations as set forth in the bulk requirements for the individual district in which the use is proposed. Ground mounted system may not exceed a total height of 25 feet above existing grade.

(7) Miscellaneous provisions:

(a) Electrical connections:

1. Prior to interconnection with the local utility grid, a copy of the conditional approval from the local utility must be provided prior to or at the time of permit application.

2. All systems must meet all applicable construction and electrical codes.

3. All systems shall comply with all utility notification requirements.

4. A copy of the signed certificate of completion from the utility company shall be provided prior to occupancy permit issuance.

5. When batteries are included, they must be placed in a secure container or enclosure per manufacturer's specifications; screened from view.

(b) Appearance:

1. Color must remain as it was originally provided by the manufacturer, or match the exterior of the principal structure.

2. No signs other than the manufacturer's, or installer's identification, appropriate warning signs; and not more than 2 manufacturers' signs may be on the system.

3. Glare must be mitigated away from an adjoining property or adjacent road when it creates a nuisance or hazard.

4. The system cannot unreasonably interfere with the view of, or from, a site of significant public interest (scenic road, historic resources, etc.).

5. Ground mounted systems may not be affixed to a block wall or a fence.

6. Roof mounted systems shall be installed in such a manner that there is no change in relief or projection.

(D) Solar energy conversion facilities, in industrial zones.

(1) Solar energy conversion facilities shall be permitted in the I-2 and I-1 Districts whether roof mounted or ground mounted.

(2) Size limits:

(a) When roof mounted, the physical size of the system shall be limited to the size of the roof.

(b) There shall be no size limit for ground mounted systems.

(3) Setbacks:

(a) Setbacks shall be 200 feet from the boundaries of all adjoining residentially zoned properties, and 100 feet from the boundary lines of adjoining nonresidentially zoned properties.

(b) The Planning Commission may reduce required setback for any yard setback by up to 50% provided that supplemental landscaping, as may be determined by the Planning Commission, is provided.

(4) Height limits: No portion of the system shall extend more than 25 feet from the highest portion of the principal structure to which it is attached. The total height of the building, including all portions of the solar facility, shall comply with the height regulations as set forth in the bulk requirements for the individual district in which the use is proposed. Ground mounted system may not exceed a total height of 25 feet above existing grade.

(5) Miscellaneous provisions:

(a) Electrical connections:

1. Prior to interconnection with the local utility grid, a copy of the conditional approval from the local utility must be provided prior to or at the time of permit application.

2. All systems must meet all applicable construction and electrical codes.

3. All systems shall comply with all utility notification requirements.

4. A copy of the signed certificate of completion from the utility company

shall be provided prior to occupancy permit issuance.

5. When batteries are included, they must be placed in a secure container or enclosure per manufacturer's specifications; screened from view.

(b) Appearance:

1. Color must remain as it was originally provided by the manufacturer, or match the exterior of the principal structure.

2. No signs other than the manufacturer's, or installer's identification, appropriate warning signs; and not more than 2 manufacturers' signs may be on the system.

3. Ground mounted systems may not be affixed to a block wall or a fence.

4. Roof mounted systems shall be installed in such a manner that there is no change in relief or projection.

§ 158.154 ADULT ENTERTAINMENT BUSINESS, MASSAGE ESTABLISHMENT, OR STRIPTEASE BUSINESS.

(A) An adult entertainment business, a massage establishment or a striptease business may not be located within 1,000 feet of:

(1) A religious establishment;

(2) A public or private school;

(3) A public park or public recreational facility;

(4) A public library;

(5) A childcare home, childcare institution, or family day care home licensed or registered under state law; or

(6) A lot zoned residentially or devoted primarily to residential use.

(B) An adult entertainment business, a massage establishment or a striptease business may not be located within 2,500 feet of another adult entertainment business, massage establishment or striptease business.

§ 158.155 JUNKYARDS.

(A) A junkyard may be authorized by conditional use, provided that:

(1) The area used shall not exceed 5 acres;

(2) The uses shall be totally enclosed with adequate fencing; and

(3) No operations, including storage or sale of parts, shall be closer than 300 feet to any public highway.

§ 158.156 INDUSTRIAL PARK.

(A) An Industrial Park is a self-contained development area of at least 10 acres that is cohesive, with a common development scheme, and approved as a single development plan.

(1) An Industrial Park is permitted in the I-1 District, and principal uses include all uses permitted by right or authorized by conditional use in the I-1 District, except the following:

(a) Airport;

(b) Bus terminal;

(c) Concrete or asphalt recycling;

(d) Contractor's equipment storage facility;

(e) Oil contaminated soil facility;

(f) Solar energy conversion facility, ground mounted; and

(g) Storage of sludge

(2) Additional principal uses permitted may include uses permitted by right or authorized by conditional use in the commercial districts, provided that these uses and the supporting parking lot area collectively comprise no more than 20% of the land area of the entire Industrial Park. However, the following uses permitted in the commercial districts are prohibited in an Industrial Park:

(a) Adult day care facility;

- (b) Assisted living facility;
- (c) Cemetery or mausoleum;
- (d) Commercial kennel;
- (e) Retail store greater than 10,000 square feet in size;
- (f) Crematorium;
- (g) Drug rehabilitation clinic;
- (h) Dwellings;
- (i) Funeral establishment;
- (j) Hospice facility;
- (k) Hospital;
- (l) Indoor theater;
- (m) Nursing home;
- (n) Outdoor drive-in theater;
- (o) Outdoor recreation;
- (p) Outdoor trap, skeet, rifle, or archery ranges, including gun clubs;
- (q) Self-service storage facility;
- (r) Tattoo or piercing establishment;
- (s) Vehicle repair; and
- (t) Vehicle sales.

