

From: [Patricia Ellis](#) on behalf of [John Maguire](#)
To: [Lane, Mary S](#)
Cc: [Eisenberg, Lynda](#); [Matthew Destino \(Matthew.Destino@lennar.com\)](#); [Matt Wineman \(mattthew.wineman@lennar.com\)](#); [Ben Patrick \(Ben.Patrick@Lennar.com\)](#); [Matt Luzuriaga](#)
Subject: Residential Zoning Text Amendment
Date: Wednesday, January 13, 2021 12:30:01 PM

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Mary,

Thanks to you and the Concept Team for introducing the Retirement Village use into the latest proposed text amendment for the Residential Districts. In consultation with Lennar Homes, we would like the Concept Team and Planning Commission to consider some additional refinements as follows:

1. I believe that the authority reserved unto the Planning Commission to determine bulk requirements in §158.075.3(C)(2) would allow for a well-designed Retirement Village to be approved as a subdivision. The setbacks and lot sizes historically prevented retirement communities from meeting the minimum standards for subdivision. To clarify this, we would suggest in §158.002 in the definition for Retirement Village to replace “. . . designed to . . .” with “. . . designed by subdivision or site plan to . . .”
2. A. We understand that the density cap of 3.5 units/acre recited in §158.075.3(C) (2) and the comprehensive plan has been a bit of an immovable threshold for the Planning Commission, however, an exception for Retirement Villages would make sense. It is commonly recognized that retirement housing does not generate impact on schools, generates less peak hour traffic, generates roughly half the demand for public water and sewer, and generally has a milder impact on the surrounding neighborhood than conventional unrestricted single-family residential use. As such, the impact of five (5) dwelling units per acre in a Retirement Village would be comparable to the maximum recited in the Comprehensive Plan of 3.5 conventional dwelling units per acre. This would also be consistent with MD CODE ANN., STATE FIN. & PROC., §5-7B-03 which has an aspirational density of “at least” 3.5 units/acre in priority funding areas. Below is the language we presented previously:

The density of the Retirement Village use may exceed 3.5 dwelling units per acre upon a finding by the Planning Commission that the nature and character of the proposed dwelling units are market appropriate and the density is consistent with the applicable

comprehensive plan for the subject area upon consideration of the overall land use patterns and densities, and the potential impacts associated with the project, in the neighborhood. MD CODE ANN., STATE FIN. & PROC., §5-7B-03 promotes designation of Priority Funding Areas where density is “at least” 3.5 units per acre.

B. Given the sound planning authority for increasing the density as described above, the question remains how this would be a benefit to the public. While housing products are largely market driven, the increased density would permit a broader mix of living units which promotes variety and affordability for the general public. It would result in a greater tax base for the County without some of the conventional demands on services. The higher density would result in additional sales revenue which can be applied in part by the developer to enhance the amenities for the Retirement Village. It would also yield a larger pool of association dues to ensure the long term independent maintenance and vitality of the community by the senior residents after the developer has moved on.

3. To promote a measure of predictability, Lennar feels that some minimum yard requirements for Retirement Villages should be included in §158.075.3 so that an applicant can formulate a concept plan that is not entirely subjective. In this way, a concept plan can be designed with some predictability and the project would be eligible for waiver or reduction from the Planning Commission, if appropriate, similar to the authority reserved unto the Planning Commission in §158.075.3(C)(2). We originally suggested the following setbacks:

Front yard depth 20'
Side yard depth 10'
Rear yard depth 10'
Perimeter of Retirement Village 30'

We thank you for the opportunity to provide this input.

My client intends to pull together some photographs to demonstrate the potential look of a Retirement Village.

John

JOHN T. MAGUIRE

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Proposed Text Amendment for Retirement Village
(amendments by underlining in red or strike outs)

§158.002

...

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.

RETIREMENT VILLAGE. A Retirement Home on 20 acres or more of contiguous land which may be developed as a subdivision, site plan or combination of both where the bulk and parking requirements otherwise applicable may be relaxed, waived or varied as provided elsewhere herein.

§158.073(G)

...

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

...

Use	Lot Area	Lot Width	Density	Front Yard Depth (feet)	Side Yard Depth (feet)	Rear Yard Depth (feet)
... <u>Retirement Village</u>	<u>20 acres (aggregate)</u>	<u>n/a</u>	<u>5 DU/acre</u>	<u>20</u>	<u>10</u>	<u>10</u>
				<u>These internal dimensions may be reduced administratively by the Planning Commission.</u>		
				<u>30 as to perimeter of Retirement Village.</u>		

§158.075(G)

...

(2)[same as §158.073(G) above]

§158.075.1(A)

...

LAND USE CATEGORY SUBCATEGORY DESCRIPTION	R- 40,000	R- 20,000	R- 10,000	R- 7,500	Additional Regulations
Retirement home/age-restricted adult housing	X	C ³	C	C	158.002
<u>Retirement Village</u>	<u>X</u>	<u>P⁵</u>	<u>P⁵</u>	<u>P⁵</u>	<u>158.002</u>

⁴ It will be stated elsewhere in the document that the density yield may not be greater than allowed in the zoning district.

⁵ The density of the Retirement Village use may exceed 3.5 dwelling units per acre upon a finding by the Planning Commission that the nature and character of the proposed dwelling units are market appropriate and the density is consistent with the applicable comprehensive plan for the subject area upon consideration of the overall land use patterns and densities, and the potential impacts associated with the project, in the neighborhood. MD CODE ANN., STATE FIN & PROC., §5-7B-03 promotes designation of Priority Funding Areas where density is “at least” 3.5 units per acre.

Multifamily/PUD

1. The FDCA would like to understand what is being discussed regarding PUD's and Multifamily development requirements, specifically, what is the intent of excluding townhouses from the multifamily definition, especially when multifamily requires PUD in R-10,000 and R-7,500 Districts anyway? It is not clear as to why the distinction is needed.

As noted in the Concept Team notes posted online, it was decided at the August 12th, 2020 meeting that there would be no recommended changes to PUD provisions. Townhouses are being separated from multifamily in the definitions because they are a different type of dwelling type and are currently defined separately, which is confusing. The distinction is needed for clarity.

Bulk Requirements

1. There are no density maximums in any of the proposed residential zoning districts. This is unacceptable to the FDCA in that adjacent future development "predictability" is an important concern within the community, especially for multifamily PUD developments likely to occur on the remaining undeveloped medium and high density parcels in the Freedom Area. The County could consider adding a new Multifamily Zoning district to allow greater densities; however, in the absence of a new Multifamily district, we suggest the County consider the following R District density maximums in the proposed regulations for multifamily development:

- a. R-40,000 – maximum density of one unit/acre;
- b. R-20,000 – maximum density of two units/acre;
- c. R-10,000 – maximum density of 3.5 units per acre;
- d. R-7,500 – maximum density of 6.0 units/acre.

The density maximums are set by the Purpose of the district and the lot area minimums, both currently and proposed. The lot areas for single family dwellings are 40,000 sf, 20,000 sf, 10,000sf and 7,500 sf for the R-40, R-20, R-10 and R-7,500, respectively. The FDAC proposal is line with this, except for the R-10,000, which is 4 units per acre.

2. The required side setback is 12' in R-20,000, but 20' in R-10,000 – this seems like it should be reversed.

Noted. The Concept Team is still reviewing setbacks.

3. In the R-20,000 district, the stated density for retirement homes/age restricted housing shall not exceed 3.5 dwelling units/acre; however, this is different than each of the other districts, which limits density to 1 resident per 3,000 sf).

The stated density for retirement homes in the R-20,000 district is being changed from 1 resident/3,000 sf to 3.5 units per acre to be in line with the land use definition of Residential Medium in the adopted Freedom Plan. It remains 1 resident/3,000 sf in the higher density districts, as this is still considered appropriate in the high density residential districts.

Land Use Table

1. Why allow Agricultural use in the R-10,000 and R-7,500 districts when their stated purpose is for single family and multifamily in Designated Growth Areas (DGA)? The FDCA suggests that Agricultural use not be permitted (or at least made Conditional) in R-10,000/R-7,500;
2. We are concerned about allowing hemp production and storage within the R-20,000, R-10,000, and R-7500 due to smaller lot sizes and inevitable nuisance to adjacent properties.
It is the policy of the County to allow Agriculture in ALL zoning districts. See 158.035. The 2014 County Master Plan and 2018 Freedom Community Comprehensive Plan retained this vision.
3. We are unsure whether B&B and Rooming/tourist homes are compatible in small lot residential districts? Should there be a limit to the number of these commercial establishments in a residential area?
Rooming and Tourist homes were taken out in a later draft (see carrollrezoning.org). Bed and breakfast is defined in the code as "Any owner-occupied, residential dwelling in which rooms are rented to paying guests on an overnight basis." With the exception of the C-1 District, this use is not permitted in the commercial and industrial districts. B&B is a conditional use, allowing the impact on the neighborhood to be assessed and neighbors to be heard. The zoning code never puts a limit on the number of a certain type of use in an area.
4. What is the nature of "further discussion" for funeral establishments in R districts?
Further discussion indicates research into the existing funeral homes that would become nonconforming with this change.
5. Is there an "X" missing for Hospitals in R-20,000?
The Carroll County Hospital is in the R-20,000 District. Changing this would make one of the County's largest employers a nonconforming use.
6. Suggest considering golf course as either Conditional in R Districts or, required to be part of a PUD.
Golf Course is already proposed to be conditional in the residential districts in the latest draft posted on the website.
7. The FDCA is opposed to indoor and outdoor recreational facilities in Residential Districts, due to incompatible elements of traffic, noise, site lighting, attracting users from well outside the neighborhood, and other likely impacts to adjacent properties). The FDCA is concerned about the Freedom Area's historical lack of consistency with Conditional Use submittal requirements and site planning actions between the Planning and Zoning Commission and the Board of Zoning Appeals).
The opposition to recreational facilities in the residential districts is noted and will be discussed with the Planning Commission and BCC. Recreational uses, which include parks, ballfields, etc. are generally considered to be supportive and compatible with residential neighborhoods. These uses are currently conditional uses in all residential districts and changing this would create numerous nonconforming uses.
8. Please confirm – we read the bulk requirements for religious establishments in the R-10,000 and R-7,500 to require the same bulk requirements as the R-20,000 District?

