

ORDINANCE NO. 2010-02

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, has enacted and codified the "Code of Public Local Laws and Ordinances of Carroll County, Maryland";

WHEREAS, the Board is charged under State law with the duty and responsibility for the comprehensive, coordinated, orderly growth, development and use of land and structures through implementation of planning, zoning and subdivision controls, plans, policies and programs to promote the health, safety, morals 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 reviewed these amendments at its meeting on February 16, 2010.

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

ARTICLE I. AMENDMENTS.

Section 1. Code of Public Local Laws and Ordinances of Carroll County, Chapter 223, Zoning, § 223-140E is amended as follows:

§ 223-140. Mobile homes.

[Amended 04/07/09 by Ord. No. 09-02]

No person shall park, store or occupy a mobile home (nor allow or permit parking, storage or occupancy of a mobile home), for living or other purposes, except:

E. Camping or recreational mobile homes in any district, as an accessory use, and not used for living or business purposes unless in a bona fide recreational camping area or as specified under Section H. *[Amended 04/07/09 by Ord. No. 09-02]*

Section 2. Code of Public Local Laws and Ordinances of Carroll County, Chapter 223, Zoning, § 223-140H is added as follows:

§ 223-140. Mobile homes.

[Amended 04/07/09 by Ord. No. 09-02]

No person shall park, store or occupy a mobile home (nor allow or permit parking, storage or occupancy of a mobile home), for living or other purposes, except:

- H. In the event of a major rehabilitation or rebuilding of an existing home, one mobile home may be permitted on the same premises with Zoning Administrator approval, for living purposes as a temporary use in any district, subject to the following conditions:
- (1) Documentation by the property owner of sufficient evidence to establish the rehabilitation or rebuilding of the home including, but not limited to construction plans, building permits, and approved financing;
 - (2) The property shall be a minimum of one acre;
 - (3) The mobile home shall be connected to a private well and septic system; and
 - (4) The temporary use shall not exceed a period of one year.
 - (5) The mobile home shall be disconnected from the water supply and sanitation and removed from the site within 60 days of issuance of the use and occupancy certificate for the home; and
 - (6) While being used for living purposes pursuant to this subsection, the mobile home, camper, or recreational vehicle shall be equipped with proper smoke detectors.

Section 3. Code of Public Local Laws and Ordinances of Carroll County, Chapter 223, Zoning, § 223-23A(8) is added as follows:

§ 223-23. Temporary/seasonal uses.

[Former section transferred to § 103-21 by Ord. No. 04-15. This section added 04/07/09 by Ord. No. 09-02]

A. Temporary and other uses, subject to approval by the Zoning Administrator, shall be as follows:

- (8) Dumpsters and other self-contained portable storage containers may be used in conjunction with a residential property for 60 days with up to two 60 day extensions for good cause for no more than 6 months in any calendar year.

Section 4. Code of Public Local Laws and Ordinances of Carroll County, Chapter 223, Zoning, § 223-215I and K are deleted in their entirety and replaced as follows:

§ 223-215. Standards.

[Added 05/06/08 by Ord. No. 08-02]

A Small Wind Energy System shall be an accessory use in all zoning districts subject to the following requirements:

I. Small Wind Energy Systems may be attached to any building, including guy wires, provided the County approves the submittal of documentation sealed by an engineer licensed by the State of Maryland showing the proposed connection of the system to the structure and whether any additional reinforcing is required. The County may not be found liable for damage caused by noise or vibration created by the system.

K. Each property is eligible for two Small Wind Energy Systems only, except properties of at least 50 contiguous acres may be allowed one additional system for an accessory structure only. An accessory structure does not include a detached accessory dwelling on the property.

ARTICLE II. SEVERABILITY.

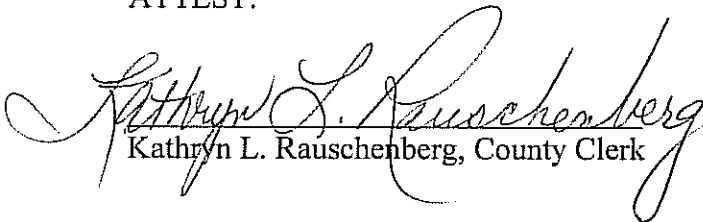
Should any provision, section, paragraph or subparagraph of this Ordinance, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having jurisdiction; the same shall not effect the validity, legality, or 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 on March 15, 2010.

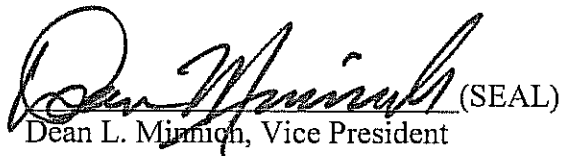
ADOPTED this 4th day of March, 2010.

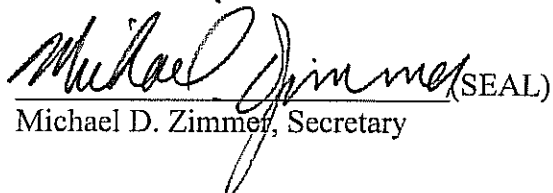
ATTEST:


Kathryn L. Rauschenberg, County Clerk

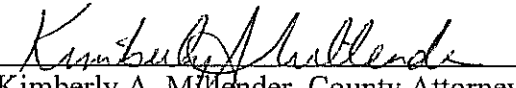
THE COUNTY COMMISSIONERS OF
CARROLL COUNTY, MARYLAND,
a body corporate and politic
of the State of Maryland

Julia W. Gouge, President (SEAL)


Dean L. Minnich, Vice President (SEAL)


Michael D. Zimmer, Secretary (SEAL)

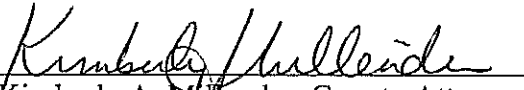
Approved for legal sufficiency:



Kimberly A. Millender, County Attorney

Notice of Public Hearing published: 02/10/10; 02/22/10; and 03/03/10
Public Hearing held: 03/04/10
Public Meeting to adopt Ordinance: 03/04/10
Notice of Adoption of Ordinance published: 03/10/10
Ordinance filed with Clerk of Court: 03/10/10

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 15th of March, 2010.



Kimberly A. Millender, County Attorney