

# COMMERCIAL-INDUSTRIAL TEXT AMENDMENT

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Underlining = New text

~~Strikeout~~ = Deleted text

\*\*\* Existing text

## CHAPTER 155: DEVELOPMENT AND SUBDIVISION OF LAND

### AUTHORITY AND PURPOSE; DEFINITIONS

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#### 155.005 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Any term not defined in this chapter shall have the meaning as defined in Chapter 158 or any other chapter of the Code. Any term not defined in the Code in any chapter shall have its generally accepted meaning.

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**BUILDABLE LOT.** Separately described parcel legally created in accordance with Chapter 158 or its predecessor law which allows or would have allowed, without a variance, the construction of a single-family dwelling; or if in ~~or if in~~ the “~~B-G~~”, “~~B-NR~~”, “~~I-G~~”, or “~~I-R~~” C-1, C-2, C-3, I-1, or I-2 District, allows or would have allowed without a variance the construction of a building to house any principal permitted use. The term does not imply that such lot has met or will meet Carroll County Health Department standards and requirements for water and sewer or other applicable governmental approvals which shall be obtained prior to the granting of a building permit.

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**DESIGN MANUAL.** ~~The Design Manual. Volume 1, Roads and Storm Drains.~~ The Manual used by the Department of Public Works for the engineering of roads and storm drains.

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**DIRECTOR.** The Director of the Department under which the ~~of Land Use, Planning, and Development,~~ Bureau of Development Review, or its successor bureau/agency resides.

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**PLANNED PUBLIC PROJECT.** A project shown on the duly adopted County Master Plan, and all other duly adopted County plans.

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**WELLHEAD BUFFER.** An area which extends a minimum of 200' X 200' ~~100 feet~~ around any existing or proposed community water supply well or well site, unless modified by the Planning Commission, as may be designated on the adopted Water and Sewer Master Plan or the Carroll County ~~Comprehensive~~ Master Plan, other duly adopted County plans, or identified during the development process.

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## SUBDIVISION OF LAND

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### 155.021 OFF CONVEYANCE.

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(B) The Department shall act upon an application to create an off conveyance lot within a reasonable time from its filing.

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(2) No application for subdivision may be filed for a period of five years from the date of creation of an off conveyance lot which is created after July 1, 1989, unless the lot or the lot yield derived from the subdivision of this off conveyance is clustered with any lot or lot yield derived from the subdivision of the remainder, as approved by the Department, and thereafter only if it is authorized to be subdivided pursuant to the then applicable planning, zoning, and other governmental regulations. This provision shall not prohibit subdivision for principal permitted or conditional uses in the ~~"B-NR", "B-G", "I-R", or "I-G"~~ C-1, C-2, C-3, I-1, or I-2 Districts.

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## PROCESS

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### 155.055 CONCEPT PLAN.

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(D) The requirements of division (A) above are not applicable to minor ~~residential~~ subdivisions, off conveyances, hangover parcels, and accessory dwelling units.

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(F) Sunset provision: a concept plan of subdivision shall become void 12 months after the concept plan is ~~accepted for review~~ reviewed by the Planning Commission, unless a preliminary plan has been submitted and accepted for review.

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## 155.059 SITE PLAN REQUIREMENTS.

### (A) General requirements.

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(5) A concept site plan shall become void ~~one year~~ 12 months after the concept site plan is reviewed by the Planning Commission, ~~accepted for review~~ unless a final site plan has been submitted and accepted for review.

**(B) Site development plans.** In approving site development plans, the Planning Commission shall have the authority to:

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(6) Ensure ~~conformity~~ consistency with the Master Plan and this chapter;

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## PARKING SPACE REQUIREMENTS

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### 155.077 MINIMUM NUMBER OF SPACES.

The minimum number of parking spaces required for uses not specifically listed in the following table ~~below shall be the same as that required for the most similar specified use as determined by the Director~~ determined by the Planning Commission. The requirements shall be based upon similarity to an existing use listed within the table below, characteristics of the proposed use, or hourly parking demand studies published by the Institute of Transportation Engineers (ITE). For the following uses for buildings hereafter erected or increased in size by 20% of the size existing on August 17, 1965, or uses thereafter established, changed, or enlarged, off street parking facilities shall be provided as hereafter set forth. The minimum number of parking spaces required may be reduced by the ~~Director~~ Planning Commission if the use is located within 500 feet of any public parking lot or a parking lot on private property

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where sufficient spaces are permanently available during times of operation and a parking easement is granted. Square footage in the following text refers to gross square feet.

