

Proposed Text Amendment for the Residential Districts

Underlining = New Language

~~Strikeout~~ = Deleted Language

*** = Existing Text

CHAPTER 158: ZONING REGULATIONS

GENERAL PROVISIONS

158.002 DEFINITIONS

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 three or more apartments.~~

COTTAGE INDUSTRY. Manufacturing or assembly conducted by a member or members of the family residing on the property with no more than two 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 two feet; and creates a hazard to any person or property; results in electrical interference; or becomes a nuisance. A COTTAGE INDUSTRY is not a HOME OCCUPATION.~~

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

~~**DWELLING, MULTI-FAMILY.** A detached building or a group of attached buildings, designed for or used exclusively for residential purposes by more than two families or more than two housekeeping units. More than two separate housing units for residential inhabitants contained~~

within one building or several buildings within one complex. **MULTI-FAMILY DWELLING** does not include **TOWNHOUSE**.

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

HOME OCCUPATION. Any A 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 three square feet; and~~
- ~~(5) May involve mail order or internet-based sales, provided no customers come to the dwelling.~~

~~**KENNEL, PRIVATE.** In conjunction with a residence, the keeping as personal pets of more than three between four and six dogs which have permanent canine teeth.~~

MOBILE HOME/OFFICE. 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. A RECREATIONAL VEHICLE is not considered a **MOBILE HOME**.

RESIDENTIAL USES. Any ~~s~~Single-family, two-family, semi-detached, townhouse, multi-family, boarding houses, assisted living, retirement communities, ies, continuum care, and nursing homes.

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 couples where either occupant is a senior citizen, or age-restricted adult housing as referenced in Chapter 155.

STABLE, PRIVATE. An accessory structure designed for the shelter, feeding, and care of no more than a total of five horses, ponies, cattle, sheep, goats, alpacas, llamas, or pigs ~~other ruminants~~, maintained on the property as pets or for domestic use, as distinguished from agricultural or commercial stables. There shall be no more than one horse or pony per acre of pasture.

~~**STORAGE OF UNLICENSED MOTOR VEHICLES.** Any property occupied by an unlicensed vehicle. For the purpose of this section, a "vehicle" shall mean a 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.~~

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

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:

Abbreviation	District
"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
"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

Commented [LMS1]: While we are keeping the abbreviations (R-40,000 etc) do we want to change the names?

GENERAL REGULATIONS

~~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).~~

DISTRICTS

158.072 R-40,000 RESIDENCE DISTRICT.

(A) **Purpose.** The purpose of the R-40,000 Residence District is primarily 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.** ~~The regulation of pPrincipal permitted uses shall be as follows is~~ set forth in Section 158.075.1.

~~(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 two families; provided that all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE Codes are complied with.
(2004 Code, § 223-62)~~

~~—(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 two times the distance requirements of § 158.040, and the maximum size of such storage yard shall not exceed three 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.~~~~
- ~~(2004 Code, § 223-63)~~
- ~~—(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 four 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 two 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); and~~

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

~~—(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.~~

~~(D~~F~~) Height regulations.~~ No principal structure shall exceed ~~two and one-half stories or~~ 35 feet in height, and no accessory structure shall exceed ~~two stories or~~ 20 feet in height, except as provided in § 158.130(E).

~~(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:

Use	Lot Area	Lot Width (feet)	Front Yard Depth (feet)	Side Yard Width (each side yard) (feet)	Rear Yard Depth (feet)
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
Nursing homes and Assisted Living Facilities	40,000 sq. ft.	150	40	40	40
Other permitted or conditional uses	40,000 sq. ft.	150	60	25	75

(2) The density for nursing homes and assisted-living facilities shall not exceed 1 bed per 3,000 square feet. ~~Nursing homes, assisted living facilities, and retirement homes.~~

Use	Lot Area	Lot Width (feet)	Density	Front Yard Depth (feet)	Side Yard Width (each side yard) (feet)	Rear Yard Depth (feet)
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-	45,000 sq. ft.	150	As determined by the Planning Commission but	50 ²	40 ²	50 ²

family and town homes			not exceeding 1 DU/7,500 sq. ft.			
[±] — 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 primarily to provide a location within the Designated Growth Areas for single-family residential development, the individual lots of which contain a minimum of 20,000 square feet ~~(or approximately two families per acre)~~. The area ~~may or may not~~ should be served with public water and/or public sewerage facilities. The district would generally coincide with areas designated for medium-density residential development on the Master Plan.

