

CHAPTER 158: ZONING REGULATIONS

GENERAL PROVISIONS

§ 158.002 DEFINITIONS.

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

AGRITOURISM. An activity conducted on a farm that is offered to a member of the general public or to invited guests for the purposes of education, recreation, or active involvement in the farm operation. These activities shall be conducted in conjunction with principal agricultural production or processing. This term shall include farm tours, hayrides, corn mazes, seasonal petting farms, farm museums, pumpkin patches, “pick your own” or “cut your own” produce, **camping and incidental stays provided that they are limited to no more than one campsite,** and classes related to agricultural products or skills. No use that is otherwise identified in 158.071.01 permitted with site plan approval or by conditional use is permitted as agritourism.

ATTACHED ACCESSORY DWELLING. A portion of a single-family dwelling that shall provide complete, independent living facilities for sleeping, eating, cooking, and sanitation within the main dwelling unit, which may be internal, may be separated from the main dwelling unit by a continuous common wall, or may be separated by not more than fifteen feet of **LIVABLE FLOOR AREA**, but which is separate from the main dwelling unit’s cooking area, bathroom(s), and living areas.

BANQUET/EVENT FACILITY. An establishment which is rented by individuals or groups to accommodate functions including but not limited to banquets, weddings, anniversaries, and other similar celebrations and one-time events, which are not open to the general public without an invitation. Food must be provided by a licensed caterer. The facility may also include on-site kitchen facilities.

BED AND BREAKFAST. Any owner-occupied, residential dwelling in which rooms are rented to paying guests on an overnight basis with meal(s) served daily.

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

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

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

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

COMMERCIAL WOOD PROCESSING. An operation which principally processes branches and logs by chopping, cutting, sawing, or splitting to produce firewood for sale, and which may include the accessory processing of the wood waste solely produced by the principal processing to create humus, mulch, or wood chips.

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

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

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

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

(1) **DWELLING, MULTI-FAMILY.** More than two separate housing units for residential habitation contained within one building or several buildings within one complex. **MULTI-FAMILY DWELLING** does not include **TOWNHOUSE**.

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

(3) **DWELLING, TOWNHOUSE.** One of a group of more than two attached dwelling units, each of which units is separated by a continuous common wall from any adjacent dwelling units and each of which dwelling units has its own entrance directly from the outside.

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

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

FOOD PROCESSING AND PACKING OF AGRICULTURAL PRODUCTS. An operation related to a farm that manufactures, packages, labels and/or stores any type of food.

FOOD PROCESSING AND PACKING PLANT. A commercial operation that manufactures, packages, labels or stores any type of food and does not provide food directly to a consumer.

GARDEN SUPPLY CENTER. An establishment for the sale of small or light garden supplies, equipment, and tools, customary and incidental to the sale of garden plants and nursery stock.

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

LIVESTOCK INCINERATION. Locations for use in the act of cremation of **“LIVESTOCK”**.

SLAUGHTERHOUSE. Any structure and land where livestock raised off-site are slaughtered for commercial purposes. This may include the incineration of carcasses.

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

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

GENERAL REGULATIONS

§ 158.040 DISTANCE REQUIREMENTS.

(A) Any uses or buildings subject to compliance with this section, as referenced in § [158.051](#), § [158.059](#), ~~§ [158.070](#)~~, § [158.071.01](#), § [158.075.01](#), § [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.
- (3) On adjoining lots of three acres or more, minimum separation distance of at least 300 feet from dwellings is required.

(B) The following uses shall be subject to two times the distance requirement in division (A) above:

- (1) Coal yard;
- (2) Commercial kennels for more than ten dogs and veterinary facilities in the Agricultural and Conservation Districts;
- (3) Commercial swimming pools and golf ranges in the Agricultural and Conservation Districts;
- (2)—Cooperage works;
- (4) —(3)—Crematoriumy;_____

(54) Electric generating power plant, not including solar facilities;

(65) Facility for the dispensing of medical cannabis;

(76) Flour and grain milling;

(87) Heavy manufacturing;

~~(8) Indoor contractors' equipment storage yard;~~

(9) -Indoor growing of medical cannabis;

(10) -Indoor processing of medical cannabis; ~~and~~

(11) Shop for the service, repair, or sale exclusively of farm machinery and equipment; and

~~(124) Steel mill.~~

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

(1) Above ground petroleum products storage (2,000 gallons or greater);

(2) Bituminous concrete mixing plant;

(3) Commercial sawmill;

(4) Concrete and ceramic products manufacture;

(5) Concrete or asphalt recycling;

(6) Contractors' equipment storage;

(7) Fairgrounds, racetracks, or courses in the Agricultural District;

(8) Food processing in the Agriculture District;

(96) Oil-contaminated soil facility;

~~(7) Outdoor contractors' equipment storage yard;~~ (10) Raising of animals for experimental purposes;

(811) Solid waste acceptance facility; and

~~(912) Truck or motor vehicle freight terminal.~~

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

(1) Acid or heavy chemical manufacturing;

(2) ~~Airport~~ Airfield;

- (3) Blast furnace, boiler works, foundry;
- (4) Cement, lime, gypsum manufacturing;
- (5) Distillation of bones, fat rendering, grease, lard or tallow manufacturing;
- (6) Explosive manufacturing or storage;
- (7) Fertilizer, potash, insecticide, glue, size, or gelatin manufacture;

~~(8) —(8)—Junkyard;~~

(9) Livestock sales yards and buildings;

~~(109) Outdoor trap, skeet, rifle, or archery ranges, including gun clubs;~~

~~(119) Petroleum products refining; and~~

~~(124) Slaughterhouse.~~

(E) The following uses shall be subject to five times the distance requirement in division (A) above:

(1) Airports; and

(2) Rubble fills.

§ 158.048.01 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 portable 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 § 158.168

(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;

§ 158.055 RENTAL OF CERTAIN DWELLING UNITS.

~~—All tenant houses, in-law apartments, attached accessory dwelling units or detached accessory dwelling units existing as of November 28, 2000, are granted relief from the zoning restrictions preventing rental of the unit. These units may be rented upon receipt~~

~~of a zoning certificate, a use and occupancy certificate, and demonstrated compliance with Chapter 171, Livability Code.~~

DISTRICTS

§ 158.070 A AGRICULTURAL DISTRICT.

~~(A) **Purpose and Intent.** The purpose of the A-District is to provide for continued farming activities, conserve agricultural land, and reaffirm agricultural use, activities, and operations as the preferred dominant use of the land within the district, except in an area designated MR within the MRO where mineral resource recovery is also a preferred use. While relatively small existing hamlets, villages, and residential communities appear within, as do occasional dwellings, and other uses, the district is primarily composed of lands which, by virtue of their highly productive soils, rolling topography, and natural beauty, are the very essence of the county's farming heritage and character. A substantial portion of the residential development in the county has previously taken place in the A District. This has the effect of taking agricultural land out of production and creating a demand for public facilities and services (roads, water and sewerage, schools, and police and fire protection) in areas where provision for such additional services and facilities is not consistent with the purpose of the A-District. The intent of this section is to recognize the need for and appropriateness of very limited residential development in the A-District, but to prohibit residential development of a more extensive nature. It is the further purpose of this district to maintain and promote the open character of this land as well as to promote the continuance and viability of the farming and agribusiness uses. The purpose of the Agricultural District is to provide locations generally outside of the designated growth areas where agriculture is the primary land use. Residential development potential is generally limited to one single-family or two-family dwelling for every twenty acres. Commercial and industrial uses are limited to agribusiness, agritourism, and those uses intended to serve the agricultural industry and residents of the area, while maintaining the character of the surrounding countryside. No water and sewer service is planned to these areas.~~

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

(C) **Agriculture as preferred use.** Agriculture is the preferred use in the A District. All agricultural operations shall be permitted at any time, including the operation of farm machinery, and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the district. Compliance with ~~§§ 150.55 through 150.59, Chapter 160,~~ Right to Farm, is required.

