

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2014, Legislative Day No. 15

Bill No. 56-14

Mr. Todd Huff, Councilman

By the County Council, September 15, 2014

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations – Agricultural Tourism

FOR the purpose of permitting certain agricultural tourism uses as an accessory use to a farm or commercial agricultural operation in certain Resource Conservation zones; defining terms; permitting certain uses by right and certain uses by a renewable annual permit; requiring certain information to be provided in the initial annual permit application; permitting certain signage; providing for a maximum number of events or programs; providing for an approval process and procedure; providing for renewal of a permit; and generally relating to agricultural tourism.

BY adding
Sections 404.15, 1A01.1.A.1.h, 1A01.2.B.9.l, 1A02.2.A.12.i, 1A03.3.A.9.h, 1A05.2.A.12,
1A07.3.A.7.g, 1A08.3.A.7.g, and 1A09.3.A.7g
Baltimore County Zoning Regulations, as amended

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

BY repealing and re-enacting, with amendments
Section 450.4.5(1)
Baltimore County Zoning Regulations, as amended

WHEREAS, Baltimore County, Maryland is fortunate to possess a vast expanse of rural and agricultural land that continues to be utilized for farming and other agricultural-related activities; and

WHEREAS, the commercial agricultural industry is an integral part of the economy of the County; and

WHEREAS, due to the very nature and uncertainty of farming and agricultural-related operations, significant challenges exist that threaten their continued viability and sustainability; and

WHEREAS, to ensure that the County's agricultural producers continue to prosper, additional opportunities to generate economic growth must be considered; and

WHEREAS, Resolution 47-10 directed the Baltimore County Planning Board to examine current Baltimore County Zoning Regulations to determine what, if any, revisions could be made to enhance economic opportunities available to the agricultural community; and

WHEREAS, the County Council recognizes that any changes to the Regulations to provide enhanced economic opportunities must be done in a manner that is also sensitive to the greater community, as well as providing enriched educational and social experiences, more and healthier local food choices, and an enhanced quality of life for all County citizens; now therefore

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

1 § 404.15. AGRICULTURAL TOURISM.

2 A. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS HAVE THE
3 MEANINGS INDICATED:

4 AGRICULTURAL TOURISM – OR “AGRI-TOURISM” IS THE PRACTICE OF VISITING A
5 FARM OR COMMERCIAL AGRICULTURAL OPERATION FOR THE PURPOSE OF
6 AGRICULTURALLY RELATED AND NON-AGRICULTURALLY RELATED USES,
7 INCLUDING BUT NOT LIMITED TO RECREATION, EDUCATION, OR ACTIVE
8 INVOLVEMENT IN THE OPERATION.

9 AGRICULTURAL PRODUCTS – INCLUDES BUT IS NOT LIMITED TO CROPS, FRUIT,
10 CIDER, VEGETABLES, FLORICULTURE, HERBS, FORESTRY, HUSBANDRY, LIVESTOCK
11 AND LIVESTOCK PRODUCTS, AQUACULTURE PRODUCTS, AND HORTICULTURAL
12 SPECIALTIES.

13 AGRICULTURALLY RELATED PRODUCTS – ITEMS SOLD TO ATTRACT CUSTOMERS
14 AND PROMOTE THE SALE OF AGRICULTURAL PRODUCTS. SUCH ITEMS INCLUDE
15 BUT ARE NOT LIMITED TO ALL AGRICULTURAL AND HORTICULTURAL PRODUCTS,
16 ANIMAL FEED, BAKED GOODS, ICE CREAM AND ICE CREAM BASED DESSERTS AND
17 BEVERAGES, JAMS, HONEY, GIFT ITEMS, FOOD STUFFS, CLOTHING AND OTHER
18 ITEMS PROMOTING THE FARM AND AGRICULTURAL PRODUCTS.

