

Proposed Text Amendment for the Residential Districts and Zoning Administration

Underlining = New Language

~~Strikeout~~ = Deleted Language

*** = Existing Text

CHAPTER 158: ZONING REGULATIONS

GENERAL PROVISIONS

158.002 DEFINITIONS

ADMINISTRATIVE ADJUSTMENT. A relaxation by the Zoning Administrator of the bulk requirements and other similar requirements of this chapter, except where specifically prohibited in accordance with §158.130, where such adjustment will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of the actions of the applicant, a literal enforcement of the chapter would result in practical difficulty or unreasonable hardship.

ANIMAL UNIT. A unit of measurement for equivalent number of livestock, that are not fowl. One Animal Unit equals the following:

- (1) One horse, cow, mule, or similar sized livestock.
- (2) Two ponies, donkeys, pigs, or similar sized livestock.
- (3) Four llamas, alpacas, ostriches, or similar sized livestock.
- (4) Ten sheep, goats, emus, or similar sized livestock.

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

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

COTTAGE INDUSTRY. Manufacturing or assembly conducted by a member or members of the family residing on the property with no more than two nonresident employees. ~~The use is not a cottage industry if it generates traffic, parking, sewerage, or water use to a greater extent than would normally result from residential occupancy; includes inventory or merchandise kept for sale on the premises; changes the external~~

appearance of the dwelling, and is visible from the street; includes any outside storage or display, other than a sign not exceeding one foot by two feet; and creates a hazard to any person or property; results in electrical interference; or becomes a nuisance. A **COTTAGE INDUSTRY** is not a **HOME OCCUPATION**.

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

~~**DWELLING, MULTI-FAMILY.** A detached building or a group of attached buildings, designed for or used exclusively for residential purposes by more than two families or more than two housekeeping units. More than two separate housing units for residential inhabitants contained within one building or several buildings within one complex. **MULTI-FAMILY DWELLING** does not include **TOWNHOUSE**.~~

~~**FOWL.** Any domesticated land or waterfowl raised for meat and/or eggs, including but not limited to chickens, turkeys, ducks, and geese.~~

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

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

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

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

LIVESTOCK. Animals typically kept for farming purposes, including but not limited to, cows, goats, sheep, alpacas, other ruminants, horses or other equine, poultry and fowl, or pigs.

MOBILE HOME/OFFICE. A structure, transportable in one or more sections, and which is built on a permanent chassis with or without a permanent foundation and which is designed to be used or is used as a dwelling, or is used for the conduct of any business or for storage. A **RECREATIONAL VEHICLE** is not considered a **MOBILE HOME.**

PETS, DOMESTIC HOUSEHOLD. Any companion animals that have been bred and raised to live in or about the habitation of humans and may be permitted in the house, including but not limited to dogs, cats, pot-bellied pigs, rabbits, ferrets, domestic rodents, birds, fish, non-venomous reptiles, and amphibians. The keeping of animals as personal pets is not regulated by this Chapter.

~~**RESIDENTIAL USES.** Any single-family, two-family, semi-detached, townhouse, multi-family, boarding houses, assisted living, retirement communityies, retirement home, retirement village, continuum care, and nursing homes.~~

~~**RETIREMENT HOME.** A development consisting of one or more buildings designed to meet the needs of, and exclusively for, the residences of senior citizens or couples where either occupant is a senior citizen, or age-restricted adult housing as referenced in Chapter 155.~~

RETIREMENT VILLAGE. A development consisting of single-family, two-family, and/or townhouses designed to meet the needs of, and exclusively for, the residences of senior citizens or couples where either occupant is a senior citizen.

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

SELF-CONTAINED PORTABLE STORAGE UNIT. 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. A **Self-Contained Portable Storage Unit** may not be used as a permanent accessory structure.

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

STABLE, COMMERCIAL. Any building or land used for the shelter or care of horses or other livestock AND that are kept for the purpose of hiring, boarding (daily or overnight), breeding, buying, selling, training for a fee equines, teaching equestrian skills, or day camps related to those activities. A boarding stable or riding academy.

STABLE, PRIVATE. Any building, structure, or land used for the shelter, feeding, or care of horses or other livestock for the exclusive use of the property owner or property leasee. An accessory structure designed for the shelter, feeding, and care of no more than five horses, ponies, cattle, sheep, goats, or other ruminants, maintained on the property as pets or for domestic use, as distinguished from agricultural or commercial stables.

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

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

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

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

VARIANCE. A variance is a A relaxation by the Board of Zoning Appeals of the terms of this chapter, except

where specifically prohibited, in accordance with §§ 158.130 (A) and (C) and 158.133 (B), where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of the actions of the applicant, a literal enforcement of the chapter would result in practical difficulty or unreasonable hardship.

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

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

(2) **FRONT YARD, CORNER.** On corner lots, a yard fronting on a street but where the principal structure fronts on another street. The corner front yard is the area lying between the front yard and the rear yard.

~~(2)~~ (3) **REAR YARD.** A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the principal building. On corner lots, the width of the rear yard extends to the property line abutting the street.

~~(3)~~ (4) **SIDE YARD.** A yard between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard.

GENERAL REGULATIONS

158.033 NONCONFORMING USES

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

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

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

(2) Extension or expansion limits:

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

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

(c) This section shall not apply to residential structures or uses in the Conservation District which were constructed when the property was in the Agricultural District, in which cases the bulk requirements in place for the Agricultural District at the time of construction shall apply.

(E) No building, structure, or premises where a nonconforming use has ceased for 24 months or more, unless otherwise extended as herein provided, shall thereafter be used except in conformance with this chapter. Prior to the expiration of such ~~1224~~-month period after the nonconforming use ceases, the owner of the property may make application to the Zoning Administrator for an extension of time for such use. The Zoning Administrator may extend such period for a reasonable time, up to 12 months, upon a finding that the property is either under active restoration, being offered for sale, involved with obtaining governmental approvals or other good cause as demonstrated by the owner. If the Zoning Administrator grants an extension, such extension shall be for at least 30 days, which shall run from the date of the written decision of the Zoning Administrator. If the Zoning Administrator denies such extension for any reason other than the failure to make a timely request, the owner shall be deemed to have an extension for 30 days from the date of such written denial.

