

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2020, Legislative Day No. 26

Bill No. 69-20

Introduced by Ms. Pickard, Chair
(by request of the County Executive)

By the County Council, September 8, 2020

Introduced and first read on September 8, 2020
Public Hearing set for and held on October 5, 2020
Public Hearing on AMENDED bill set for and held on October 19, 2020
Public Hearing on SECOND AMENDED bill set for and held on November 2, 2020
Bill AMENDED on November 16, 2020
Public Hearing on THIRD AMENDED bill set for and held on December 7, 2020
Bill Expires on December 12, 2020

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Farm or Agricultural Heritage Site Stays and
2 Special Events
3

4 FOR the purpose of expanding the uses allowed on farms and agricultural heritage sites;
5 defining certain terms; allowing farm or agricultural heritage site events as a temporary
6 use in RA, RLD, and R1 residential districts under certain circumstances; allowing “9
7 to 15 annual farm or agricultural heritage site special events” ~~as a conditional use and~~
8 “farm or agricultural heritage site stay” as conditional uses in RA, RLD, and R1
9 residential districts; allowing “16 to 30 annual farm or agricultural heritage site special
10 events” ~~and “farm or agricultural heritage site stay” as special exception uses as a~~
11 special exception use in RA, RLD, and R1 residential districts; adding the conditional
12 use requirements for “9 to 15 annual farm or agricultural heritage site special events”
13 and “farm or agricultural heritage site stay”; adding the special exception use
14 requirements for “16 to 30 annual farm or agricultural heritage site special events” ~~and~~
15 “farm or agricultural heritage site stay”; requiring the Office of Planning and Zoning
16 to report to the County Council within certain time periods; and generally relating to
17 zoning.

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 BY renumbering: §§ 18-1-101(6) through (51) and (52) through (157), respectively, to be
2 18-1-101(7) through (52) and (55) through (160), respectively; 18-10-124 through 18-
3 10-162, respectively, to be ~~18-10-125~~ 18-10-126 through ~~18-10-163~~ 18-10-164,
4 respectively; and 18-11-125 through 18-11-165, respectively, to be ~~18-11-127~~ 18-11-
5 126 through ~~18-11-167~~ 18-11-166, respectively
6 Anne Arundel County Code (2005, as amended)

7
8 BY repealing and reenacting, with amendments: §§ 18-1-101(7); 18-2-203; and 18-4-106
9 Anne Arundel County Code (2005, as amended)

10
11 BY adding: §§ 18-1-101(6), (53), and (54); 18-10-124; 18-10-125; and 18-11-125; and ~~18-~~
12 ~~11-126~~
13 Anne Arundel County Code (2005, as amended)

14
15 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
16 That §§ 18-1-101(7) through (51) and (52) through (157), 18-10-124 through 18-10-162,
17 and 18-11-125 through 18-11-165, respectively, of the Anne Arundel County Code (2005,
18 as amended) are hereby renumbered to be §§ 18-1-101(8) through (52) and (55) through
19 (160), ~~18-10-125 through 18-10-163, and 18-11-127 through 18-11-167~~ 18-10-126 through
20 18-10-164, and 18-11-126 through 18-11-166, respectively.

21
22 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
23 Code (2005, as amended) read as follows:

24
25 **ARTICLE 18. ZONING**

26
27 **TITLE 1. DEFINITIONS**

28
29 **18-1-101. Definitions.**

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

34
35 (6) “AGRICULTURAL HERITAGE SITE” MEANS A PROPERTY LISTED ON THE COUNTY
36 INVENTORY OF HISTORIC RESOURCES THAT IS DETERMINED BY THE PLANNING AND
37 ZONING OFFICER TO BE HISTORICALLY SIGNIFICANT FOR ITS CONTRIBUTION TO THE
38 AGRICULTURAL HISTORY OF THE COUNTY.

39
40 ~~[[6]]~~ (7) “Agritourism” means a business enterprise on a farm related to
41 agriculture, historical, cultural, or natural resources that is offered to the public or invited
42 groups. Agritourism shall be an accessory to a principal use of farming and shall be located
43 on land that qualifies for an agricultural use assessment pursuant to the Tax-Property
44 Article, §8-209 of the State Code or that is covered by a current and active soil conservation
45 and water quality plan approved by the Anne Arundel Soil Conservation District.
46 Agritourism includes fishing; wildlife study; corn mazes; pumpkin patches; harvest
47 festivals; field trips; hayrides; pick-your-own operations; farm tours; food services,
48 including farm to table meals; farm museums; educational classes; and activities or events
49 related to agriculture, HISTORICAL, CULTURAL, or natural resources, agricultural products,
50 or agricultural skills.

