

CHAPTER 158: ZONING REGULATIONS

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GENERAL PROVISIONS

§ 158.001 PURPOSE.

The purpose of this chapter is to:

(A) Promote the health, safety, morals, and the general welfare of the community, by regulating and restricting:

- (1) The height, number of stories, and size of buildings and other structures;
- (2) The percentage of lot that may be occupied;
- (3) The density of population;
- (4) The size of lots, yards, courts, and other open spaces; and
- (5) The location and use of buildings, structures, and land for trade, industry, residence, and other purposes.

- (B) Provide for adequate light and air;
- (C) Prevent congestion and undue crowding of land;
- (D) Secure safety from fire, panic, and other danger; and
- (E) Conserve the value of property.

§ 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.

ACCESSORY DWELLING UNIT. An additional attached or detached dwelling unit on a lot with a principal dwelling unit.

ACCESSORY USE. A use of land or all or part of a building which is customarily incidental and secondary to the principal use of the property and which is located on the same lot with the principal use.

ADULT ENTERTAINMENT BUSINESS. An adult store or an adult movie theater.

ADULT MOVIE THEATER. A business establishment open to the public, or to members, that maintains display devices for viewing on the premises, films, videos, or other viewable material, if a substantial portion of the stock or trade is characterized by an emphasis on matters depicting, describing or relating to sexual activities. This does not include a motion-picture theater which has seating for at least 50 persons per screen.

ADULT STORE. A business establishment open to the public, or to members, that offers for sale or rental any printed, recorded, photographed, filmed, or otherwise viewable material, or any sexually oriented paraphernalia, if a substantial portion of the stock or trade is characterized by an emphasis on matters depicting, describing, or relating to sexual activities. The term does not include a motion-picture theater which has seating for at least 50 persons per screen.

AGRICULTURAL or AGRICULTURAL PURPOSES. The raising of farm products for use or sale, including livestock or poultry husbandry, and the growing of crops such as grain, vegetables, fruit, grass for pasture or sod, trees, shrubs, flowers, and similar products of the soil, and including stables for boarding and training horses. **AGRICULTURAL or AGRICULTURAL PURPOSES** does not include the growing, cultivation, processing or dispensing of Marijuana, as

defined in the Criminal Law Article, § 5-101, of the Annotated Code of Maryland as amended, or Medical Cannabis, as defined in COMAR, Title 10, Subtitle 62.

AIR FIELD. A strip of land designed and altered to accommodate the takeoff and landing of aircraft.

AIRPORT. An area or tract of land including one or more airfields designed and intended to be used for and maintained as a facility to accommodate the takeoff and landing of aircraft and for receiving and discharging of passengers and/or cargo and that usually has facilities for the shelter and repair of aircraft.

AMUSEMENT ARCADE. Any facility for the use or operation of five or more game machines.

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

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

ARTISAN MANUFACTURING AND PRODUCTION. The manufacture and production of commercial goods by a manual worker or craftsman, in a building no greater than 3,500 square feet in size, including but not limited to jewelry, metalwork, cabinetry, stained glass, textiles, ceramics, or hand-made food products.

ASSISTED-LIVING FACILITY. A facility to provide housing and supportive services, supervision, personalized assistance, health-related services, or a combination thereof, that meets the needs of individuals who are unable to perform or who need assistance in performing the activities of daily living in a way that promotes optimum dignity and independence for the individuals.

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, but which is separate from the main dwelling unit's cooking area, bathroom(s), and living areas.

AUTOMOBILE SERVICE CENTER. Land and buildings in which any or all of the following are conducted:

(1) The retail sale and installation of motor vehicle parts, accessories, and lubricants, including but not limited to tires, batteries, mufflers, brakes, radiators, lights, ignition system parts, oil, grease, and coolants for automobiles, pickup trucks and similar passenger-type vehicles; and

(2) General automotive repair but excluding body repairs and vehicle painting or spray booths.

BED AND BREAKFAST. Any owner-occupied, residential dwelling in which rooms are rented to paying guests on an overnight basis.

BORROW PIT. An area from which soil or other unconsolidated materials are removed to be used, without further processing, as fill for activities such as landscaping, building construction, or highway construction and maintenance.

BREWERY. A facility that has been issued a Class 5 manufacturer's license under the Alcoholic Beverages Article of the Annotated Code of Maryland.

BUILDING. An enclosed structure, anchored to a permanent foundation and having exterior or party walls and a roof designed for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

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

BUILDING SUPPLIES. Materials directly associated with building construction, including but not limited to lumber, hardware, hand tools, paint, prefabricated doors, windows, frames, roofing, and roofing supplies, plumbing, and electrical supplies.

BULK REQUIREMENTS. The dimensions relating to the size of structures or uses, including lot area, lot width, height, and yard requirements.

BUSINESS PARK. A self-contained development area of primarily business uses that is cohesive, with a common development scheme, and developed as a stand-alone entity.

BUTCHER SHOP. A shop in which meat, poultry, and/or fish are processed and sold to the general public.

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. Food prepared on the premises may be delivered to another location for consumption.

CEMETERY. A place used for interment of human or animal remains or cremated remains, including a burial park for earth internments, a mausoleum for vault or crypt internments, a columbarium for cinerary internments, or a combination thereof.

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, 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 PARKING LOT OR GARAGE. A lot or portion thereof, which is used for the storage of motor vehicles, which is not accessory to any other use on the same or any other lot, and which contains parking space rented to the general public or reserved for individuals by the hour, day, week, month, or year.

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.

COMMUNICATIONS TOWER. A structure to support radio, cellular telephone and television transmission antennas; microwave relay towers; monopoles; and similar structures for transmission or reception and retransmission of electronic signals. **COMMUNICATIONS TOWER** includes accessory equipment buildings that do not have office space.

COMMUNICATIONS TOWER does not include amateur radio operator antennas which are accessory to a residential use and television antennas which are accessory to a residential use.

(1) A “freestanding tower” stands without support of guy wires or cables.

(2) A “guyed tower” depends upon a pattern of supporting cables for its stability.

COMMUNICATIONS TOWER COMPLEX.

(1) Any single parcel of land on which are situated or proposed to be situated two or more communications towers; or

(2) More than one tower being used for a common purpose or enterprise and located on contiguous parcels.

CONCRETE OR ASPHALT RECYCLING. An area in which concrete or asphalt is collected and processed through grinding or crushing in preparation for reuse as base material.

CONCURRENT RECLAMATION. Mine reclamation system or procedures, including but not limited to, backfilling, grading, topsoil replacement, stabilization and revegetation of excavated material that proceeds concurrently with the progress of the mineral resource recovery operation.

CONDITIONAL USES. Uses which are specified for BZA approval prior to authorization and which uses, after public hearing, may be approved conditionally or disapproved in accordance with § [158.133](#)(B) and (G). The term **CONDITIONAL USE** shall constitute the same meaning as “special exception” specified as one of the general powers of the BZA in accordance with Md. Code, Land Use Article.

CONFERENCE CENTER. A facility for conducting meetings, discussions, and seminars. A **CONFERENCE CENTER** may include meeting rooms, auditoriums, cafeterias, dining rooms, and supporting services designed to accommodate planned meetings, and may be accessory to a hotel or motel.

CONTIGUOUS. The sharing of a common property line other than a corner, except where otherwise provided in this chapter.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC). A building or group of buildings providing a continuity of residential occupancy and health care for elderly persons. This facility includes dwelling units for independent living, assisted-living facilities, plus a skilled nursing care facility of a suitable size to provide treatment or care of the residents; it may include ancillary facilities for the further employment, service, or care of the residents. The facility is restricted to persons 55 years of age or older or couples where either occupant is 55 years of age or older.

CONTRACTOR. A person or entity engaged in the following or similar: carpentry, cleaning, construction, electrical, excavation, exterminating, heating/air conditioning, home improvement, landscaping, masonry, painting, paving, plumbing, roofing, septic system, snow removal, and well drilling.

CONTRACTOR’S EQUIPMENT STORAGE. The use of any space, whether inside or outside a building, for the storage or keeping of contractor’s equipment or machinery, including building materials storage, construction equipment storage, or landscaping equipment, and associated materials.

CONVEYOR SYSTEM. Mechanical handling equipment that moves materials from one location to another which may cross over one or more property lines utilizing a covered and enclosed conveyor, which may run on the ground, underground, or above the ground depending on terrain or other site conditions. **CONVEYOR SYSTEM** does not include mechanical handling equipment utilized on-site that is accessory to any industrial, commercial, or extractive use.

COTTAGE INDUSTRY. Manufacturing or assembly conducted by a member or members of the family residing on the property with no more than two nonresident employees. The use is not a cottage industry if it generates traffic, parking, sewerage, or water use to a greater extent than would normally result from residential occupancy; includes inventory or merchandise kept for sale on the premises; changes the external appearance of the dwelling and is visible from the street; includes any outside storage or display, other than a sign not exceeding one foot by two feet; and creates a hazard to any person or property; results in electrical interference; or becomes a nuisance.

COUNTRY CLUB. A private club which offers recreational facilities, such as swimming, golf, or tennis, to its members and guests and may provide dining facilities or host catered events.

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.

CREMATORIA. Locations within enclosed buildings containing properly installed, certified apparatus for use in the act of cremation of deceased persons.

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

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.

DAY CARE CENTER. A facility licensed for the care of more than eight children or adults away from their own homes, on a daily rather than an overnight basis.

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.

DEVELOPMENT RIGHT. The potential for the creation of residential subdivision lots existing because of the zoning classification of the parcel.

DIMENSIONAL REGULATIONS. Any of the requirements specified in this chapter or any other chapter of Title XV, Land Use, having to do with setbacks, bulk requirements, separation distances, or similar requirements.

DISASTER. A sudden calamitous event bringing great damage or destruction such as fire, windstorm, flood, explosion, act of public enemy or accident, which event results in a home being declared unsafe for occupancy by the Code Official, as “Code Official” is defined in the Carroll County Construction Codes, or an unforeseen condition which renders a home unfit for human habitation for medically documented reasons due to the presence of contaminants which endanger the health of humans.

DISPLAY DEVICE. An electronically or mechanically controlled still or motion-picture machine, film projector, videotape player, or other image-producing device that may be activated directly or indirectly by viewers or at the request of viewers, for which a fee is charged.

DISTILLERY. A facility that has been issued a Class 1 Manufacturer’s license under the Alcoholic Beverages Article of the Annotated Code of Maryland.

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.** A detached building or a group of attached buildings, designed for or used exclusively for residential purposes by more than two families or more than two housekeeping units.

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

(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.

ELECTRONIC MESSAGE SIGN. A computerized programmable electronic visual communication device capable of storing and displaying messages and images.

EXCAVATED MATERIAL. Material extracted or removed as a result of a mineral resource recovery operation, except for that material utilized in processing operations.

EXTRACTIVE OPERATIONS.

(1) The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals;

(2) Any activity or process constituting all or part of a process for the extraction or removal of minerals from their original location;

(3) The extraction of sand, gravel, rock, stone, or earth, for highway construction purposes or other public facilities; or

(4) Storage of excavated material shall not be considered an extractive operation for purposes of this chapter.

FAMILY DAY CARE. Care provided for not more than eight children, in the provider's residence, on a daily basis rather than an overnight basis.

FARM ALCOHOL PRODUCER. A farm that grows and processes, stores, and/or sells agricultural products for the production of wine, beer, brandy, juice, or other similar beverage on an on-site producing vineyard, orchard, hopyard, or similar growing area.

FLOOR AREA. The total area of all floors within a building, measured from centerlines of joint partitions and/or exteriors of outside walls.

FUEL STATION. Any area of land, including buildings and other structures thereon that are used to dispense motor vehicle fuels, oil, and accessories at retail, and no storage or parking space is offered for rent. Mechanical maintenance or repair is prohibited.

FUNERAL ESTABLISHMENT. A building or part thereof wherein a licensed undertaker prepares the deceased for internment.

GAME MACHINES. Includes but is not limited to video games, electronic novelty games, electro-mechanical and electronic target games, driving games, pinball machines, and other similar devices and machines.

GARAGE, RESIDENTIAL. An accessory building, portion of a main building, or building attached thereto, used for the storage of private motor vehicles.

GENERAL RETAIL USE. A commercial facility for the sale of commodities or goods directly to ultimate consumers.

GENERAL SERVICE USE. A commercial facility directly administering to the needs of persons, households, or businesses, including but not limited to such establishments as barber shop, beauty parlor, spa, pet grooming, shoe repair, tailoring, laundry and dry-cleaning, watch repair, bank or other financial institution, electronics, appliance or furniture repair, photographic studio, and the rental of products, but excluding the rental of products with primarily outdoor storage and the manufacturing or fabrication of goods for wholesale distribution.

GOLF COURSE. An area of land laid out for playing golf with a series of holes, each including a tee, fairway, and putting green, and often one or more natural or artificial hazards.

GRADE PLANE. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane is established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

HEALTH DEPARTMENT. The Maryland Department of Health and Mental Hygiene or the Carroll County Health Department as applicable.

HEAVY MANUFACTURING AND PRODUCTION. A location used for the processing, manufacturing, or compounding of materials or products primarily from raw materials, which may include the storage of flammable or toxic matter, and may include outdoor operations as part of the manufacturing process. The products may be intermediaries for use by other industries, and the manufacturing usually has a significant environmental impact on adjacent properties, including water, air, and light pollution, noise, or odor. Heavy manufacturing includes, but is not limited to, brick or clay products, paper, cloth, paints, spice, glucose, wire and perfume. This use may also include the accessory storage and distribution of products or parts. This use does not include other manufacturing uses specifically listed in the Table of Principal Uses.

HELIPORT. An area, either at ground level or elevated on a structure, licensed or approved for the loading and takeoff of helicopters.

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

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

HOSPITAL. An institution which is licensed by the state and which receives inpatients or outpatients and provides medical, surgical, psychiatric, or obstetrical care. This term includes any health related facilities which are established in connection with a **HOSPITAL** and are located on the same site as the **HOSPITAL**. Such health related facilities shall include but not be limited to diagnostic facilities, rehabilitation centers, laboratories, training facilities, outpatient care facilities, facilities for chronic or convalescent care, and elderly housing facilities.

INDOOR RECREATIONAL FACILITY. A commercially operated indoor recreation or entertainment facility including, but not limited to, amusement arcade, bowling alley, billiard parlor, ice or roller skating rink, swimming pool, miniature golf, tennis or racquetball court, health or fitness club or gym, paintball, gymnastics, or game center. An Indoor Recreational Facility may include space for teaching of the recreational activity.

INDUSTRIAL PARK. A self-contained development area of primarily industrial uses that is cohesive, with a common development scheme, and developed as a stand-alone entity.

INDUSTRIALIZED BUILDING. A building assembly or system of building subassemblies manufactured in its entirety, or in substantial part, off site and transported to the point of use for installation or erection, with or without other specified components, such as a finished building

or as part of a finished building comprising two or more **INDUSTRIALIZED BUILDING** units. An **INDUSTRIALIZED BUILDING** need not have electrical, plumbing, heating, ventilation, insulation, or other service systems, but when such systems are installed at the off site manufacture or assembly point they shall be deemed a part of such building assembly or system of building assemblies. **INDUSTRIALIZED BUILDING** does not include open frame construction which can be completely inspected on site.

JUNKYARD. Any area where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, stored, disassembled, handled, or abandoned, including the salvaging, storage, or wrecking of automobiles and other vehicles, machinery, or parts thereof, house wrecking yards, used lumberyards, and places for storage of salvaged building or structural steel materials and equipment, but not including a scrap pile kept on a farm for the purpose of providing spare parts and repair material.

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

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

LAWN CARE AND MAINTENANCE SERVICE. A person or entity that provides services to residential and/or commercial properties that primarily provides mowing and lawn care services including but not limited to mowing, trimming, maintaining planting beds, shrubbery, trees and plowing of snow, but does not include primarily landscaping, hardscape installation and installation of plants, trees, bushes, retaining walls, patios, and pools.

LIGHT MANUFACTURING AND PRODUCTION. A location used for the manufacturing of finished products or parts, usually from previously prepared materials, including processing, fabrication, compounding, assembly, treatment, and packaging of such products or parts. The products are usually made for end-users, and such uses do not include processing of hazardous gases and chemicals, and do not emit noise, smoke vapors, fumes, dust, odor or vibration. Light manufacturing includes, but is not limited to, electrical appliances, communications equipment, scientific instruments, photographic or optical products, apparel, cosmetics, musical instruments, commercial bakeries, and novelties. This use may also include the accessory storage, sales, and distribution of products or parts. This use does not include other manufacturing uses specifically listed in the Table of Principal Uses.

LIMITED DISTILLERY. A facility that has been issued a Class 9 Manufacturer's license under the Alcoholic Beverages Article of the Annotated Code of Maryland.

LIVABLE FLOOR AREA. 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**.

LOT. A piece or parcel of land occupied or intended to be occupied by a principal building and its accessory buildings and uses, and meeting the minimum size requirements set forth in this chapter.

(1) **CORNER LOT.** A lot abutting two or more existing or planned publicly maintained streets at their intersection.

(2) **LOT FRONTAGE.** The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining **LOT FRONTAGE** on a lot served by a use-in-common ("UIC") driveway, the line of the UIC driveway may be considered the front.

(3) **LOT WIDTH.** The horizontal distance between side lot lines measured at the midpoints of the side lot lines.

MASSAGE. Any method of treating the external parts of the human body, for compensation, by touching, rubbing, stroking, kneading, tapping or vibrating with the hand, arm, foot or other body part, provided by a massage technician.

MASSAGE ESTABLISHMENT. Any establishment where a massage technician administers a massage to another person for compensation. This does not include a hospital, nursing home, medical clinic or other establishment where massages are administered by individuals certified as massage therapists as defined by Md. Code, Health Occupations Article, § 3-5A-01.

MASSAGE TECHNICIAN. An individual who administers a massage to another individual for compensation. This does not include:

(1) A certified massage therapist as defined by Md. Code, Health Occupations Article, § 3-5A-01; or

(2) A medical practitioner as defined by this chapter.

MASTER PLAN. The policies, statements, goals, and interrelated plans for private and public land use, transportation, and community facilities documented in text and maps which constitute the guide for the county's future development.

MEDICAL CANNABIS. Any product defined as Medical Cannabis in COMAR 10.62.01 that is grown, processed, transported or sold pursuant to a license issued by the Natalie LaPrade Medical Marijuana Commission as stated in the Health-General Article §§ 13-3201 to 13-3206, of the Annotated Code of Maryland.

MEDICAL CANNABIS DISPENSARY. A person or entity licensed by the state as a dispensary as defined in COMAR 10.62.01.13 under a license issued by the Natalie LaPrade Medical Marijuana Commission as stated in the Health-General Article §§ 13-3201 to 13-3206, of the Annotated Code of Maryland.

MEDICAL CANNABIS GROWER. A person or entity licensed by the state as a grower as defined in COMAR 10.62.01.14 under a license issued by the Natalie LaPrade Medical Marijuana Commission as stated in the Health-General Article §§ 13-3201 to 13-3206, of the Annotated Code of Maryland.

MEDICAL CANNABIS PROCESSOR. A person or entity licensed by the state as a processor as defined in COMAR 10.62.01.16 under a license issued by the Natalie LaPrade Medical Marijuana Commission as stated in the Health-General Article §§ 13-3201 to 13-3206, of the Annotated Code of Maryland.

MEDICAL CENTER. A medical or dental clinic building occupied by medical practitioners and dispensing health services.

METEOROLOGICAL TOWER (MET TOWER). Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment, anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

MEDICAL PRACTITIONER. A physician, dentist, optometrist, chiropractor, podiatrist, psychologist, physical therapist, nurse, massage therapist, or other similar health professional licensed and/or certified by the state.

MICRO-BREWERY. A facility that has been issued a Class 7 manufacturer's license under the Alcoholic Beverages Article of the Annotated Code of Maryland.

MINERAL RESOURCE. Any solid material, aggregate, or substance of commercial value, whether consolidated or loose, found in natural deposits on or in the earth, including (but not limited to) clay, diatomaceous earth, gravel, marl, metallic ores, sand, shell soil, and stone.

MINERAL RESOURCE NOTIFICATION AREA (MRN). An area which is within one-half mile of an Mineral Resource Recovery Area or a Viable Resource Area and in which notification of property owners and clustering away from the mineral resource are required.

MINERAL RESOURCE RECOVERY AREA (MR). An area which is underlain by a mineral resource and under which mineral resource recovery is a principal permitted use.

MINERAL RESOURCE RECOVERY OPERATION. An operation composed of extractive operations, processing operations, and/or storage and removal of excavated material.

MOBILE HOME. A structure, transportable in one or more sections, and which is built on a permanent chassis with or without a permanent foundation and which is designed to be used or is used as a dwelling, or is used for the conduct of any business or for storage.

MOBILE HOME PARK. Any site, lot, parcel, or tract of land which is designed, used or intended to accommodate three or more mobile homes for living purposes.