Use	Number of Spaces Required
Airport, airfield	1.5 for each plane tie-down
Airport hangar	1 for each 2,000 square feet of floor area utilized for aircraft storage, plus required parking for square footage devoted to other uses
<del>Animal boarding or grooming</del> <u>Commercial kennel</u>	3 plus 1 for each employee on the maximum shift
<del>Animal hospital/veterinary facility</del> <u>clinic</u>	5 for every 1,000 square feet of floor area
<del>Automobile service station</del> <u>center</u>	1 for each employee on the maximum shift plus 2 for each service bay
<del>Automobile, trailer, implement, and motorcycle sales room</del> <u>Vehicle sales lot</u>	<del>1-2</del> for every <del>500-1,000</del> square feet of floor area, excluding service bays, plus 2 for each service bay. Customer parking shall be identified on the site
Bank, financial institution, and similar use	<del>1-5</del> for every <del>200-1,000</del> square feet of floor area
Barbershop, beauty shop, and day spa	3 for each station
<del>Bed and breakfast</del>	<del>2 plus 1 for each guest room</del>
Boardinghouse or rooming house	1 for each boarder or roomer
Bowling alley	4 for each alley
<del>Business and/or</del> professional office (nonmedical)	3.3 for every 1,000 square feet of floor area
Care home (nursing, assisted living, <del>domiciliary</del> )	1 for every 4 beds, plus 1 for every 2 employees on the maximum shift
Commercial swimming pool	1 for every 4 persons, based on maximum capacity
<del>Dance hall, Assembly hall,</del> community center, sports arena, skating rink, theater, auditorium, <u>conference center</u>	1 for every 3 persons, based on maximum capacity
Eating establishment:	

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<del>__</del> Carryout only	<del>6 for every 1,000 square feet of floor area</del> <u>1 for every employee on the maximum shift, and 1 for every person based on the maximum capacity of the waiting area</u>
<del>Fast food establishment</del>	<del>14 for every 1,000 square feet of floor area</del>
<del>__</del> Restaurant, tavern, or bar <del>nightclub, cocktail lounge</del>	1 for every 3 persons, based on maximum capacity
Emergency service facility (fire, ambulance, rescue-type facility)	Minimum number of parking spaces to accommodate personnel
Flex space (industrial/office)	2.5 for every 1,000 square feet of floor area
Funeral <del>establishment</del> <del>home,</del> <del>mortuary</del>	10 for each public room or 1 for every 50 square feet of floor area in public rooms, whichever is greater
Furniture and appliance store, over 1,500 square feet in floor area, not including department store	2.5 for every 1,000 square feet of floor area
Government building of administrative type	1 for every 1.5 employees or <del>1.5</del> <u>for every 200-1,000 square feet of floor area, whichever is greater</u>
Greenhouses, garden centers, and nurseries, retail	6 for every 1,000 square feet of floor area and 1 for every 1,000 square feet of outdoor display area or greenhouse area
Health club or gym	3 for every 1,000 square feet of floor area
Hospital	1 for each bed, plus 1 for every 1.5 employees on the maximum shift
<del>Hotel, or motel, Lodging house</del> <del>(hotel, motel, country inn, or bed and breakfast)</del> <u>Country Inn</u>	1 for each <u>guest</u> bedroom, plus 1 for each employee on the maximum shift
Industrial or manufacturing use	1 for every 1.5 employees on the maximum shift
Library, museum, art gallery	1 for every 400 square feet of floor area
<del>Medical center or office</del> <u>Medical or dental center</u>	5 for every 1,000 square feet of floor area
Mobile home park	As provided in §155.096
Planned <del>commercial</del> <del>business</del> center	5.5 for every 1,000 square feet of floor area
Religious establishments	1 for every 4 persons, based on the maximum capacity of the sanctuary
Residence:	

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Single- and two-family	2 for each dwelling unit
<u>Townhouse</u>	<u>2 for each townhouse</u>
Multi-family	<del>2 for each townhouse.</del> 1.25 for each efficiency apartment; 1.5 for each one bedroom apartment and each two bedroom apartment; 2 for each three or more bedroom apartment. Overflow/guest parking may be required at the discretion of the <u>Planning Commission</u> <del>Director</del>
<u>Retirement home/a</u> Age-restricted adult housing— single-family, two-family, and townhouses	2 for each dwelling unit. Overflow/guest parking may be required at the discretion of the <del>Director</del> <u>Planning Commission</u>
<u>Retirement home/a</u> Age-restricted adult housing— multi-family, excluding townhouses	1.5 for each dwelling unit. Overflow/guest parking may be required at the discretion of the <del>Director</del> <u>Planning Commission</u>
<u>General retail or general service</u> <del>Retail store, including department store, less than 60,000 50,000</del> square feet of floor area	<del>1-5</del> for every <del>200-1,000</del> square feet of floor area, except as provided under “furniture and appliance store” above
<u>General retail or general service</u> <del>Retail store, including department store, 60,000 50,000</del> square feet or greater of floor area	<del>1-4</del> for every <del>250-1,000</del> square feet of floor area, except as provided under “furniture and appliance store” above
School:	
<del>Group day care or nursery school, 5 or more children</del> <u>Day care center, nursery school</u>	1 for each employee on the maximum shift, plus 1 per 10 children
Elementary, middle, high school and equivalent private or parochial school, or institution of higher learning	The number of parking spaces required will be subject to a detailed parking analysis and study which shall address the following: number of faculty and staff, projected enrollment, requirements for special events, and capacity of special assembly areas. The final determination will be made by the <u>Planning Commission</u> <del>Department</del>
<u>Self-service storage facility (without driveway access)</u>	1 for every <del>50-10</del> <del>storage</del> <u>10 storage</u> bays, plus 2 for employee parking and 3 for customer parking located at the business office
<u>Self-service storage facility (with driveway access)</u>	<u>2 for employee parking and 3 for customer parking located at the business office</u>
Wholesale establishment or warehouse	1 for every 1.5 employees on the maximum shift or 1 for every 1,500 square feet of floor area, whichever is greater

