

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2017, Legislative Day No. 34

Bill No. 67-17

Introduced by Mr. Grasso, Chairman
(by request of the County Executive)
and

by Mr. Walker, Mr. Trumbauer, and Mr. Peroutka

By the County Council, July 17, 2017

Introduced and first read on July 17, 2017
Public Hearing set for and held on September 5, 2017
Bill Expires October 20, 2017

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning and Construction and Property Maintenance
2 Codes Supplement – Construction Code Administrative Provisions – Agritourism –
3 Permits – Agricultural Buildings
4

5 FOR the purpose of defining certain terms; allowing agritourism as a conditional use in
6 certain residential districts; allowing pets, livestock or fowl under certain
7 circumstances in certain commercial and industrial districts; allowing nurseries with
8 landscaping and plant sales as a conditional use in certain open space districts;
9 establishing the conditional use requirement for agritourism; amending the
10 conditional use requirements for stables or riding clubs; exempting certain
11 agricultural buildings from the building permit requirements of the Construction
12 Code; and generally relating to zoning and the Construction Code.
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14 BY renumbering: §§ 18-1-101(5) through (43) and (44) through (145) to be §§ 18-1-
15 101(6) through (44) and (46) through (147), respectively; and §§ 18-10-103 through
16 18-10-152 to be §§ 18-10-104 through 18-10-155, respectively (as amended by Bill
17 Nos. 75-16, 83-16, 96-16, and 17-17)
18 Anne Arundel County Code (2005, as amended)
19

20 BY renumbering and repealing and reenacting, with amendments: §§ 18-1-101(44) and
21 (120) to be §§ 18-1-101(46) and (122), respectively; and § 18-10-145 to be § 18-10-
22 148, respectively (as amended by Bill Nos. 75-16, 83-16, 96-16, and 17-17)
23 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.

1 BY adding: §§ 18-1-101(5) and (45); and § 18-10-103
2 Anne Arundel County Code (2005, as amended)

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4 BY repealing and reenacting, with amendments: §§ 18-4-106; 18-5-102; 18-6-103; and
5 18-9-202
6 Anne Arundel County Code (2005, as amended)

7
8 BY repealing and reenacting, with amendments: Construction Code, Chapter 1, §
9 105.2.1.14.3
10 Anne Arundel County Construction and Property Maintenance Codes Supplement,
11 October 1, 2005 (as amended)

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13 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
14 *Maryland,* That §§ 18-1-101(5) through (43) and (44) through (145); and §§ 18-10-103
15 through 18-10-152 of the Anne Arundel County Code (2005, as amended)(and as
16 amended by Bill Nos. 75-16, 83-16, 96-16, and 17-17) are hereby renumbered to be §§
17 18-1-101(6) through (44) and (46) through (147); and §§ 18-10-104 through 18-10-155,
18 respectively.

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20 SECTION 2. *And be it further enacted by the County Council of Anne Arundel*
21 *County, Maryland,* That Section(s) of the Anne Arundel County Code (2005, as
22 amended)(and as amended by Bill Nos. 75-16, 83-16, 96-16, and 17-17) read as follows:

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24 **ARTICLE 18. ZONING**

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26 **TITLE 1. DEFINITIONS**

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28 **18-1-101. Definitions.**

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30 Unless defined in this article, the Natural Resources Article of the State Code, or
31 COMAR, words defined elsewhere in this Code apply in this article. The following
32 words have the meanings indicated:

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34 (5) "AGRITOURISM" MEANS A BUSINESS ENTERPRISE ON A FARM RELATED TO
35 AGRICULTURE OR NATURAL RESOURCES THAT IS OFFERED TO THE PUBLIC OR INVITED
36 GROUPS. AGRITOURISM SHALL BE ACCESSORY TO A PRINCIPAL USE OF FARMING AND
37 SHALL BE LOCATED ON LAND THAT QUALIFIES FOR AN AGRICULTURAL USE
38 ASSESSMENT PURSUANT TO THE TAX-PROPERTY ARTICLE, § 8-209 OF THE STATE CODE OR
39 THAT IS COVERED BY A CURRENT AND ACTIVE SOIL CONSERVATION AND WATER
40 QUALITY PLAN APPROVED BY THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT.
41 AGRITOURISM INCLUDES FISHING; WILDLIFE STUDY; CORN MAZES; PUMPKIN PATCHES;
42 HARVEST FESTIVALS; FIELD TRIPS; HAYRIDES; PICK-YOUR-OWN OPERATIONS; FARM
43 TOURS; FOOD SERVICES, INCLUDING FARM TO TABLE MEALS; FARM MUSEUMS;
44 EDUCATIONAL CLASSES; AND ACTIVITIES OR EVENTS RELATED TO AGRICULTURE OR
45 NATURAL RESOURCES, AGRICULTURAL PRODUCTS, OR AGRICULTURAL SKILLS.