MODULAR HOUSING. See definition of **INDUSTRIALIZED BUILDING**.

NONCONFORMING USE. Any building, structure, premises, or use lawfully existing at the time of the adoption of this chapter or lawfully existing at such time as this chapter is amended, and which does not conform with the use or dimensional regulations of the zone in which it is located.

NUDITY. The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; or the showing of the covered male genitals in a discernibly turgid state.

NURSING HOME. A residential health-care facility which provides institutional lodging, nursing care, personal care and supervision to aged, chronically ill, physically infirm, or convalescent patients who are not related to the owner or administrator of the facility.

OIL-CONTAMINATED SOIL FACILITY. A facility that receives oil-contaminated soil for treatment and storage; may include reuse and recycling of soils.

OPEN SPACE. Any parcel or area of land or water set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Yards on individual lots are not **OPEN SPACE**.

OVERLAY. Zoning requirements that are described in this chapter's text, are mapped, and are imposed in addition to those of the underlying district or districts.

OUTSIDE STORAGE. The keeping of inventory, goods, merchandise, and packaging materials not within an enclosed building.

OUTDOOR RECREATIONAL AREA. A commercially operated outdoor recreation or entertainment facility, including but not limited to miniature golf course, skating rink, ball field, swimming pool, tennis court, paintball center, golf driving, or batting range. An **OUTDOOR RECREATIONAL FACILITY** may include space for teaching of the recreational activity.

PARTIALLY NUDE or IN A PARTIALLY NUDE CONDITION. The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast but shall not include any portion of the cleavage of the human female breast,

exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.

PAVED SURFACE. A durable wearing surface of concrete, bituminous concrete, or other surface of suitable material and texture which:

- (1) Provides a smooth driving surface;
- (2) Resists weathering; and
- (3) Transmits traffic load to the underlying ground.

PETROLEUM PRODUCTS. Oil, utilized for fuel of any kind, and in any liquid form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with other waste, crude oils, and every other nonedible liquid hydrocarbon regardless of specific gravity. Oil includes aviation fuel, gasoline, kerosene, light and heavy fuel oils, diesel motor fuels, asphalt, and crude oils, and liquefied petroleum gases, such as liquefied propane, and any edible oils.

PLANNED COMMERCIAL CENTER (PCC). Three or more retail stores or service establishments, medical facilities, or other commercial uses designed as a unit and primarily served by common accessories such as signs, parking lots, and walkways.

PRINCIPAL USE. The primary activities or structure for which a site is used. A **PRINCIPAL USE** may be either a permitted use, a conditional use, or a legally existing nonconforming use.

PROCESSING OPERATIONS. The crushing, polishing, washing, screening, stockpiling, and customer truck loading of extracted minerals.

PRODUCE STAND. A temporary structure from which to sell fresh fruit, vegetables, and other farm produce in season, which is grown on the premises.

PUBLICLY OWNED WASTEWATER TREATMENT PLANT. A facility designed and constructed to receive, treat, and store sewage or sewage combined with other waterborne waste and which is owned by the state, or a political subdivision or municipal corporation of this state or owned by another public entity incorporated for the purpose of treating sewage under Md. Code, Environment Article, §§ 9-601 et seq. or similar statute, if determined similar by the County Commissioners.

RECREATIONAL VEHICLE. A vehicular-type portable structure without permanent foundation, which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use, including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

RELIGIOUS ESTABLISHMENTS. Churches and other places of worship.

REMAINDER. The portion of a tract remaining after one or all eligible off conveyances have been created.

REMAINING PORTION. In the “A” District, the land remaining after residential subdivision lots have been created from a legally established parcel of land through the subdivision process.

RESIDENTIAL USES. Any single-family, two-family, semi-detached, multi-family, boarding houses, assisted living, retirement communities, continuum care, and nursing homes.

RESULTING LAND. The land derived from the reduction of lot sizes when clustering pursuant to Chapter 157, which shall constitute a single lot.

RETIREMENT HOME. A development consisting of one or more buildings designed to meet the needs of, and exclusively for, the residences of senior citizens, or age-restricted adult housing as referenced in [Chapter 155](#).

RETREAT FACILITY. A site used for professional, educational, or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing, and recreation for participants during the period of the retreat or program only. Such centers may not be utilized by

the general public for meals or overnight accommodations. Housing for participants may be in lodges, dormitories, sleeping cabins (with or without baths), or in such other temporary quarters as may be approved by the BZA, but kitchen and dining facilities shall be located in a single centrally located building or buildings.

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

ROADSIDE STAND. A structure at which an individual farm sells farm products directly to the consumers on a farm year round.

ROTOR DIAMETER. The cross-sectional dimension of the circle swept by the rotating blades.

RURAL VILLAGE. An area designated in the Adopted Carroll County Master Plan and certified by the State of Maryland as a rural village pursuant to the Smart Growth Act of 1997.

SELF- SERVICE STORAGE FACILITY. A building or group of buildings divided into multiple, separate, self-contained compartments used to meet the temporary storage needs of residents and small businesses, and may include climate controlled facilities and accessory outdoor storage of vehicles. No commercial transactions are permitted other than the rental of storage units and the ancillary sale of related products.

SENIOR CITIZEN. A person at least 55 years of age.

SETBACK LINE. The line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which a structure must be erected or placed.

SEWAGE SLUDGE. The accumulated semiliquid suspension, settled solids, or dried residue of these solids that is deposited from sewage in a wastewater treatment plant, whether or not these solids have undergone treatment.

SEWAGE SLUDGE STORAGE. The interim containment of sewage sludge, treated sewage sludge, or any other product containing these materials after removal from the wastewater and before disposal or utilization. It does not mean the storage of sewage sludge generated on site incidental to the operation and as part of a permitted and duly licensed wastewater treatment plant.

SEXUAL ACTIVITIES. Includes nudity or partial nudity, as defined herein, and sexual conduct, sexual excitement or sadomasochistic abuse, as defined in Md. Code, Criminal Law Article, Title 11.

SIGNS. A name, identification, description, display, logo, illustration, or device which is affixed, stationed, or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, person, institution, or business.

(1) **SIGN, ON PREMISES.** A sign which directs attention to a business or profession or to a commodity, service, or entertainment sold or offered upon the premises where the sign is located.

(2) **SIGN, OUTDOOR ADVERTISING.** A sign structure which directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located.

(3) **ARTICULATING SIGN.** A sign that consists of triangular prisms placed within a nonmoving frame and the prisms rotate 120 degrees within the frame at a time and displays a new message.

SMALL WIND ENERGY SYSTEM. A single-towered wind energy system that:

- (1) Is used to generate electricity;
- (2) Has a rated nameplate capacity of 50 kilowatts or less; and
- (3) Has a total height of 150 feet or less.

SOLAR ENERGY CONVERSION FACILITY. An area arranged and dedicated to the construction, operation and maintenance of a large scale solar collection system principally used to capture solar energy and convert it to electrical energy. Large scale solar energy conversion facilities consist of free-standing ground based or roof mounted collection devices, associated panels and arrays and/or aggregations of panels and arrays, supporting equipment, including light reflectors, concentrators, heat exchangers, substations, utility interconnection infrastructure, electric infrastructure, transmission lines, battery banks and related structures and facilities. In such instances, the use is considered the “principal” use on the subject property and any other use on the site shall be subordinate. **SOLAR ENERGY CONVERSION FACILITIES** are designed to supply power at the utility level, rather than on-site or to a local user. These facilities are intended to generate electricity to be sold, for profit, to an electricity market through a regional transmission organization and an inter-connection with the local utility power grid and/or for direct distribution.

SOLAR ENERGY CONVERSION FACILITY, ACCESSORY. A solar collection system consisting of one or more roof and/or ground mounted solar collection devices and associated supporting equipment that is primarily intended to reduce on-site consumption of utility power by generating electricity solely for the use and/or benefit of the individual property owner upon whose property the device is situated. A system is considered an “accessory” facility only if it supplies power strictly for on-site use, except that when a property upon which the facility is situated also receives electrical power supplied by a utility company, incidental excess power generated, and not immediately utilized for on-site use, may be provided to the utility company in exchange for a credit.

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

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

STABLE, COMMERCIAL. A boarding stable or a riding academy.

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

STEEL MILL. A facility where iron ore is processed into steel.

STORAGE LOT. A lot or portion thereof other than an automobile sales lot held out or used for the storage or parking of boats, trailers, recreational, motor vehicles, or commercial vehicles for consideration.

STORAGE MODULE. A self-contained storage unit which can only be delivered to the site in one piece and which has no chassis.

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

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between such floor and the ceiling next above it.

STREET. Any street existing or which may be approved by the Planning Commission. The word ***STREET*** may also include road, highway, boulevard, avenue, lane, way, circle, court, or drive.

STRIPTease BUSINESS. A commercial establishment where persons appear in a state of total or partial nudity in person. Such establishment shall, for example, include, but not be limited to, a restaurant, nightclub, dance club or social hall if such entertainment is provided as an accessory or principal use. For the purpose of this definition, an establishment which is duly licensed by the Board of License Commissioners for Carroll County ("Liquor Board") and which features striptease dancing, nudity or partial nudity as an accessory use shall not be considered a striptease establishment, except that it shall satisfy the setback limitation established for a ***STRIPTease BUSINESS.***

STRUCTURE. Anything constructed, the use of which requires fixed location on the ground or which is attached to something having such location, but not including fences, power, gas, water, sewage, or communication lines or poles, towers, or pole structures, sidewalks, driveways, or curbs. A utility shed is a ***STRUCTURE*** whether or not it has a fixed location.

STRUCTURE, PRINCIPAL. A structure in which is conducted the main use of the lot on which the structure is situated.

SUBSTANTIAL PORTION.

(1) At least 20% of the stock in the establishment or on display consists of matters or houses devices depicting, describing or relating to sexual activities; or

(2) At least 20% of the usable floor area is used for the display or storage of matters or devices depicting, describing or relating to sexual activities.

TEMPORARY SIGN. Any sign, banner, pennant, or other advertising display constructed of cloth, canvas, light fabric, cardboard, plywood, wallboard, or other light materials, with or without frames, that is or that is intended to be displayed for a limited period of time.

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

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

TOTAL HEIGHT. The vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

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

USABLE FLOOR AREA. The area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, stairwells, utilities, bathrooms, or closets shall be excluded from the computation of ***USABLE FLOOR AREA.***

VARIANCE. A variance is a relaxation of the terms of this chapter, **except where specifically prohibited**, in accordance with §§ 158.130(A) and (C) and 158.133(B), where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and

not the results of the actions of the applicant, a literal enforcement of the chapter would result in practical difficulty or unreasonable hardship.

VEHICLE REPAIR SHOP. Land or buildings where motor vehicles, trailers, or other types of equipment are repaired, stored, or equipped for operation including automotive repairs, body repairs, vehicle painting or spray booths, but not including wrecking, sale, or storage of junked vehicles.

VEHICLE SALES LOT. Any property arranged, designed, or used for storage and display of motor vehicles for sale, including but not limited to automobiles, trucks, trailers, motorcycles, ATVs, boats, and snowmobiles, and where repair work is limited to minor incidental repair of vehicles displayed for sale on the premises.

VETERINARY FACILITY. An establishment maintained by a licensed veterinarian for the care, observation, and medical or surgical treatment of animals. Any boarding of animals may only be during their convalescence and accessory to facility use.

VIALE RESOURCE AREA (VRA). An area identified as being underlain by a potentially recoverable mineral resource.

WAREHOUSE. A building or part of a building used or intended to be used primarily for the storage of goods that are to be sold at retail or wholesale from other premises or sold wholesale from the same premises; for the storage of goods to be shipped on mail order or internet sales; for the storage of equipment or materials to be used or installed at other premises by the owner or operator of the warehouse; or for similar storage purposes. The term **WAREHOUSE** does not include a retail establishment whose primary purpose is for the sale of goods stored on the premises; however, nothing in this definition is meant to exclude purely incidental retail sales in **WAREHOUSES**. Further, the term includes a distribution facility, at which storage is minor, transitory, and merely incidental to the purpose of facilitating order fulfillment and transportation of goods.

WHOLESALE. The sale of commodities or goods, usually in large quantities, to distributors or retail outlets for resale to ultimate consumers.

WIND ENERGY SYSTEM. Equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, guy wire, or other component used in the system.

WIND ENERGY SYSTEM OWNER. The individual that owns, or intends to own, the property upon which a small wind energy system will be operated in accordance with this chapter.

WIND GENERATOR. Means blades and associated mechanical and electrical conversion components mounted on top of the tower.

WIND TOWER. Means the monopole, freestanding, or guyed structure that supports a wind generator.

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

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

(2) **REAR YARD.** A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the principal building.

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

ZONING CERTIFICATE. A written statement issued by the Zoning Administrator, authorizing buildings, structures, or uses in accordance with the provisions of this chapter.

§ 158.003 EFFECTIVE DATE; APPLICATION WITHIN COUNTY.

This chapter took effect on August 17, 1965, and applies to all lands, buildings, properties, and their uses within the territorial limits of the county outside of incorporated towns or municipalities therein.

DISTRICTS ESTABLISHED; MAPS AND BOUNDARIES

§ 158.015 DISTRICTS ESTABLISHED.

For the purpose of these regulations, the unincorporated area of the county is hereby divided into districts as follows:

| Abbreviation | District |
|--------------|--------------------------------------|
| “A” | Agricultural District |
| “C” | Conservation District |
| “C-1” | Commercial Low Intensity District |
| “C-2” | Commercial Medium Intensity District |
| “C-3” | Commercial High Intensity District |
| “EC” | Employment Campus District |
| “H” | Heritage Zoning District |
| “HDO” | Historic District Overlay |
| “I-2” | Heavy Industrial District |
| “I-1” | Light Industrial District |
| “MHP” | Mobile Home Park District |
| “MRO” | Mineral Resource Overlay District |
| R-40,000 | Residence District |
| R-20,000 | Residence, Suburban District |
| R-10,000 | Residence, Urban District |
| R-7,500 | Residence, Multi-Family District |

158.016 DISTRICT MAPS.

The districts shall be of the number, size, and shape as shown on the Zoning Maps of the county, and said maps with the necessary symbols, legends, and explanatory matter thereon, are hereby made and declared to be a part of this chapter. As evidence of the authenticity of said maps, they shall be signed by the County Commissioners of the county upon the adoption of these regulations.

158.017 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to the boundaries of districts as shown on the official Zoning Maps, the following rules shall apply:

(A) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

(B) Boundaries indicated as approximately following property lines or platted lot lines shall be construed as following such lines.

(C) Boundaries indicated as approximately following city limits shall be construed as following city limits.

(D) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(E) Boundaries which are drawn parallel to road lines and which do not coincide with property lines or lot lines, and where not designated by dimensions, shall be deemed to be 200 feet back from the nearest road centerline.

(F) Boundaries which are in unsubdivided property or where a district boundary divides a lot shall be determined by the use of the map scale as shown thereon.

(G) Where a district boundary line as shown on the Zoning Map or Maps divides a lot which was in single ownership and of record at the time of enactment of this chapter the use authorized thereon and the other district requirements applying to the least restricted portion of such lot under this chapter shall be considered as extending to the entire lot, provided that the more restricted portion of such lot is entirely within 50 feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.

GENERAL REGULATIONS

§ 158.030 MINIMUM REGULATIONS; UNIFORM APPLICATION.

The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided.

§ 158.031 COMPLIANCE REQUIRED.

Except as hereinafter specified, no land, building, structure, or premises shall hereafter be used, and no building or part thereof or other structure shall be located, erected, reconstructed, extended, enlarged, converted, or altered except in conformity with the regulations herein specified for the district in which it is located.

§ 158.032 DEFERRALS.

The submittal, acceptance, review, processing, application for, approval, or decision of any pending map amendment, plan, Zoning Certificate, building permit, text amendment, development plan, subdivision plan, site plan, conditional use, variance, rezoning or other amendments or actions under this chapter may be temporarily postponed or deferred by

ordinance approved by the County Commissioners, when in the discretion of the County Commissioners, the deferral of any such plan amendment or planning study or community investment plan or project or amendment thereto may promote orderly zoning, planning, and subdivision within the county and the outcome of which amendment, study, program, or project may substantially affect applications under consideration or which may be submitted.

§ 158.033 NONCONFORMING USES.

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

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

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

(2) Extension or expansion limits:

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

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

(3) Any such extension or expansion may not increase residential density beyond that which is permitted by the zoning provisions of the zoning district in which the subject extension or expansion is located, or beyond that which existed at the time the subject nonconforming use became nonconforming, with the exception of attached accessory dwelling units that are permitted in the zoning district;

(4) The outdoor land area occupied by a nonconforming use may be enlarged only to provide additional parking area or to comply with an order of the Carroll County Health Department to improve, replace, or expand a well or septic area;

(5) An expansion would not exacerbate an existing bulk requirement nonconformity or create a new violation of the bulk requirements for the zoning district in which the property is located;

(6) The extension, expansion, or structural alteration would not cause an adverse effect on neighboring properties; and

(7) Any request for an extension, expansion, or alteration that exceeds these criteria shall be forwarded and heard by the BZA.

(8) The Zoning Administrator may waive the hearing provisions of this section for structural alterations that would expand or extend a structure that is presently a nonconformity solely on the basis of failure to satisfy one or more dimensional requirements if the proposed

expansion or extension does not exacerbate nor create new bulk requirement violations, and so long as the proposed alteration does not exceed 50% of the footprint of the existing structure.

(B) **Extension, expansion, or alteration of nonconforming use.** The BZA may, subject to §§ 155.059 and 158.133, authorize the extension or expansion of a nonconforming use or the alteration of a nonconforming structure, with or without conditions, provided that:

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

(2) Extension or expansion limits:

(a) A structure or use that was rendered nonconforming for failure to comply with bulk requirements may not exceed 100% of the gross floor area of structures or 100% of the gross acreage of the use above that which legally existed at the time the use first became nonconforming, or above that which was approved by the Zoning Administrator or Board of Zoning Appeals as of October 30, 2015;

(b) All other nonconforming use extension or expansions shall be limited to 50% of the gross floor area of structures or 50% of the gross acreage of the use above that which legally existed at the time the use first became nonconforming, or above that which was approved by the Zoning Administrator or Board of Zoning Appeals as of October 30, 2015;

(3) Any such extension or expansion may not increase residential density beyond that which is permitted by the zoning provisions of the zoning district in which the subject extension or expansion is located, or beyond that which existed at the time the subject nonconforming use became nonconforming, with the exception of attached accessory dwelling units that are permitted in the zoning district;

(4) The outdoor land area occupied by a nonconforming use may be enlarged only to provide additional parking area or to comply with an order of the Carroll County Health Department to improve, replace, or expand a well or septic area;

(5) An expansion would not exacerbate an existing bulk requirement nonconformity or create a new violation of the bulk requirements for the zoning district in which the property is located; and

(6) The extension, expansion, or structural alteration would not cause an adverse effect on neighboring properties.

(C) If no structural alterations are made, a nonconforming use of a building, structure, or premises may, with approval of the BZA, subject to § 158.133(G), be changed to another nonconforming use which in the opinion of the BZA is of the same or a more appropriate use or classification unless the use is specifically prohibited in the district. The use need not meet the bulk requirements, except for minimum lot area, of the underlying zoning district; however, it shall meet all other requirements of the County Code, including any requirement of the Carroll County Health Department. In the case of a nonconforming junkyard operation, the BZA may, based on specific findings of fact, decide upon an application filed by the land owner as to whether a relocation of a nonconforming junkyard operation, either in whole or in part, to another location on the immediate property or to a location on an adjoining property, constitutes a suitable substitution of use which has substantially less adverse impact to the general public and adjoining property. In granting any such relocation as herein provided, the BZA shall attach such conditions or requirements as it may deem necessary to protect the public interest, the adjoining property owners, and the intent and purpose of this chapter.

(D) A nonconforming use may not be changed to another nonconforming use if the new nonconforming use would require structural alterations or require greater outdoor area to conduct the use or provide parking.

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

(F) The owner or operator of any existing nonconforming use involving used car lots, service garages, or junkyards shall, not later than April 17, 1966, certify in writing, on a prescribed form, to the office of the Zoning Administrator, that such nonconforming use did exist on the adoption date of this chapter. In order that the exact nature and extent of such nonconforming use may be determined, a survey plat prepared by a professional engineer or registered surveyor shall accompany any prescribed form. The survey shall include the following:

- (1) North arrow;
- (2) Scale: one inch equal to 100 feet;
- (3) Election district;
- (4) Outline of parcel or parcels upon which the nonconforming use is located;
- (5) Bearings, distances, and acreage of that portion of the parcel or parcels expressly used for the nonconforming use on the effective date of this chapter;
- (6) Use, dimensions, and location of all existing buildings; and
- (7) Certification and seal of professional engineer or registered surveyor.