(D) **Principal ~~permitted~~ uses.** ~~The regulation of pPrincipal permitted uses is set forth in §158.071.01 shall be as follows:.~~

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

- ~~—(2) Religious establishments;~~
- ~~—(3) Circus, carnival, or similar transient enterprise, provided that such use shall not exceed ten days at any one time, and does not include any permanent structures;~~
- ~~—(4) Single-family and two-family dwellings;~~
- ~~—(5) Recreation areas and centers (public or private noncommercial), including country clubs, swimming pools, golf courses, and summer camps;~~
- ~~—(6) Forests and wildlife preserves and similar conservation areas including publicly owned or private parks of a nonprofit nature;~~
- ~~—(7) Riding academies, boarding stables, subject to the distance requirements specified in § 158.040;~~
- ~~—(8) Reserved;~~
- ~~—(9) Schools and colleges, including nursery schools or day care centers;~~
- ~~—(10) Public buildings, structures, and properties of the recreational, cultural, administrative, or public service type, including fire, ambulance, or rescue services;~~
- ~~—(11) Temporary buildings which may be used incidental to construction work upon compliance with the requirements of the Carroll County Health Department, but shall be removed upon the completion or abandonment of the construction work;~~
- ~~—(12) Veterinary clinics or animal hospitals, but not including any exercising runway, provided that any structure or area used for such purposes shall be at least two times the distance requirements specified in § 158.040;~~
- ~~—(13) Conversion of buildings existing prior to August 17, 1965, to accommodate not more than two families, provided that any such use shall have a minimum lot area of one acre;~~
- ~~—(14) Mineral resource recovery operations in any areas shown and designated as within a MRO on the Zoning Maps of the county as from time to time adopted or amended, subject to the requirements of § 158.096 and as defined by § 158.002 and subject to the limitations and requirements of this chapter;~~
- ~~—(15) Community Solar Energy Generating Systems (CSEGS), subject to the requirements, conditions, and limitations in § 158.153; and~~
- ~~—(16) Aggregate Net Energy Metered Solar Energy Generating Systems, subject to the requirements, conditions, and limitations in § 158.153.~~
- ~~—(E) **Conditional uses requiring BZA authorization.**~~
 - ~~—(1) Conditional uses requiring BZA authorization shall be as follows:~~

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

~~——(b) Cemeteries, mausoleums, or memorial gardens;~~

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

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

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

~~——(f) Fairgrounds and race tracks or courses for the conduct of seasonal or periodic meets of horses, dogs, aircraft, automobiles, motorcycles, off-road vehicles, and the like, provided that such uses shall be subject to three times the distance requirements specified in § 158.040; and provided further that such uses shall require the filing of an environmental site delineation prepared in accordance with Chapter 155 to demonstrate how use, maintenance, and activities will be conducted and operated so as not to adversely affect the natural resources;~~

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

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

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

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

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

- ~~——(l) Trap, skeet, rifle, or archery ranges, including gun clubs, provided that such use shall be five times the distance requirements specified in § 158.040 and all safety standards of county, state, and federal agencies are observed;~~
- ~~——(m) Garden supply centers, including the sale of small or light garden supplies, equipment and tools, customary and incidental to the sale of garden plants and nursery stock; and including the sale of woodburning stoves, fireplaces, and their accessories;~~
- ~~——(n) Liquid and/or dry fertilizer storage and/or sales;~~
- ~~——(o) Commercial feed and grain mills and dryers; and farm seed distribution and storage facilities;~~
- ~~——(p) Agricultural research laboratories and facilities on a minimum lot of 25 acres; however, the lot may be reduced, provided that the BZA finds the nature and scale of the operation can be appropriately accommodated and further provided that a site development plan shall be approved by the Commission;~~
- ~~——(q) Storage lot for commercial vehicles, not to include truck or motor freight terminals, provided that the BZA shall have the authority to limit the number of vehicles based on the considerations enumerated in § 158.133(G), and provided that the BZA determines sufficient space is available to park the vehicles without disturbance to neighboring properties. Notwithstanding the area requirements of § 158.070(H), the BZA may consider applications on sites of less than three acres;~~
- ~~——(r) Nursing homes, continuing care retirement communities and assisted living facilities, subject to prior concept site development plan and traffic study review and determination of density, exterior design, and site layout by the Planning Commission;~~
- ~~——(s) Bed and breakfast (subject to § 158.071(D)(6));~~
- ~~——(t) Country inn (subject to § 158.071(D)(7));~~
- ~~——(u) Retreat or conference centers as defined in § 158.002, provided that a site development plan shall be approved by the Planning Commission, and subject to the following:~~
- ~~——1. The use shall be located on a property of not less than five acres;~~
 - ~~——2. All buildings and housing shall be located not less than 100 feet from adjoining property;~~
 - ~~——3. Such use shall be designed so as to preserve the maximum amount of land for agricultural purposes; and~~
 - ~~——4. The BZA may limit the maximum occupancy of the site based on such factors as its proximity to a public water supply and adequacy of the access to the site;~~
- ~~——(v) Rubble landfills subject to the following requirements, conditions, and limitations:~~

~~1. The use shall not be allowed unless authorized by valid permits issued by all governmental agencies which require a permit for any part of the activity or use performed;~~

~~2. Unless a valid close-out permit has been issued and maintained for the site, termination or revocation of any permit required by the preceding section terminates any authority granted hereunder and constitutes a violation of this chapter;~~

~~3. This use shall be subject to § 155.059;~~

~~4. This use shall be subject to five times the distance requirements of § 158.040; and~~

~~5. Prior to beginning to use any property for this use, the owner shall enter into an indenture with the County Commissioners which guarantees that all of the requirements of this chapter and any permit required to conduct the use are met and further guarantees that the cost of eliminating any nuisance created by the rubble landfill, including fires, shall be borne by the property owner, and the owner shall provide a bond or other suitable guaranty to the County Commissioners (in the discretion of the County Commissioners) to ensure the proper use of the property and performance of the covenants contained in the indenture. For purposes of this section, the County Commissioners may include any provisions in the indenture it deems necessary to protect the health, safety, and welfare of the people of the county, and the County Commissioners shall be the sole arbiters of what constitutes a nuisance;~~

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

~~1. The use shall not be located within 600 feet from any property line;~~

~~2. The use shall be shown by the owner not to adversely affect the quantity or quality of groundwater or surface waters, or be otherwise detrimental to neighboring properties;~~

~~3. The BZA may limit the maximum occupancy of the site based on factors, including but not limited to the proximity to a public water supply and adequacy of access of the site;~~

~~4. The BZA may require an environmental impact study based on the scale of the project and on the recommendation of technical staff;~~

~~5. The BZA shall limit the hours and days of operations; and~~

~~6. No zoning certificate shall be issued until documentation of all necessary permits or exemptions from state and county agencies are presented to the Zoning Administrator;~~

~~(x) Research laboratories and facilities conducting bioscience research through clinical and preclinical testing on animals, plants, or foods for the purpose of developing~~

~~products which are technically, scientifically, or clinically useful, subject to the following requirements:~~

~~1. Such uses shall be located on a minimum lot of 25 acres;~~

~~2. The use shall be subject to a front, rear, or side yard of 200 feet, unless the use includes any exterior animal holding or living areas including kennels with or without runs, pens, corrals, barns or sheds, then the use shall be subject to a front, rear, or side yard of 400 feet;~~

~~3. Such uses may not exceed a classification of Biosafety Level (BSL) 2 as that term is defined by the Centers for Disease Control (CDC) as of May 1, 2004;~~

~~4. Such uses shall comply with the following certifications that apply to the testing and research being performed on site if recommended or mandatory for the industry including but not limited to: United States Food and Drug Administration (FDA), Association for Assessment and Accreditation of Laboratory Animal Care International (AAALAC), National Institute of Health Office of Laboratory Animal Welfare (OLAW), United States Department of Agriculture (USDA), United States Drug Enforcement Agency (DEA), United States Environmental Protection Agency (EPA), and the United States Nuclear Regulatory Commission (NRC) and all other similar industry standards, laws, and regulations in effect; and~~

