

(***** indicates existing text preceding and/or following a change)

ORDINANCE No. 2016-04

**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, 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 reviewed and approved the amendments at its meeting on March 15, 2016.

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 Regulations, § 158.002 Definitions, the definition of “Petroleum Products Storage” is deleted in its entirety and the definition of “Petroleum Products” is added after the definition of “Paved Surface” and before the definition of “Planned Business Center (PBC)” as follows:

Chapter 158, ZONING REGULATIONS

§ 158.002 DEFINITIONS.

PETROLEUM PRODUCTS. Oil, utilized for fuel of any kind, and in any liquid form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with other waste, crude oils, and every other nonedible liquid hydrocarbon regardless of specific gravity. Oil includes aviation fuel, gasoline, kerosene, light and heavy fuel oils, diesel motor fuels, asphalt, and crude oils, and liquefied petroleum gases, such as liquefied propane, and any edible oils.

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Section 2. The Code of Public Local Laws and Ordinances of Carroll County, Title XV, Land Use, Chapter 158, Zoning Regulations, § 158.070, "A" Agricultural District, § 158.070(F)(21) and (22) are added as follows:

§ 158.070 "A" AGRICULTURAL DISTRICT.

(F) **Accessory uses.** Accessory uses shall be as follows:

(21) The above or below ground storage of not greater than 2,000 gallons, in aggregate capacity of petroleum products which is not sold at retail or wholesale, and subject to Chapter 170 of the Carroll County Code and all applicable Maryland Department of the Environment (MDE) and National Fire Protection Association (NFPA) regulations.

(22) Above-ground petroleum storage exceeding 2,000 gallons but less than 50,000 gallons, in aggregate capacity, provided however, that no individual container may exceed 30,000 gallons. These petroleum products may not be sold at retail or wholesale, and shall be subject to the following:

(a) 100 feet of separation from all existing or proposed residential dwellings on the same property;

(b) Setback requirements as specified by NFPA, but not less than 100 feet from all property lines;

(c) Compliance with Chapter 170 of the Carroll County Code; and

(d) Compliance with all state and NFPA regulations.

(e) No variances of the above requirements may be granted

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Section 3. The Code of Public Local Laws and Ordinances of Carroll County, Title XV, Land Use, Chapter 158, Zoning Regulations, § 158.071, “C” Conservation District, § 158.071(E)(13) is added as follows:

§ 158.071 “C” CONSERVATION DISTRICT.

(E) **Accessory uses.** Accessory uses shall be as follows:

(13) The above or below ground storage of not greater than 2,000 gallons, in aggregate capacity of petroleum products which is not sold at retail or wholesale, and subject to Chapter 170 of the Carroll County Code and all applicable MDE and NFPA regulations.

Section 4. The Code of Public Local Laws and Ordinances of Carroll County, Title XV, Land Use, Chapter 158, Zoning Regulations, § 158.072, R-40,000 Residence District, § 158.072(E)(16) is added as follows:

§ 158.072 R-40,000 RESIDENCE DISTRICT.

(E) **Accessory uses.** Accessory uses shall be as follows:

(16) The above or below ground storage of not greater than 2,000 gallons, in aggregate capacity of petroleum products which is not sold at retail or wholesale, and subject to Chapter 170 of the Carroll County Code and all applicable MDE and NFPA regulations.

Section 5. The Code of Public Local Laws and Ordinances of Carroll County, Title XV, Land Use, Chapter 158, Zoning Regulations, § 158.073, R-20,000 Residence District, § 158.073(E)(16) is added as follows:

§ 158.073 R-20,000 RESIDENCE DISTRICT.

(E) **Accessory uses.** Accessory uses shall be as follows:

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(16) The above or below ground storage of not greater than 2,000 gallons, in aggregate capacity of petroleum products which is not sold at retail or wholesale, and subject to Chapter 170 of the Carroll County Code and all applicable MDE and NFPA regulations.

Section 6. The Code of Public Local Laws and Ordinances of Carroll County, Title XV, Land Use, Chapter 158, Zoning Regulations, § 158.074, R-10,000 Residence District, § 158.074(E)(10) is added as follows:

§ 158.074 R-10,000 RESIDENCE DISTRICT.

(E) **Accessory uses.** Accessory uses shall be as follows:

(10) The above or below ground storage of not greater than 2,000 gallons, in aggregate capacity of petroleum products which is not sold at retail or wholesale, and subject to Chapter 170 of the Carroll County Code and all applicable MDE and NFPA regulations.