~~158.036. PRIVATE KENNELS.~~

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

158.040 DISTANCE REQUIREMENTS.

(A) Any uses or buildings subject to compliance with this section, as referenced in §158.051, §158.059, §158.070, §158.071, §158.075.1, §158.076, §158.097, or §158.082(A), shall be located at least 200 feet from:

- (1) Any lot in a Residence District.
- (2) Any residential lot of less than three acres in the A or C District ~~which is:~~

- ~~—(a) Occupied by a dwelling not located on the same lot as the said use or buildings, or~~
- ~~—(b) For which a residential lot has been recorded, or~~
- ~~—(c) For which a construction permit for a dwelling has been issued.~~
- ~~—(3) Any lot occupied by a school, religious establishment, or institution for human care; and~~
- ~~—(4) On adjoining lots of three acres or more, minimum separation distance of 300 feet from dwellings shall be required.~~

158.045 PRINCIPAL DWELLINGS.

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

~~158.047 TEMPORARY ZONING CERTIFICATES.~~

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

158.048 TEMPORARY/ AND SEASONAL USE REQUIREMENTS.

~~(A) Temporary and other uses, subject to approval by the Zoning Administrator, shall be as follows:~~

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

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

~~(3) Stands for snowballs and similar confections:~~

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

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

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

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

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

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

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

~~—(4) Sidewalk sales;~~

~~—(5) Produce stands of a seasonal nature;~~

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

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

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

~~—(c) The zoning certificate shall be issued for a limited period of time as determined by the Zoning Administrator;~~

~~—(7) Farmer's market or flea market.~~

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

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

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

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

~~—(9) Farm alcohol producer events or activities, subject to the provisions of § 158.070(E)(1)(aa)(13) and (14).~~

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

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

(A) Uses that last for a limited time and are not permanent require the submission of a plot plan and prior approval by the Zoning Administrator.

(B) Approval of a temporary zoning certificate for a temporary or seasonal use will be determined on a case-by-case basis depending on individual site conditions and the applicant's demonstration that potential impacts to neighboring properties will be adequately addressed and minimized, including, but not limited to:

(1) access and traffic impacts and controls,

(2) off street parking,

(3) availability of water and sanitation facilities,

(4) emergency vehicle access,

(5) food stands,

(6) trash and recycling disposal,

(7) anticipated noise levels, and

(8) temporary structures requiring a building permit.

(C) The temporary zoning certificate application submittal shall include a plot plan showing the location and dimensions of all existing improvements on the property, as well as all proposed temporary or seasonal structures, parking areas, points of access, traffic control patterns, sanitation facilities, food stands, and trash and recycling facilities.

(D) The temporary zoning certificate shall be issued for a limited period of time as determined by the Zoning Administrator, as specified for each individual temporary or seasonal use.

(E) Setback requirements are the same as in the underlying zoning district.

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

(G) If the event is held annually, a temporary zoning certificate for the use shall be obtained and approved each year by the Zoning Administrator prior to the beginning of any portion of the temporary or seasonal use. The application for a temporary zoning certificate must contain the required information in each application.

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

(I) Notwithstanding the provisions §§ 158.110 through 158.114, the Zoning Administrator may approve signs for temporary uses.

(J) Notwithstanding the provisions of §158.033, all temporary and seasonal uses shall meet the requirements

of this section.

(K) Any such use established under this section on property that is zoned for such use shall not establish any basis for a permanent change to the zoning classification.

158.054 COMMUNICATIONS TOWERS.

No communications tower permitted under § 158.039 or structure that is permitted under § 158.130(E) shall be erected, altered, or maintained at a height in excess of the applicable limitations established in Federal Aviation Regulation (FAR) 77, Objects Affecting Navigable Airspace for the Carroll County Regional Airport. These area and height limitations are delineated on a map generated for the Airport Manager entitled “Federal Airport Regulation (FAR) Part 77 Surfaces Approach Area (Proposed),” dated November, 1999, as may be amended and consisting of one sheet and shall be kept on file with the Airport Manager or his or her successor. Variances to setback and distance shall be requested to the Board of Zoning Appeals in accordance with § 158.133.

DISTRICTS

158.070 A AGRICULTURAL DISTRICT.

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

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

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

(6) Saddlery and tack shop on the premises of ~~any riding academy, boarding stable or horse farms a~~ commercial stable;

158.071 C CONSERVATION DISTRICT.

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

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

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

158.072 R-40,000 RESIDENCE DISTRICT.

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

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

(C) Principal ~~permitted~~ uses. The regulation of pPrincipal permitted uses shall be as follows is set forth in §158.075.1.

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

~~—(2) Religious establishments, schools, and colleges;~~

~~—(3) Single-family dwellings;~~

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

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

~~(2004 Code, § 223-62)~~

~~—(D) Conditional uses requiring BZA authorization. Conditional uses requiring BZA authorization are as follows:~~

~~—(1) Nursery schools or day care centers;~~

~~—(2) Golf courses, country clubs, and similar recreational uses privately owned and/or operated;~~

~~—(3) Nursing homes, retirement homes, continuing care retirement communities and assisted living facilities, hospitals (Class A), medical and dental clinics, subject to prior concept site development plan and traffic study review and determination of density, exterior design, and site layout by the Planning Commission;~~

~~—(4) Bed and breakfast (subject to § 158.071 (D)(6));~~

~~—(5) Country inn (subject to § 158.071 (D)(7)); and~~

~~—(6) Landscaping service (and the storage of vehicles in connection therewith) in conjunction with a nursery operation on the same premises, provided that:~~

~~—(a) The minimum tract size shall be 50 contiguous acres;~~

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

~~—(c) A site plan shall be required and subject to § 155.059, showing the limits of the area to be utilized and any distance requirements applicable; and~~

~~—(d) Any division of the property described in the required site plan is prohibited.~~

~~(2004 Code, § 223-63)~~

~~—(E) Accessory uses. Accessory uses shall be as follows:~~

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

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

~~—(3) Existing cemeteries, when accessory to a religious establishment;~~

~~—(4) Swimming pools, tennis, and other similar courts when accessory to a residence;~~

~~—(5) The keeping of not more than four roomers or boarders by a resident owner;~~

~~—(6) One private stable as regulated in § 158.071(E)(2);~~

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

~~—(8) Attached accessory dwelling units which are subject to the following;~~

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

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

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

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

~~—(e) The attached accessory dwelling unit shall have no more than two bedrooms;~~

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

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

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

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

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

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

- ~~—(c) The detached accessory dwelling unit must meet all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE Codes;~~
- ~~—(d) Two off street parking spaces must be provided for the detached accessory dwelling unit; and~~
- ~~—(e) Detached accessory dwelling units shall not be subject to any size limits.~~
- ~~—(10) Antique shops and arts and craft shops where operated by the resident, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);~~
- ~~—(11) Beauty shops or barbershops, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);~~
- ~~—(12) Cottage industry, provided it is conducted solely within the dwelling, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);~~
- ~~—(13) Family day care, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);~~
- ~~—(14) Within a dwelling, the professional office of a physician, insurance agent, realtor, or other profession determined by the Zoning Administrator to be similar in use and characteristics, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G); and~~
- ~~—(15) Lawn care and maintenance service, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G).~~
- ~~—(16) The above or below ground storage of not greater than 2,000 gallons, in aggregate capacity of petroleum products which is not sold at retail or wholesale, and subject to Chapter 170 of the Carroll County Code and all applicable MDE and NFPA regulations.~~