1 (53) "FARM OR AGRICULTURAL HERITAGE SITE SPECIAL EVENT" MEANS A
 2 GATHERING OF THE PUBLIC OR INVITED GROUPS LIMITED TO ATTENDANCE BY
 3 INVITATION OR RESERVATION FOR COMPENSATION FOR EVENTS INCLUDING PARTIES,
 4 CELEBRATIONS, WEDDINGS, OR RECEPTIONS ON A FARM THAT QUALIFIES FOR AN
 5 AGRICULTURAL USE ASSESSMENT PURSUANT TO § 8-209 OF THE TAX-PROPERTY ARTICLE
 6 OF THE STATE CODE OR THAT IS COVERED BY A CURRENT AND ACTIVE SOIL
 7 CONSERVATION AND WATER QUALITY PLAN APPROVED BY THE ANNE ARUNDEL SOIL
 8 CONSERVATION DISTRICT, OR ON AN AGRICULTURAL HERITAGE SITE.

9
 10 (54) "FARM OR AGRICULTURAL HERITAGE SITE STAY" MEANS A HOSTED
 11 ACCOMMODATION FOR OVERNIGHT GUESTS WHO PAY TO STAY ON A FARM THAT
 12 QUALIFIES FOR AN AGRICULTURAL USE ASSESSMENT PURSUANT TO § 8-209 OF THE TAX-
 13 PROPERTY ARTICLE OF THE STATE CODE OR THAT IS COVERED BY A CURRENT AND
 14 ACTIVE SOIL CONSERVATION AND WATER QUALITY PLAN APPROVED BY THE ANNE
 15 ARUNDEL SOIL CONSERVATION DISTRICT, OR ON AN AGRICULTURAL HERITAGE SITE.
 16 "FARM OR AGRICULTURAL HERITAGE SITE STAY" DOES NOT INCLUDE A BED AND
 17 BREAKFAST INN, BED OR BREAKFAST HOME, OR SHORT-TERM RESIDENTIAL RENTAL.

18 TITLE 2. GENERAL PROVISIONS

19 18-2-203. Temporary uses.

20
 21 (A) **Generally.** Except where specific temporary uses are provided for in this Code, and
 22 EXCEPT AS PROVIDED IN SUBSECTION (B), upon a determination that a temporary use of
 23 land will not adversely affect nearby properties and will not require significant or
 24 permanent changes to existing topography, vegetation, or other natural features, the
 25 Planning and Zoning Officer may authorize the use in any zoning district for a period not
 26 exceeding 60 days. The Planning and Zoning Officer may grant up to two extensions of
 27 the temporary use for periods not exceeding 60 days each.

28
 29 ~~(B) **Farm or Agricultural Heritage Site Special Events, one to eight annual events.**
 30 THE PLANNING AND ZONING OFFICER MAY AUTHORIZE UP TO EIGHT FARM OR
 31 AGRICULTURAL HERITAGE SITE SPECIAL EVENTS ON A PROPERTY IN THE RA, RLD, OR R1
 32 ZONING DISTRICTS AS A TEMPORARY USE UPON A DETERMINATION THAT THE USE WILL
 33 NOT ADVERSELY AFFECT NEARBY PROPERTIES AND WILL NOT REQUIRE SIGNIFICANT OR
 34 PERMANENT CHANGES TO EXISTING TOPOGRAPHY, VEGETATION, OR OTHER NATURAL
 35 FEATURES. AUTHORIZATION IS REQUIRED FOR EACH INDIVIDUAL EVENT AND MAY NOT
 36 BE GIVEN FOR MORE THAN EIGHT SPECIAL EVENTS PER PROPERTY WITHIN A 12-MONTH
 37 PERIOD. EACH FARM OR AGRICULTURAL HERITAGE SITE SPECIAL EVENT SHALL BE NO
 38 LONGER THAN ONE DAY.~~

39
 40 (B) **Farm or Agricultural Heritage Site Special Events, one to eight annual events.**
 41 THE PLANNING AND ZONING OFFICER MAY AUTHORIZE UP TO EIGHT FARM OR
 42 AGRICULTURAL HERITAGE SITE SPECIAL EVENTS ON A PROPERTY IN THE RA, RLD, OR R1
 43 ZONING DISTRICTS AS A TEMPORARY USE IF:

