

ORDINANCE No. 2022- 19

AN ORDINANCE ADOPTING AMENDMENTS TO THE CODE OF PUBLIC LOCAL LAWS AND ORDINANCES OF CARROLL COUNTY, MARYLAND

WHEREAS, The Board of Commissioners of Carroll County, Maryland (“the Board”), has enacted and codified the "Code of Public Local Laws and Ordinances of Carroll County, Maryland"; and

WHEREAS, the Board is charged under State law with the duty and responsibility for establishing comprehensive policies and programs to promote the health, safety, and general welfare of the inhabitants of the County and accordingly deems the subject amendment necessary to accomplish these duties and responsibilities; and

WHEREAS, the Carroll County Planning and Zoning Commission approved the amendments at its meeting on July 19, 2022.

NOW, THEREFORE, BE IT ENACTED by the Board that Title XV, Land Use, Chapter 155 Development and Subdivision of Land is repealed in its entirety, and replaced with the attached Chapter 155, Development and Subdivision of Land Ordinance:

CHAPTER 155: DEVELOPMENT AND SUBDIVISION OF LAND

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AUTHORITY AND PURPOSE; DEFINITIONS

§ 155.001 EFFECTIVE DATE; AUTHORITY.

(A) This chapter supersedes prior enactments of the Subdivision Regulations which originally took effect on April 23, 1963. This chapter applies to all lands, buildings, properties, and their uses within the unincorporated portion of the county.

(B) This chapter is adopted pursuant to Md. Code, Land Use Article, and Chapter 158 of this County Code. Any appeal or variance from the provisions of this chapter shall be in accordance with Chapter 158. Any violation of this chapter may be enforced in accordance with Chapter 158.

§ 155.002 PURPOSE.

The purpose of this chapter is to:

(A) Promote the health, safety, and the general welfare of the community by ensuring compliance with applicable codes and regulations as it pertains to the development of land;

(B) Promote the understanding and need to protect and maintain agricultural land to facilitate the continued use for agricultural purposes.

§ 155.003 MINIMUM REGULATIONS; UNIFORM APPLICATION.

The regulations set by this chapter shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

§ 155.004 COMPLIANCE REQUIRED.

(A) No land, building, structure, or premises shall 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 for the zoning district in which it is located.

(B) Whenever the Director of the Department of Land and Resource Management, or its successor agency (the Director) finds that any person, corporation, LLC, partnership, contractor,

or owner has failed to comply with this chapter or the rules or regulations of any other department or agency of the county in connection with the preparation of any plans required under this chapter, or has failed to perform any Public Works Agreement (PWA) between himself or herself and the county, the Department of Land and Resource Management (the Department) may refuse to review any plans and refuse to grant any further approvals to such person, corporation, LLC, partnership, contractor, owner, or the principals of such entity or any other person whose name or signature is required on an application, plan, or plat until compliance is achieved, or until a satisfactory bond approved by the County Attorney has been provided to the Board of County Commissioners.

§ 155.005 DEFINITIONS.

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

AASHTO. American Association of State Highway and Transportation Officials.

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

ACCESSORY DWELLING, DETACHED. A dwelling unit (excluding mobile home) 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.

ADJACENT. Lying near or close to; adjacent implies that the two objects are not widely separated, though they may not actually touch; lots separated by a street shall be considered adjacent.

ADJOINING. Two or more parcels that share a common property line or point of intersection of two property lines.

ADMINISTRATIVE OFFICIAL. The Director of the Department of Land and Resource Management, the Director of the Department of Public Works, or the Chief of the Bureau of Development Review, or their successor agencies.

BUREAU. The Bureau of Development Review or its successor agency.

COMAR. The Code of Maryland Regulations.

CONTIGUOUS. Two or more parcels sharing a common property line, other than a point.

DATE OF APPROVAL. The date of the written approval letter from the Chair or Secretary of the Planning and Zoning Commission.

DEPARTMENT. The Department of Land and Resource Management, or its successor agency.

DESIGN MANUAL. The Manual used by the Department of Public Works for the engineering of roads and storm drains.

DEVELOPER/OWNER. An individual, partnership, firm, corporation, or other entity that undertakes or participates in the activities covered by this chapter.

DEVELOPMENT. The subdivision of land and those divisions of land referred to as off conveyances, and/or any change to improved or unimproved real estate; including but not limited to: construction; reconstruction; structural alterations; relocation or enlargement of any structure, road, driveway, or appurtenance; grading; dredging; filling; paving; clearing; excavation; dumping; extraction or storage of soil or minerals; the storage of equipment or material.

DEVELOPMENT RIGHT. The potential for the creation of residential subdivision lots based on the area and existing zoning classification of the parcel.

DIRECTOR. The Director of the Department under which the Bureau of Development Review, or its successor bureau is assigned.

EASEMENT. A grant by a property owner for the use of land for a specific purpose by another person or for the protection of an environmental resource area.

ENVIRONMENTAL RESOURCE AREAS. Streams, stream buffers, 100-year floodplains, habitats of threatened and endangered species, steep slopes, carbonate rock areas, reservoir watersheds, Use III waters, wellhead buffers, and wetlands.

FEE SIMPLE FRONTAGE. The portion of a lot which is contiguous to a street or road.

FEMA. Federal Emergency Management Agency.

FINAL SUBDIVISION PLAT. A drawing of any portion of the subdivision which is desired to be made an official record in the Land Records of Carroll County, and which may be all or a portion of an approved preliminary subdivision plan.

HANGOVER PARCEL. As designated by owner, the part on either side of the road of a parcel, tract, or remainder crossed by a publicly maintained street or road, where the street or road is not owned in fee simple by a government agency.

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

LOT, OFF CONVEYANCE. A buildable lot which was created by a legal division subsequent to April 23, 1963, but created without being described on a lawfully recorded subdivision plat.

LOT, SUBDIVISION. A lot which was legally divided subsequent to April 23, 1963, and which is described on a lawfully recorded subdivision plat.

MAJOR SUBDIVISION. A subdivision of four or more new lots, not including the remainder or remaining portion, or a division of property which creates, involves, or is contiguous to or in the path of a planned new road, street, or highway.

MDE. The Maryland Department of the Environment.

MINOR SUBDIVISION. A subdivision of no more than three new lots, not including the remainder or remaining portion and which does not create, involve, or is not contiguous to or in the path of a planned new road, street, or highway.

PARCEL. A piece of land described in a deed or final plat recorded in the land records of Carroll County.

PLANNED COMMERCIAL CENTER (PCC). Three or more retail stores, 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.

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

PRELIMINARY SUBDIVISION PLAN. A master drawing of a subdivision prepared for the overall planning of a property intended to be subdivided.

PRODUCTIVE CROPLAND. At least 50% of the parcel or lot classified by the United States Department of Agriculture's soil conservation land classification system as Class I, II, or III soils.

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.

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

SEPTIC MINOR SUBDIVISION. Up to seven new lots for purposes of the applicability of the Carroll County Health Department approval of on-site disposal systems. All development proposals will be required to comply with all other processing and County Code provisions applicable to subdivisions.

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.

SITE PLAN. A plan that provides layout and construction design details for projects as required under §155.050

SIMPLIFIED SITE PLAN. A plan for a developed property proposing additions or modifications that meet the specific guidelines as outlined in §155.050.

SLOPE EASEMENT. The area secured by easement beyond the right-of-way limits for the purpose of flattening or constructing slopes, side ditches, or stream changes.

STEEP SLOPES. Areas with slopes greater than 25%.

STREAM. Part of a watercourse, either naturally or artificially created, that contains intermittent or perennial base flow of groundwater origin, but not including ditches that convey surface runoff exclusively from storm events.

SUBDIVISION.

(A) The division of any tract or parcel of land into two or more lots or parcels for immediate or future sale. Any division of land involving a new street or involving property identified by the county as all or a part of a planned public project shall be a SUBDIVISION.

(B) This term does not include a conveyance to or from a state, federal, or local government or a public utility if for utility right-of-way purposes; or a transfer to an adjoining property owner if the transfer is made with the following statement in the deed:

“The land conveyed herein is being transferred to an adjoining landowner to enlarge the grantee’s existing property and shall be considered merged under the Subdivision Regulations of the county with the existing property of the grantee. Such land conveyed is not intended for development, other than accessory structures, and in order to be eligible for development requires approval under the then applicable governmental regulations.”

SUBDIVISION PLAT. A drawing of the subdivision showing lots, streets, and other information which may be required by this chapter.

SUBDIVISION REGULATIONS. The provisions of this chapter, as may be amended, and the previous subdivision regulations as were adopted from time to time in accordance with applicable laws.

TRACT. A piece of land described in a deed or final plat recorded in the land records of Carroll County.

USE-IN-COMMON DRIVEWAY (UIC). A private driveway serving two or more properties which provides vehicular access to a public road.

WATERCOURSE. Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in and including any adjacent area that is subject to inundation from overflow or flood.

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

DEVELOPMENT OF LAND

§ 155.020 GENERAL REQUIREMENTS.

(A) **Compliance.** In preparing a plan, the developer shall comply with all applicable federal, state, and county ordinances and regulations governing subdivision, development, or use of land.

(B) **Certificate.** The plan shall be accompanied by a certificate of title prepared and signed by an attorney licensed to practice law in the State of Maryland and in a format approved by the county verifying that the owners hold good and merchantable title and describing any encumbrances or liens on the property or restrictions of title.

(C) **Off site facilities.** The developer shall provide any necessary off site storm drainage facilities, including rights-of-way or easements as may be required by the Department of Public Works in accordance with the Design Manual. No construction may be initiated or storm drainage facility may be installed unless a valid PWA and surety have been accepted by the County.

§ 155.021 LEGAL REQUIREMENTS.

(A) The developer shall provide necessary off site storm drainage facilities, including rights-of-way or easements, as may be required by the county or the Planning and Zoning Commission.

(B) When a Public Works Agreement (PWA) or other agreement or indenture is required by the Planning and Zoning Commission to guarantee the completion of improvements, the agreement or indenture shall be submitted and approved prior to recordation of any final plat.

(C) The owner may be required to contribute to a fund to be used to upgrade the transportation facility which is determined to be inadequate on a basis that prorates the effect of the development on the transportation facility.

§ 155.022 BUILDABLE LOTS, SINGLE FAMILY RESIDENTIAL.

Any lot which was a buildable lot under the terms or regulations in effect on August 17, 1965, and which was established or recorded at that time shall be deemed a buildable lot only for the construction of a single-family dwelling, subject to the provisions of § 158.130(B).

§ 155.023 FEES.

A developer/owner shall pay all those fees or charges established by the county to defray the cost of review of plans and enforcement of this chapter.

SUBDIVISION

§ 155.030 SUBDIVISION CONTROL.

(A) **General requirements.**

(1) Any developer contemplating the subdivision of land shall prepare subdivision plans in accordance with this chapter, and after approval by the Planning and Zoning Commission shall record a copy of the plat in the Land Records of Carroll County.

(2) No subdivision lot may be transferred nor may a building permit be issued for a structure thereon prior to complying with this chapter.