19 NON-AGRICULTURALLY RELATED PRODUCTS – ITEMS NOT CONNECTED TO
20 FARMING OR A COMMERCIAL AGRICULTURAL OPERATION, SUCH AS NOVELTY TEE
21 SHIRTS OR OTHER CLOTHING, CRAFTS, AND SMALL ORNAMENTAL ITEMS.

22 AGRICULTURALLY RELATED USES – THOSE ACTIVITIES THAT PREDOMINANTLY USE

1 AGRICULTURAL PRODUCTS, BUILDINGS, EQUIPMENT, OR FIELDS FOR THE
2 PROMOTION OF AGRICULTURAL TOURISM .

3 NON-AGRICULTURALLY RELATED USES – ACTIVITIES THAT ARE PART OF AN
4 AGRICULTURAL TOURISM OPERATION’S TOTAL OFFERINGS BUT NOT TIED
5 SPECIFICALLY TO FARMING OR THE OPERATION’S BUILDINGS, EQUIPMENT, OR
6 FIELDS.

7 B. PERMITTED; CONDITIONS.

8 AN AGRI-TOURISM USE IS PERMITTED AS AN ACCESSORY USE TO A FARM OR
9 COMMERCIAL AGRICULTURAL OPERATION IN THE R.C.2, R.C.3, R.C.4, R.C.6, R.C.7,
10 R.C.8, AND R.C.50 ZONES, SUBJECT TO ANY OTHER APPLICABLE PROVISIONS OF
11 THESE REGULATIONS.

12 1. PERMITTED BY RIGHT. IN ADDITION TO ANY OTHER AGRICULTURAL USES
13 PERMITTED BY STATE AND COUNTY LAWS OR REGULATIONS, THE FOLLOWING
14 AGRICULTURALLY RELATED USES ARE PERMITTED BY RIGHT ON A FARM OR
15 COMMERCIAL AGRICULTURAL OPERATION, PROVIDED THE USES ALSO COMPLY
16 WITH SUBSECTIONS C.3, C.4, AND C.5 OF THIS SECTION:

17 A. WAGON, SLEIGH, AND HAY RIDES.

18 B. SEASONAL HAUNTED HOUSES, CORN MAZES, AND PUMPKIN
19 PATCHES.

20 C. BARN DANCES.

21 D. PETTING ZOO, ANIMAL DISPLAY, AND PONY RIDES.

22 E. SEASONAL U-PICK FRUITS AND VEGETABLES OPERATIONS.

1 F. NATURE TRAILS.

2 G. AGRICULTURAL EDUCATION CLASSES, LECTURES, AND SEMINARS.

3 H. HISTORICAL AGRICULTURAL EXHIBITS.

4 I. PLAYGROUNDS OR EQUIPMENT TYPICAL OF A SCHOOL PLAYGROUND
5 SUCH AS SLIDES AND SWINGS (NO MOTORIZED VEHICLES OR RIDES).

6 J. FOOD AND BEVERAGE TASTING OF AGRICULTURAL PRODUCTS
7 PREPARED OR PROCESSED PRIMARILY ON SITE (MINIMUM 50%).

8 K. BAKERIES SELLING BAKED GOODS CONTAINING PRODUCE GROWN
9 PRIMARILY ON SITE (MINIMUM 50%).

10 L. GIFT SHOPS FOR THE SALE OF AGRICULTURAL PRODUCTS AND
11 AGRICULTURALLY RELATED PRODUCTS.

12 M. GIFT SHOPS FOR THE SALE OF NON-AGRICULTURALLY RELATED
13 PRODUCTS SUCH AS ANTIQUES OR CRAFTS, LIMITED TO 25 PERCENT OF GROSS
14 SALES.

15 N. OPEN AIR OR COVERED PICNIC AREA WITH REST ROOMS THAT
16 SUPPORT THE AGRI-TOURISM USES.

17 2. PERMITTED BY ANNUAL PERMIT. NON-AGRICULTURALLY RELATED
18 CELEBRATORY EVENTS ARE PERMITTED PURSUANT TO A RENEWABLE ANNUAL
19 PERMIT ON A COMMERCIAL AGRICULTURAL OPERATION WITH A MINIMUM OF 25
20 NET ACRES OF LAND.