(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.** ~~The regulation of P~~ principal permitted uses shall be as follows: is set forth in Section 158.075.1.

— ~~(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 two 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 four 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 two 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); and~~

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

~~—(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.~~

(DF) Height regulations. No principal structure shall exceed ~~two and one-half stories or~~ 35 feet in height, and no accessory structure shall exceed ~~two stories or~~ 20 feet in height, except as provided in § 158.130(E).

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

- (1) The following minimum requirements shall be observed subject to the modified requirements of § 158.130: ~~Dwellings, schools, etc.~~

Use	Lot Area	Lot Width (feet)	Lot Area per Family (sq. ft.)	Front Yard Depth (feet)	Side Yard (Width Each Side Yard) (feet)	Rear Yard Depth (feet)
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	Commented [LMS2]: Still to be discussed
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	
<u>Nursing home, assisted living facility, or retirement home</u>	<u>20,000 sq. ft.</u>	<u>100</u>	<u>?</u>	<u>40</u>	<u>40</u>	<u>40</u>	
Other principal or permitted conditional uses	20,000 sq. ft.	100	-	40	25	50	

(1) The density for nursing homes and assisted-living facilities shall not exceed 1 bed per 3,000 square feet. **Nursing homes and assisted living facilities.**

(2) The density for retirement homes/age restricted housing shall not exceed 3.5 dwelling units per acre.

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

158.074 R-10,000 RESIDENCE DISTRICT.

(A) **Purpose.** The purpose of the R-10,000 District is primarily to provide a location within the Designated Growth Areas for smaller lot sizes, a minimum of 10,000 square feet (10,000 square feet minimum) for single- and two-family dwellings, and multi-family dwellings when included in a planned unit development, based on the use of public water and sewerage facilities. This would essentially mean more dwellings per acre (approximately three to four families) and less open area than in the R-20,000 District. The area should be served with public water and public sewerage facilities. The district would generally coincide with areas designated for high-density residential development on the Master Plan.

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

(C) **Principal permitted uses.** The regulation of principal permitted uses shall be as follows: is set forth in Section 158.075.1.

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

~~(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.~~

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

~~(E)~~ **Bulk requirements.**

(1) The following minimum requirements shall be observed, subject to the modified requirements in § 158.130:

Use	Lot Area (sq. ft.)	Lot Width (feet)	Lot Area per Family (sq. ft.)	Front Yard Depth (feet)	Side Yard (Width Each Side Yard) (feet)	Rear Yard Depth (feet)
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 § <u>155.093</u>					
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
<u>Nursing home, assisted living facility, retirement home</u>	<u>10,000</u>	<u>70</u>	<u>?</u>	<u>40</u>	<u>40</u>	<u>40</u>
Other principal permitted or conditional uses	Same as specified in R-20,000 District					

Commented [LMS3]: Should this be per unit rather than per family?

Commented [LMS4]: Still to be discussed

(2) The density for nursing homes and assisted-living facilities shall not exceed 1 bed per 3,000 square feet.

(3) The density for retirement homes/age restricted housing shall not exceed 1 dwelling unit per 3,000 square feet.

158.075 R-7,500 RESIDENCE DISTRICT.

(A) **Purpose.** The purpose of the R-7,500 Residence District is primarily to enable in the urban areas of the county, where both public water and sewerage facilities are available, provide a location within the Designated Growth Areas for smaller lot sizes, a minimum of 7,500 square feet, and a greater number of dwellings per acre than the other residential districts. The minimum lot size for single-family dwellings is 7,500 square feet. This district also enables the use of multi-family structures. It is intended for single- and two-family dwellings, and multi-family dwellings when included in a planned unit development. The area should be served with public water and public sewerage facilities. The district would coincide with areas designated for high-density residential development on the Master Plan.

(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.** ~~The regulation of p~~Principal permitted uses shall be as follows: ~~is set forth in Section 158.075.1.~~

~~—(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 two 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); and~~

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

~~—(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.~~

(DF) Height regulations. No principal structure shall exceed ~~three stories or~~ 40 feet in height and no accessory structure shall exceed ~~one and one-half stories or~~ 25 feet, except as provided in § 155.093 and § 158.130(E).

(G) Bulk requirements.