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

~~(y) Funeral establishments;~~

~~(z) Crematoria; and~~

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

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

~~2. A farm alcohol producer must have a valid Class 4 limited winery, Class 8 farm brewery, or Class 1 distillery Maryland alcohol manufacturer license, or as may be amended.~~

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

~~4. The farm alcohol producer may purchase bulk beverage fermented, brewed, or distilled by a licensed alcohol manufacturer and blend the beverage with the farm~~

~~alcohol producer's alcoholic beverage, if the aggregate purchase does not exceed 25% of the farm alcohol producer's annual beverage production.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~_____ C. The event or activity must comply with the provisions of Chapter 93, Nuisances, Noise;~~

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

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

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

~~_____ 15. Banquet and meeting facilities.~~

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

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

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

~~_____ D. Site plan approval is required.~~

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

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

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

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

- ~~—(3) Keeping of not more than four roomers or boarders by a resident owner;~~
- ~~—(4) Business signs, subject to the provisions of §§ 158.110 through 158.115;~~
- ~~—(5) One private stable as regulated in § 158.071(E)(2);~~
- ~~—(6) Saddlery and tack shop on the premises of any riding academy, boarding stable or horse farms;~~
- ~~—(7) In conjunction with contractor's equipment storage, the storage of building materials which are to be used by the contractor and which are not otherwise for sale;~~
- ~~—(8) Storage modules may be used in conjunction with an approved business use of the property, provided that:
 - ~~—(a) On property of less than ten acres the storage module shall be subject to the following standards:
 - ~~—1. The maximum size shall be eight feet by 24 feet.~~
 - ~~—2. The exterior surface shall be painted and kept in good repair.~~
 - ~~—3. The storage module shall be vented where needed for safety purposes.~~
 - ~~—4. The storage module shall be screened from adjacent roadway and from residences on adjoining properties.~~~~
 - ~~—(b) On property of ten acres or more, the storage module shall be subject to the following standards:
 - ~~—1. The exterior surface shall be painted and kept in good repair.~~
 - ~~—2. The storage module shall be vented where needed for safety purposes.~~
 - ~~—3. The storage module shall be screened from adjacent roadway and from residences on adjoining properties;~~~~~~
- ~~—(9) Outdoor parking of commercial vehicles and outdoor storage of unlicensed vehicles as accessory use to residential use as defined and provided in §§ 158.056 and 158.057;~~
- ~~—(10) Family day care, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);~~
- ~~—(11) Attached accessory dwelling units which are subject to the following:
 - ~~—(a) An attached accessory dwelling must have direct access from the outside;~~
 - ~~—(b) Only one attached accessory dwelling is permitted on any principal dwelling unit;~~
 - ~~—(c) The property owner must occupy either the principal dwelling unit or the attached accessory dwelling unit on the property;~~~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~— (15) Roadside stands for the sale of fresh fruits, vegetables, and other farm products, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);~~

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

- ~~—(17) Dance studios, when conducted within a dwelling by a resident, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);~~
- ~~—(18) Cottage industry, provided that it is conducted within the dwelling or within an accessory building which does not exceed 2,000 square feet in area, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);~~
- ~~—(19) Within a dwelling, the professional office of a physician, insurance agent, realtor, or other profession determined by the Zoning Administrator to be similar in use and characteristics, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);~~
- ~~—(20) Lawn care and maintenance service, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);~~
- ~~—(21) The above or below ground storage of not greater than 2,000 gallons, in aggregate capacity of petroleum products which is not sold at retail or wholesale, and subject to Chapter 170 of the Carroll County Code and all applicable Maryland Department of the Environment (MDE) and National Fire Protection Association (NFPA) regulations;~~
- ~~—(22) Above ground petroleum storage exceeding 2,000 gallons but less than 50,000 gallons, in aggregate capacity, provided however, that no individual container may exceed 30,000 gallons. These petroleum products may not be sold at retail or wholesale, and shall be subject to the following:
 - ~~—(a) One hundred feet of separation from all existing or proposed residential dwellings on the same property;~~
 - ~~—(b) Setback requirements as specified by NFPA, but not less than 100 feet from all property lines;~~
 - ~~—(c) Compliance with Chapter 170 of the Carroll County Code;~~
 - ~~—(d) Compliance with all state and NFPA regulations; and~~
 - ~~—(e) No variances of the above requirements may be granted;~~~~
- ~~—(23) Subject to the provisions of § 158.040, accessory sawmills on lots greater than five acres in conjunction with the storage and processing of forest products, as well as the storage of finished products, provided, however, that any such operation be limited to a total average daily output of 2,500 board feet, that timber deliveries of logs and trees be limited to one truck or trailer load per day, that the total footprint of any such operation be limited to two acres, and further, that hours of operation be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to noon on Saturdays. The setback and lot size requirements set forth herein shall not be subject to variance;:~~
- ~~—(24) When associated with a farm alcohol producer:
 - ~~—(a) Tasting rooms;~~~~

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

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

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

~~(1) **Dwellings, schools, and the like.**~~

(2) Use	Lot Area	Lot Width (feet)	Front Yard Depth (feet)	Side Yard (Width Each Side Yard) (feet)	Rear Yard Depth (feet)
Antique or beauty shops, barbershops or arts and craft shops	20,000-sq-ft.	100	40	20	50
Conversion apartments	1-acre	150	40	30	50
Dwelling	1-acre	150	40	20	50
Nursery schools; day centers	20,000-sq-ft.	100	40	30	50
Religious establishments	2-acres	200	100	50	50
Schools:	-				
—Elementary	5-acres	400	150	100	50
—High	10-acres	500	150	100	50
—Colleges	15-acres	500	150	100	50
Other principal permitted or conditional uses	3-acres	200	40	30	50

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

Lot Width (feet)	Density	Front Yard Depth (feet)	Side Yard Width	Rear Yard Depth (feet)
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			<i>(each side yard) (feet)</i>	
150	1 bed/3,000 sq. ft. ¹	50 min.2	40 min.2	50 min.2

§ 158.071 C CONSERVATION DISTRICT.

(A) **Purpose and Intent.** The purpose of the C District is to prescribe a zoning category for those areas where, because of natural geographic factors and existing land uses, it is considered feasible and desirable to conserve open spaces, water supply sources, woodland areas, wildlife, and other natural resources. This district may include extensive steeply sloped areas, stream valleys, water supply sources, and wooded areas adjacent thereto. Commercial and industrial development should not generally be located in these areas, and residential development should generally be limited to one single-family detached dwelling per three acres. No water or sewer service is planned to these areas.

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

(C) **Principal permitted uses.** The regulation of principal uses is set forth in §158.071.01

~~(1) Agriculture, as defined in § 158.002, provided that any greenhouse heating plant or any building or feeding pens in which farm animals are kept shall comply with the distance requirements specified in § 158.040; (2) Forests and forestation and wildlife preserves;~~

~~—(3) Publicly owned or private parks of a nonprofit nature, including campgrounds, riding trails, summer or winter resort areas, hunting, fishing, or country clubs, game preserves and similar uses for the purpose of preserving and enjoying the natural resources of the property;~~

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

~~—(5) Single family dwellings;~~

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

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

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

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

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

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

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

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

~~—(3) Cemeteries, mausoleums, and memorial gardens;~~

~~—(4) Religious establishments;~~

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

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

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

~~—(c) A site plan shall be required and subject to § 155.059;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~— (g) A country inn shall not have a sign in excess of two feet by three feet in area, which may be double-faced and illuminated;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~—(2) One private stable as defined in § 158.002 in a rear yard on a lot or tract of 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;~~