44
 45 1. THE PLANNING AND ZONING OFFICER DETERMINES THAT THE EVENT WILL NOT
 46 ADVERSELY AFFECT NEARBY PROPERTIES AND WILL NOT REQUIRE SIGNIFICANT OR
 47 PERMANENT CHANGES TO EXISTING TOPOGRAPHY, VEGETATION, OR OTHER NATURAL
 48 FEATURES;

49
 50 2. NO MORE THAN EIGHT EVENTS ON THE SAME PROPERTY WITHIN A 12-MONTH
 51 PERIOD ARE AUTHORIZED;

1 **TITLE 10. REQUIREMENTS FOR CONDITIONAL USES**

2
3 **18-10-124. Farm or agricultural heritage site special event, 9 to 15 annual events.**

4
5 A FARM OR AGRICULTURAL HERITAGE SITE SPECIAL EVENT, 9 TO 15 ANNUAL EVENTS,
6 SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS.

7
8 (1) THE MINIMUM LOT SIZE FOR A FARM IS 10 ACRES.

9
10 (2) THE MINIMUM LOT SIZE FOR AN AGRICULTURAL HERITAGE SITE IS FIVE ACRES.

11
12 (3) ONSITE CIRCULATION AND PARKING AREAS SHALL BE DESIGNED TO MINIMIZE
13 VEHICULAR AND PEDESTRIAN CONFLICTS.

14
15 (4) ANY OUTDOOR ASSEMBLY AREAS SHALL BE LOCATED AND DESIGNED TO
16 SHIELD SURROUNDING RESIDENTIAL PROPERTIES FROM THE EFFECTS OF NOISE,
17 HAZARDS, OR OTHER OFFENSIVE CONDITIONS AND SHALL BE SCREENED FROM ADJACENT
18 RESIDENTIAL PROPERTIES.

19
20 (5) MAXIMUM CAPACITY FOR A SPECIAL EVENT ON A FARM, OR FOR AN
21 AGRICULTURAL HERITAGE SITE WITH A LOT SIZE OVER 10 ACRES, MAY NOT EXCEED 200
22 ATTENDEES. MAXIMUM CAPACITY FOR A SPECIAL EVENT ON AN AGRICULTURAL
23 HERITAGE SITE WITH A LOT SIZE BETWEEN 5 AND 10 ACRES MAY NOT EXCEED 50
24 ATTENDEES.

25
26 (6) NO MORE THAN 15 FARM OR AGRICULTURAL HERITAGE SITE SPECIAL EVENTS
27 MAY BE HELD ON THE SAME PROPERTY WITHIN A 12-MONTH PERIOD.

28
29 (7) OPERATION HOURS SHALL BE RESTRICTED TO BETWEEN 9:00 A.M. AND 10:00
30 P.M., SUNDAY THROUGH THURSDAY; AND BETWEEN 9:00 A.M. AND 11:00 P.M., FRIDAY AND
31 SATURDAY.

32
33 (8) EACH FARM OR AGRICULTURAL HERITAGE SITE SPECIAL EVENT SHALL BE NO
34 LONGER THAN ONE DAY.

35
36 (9) SPECIAL EVENT ACTIVITIES SHALL OCCUR OUTDOORS, UNLESS THE USE OF ANY
37 STRUCTURES OR TENTS IS IN ACCORDANCE WITH THE BUILDING CODE.

38
39 (10) A FARM OR AGRICULTURAL HERITAGE SITE SPECIAL EVENT SHALL BE
40 ACCESSORY AND NOT THE PRINCIPAL USE ON THE FARM OR AGRICULTURAL HERITAGE
41 SITE.

42
43 (11) THE OWNER HAS OWNED THE PROPERTY FOR THE IMMEDIATELY PRECEDING
44 TWO YEARS AND HAS BEEN ENGAGED IN ACTIVE FARMING FOR THE IMMEDIATELY
45 PRECEDING TWO YEARS.

46
47 **18-10-125. Farm or agricultural heritage site stay.**

48
49 A FARM OR AGRICULTURAL HERITAGE SITE STAY SHALL COMPLY WITH THE
50 FOLLOWING REQUIREMENTS.

51
52 (1) THE FARM OR AGRICULTURAL HERITAGE SITE SHALL BE ON A LOT OF AT LEAST
53 10 ACRES.

54
55 (2) THE OWNER OR MANAGER OF THE FARM OR AGRICULTURAL HERITAGE SITE
56 SHALL RESIDE ON THE PROPERTY AND SHALL BE PRESENT DURING THE FARM OR
57 AGRICULTURAL HERITAGE SITE STAY.