9. Please confirm - are private schools defined with same bulk requirements as public schools (elementary, middle, high, college)?

Bulk requirements are still under review. The Concept Team recognizes that there are many inconsistencies in the current requirements, and this requires further discussion.

Accessory Uses

1. Allowing an antique shop or arts and crafts home business in a residential district to be permitted as part of a variance process (Chapter 158.130(G) does not appear to honor the intent of achieving compatible land uses in the R districts. There are no submittal requirements stated in Chapter 158.130(G) that would lend itself to impartial analysis of site conditions that would warrant Zoning Administrator approval.
3. The allowance of "Cottage Industry" (manufacturing and assembly) uses in the R districts (even with the restrictions provided in paragraphs a-f) appear to set up inevitable neighbor conflicts? The FDCA suggests reconsidering these uses in the R districts.

These uses are currently permitted accessory uses in the residential districts following a public hearing. The residential districts, whose primary purpose is to provide locations for homes, also allows limited accessory commercial uses that are supportive and compatible with the residential neighborhoods. Cottage Industry is currently permitted with the listed restrictions. It was felt that the requirement for a public hearing allows all parties to be heard, and the restrictions regarding no sales on the property, no outdoor storage, no change to the external appearance of the property, provides sufficient protection.

2. There appears to be numerous ways of circumventing the density requirements of the R Districts due to the number and lenient conditions afforded to accessory dwellings, especially in R-20,000, R-10,000 and R-7,500 Districts (paragraphs 2a-h) in the Accessory Use section.

The density requirements cannot be circumvented. A detached accessory dwelling cannot be constructed on a lot unless it has another lot right (i.e eligible to be subdivided). For attached accessory dwellings, the property owner must occupy one of the dwellings and it may be no more than 800 sf in size. As has been noted by the FDCA, page 3 of the adopted Freedom Community Comprehensive Plan states: "According to the Pew Research Center there is an increasing trend toward Generational Housing wherein multiple generations live under one roof. Freedom should remain a place that will accommodate larger homesites that can accommodate additions of in-law suites or similar improvements that enable multiple generations of families to live together..." Retaining these provisions furthers this important recommendation of the Plan.

Board of County Commissioners
Edward C. Rothstein, President
C. Richard Weaver, Vice President
C. Eric Bouchat
Dennis E. Frazier
Stephen A. Wantz

Carroll County

ECONOMIC DEVELOPMENT
Right Place, Right Time

John T. "Jack" Lyburn
Director

February 23, 2021

Ms. Cynthia Cheatwood, Chair
Carroll County Planning Commission
225 N. Center Street
Westminster, MD 21157

Dear Ms. Cheatwood:

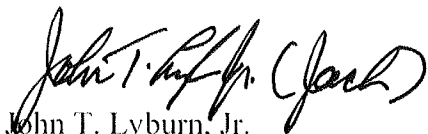
As you are aware Carroll County is in the process of revising and updating its zoning code. This has been a tremendous task and I appreciate the time that the Planning Commission has committed to this massive undertaking.

I understand the Planning Commission is currently reviewing changes to the residential districts. One of the changes proposed is to make private schools a conditional use in the R-40 district. Being labeled a "non-conforming use" is problematic and this would have a detrimental impact on the Gerstell Academy in Finksburg. A non-conforming use must apply for permission if it wishes to expand its footprint or rebuild if a fire or other natural disaster should occur. This additional step in the review process introduces a substantial amount of risk and adds uncertainty. As a result, financial institutions are wary to finance projects that are not an outright permitted use.

I propose that the Planning Commission carefully consider this change. In the least, I would ask that existing private schools be "grandfathered" in the new zoning code as a principal permitted use. That would allow existing entities that have already invested into their location to continue to benefit from the rights of a principal permitted use.

Thank you for your consideration.

Sincerely,



John T. Lyburn, Jr.
Director

c: Lynda Eisenberg, Director of Planning

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*ADMITTED IN MD AND PA

February 24, 2021

VIA EMAIL AND FIRST CLASS MAIL

Carroll County Planning & Zoning Commission
225 North Center Street
Westminster, MD 21157

RE: My Client: Freven Foundation; Gerstell Academy

Dear Madam Chair and Commission Members:

My above-referenced client owns properties on the north side of Maryland Route 140 west of Finksburg containing approximately 200 acres in aggregate at 2500 Old Westminster Pike. They are located in the Fourth Election District and appear on Tax Map 53 as Parcels 10 and 200. Parcel 200 presently is zoned Residential R-40,000 on most of its acreage, with the remainder being in Conservation. Parcel 10 is zoned Conservation under the Carroll County Zoning Ordinance.

Parcel 200 is improved primarily, but not exclusively, in the R-40,000 portion by the Gerstell Academy, a non-denominational private school for grades K-12. Parcel 10 is used for a variety of satellite and accessory activities associated with the school operation. At present, my client's use of the property is a principal permitted use as provided by County Zoning Code Section 158.072(C)(2) ("Religious establishments, schools, and colleges;") and Section 158.071(C)(6) ("Schools and colleges, subject to the approval of a site development plan by the County Planning Commission;").

Proposed amendments to the County Zoning Ordinance for the residential districts ("Concept Team Proposal February 3, 2021") in its Table of Uses found at proposed Section 158.05.1 provides that a "Private School" is only allowed as a conditional use, not a principal permitted use, in the R-40,000 zone. This is problematic for my client for a number of reasons. First, as indicated above, the bulk of its flourishing Academy is located in the R-40,000 district on Parcel 200. By specifying that a private school is now only to be allowed in the R-40,000 zone as a conditional use, not a principal permitted use, the principle part of the Gerstell Academy in the R-40,000 zone becomes a non-conforming use with its accessory and affiliated uses located in the Conservation zone presumably remaining permitted uses.

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Gerstell's status as a non-conforming use is genuinely problematic, just as it would be for any business. A non-conforming use's ability to modify, to make alterations or similar expansions or changes of a use are extremely limited by Carroll County Zoning Code Section 158.033. For instance, a non-conforming use is not permitted as a matter of right to make modifications, expansions, alterations or substitutions of one non-conforming use for another. They may only attempt such normal evolution of their activities requiring modifying the facility's physical footprint by requesting the discretionary approval of the Board of Zoning Appeals or County Zoning Administrator after a hearing. The request for these approvals requires a filing fee with their application and the owner's neighbors will be invited to participate in the hearing on the owner's request.

There is no certainty that such a request would be permitted. Often times applicants must hire counsel at additional expense. Even if approved, there are significant limitations imposed by Section 158.033 on the extent of any expansions allowed. Delays caused by an administrative hearing and perhaps appeal process could hamper reasonable efforts to address the legitimate needs and goals of the school, its students and the community at large. Further, the 12 month period for lapse of a dormant non-conforming use or within which restoration of non-conforming uses must be begun as a result of a casualty loss further hamper the value of land upon which a non-conforming business is conducted.

Non-conformity most often leads to a diminution of the owner's property value. Lenders may back away from refinancing or providing new financing for non-conforming uses. In the event of a likely diminution in value, an owner may need to look for additional collateral for loans in addition to the site itself. And, in lending documents for commercial real estate, it is common to find a provision indicating that zoning non-compliance is a term of default which will allow a lender to reconsider the value and convenience of the security it has taken for a loan and to call a note under certain circumstances.

Secondly, the proposed Table of Uses addresses a scholastic use such as Gerstell Academy in different language than the current Ordinance does. First, nowhere in the proposed text amendments for the Residential districts, nor in the existing text of the Zoning Ordinance is a "Private School" defined. This lack of specificity can create ambiguity with a potential of creating inconsistent results and unintended consequences.

Further, the language of the proposed amendment with regard to these schools could pose constitutional infirmities in that there is no demonstration of why a "private school" should be treated differently than any "non-private" or "public school" that in any way can be considered reasonably related to enforcement of the police power through zoning. How can

a distinction between an undefined private school and another type of school be reasonably related to the impact of that category of use on adjacent and neighboring properties compared to public or non-private institutions sufficient to justify a different treatment by the Zoning Code?

My clients ask that you protect their parcels and the thriving, successful Gerstell Academy located on them safe by keeping this use a principal permitted use in the R-40,000 zone, and perhaps making this use a permitted use in all residential districts. Further, instead of the description of the use as a "Private School" it is suggested that you use the language currently used in the existing Zoning Ordinance to eliminate any constitutionally based challenge to the distinction between private and other types of schools.

Thank you very much for your attention. Please contact me if you have any questions or comments.

Very truly yours,

HOFFMAN, COMFORT, OFFUTT,
SCOTT & HALSTAD, LLP

A handwritten signature in black ink, appearing to read "David K. Bowersox", written in a cursive style.