21 C. REQUIREMENTS.

22 1. AN APPLICANT SHALL APPLY FOR AND RECEIVE AN ANNUAL PERMIT AS

1 SET FORTH IN THIS SECTION FROM THE DEPARTMENT OF PERMITS, APPROVALS AND
2 INSPECTIONS TO CONDUCT AN AGRI-TOURISM USE LISTED IN SUBSECTION B.2.

3 2. PARKING.

4 A. PARKING REQUIREMENTS OR LIMITATIONS SHALL BE DETERMINED
5 PURSUANT TO THE ANNUAL PERMIT. AS PART OF THE INITIAL ANNUAL PERMIT
6 APPLICATION, THE APPLICANT SHALL SUBMIT A PARKING PLAN. THE DIRECTOR
7 SHALL DISTRIBUTE THE PLAN TO THE DEPARTMENTS OF PLANNING AND
8 ENVIRONMENTAL PROTECTION AND SUSTAINABILITY FOR REVIEW AND
9 RECOMMENDATION.

10 B. THE PARKING PLAN IS SUBJECT TO APPROVAL BY THE DIRECTOR
11 PURSUANT TO SECTION 409.6.A OF THESE REGULATIONS, AND SHALL BE EXEMPT
12 FROM THE PROVISIONS OF SECTION 409 UNLESS OTHERWISE STATED HEREIN.

13 C. THE DIRECTOR, OR THE ADMINISTRATIVE LAW JUDGE IF REQUIRED,
14 MAY PRESCRIBE ANY SITE ALTERATIONS OR IMPROVEMENTS TO ENSURE PUBLIC
15 SAFETY AND TO REDUCE THE AMOUNT OF ADDITIONAL IMPERVIOUS SURFACE
16 CREATED AS A RESULT OF THE PARKING PLAN.

17 D. PARKING ON EXISTING PARKING LOTS OR GRASSY AREAS SHALL BE
18 UTILIZED IF POSSIBLE.

19 E. AN ADEQUATE MEANS TO PREVENT THE TRACKING OF MUD,
20 MANURE, OR OTHER DEBRIS ONTO ANY PUBLIC ROAD SHALL BE REQUIRED.

21 F. PARKING FOR PHYSICALLY HANDICAPPED PERSONS SHALL BE
22 PROVIDED IN ACCORDANCE WITH SECTION 409.9 OF THESE REGULATIONS.

1 3. HOURS OF OPERATION. AN AGRI-TOURISM USE SHALL BE HELD NO
2 EARLIER THAN 9:00 AM AND NO LATER THAN MIDNIGHT, SUBJECT TO ARTICLE 17,
3 TITLE 3 OF THE COUNTY CODE.

4 4. SIGNS ARE PERMITTED SUBJECT TO THE REQUIREMENTS OF SECTION
5 450.4.5(L) AND 450.7.E.2 OF THESE REGULATIONS AND AS LIMITED BY THE ANNUAL
6 PERMIT.

7 5. ACCESSORY STRUCTURES. IN ADDITION TO ANY BUILDING PERMIT THAT
8 MAY BE REQUIRED AND SUBJECT TO ANY OTHER APPLICABLE LAWS OR
9 REGULATIONS GOVERNING THEIR ERECTION AND USE , ACCESSORY STRUCTURES
10 THAT SUPPORT THE AGRI-TOURISM USES ARE SUBJECT TO APPROVAL IN THE
11 INITIAL ANNUAL PERMIT APPLICATION. ADDITIONAL YEARLY APPROVALS ARE
12 NOT REQUIRED UNLESS THE EXISTING ACCESSORY STRUCTURES ARE REPLACED
13 OR EXPANDED, OR NEW ACCESSORY STRUCTURES ARE ADDED.