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47 (45) "FARM" MEANS LAND USED FOR FARMING.

48
49 ~~[(44)]~~ (46) "Farming" means the use of land for agricultural purposes, including
50 agriculture, apiaries, horticulture AND FLORICULTURE, orchards, agricultural nurseries,
51 viticulture, aquaculture, HYDROPONICS, AGROFORESTRY [forestry (including

1 silviculture)], animal and poultry husbandry SUBJECT TO THE REQUIREMENTS OF § 18-4-
2 104, DAIRYING, ON-FARM COMPOSTING AS REGULATED BY COMAR 26.04.11.06, and
3 primary AND VALUE ADDED agricultural processing. For purposes of this definition:
4

5 (i) "AGRICULTURE" MEANS THE BUSINESS, SCIENCE AND ART OF
6 CULTIVATING AND MANAGING SOIL FOR THE PRODUCTION, GROWING, OR HARVESTING
7 OF CROPS, AGRICULTURAL OR HORTICULTURAL PRODUCTS, AND MAY ALSO INCLUDE
8 SELLING CROPS, AGRICULTURAL, OR HORTICULTURAL PRODUCTS GROWN OR PRODUCED
9 ONSITE OR AGGREGATED FROM MULTIPLE SITES;
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11 (II) "AGROFORESTRY" MEANS THE INTEGRATION OF TREES AND SHRUBS INTO
12 FARMING SYSTEMS AND INCLUDES FORESTRY (INCLUDING SILVICULTURE), TREE
13 FARMING, AND FOREST FARMING;
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15 (III) "ANIMAL AND POULTRY HUSBANDRY" MEANS THE BREEDING, FEEDING,
16 RAISING, AND GENERAL CARE OR USE OF ANIMALS, INCLUDING EQUINE ANIMALS,
17 SWINE, CATTLE, GOATS, CHICKENS, AND SIMILAR FARM OR LIVESTOCK ANIMALS;
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19 (IV) "aquaculture" means the farming or culturing of finfish, shellfish, other
20 aquatic plants or animals, or both, in lakes, streams, inlets, estuaries, and other natural or
21 artificial water bodies or impoundments, including hatching, cultivating, planting,
22 feeding, raising, and harvesting of aquatic plants and animals;
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24 [(ii)] (V) "primary agricultural AND VALUE ADDED processing" means the
25 processing of [an] ONE OR MORE agricultural [product] INGREDIENTS OR PRODUCTS in
26 the course of preparing it for market, SO LONG AS AT LEAST ONE OF THE INGREDIENTS OR
27 PRODUCTS ARE GROWN OR PRODUCED ON THE FARM, including cutting, drying,
28 packaging, canning, milling, grinding, freezing, heating, and fermenting; and
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30 [(iii)] (VI) "farming" does not include the cultivation, processing or dispensing
31 of marijuana, as defined in the Criminal Law Article, § 5-101, of the State Code, as
32 amended, or medical cannabis, as defined in COMAR, Title 10, Subtitle 62.
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34 [(120)] (122) "Stables[, commercial, community, and] OR riding club" means a
35 COMMERCIAL OR COMMUNITY facility used for [the unsupervised hiring out of horses
36 owned by the facility] THE PURPOSE OF BOARDING, SELLING, RIDING, OR TRAINING
37 EQUINES; TEACHING EQUESTRIAN SKILLS; OR DAY CAMPS RELATED TO THOSE
38 ACTIVITIES.
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40 TITLE 4. RESIDENTIAL DISTRICTS 41

42 18-4-106. Permitted, conditional, and special exception uses. 43

44 The permitted, conditional, and special exception uses allowed in each of the
45 residential districts are listed in the chart in this section using the following key: P =
46 permitted use; C = conditional use; SE = special exception use. A blank means that the
47 use is not allowed in the district. Except as provided otherwise in this article, uses and
48 structures customarily accessory to the listed uses also are allowed, except that guest
49 houses as accessory structures are prohibited and outside storage as an accessory use is
50 limited to the lesser of 10% of the allowed lot coverage or 500 square feet.

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Permitted, Conditional, and Special Exception Uses	RA	RLD	R1	R2	R5	R10	R15	R22
AGRITOURISM	C	C	C					
Airports and airfields	SE		SE					

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TITLE 5. COMMERCIAL DISTRICTS

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18-5-102. Permitted, conditional, and special exception uses.

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The permitted, conditional, and special exception uses allowed in each of the commercial districts, and uses auxiliary to a business complex, are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use; and A = auxiliary to a business complex use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to permitted, conditional, and special exception uses also are allowed.

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Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses	C1	C2	C3	C4

Personal fitness studios	P	P	P	P
PETS, LIVESTOCK, OR FOWL AS PERMITTED BY § 18-4-104	P	P	P	P

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TITLE 6. INDUSTRIAL DISTRICTS

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18-6-103. Permitted, conditional, and special exception uses.

