

PROPOSED

AMENDED
May 15 and June 5 and 19, 2017

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2017, Legislative Day No. 7

Bill No. 25-17

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

By the County Council, April 3, 2017

Introduced and first read on April 3, 2017
Public Hearing set for and held on May 1, 2017
Bill AMENDED on May 15, 2017
Public Hearing on AMENDED bill set for and held on June 5, 2017
Public Hearing on SECOND AMENDED bill set for and held on June 19, 2017
Public Hearing on THIRD AMENDED bill set for July 3, 2017
Bill Expires July 7, 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 exempting certain agricultural buildings from the building permit
6 requirements of the Construction Code; defining certain terms; allowing agritourism
7 and farm product local distribution centers as conditional uses as a conditional use in
8 certain residential districts; allowing equestrian centers as a special exception use in
9 certain residential districts; allowing pets, livestock or fowl under certain
10 circumstances in certain commercial and industrial districts; allowing nurseries with
11 landscaping and plant sales as a conditional use in certain open space districts;
12 establishing the conditional use requirements for agritourism uses and farm product
13 local distribution centers; amending the conditional use requirements for stables or
14 riding clubs; establishing the special exception use requirements for equestrian
15 centers; and generally relating to zoning and the Construction Codes.
16

17 BY renumbering: §§ 18-1-101(5) through (41), (42) through (43), and (44) through (145)
18 to be § 18-1-101(6) through (42), (44) through (45), and (48) through (149),
19 respectively; 18-10-103 through 18-10-118 to be 18-10-104 through 18-10-121, and
20 18-10-119 through 18-10-151 to be 18-10-123 through 18-10-156, respectively; and

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Underlining indicates amendments to resolution.
~~Strikeover~~ indicates matter stricken from resolution by amendment.

1 ~~18-11-125 through 18-11-163 to be 18-11-126 through 18-11-165, respectively (as~~
2 ~~amended by Bill Nos. 75-16, 83-16, and 96-16)~~
3 ~~Anne Arundel County Code (2005, as amended)~~
4

5 ~~BY renumbering and repealing and reenacting, with amendments: §§ 18-1-101(44) and~~
6 ~~(120) to be § 18-1-101(48) and (124), respectively; and 18-10-144 to be 18-10-148,~~
7 ~~respectively (as amended by Bill Nos. 75-16, 83-16, and 96-16)~~
8 ~~Anne Arundel County Code (2005, as amended)~~
9

10 ~~BY adding: §§ 18-1-101(5), (43), (46), and (47); 18-10-103; 18-10-122; and 18-11-125~~
11 ~~Anne Arundel County Code (2005, as amended)~~
12

13 BY renumbering: §§ 18-1-101(5) through (43) and (44) through (145) to be 18-1-101(6)
14 through (44) and (46) through (147), respectively; and 18-10-103 through 18-10-151
15 to be 18-10-104 through 18-10-154, respectively (as amended by Bill Nos. 75-16, 83-
16 16, and 96-16)
17 Anne Arundel County Code (2005, as amended)
18

19 BY renumbering and repealing and reenacting, with amendments: §§ 18-1-101(44) and
20 (120) to be 18-1-101(46) and (122), respectively; and 18-10-143 to be 18-10-147,
21 respectively (as amended by Bill Nos. 75-16, 83-16, and 96-16)
22 Anne Arundel County Code (2005, as amended)
23

24 BY adding: §§ 18-1-101(5) and (45); and 18-10-103
25 Anne Arundel County Code (2005, as amended)
26

27 BY repealing and reenacting, with amendments: §§ 18-4-106; 18-5-102; 18-6-103; and
28 18-9-202
29 Anne Arundel County Code (2005, as amended)
30

31 BY repealing and reenacting, with amendments: Construction Code, Chapter 1, §
32 105.2.1.14.3
33 Anne Arundel County Construction and Property Maintenance Codes Supplement,
34 October 1, 2005 (as Amended)
35

36 ~~SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*~~
37 ~~*Maryland, That §§ 18-1-101(5) through (41), (42) through (43), and (44) through (145);*~~
38 ~~*18-10-103 through 18-10-118, and 18-10-119 through 18-10-151; and 18-11-125 through*~~
39 ~~*18-11-163 of the Anne Arundel County Code (2005, as amended)(and as amended by*~~
40 ~~*Bill Nos. 75-16, 83-16, and 96-16) are hereby renumbered to be §§ 18-1-101(6) through*~~
41 ~~*(42), (44) through (45), and (48) through (149); 18-10-104 through 18-10-121, and 18-*~~
42 ~~*10-123 through 18-10-156; and 18-11-126 through 18-11-165, respectively.*~~
43