(G) Nothing in these regulations shall prevent the restoration of a nonconforming building or structure destroyed by fire, windstorm, flood, explosion, act of public enemy or accident, or prevent the continuance of the use thereof as it existed at the time of such destruction, provided that a zoning certificate is obtained and restoration begun within one year of such destruction, unless otherwise extended by the Zoning Administrator as provided for in division (E) above.

(H) The factual existence of a nonconforming use may be certified by the Zoning Administrator, upon review of an application filed by the property owner.

- (1) The application shall contain the following:
 - (a) A statement and plans or other illustrations fully describing the magnitude and extent of the nonconforming use;
 - (b) A statement identifying the date the use became nonconforming to the use or dimensional requirements of this chapter;
 - (c) Documentation substantiating the existence of the use on the date it became nonconforming and clearly demonstrating the continued and uninterrupted use or operation thereof from the specified date to the time of filing the application. The burden shall be on the property owner to establish the existence of the nonconforming use; and
 - (d) A listing of all adjoining property owners.

(2) Whenever the Zoning Administrator issues a notice of violation alleging the illegal use of the property, the property owner may raise as a defense the fact that the alleged illegal use is a nonconforming use provided the property owner submits an application to certify the nonconforming status of the use pursuant to this division (H).

(3) Applications for certification of a nonconforming use shall be heard in accordance with § 158.130(G) and (H).

(4) The decision of the Zoning Administrator is appealable in accordance with § 158.133.

(I) A decision of the Zoning Administrator or BZA approving an extension, expansion, or alteration of a nonconforming use shall become void unless a building permit conforming to the plans for which the approval was granted is obtained within six months, and substantial construction in accordance therewith is completed within one year from the date of the written decision. An approval for which a building permit is not required shall become void unless the extension, expansion, or alteration is implemented within one year from the date of the written decision. If the decision is appealed, the time period shall be measured from the date of the last decision. An extension to these dates may be granted by the BZA for good cause.

§ 158.034 USES PROHIBITED UNDER OTHER COUNTY OR STATE LAWS.

Any existing or proposed use which is determined to be in conflict with any existing ordinance or laws of the county or law or regulation of this state or other governmental agency shall be prohibited, even though such use may be allowed under the terms of this chapter.

§ 158.035 AGRICULTURAL USES.

Except for compliance with yard requirements and distance requirements set forth in § 158.040, nothing in this chapter shall prohibit the use of land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located.

§ 158.036 PRIVATE KENNELS.

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

§ 158.037 USE OF SAME YARD SPACE FOR MORE THAN ONE BUILDING PROHIBITED.

No part of a minimum required yard or other open space provided for any building or structure for the purpose of complying with the provisions of this chapter shall be included as part of a minimum required yard or other open space required under this chapter for another building or structure.

§ 158.038 MAJOR ROAD PLANS.

In an area where a major road plan has been duly adopted in accordance with Md. Code, Land Use Article, showing a proposed new highway or street or a proposed relocation or widening of an existing highway or street, no building or part of a building shall be permitted to be erected within the lines of such proposed highway or street except as provided hereinafter:

(A) The Zoning Administrator shall issue a Zoning Certificate for such construction as applied for, provided that the State Highway Administration, the Carroll County Bureau of

Roads, Operations, or its successor agency, or appropriate authority, upon and within 30 days of written notice thereof does not reaffirm and substantiate its plans to provide such construction in accordance with the major road plan.

(B) The owner of the property so affected shall, following the expiration time of such written notice, have the right to appeal to the BZA the refusal of a Zoning Certificate, and the BZA may give approval to build if it should find, after public hearing, and upon the evidence and arguments presented to it upon such appeal, that:

(1) The entire property of the appellant of which the area affected by the major road plan forms a part cannot yield a reasonable return to the owner unless such appeal is granted; and

(2) Balancing the interest of the general public in preserving the integrity of the plan and the interest of the owner of the property in the use and benefits of the property, the granting of such permit is required by consideration of reasonable justice and equity.

§ 158.039 UTILITY EQUIPMENT AND TOWERS.

(A) **Allowed uses.** The following uses, exclusive of communications towers, are allowed in any district and are exempt from lot area, lot width, and yard requirements: overhead electric and telephone lines; underground utility lines and distributing equipment; conduits; vaults; pipeline laterals; mains; traffic signals; telephone booths and pedestals; sewerage pumping stations; sewerage treatment plants; water filtration plants; reservoirs; the structures in which these uses are housed; and other similar installations and equipment or accessories of public utility nature. However, the plans for overhead electric transmission lines of 69 kilovolts or more, cross-country telephone trunk lines, or a transmission pipeline shall be submitted before the beginning of construction to the Planning Commission for its review and approval, based upon consistency with the Master Plan.

(B) **Conditional uses.** The following uses, exclusive of communications towers, shall be conditional uses in all zoning districts: buildings, yards, stations or substations for transforming, boosting, switching, or pumping purposes where such facilities are constructed above ground; and telephone exchanges.

(C) **Communications towers.**

(1) Communications towers are prohibited in all Residence Districts, the “H” District, and the “MHP” District.

(2) Communications towers are permitted as a conditional use in the “A” District and in the “C” District subject to the conditions and exceptions noted hereafter, imposed elsewhere in this division (C), imposed elsewhere in this chapter, imposed elsewhere by law, and subject to the following:

(a) A minimum setback of a distance equaling the height of the tower. The setback shall be measured from the base of the tower to the boundary line of the property owned, leased, or controlled by easement by the applicant;

(b) Subject to a minimum distance requirement of a distance equaling the height of the tower plus 200 feet from all Residence Districts, the “H” District, and the “MHP” District or the nearest part of any existing dwelling, school, religious establishment, or institution for human care, in any other district;

(c) Subject to a minimum setback from all overhead transmission lines of a distance equaling two times the height of the tower and all masts; and

(d) Subject to site plan approval by the Planning Commission pursuant to §

(3) Communications towers and tower complexes are permitted as a principal permitted use in the C-2 and C-3 Districts, and as a conditional use in the C-1 and Employment Campus Districts subject to the conditions and exceptions noted hereafter, imposed elsewhere in this subsection, imposed elsewhere in this chapter, imposed elsewhere by law, and subject to the following:

(a) A minimum setback of a distance equaling the height of the tower. The setback shall be measured from the base of the tower to the boundary line of the property owned, leased, or controlled by easement by the applicant;

(b) Subject to a minimum distance requirement of a distance equaling the height of the tower plus 200 feet from all Residence Districts, the “H” District, and the “MHP” District or the nearest part of any existing dwelling, school, religious establishment, or institution for human care, in any other district;

(c) Subject to a minimum setback from all overhead transmission lines of a distance equaling two times the height of the tower and all masts; and

(d) Subject to site plan approval by the Planning Commission pursuant to § [155.059](#).

(4) Communications towers and tower complexes are permitted as a principal permitted use in the Industrial Districts subject to the conditions and exceptions noted hereafter, imposed elsewhere in this division (C), imposed elsewhere in this chapter, imposed elsewhere by law, and subject to the following:

(a) A minimum setback of a distance equaling twice the height of the towers. The setback shall be measured from the base of the tower to the boundary line of the property owned, leased, or controlled by easement by the applicant;

(b) Subject to a minimum distance requirement of a distance equaling twice the height of the tower plus 200 feet from all Residence Districts, the “H” District, and the “MHP” District or the nearest part of any existing dwelling, school, religious establishment, or institution for human care, in any other district;

(c) Subject to a minimum setback from all overhead transmission lines of a distance equaling two times the height of the tower and all masts; and

(d) Subject to site plan approval by the Planning Commission pursuant to § [155.059](#).

(5) Communications towers erected on existing structures other than communications towers shall be allowed in any district, provided that the height of the tower does not exceed one-third of the height of the existing structure and the total height of the existing structure and tower does not exceed 200 feet.

(6) The issuance of permit is as follows.

(a) No permit to construct a communications tower may be issued unless the applicant demonstrates to the Zoning Administrator or, where applicable, to the BZA, need for the tower and that the applicant has exhausted all alternatives to constructing a tower. To that end, before an application may be accepted, applicants are required to submit a written location analysis detailing need for the tower. The location analysis shall be reviewed by a qualified firm, corporation, or person chosen by the county as a telecommunications consultant. The consultant shall be selected competitively, and fees shall be reasonable and commensurate with time spent on the review. The entire fee of the county’s consultant for the review shall be paid by the applicant. To ensure timely completion of the review, the applicant shall submit all information requested by the county or its consultant. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the applicant’s proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements;
 2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements;
 3. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;
 4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;
 5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable;
 6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable; and
 7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wire-line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- (b) Upon receipt of all information requested by the county and the completion of the review of the location analysis, an application shall be accepted for processing by the county. In the event of a disagreement as to need for the tower after a complete exchange of all information between the applicant and the county, the BZA shall rule on this issue at the hearing on the application.
- (7) An application for a Zoning Certificate for a communications tower must be accompanied by an affidavit from the applicant stating that space on the proposed tower will be made available to future users, when possible.
- (8) Except as required by the Federal Aviation Administration or other federal or state agencies, no tower may use artificial lighting or strobe lighting at night.
- (9) An applicant for a Zoning Certificate for a communications tower must execute an agreement with the county, in a form legally sufficient to the county, requiring the removal of the tower within six months after the tower ceases to function as a communications tower.
- (10) In reviewing any application or site plan under this section, among other things, an agency shall consider the extent to which the proposed use seeks to:
- (a) Minimize adverse visual effects of towers through careful design, siting, and vegetative screening;
 - (b) Avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structures;
 - (c) Lessen traffic impacts on surrounding residential areas;
 - (d) Maximize the use of new communications transmission towers in order to reduce the number of towers needed; and
 - (e) Demonstrate that comparable sites are not available in nonresidential or rural areas, where the use is proposed in a residential or conservation zone when otherwise protected from residential development.
- (11) The Zoning Administrator, BZA, and the Planning Commission may refer any application to appropriate agencies for comments.

(D) **Additional provisions.** The provisions of this section shall be subject to §§ 158.049 and 158.071(C)(9).

(E) **Conveyor systems.**

(1) Conveyor systems shall be a principal permitted use in “I-2” and “I-1” Industrial Zoning Districts and “A” District and shall be a conditional use in all other zoning districts, except for Residential Districts. In considering an application for a conditional use, and in considering site plan approval, the BZA and Planning Commission shall consider whether the proposed conveyor system is more beneficial to the community at large than alternative systems for the transportation of materials, for example, railroad, or truck transportation. In comparing the proposed conveyor system to alternative transportation systems, the BZA and Planning Commission may consider the following factors:

(a) Noise, dust control, odors, air emissions, and compliance with current environmental regulations;

(b) Traffic congestion and wear and tear on public infrastructure;

(c) Impacts upon fire, police, or emergency response services; or

(d) Any of the limitations, guides, and standards contained in § 158.133(G).

(2) Except in industrially zoned areas, conveyor systems shall be underground at all road crossings.

(3) Conveyor systems are exempt from lot area, lot width, setback and yard requirements, except for separation distance requirements described in division (E)(4) below.

(4) Separation distance requirements are as follows:

(a) In “A” and “C” Districts, the conveyor system shall be located the greater of: three times its height above ground; or 150 feet from any existing residential structure or from a property line in any Residential District;

(b) This division (E)(4) supersedes the distance requirements of § 158.040; and

(c) The separation distance requirements of this division (E)(4) shall not apply to permitted residential structures which are constructed after the date of conditional use approval or site plan approval.

(5) The maximum decibel level caused by the operation of the conveyor system at any receiving property line shall not exceed 65 dBA during daytime hours and 55 dBA during night time hours as those terms are defined in § 93.02 of the County Code.

(6) Conveyor systems shall be subject to site plan approval in accordance with § 155.059. The Planning Commission may impose additional requirements as necessary to preserve human health, safety, and welfare, and may consider design, siting, and vegetative screening to minimize adverse effects.

§ 158.040 DISTANCE REQUIREMENTS.

(A) Any uses or buildings subject to compliance with this section shall be located at least 200 feet from:

(1) Any lot in a Residence District;

(2) Any lot of less than three acres in the Agricultural District which is:

a) occupied by a dwelling not located on the same lot as the said use or buildings; or

b) for which a residential lot has been recorded, or

c) for which a construction permit for a dwelling has been issued;

(3) Any lot occupied by a school, religious establishment, or institution for human care.

(4) On adjoining lots of three acres or more, a minimum separation distance of 300 feet from dwellings shall be required.

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

- (1) Coal yard;
- (2) Cooperage works;
- (3) Crematory;
- (4) Electric generating power plant;
- (5) Facility for the dispensing of medical cannabis;
- (6) Flour and grain milling;
- (7) Heavy manufacturing;
- (8) Indoor contractors' equipment and storage yard;
- (9) Indoor growing of medical cannabis;
- (10) Indoor processing of medical cannabis; and
- (11) Steel mill.

(C) The following uses shall be subject to three times the distance requirement in subsection (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) Oil-contaminated soil facility;
- (7) Outdoor contractors' equipment and storage yard;
- (8) Solid waste acceptance facility; and
- (9) Truck or motor vehicle freight terminal.

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

- (1) Acid or heavy chemical manufacturing;
- (2) Airport;
- (3) Blast furnace, boiler works, foundry;
- (4) Cement, lime, gypsum manufacturing;
- (5) Distillation of bones, fat rendering, grease, lard or tallow manufacturing;
- (6) Explosive manufacture or storage;
- (7) Fertilizer, potash, insecticide, glue, size, or gelatin manufacture;
- (8) Junkyard;
- (9) Outdoor trap, skeet, rifle, or archery ranges, including gun clubs;
- (10) Petroleum products refining; and
- (11) Slaughterhouse.

§ 158.041 LOCATING ANCILLARY FACILITIES.

The following uses, when accessory to an authorized conditional or principal permitted use, may be located in a district different from that in which the authorized conditional or principal permitted use is located:

- (A) SWM facilities;
- (B) Septic systems;

- (C) Wells;
- (D) Sediment control devices and permanent drainage structures;
- (E) Water storage facilities for fire protection;
- (F) Berms for sight or noise abatement; and
- (G) Parking facilities and driveways.

§ 158.042 TRAFFIC VISIBILITY ACROSS CORNER LOTS.

On any corner lot, no fence, structure, or planting that would interfere with traffic visibility across the corner shall be erected or maintained within 20 feet of the intersection of the road right-of-way.

§ 158.043 TRAFFIC VISIBILITY ENTERING PUBLICLY MAINTAINED ROADS.

(A) A property owner or tenant of the property shall not maintain or erect a fence, wall, mailbox, hedge, tree, shrubbery, vines, weeds, plantings, etc., on private property at or near any existing access point or proposed access point to publicly maintained roads which causes an obstruction to vision for motorists entering publicly maintained roads.

(B) The Zoning Administrator shall determine, in conjunction with the Carroll County Bureau of Roads Operations, or its successor agency, whether an object constitutes an obstruction to vision.

(C) For any fence, wall, mailbox, hedge, tree, shrubbery, vines, weeds, plantings, etc., which is determined to be an obstruction to vision, this section shall supersede § 158.033.

§ 158.044 MEASUREMENT OF FRONT YARD DEPTH.

(A) Each front yard (setback) shall be measured at right angles or radially from the nearest street right-of-way line (front property line) where the right-of-way of any existing street is 50 feet in width in the case of a local or minor type street, or 60 feet in width in the case of any designated county collector or major street. Where the respective right-of-way widths of the above type streets are less, or where there may be doubt as to the width of the right-of-way, the minimum front yard depth or setback line shall be determined by adding the distances specified below to the minimum front yard requirement, and measuring from the centerline of the type of road involved:

- (1) All local or minor streets, add 25 feet; and
- (2) County collector or major streets, add 30 feet.

(B) In any district where a lot abuts a state highway, the minimum front yard otherwise required for any building where less than 100 feet shall be increased by an amount specified by the State Highway Administration, as would reflect and allow for future official widening and right-of-way lines, if applicable.

§ 158.045 PRINCIPAL DWELLINGS.

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

§ 158.046 GAME MACHINES AS ACCESSORY USE.

In any commercial establishment or public facility, no more than four game machines may be permitted as an accessory use, and at any circus, carnival, or similar transient use, an unlimited number of game machines may be permitted as an accessory use.

§ 158.047 TEMPORARY ZONING CERTIFICATES.

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

§ 158.048 TEMPORARY/SEASONAL USES.

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

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

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

(3) Stands for snowballs and similar confections:

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

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

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

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

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

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

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

(4) Sidewalk sales;

(5) Produce stands of a seasonal nature;

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

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

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

(c) The Zoning Certificate shall be issued for a limited period of time as determined by the Zoning Administrator.

(7) Farmer's market or flea market.

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

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

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

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

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

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

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

§ 158.049 COUNTY PUBLIC BUILDINGS, STRUCTURES, AND USES.

Notwithstanding anything herein to the contrary, uses of land, buildings, structures, or premises by the County Commissioners, including the location, erection, reconstruction, extension, enlargement, conversion, or alteration of buildings or structures or parts thereof may be located in any district as principal permitted uses and exempt from all subdivision regulations and bulk requirements. However, no land, building, structure, or premises owned or leased by the County Commissioners may be used without the approval of the County Planning Commission pursuant to Md. Code, Land Use Article, § 3.205.

§ 158.050 COMPLIANCE WITH LANDSCAPE ORDINANCE.

(A) No Zoning Certificate may be issued for any use of property hereafter started or for any change of use hereafter made or for any nonconforming use presently existing which hereafter expands or intensifies unless in compliance with Chapter 157 of the Code.

(B) Where a use is required to comply with § 155.059, failure to maintain the property in compliance with Chapter 157 shall be prohibited, and each day the property fails to comply shall be treated as a separate violation of this chapter.

(C) It shall be the joint and several responsibility of each person owning or using property to comply with Chapter 157 and the provisions of this chapter.

§ 158.051 SEWAGE SLUDGE STORAGE.

(A) The storage of sewage sludge is allowed in any district at a publicly owned wastewater treatment plant as an accessory use to the treatment of sewage, septage, or other wastes.

(B) The storage of pelletized or granular dried sewage sludge, or any derivative thereof, is allowed in any district as a principal permitted use certified by the Zoning Administrator under the following specific conditions:

(1) The pelletized or granular dried sewage sludge to be stored shall be of a Class A grade as defined by the federal Environmental Protection Agency ("EPA") or equivalent definition by the Maryland Department of the Environment ("MDE");

(2) The pelletized or granular dried sewage sludge storage facility shall possess all valid and necessary state and federal permits for the storage, handling, and transportation of pelletized or granular dried sewage sludge;

(3) The pelletized or granular dried sewage sludge storage facility shall be a closed contained system with adequate fire suppression;

(4) The pelletized or granular dried sewage sludge storage facility shall have adequate ventilation for air exchange to maintain appropriate worker protection and filtration for fine particulate and other potential airborne emissions for external venting of internal air; and

(5) The quantity of pelletized or granular dried sewage sludge stored shall be reported to the Zoning Administrator on a monthly basis.

(C) The storage of sewage sludge is prohibited, unless authorized in division (A) or (B) above.

(D) (1) Land application of sewage sludge, if properly permitted by the MDE, is allowed as an agricultural use; provided, however, that the application of sewage sludge shall be subject to the distance requirements of § 158.040. The Zoning Administrator may reduce the distance requirements of § 158.040 to that buffer distance authorized by the MDE, if to do so would not adversely affect the adjoining property affected thereby, in the sound discretion of the Zoning Administrator.

(2) The storage of sewage sludge is not accessory to the application of sewage sludge.

§ 158.052 STAFF HOUSING FOR GROUP HOMES.

Within a dwelling used as a group home, a separate living quarters for staff may be established as an accessory use.

§ 158.053 TEMPORARY REAL ESTATE SALES OFFICE.

A temporary real estate sales office for the sale of lots in the subdivision where it is located is authorized to be used in any zone under the following conditions:

(A) The office shall be located on a lot approved for that purpose by the Zoning Administrator.

(B) The sales office is housed in a modular office unit that has been approved by the state.

(C) The use shall not continue for more than one year. The Zoning Administrator may approve a one-year extension.

(D) The use shall not be established until a plan that includes landscaping has been approved by the Zoning Administrator.

(E) Structures approved under this section are subject to the yard requirements for dwellings in the zoning district in which the lot is located.

(F) In subdivisions that have multiple builders or developers there may be one sales office for each builder or developer who has a right through ownership or contract to develop eight or more lots at the time the builder or developer seeks to locate a temporary sales office on the site.

§ 158.054 COMMUNICATIONS TOWERS.

No communications tower permitted under § 158.039 or structure that is permitted under § 158.130(E) shall be erected, altered, or maintained at a height in excess of the applicable limitations established in Federal Aviation Regulation (FAR) 77, *Objects Affecting Navigable Airspace for the Carroll County Regional Airport*. These area and height limitations are delineated on a map generated for the Airport Manager entitled "Federal Airport Regulation

(FAR) Part 77 Surfaces Approach Area (Proposed),” dated November 1999 as may be amended and consisting of one sheet and shall be kept on file with the Airport Manager or his or her successor.

