

ORDINANCE NO. 2024- 01

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 October 17, 2023.

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

ARTICLE I. AMENDMENTS.

§ 158.084 COMMERCIAL AND INDUSTRIAL DISTRICTS: BULK REQUIREMENTS.

(A) **Bulk requirements in the Commercial Districts.** For the purposes of this section, adjoin or adjoining means two or more parcels that share a common property line or point of intersection of two property lines.

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

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

(2) The following requirements shall be observed for properties in the Commercial Districts that adjoin a property in a Residential District, subject to the provisions of § 158.130. Provided, any existing nonresidential building, or any proposed nonresidential building for which a conditional use application has been filed or approved, or a development plan has been submitted and accepted for review, prior to February 15, 2024, shall not be subject to these provisions, but shall be subject to the requirements in subsection (A)(1) above:

- (a) Front yard: minimum 10 feet.
- (b) Side yard: minimum 15 feet.
- (c) Rear yard: minimum of 15 feet.
- (d) Height: maximum of 35 feet.

(3) Additional bulk requirements for Planned Commercial Centers are as provided for in § 155.092.

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

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

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

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

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

(7) Within a Business Park, the yards on both sides of an interior lot line may be zero, and the Planning Commission may reduce other yard requirements. Where a zero yard is proposed, setbacks, buffers and/or landscape screening requirements shall not be applicable.

§ 158.130 EXCEPTIONS AND MODIFICATIONS.

(E) Height.

- (1) Building height limitations shall not apply to water tanks, barns, windmills, silos, or other accessory farm structures; or to material storage silos or bins, belfries, steeples, spires, electric or communication poles or towers, electric generating plants, electric transforming or switching equipment, radio, television, or radar towers, chimneys or smoke stacks, flagpoles, fire or observation towers, cupolas, domes, monuments, penthouses, or roof structures for housing stairways; or to tanks, ventilating fans, air-conditioning equipment or similar equipment required to operate and maintain the building. No penthouse or roof structure shall have a total area greater than 25% of the roof area. This provision shall not apply to wind energy systems.
- (2) In any A or R District, the height of a building may be extended to not over 40 feet, if each side yard is increased in width one-half foot for each additional one foot of height above the normal maximum limit.
- (3) In any Commercial District which adjoins a Residential District, the height of a building may be extended up to 50 feet if the side and/or rear yard adjoining the Residential District is increased in width one foot for each additional one foot of height above the normal maximum limit.
- (4) On any lot where the average finished slope adjoining the building exceeds 7% grade, one story in addition to the number permitted in the zone in which such lot is situated shall be permitted on the downhill side of any building erected, but the building height limit shall not otherwise be increased above that specified for the zone.

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

ARTICLE II. SEVERABILITY.

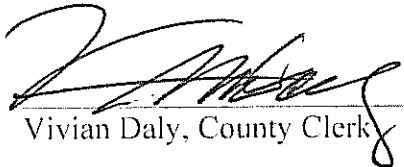
Should any provision, section, paragraph, or subparagraph of this ordinance, including any code, or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having jurisdiction; the same shall not affect the validity, legality, 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 III. EFFECTIVE DATE.

This Ordinance shall become effective February 15, 2024.

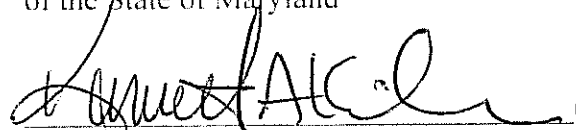
ADOPTED: 02/15/24

ATTEST:

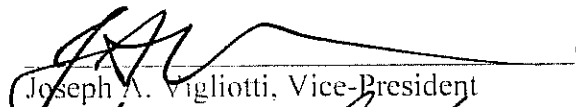


Vivian Daly, County Clerk

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



(SEAL)
Kenneth A. Kiler, President



(SEAL)
Joseph A. Vigliotti, Vice-President



(SEAL)
Thomas S. Gordon III, Commissioner

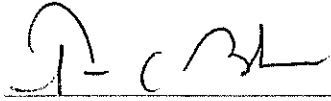


(SEAL)
Michael R. Guerin, Commissioner



(SEAL)
Edward C. Rothstein, Commissioner

Approved for legal sufficiency:



Timothy C. Burke, County Attorney

Notice of Public Hearing published: 01/11/24 and 01/18/24

Public Hearing held: 01/25/24

Public Meeting to adopt Ordinance: 02/15/24

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 _____, 2024.

Timothy C. Burke, County Attorney