

Comments on the Carroll County “Proposed Text Amendment for the Industrial and Commercial Districts” dated 1/3/18

Prepared and submitted by Andrew Dodge 2/24/18

Global Comments:

1. The review, revision, and approval of the zoning text and the “proposed” zoning map should be an iterative process not a sequential process. As the process is now designed by the Carroll County Planning and Zoning Commission, all of the zoning text will be reviewed and approved. Then, the new zoning designations will be assigned to the County Zoning Map.

Since the County is implementing new designations, the zoning on every piece of property in the county will change. This means that new zoning designations will be applied to every property/ parcel in Carroll County.

Due to the magnitude of this effort and the potential impacts & ramifications to the citizens of Carroll County, this should be a multiple step iterative process.

2. The new zoning should be applied to the County to ensure that there is an orderly transition of land use. Industrial land next to commercial land next to high density residential next to low density residential next to agriculture and conservation land. There should not be any abrupt transitions from industrial to agriculture/ conservation land.

3. The proposed text changes need to do address adequate scenery, setbacks, and buffer zones from residential, agriculture, and conservation zoned properties. As proposed, the new text does not address any of these.

4. The proposed text changes need to address signage requirements or limitations. As written, they do not.

5. The proposed text changes need to address “light pollution” requirements. As proposed, the text revisions do not.

6. Carroll County needs to develop and implement a comprehensive “Development Design Preferences” document. The City of Westminster developed and adopted their comprehensive “Development Design Preferences” document in 2013 and updated it in 2016. This document address site planning, design objectives for residential and commercial properties, signage, storefronts, lighting, Low Impact Development (LID) Practices, and water saving practices. The document developed by Carroll County would also need to address design objectives for industrial development.

Specific Comments:

1. Section 158.002 (page 1) of the proposed document does not define “adult entertainment business”, “massage establishment”, “strip tease business”, or “religious establishment”. Later in the text, the

document highlights where these businesses / establishments can be located. These terms need to be defined in the definitions section.

2. A comprehensive review of the document should be performed to identify any other terms that are used elsewhere in the document but not defined upfront. Definitions should be added for these terms as well.

3. Section 158.039 (page 6) Utility Equipment and Towers appears to start out with section (c) "Communications towers". Where is section (a), (b), and (d)? Also, where is (c) (1) and (c) (2)?

4. Section 158.039 (page 6) Utility Equipment and Towers currently addresses "Communications towers" and "conveyor systems". A "conveyor system" is used for private use and is not an "Utility Equipment and Towers" – it appears that "conveyor system" should be located in a different section of the document.

5. Section 158.039 (page 6) Utility Equipment and Towers should be expanded to address electric substations, electric generating plants, natural gas storage facilities, liquid propane storage facilities, sewage treatment plants, water storage tanks, and waste water process facilities.

6. Section 158.040 Distance Requirements (page 6) states "that the use or building shall be located at least 200 feet from adjacent lots in residential, agricultural, etc. The new language then states "On adjoining lots of three acres or more, a minimum separation distance of 300 feet from dwellings shall be required."

The proposed language reduces the setback requirements and allows commercial & industrial buildings to be built closer to the property line if they are built adjacent to residential houses on 3 acres. The new proposed wording is inconsistent from the other existing setback requirements. As proposed, a commercial or industrial building could be built within 100 feet of the lot line as long as the residential dwellings (on a 3 acre lot) are 200 feet from their property line. In essence, the commercial / industrial property owner is being allowed to develop more of their land (their benefit) to the detriment of the residential property owner.

A minimum setback of 200 feet setback should be maintained in all cases.

7. Section 158.040 Distance Requirements (page 7) – all of the special setback conditions in (b) and (c) should be 1,000 feet. As written, a coal yard or an electric generating plant can be constructed within 400 feet of the property line, an incinerator within 600 feet of the property line, while a fertilizer facility needs to be 1,000 feet from the property line.

There does not appear to be any defined rationale for the setback requirements. The minimum setback should be 1,000 feet for all commercial/ industrial zoning.

8. The C-2 zoning (page 13), C-3 zoning (page 17), I-1 zoning (page 18) and I-2 zoning (page 25) should include a transportation and utility infrastructure adequacy assessment. As proposed, there is not any

evaluation to determine if the transportation (roads, bridge, and highways, including State of Maryland roadways) or the utility infrastructure (water and sewage) can support this zoning.

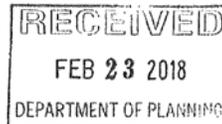
9. On pages 6-8, the proposed code outlines all of the setback requirements for different facilities that can be located in industrial zoning area. The Land use table on pages 33 and 34 also spells out what industrial facilities can be located on industrial land. The list of industrial facilities on these two lists should match up.