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Golf Course	<u>4 spaces per hole and 1 space per each 50 square feet of floor area devoted to customer service, plus 1 space per every 2 employees</u>
Catering establishment/ banquet facility	1 for every 3 persons, based on maximum capacity
Solar energy conversion facility	1 space plus 1 for each employee
Communications tower complex	1 space plus 1 for each employee
Retreat facility	The number of parking spaces required will be subject to a detailed parking analysis and study which shall address the following: number of staff, projected attendance, requirements for special events, and capacity of special assembly areas. The final determination will be made by the Planning Commission

## 155.078 DESIGN STANDARDS.

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(B) The Director may waive standards in this section for periodic outdoor uses that the Director determines are temporary or seasonal and not likely to have an adverse impact on neighboring properties.

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(9) **Off street loading.** In all districts, uses that involve deliveries, shipments, or removal of goods, materials, supplies, or waste by truck shall provide adequate off street loading and unloading facilities. For every building having a gross-floor area of 10,000 square feet or more to be used for manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, or other similar use, there shall be provided and maintained at least one off street loading space, plus one additional loading space for each 20,000 square feet or major fraction thereof of gross-floor area so used in excess of the first 10,000 square feet. Each loading space shall not be less than 12 feet in width, 45 feet in length, and 14 feet in clear height. Such space may occupy all or any part of any required yard except a front yard. No such space shall be located closer than 30 feet to any lot located in any R District, unless the loading space is within a completely enclosed building;

## PARTICULAR AREAS

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## 155.093 PUD PLANNED UNIT DEVELOPMENT.

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(C) **Area.**

- (1) The proposed PUD shall normally include a tract of land not less than 20 acres in a R-10,000 District and ten acres in a R-7,500 District.
- (2) A PUD may be considered on a parcel of land of less than ten acres if it has a common boundary with a R-7,500 District, but in no case shall a tract of land of less than five acres be considered.

(3) Where the acreage in a PUD project is 100 acres or more, the Planning Commission may approve, as part of the overall plan, a planned ~~business-commercial~~ center in which "~~B-NRC-1~~" District uses may be located in accordance with this chapter; provided, however, that such planned ~~business-commercial~~ center is located in a manner as to be an integral part of the development itself and not a means of servicing adjacent areas, or such a basis by which a ~~business-commercial~~ district may be extended to adjacent properties.

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**155.094 PBC PLANNED BUSINESS-COMMERCIAL CENTERS.**

(A) **Approval of certain types of centers by Planning Commission.** In any "~~B-NR~~" or "~~B-G~~" ~~D~~commercial districts, the Planning Commission may approve a neighborhood-type shopping center or a community-type shopping center subject to the provisions hereinafter set forth under this subchapter.

(B) ~~Presentation of d~~**Development plan; conditions.**

- (1) ~~The development of any such planned business center project ("PBC") (prior to any construction) shall present to the Planning Commission for its review, a development plan of such proposed center.~~ The development plan shall show such items as the size of the project, the location and approximate shapes of buildings, road ingress and egress patterns, parking areas, storm drainage and water and sewerage facilities, and such other information as is necessary for the Planning Commission to give the necessary consideration.
- (2) It shall be the duty of the Planning Commission to ascertain whether the location, size, and other characteristics of the site, and the proposed plan, comply with the following conditions:
  - (a) The proposed ~~PBC~~PCC will not cause points of traffic congestion on existing or planned future roads in the areas of such proposed location; and



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~~(b)–The plans provide for a PBCPCC consisting of one or more groups of establishments in buildings of integrated and harmonious design, together with adequate and properly arranged traffic and parking facilities and landscaping, so as to result in an attractive and efficient shopping center.;~~ and

~~(c)(b)~~

~~—(c) That any PWA determined necessary by the Planning Commission shall be provided to the County Commissioners ensuring the construction of the project in accordance with any approved plan or amendments thereto.~~