(3) No building permit may be issued for a property included in an approved preliminary subdivision plan, but not described on a final subdivision plat, unless the property was eligible for the issuance of a permit without subdivision approval. The proposed improvements shall be shown on the preliminary and final subdivision plan.

(4) If an off conveyance or any division is proposed upon land which involves a planned street or involves a planned public project shown on the Master Plan, the Planning and Zoning Commission shall consider the division and may approve the division without recording a subdivision plat after a finding by the Planning and Zoning Commission that the division will not adversely affect the construction of the planned public project or planned street.

(B) Separate parcels in one deed. The following standards shall apply to land which, at the time of adoption of the Subdivision Regulations for this county on April 23, 1963, was contained in a single deed but was comprised of contiguous, separately described parcels or tracts:

(1) The separate parcels or tracts may be conveyed without obtaining subdivision approval;

(2) Only one such separate parcel or tract may be divided into two off conveyance lots, plus any remainder, without obtaining subdivision approval; and

(3) If subsequent to April 23, 1963, two or more lots plus the remainder were created from the separate parcels, then no further lots may be created without obtaining subdivision approval; and if only one lot was created from a separate parcel, then one additional lot plus the remainder may be created from that parcel without obtaining subdivision approval.

(C) Additional requirements. The Planning and Zoning Commission may impose any additional requirements on a proposed plan for subdivision as it finds necessary as conditions of approval.

(D) Compliance. Prior to recordation of a plat, the developer shall demonstrate compliance with all applicable chapters of the County Code, state and federal statutes and regulations, or enter into a binding agreement with the county to ensure compliance.

(E) Plat modification or reassembly.

(1) The Director, at his or her discretion, may waive:

(a) The requirement of seeking approval from the Planning and Zoning Commission for a modification, plat reassembly, or other adjustment, correction, or change to a subdivision plat recorded among the Land Records of Carroll County;

1. This waiver may be applied even though the subdivision plat contains a general note requiring any modification or plat reassembly to be subject to the approval of the Planning and Zoning Commission or other similar language as determined by the County Attorney.

2. This waiver may be applied even though the Planning and Zoning Commission imposed a condition of approval requiring any changes in the preliminary or final plan to be resubmitted to the Planning and Zoning Commission for further review and approval or other similar condition as determined by the County Attorney.

(b) The requirement of recording an amended plat. This waiver may be applied to modifications, adjustments, corrections, or changes to minimum building lines, setbacks, drainage and utility easements for which applicable administrative adjustments may be granted by the Zoning Administrator or the Board of Zoning Appeals, or other similar changes as determined by the Director.

(2) The denial of a waiver request does not constitute an order, requirement, decision, or determination made by an administrative official, for the purposes of § 158.133. If a waiver request is denied by the Director, the modification, plat reassembly, or other change to a subdivision plat may be presented to the Planning and Zoning Commission and a decision of the Planning and Zoning Commission may be appealed to the Board of Zoning Appeals in accordance with § 158.133.

§ 155.031 SUBDIVISION REQUIREMENTS.

(A) In order for a property to be eligible for subdivision, the property shall have a minimum of 30 feet in fee simple frontage to a publicly maintained road.

(B) All lots being created through the subdivision process shall be designed to provide in fee simple frontage to a publicly maintained road. The frontage shall be capable of providing vehicular access to the property. Where it is determined by the Planning and Zoning Commission that a street should be designed in a subdivision to carry traffic from other areas or adjacent subdivisions (whether existing or potential), a minimum of 60 feet shall be shown, unless specifically modified by the Planning and Zoning Commission. Where a subdivision is created fronting on an existing county-maintained road, front lot lines of a subdivision shall be established 30 feet from the center of the existing county-maintained road, unless specifically modified by the Planning and Zoning Commission. Proposed streets shall be designed in accordance with the Design Manual. A temporary turnaround shall be designed and constructed to extend to the extreme limits of the property, unless otherwise waived by the Planning and Zoning Commission.

(C) Street names shall be submitted for approval to the Bureau prior to submitting a preliminary plan.

(D) Streets shall be constructed in accordance with those standards and regulations as set forth in the Design Manual. A suitable guaranty shall be provided to the county by the developer prior to recordation of the final subdivision plat by the Planning and Zoning Commission in order to ensure construction by the developer of those streets as shown.

(E) The area of lots, including off conveyances, remainders, and remaining portions, shall be subject to the requirements of the Health Department and meet the minimum lot area in accordance with the requirements for the zoning district in which the property is located as prescribed by Chapter 158.

(F) Nonresidential subdivisions, including industrial and commercial tracts, shall conform to the Master Plan and the requirements as prescribed in Chapter 158. The developer shall demonstrate to the satisfaction of the Planning and Zoning Commission that the street, parcel, and block pattern is specifically adapted to the uses anticipated and takes into account other uses in the vicinity.

(G) Where there is a discrepancy between minimum standards or dimensions noted herein and other official regulations, the highest standards shall apply, unless specifically modified by the Planning and Zoning Commission.

(H) All subdivisions shall conform with the designated location of sites for public schools and other public facilities as shown on the Master Plan. Where the Master Plan indicates a location for a school or other public facility, the location of such sites shall be shown, if applicable, on any subdivision plan involving land affected by a public facility designation of the Master Plan.

(I) All easements or rights-of-way of record on or across a parcel being subdivided shall be shown on all plans and the final subdivision plat.

(J) All driveway entrances onto county-maintained roads are subject to the requirements of the Design Manual and to approval of the Department of Public Works, or its successor agency. All driveway entrances onto state-maintained roads are subject to approval of the State Highway Administration.

(K) Traffic impacts and controls are as follows:

(1) The Planning and Zoning Commission shall have the authority to require a traffic impact study be performed by the developer/owner in accordance with criteria established by the Department of Public Works, or its successor agency.

(2) The Planning and Zoning Commission may require the developer/owner to take any action necessary to ensure the adequacy and safety of transportation that are affected by the proposed improvements.

(3) Any traffic control devices which may be required as a result of the subdivision shall be provided at the developer's/owner's expense unless otherwise authorized by the Planning and Zoning Commission and shall be made a part of an agreement made with the county or state as appropriate for the project.

(L) All protective buffers for which an easement shall be granted to the county, including but not limited to floodplain, water resource protection, wellhead buffer, forest conservation, or environmentally sensitive areas, as required by any chapter of the County Code, shall be shown on every plan submitted.

(M) Septic Minor Subdivision.

(1) A septic minor subdivision will be defined as up to seven new lots for purposes of the Carroll County Health Department approval of on-site disposal systems. The preliminary plan will indicate the number of lots that have been created from the parcel since October 1, 2012. All development proposals will be required to comply with all other processing and County Code provisions applicable to subdivisions.

(2) This division (M) and the changes herein shall be applicable to any preliminary subdivision plan, or amendment thereto, that is submitted to the Bureau after October 1, 2012 and is effective December 31, 2012.

§155.032 SUBDIVISION PROCESS

(A) Concept Subdivision Plan.

(1) A developer/owner shall, prior to preparing and submitting a preliminary subdivision plan, present a concept plan of the proposed subdivision in compliance with this chapter. The concept plan shall be reviewed by the Technical Review Committee (TRC) and the Planning and Zoning Commission.

(2) After acceptance by the county for review of a concept plan, the project shall be reviewed for adequacy of public facilities, in accordance with Chapter 156.

(3) The requirements of division (1) above are not applicable to minor subdivisions, off conveyances, hangover parcels, and accessory dwelling units.

(4) Only one concept plan of subdivision may be accepted for review on any parcel at one time. Revised plans accepted by the Bureau shall supersede any previous submission of a plan.

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

(6) The plan shall document compliance with the following chapters or sections of the County Code. Concurrence must be documented by the applicable County agency prior to performing any activity regulated by the subject codes.

- (a) Floodplain Management, Chapter 153;
- (b) Forest Conservation, Chapter 150;
- (c) Grading and Sediment Control, Chapter 152;
- (d) Landscape Enhancement of Development, Chapter 157;
- (e) Stormwater Management, Chapter 151; and
- (f) Water Resource Management, Chapter 154.

(7) The plan shall include a graphic representation of information that illustrates the location and configuration of the site's environmental and physical characteristics to be verified by the county. The plan shall include the following information:

- (a) Site topography illustrated at a scale of at least one inch: 200 feet with two-foot contour intervals;
- (b) Slope areas between 15% and 25%;
- (c) Any slopes on the site greater than 25%;
- (d) Site vegetative cover types, including but not limited to forested, old field, pasture, scrub, hedge rows, and cultivated field;
- (e) Any surface water bodies or watercourses located on the site, including lakes or impoundments and streams, swales, and ditches;
- (f) Jurisdictional wetlands, including any wetlands of special state concern;
- (g) Any public water supply reservoir watersheds that the site drains into;
- (h) Any buffers required by this chapter or by COMAR;
- (i) Any known habitat for any federal or state designated rare, threatened, or endangered plant or animal species, or a letter from the Natural Heritage Program of the Maryland

Department of Natural Resources concluding that a lack of evidence exists to indicate a potential habitat;

(j) A forest stand delineation prepared for the site, in compliance with Chapter 150;

(k) Any wellhead protection areas;

(l) Any rock outcrops;

(m) Site soil types and boundaries;

(n) The extent and location of any carbonate rock areas;

(o) Any delineated 100-year floodplain;

(p) Any physical features on the sites, including but not limited to roads and driveways, buildings, stone walls, and any other feature;

(q) The location of any designated historic structure on the site as listed on the county's inventory of historic structures, sites, or districts or by the Maryland Historical Trust; and

(r) Any other information that is necessary as determined by the county.

(8) Carroll County coordinate system.

(a) Coordinates for off conveyances, subdivision plans, final subdivision plats, and supporting plans shall be based on the current Maryland Coordinate System, North American Datum.

(b) Elevations and topography for off conveyances, preliminary subdivision plans, final subdivision plats, and supporting plans shall be based on the current North American Vertical Datum.

(c) Coordinate and elevation values shall be provided in feet.

(d) Off conveyances, subdivision plans, final subdivision plats, and supporting plans shall show the following information:

(1) One or more corners accurately tied by bearing and distance to a monument of the Carroll County control system; and

(2) Four state coordinate system tick marks.

(B) PRELIMINARY SUBDIVISION PLAN.

(1) **Required.** A preliminary plan shall be submitted to the Bureau. The preliminary plan shall address all review agency comments on the concept plan. Information shown on the preliminary subdivision plan shall include all requirements as may be required by the Bureau or the Planning and Zoning Commission.

(2) **Off conveyance lot.** If an owner of land being subdivided proposes to create an off conveyance lot, the proposed off conveyance shall be shown on the preliminary subdivision plan. If lots or tracts other than those indicated on the approved preliminary plan are intended to be off conveyances, a revised preliminary plan shall be submitted to the Planning and Zoning Commission for its review and approval prior to transfer of the lots or tracts.

(3) Approval process.

(a) The Bureau shall submit its findings and recommendations, together with those of the other review agencies concerned with the subdivision of land, to the Planning and Zoning Commission.