44 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
45 *Maryland, That §§ 18-1-101(5) through (43) and (44) through (145); and 18-10-103*
46 *through 18-10-151 of the Anne Arundel County Code (2005, as amended)(and as*
47 *amended by Bill Nos. 75-16, 83-16, and 96-16) are hereby renumbered to be §§ 18-1-*
48 *101(6) through (44) and (46) through (147); and 18-10-104 through 18-10-154,*
49 *respectively.*

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

4
 5 **ARTICLE 18. ZONING**

6
 7 **TITLE 1. DEFINITIONS**

8
 9 **18-1-101. Definitions.**

10
 11 Unless defined in this article, the Natural Resources Article of the State Code, or
 12 COMAR, words defined elsewhere in this Code apply in this article. The following
 13 words have the meanings indicated:

14
 15 (5) "AGRITOURISM" MEANS A BUSINESS ENTERPRISE ON A FARM RELATED TO
 16 AGRICULTURE OR NATURAL RESOURCES THAT IS OFFERED TO THE PUBLIC OR INVITED
 17 GROUPS ~~AND IS ACCESSORY TO THE PRIMARY OPERATION ON THE FARM.~~ AGRITOURISM
 18 SHALL BE ACCESSORY TO A PRINCIPAL USE OF FARMING AND SHALL BE LOCATED ON
 19 LAND THAT QUALIFIES FOR AN AGRICULTURAL USE ASSESSMENT PURSUANT TO THE
 20 TAX-PROPERTY ARTICLE, § 8-209, OF THE STATE CODE OR THAT IS COVERED BY A
 21 CURRENT AND ACTIVE SOIL CONSERVATION AND WATER QUALITY PLAN APPROVED BY
 22 THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT. AGRITOURISM INCLUDES FISHING;
 23 WILDLIFE STUDY; CORN MAZES; PUMPKIN PATCHES; HARVEST FESTIVALS; HALLOWEEN
 24 FESTIVALS OR ATTRACTIONS; FIELD TRIPS; HAYRIDES; PICK-YOUR-OWN OPERATIONS;
 25 FARM TOURS; FOOD SERVICES, INCLUDING FARM TO TABLE MEALS; FARM MUSEUMS;
 26 EDUCATIONAL CLASSES; AND ACTIVITIES OR EVENTS RELATED TO AGRICULTURE OR
 27 NATURAL RESOURCES, AGRICULTURAL PRODUCTS, OR AGRICULTURAL SKILLS.

28
 29 ~~(43) "EQUESTRIAN CENTER" MEANS A FACILITY THAT IS OPEN TO THE PUBLIC~~
 30 ~~AND IS USED FOR EQUESTRIAN EVENTS, COMPETITIONS, OR EXHIBITIONS, AS WELL AS~~
 31 ~~SUPPORTING SERVICES.~~

32
 33 ~~(46) (45) "FARM" MEANS LAND USED FOR FARMING.~~

34
 35 ~~(47) "FARM PRODUCT DISTRIBUTION CENTER" MEANS THE SALE OR DISTRIBUTION~~
 36 ~~OF CROPS OR AGRICULTURAL PRODUCTS GROWN ON A FARM OR GROWN OR PRODUCED~~
 37 ~~ON OTHER FARMS WITHIN THE STATE OF MARYLAND TO LOCAL CATERERS, RETAILERS,~~
 38 ~~RESTAURANTS, OR FOOD SERVICE FACILITIES.~~

39
 40 [(44)] ~~(48) (46)~~ "Farming" means the use of land for agricultural purposes,
 41 including agriculture, apiaries, horticulture AND FLORICULTURE, orchards, agricultural
 42 nurseries, viticulture, aquaculture, HYDROPONICS, AGROFORESTRY [forestry (including
 43 silviculture)], animal and poultry husbandry SUBJECT TO THE REQUIREMENTS OF § 18-4-
 44 104, DAIRYING, ON-FARM COMPOSTING AS REGULATED BY COMAR 26.04.11.06, and
 45 primary AND VALUE ADDED agricultural processing. For purposes of this definition:

46
 47 (i) "AGRICULTURE" MEANS THE BUSINESS, SCIENCE AND ART OF
 48 CULTIVATING AND MANAGING SOIL FOR THE PRODUCTION, GROWING, OR HARVESTING
 49 OF CROPS, AGRICULTURAL OR HORTICULTURAL PRODUCTS, AND MAY ALSO INCLUDE
 50 SELLING CROPS, AGRICULTURAL, OR HORTICULTURAL PRODUCTS GROWN OR PRODUCED
 51 ONSITE OR AGGREGATED FROM MULTIPLE SITES;

TITLE 5. COMMERCIAL DISTRICTS

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

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.