14 6. MAXIMUM NUMBER OF AGRI-TOURISM EVENTS.

15 A. THE MAXIMUM NUMBER OF AGRI-TOURISM EVENTS PERMITTED
16 UNDER THE ANNUAL PERMIT IS 12 EVENTS PER YEAR. ANY REQUEST FOR MORE
17 THAN 12 EVENTS PER YEAR REQUIRES A SEPARATE APPLICATION AND APPROVAL
18 PURSUANT TO SUBSECTION E.

19 B. AN EVENT THAT BEGINS AT A SCHEDULED TIME AND IS CONCLUDED
20 WITHIN A 24 HOUR PERIOD CONSTITUTES ONE EVENT. ANY EVENT THAT, DUE TO
21 ITS UNIQUE OR SEASONAL NATURE, CONTINUES LONGER THAN 24 HOURS REQUIRES
22 APPROVAL AS ONE EVENT BY THE DIRECTOR OR THE ADMINISTRATIVE LAW JUDGE

1 PURSUANT TO SUBSECTION E.

2 D. APPLICATION; CONTENTS; FEE.

3 1. AN APPLICANT FOR AN ANNUAL PERMIT SHALL SUBMIT AN APPLICATION
4 TO THE DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ON A FORM
5 PROVIDED BY THE DEPARTMENT THAT CONTAINS:

6 A. A SITE PLAN SHOWING THE AREA OF THE PROPOSED USE,
7 INCLUDING ALL AREAS AND ACCESSORY STRUCTURES THAT SUPPORT THE AGRI-
8 TOURISM USE;

9 B. A PARKING PLAN THAT MEETS THE REQUIREMENTS OF SUBSECTION
10 C.1;

11 C. A DESCRIPTION OF THE NATURE OR TYPE OF ANTICIPATED AGRI-
12 TOURISM EVENTS PLANNED FOR THE YEAR, NOT TO EXCEED 12 EVENTS PER YEAR;

13 D. THE ANTICIPATED EVENT DATES OR FREQUENCY, WITH TIME OF
14 DURATION AND THE HOURS OF OPERATION FOR EACH EVENT ACTIVITY;

15 E. A DEPICTION OF THE SIGNAGE THAT MEETS THE REQUIREMENTS OF
16 SUBSECTION C.3; AND

17 F. OTHER DATA AS MAY BE REQUIRED BY THE DIRECTOR.

18 2. THE COUNTY ADMINISTRATIVE OFFICER SHALL ESTABLISH THE FEE FOR
19 AN INITIAL ANNUAL PERMIT APPLICATION AND THE FEE FOR A RENEWAL OF AN
20 ANNUAL PERMIT.

21 E. APPROVAL OR DENIAL OF APPLICATION.

22 THE INITIAL ANNUAL PERMIT, AND ANY SUBSEQUENT REQUESTS FOR MORE THAN

1 10 EVENTS PER YEAR, IS SUBJECT TO APPROVAL UNDER THE FOLLOWING
2 PROCEDURE:

3 1. NOTICE OF THE APPLICATION FOR THE ANNUAL PERMIT SHALL BE
4 CONSPICUOUSLY POSTED ON THE PROPERTY BY THE APPLICANT FOR A PERIOD OF
5 30 DAYS FOLLOWING THE FILING OF THE APPLICATION.

6 2. WITHIN THE 30 DAY POSTING PERIOD, ANY INTERESTED PERSON OWNING
7 PROPERTY WITHIN ONE THOUSAND (1,000) FEET OF THE PROPERTY LINE THAT IS
8 THE SUBJECT OF THE PROPOSED AGRI-TOURISM USE MAY FILE A FORMAL REQUEST
9 FOR A PUBLIC HEARING WITH THE OFFICE OF ADMINISTRATIVE HEARINGS.