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

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

~~—1. The maximum size shall be eight feet by 24 feet;~~

~~—2. The exterior surface shall be painted and kept in good repair;~~

~~—3. The storage module shall be vented where needed for safety purposes; and~~

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

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

~~— 1. The exterior surface shall be painted and kept in good repair;~~

~~— 2. The storage module shall be vented where needed for safety purposes; and~~

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

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

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

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

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

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

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

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

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

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

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

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

- ~~—(d) Two off street parking spaces must be provided for the detached accessory dwelling unit; and~~
- ~~—(e) Detached accessory dwelling units shall not be subject to any size limits;~~
- ~~—(8) Home occupation, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);~~
- ~~—(9) Family day care, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);~~
- ~~—(10) Antique shops, barbershops, or beauty parlors, in conjunction with a residence or farm, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);~~
- ~~—(11) Within a dwelling, the professional office of a physician, insurance agent, realtor, or other profession determined by the Zoning Administrator to be similar in use and characteristics, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);~~
- ~~—(12) Lawn care and maintenance service, subject to Zoning Administrator approval after a public hearing in accordance with § 158.130(G);~~
- ~~—(13) The above or below ground storage of not greater than 2,000 gallons, in aggregate capacity of petroleum products which is not sold at retail or wholesale, and subject to Chapter 170 of the Carroll County Code and all applicable MDE and NFPA regulations;~~
- ~~—(14) When associated with a farm alcohol producer:

 - ~~—(a) Tasting rooms;~~
 - ~~—(b) Accessory food sales to accompany the beverage tasting;~~
 - ~~—(c) Retail sales facility for the sale of novelty and gift items related to the beverage;~~
 - ~~—(d) Sales of beverages produced on-site;~~
 - ~~—(e) Guided tours; and~~
 - ~~—(f) Promotional activities.~~~~
- ~~—(F) **Height regulations.** Except on farms and except as provided in § 158.130(E), no building or structure shall exceed two and one-half stories or 35 feet.~~
- ~~—(G) **Bulk requirements.**
 - ~~—(1) **Dimensions.** The following minimum requirements shall apply as hereinafter modified in § 158.130:~~~~

<i>Use</i>	<i>Lot Area</i>	<i>Lot Width (feet)</i>	<i>Front Yard (feet)</i>	<i>Side Yard (feet)</i>	<i>Rear Yard (feet)</i>
CATV facilities	3-acres	200	50	50	50
Dwellings*	3-acres	300	50	50	50
Other uses	5-acres	300	50	100	50

*Requirements only apply to off-conveyances and nonclustered subdivisions.

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

<i>Use</i>	<i>Lot Area</i>	<i>Lot Width (feet)</i>	<i>Density</i>	<i>Front Yard Depth (feet)</i>	<i>Side Yard Width (Each Side yard) (feet)</i>	<i>Rear Yard Depth (feet)</i>
Nursing homes, assisted living facilities	5-acres	150	1-bed/ 3,000 sq. ft. ¹	50-min:2	40-min:2	50-min:2

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

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

§158.071.01 AGRICULTURAL AND CONSERVATION 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.
- (3) The letter "X" indicates that the use is prohibited.
- (4) The letters "NA" indicate 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 uses, and which would not be otherwise 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.

(12) The Additional Regulations listed in the table below may not include all additional regulations that apply to the use, such as the requirement for site plan review under Chapter 155.

<u>LAND USE CATEGORY</u>	<u>AGRICULTURAL</u>	<u>CONSERVATION</u>	<u>ADDITIONAL REGULATIONS</u>
<u>SUBCATEGORY</u>			
<u>DESCRIPTION</u>			
<u>AGRICULTURAL</u>			
<u>Agriculture</u>	<u>P</u>	<u>P</u>	<u>158.002, 158.035, 158.040 for any greenhouse heating plant or any building or feeding pens in which farm animals are kept</u>
<u>Agricultural research laboratory</u>	<u>C</u>	<u>X</u>	<u>158.167</u>
<u>Agritourism</u>	<u>P</u>	<u>C</u>	<u>158.002</u>
<u>Farm alcohol producer</u>	<u>C</u>	<u>C</u>	<u>158.002, 158.168</u>
<u>Farm for the raising of animals for experimental purposes</u>	<u>C</u>	<u>X</u>	<u>158.040</u>
<u>Feed or grain sales, may include storage</u>	<u>C</u>	<u>X</u>	
<u>Flour or grain milling, drying, storage</u>	<u>C</u>	<u>X</u>	
<u>Livestock sales yard and building</u>	<u>C</u>	<u>X</u>	<u>158.040, 158.162</u>
<u>Shop for the service, repair, or sale exclusively of farm machinery and equipment</u>	<u>C</u>	<u>X</u>	<u>158.040</u>
<u>COMMUNICATIONS</u>			
<u>Communications tower</u>	<u>C</u>	<u>C</u>	<u>158.002, 158.039, 158.054</u>
<u>Communications tower complex</u>	<u>X</u>	<u>X</u>	<u>158.002, 158.039, 158.054</u>

<u>LAND USE CATEGORY</u>	<u>AGRICULTURAL</u>	<u>CONSERVATION</u>	<u>ADDITIONAL REGULATIONS</u>
<u>SUBCATEGORY</u>			
<u>DESCRIPTION</u>			
<u>COMMERCIAL</u>			
<u>Vehicle Sales/ Service (all uses)</u>	<u>X</u>	<u>X</u>	
<u>Eating and Drinking Establishments (all uses)</u>	<u>X</u>	<u>X</u>	
<u>Retail/Service</u>			
<u>Butcher shop</u>	<u>C</u>	<u>X</u>	<u>158.002, 158.040</u>
<u>Garden supply center</u>	<u>C</u>	<u>X</u>	<u>158.002</u>
<u>Liquid or dry fertilizer sales</u>	<u>C</u>	<u>X</u>	
<u>Retail/service all others</u>	<u>X</u>	<u>X</u>	<u>158.002</u>
<u>Funeral and Interment</u>			
<u>Cemetery, mausoleum, or memorial garden</u>	<u>C</u>	<u>C</u>	<u>158.002</u>
<u>Crematorium</u>	<u>X</u>	<u>X</u>	<u>158.002</u>
<u>Funeral establishment</u>	<u>X</u>	<u>X</u>	<u>158.002</u>
<u>Lodging</u>			
<u>Bed and breakfast</u>	<u>C</u>	<u>C</u>	<u>158.002, 158.163</u>
<u>Lodging, all others</u>	<u>X</u>	<u>X</u>	
<u>Office/Health Care</u>			
<u>Veterinary facility</u>	<u>P</u>	<u>C</u>	<u>158.002, 158.040</u>
<u>Office/health care, all others</u>	<u>X</u>	<u>X</u>	
<u>Recreational/Entertainment</u>			
<u>Commercial camping area</u>	<u>C</u>	<u>C</u>	<u>158.002, 158.171</u>
<u>Wildlife preserve</u>	<u>P</u>	<u>P</u>	
<u>Golf course</u>	<u>C</u>	<u>C</u>	<u>158.002, 158.169, 158.040</u>
<u>Indoor recreational facility</u>	<u>X</u>	<u>X</u>	<u>158.002</u>
<u>Outdoor recreational area</u>	<u>C</u>	<u>C</u>	<u>158.002</u>
<u>Outdoor trap, skeet, rifle, or archery ranges, including gun clubs</u>	<u>C</u>	<u>C</u>	<u>158.040</u>
<u>Stable, commercial</u>	<u>P</u>	<u>P</u>	<u>158.040</u>
<u>RESIDENTIAL</u>			
<u>Household Living</u>			
<u>Multifamily</u>	<u>X</u>	<u>X</u>	<u>158.002</u>
<u>Retirement home</u>	<u>X</u>	<u>X</u>	<u>158.002</u>
<u>Retirement village</u>	<u>X</u>	<u>X</u>	<u>158.002</u>
<u>Single-family dwelling</u>	<u>P</u>	<u>P</u>	<u>158.002</u>
<u>Townhouse</u>	<u>X</u>	<u>X</u>	<u>158.002</u>
<u>Two-family dwelling</u>	<u>P</u>	<u>X</u>	<u>158.002</u>
<u>Group Living</u>			

