

**ORDINANCE NO. 2024-**

**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

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

**ARTICLE I. AMENDMENTS.**

**§158.002 – DEFINITIONS.**

(2) ***DWELLING, SINGLE-FAMILY.*** A detached building designed for or used exclusively for residential purposes by residents as a single dwelling unit, except when including an attached accessory dwelling. A ***DWELLING, SINGLE-FAMILY*** shall include a ***MODULAR DWELLING*** or a ***MANUFACTURED HOME*** when converted to real property.

***MANUFACTURED HOME.*** A transportable structure that is more than 320 square feet in size; attached to a permanent foundation; is designed to be used as a dwelling; includes plumbing, heating, air-conditioning, and electrical systems; has a HUD certification number; and complies with federal safety standards. A ***MANUFACTURED HOME*** is only considered a ***DWELLING, SINGLE-FAMILY*** when it is converted to real property.

***MODULAR DWELLING*** A building assembly or system of building subassemblies designed for habitation as a dwelling for one or more individuals that: includes the necessary electrical, plumbing, heating, ventilating, and other service systems; is made or assembled by a manufacturer on or off the building site for installation, or assembly and installation, on the building site; and, is installed and set up according to the manufacturer’s instructions on an approved foundation and support system.

***QUALIFIED PROJECT.*** A housing project as established in the Maryland Land Use Article; Title 7, Section 5: Housing Expansion and Affordability.

**§158.176 – QUALIFIED PROJECTS.**

1. In this section, the following words have the meanings indicated.
  - a. “Controlled by” means a business structure in which a nonprofit organization is a managing member, general partner, or otherwise controlling entity with a for-profit member or partner as demonstrated by an attorney licensed by the State.

- b. “Nonprofit organization” means an organization that is qualified as tax-exempt under 501(C)(3) of the Internal Revenue Code and has been designated as such for at least 3 years.
  - c. “Mixed-use” means any combination of a residential use with a recreational, office, dining, or retail use.
    - a. “Mixed-use” does not mean any combination of a residential use with an industrial or hazardous use.
2. A Qualified Project means a residential project that:
    - a. Consists of new construction or substantial renovation.
    - b. Is on land, including land that is subject to a ground lease, that:
      - i. Is wholly owned by a nonprofit organization, or
      - ii. Includes improvements owned by an entity that is controlled by a nonprofit organization.
    - c. Contains at least 25% of units that are affordable dwelling units as defined in the Maryland Land Use Article; Section 7-501; and
    - d. Is deed-restricted to include 25% of units that are affordable dwelling units for a period of at least 40 years.
  3. In a zoning district that allows for single-family residential use per §158.071.01, §158.075.01, and §158.082, a qualified project may include middle housing units which may include duplexes, triplexes, quadplexes, cottage clusters, or townhomes as referenced in the Maryland Annotated Code; Title 7, Section 5: Housing Expansion and Affordability and may exceed the allowable density in the zoning district.
  4. In a zoning district that allows multi-family residential use, a qualified project:
    - a. May have a density limit that exceeds by 30% the allowable density in that zone for uses that are not part of a qualified project; and
    - b. May consist of mixed-use, as permitted in the underlying zoning district.
  5. In a zoning district that does not allow for residential use, a qualified project may consist of a mixed-use development with density limits that do not exceed the R-7,500 zone.
    - a. Qualified projects under this subsection must conduct a public health impact assessment and receive approval of the public health impact assessment from the Maryland Department of Housing and Community Development.
      - i. The public health impact assessment shall evaluate potential public health impacts associated with the proximity of the qualified project to any health hazards within the zoning district that does not allow for residential use.
  6. Qualified Projects shall be subject to plan approval by the Planning Commission pursuant to §155.031 and/or §155.050.
  7. All residential units shall be subject to concurrency management pursuant to §156.01-§156.07.
  8. All residential units shall be subject to development impact fees pursuant to §33.55-§33.69.

**§158.075.03 – RESIDENTIAL DISTRICTS: BULK REQUIREMENTS.**

**(A) Residential District Lot Area Requirements.**

	<b>R-40,000</b>	<b>R-20,000</b>	<b>R-10,000</b>	<b>R-7,500</b>
Single-family dwellings	40,000 sf	20,000 sf	10,000 sf	7,500 sf
Two-family dwellings	NA	NA	7,500 sf per unit	5,000 sf per unit

**§ 158.084 COMMERCIAL AND INDUSTRIAL DISTRICTS: BULK REQUIREMENTS.**

(D) Within a Business/Industrial Park or an Industrial 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.

**§ 158.159 BUSINESS PARK**

A Business Park is a self-contained development area of at least ten acres that is cohesive, with a common development scheme, and approved as a single development plan.

(G) An average of 3.5 parking spaces per 1,000 square feet of building area shall be provided for the lots within a Business Park. The minimum number of spaces as required herein and any modifications to the parking space design standards, as previously approved by the Planning Commission during the site development plan approval of the Business Park, shall supersede any parking requirements and design standards of Chapter 155.

**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 \_\_\_\_\_, 2024.

ADOPTED \_\_\_\_\_

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

ATTEST:

\_\_\_\_\_  
Vivian Daly, County Clerk

\_\_\_\_\_(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: 10/25/2024 and 10/31/2024

Public Hearing held: 11/14/2024

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 \_\_\_\_\_, 2024.

\_\_\_\_\_  
Timothy C. Burke, County Attorney