David K. Bowersox

DKB/kat

cc: Ms. Lynda Eisenberg
Ms. Mary Lane
Mr. John Scholz
Commissioner Richard Weaver

DATE: March 11, 2021
TO: Carroll County Planning and Zoning Commission
FROM: Tim Passarello – President, Freedom District Citizens Association (FDCA)
CC: Board of County Commissioners
Ms. Lynda Eisenberg, Director of Planning
FDCA Board and Trustees
RE: Proposed “Cluster Subdivisions” Subdivision Regulations Text Amendments
(Chapter 155.095)

The FDCA is opposed to the proposed elimination of the Conventional Plan requirement in the subdivision regulations regarding cluster subdivisions (Chapter 155.095). We are also opposed to removing a key provision of the existing regulations (155.095, division (A)(1)) that requires the maximum number of lots and dwelling units to not exceed that which would be permitted if the area were developed in conformance with its topographic characteristics. Retaining the Conventional Plan and qualifying density limitation paragraph would importantly assure that the Planning and Zoning Commission retains the ability to select a Conventional Plan layout, if site conditions and/or neighborhood compatibility concerns warrant, and would help avoid granting a density bonus to a developer if site conditions would otherwise limit development.

The proposed text amendments establish minimum lot sizes in the R-40,000, R-20,000, and R-10,000 zoning districts that are essentially one-half the size of existing zoning district requirements. For R-20,000 zones, our main concern is the potential incompatibility of new development that has ¼ acre lot sizes vs. existing ½ acre lots, which has a potential for very different housing products. Combined with the proposed text amendments to Chapter 158 establishing Retirement Villages and introducing townhouse development and hospitals to the R-20,000 District, we believe that the loss of a Conventional Plan and density limitation will result in developers simply targeting the permitted minimum lot size, leaving the community unable to provide a regulatory basis and/or meaningful input into important neighborhood compatibility concerns that are currently supported by 2018 Freedom Community Comprehensive Plan recommendations and the current development review process.

While we understand potential financial benefits to the developer and County of building and maintaining reduced impervious area from roadway pavements and utility systems, the current Conventional Plan is an informative tool that allows the community and county to gauge a proposed development's compatibility with the surrounding neighborhood. Eliminating the Conventional Plan opens up more potential that the housing products and lot sizes of the proposed development could be considerably out of sync with existing surrounding neighborhoods, and this goes specifically against recommendations #1 and #3 of the 2018 Freedom Community Comprehensive Plan (Page 3 of the 2018 Freedom Plan), as follows:

1. ***Recommendation #1 - “Any increases in land use densities will be generally limited in order to mitigate the impact on traffic and existing infrastructure.”*** While the developer is responsible for improving the proposed subdivision's internal roadways, approving a density greater than that would normally be allowed due to topographic and other environmental constraints

allows the developer to exceed the parcel yield that would otherwise be achievable (at no fault of the community). The additional homes that generate external roadway, school, water and sewer service capacity impacts become financial burdens that area citizens will bear, essentially resulting in community subsidy of the developer.

2. ***Recommendation #3 - "Recognizing that many citizens came to the Freedom Area to escape the trappings of urbanization in surrounding counties, the government will not attempt to fundamentally transform communities against the will of existing homeowners and residents. Recognizing that Freedom is a suburban/rural area, government will respect the character of the community and its neighborhoods."*** While the proposed text amendment provides an established minimum lot size, there is no maximum density listed in each applicable zoning district (Chapters 155 or 158); thus, the net residential density (based on gross acreage, minus the amount of parcel dedicated to roads and open space) could be much higher than existing adjacent neighborhoods. We recommend adding a maximum net density to the proposed cluster subdivision regulations, as well as the appropriate section(s) of Chapter 158.

Another community concern is that the gross acreage is currently used to determine gross density of proposed development. The FDCA conducted a limited sampling of Maryland counties, other states', and American Planning Association (APA) model clustering regulations to see if allowing total gross acreage was a uniform way to determine gross density calculations. We did not find a universal approach to gross acreage calculations but note that there are jurisdictions that remove watercourses (streams, stream buffers) from the allowable calculation for gross density, and another that removes wetlands and wetland buffers from the gross density calculation¹. In these cases, the jurisdictions considered the stream and wetland areas to be undevelopable. FDCA believes the County should remove such undevelopable areas from the allowable gross acreage calculation for proposed residential density. We believe that NOT doing so would amount to giving the landowner/developer more economic benefit than would normally be achieved.

We are additionally concerned that there could be instances where a developer proposes minimum lot sizes that are below the minimums proscribed in 155.095(A)(2). We did not see anywhere in Chapter 155 or 158 where this is addressed, and we would strongly recommend that language be added to the appropriate Chapter/division that states that no variances to minimum lot size for a cluster subdivision will be permitted.

We believe that the regulations could be strengthened by communicating clear purpose and intent of clustering in Chapters 155 and/or 158. In this regard, FDCA would recommend insertion of an opening paragraph under 155.095 that indicates the purpose, need, and opportunity to conserve existing natural environmental features, such as forests, streams, wetlands, open space, etc. while not penalizing landowners for owning parcels with undevelopable portions. Also, cross-referencing Chapter 155 and 158 would provide clearer communication to the public of the regulations and their usage.

The FDCA appreciates the opportunity for input into this important County effort. Please see below for research citations.

¹The following is a summary of the limited research conducted by FDCA to identify how other communities or organizations regulate or otherwise address the goal of residential clustering:

- City of Westminster, MD, Section 164-197.1 *Residential Cluster Subdivision*
- American Planning Association, Planning Advisory Service (PAS) Report 135, *"Cluster Subdivisions"*
- Lincoln Institute of Land Policy, *"Density Definitions and Examples"*
- City of New Smyrna Beach, Florida, *"2019 Memorandum – Density Calculations Study"*
- City of Ferndale, Washington, *"September 2020, Presentation: Net Density & Gross Density"*

March 11, 2021

Ms. Lynda Eisenberg, Director
Office of Planning
Carroll County Government
225 North Center Street
Westminster, MD 21157

Subject: Proposed Residential Zoning Regulations Text Amendments

Dear Ms. Eisenberg:

The Freedom District Citizens Association (FDCA) has reviewed what we understand to be the most current proposed changes to Chapter 158's residential zoning district regulations and would like to offer the following comments:

Section 158.075.1 - Land Use Table:

1. Why allow Agricultural use in the R-10,000 and R-7,500 districts when their stated purpose is for single family and multifamily in Designated Growth Areas (DGA)? Are there any parcels in the county where an active agricultural use is located on an R-10,000 or R-7,500 zoned property? The FDCA suggests that Agricultural use not be permitted (or at least made Conditional) in R-10,000/R-7,500 districts;
2. Regarding bed and breakfast establishments, the Land Use Table refers the reader to additional regulations in Sections 158.002 (Definitions) and 158.071 (Conservation District), but neither section includes any additional information on how the county will consider bed and breakfast establishments in residential zones. Can a limit be established on the number of B&B's that may be located in any one neighborhood, especially in the R-20,000, R-10,000 and R-7,500 zoning districts?
3. Hospitals are prohibited in all residential districts except R-20,000. Why was the R-20,000 District targeted to allow hospitals (with a 5-acre minimum lot size, as proscribed in 158.075.3(A)) when other residential districts were excluded? The FDCA recommends that Hospitals not be permitted by right in Residential districts, as their impacts and land use requirements are typically not compatible with adjacent residential development.
4. The FDCA is opposed to indoor and outdoor recreational facilities in Residential Districts, due to incompatible elements of traffic, noise, site lighting, attracting users from well outside the neighborhood, and other likely impacts to adjacent properties. The FDCA recommends these uses be limited to Commercial zoned properties.
5. The FDCA is opposed to allowing Retirement Villages in the R-20,000 District, which would promote townhouse and two-family dwelling unit types. The stated purpose of the R-20,000 Residential District (Section 158.073) indicates that the District is primarily intended for single family development. Considering the Freedom Area parcels currently or proposed to be zoned R-20,000 that are located adjacent to existing R-20,000 zoned property, the introduction of townhouse or two-family development in an R-20,000 zone through the provisions of Chapter 155 Cluster Subdivisions would be incompatible with surrounding neighborhoods, and would establish a multifamily structured development in an otherwise single family detached zoning

district. We recommend that Retirement Villages be permitted and encouraged in R-10,000 and R-7,500 Districts.

6. Religious establishments, similar to other “Institutional/Community Service” land uses should be allowed as a Conditional Use in the residential districts, rather than “permitted”. Often, religious establishments create significant community impacts of traffic, site lighting, and other nonresidential environments that are worthy of public involvement and development approval process. Not all residential zoned property is conducive to accommodating a religious establishment, and such a proposal should be more thoroughly vetted than just the site plan approval process. As cemeteries are permitted accessory uses for religious establishments, this further validates FDCA’s concerns with allowing religious establishments as permitted uses in the Residential zoning districts.

Section 158.075.2 - Accessory Uses:

1. Allowing an antique shop or arts and crafts home business in a residential district as part of a variance process (Chapter 158.130(G) does not appear to honor the intent of achieving compatible land uses in the R districts. There are no submittal requirements stated in Chapter 158.130(G) that would lend itself to impartial analysis of site conditions or land use impacts (traffic, signage, lighting, hours of operation, etc.), rendering a Zoning Administrator approval decision as potentially arbitrary. More importantly, the burden of requesting a public hearing is on the adjoining owner or public and must be initiated within 14 days of the property posting. As a balance to placing the burden of requesting a public hearing on the surrounding community, the FDCA recommends that the applicant for such uses obtain adjacent owner signature of support or opposition to be included in the initial application. This way, the proponent is encouraged to discuss the proposed use with neighbors to help the Zoning Administrator gather appropriate information to decide the request.
2. While FDCA has no objections to accessory dwellings on working agricultural property, the FDCA believes there are numerous ways of circumventing the density requirements of the Residential Districts due to the number and lenient conditions afforded to accessory dwellings, especially in R-20,000, R-10,000 and R-7,500 Districts (as identified in Paragraphs 2a-h and 6a-e in the Accessory Use section).
3. The allowance of “Cottage Industry” (manufacturing and assembly) “accessory” uses in the Residential districts (even with the restrictions provided in Paragraph 5a-f) appear to set up inevitable neighbor conflicts. The FDCA suggests retaining parking and traffic limitations and adding noise restrictions (hours of manufacturing) for these uses in the R districts.