(b) In accordance with this chapter, the Planning and Zoning Commission shall approve or disapprove the preliminary subdivision plan or may approve it with modifications or conditions. If approval with modifications or conditions is the action of the Planning and Zoning Commission, a statement in writing shall be furnished by the Planning and Zoning Commission to the developer indicating the provisions with which the development shall comply.

(c) The Chair of the Planning and Zoning Commission may approve minor subdivisions on behalf of the Planning and Zoning Commission.

(d) If the preliminary subdivision plan is disapproved, the Planning and Zoning Commission shall notify the developer in writing of the reasons for the disapproval.

(e) Planning and Zoning Commission approval of a preliminary subdivision plan constitutes Planning and Zoning Commission approval of a preliminary subdivision plan only and does not guarantee any further approval.

(f) Certification provisions for the adequacy of public facilities in accordance with Chapter 156 shall be met at this time.

(4) Sunset provision.

(a) **Time frame.** A preliminary plan of subdivision shall become void 24 months after the date of Planning and Zoning Commission approval or as otherwise specified by the Planning and

Zoning Commission, unless such plan has received final approval by the Planning and Zoning Commission and been recorded as a plat in the Land Records of Carroll County prior to the date specified by the Planning and Zoning Commission.

(b) Final approval. A preliminary plan of subdivision which was approved by the Planning and Zoning Commission prior to July 22, 2003, shall become void 24 months after July 22, 2003 or as otherwise specified by the Planning and Zoning Commission, unless such plan has received final approval by the Planning and Zoning Commission and been recorded as a plat in the Land Records of Carroll County.

(c) Preliminary approval. If a plan of subdivision has not received preliminary plan approval by the Planning and Zoning Commission prior to July 22, 2003, the subdivision shall meet all applicable regulatory requirements currently in effect and be subject to all review processes, including but not limited to public involvement conducted during at least one TRC meeting. If a plan of subdivision becomes void in accordance with division (4)(a) or (4)(b) above, the subdivision shall meet all applicable regulatory requirements currently in effect and be subject to all review processes, including but not limited to public involvement during at least one TRC meeting, at the time of resubmission of the plan.

(5) Extensions.

(a) Requests for extension. The Director may extend the time to obtain final approval or for recordation of the subdivision plat for successive one year periods provided there have been no changes in state or county laws, ordinances, or regulations which may affect the project. If the Director denies a request for extension or determines that there have been changes in state or county laws, ordinances, or regulations which may affect the project, then the Planning and Zoning Commission shall determine whether and to what extent an extension may be granted.

(b) Appeals. The Director's denial of a request for extension or determination does not constitute an order, requirement, decision or determination made by an administrative official for the purposes of § 158.133. If an extension request is denied by the Director, the request may be presented to the Planning and Zoning Commission and a decision of the Planning and Zoning Commission may be appealed to the BZA in accordance with § 158.133.

(6) Roadway dedication. Required dedication of land for roadway widening along existing public roads shall be made for the length of the subdivided lots in the A District. In all other districts, required dedication of land for roadway widening along existing public roads shall be made for the length of the original parcel being subdivided. The dedication shall be 30 feet from the centerline of an existing county road, unless modified by the Planning and Zoning Commission.

(7) Remaining portions. The developer shall not be required to plat remaining portions. All remaining portions shall, unless part of the subdivision plat, be depicted on an insert sketch as part of the notes on the subdivision plat.

(8) **One at a time.** Only one preliminary plan of subdivision may be accepted for review on any parcel at one time. Revised plans accepted by the Bureau shall supersede any previous submission of a plan.

(C) FINAL SUBDIVISION PLAN.

(1) After approval of the preliminary plan, the developer shall submit the final plans to the Bureau. The final plan and final plat shall be reviewed against and in conformance with the approved preliminary plan and all other applicable regulations.

(2) A proposed final subdivision plan submitted for Planning and Zoning Commission approval shall be prepared in accordance with these regulations and shall incorporate those changes or additions ordered by the Planning and Zoning Commission in its approval of the preliminary subdivision plan. The submission of the plan shall represent certification from the surveyor or engineer that all conditions of approval relating to the preparation of the final plan have been met, and indicating compliance with all applicable county, municipal, state, or federal requirements.

(3) The final subdivision plan shall include all of the area covered by the preliminary subdivision plan. If the project is phased in accordance with this chapter or conditions set by the Planning and Zoning Commission, only one phase may be accepted for review at one time.

(4) The submission of any final construction plans shall be accompanied by a copy of the proposed final subdivision plat. Prior to submission for Planning and Zoning Commission approval, the final construction plans must be approved by those reviewing agencies specified by the Planning and Zoning Commission.

(5) The approval process is as follows:

(a) Final plans need not be brought before the Planning and Zoning Commission for review of compliance with the approved preliminary plan and all other applicable regulations at its regular meeting, unless specifically requested by the Planning and Zoning Commission. If final plan review is not requested by the Planning and Zoning Commission, in accordance with this chapter, the Chairperson or the Secretary of the Planning and Zoning Commission shall be empowered to approve and sign the final plan upon confirmation from the Bureau that the plan meets all requirements of this chapter and all conditions for approval of such plat have been met, or shall disapprove the final subdivision plan or may approve it with conditions with respect to the timing of recordation or building permits. If approval with conditions is the action of the Planning and Zoning Commission or its designee, a statement in writing shall be furnished by the Planning and Zoning Commission or its designee to the developer indicating the provisions with which the development must comply.

(b) The Chair of the Planning and Zoning Commission may approve minor subdivisions on behalf of the Planning and Zoning Commission.

(c) If the final subdivision plan is disapproved, the Planning and Zoning Commission shall notify the developer in writing of the reasons for the disapproval.

(D) FINAL SUBDIVISION PLAT.

(1) Title and graphic information to be shown on the final subdivision plat shall be as required on the approved final subdivision plan except contour lines and shall clearly show all items required by Md. Code, Real Property Article, § 3-108 pertaining to the preparation of record plats.

(2) Space shall be provided on the final plat for the following signatures and dates:

- (a) Certificate of land surveyor and owner's certificate;
- (b) Approval of the Carroll County Health Department;
- (c) Approval of the Planning and Zoning Commission; and
- (d) Approval of the Department of Public Works, or its successor agency.

(3) The final subdivision plat shall be legibly and accurately prepared on archive quality media to a size of 18 inches by 24 inches, including a two-inch margin on the left side of the 18-inch width. The plat shall be to a scale acceptable to the Bureau, one inch equals 50 feet or one inch equals 100 feet, depending upon the size of the subdivision. The developer/owner shall file with the Bureau the necessary copies for recording and distribution as required by the Bureau.

(4) A certificate signed by the owner and by the surveyor shall be affixed to the plat as required by the Real Property Article.

(5) The final subdivision plat shall clearly show, with metes and bounds, that area abutting existing roads which is to be deeded to the county or the State Highway Administration for public use and shall be accompanied by a deed executed by the owner conveying the land so depicted.

(6) All streets shown on the final subdivision plat, in all districts, except A and C, shall be extended to the limits of the property as may be required by the Department of Public Works, or its successor agency, in accordance with the Design Manual or as may be required by the Planning and Zoning Commission.

(7) The UIC area location and width shall be accurately shown on the final subdivision plat with a note specifying those lots which will have use of a driveway in common with others and the limit of construction of all driveways in accordance with the PWA.

(8) The owner shall obtain approval for the creation of the off conveyance lot from the Bureau, and shall record the lot in the Land Records of Carroll County prior to recordation of the final subdivision plat. The final subdivision plat for the entire property shall show the off conveyance lot, with dashed lines indicating the property lines. The plat shall also show the owner's name, deed reference, and date of transfer.

(9) Prior to recordation of any final plat which includes open space intended to be deeded to the county, the developer/owner shall comply with the requirements of the open space conveyance checklist.

(10) As to any tract or parcel of land submitted for subdivision approval, final subdivision plats for all or parts thereof shall contain no more than 25 lots to be recorded for said tract or parcel per fiscal year, unless another number of lots is specifically authorized by the Planning and Zoning Commission.

(11) All plats shall also be submitted in a digital format compatible with the county's current geographic information system.

(12) Any easement or right-of-way required by this chapter or any other chapter of the County Code shall be secured and shown on the final plat.

§ 155.033 SUBDIVISION IN THE AGRICULTURAL DISTRICT.

(A) Lot yield.

(1) In addition to the ability to create off conveyances as provided for in this chapter, lots may be created for residential purposes from any tract of land pursuant to the following standard: where the tract to be subdivided is six to 20 acres, one new lot plus the remaining portion may be created; and for tracts over 20 acres, an additional new lot may be created for each 20-acre increment or part thereof. The area of a tract shall be calculated to the nearest 0.0001 acres. For purposes of this section, the standard is illustrated by this chart:

<i>Size of Tract to be Subdivided</i>	<i>New Lots</i>	<i>Remaining Portion</i>	<i>Total</i>
Under 6 acres	0	1	1
6 – 20 acres	1	1	2
20.0001 – 40 acres	2	1	3

40.0001 – 60 acres	3	1	4
60.0001 – 80 acres	4	1	5

(2) In addition to the lots which may be created pursuant to the A District, Transferred Development Rights (TDRs), subject to the provisions of § 155.090, may be added when the result does not exceed a density standard of one unit for each ten-acre increment. Any parcel from which a lot or lots have been created by subdivision and recorded in the Land Records of Carroll County since February 14, 1978, shall not be eligible for TDRs.

(3) A new subdivision lot created from a tract pursuant to division (A)(1) above may not be further divided for residential purposes, and when a tract is divided pursuant to division (A)(1), the owner shall designate on the subdivision plat the new lot or lots being created and the remaining portion, if any, and whether the remaining portion may be entitled to further division pursuant to division (A)(1) above.

(4) Divisions (A)(1) and (2) above shall have no application to preliminary subdivision plans for residential purposes approved by the Planning and Zoning Commission prior to April 29, 1978; provided, however, that a preliminary subdivision plan approved by the Planning and Zoning Commission may not be revised to increase the density.

(5) Where land is described in a deed recorded in the Land Records of Carroll County as of April 23, 1963, which separately describes adjoining tracts of land such as a multi-parcel deed and where any of such separate adjoining tracts are existing and separated after July 1, 1989, by being individually conveyed or being individually presented for subdivision, then each tract so separated may be subdivided for residential purposes pursuant to the following standard: where the tract to be subdivided is six to 20 acres, one new lot plus the remaining portion may be created; and for tracts of 20 acres or more, one new lot may be created for each full 20-acre increment plus the remaining portion.

(6) Reconfiguration for the purpose of increasing the overall density beyond the individual lots yielded from the tracts or lawfully reconfigured tracts which existed as of July 1, 1989 is prohibited.

(B) Utilization of adjoining tracts.