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

~~(G) Bulk requirements.~~

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

(2) Use	Lot Area	Lot Width (feet)	Front Yard Depth (feet)	Side Yard Width (each side yard) (feet)	Rear Yard Depth (feet)
Dwellings	40,000 sq. ft.	150	40	20	50
Hospitals	5 acres	400	150	100	50
Religious establishments	2 acres	200	100	50	50
Schools:					
—Elementary; middle	5 acres	400	150	100	50
—High	10 acres	500	150	100	50
—Colleges	15 acres	500	150	100	50
Other permitted or conditional uses	40,000 sq. ft.	150	60	25	75

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

Use	Lot Area	Lot Width (feet)	Density	Front Yard Depth (feet)	Side Yard Width (each side yard) (feet)	Rear Yard Depth (feet)
Nursing homes, assisted living facilities	45,000 sq. ft.	150	1 bed/3,000 sq. ft.¹	50²	40²	50²
Retirement homes, multi-family units	45,000 sq. ft.	150	As determined by the Planning Commission but not exceeding _____¹ DU/3,000 sq. ft.	50²	40²	50²
Retirement homes, single-family and town homes	45,000 sq. ft.	150	As determined by the Planning Commission but not exceeding _____¹ DU/7,500 sq. ft.	50²	40²	50²
¹—For those areas in excess of 180,000 square feet, the determination of the density factor will be made by the Planning Commission and the Carroll County Health Department upon the review and approval of the site development plan.						
²—As lot area increases above minimum of 45,000 square feet, increased provision for front, side, and rear yards shall be determined by the Planning Commission and the Carroll County Health Department based on the site development plan.						

158.073 R-20,000 RESIDENCE DISTRICT.

(A) Purpose. The purpose of the R-20,000 District is primarily to provide a location for single-family residential development, the individual lots of which generally contain a minimum of 20,000 square feet ~~(or approximately two families per acre)~~. The area ~~may or may not~~ should be served with public water and ~~or~~ public sewerage facilities. The district would generally coincide with areas designated for medium-density residential development on the Master Plan.

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

(C) ~~Principal-permitted uses.~~ The regulation of P principal permitted uses shall be as follows: is set forth in §158.075.1.

- ~~—(1) Agriculture, as defined in § 158.002, provided that any building or feeding pens in which farm animals are kept shall comply with distance requirements specified in § 158.040;~~
- ~~—(2) Religious establishments, schools, and colleges;~~
- ~~—(3) Single family dwellings;~~
- ~~—(4) Buildings and properties of an educational, or community service type such as libraries, ponds, playgrounds, community centers, but not warehouses, service garages, and storage yards; and~~
- ~~—(5) Conversion of a building existing prior to August 17, 1965, to accommodate two families; provided that all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE Codes are complied with.~~
- ~~—(D) Conditional uses requiring BZA authorization. Conditional uses requiring BZA authorization shall be as follows:~~
 - ~~—(1) Nursing homes, retirement homes, continuing care retirement communities and assisted living facilities, hospitals (Class A), medical and dental clinics, subject to prior concept site development plan and traffic study review and determination of density, exterior design, and site layout by the Planning Commission;~~
 - ~~—(2) Funeral establishments;~~
 - ~~—(3) Golf courses, country clubs, private clubs and similar recreational uses privately owned and/or operated;~~
 - ~~—(4) Nursery schools or day care centers;~~
 - ~~—(5) Bed and breakfast (subject to § 158.071(D)(6));~~
 - ~~—(6) Country inn (subject to § 158.071(D)(7)); and~~
 - ~~—(7) Clubs, fraternal organizations, lodges, and similar organizations, provided that they are not conducted for profit and obtain and maintain appropriate designation as nonprofit entities exempt from federal income tax requirements pursuant to federal tax law regulating the conduct of such businesses; subject to site plan approval under § 155.059.~~
- ~~—(E) Accessory uses. Accessory uses shall be as follows:~~
 - ~~—(1) Accessory buildings and uses customarily incidental to any principal permitted use or authorized conditional use, including a mobile home used in connection with an interim agricultural use, subject to the provisions of § 158.150(B);~~
 - ~~—(2) Home occupations, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);~~
 - ~~—(3) Existing cemeteries, when accessory to a religious establishment;~~

- ~~—(4) Swimming pools, and tennis and other similar courts when accessory to a residence;~~
- ~~—(5) The keeping of not more than four roomers or boarders by a resident owner;~~
- ~~—(6) One private stable as regulated in § 158.071(E)(2);~~
- ~~—(7) Outdoor parking of commercial vehicles and outdoor storage of unlicensed vehicles as accessory use to residential use as defined and provided in §§ 158.056 and 158.057;~~
- ~~—(8) Family day care, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);~~
- ~~—(9) Attached accessory dwelling units which are subject to the following:
 - ~~—(a) An attached accessory dwelling must have direct access from the outside;~~
 - ~~—(b) Only one attached accessory dwelling is permitted on any principal dwelling unit;~~
 - ~~—(c) The property owner must occupy either the principal dwelling unit or the attached accessory dwelling unit on the property;~~
 - ~~—(d) The maximum size of an attached accessory dwelling shall be 800 square feet of the livable floor area or one-third of the total livable floor area of the principal dwelling unit, whichever is greater;~~
 - ~~—(e) The attached accessory dwelling unit shall have no more than two bedrooms;~~
 - ~~—(f) The attached accessory dwelling unit must meet all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE Codes;~~
 - ~~—(g) Two additional off street parking spaces must be provided for the attached accessory dwelling unit; and~~
 - ~~—(h) Only one accessory dwelling unit (attached or detached) shall be permitted on a lot.~~~~
- ~~—(10) Detached accessory dwelling units, provided that the lot or parcel is eligible to be subdivided to separate the detached accessory dwelling and which are subject to the following:
 - ~~—(a) Only one attached or detached accessory dwelling unit is permitted on any lot or parcel. Buildings converted in accordance with § 158.073(C)(5) shall be considered detached accessory dwelling units;~~
 - ~~—(b) The property owner must occupy either the principal dwelling unit or the detached accessory dwelling unit on the lot or parcel;~~
 - ~~—(c) The detached accessory dwelling unit must meet all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE Codes;~~
 - ~~—(d) Two off street parking spaces must be provided for the detached accessory dwelling unit; and~~~~

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

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

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

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

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

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

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

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

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

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

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

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

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

158.074 R-10,000 RESIDENCE DISTRICT.

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

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

(C) Principal ~~permitted~~ uses. The regulation of pPrincipal permitted uses shall be as follows: is set forth in §158.075.1.