Section 7. The Code of Public Local Laws and Ordinances of Carroll County, Title XV, Land Use, Chapter 158, Zoning Regulations, § 158.075, R-7,500 Residence District, § 158.075(E)(9) is added as follows:

§ 158.075 R-7,500 RESIDENCE DISTRICT.

(E) **Accessory uses.** Accessory uses shall be as follows:

(9) The above or below ground storage of not greater than 2,000 gallons, in aggregate capacity of petroleum products which is not sold at retail or wholesale, and subject to Chapter 170 of the Carroll County Code and all applicable MDE and NFPA regulations.

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Section 8. The Code of Public Local Laws and Ordinances of Carroll County, Title XV, Land Use, Chapter 158, Zoning Regulations, § 158.076, “MHP” Mobile Home Park District, § 158.076(E) is deleted in its entirety and replaced as follows:

§ 158.076 “MHP” MOBILE HOME PARK DISTRICT

(E) **Accessory uses.** Accessory uses shall be accessory buildings and uses customarily incidental to any principal use and subject to § 155.096 where applicable. The above or below ground storage of not greater than 2,000 gallons, in aggregate capacity of petroleum products which is not sold at retail or wholesale, and subject to Chapter 170 of the Carroll County Code and all applicable MDE and NFPA regulations, shall be considered an accessory use.

Section 9. The Code of Public Local Laws and Ordinances of Carroll County, Title XV, Land Use, Chapter 158, Zoning Regulations, § 158.077, “B-NR” Neighborhood Retail Business District, § 158.077(E) is deleted in its entirety and replaced as follows:

§ 158.077 “B-NR” NEIGHBORHOOD RETAIL BUSINESS DISTRICT.

(E) **Accessory uses.** Accessory uses shall be as follows: uses and structures customarily accessory and incidental to any permitted principal use or authorized conditional use. The above or below ground storage of not greater than 2,000 gallons, in aggregate capacity of petroleum products which is not sold at retail or wholesale, and subject to Chapter 170 of the Carroll County Code and all applicable MDE and NFPA regulations, shall be considered an accessory use. Commercial establishments providing petroleum for retail sale shall be regulated in the same manner as a principal use.

Section 10. The Code of Public Local Laws and Ordinances of Carroll County, Title XV, Land Use, Chapter 158, Zoning Regulations, § 158.078, “B-G” General Business District, § 158.078(E) is deleted in its entirety and replaced as follows:

§ 158.078 “B-G” GENERAL BUSINESS DISTRICT.

(E) **Accessory uses.** Accessory uses shall be as follows: uses and structures customarily accessory and incidental to any principal permitted use or authorized conditional use, including business signs pertaining to “use on the premises”, provided that such signs are located as regulated in § 158.115, and the above or below ground storage of not greater than 2,000 gallons, in aggregate capacity of petroleum products which is not sold at retail or wholesale, and subject to all applicable MDE and NFPA regulations. Commercial establishments providing petroleum for retail sale shall be regulated in the same manner as a principal use.

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Section 11. The Code of Public Local Laws and Ordinances of Carroll County, Title XV, Land Use, Chapter 158, Zoning Regulations, § 158.079, "I-R" Restricted Industrial District, § 158.079(D)(1)(e) is deleted in its entirety and replaced as follows:

§ 158.079 "I-R" RESTRICTED INDUSTRIAL DISTRICT.

(D) **Conditional uses requiring BZA authorization.** Conditional uses requiring BZA authorization shall be as follows:

(1) The following uses when the location of such use shall have been authorized by the BZA, provided that such use shall be subject to three times the distance requirements specified in § 158.040:

(e) Petroleum products storage tanks above ground, any one of which has the capacity in excess of 2,000 gallons, provided that all County, state and federal laws, as well as NFPA codes are complied with. The storage of petroleum products shall comply with setback requirements as specified by NFPA, but not less than 100 feet from all property lines.

Section 12. The Code of Public Local Laws and Ordinances of Carroll County, Title XV, Land Use, Chapter 158, Zoning Regulations, § 158.079, "I-R" Restricted Industrial District, § 158.079(E)(3) is added as follows:

§ 158.079 "I-R" RESTRICTED INDUSTRIAL DISTRICT.

(E) **Accessory uses.** Accessory uses shall be as follows:

(3) The above or below ground storage of not greater than 2,000 gallons, in aggregate capacity of petroleum products which is not sold at retail or wholesale, and subject to Chapter 170 of the Carroll County Code and all applicable MDE and NFPA regulations.