1 (3) FOR FARMS OR AGRICULTURAL HERITAGE SITES LESS THAN 50 ACRES, A
2 MAXIMUM OF THREE GROUPS OR 12 GUESTS, WHICHEVER IS LESS, MAY STAY AT ONE TIME.
3 FOR FARMS OR AGRICULTURAL HERITAGE SITES 50 ACRES OR MORE, NO MORE THAN FIVE
4 GROUPS OR 20 GUESTS, WHICHEVER IS LESS, MAY STAY AT ONE TIME. GUESTS MAY STAY
5 NO MORE THAN 14 CONSECUTIVE DAYS.

6
7 (4) THE OWNER SHALL MAINTAIN A RESERVATION LOG OF THE ARRIVAL AND
8 DEPARTURE DATES OF ALL GUESTS FOR INSPECTION BY THE OFFICE OF PLANNING AND
9 ZONING.

10
11 (5) A FARM OR AGRICULTURAL HERITAGE SITE STAY SHALL BE ACCESSORY AND
12 NOT THE PRINCIPAL USE ON THE FARM OR AGRICULTURAL HERITAGE SITE.

13
14 (6) A FARM OR AGRICULTURAL HERITAGE SITE STAY SHALL INCLUDE
15 AGRICULTURAL PROMOTION AND GUEST EDUCATION ABOUT THE FARM OPERATION OR
16 THE AGRICULTURAL HERITAGE SITE, AND SHALL BE SUBORDINATE TO AND IN
17 CONJUNCTION WITH AGRICULTURE OR AGRICULTURAL HERITAGE AND HISTORIC
18 PRESERVATION GOALS.

19
20 (7) ANY BUILDING OR OTHER IMPROVEMENTS OR ADDITIONS MADE IN
21 CONNECTION WITH A FARM OR AGRICULTURAL HERITAGE SITE STAY SHALL BE LOCATED
22 AND DESIGNED TO SHIELD SURROUNDING RESIDENTIAL PROPERTIES FROM THE EFFECTS
23 OF NOISE, HAZARDS, OR OTHER OFFENSIVE CONDITIONS.

24
25 (8) THE MINIMUM SETBACK FROM ANY LOT LINE FOR ANY BUILDING OR OTHER
26 IMPROVEMENTS OR ADDITIONS USED IN CONNECTION WITH A FARM OR AGRICULTURAL
27 HERITAGE STAY SHALL BE 100 FEET.

28
29 (9) THE OWNER HAS OWNED THE PROPERTY FOR THE IMMEDIATELY PRECEDING
30 TWO YEARS AND HAS BEEN ENGAGED IN ACTIVE FARMING FOR THE IMMEDIATELY
31 PRECEDING TWO YEARS.

32
33 **TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES**

34
35 **18-11-125. Farm or agricultural heritage site special event, 16 to 30 annual events.**

36
37 A FARM OR AGRICULTURAL HERITAGE SITE SPECIAL EVENT, 16 TO 30 ANNUAL EVENTS,
38 SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS.

39
40 (1) THE MINIMUM LOT SIZE IS 10 ACRES.

41
42 (2) ONSITE CIRCULATION AND PARKING AREAS SHALL BE DESIGNED TO MINIMIZE
43 VEHICULAR AND PEDESTRIAN CONFLICTS.

44
45 (3) ANY OUTDOOR ASSEMBLY AREAS SHALL BE LOCATED AND DESIGNED TO
46 SHIELD SURROUNDING RESIDENTIAL PROPERTIES FROM THE EFFECTS OF NOISE,
47 HAZARDS, OR OTHER OFFENSIVE CONDITIONS AND SHALL BE SCREENED FROM ADJACENT
48 RESIDENTIAL PROPERTIES.

49
50 (4) MAXIMUM CAPACITY MAY NOT EXCEED 200 ATTENDEES.

51
52 (5) NO MORE THAN 30 FARM OR AGRICULTURAL HERITAGE SITE SPECIAL EVENTS
53 MAY BE HELD ON THE SAME PROPERTY WITHIN A 12-MONTH PERIOD.

54
55 (6) OPERATION HOURS SHALL BE RESTRICTED TO BETWEEN 9:00 A.M. AND 10:00
56 P.M., SUNDAY THROUGH THURSDAY; AND BETWEEN 9:00 A.M. AND 11:00 P.M., FRIDAY AND
57 SATURDAY.