~~(C) Permitted uses. The uses permitted in a PBC shall be those retail business, commercial, and service uses and accessory uses permitted in the Business District in which the PBC is located. No heavy commercial or industrial uses shall be permitted or any use other than such as is necessary or desirable to supply goods and services to the surrounding area.~~

~~(D) **Prohibited uses.** Prohibited uses shall be as follows:~~

- ~~—(1) Amusement parks, commercial;~~
- ~~—(2) Automobile, trailer, or implement repair establishments;~~
- ~~—(3) Bottling of soft drink or milk or bulk distribution stations;~~
- ~~—(4) Building material, sales or storage yards;~~
- ~~—(5) Carpenter or woodworking shop;~~
- ~~—(6) Circus;~~
- ~~—(7) Drive-in theaters;~~
- ~~—(8) Feed and grain, sales, storage, including milling;~~
- ~~—(9) Funeral establishments;~~
- ~~—(10) Golf driving ranges;~~
- ~~—(11) Hotels and apartment hotels;~~
- ~~—(12) Kennels;~~
- ~~—(13) Livery stables;~~
- ~~—(14) Newspaper publishing establishments and printing shops;~~
- ~~—(15) Outdoor advertising signs as defined in § 158.002;~~
- ~~—(16) Riding academies;~~
- ~~—(17) Sheet metal shops;~~
- ~~—(18) Sign painting shops;~~
- ~~—(19) Swimming pools, except for those indoor pools completely enclosed within a structure and which do not have any retractable walls or roofs;~~
- ~~—(20) Target ranges;~~
- ~~—(21) Truck or motor freight terminals or warehouses; and~~
- ~~—(22) Wholesale business, warehousing and service establishments.~~

~~(E) **General regulations.** The following regulations shall apply to a PBCC:~~

- ~~(1) Building height. No building height shall exceed the permitted height of the Business District in which the PBC is located, except as may be modified by § 158.130.~~

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### (12) Yards.

(a) No building shall be erected within 50 feet of a public street right-of-way line, and no parking lot or other facility or accessory use, except permitted signs and planting, shall be located within ten feet of any public street right-of-way line.

(b) No building shall be located within 25 feet of any other boundary line, and any such line which adjoins a Residential District, if deemed necessary by the Planning Commission, shall be screened by a solid wall or compact evergreen hedge at least six feet in height, or by such other screening device as may be deemed appropriate and adequate.

~~—(3) **Tract coverage.** Buildings shall not be permitted to cover more than 25% of the total project area.~~

~~—(4) **Customer parking space.** Off street parking shall be provided as required in this chapter.~~

~~—(5) **Loading space.** Off street parking space and facilities shall be provided as required in this chapter. Such facilities shall be in the rear of any building unless the Planning Commission, for good reason, approves a location at the sides of any such building, and shall not be included as part of any customer parking space required herein.~~

~~(6) **Signs.** In addition to signs permitted and as regulated in the “B-NR” or “B-G” Districts in which the shopping center project is located, the following signs may be permitted:~~

~~(a) For each interior business, signs may be permitted not to exceed an area four square feet for each linear foot of store frontage and located in accordance with a signage plan approved by the Planning Commission; and~~

~~(b) One additional sign not exceeding 200 square feet in area containing the names of the shopping center or the establishments located therein may be placed in any location within the boundaries of the project, but it shall not exceed 30 feet in height. Any shopping center fronting on more than one street may be permitted such a sign within the required yard area along each street.~~

~~—(FD) **Accessory uses.** Regardless of the underlying zoning district, the Planning Commission may allow residential uses as an accessory use to a PBCC as follows.~~

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- (1) **Second story.** Provided the structure is not more than a total of two stories, residential units may be provided on the second story of the structure. No residential use is permitted on the first story of any structure within the ~~PBC~~PCC.
  
- (2) **Floor area.** A residential unit shall be no less than 600 square feet and no greater than 1,000 square feet in size. The area of all residential units shall not exceed 50% of the total area of the structures within the planned business center (~~PBC~~PCC).
  
- (3) **Concurrency management.** All residential units shall be subject to §§ 156.01 through 156.07.
  
- (4) **Development impact fees.** All residential units shall be subject to §§ 33.55 through 33.69.
  
- (5) **Redevelopment.** A ~~PBC~~PCC existing as of February 26, 2007, may be redeveloped to include residential units on the second story of any existing structure, provided that:
  - (a) An amended site plan is approved by the Planning Commission; and
  - (b) Compliance with §§ 156.01 through 156.07 and 33.55 through 33.69 is achieved prior to any change of use.
  
- (6) **Parking.** In addition to any parking required for the ~~PBC~~PCC, the Planning Commission may require an additional parking space per residential unit and may, in its discretion, restrict the additional parking to use by the residential tenant.