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Section 13. The Code of Public Local Laws and Ordinances of Carroll County, Title XV, Land Use, Chapter 158, Zoning Regulations, § 158.080, “I-G” General Industrial District, § 158.080(D)(1)(l) is deleted in its entirety and replaced as follows:

§ 158.080 “I-G” GENERAL INDUSTRIAL DISTRICT.

(D) **Conditional uses requiring BZA authorization.** Conditional uses requiring BZA authorization shall be as follows:

(1) The following uses, when the location of such use shall have been authorized by the BZA, provided that such use shall not be less than 1,000 feet from any Residence District governed by this chapter, except an “I-R” District, and four times the distance requirements as specified in § 158.040:

(l) Petroleum products, refining or storage above ground in tanks in excess of 2,000 gallons, provided that all state and federal laws, as well as NFPA codes are complied with the storage of petroleum products shall comply with setback requirements as specified by NFPA, but not less than 100 feet from all property lines.

Section 14. The Code of Public Local Laws and Ordinances of Carroll County, Title XV, Land Use, Chapter 158, Zoning Regulations, § 158.080, “I-G” General Industrial District, § 158.080(E)(3) is added as follows:

§ 158.080 “I-G” GENERAL INDUSTRIAL DISTRICT.

(E) **Accessory uses.** Accessory uses shall be as follows:

(3) The above or below ground storage of not greater than 2,000 gallons, in aggregate capacity of petroleum products which is not sold at retail or wholesale, and subject to Chapter 170 of the Carroll County Code and all applicable MDE and NFPA regulations.

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ARTICLE II. SEVERABILITY.

Should any provision, section, sentence, clause, or part of this ordinance be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this ordinance, it being the intent of the County Commissioners that such remainder shall be and shall remain in full force and effect.

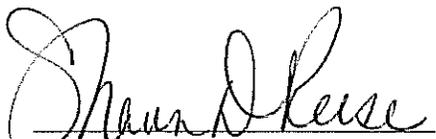
ARTICLE III. EFFECTIVE DATE.

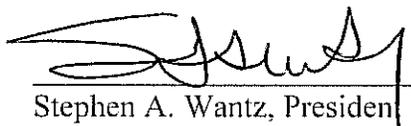
This Ordinance shall become effective on July 13, _____, 2016.

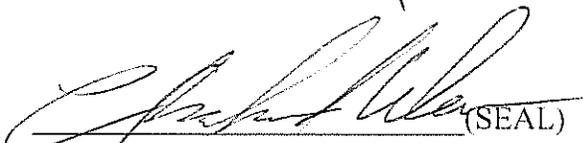
ADOPTED this 23rd day of June, 2016.

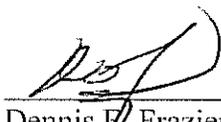
THE COUNTY COMMISSIONERS OF
CARROLL COUNTY, MARYLAND,
a body corporate and politic
of the State of Maryland

ATTEST:

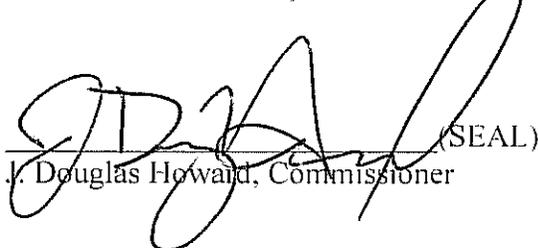

Shawn D. Reese, County Clerk


Stephen A. Wantz, President (SEAL)


C. Richard Weaver, Vice President (SEAL)


Dennis W. Frazier, Secretary (SEAL)

Richard S. Rothschild, Commissioner (SEAL)


J. Douglas Howard, Commissioner (SEAL)

Chapter 158, Zoning Regulations - Amendments to Petroleum Products Storage

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Approved for legal sufficiency:



Timothy C. Burke, County Attorney

Notice of Public Hearing published: 05/19/16 and 05/26/16
Public Hearing held: 06/09/16
Public Meeting to adopt Ordinance: 06/23/16
Notice of Adoption of Ordinance published: 07/13/16
Ordinance filed with Clerk of Court: 07/13/16

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 13th day of July, 2016.



Timothy C. Burke, County Attorney

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RETURN RECORDED ORIGINAL ORDINANCE TO:
County Attorney
225 North Center Street
Westminster, Maryland 21157