

ORDINANCE NO. 2023-07

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, There are existing restaurants in the County Agricultural District which are connected to already established golf courses and/or driving ranges; and

WEHERAS, the Carroll County Planning and Zoning Commission approved the amendments at its meeting on June 18, 2023; 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;

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

ARTICLE I. AMENDMENTS.

Section 1. The Code of Public Local Laws and Ordinances of Carroll County, Title XV, Land Use, Chapter 158, Zoning, 158.040 Distance Requirements (B) (3) is deleted in its entirety and amended as follows:

158.040 DISTANCE REQUIRMENTS.

(B)

(3) Commercial swimming pools and golf course and/or driving range in the Agricultural and Conservation Districts;

Section 2. The Code of Public Local Laws and Ordinances of Carroll County, Title XV, Land Use, Chapter 158, Zoning, 158.07101 Agricultural and Conservation Districts: Regulation of Principal Uses is amended as follows:

§ 158.071.01 AGRICULTURAL AND CONSERVATION DISTRICTS: REGULATION OF PRINCIPAL USES.

Land Use Subcategory	Agriculture	Conservation	Additional Regulations
Commercial			
Outdoor Recreational Area	C	C	158.002, 158.169
Golf course	C	C	158.002, 158.040, 158.169
<u>Food service, as part of a golf course and/or golf driving range</u>	<u>C</u>	<u>C</u>	<u>158.002, 158.040, 158.169</u>

Section 3. The Code of Public Local Laws and Ordinances of Carroll County, Title XV, Land Use, Chapter 158, Zoning, 158.169 Golf Course is deleted in its entirety and replaced as follows:

Chapter 158, Zoning

§ 158.169 GOLF COURSE AND GOLF DRIVING RANGE.

(A) Golf courses may be authorized by conditional use in the Agricultural and Conservation Districts subject to site plan review under Chapter 155 and the filing of a professionally prepared environmental impact plan demonstrating how use, maintenance, and activities will be conducted and operated so as to not adversely affect the natural resources and comply with the County's water resources protection standards as may be adopted by the county in the Water Resources Manual.

- (B) Food service as part of a golf course and/or driving range may be authorized by a conditional use which requires approval from the Board of Zoning Appeals per § 158.133 and site plan approval from the Planning and Zoning Commission.
- (C) Golf courses and golf driving ranges are subject to the distance requirements in § 158.040.
- (D) Food service as part of a golf course and/or golf driving range may not include a drive thru service.
- (E) Food service allowed within this section must operate under the existing name of the golf course and/or driving range.

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 effect 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 Sept. 7, 2023.


ADOPTED Sept. 7, 2023

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

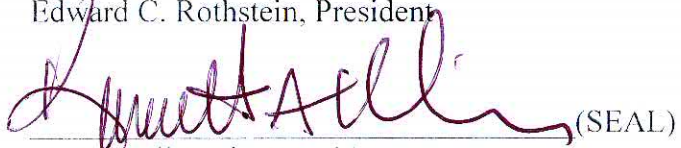
ATTEST:



Vivian Daly, County Clerk



Edward C. Rothstein, President (SEAL)



Kenneth Kiler Vice-President (SEAL)



Joseph Viglioti, Commissioner (SEAL)



Thomas Gordon III, Commissioner (SEAL)



Michael Guerin, Commissioner (SEAL)


Approved for legal sufficiency:



Timothy C. Burke, County Attorney

Notice of Public Hearing published: 8/10/2023, 8/17/2023
Public Hearing held: 8/24/2023
Public Meeting to adopt Ordinance: 9/7/2023
Notice of Adoption of Ordinance published: September 18, 2023
Ordinance filed with Clerk of Court: September 18, 2023

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 7th day of September, 2023.



Timothy C. Burke, County Attorney