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The permitted, conditional, and special exception uses allowed in each of the industrial districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use; and A= auxiliary use to a business complex use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to permitted, conditional, and special exception uses also are allowed, except that outside storage as an accessory use in W1 is limited to 15% of the allowed lot coverage.

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Permitted, Conditional, and Special Exception Uses	W1	W2	W3

Petroleum products, storage on lot in excess of 1,000,000 gallons for use by W3 district uses or public utilities			SE
PETS, LIVESTOCK, OR FOWL AS PERMITTED BY § 18-4-104	P	P	P

TITLE 9. OTHER ZONING DISTRICTS

18-9-202. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in Open Space Districts (OS) and in the Open Space Conservation Overlay (OS-C) are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed.

Permitted, Conditional, and Special Exception Uses	OS	OS-C
Farming [or nurseries, including truck gardening, grazing of livestock, and other similar activities], if the use does not change the stability of the land[; including barns, stables and other structures accessory to farming]	P	P

Launching ramps	P	P
NURSERIES WITH LANDSCAPING AND PLANT SALES	C	C

TITLE 10. REQUIREMENTS FOR CONDITIONAL USES.

18-10-103. Agritourism.

FOR PURPOSES OF THIS SECTION, "AGRICULTURAL BUILDING" MEANS THE BUILDINGS DESCRIBED IN § 105.2.1.14 OF THE CONSTRUCTION CODE OF ANNE ARUNDEL COUNTY. IF THERE WILL BE MORE THAN 50 OCCUPANTS AT ANY ONE TIME IN AN AGRICULTURAL BUILDING FOR AN AGRITOURISM USE, THE AGRITOURISM USE SHALL BE LIMITED TO A GROUND FLOOR LEVEL OF THE BUILDING AND THE FIRE MARSHAL SHALL INSPECT THE AGRICULTURAL BUILDING FOR COMPLIANCE WITH THE STATE FIRE PREVENTION CODE BEFORE IT MAY BE OCCUPIED FOR AN AGRITOURISM USE.

[18-10-145] 18-10-148. Stables or riding clubs.

A [commercial or community] stable or riding club shall comply with all of the following requirements.

(1) A facility with up to two horses shall be located on a lot of at least two acres, plus 20,000 square feet for each horse in excess of two horses.

(2) A structure enclosing a horse shall be located at least 50 feet from any nonresidential lot line and 200 feet from any residentially zoned property line.

(3) All manure shall be stored at least 100 feet from any lot line.

SECTION 3. *And be it further enacted by the County Council of Anne Arundel County, Maryland,* That Section(s) of the Anne Arundel County Construction and Property Maintenance Codes Supplement, October 1, 2005 (as amended) read as follows:

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CONSTRUCTION AND PROPERTY MAINTENANCE CODE SUPPLEMENT

CONSTRUCTION CODE

Chapter 1

Construction Code Administrative Provisions

Section 105

Permits

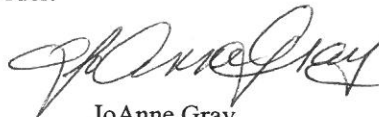
105.2.1.14 Agricultural buildings, specifically livestock shelters, livestock buildings, shade structures, milking barns, poultry shelters, barns, buildings and structures used for storage of farm equipment and machinery, horticultural structures, detached production greenhouses, crop protection shelters, sheds, grain silos, riding arenas not open to the general public, stables, and buildings or structures for farm wineries on farms of at least 20 acres with State-approved Farm Management Plans where at least 75% of the grapes processed into wine are grown on the farm. The following are not agricultural buildings for the purpose of this Code:

105.2.1.14.3 Buildings open to the general public for commercial, recreational, or other use; UNLESS THE USE BY THE GENERAL PUBLIC IS LIMITED TO THE GROUND FLOOR LEVEL AND A MAXIMUM OF 50 OCCUPANTS AT ANY ONE TIME, OR THE FIRE MARSHAL HAS INSPECTED THE BUILDING FOR COMPLIANCE WITH THE STATE FIRE PREVENTION CODE BEFORE IT IS OCCUPIED BY THE GENERAL PUBLIC.

SECTION 4. *And be it further enacted by the County Council of Anne Arundel County, Maryland,* That the provisions of this Ordinance shall take effect 45 days from the date it becomes law.


READ AND PASSED this 5th day of September, 2017

By Order:



JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 6th day of September, 2017



JoAnne Gray
Administrative Officer

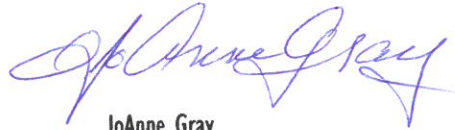
APPROVED AND ENACTED this 7th day of September, 2017



Steven R. Schuh
County Executive

EFFECTIVE DATE: October 22, 2017

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
67-17. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.



JoAnne Gray
Administrative Officer