Section 158.075.3 - Bulk Requirements:

1. Section 158.075.3, division (A) – The FDCA recommends including density maximums in the residential zoning district lot area requirements, such as:
 - a. R-40,000 – maximum density of one unit/acre;
 - b. R-20,000 – maximum density of two units/acre;
 - c. R-10,000 – maximum density of 3.5 units per acre;
 - d. R-7,500 – maximum density of 6.0 units/acre.

The Section 158.075.3(A) table should include a footnote/asterisk to cross-reference the Chapter 155 Cluster subdivision requirements regarding proposed lower minimum lot sizes and higher density maximums in the R-40,000, R-20,000, and R-10,000 districts.

2. Section 158.075.3, division (A) - Similar to our comment within the Land Use Table, we are unclear as to why Hospitals are permitted in the R-20,000 District, but not in the other residential zoned districts. The FDCA believes that hospitals should not be permitted by right in any residential district zoned properties.
3. Section 158.075.3, division (C)(2) "Exceptions" – As noted above in the Land Use Table comment section, the proposed allowance of townhome or two-family structure development in a Retirement Village in the R-20,000 District is counter to the stated purpose of the District. Combined with removing the current Cluster Subdivision requirement for a Conventional Plan (Chapter 155), the county is essentially guaranteeing that new developments in the R-20,000 District will include multi-unit development on 10,000 square foot lot sizes, in stark contrast to existing neighborhoods of single family homes with a density of 2.0 units per acre. Allowing a density of 3.5 units per acre without considering site topography and other environmental or other site planning considerations, as is currently the practice, will result in a further likelihood that new developments are not considerate of existing communities, as recommended in the 2018 Freedom Community Comprehensive Plan.

We thank you for the opportunity to comment and look forward to participating in upcoming discussions. We will make ourselves available if you would like to discuss the above FDCA recommendations.

Sincerely,

Timothy Passarello, Chairman
FDCA Board of Directors

Cc: FDCA Board of Directors
FDCA Trustees
FDCA Public Website

March 11, 2021

Ms. Lynda Eisenberg, Director
Office of Planning
Carroll County Government
225 North Center Street
Westminster, MD 21157

Subject: Proposed Residential Zoning Regulations Text Amendments

Dear Ms. Eisenberg:

The Freedom District Citizens Association (FDCA) has reviewed what we understand to be the most current proposed changes to Chapter 158's residential zoning district regulations and would like to offer the following comments (staff responses in **RED**):

Section 158.075.1 - Land Use Table:

1. Why allow Agricultural use in the R-10,000 and R-7,500 districts when their stated purpose is for single family and multifamily in Designated Growth Areas (DGA)? Are there any parcels in the county where an active agricultural use is located on an R-10,000 or R-7,500 zoned property? The FDCA suggests that Agricultural use not be permitted (or at least made Conditional) in R-10,000/R-7,500 districts.

It is the longstanding policy of the County to allow Agriculture in ALL zoning districts. See 158.035. The 2014 County Master Plan and 2018 Freedom Community Comprehensive Plan retained this vision.

2. Regarding bed and breakfast establishments, the Land Use Table refers the reader to additional regulations in Sections 158.002 (Definitions) and 158.071 (Conservation District), but neither section includes any additional information on how the county will consider bed and breakfast establishments in residential zones. Can a limit be established on the number of B&B's that may be located in any one neighborhood, especially in the R-20,000, R-10,000 and R-7,500 zoning districts?

Bed and breakfast is defined in the code as "Any owner-occupied, residential dwelling in which rooms are rented to paying guests on an overnight basis." Because of the residential aspect of this use, it is not permitted in the commercial and industrial districts, with the exception of the C-1 District. The requirements of 158.071 address parking, neighborhood compatibility, limited meals, limit on employees (1), and signage. It is not the function of a zoning code to put a limit on the number of a certain type of use in an area.

3. Hospitals are prohibited in all residential districts except R-20,000. Why was the R-20,000 District targeted to allow hospitals (with a 5-acre minimum lot size, as proscribed in 158.075.3(A)) when other residential districts were excluded? The FDCA recommends that Hospitals not be permitted by right in Residential districts, as their impacts and land use requirements are typically not compatible with adjacent residential development.

The Carroll County Hospital is in the R-20,000 District. Changing this would make one of the County's largest employers a nonconforming use.

4. The FDCA is opposed to indoor and outdoor recreational facilities in Residential Districts, due to incompatible elements of traffic, noise, site lighting, attracting users from well outside the

neighborhood, and other likely impacts to adjacent properties. The FDCA recommends these uses be limited to Commercial zoned properties.

Recreational uses, which include parks, ballfields, etc. are generally considered to be supportive and compatible with residential neighborhoods. These uses are currently either permitted or conditional uses in all residential districts and changing this would create numerous nonconforming uses.

5. The FDCA is opposed to allowing Retirement Villages in the R-20,000 District, which would promote townhouse and two-family dwelling unit types. The stated purpose of the R-20,000 Residential District (Section 158.073) indicates that the District is primarily intended for single family development. Considering the Freedom Area parcels currently or proposed to be zoned R-20,000 that are located adjacent to existing R-20,000 zoned property, the introduction of townhouse or two-family development in an R-20,000 zone through the provisions of Chapter 155 Cluster Subdivisions would be incompatible with surrounding neighborhoods, and would establish a multifamily structured development in an otherwise single family detached zoning district. We recommend that Retirement Villages be permitted and encouraged in R-10,000 and R-7,500 Districts.

Although Retirement Village is listed as a new use, the allowance of age-restricted townhomes is currently permitted in all four of the residential districts with a density up to 6 units per acre. These current regulations are inconsistent with the Land Use Definitions in the adopted County Master Plan and Freedom Plan, which state for Residential – Medium (R-20,000): *55+ age restricted and retirement communities are permitted providing they do not exceed a total density of 3.5 dwelling units per acre.* This density is proposed to be reduced in the R-20,000 district to 3.5 units per acre, in line with the Plans. Townhouse and two-family dwellings are not proposed to be permitted in a cluster development.

6. Religious establishments, similar to other “Institutional/Community Service” land uses should be allowed as a Conditional Use in the residential districts, rather than “permitted”. Often, religious establishments create significant community impacts of traffic, site lighting, and other nonresidential environments that are worthy of public involvement and development approval process. Not all residential zoned property is conducive to accommodating a religious establishment, and such a proposal should be more thoroughly vetted than just the site plan approval process. As cemeteries are permitted accessory uses for religious establishments, this further validates FDCA’s concerns with allowing religious establishments as permitted uses in the Residential zoning districts.

While Religious Establishments are similar to other institutional uses, this use has been permitted by right in all the residential districts since zoning was established in the County. Requiring conditional use approval would make existing churches nonconforming uses until a conditional use was approved.

Section 158.075.2 - Accessory Uses:

1. Allowing an antique shop or arts and crafts home business in a residential district as part of a variance process (Chapter 158.130(G) does not appear to honor the intent of achieving compatible land uses in the R districts. There are no submittal requirements stated in Chapter 158.130(G) that would lend itself to impartial analysis of site conditions or land use impacts (traffic, signage, lighting, hours of operation, etc.), rendering a Zoning Administrator approval decision as potentially arbitrary. More importantly, the burden of requesting a public hearing is on the adjoining owner or public and must be initiated within 14 days of the property posting. As

a balance to placing the burden of requesting a public hearing on the surrounding community, the FDCA recommends that the applicant for such uses obtain adjacent owner signature of support or opposition to be included in the initial application. This way, the proponent is encouraged to discuss the proposed use with neighbors to help the Zoning Administrator gather appropriate information to decide the request.

2. While FDCA has no objections to accessory dwellings on working agricultural property, the FDCA believes there are numerous ways of circumventing the density requirements of the Residential Districts due to the number and lenient conditions afforded to accessory dwellings, especially in R-20,000, R-10,000 and R-7,500 Districts (as identified in Paragraphs 2a-h and 6a-e in the Accessory Use section).

The regulations for accessory dwellings in residential districts, both attached and detached, are unchanged from the current Code in the Chapter 158 proposal. For detached dwellings (6a-e) the density requirements for the district cannot be circumvented because of the following language on page 28 “Detached accessory dwelling units, provided that the lot or parcel is eligible to be subdivided to separate the detached accessory dwelling”.

3. The allowance of “Cottage Industry” (manufacturing and assembly) “accessory” uses in the Residential districts (even with the restrictions provided in Paragraph 5a-f) appear to set up inevitable neighbor conflicts. The FDCA suggests retaining parking and traffic limitations and adding noise restrictions (hours of manufacturing) for these uses in the R districts.

The requirements that were eliminated were “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”. This was considered by the Zoning Administrator to be difficult to interpret and enforce.

Section 158.075.3 - Bulk Requirements:

1. Section 158.075.3, division (A) – The FDCA recommends including density maximums in the residential zoning district lot area requirements, such as:
 - a. R-40,000 – maximum density of one unit/acre;
 - b. R-20,000 – maximum density of two units/acre;
 - c. R-10,000 – maximum density of 3.5 units per acre; R-10,000 is 4 units per acre
 - d. R-7,500 – maximum density of 6.0 units/acre.