(1) The following minimum requirements shall be observed, subject to the modified requirements in § 158.130: ~~Dwellings, PUDs, etc.~~

Use	Lot Area sq. ft.	Lot Width (feet)	Lot Area per Family (sq. ft.)	Front Yard Depth (feet)	Side Yard (Width Each Side Yard) (feet)	Rear Yard Depth (feet)
One-family - 1 and 1-1/2 stories	7,500 sq. ft.	60	7,500	25	8	

Commented [LMS5]: Is there a reason for different yard requirements?

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
<u>Nursing home, assisted living facility, retirement home</u>	<u>7,500</u>	<u>60</u>	<u>?</u>	<u>40</u>	<u>40</u>	<u>40</u>
Other principal permitted or conditional uses	20,000 sq-ft.	100	-	25	20	40

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

Use	Lot Area	Lot Width (feet)	Density	Front Yard Depth (feet)	Side Yard (width each side yard) (feet)	Rear Yard Depth (feet)
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.						

(2) The density for nursing homes and assisted-living facilities shall not exceed 1 bed per 3,000 square feet.

(3) The density for retirement homes/age restricted housing shall not exceed 1 dwelling unit per 3,000 square feet.

158.075.1 RESIDENTIAL 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 Section 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.

(The following table, although not underlined, is new language)

LAND USE CATEGORY SUBCATEGORY DESCRIPTION	R- 40,000	R- 20,000	R- 10,000	R- 7,500	ADDITIONAL REGULATIONS
AGRICULTURAL					
Agriculture	P	P	P	P	158.002,158.040, 158.035
COMMUNICATIONS					
Communications tower/complex	X	X	X	X	158.002,158.039, 158.054
COMMERCIAL					
Vehicle Sales/ Service (all uses)	X	X	X	X	
Eating and Drinking Establishments (all uses)	X	X	X	X	
Retail/Service (all uses)	X	X	X	X	
Funeral and Interment					
Cemetery, mausoleum, or memorial garden	X	X	X	X	158.002
Crematorium	X	X	X	X	158.002, 158.040
Funeral establishment	X	X	X	X	158.002
Lodging					
Bed and breakfast	C	C	C	C	158.002, 158.071
Rooming/tourist home	P	P	P	P	
Country inn	X	X	X	X	158.002,158.071
Hotel/motel	X	X	X	X	158.002
Office/Health Care					
Facility for dispensing of medical cannabis	X	X	X	X	158.002, 158.040,158.059

Commented [LMS6]: funeral establishments are currently conditional uses in the R-20, R-10 and R75 districts. Needs further discussion.

Commented [LMS7]: Needs to be defined and differentiated from Bed and Breakfast

LAND USE CATEGORY SUBCATEGORY DESCRIPTION	R- 40,000	R- 20,000	R- 10,000	R- 7,500	ADDITIONAL REGULATIONS
Hospital ¹	X		X	X	158.002
Medical or dental center	X	X	X	X	158.002
Professional or business office	X	X	X	X	
Veterinary facility	X	X	X	X	158.002
Recreational/Entertainment					
Adult entertainment business, massage establishment, striptease business	X	X	X	X	158.002, 158.154
Amusement park	X	X	X	X	
Golf course	C	C	C	C	158.002
Indoor recreational facility	C	C	C	C	158.002
Outdoor drive-in theater	X	X	X	X	
Outdoor recreational area	C	C	C	C	158.002
Outdoor trap, skeet, rifle, or archery ranges, including gun clubs	X	X	X	X	158.040
Riding academy or boarding stable	X	X	X	X	
RESIDENTIAL					
Household Living					
Multifamily dwelling, not in a Planned Unit Development ²	X	X	X	X	158.002
Multi-family dwelling in a Planned Unit Development	NA	NA	P	P	158.002, 155.093
Retirement home/age-restricted adult housing	X	C	C	C	158.002
Single-family dwelling	P	P	P	P	158.002
Townhouse, not in a Planned Unit Development	X	X	X	X	158.002
Townhouse in a Planned Unit Development	NA	NA	P	P	158.002, 155.093
Two-family dwelling ³	P	P	P	P	158.002
Group Living					
Assisted-living facility, 8 or fewer residents	P	P	P	P	158.002
Assisted-living facility, more than 8 residents	C	C	C	C	158.002
Continuing care retirement community	C	C	C	C	158.002

¹ There are ongoing discussions with the Carroll County hospital regarding the appropriate zoning for this use.