§ 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.

§ 158.056 OUTDOOR PARKING OF COMMERCIAL VEHICLES ON RESIDENTIAL PROPERTY.

(A) For the purposes of this section, commercial vehicle shall mean a motorized vehicle of 10,000 pounds or more gross vehicle weight or capability, a trailer capable of gross vehicle weight of 10,000 pounds or more, or a trailer which may be used for commercial purposes. Motor homes, recreational vehicles, and school buses owned or operated by the resident shall not be deemed commercial vehicles under this chapter.

(B) Parking of one commercial vehicle shall be permitted as an accessory use to a single-family dwelling residential use upon a lot of one acre or less subject to the following requirements:

(1) The commercial vehicle must be actively used by a full-time resident of the single-family dwelling;

(2) The commercial vehicle shall be parked completely within the boundary lines of the lot on which the single-family dwelling exists; and

(3) The commercial vehicle shall not be parked in a way which blocks adequate sight distance for persons entering or exiting any public or private road and shall not be parked closer than 15 feet to the limit of a public right-of-way.

(C) Parking of no more than two commercial vehicles shall be permitted as an accessory use to a residential use upon a lot greater than one acre subject to the following requirements:

(1) The commercial vehicles must be actively used by a full-time resident of the dwelling;

(2) The commercial vehicles shall be parked completely within the boundary lines of the lot on which the residential use exists; and

(3) The commercial vehicles shall not be parked in a way which blocks adequate sight distance for persons entering or exiting any public or private road and shall not be parked closer than 15 feet to the limit of a public right-of-way.

(D) Outside the Residence zones, parking of no more than five commercial vehicles shall be allowed as an accessory use to a residential use upon lots of ten acres or more subject to the following requirements:

(1) The commercial vehicles must be actively used or owned by a full-time resident of the dwelling;

(2) The commercial vehicles shall be parked completely within the boundary lines of the lot on which the residential use exists;

(3) The commercial vehicles shall not be parked in a way that blocks adequate sight distance for persons entering or exiting any public or private road and shall be parked no closer than 15 feet to the limit of a public right-of-way; and

(4) No more than two of the commercial vehicles shall be visible from the nearest public road or visible from the first floor of a residence on any adjoining property.

(E) Parking and storage of vehicles in any building is not intended to be limited by this chapter.

§ 158.057 OUTDOOR STORAGE OF UNLICENSED VEHICLES.

(A) For the purposes of this chapter, an unlicensed vehicle shall mean a vehicle previously licensed or required to be licensed to operate upon the public roads in this state, excluding mobile homes.

(B) One unlicensed vehicle shall be permitted as an accessory use to a residential dwelling upon a lot of three acres or less.

(C) No more than two unlicensed vehicles shall be permitted as an accessory use to a residential dwelling upon a lot greater than three acres and less than 20 acres.

(D) No more than four unlicensed vehicles shall be permitted as an accessory use to a residential dwelling upon lots of 20 acres or more, provided no more than two of the unlicensed vehicles shall be visible from the nearest public road or visible from the first floor of a residence on any adjoining property.

(E) Parking and storage of vehicles in buildings is not intended to be limited by this section.

(F) This section shall not be construed as authorizing a junkyard.

(G) Nothing in this section authorizes unsafe or unsanitary storage of an unlicensed vehicle or storage which otherwise violates environmental or other laws.

§ 158.058 SUBDIVISION OF LAND; EXPIRATION OF PRELIMINARY PLANS.

A preliminary plan of subdivision shall become void in accordance with § 155.056. A decision of the Director of the Department of Land Use, Planning, and Development, or its successor agency, to grant an extension to the expiration of a preliminary plan may be appealed to the BZA in accordance with § 158.133.

§ 158.059 MEDICAL CANNABIS.

Uses related to the growing, processing, or dispensing of medical cannabis shall comply with the following requirements:

(A) The outdoor growing of medical cannabis is prohibited in all districts.

(B) All lighting, including security lighting required by COMAR 10.62.10.05, shall comply with Carroll County site plan requirements as specified in § 155.059.

(C) The use shall be subject to site plan approval by the Planning Commission pursuant to § 155.059.

(D) No variances from the requirements of this section or the distance requirements set forth in § 158.040 shall be granted.

158.060 MEASUREMENT OF SEPARATION OR DISTANCE BETWEEN USES.

When measuring a required separation between uses, distance shall be determined from the nearest point of the structure occupied by the use requiring separation to the nearest point of the boundary of the lot from which the separation is to be established. In the case of an outdoor principal or accessory use requiring separation from another use, distance shall be measured

from the nearest point of the outdoor use to the nearest point of the boundary of the lot from which the separation is to be established.

DISTRICTS

§ 158.070 “A” AGRICULTURAL DISTRICT. (No Changes)

§158.071 “C” CONSERVATION DISTRICT. (No Changes)

§158.072 R-40,000 RESIDENCE DISTRICT. (No Changes)

§ 158.073 R-20,000 RESIDENCE DISTRICT. (No Changes)

§ 158.074 R-10,000 RESIDENCE DISTRICT. (No Changes)

§ 158.075 R-7,500 RESIDENCE DISTRICT. (No Changes)

§ 158.076 “MHP” MOBILE HOME PARK DISTRICT. (No Changes)

§158.077 “C-1” COMMERCIAL LOW INTENSITY DISTRICT.

(A) Purpose and Intent. The purpose of the C-1 District is to provide locations for small-scale, low-intensity, retail and service commercial uses which are intended to provide goods and services primarily serving the residents of the surrounding neighborhoods with a minimum of consumer travel and convenient auto access. Uses allowed in the C-1 District include, but are not limited to, retail sales and services, personal services, medical facilities, eating establishments, recreation and entertainment, and small professional office uses.

(B) Applicability. The following regulations and applicable regulations contained in other sections shall apply in the “C-1” District.

(C) Principal Uses. The regulation of principal uses is set forth in Section 158.082.

(D) Site plan review. Site plan review, if required, shall be as provided as per Chapter 155.

158.078 “C-2” COMMERCIAL MEDIUM INTENSITY DISTRICT.

(A) Purpose and Intent. The purpose of the C-2 District is to provide locations for a diverse range of medium-intensity retail, service and professional office uses needed by a larger population than those provided for in the C-1 District. This district is also intended to provide locations for compatible institutional and recreational uses, limited residential uses, and some of the general neighborhood uses associated with the C-1 District. Bicycle and pedestrian access are encouraged where possible to ensure compatibility with nearby neighborhoods.

(B) Applicability. The following regulations and applicable regulations contained in other articles shall apply in the “C-2” District.

(C) Principal Uses. The regulation of principal uses is set forth in Section 158.082.

(D) Site plan review. Site plan review, if required, shall be as provided as per Chapter 155.

158.078.01 “C-3” COMMERCIAL HIGH INTENSITY DISTRICT.

(A) Purpose and Intent. The purpose of the C-3 District is to provide locations for high-intensity, large-scale retail businesses and destinations of a regional nature, planned business parks, clusters of commercial development, wholesale businesses, offices, and certain light processing operations. This district is also intended to provide locations for compatible institutional and recreational uses and some of the medium-intensity uses associated with the C-2 District. Uses in this district should be located in proximity to transportation infrastructure and major corridors and are characterized by medium to high volumes of traffic. Developments in the C-3 District should, where possible and appropriate, facilitate pedestrian circulation.

(B) Applicability. The following regulations and applicable regulations contained in other sections shall be permitted in the “C-3” District.

(C) Principal Uses. The regulation of principal uses is set forth in Section 158.082.

(D) Site plan review. Site plan review, if required, shall be as provided as per Chapter 155.

158.079 “I-1” LIGHT INDUSTRIAL DISTRICT.

(A) Purpose and Intent. The purpose of the I-1 District is to provide locations and guidance for certain types of nonagricultural, nonresidential, and generally nonretail commercial activities characterized by light manufacturing, assembling, fabricating, warehousing, wholesale distribution, and limited office and commercial uses which are supportive or directly related to industrial uses, which may not be as intense as those provided for in the I-2 District, and which, with proper landscaping, separation, setback, and buffering, will not significantly detract from adjoining residential or commercial properties. It is intended that such districts be located with access to major thoroughfares or other major modes of transportation, depending upon the specific demands of the industry being served. Industrial Parks are encouraged in this district to provide for clustering of similar industrial uses with common access and infrastructure, as well as the provision of open spaces, stormwater management, and adequate buffering.

(B) Applicability. The following regulations and applicable regulations contained in other sections shall be permitted in the “I-1” District.

(C) Principal Uses. The regulation of principal uses is set forth in Section 158.082.

(D) Business/Industrial Parks. Business/Industrial Parks, approved as business parks prior to April 1, 2019 are permitted in the I-1 District. Retail and commercial uses, which are delineated as accessory uses in division (9) below, general service and general retail principal permitted

uses in 158.082 (A), and Planned Commercial Center, subject to the provisions of Sec. 155.094, may be located on separate lots or parcels within a business/industrial park provided that:

(1) The gross acreage of such uses does not exceed 15% or 15 acres, whichever is lesser, of the business/industrial park.

(a) The area of the retail uses shall be computed as the building area containing the retail uses and the supporting parking lot area, but shall not include required yard setbacks and open space.

(b) No variance of the 15% limitation may be granted.

(2) The size of any individual retail or commercial use may not exceed a maximum of 6,000 square feet, except for day care centers and health clubs which may not exceed a maximum of 12,000 square feet. The area of a canopy over gasoline pumps shall not be included in the size limitation for a convenience store with gasoline pumps;

(3) The development of the retail or commercial space shall be phased in with the development of the industrial uses such that the ratio of retail or commercial space to industrial space which is constructed may not exceed 25% at any time until the business park is complete;

(4) The business/industrial park shall be ineligible for additional accessory uses under 158.083(B) (2);

(5) The development of the business/industrial park with retail or commercial uses shall not constitute a substantial change in the neighborhood with respect to a petition to change the zoning of the property pursuant to § 158.134(C);

(6) An average of four parking spaces per 1,000 square feet of building area shall be provided for the lots within a business/industrial park;

(7) The following uses are prohibited in a business/industrial park:

(a) Antique shops;

(b) Automobile service center;

(c) Day treatment or care facility;

(d) Funeral establishments;

(e) Kennels, commercial;

(f) Nonprofit clubs and fraternal organizations;

- (g) Residential dwelling units;
- (h) Retail greenhouses;
- (i) Retirement homes;
- (j) Second-hand or consignment shops;
- (k) Tattoo or body-piercing shops; and
- (l) Vehicle repair shops.

(8) Signage requirements are as follows.

(a) A signage plan shall be submitted with the site plan.

(b) One freestanding sign shall be allowed to identify the business/industrial park. This sign may not exceed 30 feet in height or 200 square feet per side, unless a variance is granted pursuant to § 158.130. This sign may include identification of the tenants or other entities within the business/industrial park.

(c) If a PCC is located within a business/industrial park, then the PCC may have an additional freestanding sign in accordance with § 155.094(E).

(d) All other buildings or lots within the business/industrial park may have signs in accordance with § 158.114.

(9) Provided all accessory uses do not exceed 15% of the lot or parcel, and provided no individual use exceeds 3,000 square feet except as provided below, the following retail or other commercial uses in conjunction with a principal permitted or approved conditional use, not exceeding 15% of the lot or parcel, and subject to authorization of the BZA after a public hearing:

- (a) Retail bakeries;
- (b) Banks or savings and loan institutions;
- (c) Beauty salons or barbershops;
- (d) Convenience stores, including gasoline pumps, however the area of canopy over the gasoline pumps is excluded from the 3,000 square foot size limitation but included as part of the 15% gross acreage limitation;
- (e) Day care centers not exceeding 6,000 square feet;
- (f) Pharmacies;

- (g) Laundry or dry-cleaning establishments;
- (h) Office supply stores;
- (i) Shoe repair shops;
- (j) Restaurants or lunch rooms;
- (k) Tailor establishments;
- (l) Health clubs not exceeding 6,000 square feet; and
- (m) Florist or garden shops.

(E) Site plan review. Site plan review, if required, shall be as provided as per Chapter 155.

158.080 “I-2” HEAVY INDUSTRIAL DISTRICT.

(A) Purpose and Intent. The purpose of the I-2 District is to provide locations and guidance for certain types of nonagricultural, nonresidential, and noncommercial activities characterized by heavy manufacturing, refining, processing, or compounding of materials or products predominantly from raw materials. This district may also accommodate some of the light manufacturing uses permitted in the I-1 (Light Industrial) District. The uses associated with this district are intensive and frequently include operations that emit strong odors; loud noises, and some level or volume of dust, vibration, smoke, soot, vapors, light, and pollution. It is intended that properties in this district be located with access to major thoroughfares or other major modes of transportation, depending on the specific demands of the industry being served. It is not the purpose of this district to promote or encourage the use of land within this district for retail services, Planned Commercial Centers, or similar uses typically expected to be located within the established commercial districts.

(B) Applicability. The following regulations and applicable regulations contained in other sections shall apply in the “I-2” District.

(C) Principal Uses. The regulation of principal uses is set forth in Section 158.082.

(D) Site plan review. Site plan review, if required, shall be as provided as per Chapter 155.

158.081 “EC” EMPLOYMENT CAMPUS DISTRICT.

(A) Purpose and Intent. The purpose of the E-C District is to provide for and foster comprehensively planned employment centers in campus-like settings to attract employers of highly skilled workers and primarily higher paying jobs, including but not limited to, research and development, institutional, office, flex space, and other light and limited industrial uses, while also providing a more flexible approach to design and development. In this district, the

integration of trails, sidewalks, communal plazas, and shared amenities is encouraged. The following objectives are sought in providing for the E-C District:

(1) To facilitate a well-planned development with higher standards of development than are typically found in other employment districts;

(2) To provide for development that will incorporate the natural features of the land and protect the environment;

(3) To maintain a harmonious relationship between the various buildings and sites contained within the district;

(4) To provide development patterns that recognize the character of established surrounding neighborhoods and other types of land uses;

(5) To provide for interaction and integration among users, thereby contributing to a positive and healthy working environment;

(6) To ensure that the limited number of permitted and accessory residential, retail, service, eating and drinking uses within the district have the principal purpose of serving the employment campus;

(7) To encourage green spaces, walking trails and other recreational uses;

(8) To serve as an economic development tool in the effort to increase the County's commercial and industrial tax base;

(9) To encourage development of buildings that can be easily adapted as the range of tenants and regional market for employment evolves; and

(10) To provide a flexible employment district.

(B) Development Plan. The developer of any employment campus (prior to any construction) shall present to the Planning Commission for its review, a development plan of such proposed campus. The purpose of the development plan is to provide the Planning Commission with the necessary information to ascertain whether the proposed employment campus is consistent with the purposes of the district as articulated in subsection (A) above. 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. The Planning Commission shall require phasing of construction of the residential, retail, and service portions of the employment campus to ensure that these components are in support of the primary employment uses.

(1) 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 development will not cause points of traffic congestion on existing or planned roads in the areas of such proposed location; and

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

(C) Parking. For all commercial, industrial, institutional, and public uses, parking shall be provided in accordance with a formula of five parking spaces for every 1,000 square feet of building space.

(D) Outdoor Storage. No outdoor storage of equipment, material or products will be permitted.

(E) Signage. A signage plan shall be submitted at the time of development plan review to assure that the appearance, size, height, type of material, and other aspects of signs are consistent with the purposes and intent of the district. The regulations set forth in Sections 158.112, 158.113, and 158.114 shall also apply in the Employment Campus District.

(F) Landscaping. The minimum open space and landscaped area on any development shall not be less than 20% of the gross land area of the development. All development in this district shall comply with Chapter 157 of the Carroll County Code and to the technical standards established in the Carroll County Landscape Manual. Supplemental landscaping may be required in order to comply with the objectives set forth in subsection (A).

(G) Architecture. Building architectural renderings or plans shall be submitted at the time of development plan review to assure that the appearance, size, type of building material, and other aspects of the buildings are consistent with the purposes and intent of the district.

(H) Solar Energy Conversion Facilities. Solar energy conversion facilities may be approved as part of the development plan, provided they are roof-mounted, subject to the requirements of Section 158.153, or mounted on a canopy in a parking area.

(I) Principal Uses. The regulation of principal uses is set forth in Section 158.082.

(J) Mix of Uses. The following limitations shall apply:

(1) General retail, general service, eating and drinking uses, including principal and accessory uses, shall not comprise more than 25% of the total area of the structures located in the employment campus development.

(2) Where permitted in Section 158.082, the total developed area for residential uses shall not collectively comprise more than 15% of the total area of the employment campus development. Such residential uses shall be architecturally compatible with and supportive of the employment uses. All residential uses shall be subject to Chapter 156, Adequate Public Facilities and Concurrency Management.

(K) Accessory Uses. Accessory uses shall be as follows:

(1) Uses customarily accessory and incidental to any principal permitted use or authorized conditional use.

(2) Solar energy conversion facility, either roof mounted or mounted on the canopy of a parking area, subject to the requirements of Section 158.153(B).

(3) General retail, general service, eating and drinking establishments, and indoor recreation uses, provided that an individual use does not exceed 3,000 square feet, except health clubs and day care centers, which may not exceed 6,000 square feet.

(L) Bulk Requirements. With the exception of building height, the bulk requirements shall be established at the time of site plan approval. The maximum allowable height in this district shall be 60 feet.

(M) Site Plan Review. Site plan review, if required, shall be as provided as per Chapter 155.

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 authorization of the BZA in accordance with Section 158.133 of this Chapter.

(3) The letter "X" indicates that the use is prohibited.

(4) The letters "NA" indicate that the use is not applicable.

(5) Any use not listed is prohibited unless the BZA determines that the use is similar in impact, nature, function, and duration to an allowed use listed in the Table of Land Uses, and which would not be detrimental to the public health, safety, or general welfare of the community, unless otherwise specifically prohibited.

(6) The particular and specific control the general.

(7) In case of any difference of meaning or implication between the text and any caption, the text controls.