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

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

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

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

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

~~—(2) Boarding or rooming houses or tourist homes;~~

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

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

~~—(5) Two family dwellings.~~

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

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

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

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

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

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

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

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

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

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

~~—(e) The attached accessory dwelling unit shall have no more than two bedrooms;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

158.075 R-7,500 RESIDENCE DISTRICT.

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

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

(C) Principal permitted uses. The regulation of pPrincipal permitted uses shall be as follows: is set forth in Se § 158.075.1.

- ~~— (1) Single family and two family dwelling;~~
- ~~— (2) Multi-family dwellings, but only in a planned unit development (“PUD”);~~
- ~~— (3) Boarding or lodging houses;~~
- ~~— (4) PUD, subject to § 155.093; and~~
- ~~— (5) Any use or structure permitted and as regulated as a principal permitted use in the R-10,000 District.~~

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

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

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

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

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

~~—(2) Outdoor parking of commercial vehicles and outdoor storage of unlicensed vehicles as accessory use to residential use as defined and provided in §§ 158.056 and 158.057;~~

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

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

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

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

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

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

~~—(e) The attached accessory dwelling unit shall have no more than two bedrooms;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~—(1) Dwellings, PUDs, and the like.~~

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

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

Use	Lot Area	Lot Width (feet)	Density	Front Yard Depth (feet)	Side Yard (width each side yard) (feet)	Rear Yard Depth (feet)
Nursing homes	45,000 sq. ft.	150	1 bed/3,000 sq. ft.¹	50²	40²	50²
Retirement homes, multi-family units	45,000 sq. ft.	150	As determined by the Planning Commission but not exceeding 1 DU/3,000 sq. ft.¹	50²	40²	50²
Retirement homes, single family and town homes	45,000 sq. ft.	150	As determined by the Planning Commission but not exceeding 1 DU/7,500 sq. ft.¹	50²	40²	50²
¹ For those areas in excess of 180,000 square feet, the determination of the density factor will be made by the Planning Commission and the Carroll County Health Department upon the review and approval of the site development plan.						
² As lot area increases above the minimum of 45,000 square feet, increased provision for front, side and rear yards shall be determined by the Planning Commission and the Carroll County Health Department based on the site development plan.						

158.075.1 RESIDENTIAL DISTRICTS: REGULATION OF PRINCIPAL USES.

(A) Table of Principal Land Uses. In the Table below, the following applies:

- (1) The letter "P" indicates that the use is permitted in the district indicated.
- (2) The letter "C" indicates that the use requires the conditional use authorization of the BZA in accordance with §158.133 of this Chapter.
- (3) The letter "X" indicates that the use is prohibited.
- (4) The letters "NA" indicate that the use is not applicable to the district.
- (5) Any use not listed is prohibited unless the BZA determines that the use is similar in impact, nature, function, and duration to an allowed use listed in the Table of Land Uses, and which would not be detrimental to the public health, safety, or general welfare of the community, unless otherwise specifically prohibited.
- (6) The particular and specific control the general.
- (7) In case of any difference of meaning or implication between the text and any caption, the text controls.

(8) In case of any difference of meaning or implication between the text and any language in the definition of the use or the Purpose and Intent of the zoning district, the text controls.

(9) Words used in the singular include the plural (and vice versa).

(10) Words or phrases not specifically defined in this Chapter shall be construed according to the common and generally recognized usage of the language. Technical words and phrases, and others that have acquired a specific meaning in the law, shall be construed according to that meaning.

(11) An administrative adjustment or variance may not be granted to permit a use in a district where the use is prohibited or to eliminate the requirement that a conditional use approval be granted for a use.

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

LAND USE CATEGORY SUBCATEGORY DESCRIPTION	R- 40,000	R- 20,000	R- 10,000	R- 7,500	ADDITIONAL REGULATIONS
AGRICULTURAL					
Agriculture	P	P	P	P	158.002,158.035, buildings or feeding pens in which farm animals are kept shall comply with 158.040
Agricultural research laboratories, feed or grain sales, flour or grain milling, shop for the service, repair sale of farm equipment	X	X	X	X	
COMMUNICATIONS					
Communications tower/complex	X	X	X	X	158.002,158.039, 158.054
COMMERCIAL					
Vehicle Sales/ Service (all uses)	X	X	X	X	158.002
Eating and Drinking Establishments (all uses)	X	X	X	X	
Funeral and Interment (all uses)	X	X	X	X	158.002
Lodging					
Bed and breakfast	C	C	C	C	158.002, 158.071
Country inn	X	X	X	X	158.002
Hotel/motel	X	X	X	X	158.002
Office/Health Care					
Facility for dispensing of medical cannabis	X	X	X	X	158.002

LAND USE CATEGORY SUBCATEGORY DESCRIPTION	R- 40,000	R- 20,000	R- 10,000	R- 7,500	ADDITIONAL REGULATIONS
Hospital	X	C	X	X	158.002
Medical or dental center	X	X	X	X	158.002
Professional or business office	X	X	X	X	
Veterinary facility	X	X	X	X	158.002
Recreational/Entertainment					
Adult entertainment business, massage establishment, striptease business	X	X	X	X	158.002
Amusement park	X	X	X	X	
Commercial stable	X	X	X	X	158.002
Conference center	X	X	X	X	158.002
Golf course	C	C	C	C	158.002
Indoor recreational facility	C	C	C	C	158.002
Indoor theater	X	X	X	X	
Outdoor drive-in theater	X	X	X	X	
Outdoor recreational area	C	C	C	C	158.002
Outdoor trap, skeet, rifle, or archery ranges, including gun clubs	X	X	X	X	
Retreat facility	X	X	X	X	158.002
Retail/Service (all uses)	X	X	X	X	
RESIDENTIAL					
Household Living					
Multi-family dwelling, not in a Planned Unit Development	X	X	X	X	158.002
Multi-family dwelling in a Planned Unit Development	NA	NA	P	P	158.002, 155.093
Retirement home/age-restricted multi-family housing constructed on or after January 1, 2021	X	X	C	C	158.002
Retirement home/age-restricted multi-family housing constructed prior to January 1, 2021	C	C	C	C	158.002
Retirement Village	X	C	C	C	158.002, 158.161
Single-family dwelling	P	P	P	P	158.002
Townhouse, not in a Planned Unit Development or Retirement Village	X	X	X	X	158.002
Townhouse in a Planned Unit Development	NA	NA	P	P	158.002, 155.093
Townhouse in a Retirement Village	NA	C	C	C	158.002, 158.161
Two-family dwelling, not in a Planned Unit Development or Retirement Village	X	X	C	C	158.002
Two-family dwelling in a Planned Unit Development	NA	NA	P	P	158.002, 155.093