(3) The following principal uses are also permitted by right in an Industrial Park, without being subject to the percentage limitations above:

(a) Conference center; and

(b) Hotel.

(4) The following temporary use is prohibited in an Industrial Park: Flea market

(5) Multiple nonindustrial accessory uses may be permitted, provided that no accessory use shall exceed 5,000 square feet, except a day care center or health club, which may be up to 6,000 square feet, and provided that, in aggregate, the nonindustrial accessory uses do not exceed 10% of the acreage of the entire Industrial Park.

(6) Landscaping, signs, walkways, and parking will be provided in an integrated and harmonious design.

(7) An Industrial Park may be subject to subdivision if it is over twenty acres in size. If an Industrial Park is between ten and twenty acres in size, it may not be further subdivided and must remain under common ownership.

§ 158.157 ABOVE GROUND STORAGE OF PETROLEUM PRODUCTS.

Above ground petroleum products storage tanks, any one of which has the capacity in excess of 2,000 gallons, may be approved provided that all County, state and federal laws, as well as NFPA codes are complied with. The storage of petroleum products shall comply with setback requirements as specified by NFPA, but not less than 100 feet from all property lines.

§ 158.158 SELF-SERVICE STORAGE FACILITY.

Self- service storage facilities may be permitted in the C-2 and C-3 Districts, subject to the following conditions:

(A) Maximum individual storage unit height shall be 15 feet.

(B) Maximum area of each individual storage unit shall be 500 square feet.

(C) The front building facade shall be designed, constructed, and maintained to be visually compatible with the neighborhood and surrounding properties.

(D) A business office may be located on site, and the required parking spaces for employees shall be located adjacent to the business office. Required parking may not be rented, used for storage of vehicles, or other storage.

(E) Areas providing access between storage units and areas designed for two-way vehicular traffic shall be 20 feet wide. One-way vehicular traffic aisles with units on one side may be 15 feet wide. Access aisles and storage units shall be designed and located to provide maneuvering space for emergency vehicles.

(F) All outdoor lighting must be shielded and focused to direct light onto the premises and away from adjoining properties.

(G) All structures, storage units, commercial parking areas, accessory vehicle storage areas, aisles, security fences, or walls, except the front building facade, shall be screened from view off site.

(H) The site shall not be used for any activity or use except storage as specified herein.

(I) Flammable, toxic, or explosive materials or hazardous chemicals shall not be stored on site; provided, however, that fuel contained in standard fuel tanks of boats or vehicles which are themselves stored on site is allowed. Standard fuel tanks for purposes of this section are those tanks which were designed for the specific vehicle by the manufacturer of the vehicle.

(J) Signs shall be permitted in compliance with §§ 158.110 through 158.114, except that temporary signs, signs that relate to off-premises uses, or signs which exceed 50 square feet in area are prohibited.

(K) Landscaping shall be provided in accordance with Chapter 157 of the Carroll County Code.

§ 158.159 BUSINESS PARK.

A Business Park is a self-contained development area of at least 10 acres that is cohesive, with a common development scheme, and approved as a single development plan.

(A) A Business Park is permitted in the C-3 district, and principal uses include all uses permitted by right or authorized by conditional use in the C-3 District, except the following:

(1) Cemetery or mausoleum;

- (2) Crematorium;
- (3) Funeral establishment;
- (4) Outdoor drive-in theater; and
- (5) Self-service storage facility.

(B) Additional principal uses may include uses permitted by right or authorized by conditional use in the I-1 District, except an oil-contaminated soil facility, provided that these uses and the supporting parking lot area collectively comprise no more than 20% of the land area of the entire Business Park.

(C) Dwellings may also be permitted in a Business Park, provided that the total developed area for dwellings collectively comprises no more than 20% of the total land area of the Business Park development.

(D) The Planning Commission shall require phasing of construction of the residential portion of the Business Park to ensure that this component is in support of the primary employment uses.

(E) Landscaping, signs, walkways, and parking will be provided in an integrated and harmonious design.

(F) A Business Park may be subject to subdivision if it is over twenty acres in size. If a Business Park is between ten and twenty acres in size, it may not be further subdivided and must remain under common ownership.

§ 158.999 PENALTY.

(A) Violations.

(1) As provided in the applicable sections of Md. Code, Land Use Article, as amended, any person, firm, or corporation violating any provisions of this chapter shall be fined not more than \$1,000.

(2) Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

(3) In accordance with Md. Code, Land Use Article, § 14.03, an assessment for

abatement by the County Commissioners of a zoning violation may be added to the annual property tax bill for the property on which the violation was abated to be collected in the same manner as ordinary taxes are collected.

(B) Civil penalties.

(1) Fines shall be imposed based upon the following schedule:

- (a) First offense: \$50;
- (b) Second offense: \$100;
- (c) Third offense: \$200; and
- (d) Subsequent offenses: \$500 each.

(2) A fine may be imposed for each day a violation exists, as each day the violation exists is a separate offense.

(3) Failure to correct a violation after expiration of the time period for correction stated in a citation is a separate offense.

(4) Any person who receives a citation for a zoning violation which imposes a fine shall pay the fine as set forth on the citation, within 15 days after receipt of the citation, to the County Commissioners, Collections Office, 225 North Center Street, Westminster, Maryland, 21157.

(5) Any person who fails to pay a fine imposed under this section within 15 days after the date notice was sent to such person pursuant to Md. Code, Land Use Article, § 11.205, shall be liable for twice the fine which that person had failed to pay.

(C) Settlements. The County Attorney, or a lawyer on the staff of or assigned by the County Attorney, shall prosecute all civil zoning violations with full authority to settle such violations, including the power to enter into agreements on behalf of the county to resolve the violation, and the power to dismiss the citation.