<u>LAND USE CATEGORY</u> <u>SUBCATEGORY</u> <u>DESCRIPTION</u>	<u>AGRICULTURAL</u>	<u>CONSERVATION</u>	<u>ADDITIONAL REGULATIONS</u>
<u>Assisted-living facility, < 8 residents</u>	<u>P</u>	<u>P</u>	<u>158.002</u>
<u>Assisted-living facility, >8 residents</u>	<u>C</u>	<u>C</u>	<u>158.002</u>
<u>Nursing home</u>	<u>C</u>	<u>C</u>	<u>158.002</u>
<u>INSTITUTIONAL/COMMUNITY SERVICE</u>			
<u>Day care center/nursery school</u>	<u>P</u>	<u>C</u>	<u>158.002</u>
<u>Private school</u>	<u>P</u>	<u>C</u>	
<u>Religious establishment</u>	<u>P</u>	<u>C</u>	<u>158.002</u>
<u>INDUSTRIAL</u>			
<u>Manufacturing/Production</u>			
<u>Commercial Sawmill</u>	<u>X</u>	<u>X</u>	<u>158.002</u>
<u>Commercial wood processing</u>	<u>C</u>	<u>X</u>	<u>158.002, 158.166</u>
<u>Food processing and packing of agricultural products</u>	<u>P</u>	<u>X</u>	<u>158.002</u>
<u>Research laboratories conducting bioscience research</u>	<u>C</u>	<u>X</u>	<u>158.172</u>
<u>Slaughterhouse</u>	<u>C</u>	<u>X</u>	<u>158.002, 158.040</u>
<u>Winery</u>	<u>C</u>	<u>C</u>	<u>158.040</u>
<u>Manufacturing/production, all others</u>	<u>X</u>	<u>X</u>	
<u>Trades (all uses)</u>	<u>X</u>	<u>X</u>	
<u>Warehouse/Storage/Distribution</u>			
<u>Contractors' equipment storage</u>	<u>C</u>	<u>X</u>	<u>158.002, 158.040, 158.173</u>
<u>Liquid or dry fertilizer storage</u>	<u>C</u>	<u>X</u>	
<u>Storage lot for commercial vehicles, not to include truck or motor freight terminals</u>	<u>C</u>	<u>X</u>	<u>158.170</u>
<u>Warehouse/storage/distribution, all others</u>	<u>X</u>	<u>X</u>	
<u>Waste-Related</u>			
<u>Rubble landfills</u>	<u>C</u>	<u>X</u>	<u>158.165</u>
<u>Transportation/Utilities</u>			
<u>Airfield</u>	<u>C</u>	<u>X</u>	<u>158.002, 158.040</u>
<u>Airport</u>	<u>C</u>	<u>X</u>	<u>158.002, 158.040</u>
<u>Community Energy Solar Generating System</u>	<u>P</u>	<u>X</u>	<u>158.002, 158.153</u>
<u>Utility equipment building, yard, above-ground station or substation, or telephone exchange</u>	<u>C</u>	<u>C</u>	<u>158.039</u>
<u>Utility equipment, all others</u>	<u>P</u>	<u>P</u>	<u>158.039</u>
<u>Miscellaneous</u>			

<u>LAND USE CATEGORY</u> <u>SUBCATEGORY</u> <u>DESCRIPTION</u>	<u>AGRICULTURAL</u>	<u>CONSERVATION</u>	<u>ADDITIONAL REGULATIONS</u>
<u>Banquet/Event Facility</u>	<u>C</u>	<u>X</u>	<u>158.002, 158.040</u>
<u>Commercial kennel, more than ten dogs</u>	<u>C</u>	<u>C</u>	<u>158.002, 158.040, 158.174</u>
<u>Commercial kennel, ten or fewer dogs</u>	<u>C</u>	<u>C</u>	<u>158.002, 158.040, 158.174</u>
<u>Conveyor system</u>	<u>P</u>	<u>C</u>	<u>158.002, 158.039</u>
<u>Extractive-type industries</u>	<u>C</u>	<u>X</u>	<u>158.002, 158.096</u>
<u>Fairgrounds, racetracks or courses</u>	<u>C</u>	<u>X</u>	<u>158.040, 158.160</u>
<u>Growing of medical cannabis</u>	<u>X</u>	<u>X</u>	<u>158.002, 158.040, 158.059</u>
<u>Mineral resource recovery operations, with a MRO designation</u>	<u>P</u>	<u>X</u>	<u>158.002, 158.096</u>
<u>Retreat facility</u>	<u>C</u>	<u>C</u>	<u>158.002, 158.164</u>
<u>Use-off-the premises signs</u>	<u>X</u>	<u>X</u>	<u>158.115</u>
<u>Water supply works, flood control or watershed protection works, fish and game hatcheries</u>	<u>P</u>	<u>P</u>	
<u>PUBLIC</u>			
<u>Cable television facilities when franchised by the BCC</u>	<u>X</u>	<u>P</u>	
<u>Public facility</u>	<u>P</u>	<u>P</u>	<u>158.049</u>

§ 158.071.02 AGRICULTURAL AND CONSERVATION DISTRICTS: REGULATION OF ACCESSORY USES.

(A) Accessory uses in the Agricultural and Conservation Districts

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

(2) 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 to the dwelling.

(3) Business signs, subject to the provisions of §§ 158.110 through 158.115:

(4) One private stable 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 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 acreage or setbacks associated with this provision.

(5) Saddlery and tack shop on the premises of a commercial stable;

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

(a) On property of ten acres and less, there shall be no more than one storage module located on the property, and on property greater than 10 acres, there shall be no more than one storage module for each additional ten acres;

(b) The storage module(s) shall be subject to the following standards:

1. The maximum size shall be eight feet by 24 feet on property of ten acres or less.

2. The exterior surface shall be painted and kept in good repair.

3. The storage module shall be vented where needed for safety purposes.

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

(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) Accessory dwelling units, which are subject to the following:

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

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

(c) The maximum size of an attached accessory dwelling shall be not more than 1,000 square feet of livable floor area. No administrative adjustment or variance is allowed to this provision;

(d) The accessory dwelling unit shall have no more than two bedrooms;

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

(f) One additional off-street parking space must be provided for each bedroom in the accessory dwelling unit;

(g) Only one accessory dwelling unit (attached or detached) shall be permitted on a lot; and

(h) Detached accessory dwelling units shall be located on lots at least three acres in size and may not be located more than 50 feet from the principal dwelling.

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

(10) Beauty parlors and barbershops, in conjunction with a residence, subject to Zoning Administrator approval following submittal of a signed affidavit stating that the use will be conducted by a single practitioner. If the use is to be conducted by more than one practitioner, it shall be approved in accordance with §158.130(G);

(11) Roadside stands for the sale of fresh fruits, vegetables, and other farm products, subject to Zoning Administrator approval in accordance with § 158.130(G);

(12) Dance studios, when conducted within a dwelling by a resident, subject to Zoning Administrator approval accordance with § 158.130(G);

(13) Cottage industry, provided that it is conducted by a resident within the dwelling or within an accessory building which does not exceed 2,000 square feet in area, subject to Zoning Administrator approval following submittal of a signed affidavit stating that the use meets all applicable requirements;

(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 in accordance with § 158.130(G);

(15) Lawn care and maintenance service, subject to Zoning Administrator approval following submittal of a signed affidavit stating that the use meets all applicable requirements, provided there are no more than two vehicles, two trailers and four employees, including the owner of the business;

(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 Maryland Department of the Environment (MDE) and National Fire Protection Association (NFPA) regulations;

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

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

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

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

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

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

(18) The production of firewood, humus, wood chips or mulch as an accessory use to the farming or residential parcels for land clearing or private use purposes. This use shall comply with the distance requirements of §158.040. No wood may be piled up over six feet. No variance to these requirements may be granted.