LAND USE CATEGORY SUBCATEGORY DESCRIPTION	R- 40,000	R- 20,000	R- 10,000	R- 7,500	ADDITIONAL REGULATIONS
Two-family dwelling in a Retirement Village	NA	C	C	C	158.002, 158.161
Group Living					
Assisted living facility, 8 or fewer residents	P	P	P	P	158.002
Assisted living facility, more than 8 residents	C	C	C	C	158.002
Continuing care retirement community	C	C	C	C	158.002
Nursing home	C	C	C	C	158.002
INSTITUTIONAL/COMMUNITY SERVICE					
Art, trade, business, dance, music or similar school	X	X	X	X	
Community center or meeting hall	C	C	C	C	
Day care center/nursery school	C	C	C	C	158.002
Museum	C	C	C	C	
Private school	P	P	P	P	
Religious establishment	P	P	P	P	158.002
Social club or fraternal organization	C	C	C	C	
INDUSTRIAL					
Manufacturing/Production (all uses)	X	X	X	X	
Trades (all uses)	X	X	X	X	
Warehouse/Storage/Distribution (all uses)	X	X	X	X	
Waste-Related (all uses)	X	X	X	X	
Transportation/Utilities					
Airfield/Airport	X	X	X	X	158.002
Heliport	X	X	X	X	158.002
Solar energy conversion facility	X	X	X	X	158.002, 158.153
Utility equipment building, yard, above-ground station or substation, or telephone exchange	C	C	C	C	158.039
Utility equipment, all others	P	P	P	P	158.039
Miscellaneous					
Commercial kennel	X	X	X	X	158.002
Conveyor system	X	X	X	X	158.002
Extractive operation, with an MRO designation	X	X	X	X	158.002
Indoor growing of medical cannabis	X	X	X	X	158.002
Planned Unit Development (PUD)	X	X	P	P	155.093
Use-off-the premises signs	X	X	X	X	158.115
PUBLIC					
Public facility	P	P	P	P	158.049

158.075.2 RESIDENTIAL DISTRICTS: REGULATION OF ACCESSORY USES.

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

- (1) Antique shop, arts and craft shop, when operated by a resident and subject to 158.130(G).
- (2) Attached accessory dwelling units, which are subject to the following:
 - (a) an attached accessory dwelling must have direct access from the outside.
 - (b) only one attached accessory dwelling is permitted on any principal dwelling unit.
 - (c) the property owner must occupy either the principal dwelling unit or the attached accessory dwelling unit on the property.
 - (d) the maximum size of an attached accessory dwelling shall be 800 square feet of the livable floor area or one-third of the total livable floor area of the principal dwelling unit, whichever is greater.
 - (e) the attached accessory dwelling unit shall have no more than two bedrooms.
 - (f) the attached accessory dwelling unit must meet all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE Codes.
 - (g) two additional off street parking spaces must be provided for the attached accessory dwelling unit.
 - (h) only one accessory dwelling unit (attached or detached) shall be permitted on a lot.
- (3) Beauty/barber shop, when operated by a resident and subject to 158.130(G).
- (4) Cemetery, when accessory to a religious establishment.
- (5) Cottage industry, when operated by a resident, conducted solely within the dwelling, and subject to 158.130(G). In addition the use may not:
 - (a) include inventory or merchandise that is sold directly to the public on the premises.
 - (b) change the external appearance of the dwelling or be visible from the street.
 - (c) include any outside storage or display, other than a sign not exceeding three square feet.

(d) create a hazard to any person or property.

(e) result in electrical interference.

(f) become a nuisance .

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

(a) Only one attached or detached accessory dwelling unit is permitted on any lot or parcel.

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

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

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

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

(7) Family day care, subject to Zoning Administrator approval following submittal of a signed affidavit stating that the use meets all applicable Maryland State requirements.

(8) Fowl as an accessory use in the rear yard to any dwelling in any Residential District in accordance with the following:

(a) Parcels less than one acre are permitted up to six fowl and no roosters.

(b) One to two acres are permitted up to twelve fowl and no roosters.

(c) Parcels two to three acres are permitted up to eighteen fowl and no roosters.

(d) Any structure housing fowl must be at least 75 feet from any property line.

(9) Home occupation, subject to Zoning Administrator approval following submittal of a signed affidavit stating that the use:

(a) does not utilize more than 500 square feet.

(b) does not involve retail sales from the premises.

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

(d) involves no customers coming to the dwelling.

(10) Lawn care and maintenance service by a resident, subject to 158.130(G).

(11) Private stable in a rear yard in the R-40,000 and R-20,000 Districts only, on a lot or parcel of three acres or more for one animal unit, with a minimum fenced area of two acres. The minimum acreage is not applicable to the keeping of fowl.

(a) One additional acre, and an additional acre of fenced area, is required for each additional animal unit up to five animal units.

(b) For up to five animal units, structures intended to shelter, feed, or care for livestock must be set back 100 feet from any adjoining existing residences, but must meet the minimum side and rear yard setbacks for the district.

(c) Beyond five animal units is considered an agricultural use and must meet the requirements for the agricultural use.

(d) No administrative adjustment or variance is allowed to the minimum acreages or setbacks associated with this provision.

