

# Board of County Commissioners

## Residential Text Decision Table


CARROLL COUNTY  
COMPREHENSIVE REZONING

A Balanced Perspective  
For Tomorrow

*Quality of Life Economic Development Preservation*



Issue	Sections Impacted	Summary	Comments Received by PC	Possible Options	Planning Commission Vote	BCC Work Session Direction	BCC Final Decision
<p><b>1. Private Kennels – In conjunction with a residence, the keeping as personal pets of more than three dogs which have permanent canine teeth</b></p>	<p>158.002 (page 3) 158.036 (page 6)</p>	<p>The current code regulates the keeping of over three dogs as a zoning matter. Enforcement presents problems as there are not specific standards on which to make a decision regarding the appropriateness of the use. The staff proposal removes this from the jurisdiction of the Zoning Administer, making it solely an Animal Control (Chapter 90) matter.</p> <p>Zoning regulations in other jurisdictions surveyed do not typically address dog ownership. A review of Maryland counties indicates that only commercial kennels are regulated by the Zoning Code, with the exception of Baltimore County, which sets a maximum of ten dogs in the residential zones.</p>	<p>No comments received</p>	<p>A. Remove dog enforcement from Chapter 158, as proposed</p> <p>B. Make no change to current code, keeping the regulation of more than three dogs as personal pets with the Zoning Administrator</p> <p>C. Increase the number of dogs allowed (from three) before it is considered a Private Kennel</p> <p>D. Vary the number of dogs allowed by acreage</p>	<p>A. Remove dog enforcement from Chapter 158, as proposed</p>	<p>Discuss with representatives from Animal Control</p>	<p>Remove dog enforcement from Chapter 158.</p> <p>BCC to discuss this issue with Animal Control.</p> <p><b>5-0</b></p>

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<p><b>2. Storage Containers as a permanent accessory use</b></p>	<p>158.002 (page 4) 158.160 (page 39)</p>	<p>The current code does not specifically address self-contained portable storage containers as permanent structures. The proposal is that <i>a self-contained portable storage container that is used as a shed is considered a permanent structure and must be located wholly within the rear yard.</i></p> <p>This use is not defined, but Baltimore County defines it as <i>a portable container for the temporary storage of furniture, clothing or other personal or household belongings as part of the process of household renovation or moving or the relocation of household belongings to an offsite commercial storage location.</i></p> 	<p>No comments received. Concern from members of the PC regarding the visual impact on the neighborhood</p>	<p>A. Keep language as proposed by staff</p> <p>B. Make no change to the current code, leaving the issue unaddressed</p> <p>C. Add language specifically prohibiting storage containers as permanent uses</p> <p>D. Set a size limit on the storage containers in the R Districts</p> <p>E. If allowing this as a permanent use, do not allow a variance from the requirement that it be located within the rear yard.</p>	<p>Define Storage Container per Baltimore County definition, and</p> <p>C. Add language specifically prohibiting storage containers as permanent uses</p> <p>Limit the time a storage container may be used as a temporary use to 6 months, (as in existing code)</p>	<p>Accept PC recommendation for prohibiting storage containers as a permanent use.</p> <p>Set a size limit on storage containers in the smaller lot zoning districts.</p> <p>The following language has been proposed: <i>In the R-10,000 and R-7,500 Districts, self-contained storage units shall be limited to a length of 20 feet.</i></p>	<p>prohibit storage containers as a permanent use.</p> <p>Set a size limit on storage containers in the smaller lot zoning districts.</p> <p>The following language was approved: <i>In the R-10,000 and R-7,500 Districts, self-contained storage units shall be limited to a length of 20 feet.</i></p> <p><b>5-0</b></p>