(19) When associated with a farm alcohol producer

(a) Tasting rooms;

(b) Accessory food sales to accompany the beverage tasting;

(c) Retail sales facility for the sale of novelty and gift items related to the beverage;

(d) Sales of beverages produced on-site;

(e) Guided tours; and

(f) Promotional activities.

(20) Livestock incineration in the Agricultural District, provided the incineration is only of animals raised on the property, except in extenuating circumstances.

§ 158.071.03 AGRICULTURAL AND CONSERVATION DISTRICTS: BULK REQUIREMENTS.

Agricultural District

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

Other bulk requirements. The following minimum requirements shall apply, except as modified in §158.130 and elsewhere in this Chapter.

Use	Lot Area	Lot Width (feet)	Front Yard Depth (feet)	Side Yard (Width Each Side Yard) (feet)	Rear Yard Depth (feet)
Dwelling	1 acre	150	40	20	50
Nursery schools; day care centers	2 acres	100	40	30	50
Religious establishment	2 acres	200	100	50	50
Schools:					
Elementary	15 acres	400	150	100	50
Middle	20 acres	400	150	100	50
High	40 acres	500	150	100	50
Colleges	15 acres	500	150	100	50
Nursing home, assisted living facility*	3 acres	150	50	40	50
Other principal permitted or conditional uses	3 acres	200	40	30	50

- The density for nursing homes and assisted living facilities shall be no more than 1 bed/3,000 sq. ft. For those areas in excess of 180,000 square feet, the determination of the density factor will be made by the Planning Commission and the Health Department upon the review and approval of the site development plan. In addition, as lot area increases above minimum of 45,000 square feet, increased provision of front, side, and rear yards shall be determined by the Planning Commission and the Carroll County Health Department based on the site development plan.

Conservation District

Height Regulations. Except on farms and except as provided in 158.130 (E), no building or structure shall exceed 35 feet.

Use	Lot Area	Lot Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
CATV facilities	3 acres	200	50	50	50
Dwellings *	3 acres	300	50	50	50
Schools:					
Elementary	15 acres	400	150	100	50
Middle	20 acres	400	150	100	50
High	40 acres	500	150	100	50
Other principal permitted or conditional uses	5 acres	300	50	100	50

- Requirements only apply to off conveyances and nonclustered subdivisions.

§ 158.075.01 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.
- (3) The letter "X" indicates that the use is prohibited.
- (4) The letters "NA" indicate 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 uses, and which would not be otherwise 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.

(12) The Additional Regulations listed in the table below may not include all additional regulations that apply to the use, such as the requirement for site plan review under Chapter 155.

LAND USE CATEGORY SUBCATEGORY DESCRIPTION	R- 40,000	R- 20,000	R- 10,000	R- 7,500	ADDITIONAL REGULATIONS
COMMERCIAL					

<u>Country Inn</u>	X	X	X	X	<u>§158.002</u>

<u>Banquet/event facility</u>	X	X	X	X	<u>158.002</u>

§ 158.075.02 RESIDENTIAL DISTRICTS: REGULATION OF ACCESSORY USES.

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

(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 acreage or setbacks associated with this provision.

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

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

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

- (1) The letter "P" indicates that the use is permitted in the district indicated.
- (2) The letter "C" indicates that the use requires the conditional use authorization of the BZA in accordance with § [158.133](#).
- (3) The letter "X" indicates that the use is prohibited.
- (4) The letters "NA" indicate 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 uses, and which would not be otherwise 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.

(12) The Additional Regulations listed in the table below may not include all additional regulations that apply to the use, such as the requirement for site plan review under Chapter 155.

LAND USE CATEGORY SUBCATEGORY DESCRIPTION	C-1	C-2	C-3	I-1	I-2	EC	ADDITIONAL REGULATIONS
Agricultural							

Agricultural research laboratories and facilities	X	X	C	C	P	P	158.070

Commercial							
Eating and Drinking Establishments							
Catering establishment or banquet facility	P	P	P	X	X	P	158.002

Banquet/event facility	P	P	P	X	X	P	158.002

Lodging							
Bed and breakfast	C	X	X	X	X	X	158.002, 158.071 158.163
Country Inn	C	X	X	X	X	X	158.002, 158.071

Recreational/Entertainment							

Conference center	X	C	P	X	X	P	158.002, 158.070

Retreat facility	X	X	X	X	X	X	158.002, 158.070

Industrial							
Manufacturing/Production							

Food processing and packing plant	X	X	X	P	P	X	158.002, 158.040

§ 158.082 COMMERCIAL AND INDUSTRIAL DISTRICTS: REGULATION OF ACCESSORY USES.

(A) Accessory uses in the Commercial Districts.

- (1) Uses and structures customarily accessory and incidental to any principal permitted use, nonconforming use, or authorized conditional use, including but not limited to:

(B) Accessory uses in the Industrial Districts.

- (1) Uses and structures customarily accessory and incidental to any principal permitted use, nonconforming use, or authorized conditional use, including but not limited to:

OVERLAY DISTRICTS

§ 158.097 H HERITAGE DISTRICT.

- (D) Accessory uses.** Accessory uses shall be those enumerated in §~~158.073(E)~~ 158.075.02.

- (E) Height Regulations.** Height regulations shall be those enumerated in §~~158.073(F)~~ 158.075.03.

~~**§ 158.098 COMMERCIAL CAMPING AREA.**~~

~~—(A) **General regulations.** Every commercial camping area shall comply with all sanitary and other requirements prescribed by law or regulations, and the following requirements, unless the following requirements are waived or modified by the Planning Commission:~~

~~—(1) Every such area where permitted shall be generally located in a wooded area or be screened either by a wooded area or by the natural topography and be at least 1,000 feet from any Residence District, 500 feet from any existing dwelling on adjacent property, or officially designated federal or state numbered highway or county road designated as a primary or secondary highway on the Major Road Plan of Carroll County, 100 feet from any other public road, and 50 feet from any property line in any case.~~

~~—(2) Each campsite shall have an area of at least 2,000 square feet including parking space for one car, and no camp site shall be closer than 100 feet to any property line. The campsites, together with any nonaccessory buildings, shall not occupy in the aggregate more than 35% of the gross area of the designated camping area.~~

~~—(3) An adequate water supply having the approval of the Carroll County Health Department shall be provided at one or more convenient locations in every camping area, not less than 150 feet from every site.~~

~~—(4) Sanitary toilet facilities approved by the Carroll County Health Department shall be provided not more than 600 feet from any site, and if not of a flush-type connection with a sewage disposal unit, such disposal facilities shall be at least 200 feet from all campsites.~~

~~—(5) Showers or other commonly accepted bathing facilities shall be provided at a ratio of four (two for men, two for women) per 30 campsites at one or more locations, provided that the Planning Commission may waive this requirement when the camping area is of a small primitive type and contains less than 15 campsites.~~

~~—(6) Sanitary receptacles for the collection and storage of refuse shall be provided at convenient locations to be emptied regularly and the contents disposed of in a sanitary manner.~~

~~—(7) No vehicular entrance to or exit from any camping area containing more than 15 individual campsites shall be located within 400 feet along the roads of any school, religious establishment, or any institution for children or dependents.~~

~~—(8) No retail business or merchandising other than that which is subordinate to the operation of the camping areas and intended only for its occupants shall be permitted.~~

~~—(B) **Standards.**~~

~~—(1) **Access points.** Provision for separating entering and exiting traffic shall be by means of a grassed median or island type arrangement, unless owing to exceptional or unusual topographic conditions the Planning Commission agrees to an alternate method.~~

~~—(2) **Camping area road/drives.** Provision shall be made to limit two-way traffic whenever possible; where necessary, such roads should be a minimum width of 25 feet. One-way roads and drives should be a minimum of 12 feet in width. All roads and drives shall be designed with regard to the topography and constructed and stabilized to withstand all weather, with dust controlled wherever possible.~~