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

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

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

158.075.3 RESIDENTIAL DISTRICTS: BULK REQUIREMENTS.

(A) Residential District Lot Area Requirements

	<u>R-40,000</u>	<u>R-20,000</u>	<u>R-10,000</u>	<u>R-7,500</u>
<u>Single-family Dwellings</u>	<u>40,000 SF</u>	<u>20,000 SF</u>	<u>10,000 SF</u>	<u>7,500 SF</u>
<u>Two-family Dwellings</u>	<u>NA</u>	<u>NA</u>	<u>7,500 SF</u>	<u>5,000 SF</u>

<u>Religious Establishments</u>	<u>2 acres</u>	<u>2 acres</u>	<u>2 acres</u>	<u>2 acres</u>
<u>Elementary/Middle School</u>	<u>5 acres</u>	<u>5 acres</u>	<u>5 acres</u>	<u>5 acres</u>
<u>High School</u>	<u>10 acres</u>	<u>10 acres</u>	<u>10 acres</u>	<u>10 acres</u>
<u>Indoor Recreational Facility</u>	<u>5 acres</u>	<u>5 acres</u>	<u>5 acres</u>	<u>5 acres</u>
<u>College</u>	<u>15 acres</u>	<u>15 acres</u>	<u>15 acres</u>	<u>15 acres</u>
<u>Hospital</u>	<u>NA</u>	<u>5 acres</u>	<u>NA</u>	<u>NA</u>
<u>Nursing Homes, Assisted Living Facilities</u>	<u>45,000 SF</u>	<u>45,000 SF</u>	<u>45,000 SF</u>	<u>45,000 SF</u>
<u>Multi-family Age-Restricted Housing</u>	<u>NA</u>	<u>NA</u>	<u>45,000 SF</u>	<u>45,000 SF</u>
<u>Other permitted or conditional uses</u>	<u>40,000 SF</u>	<u>20,000 SF</u>	<u>20,000 SF</u>	<u>20,000 SF</u>

(B) Residential District Yard and Lot Width Requirements (in feet)

(1) Dwellings (all types)

	<u>R-40,000</u>	<u>R-20,000</u>	<u>R-10,000</u>	<u>R-7,500</u>
<u>Front Yard</u>	<u>40</u>	<u>40</u>	<u>35</u>	<u>25</u>
<u>Side Yard</u>	<u>20</u>	<u>12</u>	<u>12</u>	<u>8</u>
<u>Rear Yard</u>	<u>50</u>	<u>50</u>	<u>40</u>	<u>35</u>
<u>Corner Front Yard</u>	<u>40</u>	<u>40</u>	<u>35</u>	<u>25</u>
<u>Lot Width</u>	<u>150</u>	<u>100</u>	<u>70</u>	<u>60</u>

(2) Schools/Hospitals/Indoor Recreational Facilities

	<u>All Districts (where permitted)</u>
<u>Front Yard</u>	<u>150</u>
<u>Side Yard</u>	<u>100</u>
<u>Rear Yard</u>	<u>50</u>
<u>Corner Front Yard</u>	<u>150</u>
<u>Lot Width</u>	<u>400</u>

(3) Religious Establishments

	<u>All Districts</u>
<u>Front Yard</u>	<u>100</u>
<u>Side Yard</u>	<u>50</u>
<u>Rear Yard</u>	<u>50</u>
<u>Corner Front Yard</u>	<u>100</u>
<u>Lot Width</u>	<u>200</u>

(4) Nursing Homes/Assisted Living Facilities/Retirement Homes

	<u>All Districts (where permitted)</u>
<u>Front Yard</u>	<u>50</u>
<u>Side Yard</u>	<u>40</u>

<u>Rear Yard</u>	<u>50</u>
<u>Corner Front Yard</u>	<u>50</u>
<u>Lot Width</u>	<u>150</u>

(5) Recreational, Institutional and Community Facilities

	<u>All Districts</u>
<u>Front Yard</u>	<u>25</u>
<u>Side Yard</u>	<u>20</u>
<u>Rear Yard</u>	<u>40</u>
<u>Corner Front Yard</u>	<u>25</u>
<u>Lot Width</u>	<u>100</u>

(C) Exceptions

- (1) Notwithstanding the above, bulk regulations in a Planned Unit Development (PUD) shall be subject to the provisions of 155.093.
- (2) The bulk regulations and density in a Retirement Village shall be established by the Planning Commission at the time of initial site plan review. The maximum allowable density in the R-20,000 district for a Retirement Village shall not exceed 3.5 dwelling units per acre, and shall not be increased at any subsequent site plan reviews.
- (3) The density for nursing homes and assisted living facilities in all residential districts shall not exceed 1 bed per 3,000 square feet.
- (4) The maximum allowable density in the R-10,000 and R-7,500 districts for retirement homes shall be as determined by the Planning Commission but not exceeding 1 dwelling unit per 3,000 square feet.
- (5) There shall be no administrative adjustments or variances from the minimum lot size requirements for private schools.

(D) Building Height

- (1) No principal structure shall exceed 35 feet in height in the R-40,000, R-20,000 and R-10,000 Districts, and 40 feet in the R-7,500 District.

(E) Accessory structures

- (1) Accessory structures shall adhere to minimum front and side yard setback requirements for principal structures unless they are located totally in the rear yard, in which case the side and rear setbacks shall be a minimum of 5 feet.

(2) No accessory structure shall exceed 20 feet in height in the R-40,000, R-20,000 and R-10,000 Districts, and 25 feet in the R-7,500 District.

158.082 COMMERCIAL, INDUSTRIAL, AND EMPLOYMENT CAMPUS DISTRICTS: REGULATION OF PRINCIPAL USES.

LAND USE CATEGORY SUBCATEGORY DESCRIPTION	C-1	C-2	C-3	I-1	I-2	EC	ADDITIONAL REGULATIONS
RESIDENTIAL							
Household Living							
Retirement home/ age-restricted housing	P	P	X	X	X	P	158.002
<u>Retirement Village</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>158.002</u>

Townhouse	X	X	X	X	X	P	158.002, 158.081
<u>Townhouse in a Retirement Village</u>	<u>P</u>	<u>P</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>P</u>	<u>158.002</u>
Two-family dwelling	X	X	X	X	X	P	158.002, 158.081
<u>Two-family dwelling in a Retirement Village</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>158.002</u>

158.096 MRO MINERAL RESOURCE OVERLAY.

(B) Mineral resource overlay (MRO).

(3) In a mineral resource recovery area (MR), all uses which are or may be permitted in the underlying zone are prohibited except the following which are regulated as designated in the underlying zone:

(e) ~~Riding academies and boarding~~ Commercial stables in existing structures;

SIGNS

158.115 USE-OFF-THE-PREMISES SIGNS

(E) Hampstead Route 30 Bypass.

- (2) All outdoor advertising signs erected under this provision shall conform to all front, rear and side yard setbacks and lot area requirements for the zoning district in ~~which~~ which they are constructed. Variances to the 1,000-foot distance requirement in division (E)(1) above may not be obtained.

ADMINISTRATION AND ENFORCEMENT

158.130 EXCEPTIONS AND MODIFICATIONS.

(A) Applicability. The regulations specified in this chapter and Chapter 155 shall be subject to the following exceptions, modifications, and interpretations.

(B) Lot area modification. In any district where a single-family dwelling is permitted, a dwelling, or an addition thereto, may be erected on any lot or parcel of record, despite the fact that the lot or parcel does not meet the minimum area requirements of this chapter, provided that:

(1) The lot or parcel ~~(including any yard requirements)~~ was lawfully created in compliance with all zoning and subdivision regulations applicable at the time the lot or parcel was created.