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

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

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

(11) Variances shall not be granted to the uses listed in the following Table of Land Uses.

| LAND USE CATEGORY | C-1 | C-2 | C-3 | I-1 | I-2 | EC | ADDITIONAL REGULATIONS |
|--|------------|------------|------------|------------|------------|-----------|-------------------------------|
| SUBCATEGORY | | | | | | | |
| DESCRIPTION | | | | | | | |
| AGRICULTURAL | | | | | | | |
| Agriculture | P | P | P | P | P | P | 158.002, 158.035 |
| Agricultural research laboratories and facilities | X | X | C | C | P | P | 158.070 |
| Feed or grain sales, may include storage | X | P | P | P | P | X | |
| Flour or grain milling, drying, storage | X | X | X | P | P | X | 158.040 |
| Shop for the service, repair, or sale of farm equipment | C | P | P | X | X | X | 158.040 |
| COMMUNICATIONS | | | | | | | |
| Communications tower | C | P | P | P | P | C | 158.002, 158.039, 158.054 |
| Communications tower complex | C | P | P | P | P | C | 158.002, 158.039, 158.054 |
| COMMERCIAL | | | | | | | |
| Vehicle Sales/ Service | | | | | | | |
| Automobile service center | C | P | P | C | C | X | 158.002, 158.083 |
| Car wash (self or full service) | X | P | P | X | X | X | |
| Fuel station | P | P | P | X | X | X | 158.002 |
| Vehicle repair shop | X | P | P | P | X | X | 158.002, 158.083 |
| Vehicle sales lot (under 10,000 lbs. gross vehicle weight) | X | P | P | X | X | X | 158.002 |
| Vehicle sales lot (10,000 lbs. or more gross vehicle weight) | X | C | P | X | X | X | 158.002 |
| Eating and Drinking Establishments | | | | | | | |
| Catering establishment or banquet facility | P | P | P | X | X | P | 158.002 |
| Restaurant | P | P | P | X | X | P | 158.083 |
| Restaurant, with drive thru | X | P | P | X | X | X | |

| LAND USE CATEGORY SUBCATEGORY DESCRIPTION | C-1 | C-2 | C-3 | I-1 | I-2 | EC | ADDITIONAL REGULATIONS |
|--|-----|-----|-----|-----|-----|----|---------------------------|
| Tavern/Bar | P | P | P | X | X | P | 158.083 |
| Funeral and Interment | | | | | | | |
| Cemetery, mausoleum, or memorial garden | C | C | C | X | X | X | 158.002 |
| Crematorium | X | P | P | X | P | X | 158.002, 158.040 |
| Funeral establishment | X | P | P | X | X | X | 158.002 |
| Lodging | | | | | | | |
| Bed and breakfast | C | X | X | X | X | X | 158.002, 158.071 |
| Country inn | C | X | X | X | X | X | 158.002, 158.071 |
| Hotel or motel | X | C | P | X | X | P | |
| Hotel or motel, as part of an Industrial Park | NA | NA | NA | P | NA | NA | 158.002, 158.156 |
| Office/Health Care | | | | | | | |
| Facility for dispensing of medical cannabis | X | P | P | X | X | X | 158.002, 158.040, 158.059 |
| Facility for dispensing of medical cannabis, in conjunction with a medical cannabis growing and/or processing facility | X | X | X | P | P | X | 158.002, 158.040, 158.059 |
| Medical or dental center | P | P | P | X | X | P | 158.002 |
| Professional or business office | P | P | P | P | X | P | 158.083 |
| Veterinary facility, without runways | C | P | P | X | X | X | 158.002, 158.040 |
| Veterinary facility, with runways | X | C | C | X | X | X | 158.002, 158.040 |
| Recreational/Entertainment | | | | | | | |
| Adult entertainment business, massage establishment, striptease business | X | X | X | X | P | X | 158.002, 158.154 |
| Amusement park | X | X | P | X | X | X | |
| Conference center | X | C | P | X | X | P | 158.002, 158.070 |
| Conference center as part of an Industrial Park | NA | NA | NA | P | X | NA | 158.002, 158.156 |
| Golf course | X | X | X | X | X | P | 158.002 |
| Indoor recreational facility | P | P | P | P | X | P | 158.002 |
| Indoor theater | X | C | P | X | X | X | |
| Indoor trap, skeet, rifle, or archery ranges, including gun clubs | X | P | P | P | X | X | 158.040 |
| Outdoor drive-in theater | X | X | C | X | X | X | |
| Outdoor recreational area | P | P | P | C | X | P | 158.002 |
| Outdoor trap, skeet, rifle, or archery ranges, including gun clubs | X | X | X | X | X | X | 158.040 |
| Retreat facility | X | X | X | X | X | X | 158.002, 158.070 |
| Retail/Service | | | | | | | |
| Building or landscaping supplies sales and storage yard | X | X | C | P | X | X | 158.002 |
| Butcher shop | P | P | P | X | X | X | 158.002 |
| Fertilizer (liquid or dry) sales and storage | X | X | C | X | X | X | |

| LAND USE CATEGORY SUBCATEGORY DESCRIPTION | C-1 | C-2 | C-3 | I-1 | I-2 | EC | ADDITIONAL REGULATIONS |
|--|-----|-----|-----|-----|-----|----|---------------------------|
| General retail or general service, less than 10,000 square feet | P | P | P | X | X | P | 158.002, 158.083 |
| General retail or general service, between 10,000 and 60,000 square feet | X | P | P | X | X | C | 158.002, 158.083 |
| General retail or general service, more than 60,000 square feet | X | C | P | X | X | X | 158.002, 158.083 |
| Rental of vehicles and goods with primarily outdoor equipment storage | X | C | P | P | X | X | |
| RESIDENTIAL | | | | | | | |
| Household Living | | | | | | | |
| Dwelling in a Business Park, all types | NA | NA | P | NA | NA | NA | 158.002, 158.159 |
| Single-family or two-family dwelling in a Rural Village | P | P | NA | P | NA | NA | 158.002 |
| Multi-family dwelling | X | X | X | X | X | P | 158.002, 158.081 |
| Retirement home/age-restricted adult housing | P | P | X | X | X | P | 158.002 |
| Single-family dwelling in constructed after December 31, 2019 | X | X | X | X | X | P | 158.002, 158.081 |
| Single-family dwelling constructed prior to December 31, 2019 | P | P | P | X | X | X | 158.002 |
| Townhouse | X | X | X | X | X | P | 158.002, 158.081 |
| Two-family dwelling | X | X | X | X | X | P | 158.002, 158.081 |
| Group Living | | | | | | | |
| Assisted-living facility | P | P | P | X | X | X | 158.002 |
| Continuing care retirement community | P | P | P | X | X | X | 158.002 |
| Nursing home | P | P | P | X | X | X | 158.002 |
| INSTITUTIONAL/COMMUNITY SERVICE | | | | | | | |
| Art, business, dance, music or similar school | P | P | P | X | X | P | |
| Community meeting hall, social club, fraternal organization | P | P | P | X | X | X | |
| Community recreational facility | P | P | P | X | X | X | |
| Day care center | P | P | P | X | X | P | 158.002 |
| Hospital | X | X | P | X | X | X | 158.002 |
| Nursery school | P | P | P | X | X | P | |
| Museum | P | P | P | X | X | P | |
| Private school | P | P | P | X | X | P | |
| Religious establishment | P | P | P | X | X | X | 158.002 |
| Trade school or professional training center | P | P | P | P | P | P | |
| INDUSTRIAL | | | | | | | |
| Manufacturing/Production | | | | | | | |

| LAND USE CATEGORY SUBCATEGORY DESCRIPTION | C-1 | C-2 | C-3 | I-1 | I-2 | EC | ADDITIONAL REGULATIONS |
|--|-----|-----|-----|-----|-----|----|---|
| Acid or heavy chemical manufacture, processing, or storage | X | X | X | X | C | X | 158.040 |
| Artisan manufacturing | P | P | P | P | P | P | 158.002 |
| Bituminous concrete mixing plant | X | X | X | C | P | X | 158.040 |
| Blast furnace, boiler works, foundry | X | X | X | X | P | X | 158.040 |
| Brewery | X | X | P | P | P | X | 158.002, 158.040, 158.083 |
| Cement, lime, gypsum, or plaster of paris manufacturing | X | X | X | X | C | X | 158.040 |
| Concrete and ceramic products manufacturing | X | X | X | C | P | X | 158.040 |
| Concrete or asphalt recycling | X | X | X | C | P | X | 158.002, 158.040 |
| Distillation of bones, fat rendering, grease, lard or tallow manufacturing or processing | X | X | X | X | C | X | 158.040 |
| Distillery | X | X | P | P | P | X | 158.002, 158.040, 158.083 |
| Explosive manufacturing or storage | X | X | X | X | C | X | 158.040 |
| Fertilizer, potash, insecticide, glue, size or gelatin manufacture | X | X | X | X | C | X | 158.040 |
| Food processing and packing plant | X | X | X | P | P | X | 158.040 |
| Heavy manufacturing | X | X | X | X | P | X | 158.002, 158.040 |
| Indoor processing of medical cannabis | X | X | X | P | P | X | 158.002, 158.040, 158.059 |
| Light manufacturing | X | C | P | P | P | C | 158.002 |
| Limited distillery | C | P | P | P | X | P | 158.002, 158.083 |
| Micro-brewery | C | P | P | P | X | P | 158.002, 158.083 |
| Petroleum products refining | X | X | X | X | C | X | 158.002, 158.040, 100' setback from all property lines, NFPA Code |
| Sawmill, commercial | X | X | X | C | P | X | 158.002, 158.040 |
| Steel mill | X | X | X | X | P | X | 158.040 |
| Winery | X | P | P | P | P | X | 158.083 |
| Trades | | | | | | | |
| Bottling (may include distribution) of soft drinks, alcoholic beverages, or milk | X | X | X | P | P | X | |
| Printing shop | C | P | P | P | P | P | |
| Welding, sheet metal, machine, carpentry, or similar shop | X | P | P | P | P | X | 158.040 |
| Transportation/Utilities | | | | | | | |
| Airfield | X | X | X | X | X | X | 158.002 |
| Airport | X | X | X | C | P | X | 158.002, 158.040 |

| LAND USE CATEGORY SUBCATEGORY DESCRIPTION | C-1 | C-2 | C-3 | I-1 | I-2 | EC | ADDITIONAL REGULATIONS |
|---|-----|-----|-----|-----|-----|----|---|
| Coal yard | X | X | X | X | P | X | 158.040 |
| Commercial parking lot or garage | P | P | P | X | X | X | 158.002 |
| Electric generating power plant | X | X | X | X | P | X | 158.040 |
| Heliport | X | X | X | C | P | X | 158.002, 158.040 |
| Solar energy conversion facility, ground mounted | X | C | P | P | P | X | 158.002, 158.081, 158.153 |
| Towing service | X | X | C | P | P | X | On a lot of 5 acres or less in Industrial Districts |
| Truck or motor freight terminal | X | X | X | C | P | X | 158.040 |
| Utility equipment building, yard, above-ground station or substation, or telephone exchange | C | C | C | C | C | C | 158.039 |
| Utility equipment, all others | P | P | P | P | P | P | 158.039 |
| Warehouse/Storage/Distribution | | | | | | | |
| Above ground petroleum products storage (2,000 gallons or greater) | X | C | X | C | C | X | 158.002, 158.040, 158.157 |
| Contractor's equipment storage yard | C | P | P | P | P | X | 158.002, 158.040 |
| Self-service storage facility | X | P | P | X | X | X | 158.002, 158.158, 158.083 |
| Storage of pelletized or granular dried sewage sludge | X | X | X | P | P | X | 158.002, 158.051 |
| Underground petroleum products storage | X | X | X | P | P | X | 158.002, 158.040 |
| Warehouse or distribution facility | X | C | P | P | P | X | 158.002 |
| Waste-Related | | | | | | | |
| Garbage, offal, or dead animal reduction | X | X | X | X | X | X | |
| Junkyard | X | X | X | X | C | X | 158.002, 158.040, 158.155 |
| Oil-contaminated soil facility | X | X | X | C | P | X | 158.002, 158.040 |
| Solid waste processing facility, as defined in Chapter 50 of the Carroll County Code | X | X | X | C | P | X | 50.01, 158.040 |
| Miscellaneous | | | | | | | |
| Business Park | X | X | P | X | X | X | 158.002, 158.159 |
| Business/Industrial Park | X | X | X | P | X | X | 158.079 |
| Carpet and rug cleaning plant, industrial laundry or dry cleaning | X | X | X | P | P | X | 158.040 |
| Commercial kennel | X | C | C | X | X | X | 158.002 |
| Conveyor system | C | C | C | P | P | X | 158.002, 158.039 |
| Extractive operation, with a MRO designation | X | X | X | P | P | X | 158.002, 158.096 |
| Indoor growing of medical cannabis | X | X | X | P | P | X | 158.002, 158.040, 158.059 |

| LAND USE CATEGORY SUBCATEGORY DESCRIPTION | C-1 | C-2 | C-3 | I-1 | I-2 | EC | ADDITIONAL REGULATIONS |
|--|-----|-----|-----|-----|-----|----|---------------------------|
| Industrial Park | X | X | X | P | X | X | 158.002, 158.156 |
| Laboratory (chemical, physical, or biological), not including agricultural | X | P | P | P | P | P | 158.040 |
| Planned Commercial Center | P | P | P | X | X | X | 158.002, 155.094 |
| Slaughterhouse | X | X | X | X | C | X | 158.040 |
| Use-off-the premises signs | P | P | P | P | P | X | 158.115 |
| PUBLIC | | | | | | | |
| Public facility | P | P | P | P | P | P | 158.049 |

158.083 COMMERCIAL AND INDUSTRIAL DISTRICTS: REGULATION OF ACCESSORY USES.

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

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

(a) Business signs pertaining to "use on the premises", provided that such signs are located as regulated in § 158.114.

(b) Storage modules subject to the following standards:

1. The exterior surface shall be painted and kept in good repair;
2. The storage module shall be vented as needed for safety purposes;
3. The storage module shall be screened from the adjacent roadway;
4. Storage modules shall not be stacked; and
5. The number of storage modules shall be determined by the Zoning Administrator but shall not exceed 25% of the area of the principal structure.

(c) 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 all applicable MDE and NFPA regulations. Commercial establishments providing petroleum for retail sale shall be regulated in the same manner as a principal use.

(d) Drive-thru service when accessory to a principal permitted or conditional use in the C-2 or C-3 district.

- (e) Car wash when accessory to a principal permitted or conditional uses in the C-2 or C-3 district.
- (f) Outdoor storage of vehicles when accessory to a self- service storage facility.
- (g) Equipment, vehicle and materials storage when accessory to general service or office, provided that in the C-1 District, the storage is located in an area of the property comprising no more than 43,560 square feet.
- (h) Winery, micro-brewery, and limited distillery when accessory to a restaurant or tavern.
- (i) Consumption or tasting of alcohol produced on-site, food sales to accompany the beverage tasting, retail sales of novelty or gift items related to the beverage, guided tours, and promotional activities at a micro-brewery, limited distillery, or winery.
- (j) Fertilizer storage or sales, not in prepared packing, when accessory to a permitted or conditional use in the C-2 or C-3 district, subject to approval by the Zoning Administrator in accordance with Section 158.130(G).
- (k) Solar energy conversion facility, subject to the requirements of Section 158.153.
- (l) Pursuant to Section 155.094, dwellings accessory to a Planned Commercial Center.
- (m) A single dwelling directly related to a commercial use.

(B) Accessory uses in the Industrial Districts. Accessory uses in the industrial districts shall be as follows:

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

- (a) A mobile home or dwelling directly related to an industrial use.
- (b) Storage modules subject to the following standards:
 - 1. The exterior surface shall be painted and kept in good repair;
 - 2. The storage module shall be vented as needed for safety purposes;
 - 3. The storage module shall be screened from the adjacent roadway;
 - 4. Storage modules shall not be stacked; and

5. The number of storage modules shall be determined by the Zoning Administrator but shall not exceed 25% of the area of the principal structure.

(c) Retail sales and service of products manufactured on or distributed from the site.

(d) Towing service, when accessory to an automobile service center or vehicle repair shop.

(e) Car wash, when accessory to a permitted or conditional use.

(f) Motor vehicle rental and leasing, when accessory to an automobile service center or vehicle repair shop.

(g) Consumption or tasting of alcohol produced on-site, food sales to accompany the beverage tasting, retail sales of novelty and gift items related to the beverage, guided tours, and promotional activities at a brewery, micro-brewery, distillery, limited distillery, or winery.

(h) The above or below ground storage of not greater than 2,000 gallons, in aggregate, 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.

(i) Solar energy conversion facility, subject to the requirements of Section 158.153.

(2) A single nonindustrial accessory use, provided the accessory use does not exceed 15% of the lot or parcel, and provided the individual use does not exceed 3,000 square feet, except as provided below, and subject to the site plan requirements of Chapter 155, the following retail or other commercial uses in conjunction with a principal permitted or approved conditional use. The above restrictions shall not be varied.

(a) Retail bakeries;

(b) Banks or savings and loan institutions;

(c) Beauty salons or barbershops;

(d) Convenience stores, including gasoline pumps;

(e) Day care centers not exceeding 6,000 square feet;

(f) Pharmacies;

(g) Laundry or dry-cleaning establishments;

(h) Office supply stores;

(i) Shoe repair shops;

- (j) Restaurants;
- (k) Tailor establishments;
- (l) Health clubs not exceeding 6,000 square feet; and
- (m) Florist or garden shops.

158.084 COMMERCIAL AND INDUSTRIAL DISTRICTS: BULK REQUIREMENTS.

(A) Bulk requirements in the Commercial Districts.

(1) The following requirements shall be observed for nonresidential and group living uses in the commercial districts, subject to the provisions of Section 158.130:

- (a) Front yard: minimum 10 feet.
- (b) Side yard: minimum 10 feet.
- (c) Rear yard: minimum 15 feet.
- (d) Height: maximum 50 feet.

(2) Additional bulk requirements for Planned Commercial Centers are as provided for in Section 155.094.

(3) The bulk requirements for dwellings in the Rural Villages shall be the same as in the R-10,000 District, and where adjoining any Residence District, the side yard shall be not less than 25 feet.

(4) The bulk requirements for dwellings not in the Rural Villages, shall be as follows:

- (a) For dwellings that were in the B-NR District, the bulk requirements shall be the same as in the R-10,000 District, and where adjoining any Residence District, the side yard shall be not less than 25 feet.
- (b) For dwellings that were in the B-G District, the bulk requirements shall be the same as in the R-7,500 District, and where adjoining any Residence District, the side yard shall not be less than 15 feet.

(5) The bulk requirements for age restricted housing shall be the same as for nonresidential uses.

(B) Bulk requirements in the Industrial Districts.

(1) The following requirements shall be observed in the industrial districts, subject to the provisions of Section 158.130:

(a) Front yard: minimum 10 feet.

(b) Side yard: minimum 20 feet.

(c) Rear yard: minimum 20 feet.

(d) Height: maximum 50 feet.

(C) Bulk requirements for accessory uses in the commercial and industrial districts shall be as set forth in Section 158.130(C) (2).

OVERLAY DISTRICTS

§ 158.095 “HDO” HISTORIC DISTRICT OVERLAY. (No Changes)

§158.096 “MRO” MINERAL RESOURCE OVERLAY.

(A) Purpose. This subchapter provides for the creation of an overlay designation to be placed on the Zoning Maps, consisting of a MR wherein any land uses that preempt resource recovery are prohibited, for a VRA where potentially recoverable mineral resources have been identified and will be protected from preemptive development and for a half-mile MRN surrounding the MR and the VRA in which any development should be clustered away from the resource and notification of potential resource recovery activity is given.

(B) Mineral resource overlay (“MRO”).

(1) Within the county, there is hereby established an area designated a MRO. This “MRO” includes areas identified as containing a MR, a VRA, and those areas surrounding the resource, identified as MRN. This overlay shall exist only in the “A” District, “I-2” or “I-1” on the Zoning Maps as adopted or amended. There shall be no new Agricultural Land Preservation Districts created pursuant to the Maryland Agricultural Land Preservation Program on any portion of a parcel assigned an MR or a VRA designation.

(2) The owner of property which is not identified as being within an MR may petition the county to place an MR designation on that person’s property subject to the following.

(a) The applicant for an MR designation shall submit for the property a delineation of the extent of the mineral resource as mapped by the Maryland Geologic Survey on the Mineral Resource Quadrangle Maps, scale 1:24,000. The applicant may request a modification of the MR boundaries based upon an analysis performed by a qualified geologist which identifies, locates, and estimates the amount and quality of the resource proposed for recovery. This analysis may include a literature search, well logs, existing geologic maps, flood control studies, historic aerial photographs, or other relevant data.

(b) Lands with an agricultural land preservation easement are not eligible for the MR designation.

(c) To establish the MR boundary, the minimum horizontal distances between the following features and the mapped limit of the resource shall be:

1. One thousand feet from the nearest boundary of a village of historic importance as defined in § 158.152, which has been designated at the time of approval of the petition for the MR boundary.

2. Seven hundred feet from the nearest boundary of an area zoned for residential use (R-40,000, R-20,000, R-10,000, R-7,500) at the time of establishment of the MR boundary.

3. Seven hundred feet from the nearest property lines of schools, hospitals, religious establishments, sewage pumping stations, sewage treatment plants, reservoirs, and water filtration plants which are in existence at the time of establishment of the MR boundary.

(d) In addition to the criteria in § 158.096(B)(2), the Planning Commission may use such additional criteria as it deems applicable in recommending the MR boundary.

(e) The Planning Commission shall review the information submitted by the applicant and make a recommendation to the County Commissioners. The County Commissioners, after holding a public hearing, shall approve, approve with modifications, or deny the petition for an MRO designation.

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

(a) Mineral resource recovery operations as defined in § 158.002;

(b) Agriculture as defined in § 158.002;

(c) Commercial and noncommercial nurseries and greenhouses, 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;

(d) Borrow pits as defined in § 158.002;

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

(f) Manufacture of brick or clay products;

(g) Coal yards;

(h) Cooperage works;

(i) The use of heavy machinery for extracting, refining, processing, removing and storing of excavated material, crushing, moving, washing, and screening;

(j) Bituminous concrete (blacktop) mixing plants;

(k) Concrete and ceramic products manufacture, including ready-mix concrete plants;

(l) Cement, lime, gypsum, or plaster of paris manufacturing; and

(m) Public buildings, structures, and properties of the recreational, cultural, administrative, or public service type, including fire, ambulance, or rescue services.

(4) Permitted uses are as follows.

(a) In the MRN, processing operations as defined in § 158.002 shall be a permitted use, provided that the distances outlined in § 158.096(B)(2) are met and provided that the processing operation is contiguous to an extractive operation in an adjacent MR. In the MRN, extractive operations are not permitted.

(b) In the MRN, the uses allowed in the underlying district are permitted, with special recommendations for clustering away from the resource and for notification.

(c) Excavated material stockpile areas are permitted within the approved final site development plan area, and shall always be constructed behind landscaping, berms, and visual buffers.

(d) Landscaping, berms, and visual buffers shall comply with the provisions of the Carroll County Landscape Manual as adopted by § 157.02 of this code.

(5) In a VRA, uses shall be clustered away from the mineral resource when possible. If such clustering is not possible, then a transfer of development rights, as provided for in § 155.090(D), or development of the property as provided for in § 155.059, may occur at the owners' option.

(C) General regulations for the mineral resource recovery area. Extractive operations are allowed only in an area designated MR; the storage and removal of excavated material is allowed within the approved final site development plan area; processing operations are allowed in the MR, and may be allowed in the MRN, subject to the provisions of § 158.096(B)(4) of this chapter. All mineral resource recovery operations are subject to the following.