The Section 158.075.3(A) table should include a footnote/asterisk to cross-reference the Chapter 155 Cluster subdivision requirements regarding proposed lower minimum lot sizes and higher density maximums in the R-40,000, R-20,000, and R-10,000 districts.

The reduced lot sizes for cluster development in Chapter 155 should be cross-referenced in this section and added to the exceptions under (C).

Section 158.075.3, division (A) - Similar to our comment within the Land Use Table, we are unclear as to why Hospitals are permitted in the R-20,000 District, but not in the other residential zoned districts. The FDCA believes that hospitals should not be permitted by right in any residential district zoned properties.

2. Section 158.075.3, division (C)(2) “Exceptions” – As noted above in the Land Use Table comment section, the proposed allowance of townhome or two-family structure development in a Retirement Village in the R-20,000 District is counter to the stated purpose of the District. Combined with removing the current Cluster Subdivision requirement for a Conventional Plan (Chapter 155), the county is essentially guaranteeing that new developments in the R-20,000 District will include multi-unit development on 10,000 square foot lot sizes, in stark contrast to

existing neighborhoods of single family homes with a density of 2.0 units per acre. Allowing a density of 3.5 units per acre without considering site topography and other environmental or other site planning considerations, as is currently the practice, will result in a further likelihood that new developments are not considerate of existing communities, as recommended in the 2018 Freedom Community Comprehensive Plan.

We thank you for the opportunity to comment and look forward to participating in upcoming discussions. We will make ourselves available if you would like to discuss the above FDCA recommendations.

Sincerely,

Timothy Passarello, Chairman
FDCA Board of Directors

Cc: FDCA Board of Directors
FDCA Trustees
FDCA Public Website



Carroll County REALTORS®

Hunter Professional Center, 908 Washington Road
Westminster, Maryland 21157

Phone: (410) 876-3530 • Fax: (410) 876-5938

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April 19, 2021

The Honorable Cynthia L. Cheatwood, Chair
Carroll County Planning and Zoning Commission
225 North Center Street
Westminster, MD 21157

RE: Residential Text Amendments

Dear Chair Cheatwood and Members of the Planning and Zoning Commission,

The Carroll County REALTORS® (CCR) writes to offer its feedback on the proposed Residential Zoning Text Amendments, which are currently under consideration by the Commission. CCR represents over 600 real estate professionals who live and work in Carroll County.

CCR has previously written the Planning Commission on the need for additional housing inventory and dwelling types to meet market demand. In our comments on the Freedom Area Plan in 2018, we noted that Carroll faced a shortage of quality housing options, particularly for seniors and young families, which would exacerbate the affordability challenges that existed at that time. Since then, those challenges have only worsened.

Carroll County currently sits at approximately 0.4 months of for-sale housing inventory, placing it at the lowest level in the state of Maryland. At the adoption of the Freedom Plan, that number was 2.88 months of supply. Over that same period, the median home price has increased from \$325,000 to \$370,000, far outpacing the rate of income growth in the County. In short, additional housing options are needed now more than ever, particularly at price points that reflect the incomes of Carroll residents.

CCR viewed the residential text amendments as an opportunity to fulfill the promise of both the County's Master Plan and the Freedom Area Plan to provide additional types of housing. In fact, the Housing Element of the Freedom Plan notes that this should be accomplished through a review of Chapters 155 and 158 to facilitate a variety of housing types to serve all ages, including single-family

detached, attached, and semi-detached, townhouses, and multifamily homes in the Freedom area, and higher density development in the Designated Growth Area. In our review of the proposed residential text, we do not find amendments sufficient to accomplish those goals.

If we are to achieve what the Freedom Area and Master Plan outlined, CCR recommends the following adjustments to the residential text:

1. **Retirement Village Zoning** – The one area where additional zoning is considered through the creation of a Retirement Village. However, it is currently unclear where a Retirement Village would be permitted and what types of dwellings it may contain in various districts. The proposed Use Table of Section 158.075(A) lists “Townhouse in a Retirement Village” and “Two-Family Dwelling in a Retirement Village” as permitted uses in the R-20,000, R-10,000, and R-7,500 districts, but it does not list “Retirement Village” itself as a separate use category. There is also some confusion as to where a “Single Family Dwelling in a Retirement Village” is allowed, or how a mixture of dwelling types would be permitted in a Retirement Village development. Like how the PUD use is addressed in the Use Table, we recommend that the Commission outline Retirement Village uses for all dwelling types in this section.
2. **Two-Family Dwelling and Conversions** – The proposed Residential Zoning Amendments would eliminate existing provisions of the Zoning Code that allow any building in existence prior to August 17, 1965 to be converted to “accommodate two-families” in the R-40,000 and R-20,000 districts. Other changes would make it more difficult to build two-family dwellings not located in a PUD or Retirement Village in the R-10,000 and R-7,500 districts by changing them from a permitted use to a conditional use requiring BZA authorization. Creating roadblocks to two-family construction or conversion eliminates a pathway for creating additional housing stock. It is also out of step with current zoning trends in the country.

Many localities are embracing the use of two-family dwellings as a means of increasing housing supply and affordability while retaining a building’s existing footprint. These dwellings also place less stress on existing infrastructure than a larger-scale new development, as they are dispersed throughout the community instead of being concentrated in a particular area. Rather than removing this option from the residential text, the Commission should consider expanding it as an option for all dwellings in the R-40,000 and R-20,000 districts.

3. **Age Restricted Multi-Family Housing** – As has been noted in many studies, Carroll’s population of seniors is growing rapidly, and those individuals desire accessible dwellings within their current communities. Unfortunately, those are in short supply. Under the existing Zoning Code, “age-restricted multi-family housing/ retirement home” is permitted with BZA authorization in the R-40,000 and the R-20,000 districts. The current amendments, however, would change the classification to prohibited. Like the two-family provisions above, CCR asks that we look for every opportunity to expand the availability of senior housing options rather than removing uses which exist today.

4. **Cluster Subdivisions** – The draft residential text amendments propose the creation of minimum lot size requirements in cluster developments. It is CCR’s understanding that these minimums were based upon a review all cluster subdivisions developed in Carroll County in the previous 20 years. While this research suggests that the proposed minimum lot size requirements are consistent with previously developed cluster subdivisions, they do not necessarily reflect current or future market conditions or housing demand. What is more, they are not consistent with the policy position of the Freedom Community Plan favoring flexibility in the Zoning Code to accommodate the development of single-family homes on smaller lots.

By artificially limiting lot sizes in cluster subdivisions rather than letting it be determined by the characteristics of the lot itself, the County risks needlessly reducing the amount of natural land available to be set aside for open space and recreational purposes. A well-designed cluster subdivision can use this increased open space to create additional buffers between uses of differing densities, thereby reducing the impacts of new development on surrounding communities. It also fosters a greater sense of community and interaction between residents within the cluster development itself, and makes those homes more accessible to residents of all ages and abilities.

5. **Accessory Dwelling Units** – CCR appreciates the continued inclusion of attached and detached Accessory Dwelling Units (ADUs) as a permitted use in residential districts. Like two-family units, ADUs are growing in popularity and are increasingly being accommodated in local zoning codes to provide housing for seniors, college students and young professionals. However, we see no need to restrict detached ADUs only to properties that can be subdivided. This is not common practice in other jurisdictions, where ADUs are allowed on non-subdividable lots; for instance, many allow ADUs above detached garages or “granny flats” adjacent to but not connected to the main residence. CCR therefore recommends removing “provided that the lot or parcel is eligible to be subdivided to separate the detached accessory dwelling and” from 158.075.2 (6). Another alternative would be to allow larger, detached ADUs on subdividable lots, while allowing size-restricted detached ADUs on non-subdividable lots.
6. **Public Hearing Requirements** – The revised text seeks to streamline the administrative adjustment process by eliminating the public hearing mandate in cases where there is no opposition to the request. Proposed Section 158.130(G) would require that a public hearing be held only if one is requested by “an adjoining property owner or other member of the public” within 14 days of the posting of the applicant’s property. However, allowing any “member of the public” to force a hearing undermines this beneficial change. We believe a better approach would be to limit the right to request a public hearing to the owners of adjoining property or to the owners of property located within a certain reasonable distance of the subject property. The County could also require that the party requesting a hearing identify their particular interest in the application that would be the subject of the hearing. This would eliminate the possibility of abuse by people who are not affected or those who wish to delay the application for reasons unrelated to the request.

CCR appreciates the opportunity to provide these comments to the Commission, and the work that Planning Staff have done to date to gather public feedback on the draft residential text. We would be happy to answer any questions that you may have or provide additional information on these items.

Sincerely,

Yvette Rippeon

Yvette Rippeon, President
Carroll County REALTORS®

May 3, 2021

Ms. Lynda Eisenberg, Director
Office of Planning
Carroll County Government
225 North Center Street
Westminster, MD 21157

Subject: Proposed R-20,000 Zoning and Cluster Subdivision Regulations Text Amendments

Dear Ms. Eisenberg:

The Freedom District Citizens Association (FDCA) appreciates receipt of a summary table and notes from your office comparing existing and proposed zoning and subdivision regulations affecting the R-20,000 zoning district. Subsequently, FDCA communicated with Commissioner Rothstein that we would supplement our March 11, 2021 letter with this updated summary of our concerns.