~~—(3) **Clearing.** This activity shall be strictly limited in order to retain as much natural cover as possible. In this connection, provision shall be made for stable and level areas or pads on each individual site to safely accommodate camping vehicles and facilities.~~

~~—(4) **Campsite arrangements.** Campsites shall be arranged along loop, horseshoe, or daisy type drives in order to promote the maximum amount of privacy~~

~~possible to the individual campsite unless an alternate method can be clearly demonstrated to carry out the objective of maximum privacy and adequate design. Open space areas shall effectively separate groups of campsites (usually not exceeding 30) from one another. Each individual campsite shall be numbered and clearly marked on a concrete, redwood, or other acceptable permanent marker and correspond with any approved site development plan.~~

~~—(5) **Fencing and screening.** This shall be provided wherever necessary and needed by virtue of topographic or other conditions.~~

~~—(6) **Fire control.** In addition to any requirements of state or county fire laws, a fire control plan shall be outlined and submitted for the Planning Commission's review and consideration. In addition, the site development plan shall indicate fire pits to be provided and designed to discourage indiscriminate fire building throughout the camping area.~~

~~—(7) **Site development plan.** Any new commercial camping area or any expansion or modification of an existing commercial camping area shall be subject to the requirements of § 155.059 and the Development Review Manual.~~

SIGNS

§ 158.114 USE-ON-THE-PREMISES SIGNS.

Business signs pertaining to use-on-the-premises, as an accessory use in all districts, provided that the following provisions are adhered to:

(G) Temporary signs located on the premises of a business which advertise special events of the business, such as grand openings, anniversaries, holiday sales, or other unique occasions of limited duration, subject to all distance, yard, and setback requirements and subject to the following limitations:

(1) **Area.** The sign shall be no larger than 36 square feet per side and shall have no more than two sides. If temporary single faced signs are used, no more than two temporary single faced signs may be used.

(2) **Time limit.** The sign may not be located at the business for longer than 30 days prior to the special event. The Zoning Administrator shall prohibit the use of temporary signs if it appears that the use is intended to avoid the restrictions on permanent signs. Temporary signs may be used no more than twice per calendar year.

(3) **Anchoring.** The sign must be anchored to the ground or to a permanent structure to prevent it from being moved by force of nature.

(4) **Signs on wheels.** Signs on wheels are prohibited, as are signs designed to be affixed to a wheeled chassis but which have either been removed from the chassis or have never been so attached.

(5) **Approval.** Prior to using the sign, a person shall have been issued a zoning certificate and must obtain the approval of the Zoning Administrator, who shall review the request to determine if the sign constitutes a potential hazard to health, safety, or welfare; or whether the use of the sign is for a truly temporary purpose rather than for a purpose that would require additional regulation under other provisions of this chapter.

(6) **May be allowed.** The Zoning Administrator may allow the use of pennants, banners, streamers, tethered balloons, or inflatables.

SPECIFIC USES

~~§ 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 §.~~

~~—(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 portable 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 provision of § 158.070(E)(1)(aa)(13) and § (E)(1)(aa)(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.~~

§ 158.160 FAIRGROUNDS, RACETRACKS, OR COURSES

(A) Fairgrounds, racetracks, or courses for the conduct of seasonal or periodic meets of horses, dogs, aircraft, automobiles, motorcycles, off-road vehicles, and the like, may be authorized by conditional use provided that a site development plan shall be approved by the Planning Commission to demonstrate how the use will be conducted and operated so as not to adversely affect the natural resources.

§ 158.162 LIVESTOCK SALES YARDS AND BUILDINGS

A livestock sales yard and buildings may be authorized by conditional use in the Agricultural District, provided that:

(A) The area used shall be a minimum of ten acres; and

(B) A minimum front yard of 400 feet is provided.

§ 158.163 BED AND BREAKFAST

A bed and breakfast may be authorized by conditional use in the Agricultural or Conservation District, provided that:

- (A) The primary use of the structure and property shall be residential;
- (B) Interior residential features shall be retained in a manner which allow reconversion to a residential use;
- (C) The dwelling shall be owner-occupied and managed;
- (D) Parking shall be provided on site with one additional space required for each room that is available to be rented;
- (E) Other than an authorized sign, the bed-and-breakfast use shall be shown to be compatible with the neighborhood and shall be maintained and landscaped to eliminate outward signs of transient use;
- (F) Meals shall be served only to customers who are actually using the accommodations overnight, nonpaying residents, or their bona fide guests;
- (G) No more than one nonresident person may be employed on the premises; and
- (H) A bed-and-breakfast shall not have any sign or other evidence of its use except one sign not exceeding two feet by three feet in area, which may be double-faced and illuminated.

§ 158.164 RETREAT FACILITY

A retreat facility may be authorized by conditional use, provided that:

- (B) A site development plan shall be approved by the Planning Commission;
- (C) The use shall be located on a property of not less than five acres;
- (D) All buildings and housing shall be located not less than 100 feet from adjoining property;
- (E) In the Agricultural District, such use shall be designed to preserve the maximum amount of land for agricultural purposes; and
- (F) In the Conservation District, such use shall be designed to preserve the maximum amount of conservation features.

§ 158.165 RUBBLE LANDFILLS

A rubble fill may be authorized by conditional use, subject to the following requirements, conditions, and limitations;

- (A) The use shall not be allowed unless authorized by valid permits issued by all governmental agencies which require a permit for any part of the activity or use performed;
- (B) (B) Unless a valid close out permit has been issued and maintained for the site, termination or revocation of any permit required by the preceding section terminates any authority granted hereunder and constitutes a violation of this chapter;
- (C) This use shall be subject to site plan review under Chapter 155; and
- (D) Prior to beginning to use any property for this use, the owner shall enter into an indenture with the County Commissioners which guarantees that all of the requirements of this chapter and any permit required to conduct the use are met and further guarantees that the cost of eliminating any nuisance created by the rubble landfill, including fires, shall be borne by the property owner, and the owner shall provide a bond or other suitable guaranty to the County Commissioners (in the discretion of the County Commissioners) to ensure the proper use of the property and performance of the covenants contained in the indenture. For purposes of this section, the County Commissioners may include any provisions in the indenture it deems necessary to protect the health, safety, and welfare of the people of the county, and the County Commissioners shall be the sole arbiters of what constitutes a nuisance.

§ 158.166 COMMERCIAL WOOD PROCESSING

Commercial wood processing, including processing, storage, and sale at retail and wholesale, may be authorized by conditional use, provided that a site development plan shall be approved by the Planning Commission, and subject to the following conditions:

- (A) The use shall not be located within 600 feet from any property line;
- (B) The use shall be shown by the owner not to adversely affect the quantity or quality of groundwater or surface waters, or be otherwise detrimental to neighboring properties;
- (C) The BZA may limit the intensity of use on the site based on factors, including but not limited to the proximity to a public water supply and adequacy of access to the site;
- (D) The BZA may require an environmental impact study based on the scale of the project and on the recommendation of technical staff;

(E) The BZA shall limit the hours and days of operations; and

(F) No zoning certificate shall be issued until documentation of all necessary permits or exemptions from state and county agencies are presented to the Zoning Administrator.

§ 158.167 AGRICULTURAL RESEARCH LABORATORY IN THE AGRICULTURAL DISTRICT

An agricultural research laboratory may be authorized by conditional use in the Agricultural District, provided that:

(A) the facility is located on a lot at least 25 acres in size. The lot size may be reduced if the BZA finds that the nature and scale of the operation can be appropriately accommodated, and

(B) provided that a site development plan shall be approved by the Planning Commission.

§ 158.168 FARM ALCOHOL PRODUCER

A farm alcohol producer may be authorized by conditional use, subject to the following requirements, conditions, and limitations:

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

(B) A farm alcohol producer must have a valid Class 4 limited winery, Class 8 farm brewery, or Class 1 distillery Maryland alcohol manufacturer license, or as may be amended.