(1) Mineral resource recovery operations, except for the storage and removal of excavated material, shall be no closer than 200 feet to all adjoining property lines or any existing or proposed public road right-of-way and 400 feet from any existing principal building on an adjoining property. The Planning and Zoning Commission may increase the distance requirements if it determines that adjacent land uses, geological, hydrogeological, topographical,

natural vegetative, or any other environmental feature causes a greater adverse effect at the proposed site than desired.

(2) The minimum setback distances shall not apply to the common boundary where the adjoining lot is used or planned for mineral resource recovery operations. Setbacks on the remaining property lines shall meet the setback requirements in division (C)(1) of this section.

(3) A person engaging in mineral resource recovery operations shall locate and conduct those operations on the site in a way that minimizes visual, auditory, and other sensory effects on surrounding property owners.

(4) Processing operations outside the pit perimeter shall be housed in a covered structure unless the Planning Commission determines, because of specific site conditions, this is unnecessary based on the effects of the use on nearby properties.

(5) The site shall be developed and maintained in compliance with Chapter 157 and the Carroll County Landscaping Manual.

(6) The line of sight shall be interrupted to the extent possible between mineral resource recovery operations and adjacent properties zoned for residential use, or improved by a residential dwelling, so as to reduce the visual intrusion of the operation on adjacent and nearby properties.

(7) All permanent access roads shall be paved for a distance of at least 200 feet from the adjoining public road. The paved cartway width shall be a minimum of 22 feet, and the pavement type must be approved by the Carroll County Department of Public Works, or its success agency. Roads marked on a site plan and approved by the Planning Commission as temporary may be of a stone construction type (i.e., crusher run).

(8) All excavated material stockpile operations and storage shall be conducted in accordance with an approved site plan as set forth in Chapter 155.

(9) When the height of the excavated material stockpiles exceed the height of adjacent landscaping berms for a period of time greater than 12 months, then such stockpiles must be constructed using concurrent reclamation methods.

(10) Hours of operation are as follows.

(a) Extractive operations, and the storage and removal of excavated material, shall be restricted to the hours of 6:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 7:00 p.m. Saturday.

(b) Processing operations, and nonextractive related activities (i.e., administrative, maintenance, repair), may be carried out on the premises beyond the allowed hours of operation,

provided that the sound level does not exceed the maximum acceptable limit allowed by the state or Chapter 93, Noise.

(c) On Sundays and during atypical business hours, extractive operations will be allowed if expressly permitted by the Zoning Administrator because of an operating emergency or because of local or state need.

(11) The mineral resource recovery operations shall comply with all applicable federal and state air pollution control laws and regulations. In the event of conflict between these laws and regulations, the most restrictive legally applicable law or regulation shall apply. The operator shall control and contain dust to prevent visible emissions from crossing the boundary of the property.

(12) The mineral resource recovery operations shall comply with all federal, state, and local laws regulating water resources management and protection. In the event of conflict between these laws and regulations, the most restrictive legally applicable law or regulation shall apply.

(13) The operator shall provide, prior to beginning a mineral resource recovery operation, a contingency plan for well replacement whenever a public water supply surface intake, public water supply well, or private water supply well is within the zone of influence as designated by the state.

(14) Indenture provisions are as follows.

(a) Prior to the issuance of any Zoning Certificate under this chapter for mineral resource recovery operation, the owner and operator shall enter into an indenture with and provide a satisfactory bond or guaranty to the County Commissioners to ensure compliance with this chapter and the provision of related public improvements, adequate landscaping, fencing, screening, health and safety safeguards, reclamation and restoration plans including regrading, site access, draining, or other treatment as required by this chapter at the completion of the extraction or processing operation. The indenture shall be prepared by the County Attorney, and the bond or guaranty shall be satisfactory to the County Commissioners.

(b) The indenture shall include language discussing the availability of the water pumped in dewatering a site for a public water supply and the use of any resulting reservoir when the site is abandoned for a public water supply.

(c) The indenture shall require the applicant to provide the County Commissioners a copy of all necessary state permits or letters of certification from each state agency that it has completed its review of the proposed mining operations and is prepared to issue its permit before the Zoning Certificate may be issued.

(d) Prior to the completion of an indenture, the County Commissioners may impose any other condition, limitation, or requirement which they deem necessary, to protect the public health, safety, or welfare of the people of the county.

(15) The reclamation plan shall consider providing for use of any water-filled pits as a public water supply. Other proposed land uses for the reclaimed site shall be detailed. Reclamation plans shall be developed with consideration to the condition of adjoining mineral resource recovery operations.

(16) When the property on which the mineral resource recovery is planned to take place contains a historic structure, or a known archaeological site, any documentation sent to the state concerning the structure shall also be forwarded to the Carroll County Department of Land Use, Planning, and Development, or its successor agency, to ensure that the structure and site are surveyed.

(17) All plans for mineral resource recovery operations shall be submitted to the Planning Commission pursuant to the provisions of § 155.059.

(18) Prior to site plan approval, the Planning Commission shall determine the adequacy of transportation facilities on the local land route as detailed in the traffic impact study. If inadequacy is determined by the Planning Commission, the Planning Commission will consult with the County Commissioners and the Director of Public Works, or its success agency, to make a determination as to the extent the public works agreement may be adjusted to include road improvements that would alleviate the inadequacy.

§ 158.097 “H” HERITAGE DISTRICT (No Changes)

§ 158.098 COMMERCIAL CAMPING AREA. (No Changes)

SIGNS

§ 158.110 APPLICABILITY.

In order to properly integrate all regulating provisions affecting signs, as defined in § 158.002, and to regulate such devices in an orderly and comprehensive manner, it is hereby provided that signs are subject to regulations as set forth herein. These provisions shall apply equally to all signs located in the unincorporated areas of the county.

§ 158.111 SIGNS PERMITTED WITHOUT ZONING CERTIFICATE.

The following signs are permitted without a Zoning Certificate in any district, provided that the following conditions are adhered to:

(A) Signs indicating the name and/or premises or accessory use of a home for a home occupation or professional purposes, not exceeding three square feet in area;

(B) Signs not exceeding 30 square feet on a farm advertising farm products primarily grown on the premises, provided that they are located off the highway right-of-way and do not interfere with traffic visibility;

(C) Directional or informational signs of a public or quasi-public nature, such as those containing the meeting date of a community or civic club or the advertising of an event of public interest;

(D) Temporary real estate signs which offer a residential property for sale or lease, subject to the following conditions and limitations.

(1) On a property having an area of less than two acres, the sign may have two sides (or faces), and the area of each sign face shall be no larger than nine square feet, and the top of the sign shall be no higher from the ground than five feet. On a property of two acres or larger, the sign may have two sides (or faces), and each sign face shall not exceed 24 square feet and the top of the sign can be no higher than ten feet from the ground.

(2) Only one sign is allowed on a property offered for sale or lease, except in situations where the property fronts on more than one street, in which case no more than two signs are allowed on the property.

(3) Signs shall not be placed on a property closer than six feet to any property line.

(4) Any sign set up or located pursuant to this section must be removed on the day of settlement of the real estate transaction. The person who placed the sign and the company whose name appears on the sign shall be responsible to remove signs as required by this section.

(5) In addition to those signs authorized in division (D)(2) above, one additional sign for each sign authorized therein is authorized on the property to advertise an open house during the time period of 12:00 noon Saturday until sunset Sunday or during the time period the house is actually open for showing without prior appointment.

(6) Signs offering a property for sale or lease and advertising an open house may be located off the premises when the property being offered has limited or no road frontage as determined by the Zoning Administrator. In those cases where there is limited or no road frontage, one sign is allowed on the property being offered, and one sign is authorized on another property. For purposes of this section, limited road frontage is less than 15 feet of frontage, unless the Zoning Administrator rules otherwise as to a specific property.

(7) No sign shall be located on a property that is not being offered for sale or lease without the express permission of the person having authority to grant such permission for the property on which the sign is located. For purposes of this section, if the permission of the property owner has not been given in writing, it shall be presumed that no permission was given.

(8) Between the hours of 12:00 noon on Saturday and sunset on Sunday, signs advertising property for sale or lease may be placed in a road right-of-way owned by the county whether the right-of-way is owned in fee or otherwise, subject to the rights of the owners of the underlying fee, if any. Signs that are placed in a county road right-of-way may have two sides (or faces), and each sign face may have an area of no larger than four square feet, and the top of the sign may be no higher from the ground than three feet. If a sign is placed in a county right-of-way, no object may be placed on the sign that extends above the top of the sign or extends the width of the sign to more than two feet.

(9) Notwithstanding any provision herein to the contrary, no sign shall be located in any place where its location constitutes a condition adverse to traffic safety. Such signs may be removed at any time, and the company and agent of the company so locating the sign shall be liable for any damage that is caused as a result of the sign's location, and each shall be in violation of this chapter and liable to the county for the cost of removing a sign located on property in violation of this chapter. The Bureau of Roads Operations, or its successor agency, is hereby authorized to establish areas in which signs are prohibited in any county right-of-way.

(10) Notwithstanding any provision herein to the contrary, signs shall not be placed in the traveled portion of any highway or on the shoulder of any highway.

(11) Signs shall not be attached to utility poles, trees, fences, or other signs.

(E) Notwithstanding any other provision of this chapter, temporary real estate signs which offer for sale or lease properties comprised of five lawfully recorded lots may have a sign face area of no larger than 100 square feet per sign face;

(F) Building contractors and professional persons temporary signs on buildings under construction, limited to a total area for all such signs of 150 square feet;

(G) Directional signs, intended to move traffic, direct the flow of traffic, or manage a specific activity on the site; and signs that warn of construction activity either on site or in the immediate vicinity. These signs may not include advertising; and

(H) Political signs and signs on the inside of store windows are exempt from regulation hereunder.

§ 158.112 SIGNS REQUIRING ZONING CERTIFICATE.

The following signs are permitted in accordance with zoning district regulations and require a Zoning Certificate:

(A) Signs, business; and

(B) Signs, outdoor advertising.

§ 158.113 GENERAL REGULATIONS.

All signs shall be subject to the following general provisions:

(A) No sign shall be permitted which is an imitation of or which resembles an official control device, railroad sign, or signal, or which hides from view or interferes with the effectiveness of an official traffic control device or any railroad sign, signal, or traffic sight lines. Illuminated signs shall be constructed to avoid glare or reflection on any portion of an adjacent highway or residential buildings. However, no flashing or rotating flashing illumination shall be permitted.

(B) No sign which uses the word “stop” or “danger,” or presents or implies the need or requirement of stopping or the existence of danger shall be displayed.

(C) No sign shall be permitted which contains statements, words, or pictures of an obscene, indecent, or immoral character, or such as will offend public morals or decency.

(D) No sign shall be placed on rocks, trees, or poles maintained by public utilities.

(E) No sign shall be permitted which becomes unsafe or endangers the safety of a building, premises, or person, and unless maintained in a good general condition and in a reasonable state of repair, the Zoning Administrator shall order such sign to be made safe or repaired, and such order shall be complied with within five days of the receipt of such order.

(F) No sign shall be located on the right-of-way for any road.

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:

(A) No such sign shall project over or into any street right-of-way or more than four feet above the parapet wall or roofline.

(B) Any sign which is attached to the ground shall be located in such a manner that traffic visibility is not impaired.

(C) The total area of all signs shall not exceed four times each linear foot of the building wall **being used as a tenant front**. Only one building frontage shall be used in computing the sign area allowance, except on a corner lot, in which case an additional 25% of the sign area allowed may be authorized. In no case shall the area of any one sign exceed 200 square feet on any one side. Computations of signs shall include all sides (where applicable) including the entire face of the sign and any wall work incidental to its decoration and shall include the space between letter figures and designs or the space within letter figures and designs.

(D) No exterior sign shall exceed 30 feet in total height, as measured from the adjacent public road, if freestanding. Only one freestanding sign is permitted, except if located in a Planned Commercial Center.

(1) A Planned Commercial Center fronting on more than one street may be permitted one additional sign not exceeding 200 square feet in area containing the names of the Planned Commercial Center or establishments located therein, that may be placed in any location within the boundaries of the project within the required yard area along each street.

(2) For each interior business in a PCC, 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.

(E) No business sign shall obstruct the vision of motorists using entranceways, driveways, or any public road intersection.

(F) A sign must be set back from a public road right-of-way line by at least five feet. No freestanding sign shall be located closer than 20 feet to a side property line or five feet to a front property line.

(G) Temporary signs located on the premises of a business which advertise special events of the business subject to all distance, yard, and setback requirements and subject to the following limitations:

(1) Area. The sign shall be no larger than 356 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.

(H) Notwithstanding any other provision of this chapter, the total area of all signs on the premises of a fuel station shall not exceed 200 square feet, except as authorized in division (C). Canopy signage at a fuel station may not exceed 36 square feet at each face.

(I) In the Employment Campus District, the following provisions shall also be adhered to:

(1) Sign locations shall be permitted as follows for each building:

(a) One freestanding sign at a point near the parking or building entrance; and

(b) A building mounted tenant identification system for each tenant.

(2) The following are prohibited:

(a) Flashing or moving signs;

(b) Exposed neon signs; and

(c) Pennants, banners, streamers, tethered balloons, and inflatables.

158.115 USE-OFF-THE-PREMISES SIGNS.

(A) Outdoor advertising signs pertaining to use off the premises may be permitted in the Commercial and Industrial Districts, except as further restricted.

(B) Outdoor advertising signs shall be subject to the following restrictions:

(1) A maximum height of ten feet, measured from the grade of the adjacent roadway including any extensions or cutouts or the grade of the sign location, whichever is greater;

(2) A maximum sign area of 32 square feet. Side-by-side signs shall be subject to this maximum of 32 square feet, and back-to-back signs may have 32 square feet for each side;

(3) A minimum setback of ten feet;

(4) A minimum of 300 feet between outdoor advertising signs located in a Business District and 800 feet between outdoor advertising signs located in an Industrial District. In the case of existing dual-lane highways, each side of such dual-lane highway shall be considered separately in determining such spacing requirement. In the case of single-lane highways, spacing shall be determined and measured between signs regardless of the side of the highway on which they are located or proposed;

(5) A minimum of 300 feet from an intersection on the following major highways, State Routes 26, 30, 140, and 97 from 26 and 140; and 100 feet from any other intersection; provided, however, that outdoor advertising signs may be affixed to or located directly adjacent to a building at intersections in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. The distance from an intersection shall be measured from the centerline of an intersecting street; and

(6) Prior to issuance of a Zoning Certificate for an outdoor advertising sign, the Zoning Administrator or the Administrator's designee shall conduct an informal conference on the Zoning Certificate application to allow for public notice and comment. The Zoning Administrator or the Administrator's designee shall allow all persons who are present at the conference an opportunity to be heard concerning the application.

(a) Prior to the informal conference, the Zoning Administrator shall cause the property to be posted with notice of the pendency of the application and cause the adjoining property owners to be notified of the application by first class mail. The notice shall contain the date, time, and place of the conference.

(b) Within 15 days of the conference, the Zoning Administrator shall decide whether to issue the Zoning Certificate or issue a written denial.

(c) The Zoning Administrator shall not issue the Zoning Certificate if to do so would violate the spirit and intent of this chapter, or cause or be likely to cause substantial injury to the public health, safety, and general welfare. The Zoning Administrator shall be guided in making this decision by the considerations set forth in § [158.133](#)(G).

(C) Unless lawfully removed by county or state action, legal nonconforming signs may continue to be used, the copy may be changed, and such signs may be rebuilt or replaced; provided, however, that notwithstanding the provisions of § [158.033](#), such nonconforming signs may not be enlarged in height or area beyond that which existed on August 18, 2003. All nonconforming signs shall be registered with the Zoning Administrator by completing a registration application, including but not limited to: the location of the sign including distances from all property boundaries and roadways; the height, size and dimensions of the sign; the building materials that the sign is constructed of; an affidavit of the property owner; and an affidavit of the lessee of the property and/or developer of the sign.

(D) Conversion of existing outdoor advertising signs.

(1) Signs located in the “C-1”, “C-2”, “C-3”, “I-1”, and “I-2” Zoning Districts may be changed to an electronic **message or Trivision** outdoor advertising sign provided that any such sign converted shall meet the following standards:

(a) Each electronic message outdoor advertising sign must have a light sensing device that will adjust brightness as the ambient light changes.

(b) each message on the sign must be displayed for a minimum of ten seconds.

(c) Transition times between messages shall be more or less instantaneous but not exceed one second.

(d) All electronic message outdoor advertising signs must be equipped with automatic dimming-capability that adjusts the luminance of the displayed information based on ambient light conditions so as to not exceed 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance as listed. Signs up to 300 square feet of area to be measured at a distance of 150 feet; signs greater than 300 square feet shall be measured at a distance of 250 feet. A written certification from the sign manufacturer that the light intensity of the sign display will be pre-set to conform to the brightness levels established by this code shall be required prior to approval.

(2) Prior to issuance of a Zoning Certificate for an outdoor advertising sign to be converted to an electronic message outdoor advertising sign in the “B-NR” District and in the “B-G” District, the Zoning Administrator shall conduct a Zoning Administrator's hearing in accordance with § 158.030(G) and (H), on the Zoning Certificate application to allow for public notice and comment. The Zoning Administrator shall allow all persons who are present at the hearing an opportunity to be heard concerning the application.

(a) Prior to the hearing, the Zoning Administrator shall cause the property to be posted with notice of the pendency of the application and cause the adjoining property owners to be notified of the application by first-class mail. The notice shall contain the date, time, and place of the conference.

(b) Within 15 days of the hearing, the Zoning Administrator shall decide whether to issue the Zoning Certificate or issue a written denial.

(c) The Zoning Administrator shall not issue the Zoning Certificate if to do so would violate the spirit and intent of this chapter, or cause or be likely to cause substantial injury to the public health, safety, and general welfare. The Zoning Administrator shall be guided in making this decision by the considerations set forth in § 158.133(I).

(d) The provisions of § 158.115(D)(1)(a) through (D)(1)(d) herein shall apply.

(E) Hampstead Route 30 Bypass.

(1) Notwithstanding the restrictions set forth in divisions (B) and (C) above, no outdoor advertising sign shall be located within 1,000 feet of the public road right-of-way along either

side of the Hampstead Route 30 Bypass measured from the closest part of the proposed outdoor advertising sign located to the closest area of the right-of-way.

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

(3) No outdoor advertising signs shall be located within 1,000 feet of another outdoor advertising sign if on the same side of the Hampstead Route 30 Bypass. The distance shall be measured along a straight line between the nearest point of the existing outdoor advertising sign and the nearest point of the proposed outdoor advertising.

(4) The restrictions set forth in this section shall not apply to use-on-premises signs.

ADMINISTRATION AND ENFORCEMENT

§ 158.130 EXCEPTIONS AND MODIFICATIONS.

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

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

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

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

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

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

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

(3) All other regulations, including the standards of the Maryland Department of Health and Mental Hygiene and the Carroll County Health Department, are complied with. The Zoning Administrator may deny a permit for the erection of a dwelling on a lot which is substandard in

area or yard if, because of extraordinary conditions, construction of a dwelling on the lot would present a danger to health or safety.

(C) Setback modification.

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

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

(D) Projection into yards.

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

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

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

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

(E) Height.

(1) Building height limitations shall not apply to water tanks, barns, windmills, or other accessory farm structures; or to material storage silos or bins, belfries, steeples, spires, electric or communication poles or towers, electric generating plants, electric transforming or switching equipment, radio, television, or radar towers, chimneys or smoke stacks, flagpoles, fire or observation towers, cupolas, domes, monuments, penthouses, or roof structures for housing stairways; or to tanks, ventilating fans, air-conditioning equipment or similar equipment required

to operate and maintain the building. No penthouse or roof structure shall have a total area greater than 25% of the roof area. This provision shall not apply to wind energy systems.

(2) In any “A” or “R” District, the height of a building may be extended to not over 40 feet, if each side yard is increased in width one-half foot for each additional one foot of height above the normal maximum limit.

(3) On any lot where the average finished slope adjoining the building exceeds 7% grade, one story in addition to the number permitted in the zone in which such lot is situated shall be permitted on the downhill side of any building erected, but the building height limit shall not otherwise be increased above that specified for the zone.

(4) In any zone where public or quasi-public buildings or schools (public or private) are permitted, such buildings may be erected to a height of 120 feet, but the minimum front, rear, and side yards shall be increased one foot for each foot of height above the limit established for the zone in which the building is erected.

(F) Application; limits.

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

(2) The maximum variation from a requirement as listed in division A shall be as follows:

- (a) Height: 75%;
- (b) Setback: 75%;
- (c) Parking: 75%;
- (d) Loading: 75%;
- (e) Distance: 80%;
- (f) Area of solar energy conversion facilities as accessory uses in the “C” Conservation district: 80%;
- (g) Other dimensional requirements: 80%; and
- (h) Area: 75%.

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

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

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

(G) Procedure.

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

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

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

(I) Appeals.