10 3. IF A FORMAL REQUEST FOR A PUBLIC HEARING IS NOT FILED, THE
11 DIRECTOR MAY GRANT AN ANNUAL PERMIT IF THE PROPOSED USE MEETS THE
12 REQUIREMENTS OF THIS SECTION AND ALL OTHER APPLICABLE REQUIREMENTS.
13 THE ANNUAL PERMIT MAY BE ISSUED WITH SUCH CONDITIONS OR RESTRICTIONS
14 AS DETERMINED APPROPRIATE BY THE DIRECTOR TO SATISFY THIS SECTION AND
15 TO ENSURE THAT THE AGRI-TOURISM USE WILL NOT BE DETRIMENTAL TO THE
16 HEALTH, SAFETY OR GENERAL WELFARE OF THE SURROUNDING COMMUNITY OR
17 THE ENVIRONMENT.

18 4. IF A FORMAL REQUEST FOR A PUBLIC HEARING IS FILED, THE DIRECTOR
19 SHALL SCHEDULE A DATE FOR THE PUBLIC HEARING. THE HEARING SHALL BE
20 HELD BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS NOT LESS THAN 15 DAYS
21 FOLLOWING PUBLIC NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION AND NOT
22 MORE THAN 45 DAYS FROM THE DATE OF FILING THE REQUEST FOR PUBLIC

1 HEARING.

2 5. FOLLOWING THE PUBLIC HEARING, THE ADMINISTRATIVE LAW JUDGE
3 MAY EITHER GRANT OR DENY AN ANNUAL PERMIT BASED UPON:

4 A. THE FINDINGS FOLLOWING THE PUBLIC HEARING; AND

5 B. THE MANNER IN WHICH THE REQUIREMENTS OF THIS SECTION AND
6 OTHER APPLICABLE REQUIREMENTS ARE MET AND ANY ADDITIONAL
7 REQUIREMENTS OR CONDITIONS AS DEEMED NECESSARY BY THE ADMINISTRATIVE
8 LAW JUDGE IN ORDER TO ENSURE THAT THE PERMITTED EVENT WILL NOT BE
9 DETRIMENTAL TO THE HEALTH, SAFETY OR GENERAL WELFARE, AND WILL
10 PRESERVE THE RURAL CHARACTER AND CONTRIBUTE TO THE ECONOMIC
11 VIABILITY OF THE FARM OR COMMERCIAL AGRICULTURAL OPERATION.

12 F. RENEWAL OF PERMIT.

13 A PERMIT MAY BE RENEWED, UPON APPLICATION AND PAYMENT OF THE PERMIT
14 FEE, ON AN ANNUAL BASIS UPON THE SAME TERMS AND CONDITIONS ON WHICH
15 IT WAS PREVIOUSLY ISSUED. IF THE NATURE, CHARACTER, SCOPE, OR TYPE OF
16 AGRI-TOURISM USES, OR ACCESSORY STRUCTURES, IS MORE INTENSE OR
17 OTHERWISE MATERIALLY DIFFERENT THAN AUTHORIZED BY THE PERMIT ISSUED
18 PREVIOUSLY, THE DIRECTOR SHALL REFER THE MATTER FOR DETERMINATION
19 PURSUANT TO SUBSECTION E OF THIS SECTION.

20 § 1A01.1. General provisions.

21 A. Legislative statement of findings.

1 1. Declaration of findings. It is found:

2 H. THAT BALTIMORE COUNTY CAN ENSURE VIABLE FARMSTEAD
3 ECONOMICS THROUGH THE PERMITTING OF ACCESSORY AGRICULTURAL TOURISM
4 BASED BUSINESSES AND ENTERPRISES THEREBY CREATING FARM OCCUPATIONS
5 AND REVENUES.

6 § 1A01.2. Use regulations.