(1) When lots are created for residential purposes in the A District, the lots are to be located and sized so the agricultural land devoted to residential use is minimized, and the amount of land retained for agricultural use is maximized. The total density of adjoining tracts and legally created off conveyances may be used to comply with these standards, and the lots resulting from development of adjoining tracts may be located on one or more of the tracts. In computing

density for purposes of this section, tracts which are subject to an Agricultural Preservation District agreement or easement may not be counted. Total number of residential lots shall be based upon yield from actual acres of various tracts.

(2) Where land on either side of a public road, or on either side of a strip dividing an original tract and owned in fee simple by a public utility, would otherwise be adjoining except for the existence of in fee public ownership of the road or public utility strip, such confronting tracts may be considered adjoining under this division (B). The tracts shall be considered adjoining only for the purpose of transferring density but not for the purpose of increasing density beyond what is otherwise allowed.

(3) Whenever density from a transferring tract is relocated onto one or more adjoining tracts, the transferring tract shall retain at least one residential building right or the transferring tract shall be combined with another tract or tracts unless modified by the Planning and Zoning Commission.

(C) Development of Agricultural Remaining Portions.

(1) Further development of the remaining portion for purposes other than agricultural or residential, as allowed by §158.071.01 under the “Agricultural” land use category, shall be limited as shown in the chart below, with no further subdivision of the remaining portion allowed. For purposes of this subsection, a use shall be considered a single building, as defined in §158.002, or area of use for outdoor uses.

Size of Remaining Portion	Number of Principal Permitted or Conditional Uses Allowed
0-20 acres	1
20.001 -40 acres	2

§ 155.034 SUBDIVISION IN THE CONSERVATION DISTRICT.

(A) Utilization of adjoining tracts.

(1) When lots are created for residential purposes in the C District under a cluster subdivision, the lots are to be located and sized so the agricultural or conservation land devoted to residential use is minimized, and the amount of land retained for agricultural or conservation use and open space is maximized. The total density of adjoining tracts and legally created off conveyances may be used to comply with these standards, and the lots resulting from development of adjoining tracts may be located on one or more of the tracts. In computing

density for purposes of this section, tracts which are subject to an Agricultural Preservation District agreement or easement may not be counted.

(2) Where land on either side of a public road, or on either side of a strip dividing an original tract and owned in fee simple by a public utility, would otherwise be adjoining except for the existence of in fee public ownership of the road or public utility strip, such confronting tracts may be considered adjoining under this division (B). The tracts shall be considered adjoining only for the purpose of transferring density but not for the purpose of increasing density beyond what is otherwise allowed.

(3) Whenever density from a transferring tract is relocated onto one or more adjoining tracts, the transferring tract shall retain at least one residential building right or the transferring tract shall be combined with another tract or tracts unless otherwise subject to any conditions imposed by the Planning and Zoning Commission.

§ 155.035 RURAL DESIGN STANDARDS FOR AGRICULTURAL AND CONSERVATION DISTRICTS.

(A) Unless otherwise determined by the Planning and Zoning Commission, new residential building lots proposed to be created in the A and C Districts shall be:

(1) Located in low priority woodlands or on pastureland rather than productive cropland;

(2) Located to avoid prevailing winds from blowing odors toward homesites from existing or future barnyards, silos, and other similar farm buildings or related uses;

(3) Designed at a minimum lot size of one acre and with development optimized to achieve the maximum possible amount of land remaining for agricultural purposes;

(4) Designed at a minimum lot size as required by Chapter 158 in the C District, unless clustered in accordance with this chapter. This minimum lot size shall apply to the remainder and all proposed lots; and

(5) Designed, whenever possible, to avoid the construction of new streets or additional entrances onto a public street.

(B) In the Agricultural District, agriculture is the preferred use and a notice to this effect shall be stated on a final plat creating residential building lots in the district:

“Agriculture is the preferred use in the Agricultural District. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the district.”

§ 155.036 CLUSTER SUBDIVISIONS.

(A) **Conditions requisite to approval in R and H Districts.** In the H, R-40,000, R-20,000, and R-10,000 Districts, the Planning and Zoning Commission may authorize the division of tracts or parcels of land into lots for R District uses, and lots and yards may be smaller than otherwise required in the R Districts in Chapter 158, provided that the following conditions are met:

(1) The total number of lots and dwelling units may not exceed the number that would be permitted for the zoning district based on the gross area of the parcel or tract being subdivided;

(2) Individual lots shall be a minimum of 20,000 square feet in the R-40,000 District, 10,000 square feet in the R-20,000 District, and 7,500 square feet in the R-10,000 District;

(3) The land derived from reduction of lot size shall be provided and maintained as open space or recreational areas for joint use by the residents of the cluster subdivision or offered to the county as agreed to by the Planning and Zoning Commission, except where such additional reduction of lot size occurs as a result of utilizing TDRs pursuant to § 155.090(D) and division (A)(5) of this section.

(4) Cluster subdivisions must be served by public water and sewerage facilities;

(5) Common open space shall not be less than 15% of the gross acreage of any tract submitted for cluster subdivision:

(a) A maximum of 50% of the required open space may be steep slopes, streams, ponds, watercourses, and floodplains;

(b) A minimum of 10% of the required open space or one and one-half acres, whichever is greater, shall be suitable for active recreational use and may not exceed a grade of 3%; and

(c) For tracts or parcels less than ten acres, the Planning and Zoning Commission may approve deviations from these percentage requirements.

(6) A cluster subdivision receiving TDRs may increase density at two TDRs for every ten lots created in accordance with division (A) above; and

(7) In order to be eligible for clustering, all lot yield from the entire property shall be included on the preliminary subdivision plan.

(B) **Conditions requisite to approval in C District.** In the C District, the Planning and Zoning Commission may approve a residential cluster subdivision, which includes the division of land into lots which may be smaller than otherwise required in this district, subject to the following conditions:

(1) Individual lots shall be a minimum of one acre in size and a minimum of 150 feet in width. The front yard shall be 40 feet, the side yard shall be 20 feet, and the rear yard shall be 50 feet;

(2) The total number of lots and dwelling units shall not exceed the number that would be permitted for the zoning district based on the gross area of the parcel or tract being subdivided.

(3) All individual lots shall be designed and located to minimize potential environmental degradation of the natural resources;

(4) The land derived from reduction of lot sizes shall be provided and maintained as open space or recreational areas;

(5) The open space shall be offered to the county and conveyed in fee simple if accepted by the county. If the county rejects the offer, the open space may be owned in common by the residents, conveyed to the Carroll County Land Trust or a similar organization, or recombined with one buildable lot in the subdivision and owned privately;

(6) Access arrangements to open space shall be carefully designed and located to enable perpetual maintenance and accessibility;

(7) Lots may not be further subdivided, and the record plat shall so indicate;

(8) In addition to easements required by any chapter of the County Code, all land lying within 300 feet as measured horizontally of the 100-year planned reservoir flood pool shall be designated as open space. All land lying within 100 feet of the thread (or centerline) of any tributary of a public water supply, whether now used or planned to be used for such a purpose as reflected by the Master Plan, shall be designated as open space or for use as agricultural land;

(9) Any private open space created shall be subject to a conservation easement, which shall be in a legal form satisfactory to the County Attorney and provide for such restrictions in accordance with any chapter of the County Code;

(10) In order to be eligible for clustering, all lot yield from the entire property shall be included on the preliminary subdivision plan. No piecemeal clustering plans may be approved by the Planning and Zoning Commission; and

(11) No application for further subdivision of a property or any lots created through the minor subdivision process may be filed or approved prior to five years from the date of final plan approval of a minor subdivision of the property.

§ 155.037 OFF CONVEYANCE.

(A) Before any owner of land divides property after July 1, 1989 to create an off conveyance lot, the owner shall:

- (1) File an application to create an off conveyance lot with the Bureau; and
- (2) Obtain the written approval of the Department to create the off conveyance lot.

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

(1) The application to create an off conveyance lot shall contain:

(a) The names of the people who own the property being divided;

(b) A copy of the legal instrument by which the owners acquired title;

(c) A certificate of title prepared and signed by an attorney licensed to practice law in the State of Maryland and in a format approved by the county verifying that the owners hold good and merchantable title and describing any encumbrances or liens on the property or restrictions of title and including reference to the legal instrument which reflects the ownership of the property on April 23, 1963, and a copy of that document;

(d) A preliminary plan, showing the proposed off conveyance lot or lots and the remainder, in compliance with the off conveyance/accessory dwelling checklist;

(e) A statement identifying which property is intended to be an off conveyance lot and which a remainder;

(f) A certification from a professional engineer or licensed land surveyor certifying that the proposed entrances to publicly maintained roads meet AASHTO standards;

(g) A deed conveying all property of the owner between the centerline and 30 feet from the centerline of a publicly maintained road to the governmental entity which maintains the road for the full extent of the frontage of the off conveyance. Such description as provided herein may be by metes and bounds or may be by reference to the publicly maintained road and a parallel line which is 30 feet from the center. The conveyance need not convey any land which is within 15 feet of an existing building;

(h) An opinion to and for the benefit of the owner from an attorney licensed to practice law in the State of Maryland on a form approved by the Department which states:

1. The type, status, or nature of right-of-way or other access to a publicly maintained road; the legal record, if any, of such access; and a statement as to what easements exist for utilities to serve the property or that none exist of record;

2. That the tract being divided has not been divided since April 23, 1963, or, if it has been so divided, a reference to that division and a statement that no property that resulted from that division as an off conveyance lot or remainder has been divided since then;

3. Whether the tract being divided is a tract, off conveyance lot, or remainder; and

4. If an off conveyance lot is being divided, the date on which the off conveyance lot was created and the recording reference to the instrument which created it;

(i) The opinion of an attorney provided by division (B)(1)(h) above does not imply that the Planning and Zoning Commission, county, or any of its departments have approved as adequate the access rights of the owner to a publicly maintained road; and

(j) The type, status, or nature of right-of-way or other access to a publicly maintained road and the legal record if any of such access shall be incorporated in the deed which creates the off conveyance.

(2) No off conveyance lot or remainder may be created after July 1, 1989, without a right-of-way of record or legal access to and from a publicly maintained road.

(3) No off conveyance lot may be created from within an off conveyance lot after July 1, 1989, unless the record title holder of the remainder from which an additional off conveyance could be created and the record title holder of the first off conveyance consent thereto by joining in and signing the application.

(4) The Director of the Department of Public Works, or its successor agency, may waive the requirement of division (B)(1)(f) of this section.

(5) Deeds which create off conveyance lots or remainders shall identify by title in the deed that it is a "deed of off conveyance" or "deed of remainder," respectively.

(6) No building permit may be issued for any off conveyance lot or remainder created after July 1, 1989, unless it was created pursuant to this chapter.

(C) An off conveyance lot shall be created by recordation of a deed within 180 days after the approval given pursuant to division (A)(2) above, unless otherwise extended in writing by the Department.