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

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

(3) The BZA may grant or deny the requested variance, accessory use, or administrative adjustment based on the evidence before it after a *de novo* hearing applying the same standards

and criteria set forth in § 158.130(H). The BZA shall issue a written decision within 30 days of the hearing, unless otherwise extended by the BZA.

§ 158.131 ZONING ADMINISTRATOR.

(A) There is hereby established the office of Zoning Administrator. The office shall be filled by a person appointed by the County Commissioners. Any person appointed to the office shall be or become, upon appointment, a resident of the county and shall be qualified by education, experience, or training to administer and enforce the provisions of this chapter. Any person so appointed shall maintain no interest in any matter which may be construed by the County Commissioners to be in conflict with the duties and decisions of the office of Zoning Administrator.

(B) The provisions of this chapter, Chapter 155, and Chapter 157 shall be enforced by the Zoning Administrator. Appeal from a decision of the Zoning Administrator shall be made to the BZA as provided in § 158.133(D).

(C) All departments, officials, and public employees of the county which are vested with the duty or authority to issue permits or licenses shall issue no permit or license for any use, building, or purpose if the same would be in conflict with the provisions of this chapter. Any permit issued in conflict with the provisions of this chapter shall be null and void.

(D) The Zoning Administrator shall maintain a file for inspection by the public of issues of interpretation of this chapter and Chapter 155.

§ 158.132 ZONING CERTIFICATES.

(A) It shall be unlawful for an owner to use or to permit the use of any building, structure, or land or part thereof, hereafter created, erected, changed, converted, or enlarged, wholly or in part, until a Zoning Certificate shall have been issued by the Zoning Administrator. A Zoning Certificate shall be revocable, subject to continued compliance with all requirements and conditions.

(B) All applications for Zoning Certificates shall be accompanied by plans drawn to scale, showing the dimensions and shape of the lot to be built upon; the size and location of existing buildings, if any; and the location and dimensions of the proposed building or alteration. Where no buildings are involved, the location of the present use and/or proposed use to be made of the lot shall be shown. The application and/or plans shall include such other information as reasonably may be required by the Zoning Administrator to determine conformance with and provide for the enforcement of this chapter. The plans shall be retained in the office of the Zoning Administrator.

(C) The Zoning Administrator shall approve the issuance of a Zoning Certificate only if the application complies with the requirements of this chapter, and provided that such Zoning

Certificate shall be conditioned where necessary on the approval of the Carroll County Health Officer, state and/or County Bureau of Roads Operations, Planning Commission, or any other agency concerned, and provided the application is accompanied by the required fee. The Zoning Administrator shall maintain a record of all Zoning Certificates and copies shall be furnished upon request to any person upon payment of the cost therefor. If a Zoning Certificate is issued, such approval and issuance thereof does not sanction variance from the terms of this chapter.

(D) If the Zoning Administrator shall find any of the provisions of this chapter being violated, the Zoning Administrator shall notify in writing, by first class mail, the owner or the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Proof of mailing shall be sufficient evidence that the notice was delivered, and notice shall be deemed delivered upon the expiration of five days from the date the notice was mailed. The Zoning Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or additions or alterations or structural changes thereto; discontinuance of any illegal work being done; and shall, unless compliance is met within a reasonable time, take any other action authorized by this chapter to ensure compliance with or prevent violation of its provisions.

(E) A Zoning Certificate shall become void one year after the date of issuance if the construction or use for which the certificate was issued has not been started.

§ 158.133 BOARD OF ZONING APPEALS.

(A) **Creation; composition in accordance with statute.** The BZA of Carroll County is hereby created and designated the “BZA.” The number of members of said BZA, their terms of office, succession, removal, filling of vacancies, alternate membership, and their powers and duties shall be as provided in Md. Code, Land Use Article.

(B) **General powers.**

(1) The BZA shall have the following powers:

(a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in regard to the enforcement of this chapter, Chapter 155, or Chapter 157;

(b) To hear and decide conditional uses; and

(c) To authorize, upon appeal in special cases, such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions, the enforcement of the provisions of this chapter will result in unwarranted hardship and injustice and which will most nearly accomplish the purpose and intent of the regulations of this chapter.

(2) In exercising the above-mentioned powers, the BZA may, in conformity with the provisions of law and this chapter and amendments thereto, reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made.

(3) The BZA is also empowered to adopt and promulgate such rules and regulations as it shall deem necessary in the conduct of its hearings and the issuance of its decisions or testimony pertaining to its hearings.

(4) Prior to consideration of any conditional use pursuant to this section, the BZA shall cause the application to be forwarded to the Secretary of the Planning Commission for a formal finding with regard to comprehensive plan consistency in accordance with the provisions of Md. Code, Land Use Article, §§ 1-301 and 1-303.

(C) **Organization; technical assistance; records.** The BZA shall be organized and its rules shall be amended, if necessary, in accordance with the provisions of this chapter. Meetings of the BZA shall be held at the call of the Chair, and at such other times as the BZA may determine. The Chair, or in the Chair's absence, the Vice Chair, may administer oaths and compel the attendance of witness. For assistance in reaching decisions relative to appeals, conditional uses, or variances, the BZA may request testimony at its hearings for purposes of securing technical aid or factual evidence from the Planning Commission or any county agency. All meetings of the BZA shall be open to the public pursuant to the State Open Meetings Act. The BZA shall keep minutes of its proceedings and shall keep records of all its official actions, all of which shall be public records.

(D) **Appeals and applications.**

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

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

(3) The appeal or application shall be on forms approved by the BZA and shall include the names and addresses of all owners of property contiguous to the property which is the subject of the proceedings as of the date the application is filed. In the event a transfer of ownership has occurred prior to the filing of the application and after its preparation, the appellant or applicant shall advise the BZA of the transfer within ten days of the date the application or appeal was filed by giving the name and address of the new owners.

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

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

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

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

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

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

(E) Notice of hearings.

(1) Notice of a hearing shall be advertised in one issue of a newspaper having general circulation in the county. The notice shall be published in the newspaper at least 14 calendar days prior to the hearing.

(2) Property upon which the application or appeal is concerned shall be posted conspicuously by a notice no less in size than 22 inches by 28 inches at least 14 calendar days before the date of the hearing.

(3) Notice of the hearing shall be sent by first class mail to the appellant or person making application to the BZA no less than 14 calendar days prior to the first scheduled hearing.

(4) At least 14 calendar days prior to the first scheduled hearing, notice of the hearing shall be sent by first class mail to those persons identified by the appellant or applicant as persons owning property contiguous to the property which is the subject of the proceeding. Notice shall be sufficient if given to the person shown as the owner on the tax rolls and sent to the address where tax bills are sent.

(5) The notice required by division (E)(1) and (E)(3) above shall be limited to notice that an appeal or application has been filed with the BZA and shall provide information concerning who may be contacted to obtain additional information about the proceeding.

(6) Regarding utility equipment and towers, notwithstanding any other provision in this chapter, any application filed under § 158.039, shall require the following:

(a) Notice of a hearing shall be advertised in one issue of a newspaper having general circulation in the county at least 60 calendar days prior to the hearing.

(b) Property which is the subject of the application or appeal shall be posted conspicuously by a notice or notices not less in size than 22 inches by 28 inches at least 60 calendar days before the date of the hearing.

(c) Notice of the hearing shall be sent by first-class mail to the appellant or person making application to the BZA and to those persons identified by the appellant or applicant as persons owning property contiguous to the property which is the subject of the proceeding no less than 60 calendar days prior to the first scheduled hearing. In cases where a contiguous property is also owned by the applicant, this notice shall also be sent to property owners whose property abuts the applicant's contiguous property. Notice shall be sufficient if given to the person shown as the owner on the tax rolls and sent to the address where tax bills are sent.

(7) Notice is not defective under division (E)(2) above if it would cause a reasonable person to inquire into the proceedings. Notice is not defective under division (E)(4) above unless:

(a) The applicant or appellant caused the wrong address or name to be included on the application or appeal and the person who claims defective notice proves a lack of actual notice; and

(b) That constructive notice was given in such a way that it was unlikely to have caused that person's inquiry into the proceedings.

(F) Hearings.

(1) Hearings shall be conducted according to the BZA's rules of procedure, and any party may appear and be heard in person or by agent or attorney.

(2) Requests for postponement of a scheduled hearing shall be filed in writing with the BZA not less than ten days prior to the date of hearing, and shall be accompanied by a sum of money sufficient to pay the cost of advertising the postponement and the rescheduled hearing. The granting of such requests shall be at the discretion of the Chair of the BZA.

(3) Requests for postponement filed later than ten days prior to the date of a scheduled hearing shall, in addition to the other requirements set forth in division (F)(2) above, be supported by an affidavit of the party making the request or of some other credible person. The affidavit shall be based on personal knowledge and set forth all facts upon which the request for postponement is based. The granting of such request shall be at the discretion of the BZA in cases of extreme hardship or upon good cause shown.

(4) The BZA may, upon its own initiative, postpone a scheduled hearing at any time.

(5) The BZA may continue a hearing to another time and/or date once such hearing has been started; however, the BZA shall announce the date and hour of continuance for such hearing while in session.

(6) The BZA, upon application in writing by any interested party filed with the BZA no less than ten days prior to the date of scheduled hearing, the BZA shall visit the specific property involved prior to the hearing. The BZA, in its discretion, may otherwise visit the property prior to or after the hearing. The BZA shall include in the record of its proceedings the fact of site visits and advise the parties of the date and time of the visit if made prior to a decision but after the hearing has opened.

(G) **Limitations, guides, and standards.** Where in these regulations certain powers are conferred upon the BZA or the approval of the BZA is required before a conditional use may be issued, the BZA shall study the specific property involved, as well as the neighborhood, and consider all testimony and data submitted. The application for a conditional use shall not be approved where the BZA finds the proposed use would adversely affect the public health, safety, security, morals, or general welfare, would result in dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the BZA shall give consideration, among other things, to the following:

(1) The number of people residing or working in the immediate area concerned;

(2) The orderly growth of a community;

(3) Traffic conditions and facilities;

(4) The effect of the proposed use upon the peaceful enjoyment of people in their homes;

(5) The conservation of property values;

(6) The effect of odors, dust, gas, smoke, fumes, vibrations, glare, and noise upon the use of surrounding property values;

(7) The most appropriate use of land and structures;

(8) Public convenience and necessity;

(9) Type and kind of structures in the vicinity where public gatherings may be held, such as schools, religious establishments, etc.;

(10) Compatibility; and

(11) The purpose of this chapter as set forth herein.

(H) **Decision.**

(1) **Time frame.** If the application is disapproved by the BZA, thereafter the BZA shall take no further action on another application for substantially the same proposal, on the same premises, until after two years from the date of such disapproval.

(2) **Appeals.** If an appeal to the BZA is filed and the public hearing date is set and duly advertised and properly posted and thereafter the applicant withdraws the appeal, the applicant shall be precluded from filing another appeal on the same issues.

(3) **Approvals.**

(a) If the application is approved by the BZA which does not require a site plan, the approval shall become void unless a building permit conforming to the plans for which the approval was granted is obtained within six months.

(b) An approval for which a building permit is not required shall become void unless the use or variance is implemented within one year of the date of the written decision.

(c) An approval for which a site plan is required shall become void unless the concept site plan has been submitted for distribution to the reviewing agencies and accepted by the Bureau of Development Review, or its success agency, within six months from the date of the written decision. An approval for which a site plan is required may become void if the property owner or developer fails to take action to secure an approval of the site plan from the Planning Commission in a timely manner, as determined by the Bureau of Development Review.

(d) An applicant may apply to the BZA for one extension of up to 12 months upon a showing of good cause.

(4) **Reconsideration.** An applicant may request reconsideration of a condition of approval within 30 days of the date of the written decision. At the BZA's discretion, the BZA may hold a hearing on the request or may reissue the decision with modifications or corrections. A reconsideration may not challenge the granting or denial of the application. A request for reconsideration stays the time for appealing the decision granting or denying the application until such time as the BZA decides on the reconsideration request.

(I) **Fees.** A filing fee shall accompany each application for an appeal to the BZA, as may be determined by the County Commissioners.

§ 158.134 AMENDMENTS.

(A) **Amendments; public hearing; annexed areas.**

(1) These regulations, restrictions, and provisions and the boundaries of the districts may from time to time be amended, supplemented, changed, modified, or repealed by the County

Commissioners. Any person or officer, department, board, commission, or bureau of the county may petition for such change or amendment; however, no such change or amendment shall become effective until ten days after at least one public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. The county shall publish notice of the time and place of a public hearing, together with a summary of the proposed regulation, restriction, or boundary, in at least one newspaper of general circulation in the county once each week for two successive weeks.

(2) In the event any area is annexed by an incorporated town or municipality, upon receipt of a copy of the annexation resolution of the incorporated town or municipality and a certification from the incorporated town or municipality that no further legal action is possible to prevent the annexation resolution from becoming fully effective, the County Commissioners shall immediately thereafter cause a change in the official Zoning Maps without regard to the procedures or regulations set forth in § 158.134.

(B) Referral to Planning Commission.

(1) The County Commissioners shall refer all proposed changes and amendments to these regulations or amendments to Chapter 155 or Chapter 158 or proposed changes in a zoning district or Zoning Map to the Planning Commission for review and comment.

(2) The Planning Commission shall study zoning, its development, application, and relation to public and private development and its relation to other phases of the Master Plan for the development and may, from time to time, submit amendments to these regulations or changes in the district boundaries to the Commissioners of the county. However, no such amendment or change shall become effective until approved by the County Commissioners, as required by this subchapter.

(C) Factors and process to be considered by the County Commissioners for change of zoning classification on a specific property (piecemeal rezoning).

(1) A petition to change the zoning of a specific property shall be filed with the Department of Land Use, Planning, and Development, or its successor agency.

(2) The property shall be:

(a) Posted at least 14 days before the hearing date; and

(b) The county shall publish notice of the time and place of the public hearing, together with a summary of the proposed change, in one newspaper of general circulation in the county once each week for two successive weeks.

(3) Where the purpose and effect of the proposed amendment is to change the zoning classification, the local legislative body shall make findings of fact that include the following matters:

- (a) Population change;
- (b) The availability of public facilities;
- (c) Present and future transportation patterns;
- (d) Compatibility with existing and proposed development for the area;
- (e) The recommendation of the Planning Commission; and
- (f) The relationship of the proposed amendment to the county's Master Plan.

(4) The County Commissioners may grant the amendment to change the zoning classification based on a finding that there was:

- (a) A substantial change in the character of the neighborhood where the property is located; or
- (b) A mistake in the existing zoning classification.

(5) The County Commissioners shall keep a complete record of the hearing and the votes of all members.

(6) If a petition for a change in a zoning district boundary has been filed, and is withdrawn by the petitioner, after the Planning Commission has caused its staff to render a report thereon, or if the County Commissioners declines to rezone the property after a hearing thereon, no new petition for a change of zoning for all or part of the same property may be filed within one year of the date the applicant withdraws the petition or the action of the County Commissioners to decline to rezone becomes final.

(7) Every application for a change in zoning of district boundaries shall be accompanied by a scale drawing, showing the existing and proposed boundaries and such other information as may be needed to properly locate and plat the amendment on the official Zoning Maps. All plats shall be submitted on a labeled CD-ROM in a digital format compatible with the county's current geographic information system.

(8) A filing fee shall be charged for processing an application for a change in zoning, as may be determined by the County Commissioners of the county.

(D) Comprehensive rezoning.

(1) The County Commissioners or staff may recommend for review the entire county or a geographic portion thereof for a comprehensive rezoning. Any such rezoning shall be referred to the Planning Commission for review and comment. No such change shall take effect until ten days after at least one public hearing has been held by the County Commissioners where parties in interest and citizens have had an opportunity to be heard.

(2) The county shall publish notice of the time and place of the public hearing, together with a summary of the proposed change, in one newspaper of general circulation in the county once each week for two successive weeks.

§ 158.135 ENFORCEMENT.

In addition to other remedies, the County Commissioners, the Zoning Administrator, or any adjacent or neighboring property owner may institute injunction, *mandamus*, abatement, or other appropriate action or proceedings to compel compliance with the provisions of this chapter.

§ 158.136 CIVIL ZONING VIOLATIONS.

(A) In addition to and not in substitution for any other penalty imposed for a violation hereof, or for any other right or remedy available hereunder, there is hereby established a civil penalty for a violation of this chapter, as set forth in § 158.999.

(B) A citation may be delivered either by personal delivery to the person named on the citation or by mail to the person named on the citation at the address of the zoning violation or the address to which tax bills for the property are sent, or both.

(C) For purposes of this chapter, notice is effective if given by mail, and delivery of a citation is effective if accomplished by mail at the end of the fifth day after deposit in the mail, postage prepaid, of the notice or citation, respectively.

SPECIFIC USES

§158.150 MOBILE HOMES.

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

(A) As a temporary accessory use by a licensed contractor in any district for road, commercial, public, or quasi-public construction projects. Such use shall be limited to construction office or storage, and shelter for a caretaker;

(B) In order to provide assistance in the pursuit of agriculture by providing for the shelter of tenant labor necessary for successful operation of agricultural enterprises, or members of an immediate family of the owner of the farm who provide assistance in the operation of said farm,

the Zoning Administrator may approve the use of no more than two mobile homes on such a farm, subject to the following conditions:

(1) To provide a home for members of an immediate family of said farm who assist the owner in the operation of the subject farm;

(2) To provide a home for tenant labor employed full time on the farm;

(3) The requirements of the Carroll County Health Department and the Carroll County Construction Codes shall be met;

(4) The mobile home shall be located in the immediate vicinity of and as an integral part of other major farm buildings, and in no case more than 300 feet therefrom, and abide by the setback and side yard requirements of the district in which the property is located;

(5) A farm or any portion thereof that is not actively employed in agricultural production shall not be considered by the Zoning Administrator in connection with a request for the placement of a mobile home thereon. Farms or portions thereof enrolled in United States Department of Agriculture soil bank programs, or similar programs shall be considered inactive and not eligible for consideration under this provision; and

(6) A minimum of 50 acres engaged in the active production of the land shall be required for location of a mobile home under this section, provided that where annual gross sales from the raising of farm products on the premises exceeds \$50,000, the minimum acreage requirement shall be 20 acres.

(C) As a nonpaying guest as an accessory use in any district in which the owner of the land may permit parking or occupancy for a period not to exceed one month in any calendar year;

(D) In conjunction with an industrial location as an accessory use in an “I-1” or “I-2” Districts for such purposes as a caretaker;

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

(F) In case of fire or other disaster, one mobile home may be permitted on the same premises with Zoning Administrator approval for living purposes as a temporary use in any district as a supplementary residence for a period of one year from date of establishment. The Zoning Administrator shall consider and may approve any additional extension of time beyond the one-year period;

(G) In the event any existing mobile home is required to be moved, the Zoning Administrator may, in case of proven, extreme hardship, extend such use for a specified temporary period of time; or

(H) In the event of a major rehabilitation or rebuilding of an existing home, one mobile home may be permitted on the same premises with Zoning Administrator approval, for living purposes as a temporary use in any district, subject to the following conditions:

(1) Documentation by the property owner of sufficient evidence to establish the rehabilitation or rebuilding of the home, including but not limited to construction plans, building permits, and approved financing;

(2) The property shall be a minimum of one acre;

(3) The mobile home shall be connected to a private well and septic system;

(4) The temporary use shall not exceed a period of one year;

(5) The mobile home shall be disconnected from the water supply and sanitation and removed from the site within 60 days of issuance of the use and occupancy certificate for the home; and

(6) While being used for living purposes pursuant to this division (H), the mobile home, camper, or recreational vehicle shall be equipped with proper smoke detectors.

§ 158.151 SMALL WIND ENERGY SYSTEMS.

(A) **Applicability.** In order to properly integrate all regulating provisions affecting small wind energy systems, as defined in § 158.002, and to regulate such systems in an orderly and comprehensive manner, it is hereby provided that small wind energy systems are subject to the regulations as set forth herein. The purpose of this subchapter is to oversee the permitting of small wind energy systems, and to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system. These provisions shall apply to all small wind energy systems located in the county.

(B) **Standards.** A small wind energy system shall be an accessory use in all zoning districts subject to the following requirements;

(1) **Setbacks.** A wind tower for a small wind energy system shall be set back a distance equal to its total height plus an additional 20 feet from:

(a) any state or county right-of-way or the nearest edge of a state or county roadway, whichever is closer;

(b) Any right of ingress or egress on the owner's property;

(c) Any overhead utility lines;

(d) All property lines; and

(e) Any existing guy wire, anchor, or small wind energy tower on the property.

(2) **Access.**

(a) All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access; and

(b) The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground.

(3) **Electrical wires.** All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the wind tower wiring, the wind tower wiring to the disconnect junction box, and the grounding wires shall be located underground.

(4) **Lighting.** A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). Lighting of other parts of the small wind energy systems, such as appurtenant structures, shall be limited to that required for safety purposes, and shall be reasonably shielded from abutting properties.