(2) There are no minimum area requirements for lots created prior to August 17, 1965.

~~(2) For yards, where the lot or parcel was created prior to August 17, 1965:~~

~~(a) The side yards must be at least 10% of the width of the lot, but need not exceed the side yard requirements of the district in which the lot is located;~~

~~(b) The front yard shall be determined on a case-by-case basis by computing the average of existing front yard depths of adjacent properties as measured from the centerline of the public right-of-way upon which the properties border within 200 feet in each direction; and~~

~~(c) The rear yard shall be at least ten feet, but need not exceed the rear yard requirements of the district in which the lot is located.~~

(3) The erection of a residential dwelling or an addition thereto on a lot must comply with A~~all other regulations, including the standards of the Maryland Department of Health and Mental Hygiene and the Carroll County Health Department, are complied with~~. The Zoning Administrator may deny a permit for the erection of a dwelling on a lot which is substandard in area or yard ~~if, because of extraordinary conditions, construction of a dwelling on the lot would present a danger to health or safety.~~

(C) Setback modification.

(1) Where the average setback line of at least two existing buildings on lots which are on the same side of the street or road and within 200 feet of the lot in question is less than the minimum setback prescribed by this chapter, the minimum setback line shall be the average setback line of all buildings within 200 feet of the proposed building. However, in no case shall the setback line be less than 35 feet from the centerline of any abutting road or street.

(2) For yards where the lot or parcel was created prior to August 17, 1965:

(a) The side yards must be at least 10% of the width of the lot;

(b) The front yard shall be determined on a case-by-case basis by computing the average of existing front yard depths of adjacent properties as measured from the centerline of the public right-of-way upon which the properties border within 200 feet in each direction;

(c) The rear yard shall be at least ten feet; and

(d) No part of an addition shall be located closer to the front or side property line than the closest point of the house to the property line if the line of the house is less than the existing setback requirements.

~~(23)~~ Accessory ~~buildings~~ structures shall adhere to minimum front and side yard setback requirements unless they are located totally in the rear yard, in which case the side and rear setbacks shall be a minimum of 5 feet.

(D) Projection into yards.

~~(1) If attached to the principal building, a carport or a one-story open porch with or without a roof may extend into any required yard not more than 25% of the minimum required depth of a front or rear yard or of the minimum required width of a side yard.~~

~~(12)~~ Projections, such as bay windows, chimneys, entrances, vestibules, balconies, eaves, and leaders, may extend into any required yard setback area not more than four feet, provided that such projections (except eaves) are not over ten feet in length.

~~(23)~~ Fences and walls shall be exempt from building line and yard requirements unless they cause obstructions to vision.

~~(34)~~ Canopies designed to shelter pump islands at fuel stations are exempt from the yard requirements of this chapter, but shall be subject to review and approval pursuant to the requirements for site plan approval in § 155.059. In addition, a canopy may be prohibited or restricted if the Zoning Administrator determines that the canopy constitutes an obstruction to traffic or the visibility of motorists on or entering a highway. Pump islands and support for a canopy shall comply with all yard and setback requirements of this chapter.

(F) Application; limits.

(1) A person shall apply to the Zoning Administrator for an ~~variance or~~ administrative adjustment from the ~~following requirements~~ height, setback, parking, loading, dimensional, area, width, sign, and distance requirements as specified in this chapter or as specified in Chapter 155 unless a simultaneous application for a conditional use has been filed with the BZA pursuant to § 158.133(D) ~~The application shall be made on a form and in a manner prescribed by the Zoning Administrator.;~~

(a) Height;

(b) Setback;

(c) Parking;

(d) Loading;

(e) Distance;

(f) Area;

(g) Dimensional;

(h) Width;

(i) Sign;

(f) Area of solar energy conversion facilities as accessory uses in the C Conservation District; and

(g) Other dimensional requirements.

(2) The application shall be made on a form and in a manner prescribed by the Zoning Administrator.

~~(3)~~ (32) The maximum variation that the Zoning Administrator may grant from a requirement is 100%. as listed in division (A) shall be as follows:

~~(a) Height: 75%;~~

~~(b) Setback: 75%;~~

~~(c) Parking: 75%;~~

~~(d) Loading: 75%;~~

~~(e) Distance: 80%;~~

~~(f) Area of solar energy conversion facilities as accessory uses in the C Conservation District: 80%;~~

~~(g) Other dimensional requirements: 80%; and~~

~~(h) Area: 75%.~~

~~(3) For the following variances or administrative adjustments, a person shall apply to the BZA:~~

~~(a) Setback or distance requirements for communications towers; and~~

~~(b) Variances or administrative adjustments exceeding the maximum variation in division (B), or which would be necessary to abate a permit or zoning violation.~~

(G) Procedure.

~~(1) The Zoning Administrator shall conduct a public hearing on the application for the variance or administrative adjustment. Any person may be present, and the Zoning Administrator shall allow all persons who are present an opportunity to present evidence or testimony concerning the application.~~

~~(2) Prior to the public hearing~~Upon receipt of an application for administrative adjustment, the Zoning Administrator shall post the property with notice of the pendency of the application ~~at least 14 days in advance of the hearing~~ and shall notify the adjoining property owners of the application by first class mail of the application for administrative adjustment the date, time, and place of the hearing at least 14 days in advance of the hearing.

(2) An adjoining property owner, or other member of the public, may request a public hearing within 14 days of the posting of the applicant's property. If a public hearing is not requested within 14 days, the Zoning Administrator may issue a decision on the petition.

(3) If a public hearing is requested within 14 days of the posting of the applicant's property, the Zoning Administrator shall conduct a public hearing on the application for the administrative adjustment within 45 days of the request. Any person may be present, and the Zoning Administrator shall allow all persons who are present an opportunity to present evidence or testimony concerning the application.

(H) **Decision.** Within 15 days of the public hearing, the Zoning Administrator shall decide the issue raised by the application. The decision shall be in writing and provide a brief explanation of the law and findings of fact which support it. In making the decision, the Zoning Administrator may grant the ~~variance or~~ administrative adjustment only in cases where the strict compliance with the terms of this chapter or Chapter 155 would result in practical difficulty or unreasonable hardship which has not been caused by the act of the applicant or the applicant's predecessors in title. The Zoning Administrator may not grant ~~a variance or an~~ administrative adjustment if to do so would violate the purpose and intent of the regulation, or cause or be likely to cause substantial injury to the public health, safety, and general welfare. The Zoning Administrator shall be guided in making this decision by the considerations set forth in § 158.133(G). The decision will be mailed, or emailed if agreed to by the adjoining property owner, to the adjoining property owners within 7 days of the written decision.