(D) For purposes of these regulations, where a tract, parcel, or remainder is crossed by a publicly maintained road, and the road is not owned in fee simple by a government agency, it shall be deemed that the road has divided the land into separate parcels. One parcel, as determined by the owner, may be conveyed without obtaining subdivision approval. The other parcel designated as a hangover parcel may also be separately conveyed, subject to the following requirements:

(1) If the hangover parcel is eligible for subdivision for the creation of two or more buildable lots as defined in § 155.005 under the current zoning regulations, it shall be treated as a tract or parcel described in a single deed existing prior to April 23, 1963, and shall not be eligible for any off conveyance lots unless the record title holder of the remaining land from which the off conveyance lots could be created expressly transfers the right to one or both off conveyance lots by an instrument recorded among the Land Records of Carroll County.

(2) If the hangover parcel is not eligible for subdivision for the creation of two or more buildable lots as defined in § 155.005 under the current zoning regulations, the hangover parcel shall be subject to regulation as an off conveyance lot as set forth in divisions (A) and (B) above, but not division (B)(1)(e).

(3) Notwithstanding anything to the contrary in divisions (D)(1) and (2) above and to the extent eligible off conveyance lots, as determined from the original tract, cannot be created from the remaining land, these off conveyance lots may be created from the hangover parcel.

(4) The creation or conveyance of a hangover parcel shall not count against the number of off conveyance lots to which the tract from which it was derived is otherwise entitled. Neither the creation or conveyance of a hangover parcel, nor any later subdivision of the hangover parcel, shall in any way diminish the number of any off conveyance lots to which the tract from which it was derived was otherwise entitled.

(5) At the time of the first conveyance of the hangover parcel, the deed shall recite that the parcel being conveyed is a hangover parcel.

(E) It is the intent of this chapter to recognize the lawful creation of certain lots and remainders after April 23, 1963, based upon the regulations and laws in effect at the time the lots were created. It is also the intent of this chapter to prohibit the development of lots which were illegally created after April 23, 1963. Therefore, the subdivision regulations in existence at the time the lot was created shall control.

§ 155.038 ACCESSORY DWELLING UNIT.

(A) Subdivision to separate detached accessory dwelling units.

(1) Detached accessory dwelling units (excluding mobile homes) which were constructed prior to November 28, 2000, and occupied by one or more persons as of that date, and are on

properties that have no further subdivision or off conveyance rights, may apply for a subdivision lot to separate the detached accessory dwelling from the lot or parcel shared with the principal dwelling unit.

(2) The proposed subdivision lot shall meet the bulk requirements, parking regulations, and Health Department and MDE regulations.

(3) Before any owner of land divides property containing an accessory dwelling unit existing as of November 28, 2000:

(a) The owner shall file an application to create a subdivision lot with the Bureau;

(b) The Bureau shall approve or disapprove with reasons supporting the decision within a reasonable time from submission of the application.

(B) **Application.** The application to create an accessory dwelling unit subdivision lot shall contain:

(1) The name of the owner of the property being divided;

(2) A copy of the legal instrument by which the owner acquired the property;

(3) A copy of a document or other proof which confirms that the detached accessory dwelling unit existed prior to November 28, 2000;

(4) A preliminary plan, showing the detached accessory dwelling unit lot and the remainder, in compliance with the off conveyance/accessory dwelling checklist;

(5) A statement specifying which property is intended to be the principal dwelling lot and which property is intended to be the detached accessory dwelling lot;

(6) A certification from a professional engineer or licensed land surveyor certifying that the proposed entrance or entrances to publicly maintained roads meet AASHTO standards;

(7) A deed conveying all property of the owner between the centerline and 30 feet from the centerline of a publicly maintained road to the governmental entity which maintains the road for the full extent of the frontage of the accessory dwelling subdivision lot. The description as provided herein may be by metes and bounds or may be by reference to the publicly maintained road and a parallel line which is 30 feet from the center thereof. The conveyance need not convey any land which is within 15 feet of an existing building; and

(8) An opinion to and for the benefit of the owner from an attorney licensed to practice law in the State of Maryland on a form approved by the Department which delineates the type or

status of the access and the legal record, if any, of the access and a statement as to which recorded easements, if any, exist for utilities to serve the property.

(C) **Plat Requirement.** A subdivision plat shall be filed when the creation of a new lot containing the former accessory dwelling lot is part of a recorded subdivision. A subdivision plat shall be filed when the creation of an accessory dwelling lot is in the path of a planned major street or planned public project.

(D) **Waiver.** The Director of the Department of Public Works, or its successor agency, may waive the requirements of division (B)(6) of this section.

(E) **Deed.** The deed that conveys the new lot containing the former accessory dwelling unit shall reference that the lot was created through the accessory dwelling subdivision process.

§ 155.039 USE-IN-COMMON DRIVEWAY STANDARDS AND CRITERIA.

(A) **Review and approval.** Design and construction information shall be shown on a set of construction plans prepared in conformance with the applicable checklist. Where a project involves only the construction of a UIC driveway, final construction plans shall be subject to review and approval by the Bureau and Bureau of Engineering, or its successor agency. Where a project involves construction of new county roads or improvements to existing county roads, plans for the UIC driveway shall be included as part of the construction plans for roads. These plans are subject to review and approval by the Bureau and by the Bureau of Engineering, or its successor agency.

(B) **PWA, guaranty, and inspection.** A PWA and a guaranty are required for construction of UIC driveways before construction may start. The PWA shall be prepared by the County Attorney and shall be recorded in the Land Records of Carroll County. Where a project involves only the construction of a UIC driveway, the bond amount shall be determined by the Bureau, and the UIC driveway shall be inspected by the Bureau of Permits and Inspections, or its successor agency. Where a project involves construction of new county roads or improvements to an existing county road, the bond amount for the UIC driveway shall be determined by the Bureau of Engineering, or its successor agency, and be included as part of the total road bond. In this case, the UIC driveway shall be inspected by the Construction Inspection Division of the Bureau of Engineering, or its successor agency.

(C) **Maximum number of users.** The maximum number of users for a UIC driveway, including subdivision lots, remaining portions, remainders, and off conveyances, if applicable, is seven in the A and C Districts and five in the Residential Districts.

(D) **House Numbers.** House number signage may be required along the UIC driveway as directed by the Department of Public Safety or its successor.

(E) **Names.** All UIC driveways serving three or more lots shall be named. Names shall be approved by the Bureau. Street signs shall be installed in accordance with the Department of Public Works, or its successor agency, requirements.

(F) **Drainage and sediment control.** Adequate drainage and sediment control measures shall be provided to handle storm water run-off from all driveways in accordance with Chapters 151 and 152.

(G) **Slope easements.** Slope easements on adjacent lots shall be provided as required by construction and topography.

(H) **Access Easements.** Access easements shall be provided for all lots using the driveway. The easements shall be depicted on the plat and recorded by deed.

(I) **Maintenance.** The developer shall make adequate provisions for UIC driveways and the methods of maintenance, including a Declaration of Maintenance Obligations, shall be recorded with the plat. A note to this effect shall appear on the subdivision plat.

(J) **Maximum Length.** UIC driveways shall be designed so access to the buildable area of any lot is within one thousand two hundred fifty (1,250) feet of the center of a publicly maintained road.

(K) **Branching.** Branching of UIC driveways shall be avoided, whenever possible, and shall not branch more than once.

(L) **Turnarounds.** Turnaround areas shall be used for vehicles turning around only and shall not be used for parking or driveway entrances.

(M) **Administrative Modifications.** The width and centerline radius requirements for UIC driveways may be reduced by up to 20% at the discretion of the Director through an administrative modification process.

(N) **Modifications.** Where the Planning and Zoning Commission finds that because of unusual circumstances of shape and topography or other physical features or conditions of the proposed subdivision, or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with the UIC design requirements of § 155.039 and current County Standards, there may be granted a modification when requested by the developer/owner. However, no such modification shall be granted which will have the effect of nullifying the intent and purpose of the Master Plan, the zoning regulations, this chapter or any other pertinent rules, regulations or laws of the county. Prior to considering such requests, the Planning and Zoning Commission shall refer the matter for technical agency review, which may include the Department of Public Safety or the Department of Fire & EMS. In granting modifications, the Planning and Zoning Commission will consider the comments from the technical review agencies and may require such conditions as will, in its judgment, secure substantially the

objectives of the standards of the requirements so waived or Chapter 155, Development and Subdivision of Land modified. The applicant shall submit a written request for a modification to the county. The request shall include the specific conditions necessitating a modification and include supporting documentation. Any modification for a particular subdivision or development shall be noted on the final plat and appear in the records of the Division.

§ 155.040 TRANSFER OF LOT YIELD ACROSS ZONING LINES.

(A) **Authority.** The Planning and Zoning Commission may, in the exercise of its discretion, approve the transfer of residential building lot yield across zoning lines of the A and C Districts, provided the tracts or parcels are contiguous and in common ownership.

(B) **Restrictions.**

(1) If residential lot yield is transferred across zoning lines of the A and C Districts, no further subdivision of the resulting land or lots may be approved for any purpose.

(2) The Planning and Zoning Commission may, in the exercise of its discretion, require that residential lot yield derived from the C District be clustered subject to the conditions set forth in this section and § 155.036(B).

(C) **Conditions.** The subdivision lots shall be clustered subject to the following conditions which supersede the requirements of §158.07 1.03

(1) **Objectives.** The transfer shall achieve one or more of the following objectives:

(a) Avoid development on high quality agricultural soils;

(b) Increase the acreage, soil quality, or contiguity of the unimproved portions of the parcel remaining after subdivision;

(c) Reduce development impacts to sensitive environmental features or ground or surface water quality; or

(d) Ensure that the undeveloped portion of the parcel remaining after subdivision and development comprises a more desirable piece of farmland for purposes of production or ownership.

(2) **Minimum/maximum.** Individual lots shall be a minimum of one acre and a maximum of two acres in size with a minimum lot width of 150 feet. The front yard shall be at least 40 feet, the side yards shall be at least 20 feet, and the rear yard shall be at least 50 feet. Lots shall be

designed to maximize the resulting land, which is defined as the land derived from the reduction from the three-acre minimum lot area requirement of the C District;

(3) **Total number.** The total number of lots and dwelling units shall not exceed the number that would be permitted if the area would be developed in conformance with its topographic characteristics, percolation requirements, and normal minimum lot size requirements. If one or more lots proposed for transfer are located on soils or slopes questionable in their ability to pass a percolation test, the Planning and Zoning Commission may require percolation tests as needed to determine the number of lots that would be viable without the transfer option;

(4) **Clustering.** All individual lots shall be clustered and arranged to minimize potential environmental or agricultural resource degradation. Lot clustering and arrangement shall be dependent on the physical characteristics of the site;

(5) **No further subdivision.** Residential lots may not be further subdivided. The record plat shall contain a general note indicating the restriction against further subdivision;

(6) **Disposition of resulting land**

(a) The developer and/or property owner shall offer the resulting land to the county for right of first refusal. If accepted by the county, the property owner shall convey the resulting land to the county by deed approved by the County Attorney at the time of recordation of the subdivision plat.

(b) If the county does not accept the resulting land, the developer may elect to allow the resulting land to be owned in common among the residents of the subdivision or to recombine the resulting land with one buildable lot in the subdivision to be owned privately.