The notes that accompanied the summary table comparison indicated MORE restrictive and LESS restrictive proposed regulations. FDCA appreciates the proposed regulations that are more restrictive towards potential R-20,000 District development, as they will help to limit high density, multifamily development proposals that would be incompatible with existing ½ acre minimum lot sizes in adjacent neighborhoods. However, we continue to oppose the less-restrictive regulations that would remove important neighborhood input during the development process by allowing Retirement Village townhome/two-family dwellings “by right”. This will shift neighborhood input to primarily the site plan process, and not allow meaningful discussion as to the potential compatibility of the use itself on a site-specific basis. FDCA also opposes proposed changes to the Cluster Subdivision regulations which eliminate the Conventional Plan submission and allow development density to be based solely on gross acreage, rather than the existing limits based on site-specific topographic and other conditions. Combined, FDCA believes that the proposed changes negate key Freedom Plan considerations that were incorporated into the Plan regarding neighborhood compatibility and development process input and would result in many more dwellings than current regulations allow.

The original County proposals for remaining large undeveloped R-40,000 (Low Density) parcels in the Freedom Plan was for R-10,000 (High Density) development. After many public input sessions, the Freedom Plan was adopted with these parcels being designated for R-20,000 (the County’s Medium Density, single family district). Key statements and recommendations were adopted in the Freedom Plan supporting the community’s desires for neighborhood compatibility considerations, including:

- Recommendation #3 (Page 3) - “...the government will not attempt to fundamentally transform communities against the will of existing homeowners and residents. Recognizing that Freedom is a suburban/rural area, government will respect the character of the community and its neighborhoods.”

May 3, 2021

Ms. Lynda Eisenberg, Director

Office of Planning

Proposed R-20,000 Zoning and Cluster Subdivision Regulations Text Amendments

Page Two

- Recommendation #4 (Page 3) (addressing the trend towards “generational housing”) – “Freedom should remain a place that will accommodate larger home sites that can accommodate additions of in-law suites or similar improvements that enable multiple generations of families to live together. Facilitate residential infill development consistent with the character of adjacent housing in Freedom’s existing established neighborhoods, recognizing the value that many citizens place on larger lot development.”
- Freedom Area Designated Growth Area Goals (Page 29):
 - o Goal 3 – “Approve housing types and densities as permitted under existing land use definitions and zoning. Any increases of residential densities and property types should be limited and should respect the fabric of existing communities.”
- Element 7: Land Use, Goals & Objectives (Page 77):
 - o Goal: Pursue policies that facilitate the implementation of the Plan Vision Statement, including: development in appropriate areas at densities not to exceed those that are consistent with the character of existing communities...”
 - o Goal: Promote appropriately timed and scaled development which supports, enhances, and reinforces the identity and character of the Freedom Community Planning Area (CPA)”
 - o Objective 1: Provide land use designations that protect the character and meet the needs of existing communities...”
- Recommendations within Element 7 (Land Use) (Page 95):
 - o Recommendation #1 - “Work with the Town of Sykesville to incorporate ways to achieve the County’s goal to pursue policies that facilitate development in appropriate areas, including the DGAs.”
 - o Recommendation #12 – “Residential infill, clustering, and redevelopment may be approved to the extent it is consistent with the fabric of existing communities and does not overburden available public facilities.”

It is precisely because there are other, contrary paragraphs and recommendations in the Freedom Plan that support goals of providing a variety of housing types at densities greater than the R-20,000’s 2.0 du’s/acre that FDCA believes it remains critical to include neighborhood input prior to approving potential proposed land uses on the remaining undeveloped Freedom parcels that may be in conflict with existing neighborhoods, depending on site-specific considerations. These concerns are the nature of our opposition to proposed Chapter 158 changes that make Retirement Villages a use-by-right in the R-20,000 district.

Regarding the proposed Cluster Subdivision (Chapter 155) text amendments, the removal of the Conventional Plan submission requirement and the allowance of using gross acreage as the only determining factor in calculating Cluster Subdivision density/lot yield, instead of first removing undevelopable land (topography, streams, wetlands, etc.) is problematic and goes against Freedom Plan recommendations and goals:

- Recommendation #13 (Page 4) – “Conserve sensitive area lands through existing policies and programs and minimize the impact of development upon sensitive areas.”
- Freedom Area Designated Growth Area Goals (Page 29): Goal 9 – “Continue to protect and maintain the recognized environmental resources and natural ecosystems in the Freedom area by administering land use practices that are in balance with, and minimize the effects on, the designated conservation areas.”

Whether single family or age-restricted housing, the proposed Cluster Subdivision regulations will greatly benefit landowners/developers by allowing more lot yield than might otherwise be developable, to the potential detriment of environmentally sensitive areas, the community, and the County’s ability to keep up with improvements needed to offset development impacts.

One example of our concern could be applied to the Wolf property on Oklahoma Road. Based on existing Cluster Subdivision regulations, a draft Conventional Plan layout was developed by requiring the calculation of the maximum number of houses (yield) to respect the parcel’s topography, streams, etc., resulting in **103 homes** allowed on 71 acres (approximately **1.45 du’s/acre**). The ensuing Cluster Plan was REQUIRED by the existing regulations to maintain no more than 103 homes based on the Conventional Plan maximum lot yield. If the regulations for Clustering is changed as proposed, the following scenarios MAY be available to the landowner:

- Without a Conventional Plan requirement, a new single family development, based on gross acreage, could yield **142 homes (2.0 du’s/acre)** with a minimum lot size of 10,000 sq. ft.
- Without a Conventional Plan requirement, a new Retirement Village development, based on gross acreage and the proposed use-by-right status for Retirement Villages at an allowable density of **3.5 units/acre** could yield as many as **248 townhome/two-family dwellings**.

The granting to developers of additional housing units than would otherwise be supported through evaluation of a Conventional Plan is questionable. What community benefit is served by automatically allowing more yield than a parcel can support? And why would the County support landowner or developer bonuses when it continues to have difficulty funding infrastructure improvement needs in the Community Investment Plan for the current development inventory? The proposed Chapter 155 regulations appear contrary to the Freedom Plan’s Recommendation #19 (Page 4) – “Ensure approved development does not outpace the County’s ability to provide public facilities in a timely manner.”

May 3, 2021

Ms. Lynda Eisenberg, Director

Office of Planning

Proposed R-20,000 Zoning and Cluster Subdivision Regulations Text Amendments

Page Four

We foresee that the proposed zoning and subdivision regulations changes could unintentionally transform undeveloped R-20,000 properties in the County from single family to age-restricted townhouse/two-family dwellings (to avoid school impacts) without the ability to counter the use-by-right status. Also, not enough has been taken into account regarding proposed Sykesville developments that are planned to add a large amount of townhouse and multifamily development – this development will also add to the Freedom Area's lack of adequate facilities, and by themselves, may accommodate what the County had in mind for providing a variety of housing types.

We are also aware of County comments made regarding the asserted necessity of developing all remaining Freedom undeveloped land at a density required to achieve or maintain Priority Funding Area (PFA) status. We have not heard any rationale for this position, nor are we aware of any potential PFA projects that would not occur if the remaining Freedom parcels were not developed with an overall 3.5 du's/acre density. We also have not heard of specific projects potentially stemming from proposed development that would be needed to warrant State of Maryland PFA funding. On the contrary, our understanding is that the existing state-acknowledged PFA provides the means necessary to achieve PFA funding in the future for major projects, based on historically limited state funding capabilities.

We urge the County to honor adopted Freedom Plan recommendations and goals that support the public input of existing adjacent communities when considering development on remaining undeveloped land by not granting Retirement Villages use-by-right status in the R-20,000 District. We urge the County to not change Cluster Subdivision regulations that unconditionally grant lot yield to developers over and above that which would be allowed under existing regulations to the detriment of the existing community and its environment and the County's ability to fund improvements to offset future development impacts.

We thank you for the opportunity to comment and look forward to participating in upcoming discussions. We will make ourselves available if you would like to discuss the above FDCA recommendations.

Sincerely,

Timothy Passarello, President
FDCA

Cc: County Commissioners
FDCA Board of Directors
FDCA Trustees
FDCA Public Website

Joy, Kathy L.

From: Eisenberg, Lynda
Sent: Tuesday, June 29, 2021 8:06 AM
To: Joy, Kathy L.; Lane, Mary S
Subject: FW: Proposed Zoning and Subdivision Regulations Text Amendments
Attachments: FDCA Comments on Proposed Residential Zoning Text Amendments 6.29.21.pdf

Please save with the comments. Thanks

From: Timothy Passarello <TimPass@msn.com>
Sent: Tuesday, June 29, 2021 7:19 AM
To: Eisenberg, Lynda <leisenberg@carrollcountymd.gov>; CCGov Planning & Zoning Commission <plancomm@carrollcountymd.gov>; Rothstein, Edward <erothstein@carrollcountymd.gov>; Wantz, Steve <swantz@carrollcountymd.gov>; Frazier, Dennis <dfrazier@carrollcountymd.gov>; Weaver, Richard <crweaver@carrollcountymd.gov>; Bouchat, Eric <ebouchat@carrollcountymd.gov>
Subject: Proposed Zoning and Subdivision Regulations Text Amendments

This message originated outside of Carroll County Government. Use caution when opening attachments, clicking links or responding to requests for information.

Attached please find comments from the Freedom District Citizens Association regarding the proposed amendments to the County's zoning and subdivision regulations. We appreciate your consideration in this matter.