7 B. Uses permitted as of right. The following uses only are permitted as of right in all R.C.2 Zones:

8 9. Accessory uses or structures, including, but not limited to, the following:

9 L. AGRI-TOURISM USES AS PERMITTED AND LIMITED BY SECTION
10 404.15.

11 § 1A02.2. Use regulations.

12 A. Uses permitted as of right. The following uses, only, are permitted as of right in R.C.3 Zones:

13 12. Accessory uses or structures, including, but not limited to the following:

14 I. AGRI-TOURISM USES AS PERMITTED AND LIMITED BY SECTION
15 404.15.

16 § 1A03.3. Use regulations.

17 A. Uses permitted as of right. The following uses, only, are permitted as of right in R.C.4 Zones:

18 9. Accessory uses or structures, including, but not limited to, the following:

19 H. AGRI-TOURISM USES AS PERMITTED AND LIMITED BY SECTION

1 404.15.

2 § 1A05.2. Table of Land Use Regulations.

3 In the R.C.20 and R.C.50 Zones, the letter “P” in the following table indicates a land use permitted
4 by right in the respective zone(s), and the letters “SE” indicate the use permitted by special
5 exception pursuant to Section 502.7:

6 A. Natural resources and agricultural uses.	Zone	
	R.C.20	R.C.50
8 12. AGRI-TOURISM USES AS PERMITTED		P
9 AND LIMITED BY SECTION 404.15.		

10 § 1A07.3. Permitted uses.

11 A. Uses permitted by right. The following uses are permitted by right in an R.C.6 Zone:

12 7. Accessory uses or structures, subject to section 429, including:

13 G. AGRI-TOURISM USES AS PERMITTED AND LIMITED BY SECTION
14 404.15.

15 § 1A08.3. Permitted uses.

16 A. Uses permitted by right. In addition to the uses in paragraph E of this subsection, the following
17 uses are permitted by right in an R.C.7 Zone:

18 7. Accessory uses or structures, subject to section 429, including:

19 G. AGRI-TOURISM USES AS PERMITTED AND LIMITED BY SECTION

1 404.15.

2 § 1A09.3. Permitted uses.

3 A. Uses permitted by right. In addition to the uses in Paragraph D of this subsection, the following
4 uses are permitted by right in an R.C.8 Zone:

5 7. Accessory uses or structures, subject to Section 400, including

6 G. AGRI-TOURISM USES AS PERMITTED AND LIMITED BY SECTION
7 404.15.

8 § 450.4. Table of sign regulations.

9 TABLE OF SIGN REGULATIONS
10 Baltimore County
11 PERMANENT SIGNS

I Class	II Structural Type	III Zone or Use	IV Permit Required	V Maximum Area/Face	VI Maximum No./Premises	VII Height	VIII Illumination	IX Additional Limitations
14 5. ENTERPRISE, 15 meaning an 16 accessory sign 17 which displays the 18 identity and which 19 may otherwise 20 advertise the 21 products or services 22 associated with the 23 individual 24 organization	(I) Wall-mounted; freestanding	Farmer's roadside stand, farm market, AGRI- TOURISM EVENT, commercial agriculture or farm produce stand	Use	25 square feet total for all signs, EXCEPT 32 SQUARE FEET FOR AN AGRI- TOURISM EVENT	Not regulated, EXCEPT ONE FOR AN AGRI- TOURISM EVENT	6 feet, EXCEPT 10 FEET FOR AN AGRI- TOURISM EVENT	Yes, EXCEPT NO FOR AN AGRI- TOURISM EVENT	Minimum 10 feet setback from right- of-way and 75 feet from highway intersection center lines

25 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall not apply to any
26 lawfully existing use that was authorized or permitted by the Zoning Regulations, State or County
27 law prior to the effective date of the Act, nor shall the Act apply to uses or activities permitted

28 pursuant to the licensing requirements of Article 2B – Alcoholic Beverages – of the Annotated
29 Code of Maryland.

1 SECTION 3. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-five
2 (45) days after its enactment.

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