(I) Appeals.

(1) A decision of the Zoning Administrator made pursuant to this subchapter is final and constitutes a

zoning action, unless a timely appeal is filed with the BZA.

~~(1) An appeal of a variance, accessory use, or an administrative adjustment or other decision of the Zoning Administrator pursuant to this chapter to the BZA may be filed within 30 days of the date of the Zoning Administrator's written decision in accordance with § 158.133(D).~~

~~(2) A decision of the Zoning Administrator made pursuant to this subchapter is final and constitutes a zoning action. Unless timely appealed, parties may not thereafter challenge the decision.~~

~~(3) The BZA may grant or deny the requested variance, accessory use, or administrative adjustment based on the evidence before it after a de novo hearing applying the same standards and criteria set forth in § 158.130(H). The BZA shall issue a written decision within 30 days of the hearing, unless otherwise extended by the BZA.~~

158.132 ZONING CERTIFICATES.

(C) The Zoning Administrator shall approve the issuance of a zoning certificate only if the application complies with the requirements of this chapter, and provided that such zoning certificate shall be conditioned where necessary on the approval of the Carroll County Health Officer, state and/or County Bureau of Roads Operations, Planning Commission, or any other agency concerned, and provided the application is accompanied by the required fee. The Zoning Administrator shall maintain a record of all zoning certificates and copies shall be furnished upon request to any person upon payment of the cost therefor. If a zoning certificate is issued, such approval and issuance thereof does not sanction ~~variance~~ a change from the terms of this chapter.

158.133 BOARD OF ZONING APPEALS ("BZA").

(D) Appeals and applications.

(1) An appeal to the BZA pursuant to Md. Code, Land Use Article, § 4.07, pursuant to division (B)(1)(a) above, or pursuant to an application for a conditional use pursuant to division (B)(1)(b) above shall be filed as part of an application for a zoning certificate.

(2) An appeal from an order, requirement, determination, or a decision of an administrative official enforcing the provisions of Md. Code, ~~Land Use Article Art 66B~~, this chapter, or Chapter 155, ~~or Chapter 157~~ shall be filed within 30 days from the date of the action being appealed.

(3) The appeal or application shall be on forms approved by the BZA and shall include the names and addresses of all owners of property contiguous to the property which is the subject of the proceedings as of the date the application is filed. In the event a transfer of ownership has occurred prior to the filing of the

application and after its preparation, the appellant or applicant shall advise the BZA of the transfer within ten days of the date the application or appeal was filed by giving the name and address of the new owners.

(4) Upon receipt of an application or appeal made or filed pursuant to division (D)(1), the Zoning Administrator shall review the application or appeal for completeness, shall reject those applications which are not complete, and reject those that do not seek relief available by law.

(5) Upon determination that the application is proper or an appeal complete, the BZA shall notify the administrative official from whom the appeal is taken that an application or appeal has been filed.

(6) The BZA shall schedule hearings promptly upon the receipt of an appeal or a completed application.

(7) If evidence is offered during the hearing concerning site plans, site or building locations, or any plans of construction which are not included as part of the application for a building permit/zoning certificate, those plans shall be incorporated in the application, and no substantial change shall be made in the plans presented to the BZA without the approval of the BZA. The BZA shall not approve a substantial change in the plans unless a hearing is held.

(8) The BZA may grant or deny a requested variance based on the evidence before it after a de novo hearing applying the same standards and criteria set forth in § 158.133(G).

(89) The BZA shall decide all cases within 30 days of the date of its last hearing on the matter and issue its written decision during that period, unless the time for making the decision is extended during that period by the BZA.

(910) Time shall be calculated in accordance with the Maryland Rules of Civil Procedure.

SPECIFIC USES

158.150 MOBILE HOMES.

No person shall park, store, or occupy a mobile home (nor allow or permit parking, storage, or occupancy of a mobile home), for living or other purposes, except:

(E) Camping or recreational ~~mobile homes~~ vehicles in any district, as an accessory use, and not used for living or business purposes unless in a *bona fide* recreational camping area or as specified under division (H) below;

158.160 TEMPORARY AND SEASONAL USES

The following temporary and seasonal uses and other similar uses shall be subject to approval by the Zoning Administrator and shall meet the requirements of § 158.048.

(A) Carnivals and fairs sponsored by a nonprofit organization, a volunteer fire company, school, church, or other charitable, social, civic, or educational organization;

(1) Such use shall operate for a period of time not to exceed ten days per event.

(2) The use shall not be held more than once in any 30-day period at the same location.

(B) Seasonal sales of items, including but not limited to Christmas trees, pumpkins, plants, flowers, or other decorative plant materials for a period of not more than 90 consecutive days. Each seasonal item not sold within the same 90-day period requires a separate temporary zoning certificate.

(C) Stands for snowballs and similar confections:

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

(2) The use shall operate only between April 1 and October 1.

(D) Sidewalk sales;

(E) Produce stands of a seasonal nature;

(F) Temporary shelter for commercial displays, sales, and services;

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

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

(3) The use shall operate no longer than 30 consecutive days.

(G) Farmer's market or flea market;

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

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

(H) Dumpsters and self-contained portable storage containers may be used on a residential property;

(1) A dumpster or self-contained storage unit may be used in conjunction with a valid residential building permit during the time the construction is active.

(2) When not used in conjunction with a valid residential building permit, a dumpster or self-contained storage unit may be used for a period up to 60 days with up to two 60-day extensions for good cause, for no

more than six months in any calendar year.

(3) In the R-10,000 and R-7,500 Districts, self-contained storage units shall be limited to a length of 20 feet.

(I) Farm alcohol producer events or activities, subject to the provisions of § 158.070(E)(1)(aa)(13) and (14).

(J) Temporary activities and structures needed based on hardship resulting from the destruction of any existing building or structure from a natural disaster or other health and safety emergencies, such as fire, windstorm, flood, explosion, act of public enemy, accident, or pandemic. Temporary activities may include food, water, and equipment distribution centers, warming or cooling shelters, and triage stations. Temporary structures may include emergency housing and outdoor storage. The use shall operate no longer than the duration of the emergency or the duration of an active building permit to restore the principal structure, whichever is shorter.

158.161 Retirement Village.

The authorization of the conditional use for a Retirement Village shall be subject to prior concept site development plan and traffic study review and determination of density, exterior design, and site layout by the Planning Commission. The determination of density shall not be increased at any subsequent site plan reviews.