Sincerely,

Timothy P. Passarello
FDCA President

Timothy P. Passarello, DDS

Passarello Family Dental

6200 Georgetown Boulevard

Eldersburg, MD 21784

410-549-1200

www.PassarelloFamilyDental.com

June 29, 2021

Ms. Lynda Eisenberg, Director, Office of Planning
Carroll County Government
225 North Center Street
Westminster, MD 21157

Subject: Proposed Zoning and Subdivision Regulations Text Amendments

Dear Ms. Eisenberg:

The FDCA appreciates the opportunity to comment on the proposed amendments to the County's zoning and subdivision regulations (Chapters 158 and 155). We have delivered a few letters within the past year stating our positions and hope that our comments will be part of the Planning and Zoning Commission's (PZC) deliberations and recommendations to the County Commissioners. The following summarizes specific concerns with proposed text amendments:

Chapter 158:

1. The proposed Retirement Village concept within the R-20,000 District is contrary to the historical intent of this zone to provide for medium density single family housing. The Retirement Village concept that promotes two-family and townhouse development is more aligned with the stated intent of the R-10,000 and R-7,500 Zoning Districts. It would be more appropriate to continue the R-20,000 District as a single family dwelling Zone and pursue regulations that encourage multigenerational housing opportunities on these larger lots, as described in the 2018 Freedom Area Community Comprehensive Plan (2018 Freedom Plan).
2. Removing the Conditional Use process for retirement housing proposals and replacing the text by allowing Retirement Villages in the R-20,000 District as a permitted use "by right" will render as moot all of the 2018 Freedom Plan's language throughout that document that supports citizen input into land use compatibility decisions, and will also take away the County's ability to disapprove the use where it deems it as incompatible. If Chapter 158 is approved as written, County and citizen input on a Retirement Village development will be limited to site planning concerns (such as bulk requirements – 158.075.3(C)(2)), and will be assigned to the Site Plan stage which is far too late in the planning and engineering design processes to have constructive dialogue on the land use compatibility of a proposed development.
3. The FDCA is concerned that, with the lack of a current County plan to address school capacity impacts of current and potential future development (including Town of Sykesville proposed multifamily development), Retirement Villages on any existing or potential future undeveloped parcel(s) in the R-20,000 District will become a prevalent way for landowners and developers to move forward, possibly leading to ill-planned locations for such senior housing proposals.
4. The FDCA continues to oppose the proposal to allow hospitals to be permitted as a use "by right" in the R-20,000 District for similar reasons regarding removal of citizen and County input into land use compatibility with surrounding neighborhoods. Retaining a Conditional Use process would maintain the ability for public input on proposals for potential community hospitals.

Freedom District Citizens Association
♦ PO Box 1801 ♦ Eldersburg, MD ♦ 21784 ♦

June 29, 2021

Ms. Lynda Eisenberg, Director, Office of Planning

Proposed Zoning and Subdivision Regulations Text Amendments

Page Two

Chapter 155:

1. The FDCA believes that the current Conventional Plan requirement for proposed Clustered Subdivisions offers important assurance that lot yield will be based on site topographic and other constraints (such as streams, wetlands, etc.) that deem portions of property as “undevelopable” AND by compatible density of the Zoning District in which the property lies, rather than simply the gross acreage as proposed. Removing such protections could lead to unnecessary and undesired density bonuses for developers that adversely affect neighborhood compatibility, and also add to the County’s continued inability to fund off-site improvements needed to address development impacts.

Additional Information - Background of FDCA Concerns:

There are conflicting recommendations, statements, and objectives in the 2018 Freedom Plan that make it difficult to interpret that the County gives equal consideration to the desires and needs of existing neighborhoods when it promotes potential additional growth. Yet, we believe the proposed zoning and subdivision text amendments are currently drafted more in favor of County objectives to achieve a variety of housing products and continuing to promote the Freedom Area as a Designated Growth Area (DGA) and Priority Funding Area (PFA) than protecting existing neighborhoods from potential incompatible development on remaining undeveloped parcels. The elimination of the Conditional Use process (or establishment of a more comprehensive PZC public review process) for the new category “Retirement Village” is an example.

Importantly, the FDCA believes that the County did not evaluate thoroughly the potential capacity and financial impacts of changing the planned density from low to medium on the remaining large, undeveloped parcels during the 2018 Freedom Plan process. The County’s initial proposal during the 2018 Freedom Plan process was for high density residential development on these parcels. Ultimately, the County’s proposal was lessened to medium density on these parcels because, we believe in part, that the then-Commissioners recognized that the impacts and costs of the County attempts to promote PFA densities (3.5 d.u.’s/acre) were not well-quantified, and the resulting financial impact to the annual Community Investment Plan was uncertain. In short, changing the Freedom Plan designations on the remaining large undeveloped parcels from low to medium density was premature at best, or a mistake that will dig the County deeper into future infrastructure obligations it cannot afford.

We believe that amending the zoning and subdivision regulations in a manner that results in continued development without a financial plan to address the infrastructure capacity needed to maintain the DGA designation is a questionable practice. Such a course also goes against 2018 Freedom Plan recommendations, including Page 3, recommendation #1 - “any increases in land use densities will be generally limited in order to mitigate the impact on traffic and existing infrastructure.” Many existing residents in the DGA are still served by well and septic systems. The financial impact to those residents affected by the 2018 Freedom Plan removal of more than 1,000 older properties from priority sewer connection to allow for future development at higher densities is currently unknown. A recent county survey now shows that the majority of respondents are interested in connecting to public sewer.

Freedom District Citizens Association
♦ PO Box 1801 ♦ Eldersburg, MD ♦ 21784 ♦

June 29, 2021

Ms. Lynda Eisenberg, Director, Office of Planning

Proposed Zoning and Subdivision Regulations Text Amendments

Page Three

The County's Buildable Land Inventory (BLI) estimates that approximately 1,900 residential lots can still be developed in the Freedom Area. As we know, there isn't an established funding plan to address school capacity deficiencies in the Freedom Area from existing or potential County and Sykesville development. Combine the lack of a funding plan for school capacity deficiencies with the County's July 2020 draft Transportation Plan acknowledging that County development approvals have historically overlooked State and local funding gaps to address congestion impacts on MD 26 and MD 32, and we are faced with the question of why the County would continue to pursue DGA development and rezoning of Freedom's remaining undeveloped parcels to a higher density. The State is on record indicating that no such funding for MD 26 and MD 32 improvements to relieve existing and predicted congestion is planned prior to 2040. We continue to be concerned that the 2018 Freedom Plan's proposed densities on the remaining large undeveloped properties have not been evaluated enough to determine if they can be achieved without future increase in County tax revenues or without further degradation to the community character that the 2018 Freedom Plan seeks to preserve.

Sincerely,



Timothy Passarello, President
FDCA Board of Directors

Cc: County Commissioners
Planning and Zoning Commissioners
FDCA Board of Directors
FDCA Trustees
FDCA Facebook Group

From: [Info CCG](#)
To: [Carroll Rezoning](#)
Subject: Comprehensive Rezoning - Comment Card Submission
Date: Thursday, June 3, 2021 12:05:07 PM

The following comment was submitted:

Name

Frank Sobchak

Email

MYTFAST@gmail.com

Submit Comments

Carroll county zoning needs a "Light Intrusion" ordinance in addition to the existing sound ordinance to protect citizens against other residents who shine their spotlights beyond their property and onto neighboring properties including their dwellings. The Carroll County Sheriff's Office, the State Police and Municipal Courts say they are unable to resolve complaints by citizens about harassing neighbors who shine their spot lights onto other residents property & homes throughout the night because Carroll County has no specific "Light Intrusion" ordinance to enforce.

Therefore we need the help of the Carroll County Commissioners & C.C. Zoning Commission who can now remedy this problem during this a new Carroll County Residential Zoning initiative by implementing an enforceable "Light Intrusion" ordinance.

I previously met with Commissioner Doug Howard at the end of his term & provided images of the effect of this Light Intrusion problem & he indicated the matter could be addressed in the upcoming C.C. Residential Rezoning initiative which has been delayed over the past year due to the COVID issue.

Please provide confirmation of receipt of this request.

Thank You,
Frank Sobchak
6508 Bonnie Brae Road
Eldersburg, MD. 21784
410-795-1153

Please complete

From: [Info CCG](#)
To: [Carroll Rezoning](#)
Subject: Comprehensive Rezoning - Comment Card Submission
Date: Thursday, June 3, 2021 5:17:33 PM

The following comment was submitted:

Name

Jeff Gardner

Email

jag@verizon.net

Submit Comments

NO MORE Residential growth in the Eldersburg/Sykesville (Freedom) area. This area is already over populated, lacks the emergency services, schools and roads to accommodate any additional residential growth.

Please complete

From: [Info CCG](#)
To: [Carroll Rezoning](#)
Subject: Comprehensive Rezoning - Comment Card Submission
Date: Saturday, June 5, 2021 2:23:26 PM

The following comment was submitted:

Name

Will Chen

Email

William.d.chen@gmail.com

Submit Comments

I do not support the measures for the eldersburg area. Our schools are already overcrowded and over capacity, and the roads are getting crowded enough as it is. In addition there are plenty of commercial spaces that are still vacant. There should be no more further expansion of housing or commercial and industrial areas.

The priority for the county needs to be to plan what to do for more students before anything else.

Please complete

From: [Info CCG](#)
To: [Carroll Rezoning](#)
Subject: Comprehensive Rezoning - Comment Card Submission
Date: Friday, June 11, 2021 6:24:51 PM

The following comment was submitted:

Name

Suzanne Connole

Email

jstsmas@Protonmail.com

Submit Comments

Please keep Carroll County RURAL. We do not want multi-use high density housing that will explode the population and change forever the calm and rural nature of our communities.