1 (7) EACH FARM OR AGRICULTURAL HERITAGE SITE SPECIAL EVENT SHALL BE NO
2 LONGER THAN ONE DAY.

3
4 (8) SPECIAL EVENT ACTIVITIES SHALL OCCUR OUTDOORS, UNLESS THE USE OF ANY
5 STRUCTURES OR TENTS IS IN ACCORDANCE WITH THE BUILDING CODE.

6
7 (9) A FARM OR AGRICULTURAL HERITAGE SITE SPECIAL EVENT SHALL BE
8 ACCESSORY AND NOT THE PRINCIPAL USE ON THE FARM OR AGRICULTURAL HERITAGE
9 SITE.

10
11 (10) THE OWNER HAS OWNED THE PROPERTY FOR THE IMMEDIATELY PRECEDING
12 TWO YEARS AND HAS BEEN ENGAGED IN ACTIVE FARMING FOR THE IMMEDIATELY
13 PRECEDING TWO YEARS.

14
15 **~~18-11-126. Farm or agricultural heritage site stay.~~**

16
17 ~~— A FARM OR AGRICULTURAL HERITAGE SITE STAY SHALL COMPLY WITH THE~~
18 ~~FOLLOWING REQUIREMENTS.~~

19
20 ~~— (1) THE MINIMUM LOT SIZE FOR A FARM IS 10 ACRES.~~

21
22 ~~— (2) THE MINIMUM LOT SIZE FOR AN AGRICULTURAL HERITAGE SITE IS FIVE ACRES.~~

23
24 ~~— (3) THE OWNER OR MANAGER OF THE FARM OR AGRICULTURAL HERITAGE SITE~~
25 ~~SHALL RESIDE ON THE PROPERTY AND SHALL BE PRESENT DURING THE FARM OR~~
26 ~~AGRICULTURAL HERITAGE SITE STAY.~~

27
28 ~~— (4) NO MORE THAN FIVE GROUPS OF NO MORE THAN 10 GUESTS IN EACH GROUP AT~~
29 ~~ONE TIME SHALL BE ALLOWED. GUESTS MAY STAY NO MORE THAN 14 CONSECUTIVE~~
30 ~~DAYS.~~

31
32 ~~— (5) THE OWNER SHALL MAINTAIN A RESERVATION LOG OF THE ARRIVAL AND~~
33 ~~DEPARTURE DATES OF ALL GUESTS FOR INSPECTION BY THE OFFICE OF PLANNING AND~~
34 ~~ZONING.~~

35
36 ~~— (6) A FARM OR AGRICULTURAL HERITAGE SITE STAY SHALL BE ACCESSORY AND~~
37 ~~NOT THE PRINCIPAL USE ON THE FARM OR AGRICULTURAL HERITAGE SITE.~~

38
39 ~~— (7) A FARM OR AGRICULTURAL HERITAGE SITE STAY SHALL INCLUDE~~
40 ~~AGRICULTURAL PROMOTION AND GUEST EDUCATION ABOUT THE FARM OPERATION OR~~
41 ~~THE AGRICULTURAL HERITAGE SITE, AND SHALL BE SUBORDINATE TO AND IN~~
42 ~~CONJUNCTION WITH AGRICULTURE OR AGRICULTURAL HERITAGE AND HISTORIC~~
43 ~~PRESERVATION GOALS.~~

44
45 SECTION 3. And be it further enacted, That beginning in 2022 and through 2027, on
46 or before January 1 of each year, the Office of Planning and Zoning shall provide a report
47 to the County Council on farm or agricultural heritage site special events and farm or
48 agricultural heritage site stays. The report shall include: (1) the number of temporary uses,
49 conditional uses, and special exception uses granted; (2) for a temporary use, the number
50 of people attending a farm or agricultural heritage site special event and the acreage of the
51 farm or agricultural heritage site; and (3) the number of complaints received each year and
52 a description of the general nature of the complaints.

53
54 SECTION 3. 4. And be it further enacted, That this Ordinance shall take effect 45 days
55 from the date it becomes law.

AMENDMENTS ADOPTED: October 5 and 19 and November 16, 2020

READ AND PASSED this 7th day of December, 2020

By Order:



JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 8th day of December, 2020



JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 11th day of December, 2020



Steuart Pittman
County Executive

EFFECTIVE DATE: January 25, 2021

**I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 69-20. THE ORIGINAL OF WHICH IS RETAINED IN THE
FILES OF THE COUNTY COUNCIL.**



JoAnne Gray
Administrative Officer