(c) If the resulting land is to be owned in common among the residents of the subdivision, the developer shall establish a homeowners' association. Access to the resulting land shall be carefully designed and located to enable perpetual maintenance and accessibility.

(d) If the resulting land is to be recombined with a lot and owned privately, the resulting land may be used as allowed in the zoning district in which it is located. The resulting land shall be subject to any easement required by the County Code, subject to any modification deemed necessary by the County Commissioners to preserve the resulting land for agricultural purposes.

(e) The disposition of the resulting land shall be clearly set forth on the subdivision plat at the time of recordation.

(7) **Easement.** A permanent preservation or conservation easement, in a legal form satisfactory to the County Attorney, shall be executed for the remaining portion and resulting land and shall be noted as a condition of approval on the record plat. The easement shall restrict

future subdivision and development on the remaining portion to one buildable lot right that may not be subdivided from the remaining portion.

(D) Procedure.

(1) The Planning and Zoning Commission shall consider the application of the transfer option at the concept phase of a residential subdivision plan.

(2) In determining whether or not to approve the transfer option, the Planning and Zoning Commission shall consider the following criteria:

(a) Avoidance of soil types that are best suited for agriculture;

(b) Reductions in impervious surfaces and stormwater runoff;

(c) Proximity of lots to potable water supplies;

(d) Reduced impacts to sensitive environmental features such as steep slopes, wetlands, floodplains, and forested areas;

(e) Reduction of ingress and egress points on public roadways; and

(f) Benefits of placing a permanent preservation or conservation easement on the remaining portion and resulting land.

SITE PLAN

§ 155.050 SITE PLAN REQUIREMENTS.

(A) General requirements.

(1) Except as provided in division (A)(3) below, all principal permitted and conditional uses in any district shall be subject to a site plan review by all applicable review agencies as determined by the Director.

(2) No zoning certificate or building permit may be issued until the Planning and Zoning Commission has approved the plan.

(3) This section is not applicable to:

(a) Single-family dwellings;

(b) Multi-family dwellings, provided each individual dwelling unit is located on a separate subdivision lot; or

(c) Agricultural purposes, unless specifically required under Chapter 158 or required by the Board of Zoning Appeals.

(4) Roadway dedication. Required dedication of land for roadway widening along existing public roads shall be made for the length of the parcel being developed. This dedication shall be 30 feet from the centerline of an existing county road, unless modified by the Planning Commission. This shall not apply to the Agricultural Zoning District.

(B) **Delegation.** The Planning and Zoning Commission may authorize the Chair or Secretary to act on its behalf for purposes of this section. When so authorized, the person so acting has all of the powers and duties of the Planning and Zoning Commission which may be imposed or granted by this section. The Chair or Secretary of the Planning and Zoning Commission or the applicant may request that the site plan be reviewed by the Planning and Zoning Commission.

(C) **Review.** The Director shall determine the review process for site plan amendments, accessory uses, and expansions or changes of nonconforming uses.

(D) **Simplified Site Plan.** In accordance with a simplified site plan process, approved April 18, 2000 by the Planning and Zoning Commission, the criteria shall be as follows:

(1) Proposed new disturbance is less than five thousand (5,000) square feet;

(2) Entrance is existing and none being proposed;

(3) Zoning is in place (principal permitted use or prior approval by the Board of Zoning Appeals); and

(4) Exempt from floodplain and stormwater management codes, and there are no Master Plan inconsistencies.

§ 155.051 PARKING DESIGN STANDARDS.

(A) Each parking stall shall contain a minimum rectangular parking space nine feet by 20 feet, unless there is an acceptable overhang which does not obstruct sidewalks or any other traveled route, then the stall length may be reduced to 18 feet. Parallel parking stalls shall be 25 feet in length, provided that the end stalls may be reduced to 20 feet in length. Parking stall length shall be measured perpendicular to stall width.

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

(C) The following standards shall apply to required parking facilities:

(1) **Parking aisle.** Parking aisle width and angle standards:

- (a) Fifteen feet for one-way traffic using 60-degree angle parking or parallel parking;
- (b) Twenty feet for two-way traffic using 60-degree angle parking or parallel parking; and
- (c) Twenty-four feet for traffic using 90-degree or perpendicular parking.

(2) **Access drives.** Access drives which connect roads or parking areas shall be a minimum of 18 feet wide, except for one-way access drives which shall be a minimum of 12 feet wide;

(3) **Parking setback.** Parking stalls, aisles, and access drives which are generally parallel to abutting roads shall be set back a minimum of 15 feet from any public street right-of-way line;

(4) **Landscaping.** Landscaping shall be installed and maintained in accordance with Chapter 157;

(5) **Surfacing.** A durable and dustless surface shall be provided and shall be properly drained. Acceptable surfacing materials may include paving grids and porous paving;

(6) **Lighting.** Lighting provided for parking facilities and access ways shall be shaded or shielded to direct the light, including glare or reflection, away from adjoining or facing residential premises and from public streets;

(7) **Arrangement and marking of parking spaces.** All off-street parking areas shall be so arranged and marked as to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Individual parking spaces shall be clearly defined and directional arrows and traffic signs provided for safe and convenient traffic flow. Each space or area for handicapped or other special parking shall be clearly marked to indicate the intended use and shall be so located as to facilitate its use. All markings and traffic signs shall be perpetually maintained;

(8) **Accessible Parking Spaces and Signage.** Accessible parking spaces shall be provided and comply with the 2010 ADA Standards for Accessible Design – US Department of Justice as adopted by the Maryland Accessibility Code Chapter 09.12.53. Parking signs shall comply with the requirements in the Maryland Accessibility code;

(9) **Off-street loading.** In all districts, uses that involve deliveries, shipments, or removal of goods, materials, supplies, or waste by truck shall provide adequate off-street loading and unloading facilities. For every building having a floor area of 10,000 square feet or more there shall be provided and maintained at least one off-street loading space, plus one additional loading space for each 20,000 square feet or major fraction thereof of floor area so used in excess of the first 10,000 square feet. Each loading space shall be marked and shall not be less than 12 feet in width, 45 feet in length, and 14 feet in clear height. Such space may occupy all or any part

of any required yard except a front yard. No such space shall be located closer than 30 feet to any lot used residentially, unless the loading space is within a completely enclosed building;

(10) Drive-through facilities.

(a) In addition to the parking spaces required by Chapter 158, uses with drive-through facilities shall provide on-site sufficient spaces for vehicles queuing to be served by or otherwise waiting to do business at the facility; off-site queuing is prohibited. Each space that is provided for queuing shall be at least 20 feet in length and ten feet in width. This space requirement shall be in addition to the space at the transaction station. Required spaces shall not interfere with, block, or prevent the use or operation of the facility, including parking spaces, parking aisles, access drives, or entrances.

(b) The following uses shall provide the adequate on-site space for queuing required by this section, but in no case less than the number indicated hereafter:

1. Bank: five spaces per drive-through station;
2. Car wash: five spaces per wash station or line;
3. Gas station: one space per side per gas pump;
4. Pharmacy or drug store: four spaces per service lane;
5. Restaurant: seven spaces per station, five of which must be located in the area approaching the order board; and
6. Other: that number of spaces determined necessary by the Department.

(11) **Non-parking uses.** Required parking areas may not be used for non-parking activities. This includes but is not limited to the display, storage, or sale of goods or the long-term (greater than 24 hours) storage of vehicles including trailers.

§155.052 SITE PLAN PROCESS

(A) Concept Plan.

(1) A developer/owner shall, prior to preparing and submitting a final site plan, present a concept plan of the proposed site plan in compliance with this chapter. The concept plan shall be reviewed by the Technical Review Committee (TRC) and the Planning and Zoning Commission.

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

(3) The plan shall document compliance with the following chapters or sections of the County Code. Concurrence must be documented by the applicable county agency prior to performing any activity regulated by the subject codes

- (a) Floodplain Management, Chapter 153;
- (b) Forest Conservation, Chapter 150;
- (c) Grading and Sediment Control, Chapter 152;
- (d) Landscape Enhancement of Development, Chapter 157;
- (e) Stormwater Management, Chapter 151; and
- (f) Water Resource Management, Chapter 154.

(4) The plan shall include a graphic representation of information that illustrates the location and configuration of the site's environmental and physical characteristics to be verified by the county. The plan shall include the following information:

- (a) Site topography illustrated at a scale of at least one inch: 200 feet with two-foot contour intervals;
- (b) Slope areas between 15% and 25%;
- (c) Any slopes on the site greater than 25%;
- (d) Site vegetative cover types, including but not limited to forested, old field, pasture, scrub, hedge rows, and cultivated field;
- (e) Any surface water bodies or watercourses located on the site, including lakes or impoundments and streams, swales, and ditches;
- (f) Jurisdictional wetlands, including any wetlands of special state concern;
- (g) Any public water supply reservoir watersheds that the site drains into;
- (h) Any buffers required by this chapter or by COMAR;

(i) Any known habitat for any federal or state designated rare, threatened, or endangered plant or animal species, or a letter from the Natural Heritage Program of the Maryland Department of Natural Resources concluding that a lack of evidence exists to indicate a potential habitat;

(j) A forest stand delineation prepared for the site, in compliance with Chapter 150;

(k) Any wellhead protection areas;

(l) Any rock outcrops;

(m) Site soil types and boundaries;

(n) The extent and location of any carbonate rock areas;

(o) Any delineated 100-year floodplain;

(p) Any physical features on the sites, including but not limited to roads and driveways, buildings, stone walls, and any other feature;

(q) The location of any designated historic structure on the site as listed on the county's inventory of historic structures, sites, or districts or by the Maryland Historical Trust; and

(r) Any other information that is necessary as determined by the county.

(5) Carroll County coordinate system.

(a) Coordinates for site plans shall be based on the current Maryland Coordinate System, North American Datum.

(b) Elevations and topography for site plans shall be based on the current North American Vertical Datum.

(c) Coordinate and elevation values shall be provided in feet.

(d) Site plans shall show the following information:

(1) One or more corners accurately tied by bearing and distance to a monument of the Carroll County control system; and

(2) Four state coordinate system tick marks.

(B) Final Site Plan.

(1) The site plan shall be presented to the Planning and Zoning Commission, which shall have the authority to approve the plan as presented, approve the plan with modifications or conditions, or disapprove the plan.