Please complete

From: [Info CCG](#)
To: [Carroll Rezoning](#)
Subject: Comprehensive Rezoning - Comment Card Submission
Date: Thursday, June 17, 2021 5:14:51 PM

The following comment was submitted:

Name

Thomas Kelly

Email

dollytomkelly@gmail.com

Submit Comments

I would like to make some comments about the Sewer Survey that went out to some Eldersburg residents a few weeks ago. First I would like to say that I am against any mandate forcing me to abandon my working septic system. After working a blue collar job for over forty years I'm now at the point that I can retire. We cannot afford a \$20,000 expense now. I have talked to many of our neighbors and they either say they don't know anything about this plan or they stand firmly against it, others said they cannot believe the Government can MAKE them get rid of their septic system and PAY to be hooked up to a new sewer system.

It is easy for me to understand why many don't know about this unfair plan, or don't know it will cost the average household \$20,000. It was the "survey" that was sent out. That "survey" was about the worst done survey I have ever seen. It was not marked as anything important, and most Carroll County residents would consider a \$20,000 bill an important thing, but I guess not the Carroll County Government. But the worst thing about that "survey" was that it did not give all the facts. How about if I send out a survey asking if people want a new car? How many would say yes if they were not told they would have to pay for it? I bet most would. How in the world can someone send out a survey to understand how people feel about a topic and not give all the facts?

Unless they just wanted to "steer" the results.

That is exactly what I think happened, someone wants to force this expansion of government on the residents of Carroll County, this is not the type of government most of us want or expect, nor is it the type of government I moved to Carroll County for.

I would hope Carroll County would "come clean" and try sending an honest survey well before any decisions are made on this topic. Some neighbors and I have sent e-mails to our representatives at the county and state level and have received some positive responses. We all hope this plan can be stopped.

Please complete

From: [Info CCG](#)
To: [Carroll Rezoning](#)
Subject: Comprehensive Rezoning - Comment Card Submission
Date: Thursday, June 24, 2021 7:24:16 PM

The following comment was submitted:

Name

Michael Davis

Email

mike-s-davis@outlook.com

Submit Comments

I do not like the variances changes . Renaming Variance to something sounding clerical is not wise, as folks will not realize what is going on since they are familiar with the old term, Variance. Having to request a hearing is troubling, hearings should happen as they do now to allow comments, without having to be the bad guy requesting the hearing. I believe these changes will cause more variance requests to be approved without folks knowing exactly what is going on, or being comfortable enough to request a hearing about the project of a neighbor.

Thank You

Please complete

From: [Info CCG](#)
To: [Carroll Rezoning](#)
Subject: Comprehensive Rezoning - Comment Card Submission
Date: Tuesday, June 29, 2021 10:14:38 PM

The following comment was submitted:

Name

Douglas Ilioff

Email

ilioffd@aol.com

Submit Comments

Regarding 155.095 Cluster Subdivisions:

The proposed amendment to base the number of allowable lots to be based on GROSS area of the parcel, instead of the current code limitations can produce unintended consequences. While in a typical parcel, the change does not have a significant impact, if however the parcel is "geographically challenged" with little buildable area, the proposed amendment could allow a significant number of lots on a small portion of the parcel. Geographically challenged could mean steep unbuildable terrain or wetlands for example. If there's any piece of the parcel that is buildable, the same number of lots can be established in a tiny area as if the parcel was nice level land. This proposed change on such a parcel could allow significantly more lots than currently allowed.

Do not change the code to be based on gross parcel area.

Please complete

From: [Chris a. Johnson](#)
To: [CCPlanning](#)
Subject: Public comment
Date: Tuesday, June 29, 2021 4:22:24 PM

This message originated outside of Carroll County Government. Use caution when opening attachments, clicking links or responding to requests for information.

Stop over building south Carroll. For over 20 years we have been saying the same thing. Why is the county in the pockets of the builders?

Get [Outlook for Android](#)

From: [Info CCG](#)
To: [Carroll Rezoning](#)
Subject: Comprehensive Rezoning - Comment Card Submission
Date: Tuesday, June 29, 2021 10:44:41 AM

The following comment was submitted:

Name

David Eminizer

Email

dgeminizer@aol.com

Submit Comments

NO NO NO!!!! I don't want any of it! NO NEW RESIDENTIAL!.....This county
can't handle it... The roads are totally jammed now....

Please complete

From: [Info CCG](#)
To: [Carroll Rezoning](#)
Subject: Comprehensive Rezoning - Comment Card Submission
Date: Tuesday, June 29, 2021 12:11:43 PM

The following comment was submitted:

Name

Frank Sobchak

Email

MYTFAST@gmail.com

Submit Comments

Carroll County's Residential Zoning needs a "Light Intrusion" ordinance in addition to the existing Sound ordinance to protect citizens against other residents who shine their spotlights beyond their property and onto neighboring properties including their dwellings. The Carroll County Sheriff's Office, the MD. State Police and Carroll County Municipal Courts say they are unable to resolve complaints by citizens about harassing neighbors who shine their spot lights onto other residents property & homes throughout the night because Carroll County has no specific "Light Intrusion" Residential Zoning Ordinance to enforce.

Therefore we need the help of the Carroll County Commissioners & C.C. Zoning Commission who can now remedy this problem during this a new Carroll County Residential Zoning initiative by implementing an enforceable "Light Intrusion" Residential Zoning Ordinance.

I would appreciate a receipt acknowledgement to MYTFAST@gmail.com

Please complete

From: [Info CCG](#)
To: [Carroll Rezoning](#)
Subject: Comprehensive Rezoning - Comment Card Submission
Date: Wednesday, June 30, 2021 12:27:28 AM

The following comment was submitted:

Name

Ian M. Dew

Email

wednai@yahoo.com

Submit Comments

I have an observation about the proposed edits to the definition of "Front Yard" in Chapter 158.

If the front door of my house does not "face" the "front lot line", then the proposed definition implies that my lot does not have a front yard, since "the principal structure" does not "face" the front lot line. This is fine because it brings the zoning definition of "front yard" into more (though not total) agreement with what most people think of as a "front" yard (or what is not a front yard). I just want to make sure that this is consistent with the intent of the proposed change.

Please complete

From: [Info CCG](#)
To: [Carroll Rezoning](#)
Subject: Comprehensive Rezoning - Comment Card Submission
Date: Wednesday, June 30, 2021 4:41:49 PM

The following comment was submitted:

Name

Gary Windham

Email

gbwindham@yahoo.com

Submit Comments

I do not understand the push to build developments in a cluster configuration. There are two cluster developments near my home – Wilson Farms and Oak Creek. There are no amenities in these two neighborhoods other than flat, unimproved, vacant grass fields. These fields require weekly mowing and cost thousands of dollars every year to maintain. I walk or drive past these fields daily and I have never seen them used for any purpose whatsoever.

It is widely known that a cluster home development is cheaper to build due to shorter streets, sidewalks, sewers and other infrastructure. For this same reason, county maintenance costs are lower.

Imagine, if you will, a buyer walking into the model home of a conventional neighborhood and telling the salesperson, “I love these homes, but they are too far apart. I want my house to be much closer to my neighbors, and you know what else? I think these lots are just too big. I don’t want my children to have so much room to play. Also, what I need is an expensive homeowner’s association fee so I can pay to maintain land that I don’t own or use.”

Unless I’m mistaken, the cluster design under the current rules benefits only the developer and the county – not the buyer. I submit that a builder should be required to earn the privilege to cluster by providing infrastructure improvements unavailable in a conventional layout. Suggestions include paved walking paths and sports areas such as basketball, pickleball, tennis courts and play gyms. Further, I would expect new walking paths to be connected to nearby, existing paths so residents could walk to shopping, school, etc.

Respectfully submitted,

Gary B. Windham
5880 Springmount Court
Eldersburg, MD 21784

Please complete

August 16, 2021

Re: SUPPORT OF Residential Zoning re-write

Dear Chairwoman Cheatwood and the other members of the planning and zoning commission:

The Maryland Building Industry Association (MBIA), representing 100,000 employees of the building industry across the State of Maryland, writes in support of the residential zoning re-write which updates the zoning requirements of the county to conform to the long term growth needs of Carroll County.

We were disheartened by the recent provisional vote on the residential text amendment. The commission seems to have adopted a continuation of the inefficient conventional plan submission while still retaining a minimum lot size. This system would make it difficult or impossible to meet the lot density requirements required by the conventional plan. Staff stated in the hearing that the intent of the lot size minimum was a way to ensure guardrails on a cluster development that did not have a conventional plan approval process.

Additionally, the analysis of the conventional plan takes up staff hours and by extension creates a significant expense for the county. The process for building a cluster development is slowed creating additional expenses for developers and their clients. The staff recommendations eliminated this problem through the elimination of a conventional plan while limiting density through lot size restrictions. To maintain these restrictions and the conventional plan requirement will potentially create a situation in which developers cannot achieve the required density because they no longer have design flexibility. Addressing this problem will create additional expenses for the county.

The current process for reviewing a conventional plan is an un-needed expense for the County and petitioner, if the petitioner's desired plan is a cluster development. The current regulation requires that the petitioner, County, and stakeholder groups review and approve a plan that will not be built. Adopting the changes proposed by the planning department allow all parties to contribute their time and energy to a more efficient process while also adhering to a lot size minimum design requirement. The adoption proposed during the vote would keep the worst of both worlds, reducing planning flexibility, retaining the time and expense of processing a conventional plan while creating additional hazards and expenses in the design process.

For these reasons, MBIA respectfully requests that you vote to adopt the planning department plan as written. If you have any questions about these comments and would like to discuss MBIA's position further, please do not hesitate to contact me at iambruso@marylandbuilders.org.

Best regards,

Isaac Ambruso, Director of Legislative and Regulatory Affairs