² This issue will be discussed further during review of the PUD regulations in Chapter 155.

³ It will be stated elsewhere in the document that the density yield may not be greater than allowed in the zoning district.

LAND USE CATEGORY	R-40,000	R-20,000	R-10,000	R-7,500	ADDITIONAL REGULATIONS
SUBCATEGORY					
DESCRIPTION					
Nursing home	C	C	C	C	158.002
INSTITUTIONAL/COMMUNITY SERVICE					
Art, trade, business, dance, music or similar school	X	X	X	X	
Community center/recreational facility	C	C	C	C	
Day care center/nursery school	C	C	C	C	158.002
Museum	C	C	C	C	
Private school	C	C	C	C	
Religious establishment	P	P	P	P	158.002
Social club, fraternal organization	C	C	C	C	
INDUSTRIAL					
Manufacturing/Production (all uses)	X	X	X	X	
Trades (all uses)	X	X	X	X	
Warehouse/Storage/Distribution (all uses)	X	X	X	X	
Waste-Related (all uses)	X	X	X	X	
Transportation/Utilities					
Airfield/Airport	X	X	X	X	158.002
Heliport	X	X	X	X	158.002
Solar energy conversion facility, ground-mounted	X	X	X	X	158.002, 158.153
Solar energy conversion facility, roof-mounted	X	X	X	X	158.002, 158.153
Utility equipment building, yard, above-ground station or substation, or telephone exchange	C	C	C	C	158.039
Utility equipment, all others	P	P	P	P	158.039 (A)
Miscellaneous					
Conveyor system	X	X	X	X	158.002, 158.039
Extractive operation, with a MRO designation	X	X	X	X	158.002, 158.096
Indoor growing of medical cannabis	X	X	X	X	158.002, 158.040, 158.059
Use-off-the premises signs	X	X	X	X	158.115
PUBLIC					
Public facility	P	P	P	P	158.049

158.075.2 RESIDENTIAL DISTRICTS: REGULATION OF ACCESSORY USES.

(A) Accessory Uses in the Residential Districts. Accessory uses in the residential districts shall be as follows:

- (1) Antique shop, arts and craft shop, when operated by a resident and subject to 158.130(G).
- (2) 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 two 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.
 - (h) only one accessory dwelling unit (attached or detached) shall be permitted on a lot.
- (3) Beauty/barber shop, when operated by a resident and subject to 158.130(G).
- (4) Cemetery, when accessory to a religious establishment.
- (5) Cottage industry, when operated by a resident, conducted solely within the dwelling, and subject to 158.130(G). In addition the use may not:
 - (a) include inventory or merchandise that is sold directly to the public on the premises.
 - (b) change the external appearance of the dwelling or be visible from the street.

- (c) include any outside storage or display, other than a sign not exceeding three square feet.
- (d) create a hazard to any person or property.
- (e) result in electrical interference.
- (f) become a nuisance .
- (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.
 - (b) The property owner must occupy either the principal dwelling unit or the detached dwelling unit on the lot or parce;
 - (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;
 - (e) Detached accessory dwelling units shall not be subject to any size limits.
- (7) Family day care, subject to Zoning Administrator approval following submittal of a signed affidavit stating that the use meets all applicable Maryland State requirements.
- (8) Home occupation, subject to Zoning Administrator approval following submittal of a signed affidavit stating that the use:

 - (a) does not utilize more than 500 square feet.
 - (b) does not involve retail sales from the premises.

(c) involves no evidence from the outside of the dwelling to indicate that it is being used for anything other than residential purposes, other than a sign not exceeding three square feet.

(d) involves no customers coming to the dwelling.

(9) Keeping of not more than four roomers or boarders by a resident owner

(10) Lawn care and maintenance service by a resident

(11) Private kennel, upon approval of the Zoning Administrator after a public hearing in accordance with Section 158.130(G).

(12) Private stable, as defined in Section 158.002 in a rear yard on a lot of three acres or more. A private stable shall be located a minimum of 75 feet from all property lines.

(13) Professional office of a single physician, insurance agent, realtor, or other profession similar in use and characteristics, subject to 158.130(G).

(14) 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.

(15) All other uses and structures customarily accessory and incidental to any principal permitted use or authorized conditional use.

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:

(E) Camping or recreational ~~mobile homes~~ vehicles 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;