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

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

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

(F) Accessory uses at the farm alcohol producer are permitted, as outlined in § 158.071.02. The floor area for beverage tasting, sales of alcohol produced on-site or other non-alcoholic beverages, accessory food sales related to the beverage tasting, and retail sales facility for sale of novelty and gift items related to the beverage shall not exceed the on-site floor area being used for production and storage of such beverage. Sales of non-agricultural products shall be limited to no more than 25% of the floor area of the entire retail sales facility.

(G) *TOURS AND TASTINGS* means tours of the farm alcohol producer and/or tastings of beverages produced by the farm alcohol producer during the operating hours prescribed in the license. The farm alcohol producer may serve food in conjunction with tours and tastings, provided:

- (1) All advertising to the public is only for tours and/or tastings;
- (2) The amount and type of food is intended to be secondary and complementary to the alcohol as part of the tours and tastings; and
- (3) The food arrives at the establishment ready for service or in a state generally ready for consumption.

(H) Storage of beverages produced on the property is allowed.

(I) A Health Department food service license is required if food is served.

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

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

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

(M) Any on-site event or activity at a farm alcohol producer that is expected to exceed site plan approval is considered a temporary/seasonal use and shall

obtain a temporary zoning certificate from the Zoning Administrator by submitting a simplified application form as prescribed by the Zoning Administrator.

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

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

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

(3) The event or activity must comply with the provisions of Chapter 93, Nuisances, Noise;

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

(5) A temporary food permit license must be approved by the Health Department; and

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

(O) Banquet and meeting facilities.

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

(2) Events at these facilities shall not be open to the public.

(3) Food must be provided and served by a licensed caterer.

(4) Site plan approval is required.

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

§ 158.169 GOLF COURSE

Golf courses may be authorized by conditional use in the Agricultural and Conservation Districts subject to site plan review under Chapter 155 and the filing of a professionally prepared environmental impact plan demonstrating how use, maintenance, and activities will be conducted and operated so as to not adversely affect the natural resources and comply with water resources protection standards as may be adopted by the county in the Water Resources Manual.

§ 158.170 STORAGE LOT FOR COMMERCIAL VEHICLES IN THE AGRICULTURAL DISTRICT

Storage lots for commercial vehicles, not to include truck or motor freight terminals, provided that the BZA shall have the authority to limit the number of vehicles based on the considerations enumerated in § 158.133 (G), and provided that the BZA determines sufficient space is available to park the vehicles without disturbance to neighboring properties. Notwithstanding the area requirements of §158.071.03, the BZA may consider applications on sites of less than three acres.

§ 158.171 COMMERCIAL CAMPING AREA.

(A) **General regulations.** Every commercial camping area shall comply with all sanitary and other requirements prescribed by law or regulations, and the following requirements, unless the following requirements are waived or modified by the Planning Commission:

(1) Every such area where permitted shall be generally located in a wooded area or be screened either by a wooded area or by the natural topography and be at least 1,000 feet from any Residence District, 500 feet from any existing dwelling on adjacent property, or officially designated federal or state numbered highway or county road designated as a primary or secondary highway on the Major Road Plan of Carroll

County, 100 feet from any other public road, and 50 feet from any property line in any case.

(2) Each campsite shall have an area of at least 2,000 square feet including parking space for one car, and no camp site shall be closer than 100 feet to any property line. The campsites, together with any nonaccessory buildings, shall not occupy in the aggregate more than 35% of the gross area of the designated camping area.

(3) An adequate water supply having the approval of the Carroll County Health Department shall be provided at one or more convenient locations in every camping area, not less than 150 feet from every site.

(4) Sanitary toilet facilities approved by the Carroll County Health Department shall be provided not more than 600 feet from any site, and if not of a flush-type connection with a sewage disposal unit, such disposal facilities shall be at least 200 feet from all campsites.

(5) Showers or other commonly accepted bathing facilities shall be provided at a ratio of four (two for men, two for women) per 30 campsites at one or more locations, provided that the Planning Commission may waive this requirement when the camping area is of a small primitive type and contains less than 15 campsites.

(6) Sanitary receptacles for the collection and storage of refuse shall be provided at convenient locations to be emptied regularly and the contents disposed of in a sanitary manner.

(7) No vehicular entrance to or exit from any camping area containing more than 15 individual campsites shall be located within 400 feet along the roads of any school, religious establishment, or any institution for children or dependents.

(8) No retail business or merchandising other than that which is subordinate to the operation of the camping areas and intended only for its occupants shall be permitted.

(B) Standards.

(1) **Access points.** Provision for separating entering and exiting traffic shall be by means of a grassed median or island-type arrangement, unless owing to exceptional or unusual topographic conditions the Planning Commission agrees to an alternate method.

(2) **Camping area road/drives.** Provision shall be made to limit two-way traffic whenever possible; where necessary, such roads should be a minimum width of 25 feet. One-way roads and drives should be a minimum of 12 feet in width. All roads and drives shall be designed with regard to the topography and constructed and stabilized to withstand all weather, with dust controlled wherever possible.

(3) **Clearing.** This activity shall be strictly limited in order to retain as much natural cover as possible. In this connection, provision shall be made for stable and level areas or pads on each individual site to safely accommodate camping vehicles and facilities.

(4) **Campsite arrangements.** Campsites shall be arranged along loop, horseshoe, or daisy-type drives in order to promote the maximum amount of privacy possible to the individual campsite unless an alternate method can be clearly demonstrated to carry out the objective of maximum privacy and adequate design. Open space areas shall effectively separate groups of campsites (usually not exceeding 30) from one another. Each individual campsite shall be numbered and clearly marked on a concrete, redwood, or other acceptable permanent marker and correspond with any approved site development plan.

(5) **Fencing and screening.** This shall be provided wherever necessary and needed by virtue of topographic or other conditions.

(6) **Fire control.** In addition to any requirements of state or county fire laws, a fire control plan shall be outlined and submitted for the Planning Commission's review and consideration. In addition, the site development plan shall indicate fire pits to be provided and designed to discourage indiscriminate fire building throughout the camping area.

(7) **Site development plan.** Any new commercial camping area or any expansion or modification of an existing commercial camping area shall be subject to the requirements of Chapter 155.

§ 158.172 RESEARCH LABORATORIES CONDUCTING BIOSCIENCE RESEARCH IN THE AGRICULTURAL DISTRICT

Research laboratories and facilities conducting bioscience research through clinical and preclinical testing on animals, plants, or foods for the purpose of developing products which are technically, scientifically, or clinically useful, may be authorized by conditional use subject to the following requirements:

(A) Such uses shall be located on a minimum lot of 25 acres;

(B) The use shall be subject to a front, rear, or side yard of 200 feet, unless the use includes any exterior animal holding or living areas including kennels with or without runs, pens, corrals, barns or sheds, then the use shall be subject to a front, rear, or side yard of 400 feet;

(C) Such uses may not exceed a classification of Biosafety Level (BSL) 2 as that term is defined by the Centers for Disease Control (CDC) as of May 1, 2004;

(D) Such uses shall comply with all applicable federal certifications that apply to the testing and research being performed on site if recommended or mandatory for the industry; and

(E) Such uses must meet all applicable Carroll County Health Department regulations and standards.

§ 158.173 CONTRACTORS' EQUIPMENT STORAGE IN THE AGRICULTURAL DISTRICT

Contractors' equipment storage may be authorized by conditional use in the Agricultural District subject to the following requirements:

(A) The area within which the use is located shall be no more than one acre in size;

(B) The minimum area of the property on which the use is located shall be five acres.

§ 158.174 COMMERCIAL KENNELS IN THE AGRICULTURAL AND CONSERVATION DISTRICTS

Commercial kennels may be authorized by conditional use subject to the following requirements:

(A) The minimum area for a commercial kennel for ten dogs or fewer shall be five acres;

(B) The minimum area for a commercial kennel for more than ten dogs shall be ten acres;

(C) All commercial kennels shall be subject to the distance requirements of §158.040.