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<b>3. Private Schools</b>	158.075.1 (page 26) 158.075.3 (A) & (C) (5) (page 32)	<p>The current code permits schools by right in all the residential districts and does not differentiate between public and private schools. The staff proposal is to allow Private Schools in the R Districts by conditional use. They would be regulated differently than public schools but similarly to other institutional uses, such as day care centers.</p> <p>The lot size requirements, both current and proposed, are:</p> <ul style="list-style-type: none"> <li>• Elementary/Middle – 5 acres</li> <li>• High Schools – 10 acres</li> <li>• Colleges – 15 acres</li> </ul> <p>There are four existing private schools on residentially zoned land in the County. One school, Gerstell Academy, is on 91 acres in the R-40,000 District. The other three are on less than five acres in the R-10,000, 20,000 and R-40,000 Districts.</p>	Letters from Jack Lyburn, Director of the County Department of Economic Development (2/23/21) and David Bowersox, representing Gerstell Academy (2/24/21) in opposition to requiring a conditional use	<p>A. Keep language as proposed by staff, requiring conditional use approval for private schools in all residential districts</p> <p>B. Make no change to the current code, permitting all schools by right in all residential districts</p> <p>C. “Grandfather” existing private schools so they would not become nonconforming</p> <p>D. Differentiate Private Schools based on the size of the site, allowing certain schools on larger lots to be permitted by right.</p> <p>E. Continue to allow Private Schools by right in the R-40,000 District only</p>	<p>B. Make no change to the current code, permitting all schools by right in all residential districts</p> <p>Specifically disallow variances from the minimum lot size requirements</p>	No further discussion	<p>Make no change to the current code, permitting all schools by right in all residential districts.</p> <p>Specifically disallow variances from the minimum lot size requirements.</p> <p><b>5-0</b></p>

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<p><b>4. Age-Restricted Housing (Retirement Village)</b></p> <p><b>a) Density</b></p> <p><b>b) Uses</b></p>	<p>158.002 (pg. 3)</p> <p>158.075.1 (pg.26)</p> <p>158.075.3 (pgs. 31 and 32)</p>	<p>The current code allows age-restricted housing (detached and attached units) up to 6 dwellings/acre as a conditional use in all four residential districts.</p> <p>The proposed text reduces the density to 3.5 dwellings/acre as a permitted use in the R-20,000, R-10,000 and R-7,500 Districts. The use is no longer permitted in the R-40,000 District.</p> <p>The adopted County and Freedom Area Plans specifically permit this use up to 3.5 dwellings/acre in the Residential-Medium Future Land Use definition (R-20,000 District). The proposal is consistent with the Plans.</p> <p>Comments have been received requesting both that the density be decreased, and that the PC be given the discretion to increase density above 3.5 DUs/acre.</p> <p>Comments have been received requesting that attached housing not be allowed in the R-20,000 District.</p>	<p>FDCA letters</p> <p>John Maguire letter dated 1/13/21</p> <p>Carroll County Realtors letter dated 4/19/21</p>	<p>A. Keep language as proposed (3.5/acre)</p> <p>B. Reduce density to underlying districts</p> <p>C. Allow flexibility for increased density at the discretion of the PC</p> <p>A. Keep language as proposed</p> <p>B. Allow only detached units in R-20</p>	<p>A. Keep language as proposed (3.5/acre)</p> <p>C. Allow flexibility for increased density at the discretion of the PC, if specific findings are made</p> <p>A. Keep language as proposed</p>	<p>Eliminate the flexibility for increased density at the discretion of the PC, if specific findings are made.</p> <p>Also, include language that specifies that the density may not be increased after the initial PC Concept Plan approval.</p> <p>No further direction</p>	<p>Eliminate the flexibility for increased density at the discretion of the PC.</p> <p>Include language that specifies that the density may not be increased after the initial PC Concept Plan approval.</p> <p>Keep language as proposed.</p>

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<p><b>c) Process</b></p>		<p>Comments have been received requesting that this use continue to require conditional use approval, as well as comments requesting that it be permitted by right.</p> <p>There have also been comments that question the appropriateness of this use on small sites, particularly as a permitted use.</p>		<p>A. Keep language as proposed (permitted by right)</p> <p>B. Require conditional use approval for all Retirement Villages</p> <p>C. Establish a size threshold (10 or 20 acres) under which conditional use approval is required. For larger parcels it would be permitted by right</p>	<p>B. Require conditional use approval for all Retirement Villages</p>	<p>No further direction</p>	<p>Require conditional use approval for all Retirement Villages.</p> <p><b>5-0</b></p>