(2) In approving site development plans, the Planning and Zoning Commission shall have the authority to:

(a) Approve the location and design of all site improvements;

(b) Limit the number and approve the location and design of entrances and exits;

(c) Require a plan which shows how signs are to be located and designed and may approve, reject, or modify the sign plan to promote an attractive and pleasing appearance;

(d) Require a plan which shows the location, design, and effect of any outside lights to be used on the property and the effect of any inside lights to be used if their use would affect adjacent, neighboring, or contiguous properties. The Planning and Zoning Commission may approve, reject, or modify the plan where appropriate to prevent visual interference to the traveling public on adjacent roadways, or glare or reflections on adjacent buildings or neighboring properties;

(e) Require that a binding agreement and surety be provided to the county to ensure completion of the site development plan;

(f) Ensure consistency with the Master Plan and this chapter;

(g) Require a traffic impact study be performed by the developer/owner in accordance with criteria established by the Department of Public Works, or its successor agency. The Planning and Zoning Commission may require the developer/owner to take any action necessary to ensure the adequacy and safety of transportation that are affected by the proposed improvements and the Planning and Zoning Commission may require the owner to enter into a PWA, secured by a suitable guaranty, which implements any requirements of the Planning and Zoning Commission. The developer/owner may be required to contribute to a fund to be used to upgrade the transportation facility which is determined to be inadequate on a basis that prorates the effect of the development on the transportation facility; and

(h) Require certification of the adequacy of public facilities by the agencies having jurisdiction over public facilities in the county, including but not limited to the following: public water and sewer facilities, police protection, roads and traffic control devices, storm drain facilities, emergency service facilities, and solid waste disposal facilities. The Planning and Zoning Commission may consider and may use the failure of any agency to certify the adequacy of any public facility or service to serve a proposed site as a basis for disapproval of a site

development plan. Site plans for residential development shall be reviewed for conformity with §§ 156.01 through 156.07.

(3) **Validity.** A site plan shall become void 18 months after the date of written approval by the Planning and Zoning Commission unless a building permit or Zoning Certificate has been issued for the project. In the event the building permit or Zoning Certificate is revoked or is terminated prior to the issuance of a final use and occupancy certificate, the site plan becomes void on the date of revocation or termination. At the written request of the developer/owner, the Director may grant an extension.

SPECIFIC AREAS

§ 155.090 MINERAL RESOURCE RECOVERY AREA.

(A) Community involvement in the site plan review process.

(1) An applicant for site plan approval under this subchapter shall submit a concept plan prior to submission of a detailed mineral resource recovery site plan and the accompanying documentation. The applicant shall then hold a site visit and tour of the subject property for the County Commissioners, the Planning and Zoning Commission, adjoining property owners, appropriate state agencies, and interested citizens for the purpose of explaining the concept plan.

(2) Following the site visit, the Planning and Zoning Commission shall conduct the community involvement meeting. The applicant for the mineral resource recovery operation shall present the concept plan for comment and discussion concerning siting and location of processing operations, setback requirements, screening, berming, landscaping, and transportation routes.

(3) After the community involvement meeting, the applicant may submit the site plans and accompanying documentation to the county.

(4) Adjoining property owners, the County Commissioners, and the Planning and Zoning Commission will be notified by the applicant, by first class mail, of the date, time, and place of the site visit and tour and the community involvement meeting. There will also be a public notice specifying the date, time, and place of the site visit and tour and the community involvement meeting, which will be advertised twice by the applicant in one newspaper of general circulation in the area in which the mining is proposed to occur. The public notice shall appear no more than 14 and no less than seven days in advance of the site visit and tour and the community involvement meeting. The site shall be posted with a notice of the time and place of the site visit and tour and community involvement meeting at least two weeks before the tour and the meeting.

(B) Application requirements to establish mineral resource operation. An applicant for site plan approval for a mineral resource recovery operation shall submit a site development plan to the Planning and Zoning Commission. The site development plan shall contain the following:

- (1) All information as required by the site plan checklist;
- (2) A copy of the documents submitted to obtain state permits for the extractive operation and all correspondence received from the state;
- (3) A comprehensive, site-specific, geologic/hydrogeologic analysis that shall include at a minimum:
 - (a) Site geologic mapping: geologic contacts, bedrock outcrops, faults, three subsurface cross-sections perpendicular to regional strike or mineral deposit;
 - (b) The location of current and any known historical sinkholes on site or on adjacent properties;
 - (c) Fracture trace analysis;
 - (d) Hydrogeologic mapping: ground and surface watershed boundaries; water balance analysis; aquifer test data, results, and evaluation; depth to water table using borehole data and a water table map; three subsurface cross-sections perpendicular to strike or mineral deposit; and
 - (e) The location of all wells within the zone of influence of the proposed pit as designated by the state. The data should include depth, yield, water quality, length of casing, and status whether used, unused, or abandoned.
- (4) A complete site analysis including the location of the mineral deposit to be extracted, significant environmental features, significant historical and archaeological resources, and existing forested areas;
- (5) A landscaping plan pursuant to the requirements of Chapter 157, with details including the height and location of any proposed fences and berms;
- (6) A plan showing the line-of-sight cross-section and cross-section studies showing how the line-of-sight will be interrupted from surrounding properties as required in § 158.096(C)(6);
- (7) A development program stating the sequence in which mineral resource recovery and related activities are to be developed;

(8) A plan for the reclamation and ultimate reuse of all lands proposed for mineral resource recovery including possible access to the site and availability of any abandoned water-filled pits for future public water supplies;

(9) The description of all proposed or anticipated truck haul routes within the county and a traffic impact study performed by a licensed traffic engineer that addresses the effects of any proposed mineral resource recovery activity on present and projected levels of service, adequacy of the present and planned road system, road safety conditions, pavement impact and breakdown, bridge capacity, and other factors related to traffic flow and safety. The criteria to be included in the traffic impact study will be dependent upon a pre-study conference which considers factors such as proximity of the development to residential and other land uses, the size of the resource recovery operation through initial recovery stages and peak operation, and any other factors deemed necessary by the Planning and Zoning Commission;

(10) A map detailing the location of any other mineral resource operation that may exist within one-half mile of the site; and

(11) Any additional analyses and plans requested by the Planning and Zoning Commission for the purpose of monitoring compliance with the regulations and performance standards of the zone.

(C) Special requirements for development in the MRO.

(1) Except as provided in § 158.096(B)(5), within an MRO, residential building lots created after March 1, 1992 shall only be located on portions of a parcel not overlaid by the Viable Resource Area (VRA). Development in the Mineral Resource Notification Area (MRN) should be located to minimize conflicts between the development and the planned or existing mineral resource recovery operation.

(2) On properties where residential building lots cannot be located outside of the VRA based upon the boundaries of the properties as they existed on January 1, 1991, a transfer of development right (TDR) will be permitted to another area within the A, R-40,000, R-20,000, and R-10,000 Districts cluster subdivision, pursuant to this chapter.

(3) All subdivision plans, site plans, record plats, and building permits dealing with land in the MRN shall contain notations identifying the property as lying within a MRO and as within one-half mile of an area where mineral resource recovery operations are currently occurring or may occur in the future.

(D) Transfer of development rights (TDR). The owner of a parcel on which a VRA designation has been placed has the right to create residential lots only at the density permitted in the underlying zoning district, subject to the provisions of this chapter. The property owner may transfer the development rights to property in the A District pursuant to the provisions of this chapter or to property zoned R-40,000, R-20,000, and R-10,000 Districts which is being

subdivided under the cluster subdivision provisions in this chapter, and pursuant to the following:

(1) Creation of a TDR will be permitted by the Planning and Zoning Commission only when it determines that residential lots cannot be clustered from the portion of the property designated VRA to a portion of the property or to adjoining property under the same ownership not designated VRA.

(2) Before an owner of property which has been given approval to create TDRs may transfer these rights, the owner shall:

(a) File an application for a TDR with the Bureau. A metes and bounds description of the property and a survey plat, prepared by a registered engineer or surveyor and certified to be correct, shall accompany each application;

(b) Obtain written approval from the Planning and Zoning Commission of the base number of development rights on the property; and

(c) Once the Planning and Zoning Commission has determined the base number of development rights, that number shall be multiplied by two, which shall be the total number of development rights available for transfer.

(3) At the time of the approval of the total number of TDRs, a serial number shall be assigned to each development right approved.

(4) Before a TDR may occur, the owner of the property from which the development rights have been approved shall record a TDR easement in the Land Records of Carroll County, as well as file a copy with the Bureau. The easement shall state the total number of development rights approved on the property. The recordation of the TDR easement creates a permanent easement against residential subdivision or development of land for residential use on the property.

(5) At the time of transfer of a development right or rights, a deed of TDR shall be recorded in the Land Records of Carroll County, and a copy placed on file with the Bureau.

(6) When subdivision approval is given by the Planning and Zoning Commission and a plat recorded for a property using TDR, a TDR extinguishment shall be recorded in the Land Records of Carroll County and a copy filed with the Bureau.

(7) All preliminary subdivision plans on which TDRs are to be incorporated shall have a notation as to the number of lots on the plan that are being created through TDR. The plan shall also contain the serial number of each TDR lot being used. A copy of the deed of TDR shall accompany each subdivision plan using TDR.

(8) Subdivision of land in the A District which utilizes TDR shall be performed in accordance with this chapter and any applicable development guides and standards.

(9) Subdivision of parcels in the R-40,000, R-20,000, and R-10,000 cluster subdivision utilizing TDR shall be performed in accordance with this chapter.

§ 155.091 PLANNED UNIT DEVELOPMENT (PUD).

(A) **Applicability.** A planned unit development (PUD) may be approved by the Planning and Zoning Commission, as permitted in §§ 158.074(C) and 158.075(C), subject to all the following provisions of this section.

(B) Purpose and objectives.

(1) Within the limit of these requirements, it is the purpose of the PUD to provide suitable sites for relatively higher density types of residential structures in areas zoned R-10,000 and R-7,500, and to permit the optimum amount of freedom and variety in the design and management of such varying types of residential structures, including one- and two-family units, townhouses, and garden apartments within the areas designated.

(2) The following objectives are sought in providing for the PUD:

- (a) To provide a more attractive and varied living environment than would be possible through the strict application of Residential District requirements;
- (b) To encourage developers to use a more creative approach in the development of land;
- (c) To encourage a more intimate, efficient, and aesthetic use of open space; and
- (d) To encourage variety in the physical development patterns of residential areas.

(C) Area.

(1) The proposed PUD shall normally include a tract of land not less than 20 acres in a R-10,000 District and ten acres in a R-7,500 District.

(2) A PUD may be considered on a parcel of land of less than ten acres if it has a common boundary with a R-7,500 District, but in no case shall a tract of land of less than five acres be considered.

(3) Where the acreage in a PUD project is 100 acres or more, the Planning and Zoning Commission may approve, as part of the overall plan, a planned commercial center in which C-1 District uses may be located in accordance with this chapter; provided, however, that such

planned commercial center is located in a manner as to be an integral part of the development itself and not a means of servicing adjacent areas, or such a basis by which a commercial district may be extended to adjacent properties.

(D) Designation of planned unit development.

(1) Land zoned properly and meeting the minimum requirements may be designated by the Planning and Zoning Commission as suitable for a PUD and may be developed by the owner, if the owner so desires, according to the requirements and standards herein.

(2) No land shall be designated as a PUD unless it satisfactorily meets such additional criteria as to suitability for such a development as may have been adopted by the Planning and Zoning Commission. Such criteria shall include but not be limited to present or potential adequacy of schools, and highway access.

(E) Type and use of structures.

(1) Dwelling units may include single-family, two-family, or multi-family structures, based on density requirements, standards described, the nature of the adjacent development, and compensating features of the development plan. The Planning and Zoning Commission may also approve places of public assembly, recreational buildings, and accessory buildings if primarily for use by persons residing within the PUD and if located and planned in a manner not detrimental to adjacent properties.