(5) **Appearance, color, and finish.** The wind generator and wind tower shall remain painted or finished the color or finish that was originally applied by the manufacturer.

(6) **Signs.** All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, wind tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.

(7) **Code compliance.** A small wind energy system including wind tower shall comply with all applicable construction and electrical codes.

(8) **Utility notification and interconnection.** Small wind energy systems that connect to the electric utility shall comply with the Public Service Commission ("PSC") regulations.

(9) **Attachment to building.** Small wind energy systems may be attached to any building, including guy wires, provided the county approves the submittal of documentation sealed by an engineer licensed by the state showing the proposed connection of the system to the structure and whether any additional reinforcing is required. The county may not be found liable for damage caused by noise or vibration created by the system.

(10) **Met towers.** Met towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system.

(11) **Quantity.** Each property is eligible for two small wind energy systems only, except properties of at least 50 contiguous acres may be allowed one additional system for an accessory

structure only. An accessory structure does not include a detached accessory dwelling on the property.

(C) Abandonment.

(1) A small wind energy system that is out-of-service for a continuous six-month period will be deemed to have been abandoned. The Zoning Administrator may issue a notice of abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The owner shall have the right to respond in writing to the notice of abandonment setting forth the reasons for operational difficulty and providing a reasonable timetable for corrective action, within 30 days from the date of the notice. The Zoning Administrator shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned.

(2) If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator from the wind tower at the owner's sole expense within three months of the date of notice of abandonment. If the owner fails to remove the wind generator from the wind tower, the Zoning Administrator may pursue a legal action to have the wind generator removed at the owner's expense.

(D) Public Service Commission. In accordance with the Md. Code, Public Utilities Companies Article, § 7-207.1, any property owner seeking to construct a small wind energy system and connect such system to the main power grid with the capability of transporting energy back to their main power company shall apply to the PSC for approval and provide documentation of such approval to the county prior to construction and being issued a building permit.

(E) Variances. Variances to the distances, restrictions, and standards contained in this subchapter are not permitted.

(F) Noise. All small wind energy systems shall comply with the limitations contained in the County Code, Chapter 93, Noise.

(G) Violations. It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this chapter or with any condition contained in a building permit issued pursuant to this chapter.

§ 158.152 VILLAGES OF HISTORIC IMPORTANCE.

(A) Purpose. The intent of this designation is to recognize a town or village as historically important. No parallels exist between this designation and any other historic preservation program. No historic district commissions will be created nor precluded from being created as a result of applying this designation, and no property owners' rights within the designated area will

be affected in any way as a result of this designation. Alterations, conversions, or demolition procedures and regulations are in no way affected by the inclusion of land within this designation.

(B) Designation procedure.

(1) Nominations in writing may be made by a municipality, the Carroll County Historical Society, the Planning Commission, the Carroll County HPC, a local citizen group, or heritage committee.

(2) In submitting a nomination, the applicant shall delineate a boundary for the designation which follows distinguishable physical land features (e.g., roads, fence lines, hedge rows, streams, property lines, easements, or other landmarks).

(3) The Planning Commission staff will prepare a report following a field investigation and study upon the receipt of a nomination and present the report to the Planning Commission for its consideration.

(4) Prior to making a determination and recommendation the Planning Commission shall consider the following:

(a) The number and location of identifiable historic structures and properties and their architectural significance;

(b) Any and all information and documentation that has been provided by the County HPC together with the Planning Commission assessments as to the nomination's historic importance and its recommendation on the nomination; and

(c) The location of the proposed boundary and its placement with respect to existing historical structures.

(5) In making recommendations to the BZA regarding the location of any boundary for an area being considered for a Village of Historic Importance designation, only that area which the Planning Commission deems to be reasonably and rationally related to the historic structures and properties which form the historic area shall be included.

(6) The Planning Commission may recommend approval, approval with modifications, or disapproval of a nomination to the BZA.

(7) Upon receipt of the Planning Commission's recommendation, the BZA will hold a public hearing on the nomination, together with the report and recommendation of the Planning Commission. All property owners within or contiguous to the boundary of any area under consideration will be notified by first class mail of the date and time of public hearing by the applicant for the Village of Historic Importance designation on forms provided by the county.

(8) The BZA, following public hearing and review, will render a decision as to whether to designate a Village of Historic Importance and make a final determination on the location of the boundaries which form the designation. Any approved designation shall be adopted as an amendment to the Master Plan, and the boundary of such designation shall be accurately represented on the Zoning Map to enable a determination of any applicable distance requirement pursuant to § 158.096(B)(2).

§158.153 SOLAR ENERGY CONVERSION FACILITIES.

(A) **Purpose.** The intent of this section to provide for the safe, effective and efficient utilization of solar energy systems while protecting the rights, health, safety and welfare of adjoining land uses and landowners through appropriate zoning and land use controls.

(B) **Solar energy conversion facilities, accessory.**

(1) This use shall be permitted in all districts.

(2) Size limits:

(a) In the "R" (Residential) and "C" (Conservation) zoning districts, the physical size of the system shall be limited to the size of the roof, or roofs of structures, situated on the subject property, when roof mounted. Ground-mounted systems shall be no larger than the square footage of solar panel surface area allowed based on the size of the lot as shown below. In the event that a combination of roof-mounted and ground-mounted systems is utilized, the total solar panel surface area cannot exceed the aggregate square footage of the roof areas on the property on which the system is installed. No variance or waiver to the size or setback requirements of the ground-mounted system is allowed in the Residential districts. A variance may be requested under § 158.130(F)(2)(f) for lots more than three acres in size in the "C" Conservation district; documentation from a North American Board of Certified Energy Practitioners (NABCEP) certified professional solar panel installer must be included to demonstrate that the total size allowable is inadequate to power 100% of the home and accessory structures based on the previous 12 months of usage and identify the additional size and number of panels needed to meet 100% of the expected energy use. Wall-mounted systems are not permitted.

| Lot Size | Solar Panel Surface Area Maximum Square Footage for Ground-Mounted Systems |
|-------------------------------------|--|
| Less than or equal to one-half acre | 120 square feet |

| | |
|-------------------------------------|--|
| More than one-half acre to one acre | 240 square feet |
| More than one acre to three acres | 480 square feet |
| More than three acres | Aggregate square footage of the roof, or roofs of structures, situated on the subject property |

(b) In the “A” (Agricultural) zoning district, the physical size of the system shall be limited to the size of the roof, or roofs of structures, situated on the subject property, when roof mounted, or no larger than the aggregation of the roof area of all permitted structures on site, when ground mounted. In the event that a combination of roof-mounted and ground-mounted systems is utilized, the total area cannot exceed the aggregate square footage of the roof areas on the property on which the system is installed.

(c) In the commercial, employment campus, and industrial districts, the physical size of the system shall be limited to the size of the roof, or roofs, of structures situated on the subject property, when roof mounted, or in the C-2 and C-3 Districts, no larger than the aggregate of the roof area of all permitted structures on site, when ground mounted. Ground-mounted systems up to 120 square feet may be authorized in the C-1 District. No variance or waiver to the size of ground-mounted systems is allowed.

(3) **Setbacks.** Ground-mounted facilities shall satisfy the minimum side and rear yard setback requirements for the district in which the use is situated. No portion of such facility shall be located within a front yard in any district.

(4) **Height limits.** No portion of the system shall extend more than ten feet from the highest portion of the principal structure to which it is attached. The total height of the building, including all portions of the solar facility, shall comply with the height regulations as set forth in the bulk requirements for the individual district in which the use is proposed. Ground-mounted systems may not exceed a total height of ten feet above existing grade.

(5) **Miscellaneous provisions.**

(a) Electrical connections:

1. If interconnected to the local utility grid, a copy of the conditional approval from the local utility must be provided prior to, or at the time of, permit application.

2. All systems must meet all applicable construction and electrical codes.

3. Systems that connect to the electric utility power grid shall comply with all utility notification requirements.

4. A copy of the signed certificate of completion from the utility company shall be provided prior to occupancy permit issuance.

5. When batteries are included, they must be placed in a secure container or enclosure per manufacturer's specifications; screened from view.

(b) Appearance:

1. Color must remain as it was originally provided by the manufacturer, or match the exterior of the principal structure.

2. No signs other than the manufacturer's, or installer's identification, appropriate warning signs; and not more than two manufacturers' signs may be on the system.

3. Glare must be mitigated away from an adjoining property or adjacent road, which shall be certified by the solar installer prior to installation.

4. The system cannot unreasonably interfere with the view of, or from, a site of significant public interest (scenic road, historic resources, etc.).

5. Ground-mounted systems may not be affixed to a block wall or a fence.

6. Roof-mounted systems shall be installed in such a manner that there is no change in relief or projection.

7. A property owner who has installed or intends to install a solar energy conversion facility shall be responsible for negotiating with adjacent property owners for any necessary solar access easement and shall record the easement with the Clerk of the Court. Property owners who fail to secure an easement for the receipt of solar energy act at their own peril.

(C) Solar energy conversion facilities, in commercial and employment campus zones.

(1) Solar energy conversion facilities shall be permitted in the C-1 and Employment Campus Districts when roof mounted. No ground mounted systems shall be permitted in the C-1 or Employment Campus Districts.

(2) Solar energy conversion facilities shall be permitted in the C-2 District when roof mounted. Ground mounted systems are permitted by conditional use in the C-2 District.

(3) Solar energy conversion facilities shall be permitted by right in the C-3 District whether roof mounted or ground mounted.

(4) Size limits:

(a) In the C-1 and Employment Campus Districts, the physical size of the system shall be limited to the size of the roof.

(b) There shall be no size limit for systems in the C-2 and C-3 Districts.

(5) Setbacks:

(a) Setbacks shall be 400 feet from the boundaries of all adjoining residentially zoned properties, and 200 feet from the boundary lines of adjoining nonresidential zoned properties.

(b) The Planning Commission may reduce required setback for any yard setback by up to 50% provided that supplemental landscaping, as may be determined by the Planning Commission, is provided.

(6) Height limits: No portion of the system shall extend more than ten feet from the highest portion of the principal structure to which it is attached. The total height of the building, including all portions of the solar facility, shall comply with the height regulations as set forth in the bulk requirements for the individual district in which the use is proposed. Ground mounted system may not exceed a total height of 25 feet above existing grade.

(7) Miscellaneous provisions:

(a) Electrical connections:

1. Prior to interconnection with the local utility grid, a copy of the conditional approval from the local utility must be provided prior to or at the time of permit application,

2. All systems must meet all applicable construction and electrical codes.

3. All systems shall comply with all utility notification requirements.

4. A copy of the signed certificate of completion from the utility company shall be provided prior to occupancy permit issuance.

5. When batteries are included, they must be placed in a secure container or enclosure per manufacturer's specifications; screened from view.

(b) Appearance:

1. Color must remain as it was originally provided by the manufacturer, or match the exterior of the principal structure.

2. No signs other than the manufacturer's, or installer's identification, appropriate warning signs; and not more than two manufacturers' signs may be on the system.

3. Glare must be mitigated away from an adjoining property or adjacent road when it creates a nuisance or hazard.

4. The system cannot unreasonably interfere with the view of, or from, a site of significant public interest (scenic road, historic resources, etc.).

5. Ground mounted systems may not be affixed to a block wall or a fence.

6. Roof mounted systems shall be installed in such a manner that there is no change in relief or projection.

(D) Solar energy conversion facilities, in industrial zones.

(1) Solar energy conversion facilities shall be permitted in the **I-2 and I-1 Districts** whether roof mounted or ground mounted.

(2) Size limits:

(a) When roof mounted, the physical size of the system shall be limited to the size of the roof.

(b) There shall be no size limit for ground mounted systems.

(3) Setbacks:

(a) Setbacks shall be 200 feet from the boundaries of all adjoining residentially zoned properties, and 100 feet from the boundary lines of adjoining nonresidentially zoned properties.

(b) The Planning Commission may reduce required setback for any yard setback by up to 50% provided that supplemental landscaping, as may be determined by the Planning Commission, is provided.

(4) Height limits: No portion of the system shall extend more than 25 feet from the highest portion of the principal structure to which it is attached. The total height of the building, including all portions of the solar facility, shall comply with the height regulations as set forth in the bulk requirements for the individual district in which the use is proposed. Ground mounted system may not exceed a total height of 25 feet above existing grade.

(5) Miscellaneous provisions:

(a) Electrical connections:

1. Prior to interconnection with the local utility grid, a copy of the conditional approval from the local utility must be provided prior to or at the time of permit application.

2. All systems must meet all applicable construction and electrical codes.

3. All systems shall comply with all utility notification requirements.
4. A copy of the signed certificate of completion from the utility company shall be provided prior to occupancy permit issuance.
5. When batteries are included, they must be placed in a secure container or enclosure per manufacturer's specifications; screened from view.

(b) Appearance:

1. Color must remain as it was originally provided by the manufacturer, or match the exterior of the principal structure.
2. No signs other than the manufacturer's, or installer's identification, appropriate warning signs; and not more than two manufacturers' signs may be on the system.
3. Ground mounted systems may not be affixed to a block wall or a fence.
4. Roof mounted systems shall be installed in such a manner that there is no change in relief or projection.

158.154 ADULT ENTERTAINMENT BUSINESS, MASSAGE ESTABLISHMENT, OR STRIPTEASE BUSINESS.

(A) An adult entertainment business, a massage establishment or a striptease business may not be located within 1,000 feet of:

- (1) A religious establishment;
- (2) A public or private school;
- (3) A public park or public recreational facility;
- (4) A public library;
- (5) A child care home, child care institution, or family day care home licensed or registered under state law; or
- (6) A lot zoned residentially or devoted primarily to residential use.

(B) An adult entertainment business, a massage establishment or a striptease business may not be located within 2,500 feet of another adult entertainment business, massage establishment or striptease business.

158.155 JUNKYARDS.

(A) A junkyard may be authorized by conditional use, provided that

- (1) The area used shall not exceed five acres;
- (2) The uses shall be totally enclosed with adequate fencing; and
- (3) No operations, including storage or sale of parts, shall be closer than 300 feet to any public highway.

158.156 INDUSTRIAL PARK.

(A) An Industrial Park is a self-contained development area of at least ten acres that is cohesive, with a common development scheme, and developed as a stand-alone entity.

(1) An Industrial Park is permitted in the I-1 District, and principal uses include all uses permitted by right or authorized by conditional use in the I-1 District, except the following:

- (a) Airport
- (b) Bus terminal
- (c) Concrete or asphalt recycling
- (d) Contractor's equipment storage facility
- (e) Oil contaminated soil facility
- (f) Solar energy conversion facility, ground mounted
- (g) Storage of sludge

(2) Additional principal uses permitted may include uses permitted by right or authorized by conditional use in the commercial districts, provided that these uses and the supporting parking lot area collectively comprise no more than 20% of the land area of the entire Industrial Park. However, the following uses permitted in the commercial districts are prohibited in an Industrial Park:

- (a) Adult day care facility
- (b) Assisted living facility
- (c) Cemetery or mausoleum
- (d) Commercial kennel
- (e) Retail store greater than 5,000 square feet in size
- (f) Crematorium

- (g) Drug rehabilitation clinic
- (h) Dwellings
- (i) Funeral establishment
- (j) Hospice facility
- (k) Hospital
- (l) Indoor theater
- (m) Nursing home
- (n) Pawn, consignment, or antique shop
- (o) Outdoor drive-in theater
- (p) Outdoor recreation
- (q) Outdoor trap, skeet, rifle, or archery ranges, including gun clubs
- (r) Self-service storage facility
- (s) Tattoo or piercing establishment
- (t) Vehicle repair
- (u) Vehicle sales

(3) The following principal uses are also permitted by right in an Industrial Park, without being subject to the percentage limitations above:

- (a) Conference center
- (b) Hotel

(4) The following temporary use is prohibited in an Industrial Park:

- (a) Flea market

(5) Multiple nonindustrial accessory uses may be permitted, provided that no accessory use shall exceed 5,000 square feet, except a day care center or health club, which may be up to 6,000 square feet, and provided that, in aggregate, the nonindustrial accessory uses do not exceed 10% of the acreage of the entire Industrial Park.

(6) Landscaping, signs, walkways, and parking will be provided in an integrated and harmonious design.

(7) An Industrial Park may not be subject to subdivision.

158.157 ABOVE GROUND STORAGE OF PETROLEUM PRODUCTS.

(A) Above ground petroleum products storage tanks, any one of which has the capacity in excess of 2,000 gallons, may be approved provided that all County, state and federal laws, as well as NFPA codes are complied with. The storage of petroleum products shall comply with setback requirements as specified by NFPA, but not less than 100 feet from all property lines.

158.158 SELF-SERVICE STORAGE FACILITY.

(A) Self- service storage facilities may be permitted in the C-2 and C-3 Districts, subject to the following conditions:

- (1) Maximum individual storage unit height shall be 15 feet.
- (2) Maximum area of each individual storage unit shall be 500 square feet.
- (3) The front building facade shall be designed, constructed, and maintained to be visually compatible with the neighborhood and surrounding properties.
- (4) A business office may be located on site, and the required parking spaces for employees shall be located adjacent to the business office. Required parking may not be rented, used for storage of vehicles, or other storage.
- (5) Areas providing access between storage units and areas designed for two-way vehicular traffic shall be 20 feet wide. One-way vehicular traffic aisles with units on one side may be 15 feet wide. Access aisles and storage units shall be designed and located to provide maneuvering space for emergency vehicles.
- (6) All outdoor lighting must be shielded and focused to direct light onto the premises and away from adjoining properties.
- (7) All structures, storage units, commercial parking areas, accessory vehicle storage areas, aisles, security fences, or walls, except the front building facade, shall be screened from view off site.
- (8) The site shall not be used for any activity or use except storage as specified herein.
- (9) Flammable, toxic, or explosive materials or hazardous chemicals shall not be stored on site; provided, however, that fuel contained in standard fuel tanks of boats or vehicles which are themselves stored on site is allowed. Standard fuel tanks for purposes of this section are those tanks which were designed for the specific vehicle by the manufacturer of the vehicle.

(10) Signs shall be permitted in compliance with §§ 158.110 through 158.114, except that temporary signs, signs that relate to off-premises uses, or signs which exceed 50 square feet in area are prohibited.

(11) Landscaping shall be provided in accordance with Chapter 157 of the Carroll County Code.

158.159 BUSINESS PARK.

(A) A Business Park is a self-contained development area of at least ten acres that is cohesive, with a common development scheme, and developed as a stand-alone entity.

(1) A Business Park is permitted in the C-3 district, and principal uses include all uses permitted by right or authorized by conditional use in the C-3 District, except the following:

- (a) Cemetery or mausoleum
- (b) Crematorium
- (c) Funeral establishment
- (d) Outdoor drive-in theater
- (e) Self-service storage facility

(2) Additional principal uses may include uses permitted by right or authorized by conditional use in the I-1 District, except an oil-contaminated soil facility, provided that these uses and the supporting parking lot area collectively comprise no more than 20% of the land area of the entire Business Park.

(3) Dwellings may also be permitted in a Business Park, provided that the total developed area for dwellings collectively comprises no more than 20% of the total land area of the Business Park development.

(4) The Planning Commission shall require phasing of construction of the residential portion of the Business Park to ensure that this component is in support of the primary employment uses.

(5) Landscaping, signs, walkways, and parking will be provided in an integrated and harmonious design.

(6) A Business Park may not be subject to subdivision, with the exception of single-family dwellings.

§ 158.999 PENALTY.

(A) Violations.

(1) As provided in the applicable sections of Md. Code, Land Use Article, as amended, any person, firm, or corporation violating any provisions of this chapter shall be fined not more than \$1,000.

(2) Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

(3) In accordance with Md. Code, Land Use Article, § 14.03, an assessment for abatement by the County Commissioners of a zoning violation may be added to the annual property tax bill for the property on which the violation was abated to be collected in the same manner as ordinary taxes are collected.

(B) Civil penalties.

(1) Fines shall be imposed based upon the following schedule:

- (a) First offense: \$50;
- (b) Second offense: \$100;
- (c) Third offense: \$200; and
- (d) Subsequent offenses: \$500 each.

(2) A fine may be imposed for each day a violation exists, as each day the violation exists is a separate offense.

(3) Failure to correct a violation after expiration of the time period for correction stated in a citation is a separate offense.

(4) Any person who receives a citation for a zoning violation which imposes a fine shall pay the fine as set forth on the citation, within 15 days after receipt of the citation, to the County Commissioners, Collections Office, 225 North Center Street, Westminster, Maryland, 21157.

(5) Any person who fails to pay a fine imposed under this section within 15 days after the date notice was sent to such person pursuant to Md. Code, Land Use Article, § 11.205, shall be liable for twice the fine which that person had failed to pay.

(C) Settlements. The County Attorney, or a lawyer on the staff of or assigned by the County Attorney, shall prosecute all civil zoning violations with full authority to settle such violations, including the power to enter into agreements on behalf of the county to resolve the violation, and the power to dismiss the citation.