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<p><b>5. Cluster Subdivision Provisions</b></p>	<p>155.095 (page 2)</p>	<p>Clustering is a residential development technique widely used in almost all jurisdictions, including Carroll County, that groups homes on smaller lots, while not increasing overall density, for resource protection and infrastructure efficiency.</p> <p>Cluster subdivisions are allowed as an option in the R-40,000, R-20,000, and R-10,000 residential districts. Only single-family detached homes are permitted, and there is currently no minimum lot size in the code.</p> <p>Chapter 155 requires common open space of not less than 15% of the site, at least 50% of which must not be unusable, and at least 10% of which must be suitable for active recreational uses.</p> <p>The current code requires submittal of a site plan based on a conventional design on which to calculate the density for the cluster subdivision. This requirement increases both the cost and review time required.</p> <p>This proposal:</p> <ul style="list-style-type: none"> <li>Eliminates the requirement for submittal of a conventional plan and establishes minimum lot sizes by zoning district.</li> </ul>	<p>FDCA Letters</p> <p>Carroll County Realtors letter dated 4/19/21</p> <p>Email from Gary Windham 6/30/21</p> <p>Email from Doug Ilioff 6/29/21</p>	<p>A. Keep language as proposed by staff, removing conventional plan requirement</p> <p>B. Keep the requirement for submittal of a conventional plan</p> <p>C. Delete the proposed minimum lot sizes, leaving lot size at the discretion of the PC as in current code</p> <p>D. Keep the minimum lot sizes as proposed by staff</p>	<p>A. Keep language as proposed by staff, removing conventional plan requirement</p> <p>D. Keep the minimum lot sizes as proposed by staff</p>	<p>No further direction</p>	<p>Remove conventional plan requirement. <b>4-1</b></p> <p>Keep the minimum lot sizes as proposed by staff. <b>5-0</b></p>

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<p><b>6. Change in Zoning Administrator Variance Process</b></p>	<p>158.002 (pg. 1) 158.130 (pgs. 34 - 36)</p>	<p>The Zoning Administrator (ZA) currently hears variances from bulk and other dimensional requirements, with certain percentage limitations. If the request exceeds the limitation, the BZA must hear the case. Many variance requests are minor in nature.</p> <p>The procedures for the ZA when hearing a variance include posting of the property, notification of adjoining property owners, and a required public hearing.</p> <p>This proposal: Renames the action of the ZA “administrative adjustment”, differentiating it from variances heard by the BZA;</p> <ul style="list-style-type: none"> <li>• removes the percentage limitations and allows the ZA to grant up to 100% of a variation from a requirement;</li> <li>• Changes the process for the ZA that requires a public hearing to posting of the property and notification of adjoining property owners. If a hearing is requested after these notifications by any member of the public, a public hearing will be held.</li> </ul>	<p>Carroll County Realtors letter dated 4/19/21</p> <p>Email from Michael Davis 6/24/21</p>	<p>A. Keep language as proposed by staff.</p> <p>B. Keep the percentage limitations and/or current notification and hearing process</p>	<p>A. Keep language as proposed by staff</p>	<p>No further direction</p>	<p>Keep language as proposed by staff and PC.</p> <p><b>5-0</b></p>