(2) The sum of the number of dwelling units in multi-family structures shall not constitute more than 60% of all dwelling units of all types.

(F) Density.

(1) The gross residential density of a PUD shall not exceed the equivalent of six dwelling units per gross acre. Such density shall be calculated as follows, as applicable to multi-family structures:

(a) Each efficiency apartment dwelling unit is equivalent to 0.50 units;

(b) Each one-bedroom multi-family or apartment unit is equivalent to 0.75 units;

(c) Each two-bedroom multi-family or apartment dwelling unit is equivalent to 1.00 unit;

and

(d) Each three-bedroom multi-family or apartment dwelling unit is equivalent to 1.50 units.

(2) Calculation of gross acreage shall include all land within the PUD tract, regardless of use, and if it abuts an external motorway to which access is permitted may include one-half of the right-of-way thereof, but not exceeding 30 feet.

(G) **Open space.** Common open space shall comprise not less than 25% of the gross area. Such space shall include land area to be developed as recreational areas or which is designated for the common use of all occupants of the PUD, but shall not include streets, off-street parking areas, or utility easements. The Planning and Zoning Commission must be furnished satisfactory evidence as a condition for approval that such open space area will be continued and that perpetual maintenance is provided for.

(H) **Sanitary facilities.** Prior to accepting for approval a development plan for a PUD, the Planning and Zoning Commission must be furnished satisfactory evidence that acceptable community water and sewerage systems will be provided and approved by the Carroll County Health Department and any other agency having jurisdiction over such matters.

(I) Development plan.

(1) Applications for approval of PUD shall be accompanied by a development plan prepared by a licensed architect, registered civil engineer, professional landscape architect, or other qualified land planner. The development plan shall be to scale and contain sufficient information to establish the identity of proposed uses, grades, and approximate dimensions and locations of proposed structures, streets, parking areas, walkways, easements, and property lines.

(2) After approval of the development plan by the Planning and Zoning Commission, any material change therein shall require a resubmission of such plan for approval. In any case, where an approval has been given by the Planning and Zoning Commission and construction has not started within one year thereafter, such approval of the PUD shall automatically be terminated.

(J) Standards for location of dwelling types.

(1) Within 100 feet of any other property in a Residential District, other than a R-7,500 District, dwellings shall be of single-family types.

(2) As a condition for approval of a PUD in which multi-family dwellings are proposed, the Planning and Zoning Commission shall require, over and above other standards herein, that these uses be so arranged and distributed, and appropriately related to public open space, single-family dwellings, or semi-detached dwellings that higher densities are not unreasonably and disproportionately concentrated in these locations, or so located as to concentrate traffic on minor residential streets.

(K) Bulk requirements.

(1) Bulk requirements shall be as follows:

<i>Use</i>	<i>Min. Lot Area (sq. ft.)</i>	<i>Min. Lot Width (feet)</i>	<i>Front Yard (feet)</i>	<i>Side Yard (feet)</i>	<i>Rear Yard (feet)</i>	<i>Max. No. Dwelling Units per Bldg.</i>
<i>Single-Family</i>						
Interior lot	7,000	70	30	10 (one); 25 (sum of both)	35	1
Corner lot	8,000	80	30	25 (corner) 35 (for both)	35	-
<i>Semi-detached (1/2 building)</i>						
Interior lot	5,000	37.5	30	12	35	2
Corner lot	6,000	60	30	30	35	-
<i>Apartment houses</i>						
Interior yard	20,000	150	30	30	35	16
Street corner	3,000 per apt. unit	150	30	30	35	-
<i>Townhouses</i>						
Interior lot	2,500	20	30	0	35	6
End dwelling (no street corner)	4,000	40	30	15	35	-
End dwelling	5,500	55	30	30	35	-

(2) Where more than one apartment building is placed on a tract of land and all are considered units, there shall not be less than 60 feet between the long dimensions of any buildings or building groups regardless of the relation between front and rear facades; not less than 25 feet between the ends of the buildings, except that if opposing end walls contain

windows that provide over 25% of the light and ventilation to one or more living rooms, the minimum distance between ends of buildings shall be 40 feet.

(L) **Height regulations.** The maximum height of buildings shall not exceed the height as specified in Chapter 158 for the R-7,500 District.

(M) **Parking.** Off-street parking shall be provided in accordance with this chapter, provided that § 155.078(C) may be waived by the Planning and Zoning Commission where common parking areas are approved adjacent to any public street right-of-way line.

(N) **Public hearing.** No public hearing need be held on any application for a PUD; however, a public hearing may be held by the Planning and Zoning Commission when it deems such hearing to be desirable or necessary in the public interest.

(O) **Lot frontage.** Lots for multi-family dwellings shall front on a street or, if approved by the Planning and Zoning Commission, on a common open space where unobstructed access of emergency vehicles is provided.

§ 155.092 PLANNED COMMERCIAL CENTERS (PCC).

(A) Approval of certain types of centers by Planning and Zoning Commission. In any commercial district, the Planning and Zoning Commission may approve a neighborhood-type shopping center or a community-type shopping center subject to the provisions hereinafter set forth under this subchapter.

(B) **Development plan.**

(1) 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 and Zoning Commission to give the necessary consideration.

(2) It shall be the duty of the Planning and Zoning 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 PCC will not cause points of traffic congestion on existing or planned future roads in the areas of such proposed location; and

(b) The plans provide for a PCC consisting of one or more groups of establishments in buildings of integrated and harmonious design, together with adequate and properly arranged

traffic and parking facilities and landscaping, so as to result in an attractive and efficient shopping center.

(C) **General regulations.** The following regulations shall apply to a PCC:

(1) **Yards.**

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

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

(D) **Accessory uses.** Regardless of the underlying zoning district, the Planning and Zoning Commission may allow residential uses as an accessory use to a PCC as follows:

(1) **Second story.** Provided the structure is not more than a total of two stories, residential units may be provided on the second story of the structure. No residential use is permitted on the first story of any structure within the PCC.

(2) **Floor area.** A residential unit shall be no less than 600 square feet and no greater than 1,000 square feet in size. The area of all residential units shall not exceed 50% of the total area of the structures within the PCC.

(3) **Concurrency management.** All residential units shall be subject to §§ 156.01 through 156.07.

(4) **Development impact fees.** All residential units shall be subject to §§ 33.55 through 33.69.

(5) **Redevelopment.** A PCC existing as of February 26, 2007, may be redeveloped to include residential units on the second story of any existing structure, provided that:

(a) An amended site plan is approved by the Planning and Zoning Commission; and

(b) Compliance with §§ 156.01 through 156.07 and §§ 33.55 through 33.69 is achieved prior to any change of use.

(6) **Parking.** In addition to any parking required for the PCC, the Planning and Zoning Commission may require an additional parking space per residential unit and may, in its discretion, restrict the additional parking to use by the residential tenant.

§ 155.093 LOT CREATION FROM CERTAIN LAND SUBJECT TO AGRICULTURAL LAND PRESERVATION EASEMENT OR MARYLAND AGRICULTURAL LAND PRESERVATION DISTRICT.

Where land is subject to an agricultural land preservation easement:

(A) The provisions of this chapter governing lot area, lot width, and street frontage for lots shall not be applicable to the extent they conflict with the law or regulations or terms of an agricultural land preservation easement and these provisions shall not be applicable to any lot that was subject to a Maryland Agricultural Land Preservation District Agreement and which contained a house (excluding mobile homes) that was constructed prior to May 17, 2007;

(B) A detached accessory dwelling unit shall not be subject to the eligibility for subdivision requirement as found in § 158.071.02; and

(C) Accessory dwelling units created on agricultural land preservation easement properties that have no further lot yield may not be subdivided or conveyed to any person, nor may it be conveyed separately from the original parcel.

§ 155.094 MOBILE HOME PARKS.

(A) The Planning and Zoning Commission shall review, in accordance with §§ 158.076 and 158.150 of this County Code, any plans for mobile home parks.

(B) The following regulations shall be required in the authorization of any mobile home parks:

(1) The regulations governing mobile home parks prescribed by the Carroll County Health Department, as well as other county or state regulations, shall be complied with;

(2) The area of any such park shall not be less than 20 acres;

(3) New mobile home parks or any enlargement or extension to an existing mobile home park shall not be permitted unless the existing park conforms or is made to conform substantially with all the requirements for new park construction and the provisions of this chapter;

(4) The Planning and Zoning Commission in its review may increase the distance requirements of § 158.040; and

(5) The plan shall conform to the "Mobile Home Park Regulations and Development Guide," effective August 17, 1971.

ARTICLE II. SEVERABILITY.

Should any provision, section, sentence, clause, or part of this ordinance be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this ordinance, it being the intent of the County Commissioners that such remainder shall be and shall remain in full force and effect.

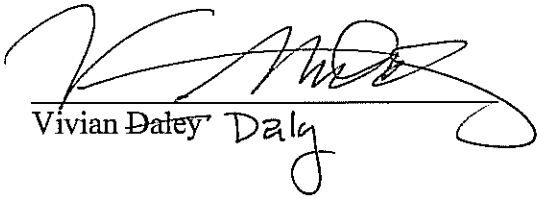
ARTICLE III. EFFECTIVE DATE.

This Ordinance shall become effective on _____, 2022.

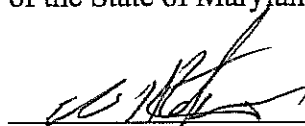
ADOPTED October 20, 2022.

THE COUNTY COMMISSIONERS OF
CARROLL COUNTY, MARYLAND,
a body corporate and politic
of the State of Maryland

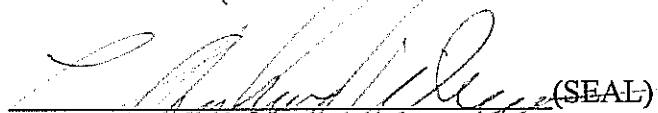
ATTEST:



Vivian Daley Dalg




Edward C. Rothstein, President (SEAL)



C. Richard Weaver, Vice-President (SEAL)



Stephen A. Wantz, Commissioner (SEAL)



C. Eric Bouchat, Commissioner (SEAL)



Dennis E. Frazier, Commissioner (SEAL)

Approved for legal sufficiency:



Timothy C. Burke, County Attorney

Notice of Public Hearing published: _____

Public Hearing held: _____

Public Meeting to adopt Ordinance: _____

Notice of Adoption of Ordinance published: _____

Ordinance filed with Clerk of Court: _____

I hereby certify that the actions described above took place on the dates referred to above and that this Ordinance is effective as of the _____ day of _____, 2022.

Timothy C. Burke, County Attorney

I2230-0297/ATTORNEY/ORDINANCES/CH155&158(AGRICULTURAL&CONSERVATION)/2022 /Ordinance.doc

RETURN RECORDED ORIGINAL ORDINANCE TO:

**County Attorney
225 North Center Street
Westminster, Maryland 21157**