10. "Bulk Requirements" for commercial centers and industrial use (pages 37-38) only require 10-20 feet setback from property lines and limit the height of the building to 50 feet. While I can understand only requiring a 10-20 feet setback from adjoining commercial and industrial properties, these setbacks are very small in residential and agricultural areas.

When commercial or industrial properties are built adjacent to residential properties, agricultural properties, and conservation properties, the setback requirements should be much larger. The zoning requirements need to be written to allow for a "smooth transition" of property usages from one to another. The bulk requirements should be altered to provide consideration for the zoning of the adjoining property – larger setbacks need to be provided next to residential , agricultural, and conservation properties.

11. Section 158.155 JUNK, SALVAGE, AND RECYCLING YARDS (pages 40-41) – As proposed, this section states "1) The area used shall not exceed five acres; 2) The uses shall be totally enclosed with adequate fencing; and Concept Team Draft 1/3/18 Page 41 3) No operations, including storage or sale of parts, shall be closer than 300 feet to any public highway." This section needs to be modified to define what "adequate fencing is" and to include a requirement for setback from adjoining residential properties.

1860 Gillis Falls Road  
Woodbine, MD 21797  
February 21, 2018



Ms. Lynda Eisenberg  
Acting Director, Carroll County  
Planning & Zoning Commission  
Carroll County Government  
225 N. Center Street  
Westminster, MD 21157

Dear Ms. Eisenberg,

I am writing to provide my opinion regarding the zoning text amendment for the agricultural, residential and conservation areas of the county. My interest regards the text surrounding Home Occupations. I would like to see the text explicitly state what is not permitted as a home occupation. The current home occupation text is vague and has facilitated individuals to use land for businesses that should be restricted to commercial or industrial areas. Clearly stating home occupation exclusions will help the Zoning Administrator, as well as the Board of Zoning Appeals, provide more consistent application decisions. In my opinion the types of business that should be excluded as a home occupation are:

- Any automotive business (inclusive of repair shops, body workshops, detailing or customization shops, specialized fuel sales, retail sales of automotive parts or automotives)
- Any gun dealer/gun restoration business
- Marijuana dispensary
- Welding or machine shops
- Any retail business that includes inventory stock

Further, I encourage the county to consider removing the current home occupation text that allows home occupation businesses to have a business sign. The idea of a home occupation is that it is supposed to have little to no impact on neighbors and not to be obvious from outside the dwelling that there is a business located there. Allowing signage defeats that concept. Along the same lines, home occupations should not be permitted to advertise (via any medium) their residential address as the location of the business.

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From: Edmund Cueman [mailto:ecueman@comcast.net]

Sent: Wednesday, January 24, 2018 12:21 PM

To: Frazier, Dennis; Howard, Doug; Rothschild, Richard; Wantz, Steve; Weaver, Richard

Cc: Windham, Roberta J.

Subject: Its time to Rezone post card

Looking at above, a couple of thoughts jumped out at me.

The original zoning ordinance was written in 1965, and has been continuously amended as determined necessary between 1965 and the present. There should be a running chronological file of every text amendment adopted since 1965 in the County Office Bldg. These several ordinance amendments constitute the record of updating the zoning code over time to keep it current. However, the "what" (statement on the card), "Rewriting the old zoning code" leaves the impression the County has not updated the code since 1965, and is operating under a somewhat obsolete code which requires rewriting.

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From: Scott Miller [mailto:scott@scottomiller.com]

Sent: Tuesday, March 27, 2018 11:05 AM

To: Rothschild, Richard; Howard, Doug; Frazier, Dennis; Weaver, Richard; Wantz, Steve

Cc: CCGov Planning & Zoning Commission; Voight, Jay C.; Lane, Mary S

Subject: C2 Re-Zoning...unintended consequences impacting my property

Good Morning,

Over the past years I have appeared before the Planning Commission and in the past, the Commissioners regarding my property (attached) to develop. My partner and I spent tens of thousands of dollars and time to get this parcel rezoned from R-20 to BNR. We did this to avail ourselves of what we know to be compatible uses for this 2+ acre parcel that is in back of Carroll Station that adjoins the Oakland Middle School and abuts residential properties on

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West & East Hemlock Roads. One of these "compatible uses" is a 55+ community. (see attached rendering)

Once we obtained the zoning, we set out to draft plans for a 55+ community on this parcel, engaging our engineer & architect to come up with plans. In 2012, Gary Dye told us back then that the cost of the JUST the water connection fees for a 55+ community would be \$380,000...yes that's right THREE HUNDRED EIGHTY THOUSAND DOLLARS!!! We balked, abandoned our plans and some of you will recall I loudly complained about this to those of you who served back then. So we switched gears, and proceeded to avail ourselves of another "compatible" option under the BNR zone, "Professional Office Condo's." (see attached rendering)

My partner and I did a feasibility study back then that determined that there was a market for this type of product. However at present we have come to the realization that after going through this process for the office condos, there now does not appear to be nearly as strong a demand as there was and there are presently a glut of these on the market all over the area which makes it impractical for us to proceed.