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<b>7. Names of four residential zoning districts</b>	Numerous sections throughout Chapter 158 and the rest of the Carroll County Code	<p>The names of the R-20,000, R-10,000 and R-7,500 zoning districts have been in place since the establishment of zoning in the mid-1960's. The R-40,000 District was created in the 1970s. These names generally equate to the square footage of typical lot size of single-family development in the zoning district.</p> <p>There has been confusion regarding the purpose of these four zoning districts, since they have always allowed (either by right or conditional use authorization) certain other institutional, recreational, and limited commercial uses. They also allow various land development techniques, such as clustering, PUDs, and age-restricted housing that allow varying lot sizes.</p> <p>The names of the definitions are referenced throughout the Code, as well as on all the official County Zoning Maps.</p>	N/A	N/A	N/A	<p>BCC directed staff to investigate new residential zoning district names that would clarify for citizens what may be seen in the districts, although they would continue to be primarily residential.</p> <p>The following was proposed:</p> <p>R-40,000 Residential-Low R-L</p> <p>R-20,000 Residential Medium R-M</p> <p>R-10,000 Residential Low R-M</p> <p>R-7,500 Residential Multifamily R-MF</p>	<p>Keep zoning district names as in current code.</p> <p>Prepare a Citizens' Guide to Zoning Districts to post on the County website.</p> <p><b>5-0</b></p>
<b>8. Private Stables/Animal Units</b>	158.002 (p.4) 158.075.2 (p. 29)	Private Stables have been allowed as an accessory use in the residential districts without any codified regulations regarding lot size or number of animals. The allowance of the accessory use is a	N/A	N/A	N/A	The BCC expressed concern regarding the number of animal units permitted per acre in the proposal.	Private stable allowed only in R-40 and R-20 Districts.

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		<p>determination made by the County's Zoning Administrator.</p> <p>The staff/PC proposal defines the use and creates a sliding scale of regulations based on the number of animal units (also newly defined) per acreage.</p>				<p>DLRM staff proposes the following:</p> <p>Private stable allowed only in R-40 and R-20, which is same as current code</p> <p>Minimum lot size of 3 ACs for 1 animal unit</p> <p>Minimum fenced area of 2 AC</p> <p>One additional AC required for each additional animal unit up to 5 animal units; beyond 5 animal units is considered an agricultural use and must meet the requirements for private stables in the Ag zone</p> <p>Structures intended to shelter, feed, or care for livestock must be setback 100 feet from any adjoining, existing residences, but must meet the minimum side and rear yard setbacks for the zone</p>	<p>Minimum lot size of 3 ACs for 1 animal unit.</p> <p>Minimum fenced area of 2 AC.</p> <p>One additional AC required for each additional animal unit up to 5 animal units; beyond 5 animal units is considered an agricultural use and must meet the requirements for private stables in the Ag zone.</p> <p>Structures intended to shelter, feed, or care for livestock must be setback 100 feet from any adjoining, existing residences, but must meet the minimum side and rear yard setbacks for the zone.</p> <p>No variance allowed to minimum acreages or setbacks</p>

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						No variance allowed to minimum acreages or setbacks associated with this provision	associated with this provision.  <b>5-0</b>
<b>9. Purpose of the R-20,000 District</b>	158.073 (p. 13)	The purposes of all four districts were amended in the proposal to reflect the Future Land Use definitions in the County's adopted plans. Accordingly, the R-20,000 District, which parallels the Residential-Medium Future Land Use definition, references the need for the location of R-20,000 land to be in a County Designated Growth Area (DGA).	N/A	N/A	N/A	In response to comments made by the FDCA, the BCC agreed to eliminate the reference to the need for R-20,000 land to be located within a DGA.	Eliminate the reference to the need for R-20,000 land to be located within a DGA.
<b>10. Indoor Recreational Facility</b>	158.075.3 (pp. 29 and 30)	Indoor Recreational Facility, as defined in 158.002, includes several recreational uses that had previously (pre-2019) been individually regulated in each zoning district. These uses require conditional use approval in the residential districts.	N/A	N/A	N/A	<p>This type of use may have adverse impacts on neighboring residential properties, and consideration should be given to a limit on size and increased setbacks.</p> <p>Staff has not proposed a limitation on the size of facilities, since there are numerous varied uses allowed. There are currently no minimum lot area requirements or enhanced yard requirements for this use.</p> <p>Staff is proposing a minimum lot size and increased yards</p>	<p>Impose a minimum lot size and increased yards commensurate with elementary schools for this use.</p> <p><b>5-0</b></p>

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						commensurate with elementary schools.	
<b>11. Keeping of more than four boarders</b>	158.075.2 (p. 29)	The keeping of more than four boarders is currently listed as an allowable accessory use in the R-40,000, R-20,000 and R-10,000 zoning districts.	N/A	N/A	N/A	It was agreed by the BCC that this listed accessory use is outdated and difficult to enforce. It should be eliminated.	Eliminate this accessory use from Chapter 158.