

ORDINANCE NO. 2026-

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 recommended the proposed amendments at its meeting on July 21st, 2026.

NOW, THEREFORE, BE IT ENACTED by the Board of County Commissioners of Carroll County, Maryland:

ARTICLE I. AMENDMENTS.

§ 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:

- (8) The Board of County Commissioners may, through a Development Rights and Responsibilities Agreement pursuant to Chapter 161, vary the requirements for open space, density, and minimum lot size. Notwithstanding § 161.03(C), a cluster subdivision that provides a benefit to the County, as determined by the Board of County Commissioners, may request a Development Rights and Responsibilities Agreement.

ARTICLE II. REPEAL.

§ 155.036.01 TEMPORARY DEFERRAL ON CLUSTER SUBDIVISIONS IN THE FREEDOM DESIGNATED GROWTH AREA.

There shall be a temporary deferral on the processing, reviewing, and approval of all cluster subdivisions in the Freedom Designated Growth Area as defined in § 155.036 for a period of six months starting with the effective date of this section (December 18, 2025). However, any project submitted for review to the County Development Review Division prior to December

1, 2025, which was in compliance with all zoning and subdivision requirements in effect on that date shall not be deferred and shall be reviewed, processed, and approved in accordance with those requirements.

ARTICLE III. SEVERABILITY.

Should any provision, section, paragraph, or subparagraph of this ordinance, including any code, or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having jurisdiction; the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code or text adopted hereby. Each such provision, section, paragraph, or subparagraph is expressly declared to be and is deemed severable.

ARTICLE IV. EFFECTIVE DATE.

This Ordinance shall become effective _____, 2026.

ADOPTED _____

ATTEST:

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

Vivian Daly, County Clerk

_____(SEAL)
Joseph A. Vigliotti, President

_____(SEAL)
Michael R. Guerin, Vice-President

_____(SEAL)
Thomas S. Gordon III, Commissioner

_____(SEAL)
Kenneth A. Kiler, Commissioner

_____(SEAL)
Susan W. Krebs, Commissioner

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 _____, 2026.

Timothy C. Burke, County Attorney