While we were pursuing the office condo project, unbeknownst to us, our engineer had another conversation with Gary Dye. He was told by Mr. Dye that he erred in his water calculation fees and misread what the actual costs would be, but we were too far into the professional office condo process to shift gears. We are by no means blaming Mr. Dye for anything here, not at all. This mistake was not a problem as far as we were concerned. We moved on to another project. BUT, we viewed Mr. Dye's correction of this error as allowing us an option should we not pursue the professional office condo project in that we could always go back and do a 55+ on this parcel. That is where we find ourselves today.

Well, we have learned that after spending a fortune on re-zoning, planning, engineering, traffic studies, soil testing, etc... under the proposed C2 zoning, the county will be stripping

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from us of a category we fought for and obtained. Specifically the new zoning code (C2) does NOT permit 55+ as a principle permitted use.

This is wrong. By doing this the county is devaluing our property of a use we went through all the proper channels of county regulations, requested, paid for and obtained! If this is not a compatible use, then all of you need to travel down to Howard County to Ridge Road and Route 40/Rt 29. (aka "Golden Triangle"). If this is not a compatible use in a commercial zone, than you need to tell Beazer Homes who built a beautiful 55+ community adjacent to commercial use. BUT WAIT... Tell that to Ryan Homes who is building right now, a 55+ community within feet of the Walmart store. The residents there will have a scenic view of Walmart's roof and northbound Rt 29 and all the associated noise and air pollution to enjoy on their balconies!

I urge you to reconsider and reinstate in a C2 Zone 55+ condos as a principled permitted use and not make it special exception. Making it a special exception means absolutely nothing! All that means is I have to jump through the same hoops and waste more money to get what was taken from me and is grossly unfair!

When my partner and I went forth originally with our 55+ concept (attached) way back in 2012, and then the professional office condo project (attached) that was approved, we represented to our neighbors that we would be good neighbors to them as well and not do anything to adversely impose on their properties or the values of their properties. By removing the 55+ aspect of this from C2, you may leave us no choice but to abandon that representation.

Respectfully,

Scott O. Miller

Associate Broker

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From: Patricia and Mike [mailto:meejj@verizon.net]

Sent: Monday, January 29, 2018 9:22 AM

To: Carroll Rezoning

Subject: What are the choices for rezoning in District 2?

Hello,

I received a postcard last week regarding rezoning in my area. It stated I could call 410-386-5145 more information. For my Plan A, I called on 1/24/18 and my call went to a voice mail box. I left a detailed message with my phone number.

I'm now onto Plan B which is to email you as also indicated on the postcard.

Here are a few of my questions:

What if anything is planned for my immediate area; 3926 Grave Run Rd,

Manchester/Millers, MD 21102? The 2014 Master Plan did not identify any changes to your area. (see

<http://ccgovernment.carr.org/ccg/compplanning/MasterPlan/2014/Disclaimer.aspx>

Are you intending to increase the number of subdivisions/subdivides a farmer or large land holder could be allowed? Though changes to the Ag district have not been drafted, there are no plans to increase the number of subdivisions in the Ag Zone.

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What are the overall rezoning proposals for District 2? This is the very beginning of the process of a multi-year effort. We are beginning with the Commercial, Industrial and Employment Campus districts (see Carrollrezoning.org for the draft text). The map changes will follow after the text has been adopted and the new zoning map will generally follow the 2014 Master Plan land use map. The public will have an opportunity to see the final zoning map once it is prepared over the next year or so.

Please see

<http://ccgovernment.carr.org/ccg/compplanning/MasterPlan/2014/Disclaimer.aspx> for a link to the interactive maps.

I attempted to go through the various webpages pertaining to my question immediately above but the flow charts didn't help me to understand "the choices"

Where exactly are in in the rezoning Plan Chart (i.e. 01, 02, 03)? I am not understanding our question as written, please call and I would be happy to answer.

Exactly why does the existing zoning code written in 1965 not work? We have had many reactive amendments to the zoning text over the last 50 years. It is time to give the code a thorough review. We have also had 2 comprehensive plans adopted recently and are working on a 3rd on for the Freedom Area, all recommending updates to modernize the code.

Who is the 1965 zoning code not working for?

I may not be able to attend the meeting on 2/1/18 from P.M.-P.M. at the North Carroll Senior Center but answering the questions above accomplishes 2 factors:

1. If I can attend the meeting I could have more astute questions as I could do some preparation study beforehand
2. If I miss the meeting I will do some research to read what was discussed at the meeting and provide input if I deem necessary

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I am signed up at your website for many notifications and updates.

Please respond to this request for information via email in the next day or two (i.e. by 1/31/18).

Regards,

Patricia Jordan