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

TITLE 6. INDUSTRIAL DISTRICTS

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

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.

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 =

1 special exception use. Except as provided otherwise in this article, uses and structures
 2 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], <u>IF THE USE DOES NOT CHANGE THE STABILITY OF THE LAND</u>	P	P

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

4
 5 **TITLE 10. REQUIREMENTS FOR CONDITIONAL USES.**

6
 7 **18-10-103. Agritourism.**

8
 9 ALL AGRITOURISM USES SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS.

10
 11 ~~(1) THE USE SHALL BE LOCATED ON LAND THAT QUALIFIES FOR AN~~
 12 ~~AGRICULTURAL USE ASSESSMENT PURSUANT TO THE TAX PROPERTY ARTICLE, § 8-209,~~
 13 ~~OF THE STATE CODE OR THAT IS COVERED BY A CURRENT AND ACTIVE SOIL~~
 14 ~~CONSERVATION AND WATER QUALITY PLAN APPROVED BY THE ANNE ARUNDEL SOIL~~
 15 ~~CONSERVATION DISTRICT.~~

16
 17 ~~(2) THE PRINCIPAL USE ON THE LAND SHALL BE FARMING AND AGRITOURISM~~
 18 ~~SHALL BE AN ACCESSORY USE.~~

19
 20 ~~(3) THE USE SHALL BE LOCATED ON A LOT OR CONTIGUOUS LOTS UNDER THE~~
 21 ~~SAME OWNERSHIP AND THAT TOTAL AT LEAST THREE ACRES.~~

22
 23 ~~(4) THE PUBLIC OR INVITED GUESTS SHALL OCCUPY BUILDINGS CONSTRUCTED~~
 24 ~~AND APPROVED FOR PUBLIC USE UNDER A LAWFULLY ISSUED BUILDING PERMIT, AND~~
 25 ~~FOR WHICH ALL FINAL INSPECTIONS HAVE BEEN COMPLETED AND A CERTIFICATE OF~~
 26 ~~OCCUPANCY HAS BEEN ISSUED BY THE DEPARTMENT OF INSPECTIONS AND PERMITS.~~

27 ALL AGRITOURISM USES SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS.

28
 29 (1) FOR PURPOSES OF THIS SUBSECTION SECTION, "AGRICULTURAL BUILDING"
 30 MEANS THE BUILDINGS DESCRIBED IN § 105.2.1.14 OF THE CONSTRUCTION CODE OF ANNE
 31 ARUNDEL COUNTY. IF THERE WILL BE MORE THAN 50 OCCUPANTS AT ANY ONE TIME IN
 32 AN AGRICULTURAL BUILDING FOR AN AGRITOURISM USE, THE AGRITOURISM USE SHALL
 33 BE LIMITED TO A GROUND FLOOR LEVEL OF THE BUILDING AND THE FIRE MARSHAL
 34 SHALL INSPECT THE AGRICULTURAL BUILDING FOR COMPLIANCE WITH THE STATE FIRE
 35 PREVENTION CODE BEFORE IT MAY BE OCCUPIED FOR AN AGRITOURISM USE.

36
 37 (2) HALLOWEEN FESTIVALS OR ATTRACTIONS SHALL:

38
 39 (I) BE HELD ON A FARM OF AT LEAST 10 ACRES;

40
 41 (II) CONCLUDE NO LATER THAN 11:00 P.M. ON FRIDAY AND SATURDAY NIGHTS
 42 AND NO LATER THAN 10:00 P.M. ALL OTHER NIGHTS;

1 (III) BE LOCATED SO AS TO PROVIDE SUFFICIENT SCREENING FROM THE
2 ROADWAY AND PROTECT ABUTTING PROPERTIES FROM LIGHT, NOISE, AND OTHER
3 NUISANCES;

4
5 (IV) COMPLY WITH A PARKING NEEDS STUDY THAT MEETS THE CRITERIA SET
6 FORTH IN § 18-3-104 AND THAT IS APPROVED BY THE PLANNING AND ZONING OFFICER TO
7 ENSURE SUFFICIENT PARKING SPACE ON THE PROPERTY AND TO AVOID TRAFFIC
8 OVERFLOW INTO THE ROADWAY; AND

9
10 (V) TAKE PLACE DURING THE MONTHS OF SEPTEMBER AND OCTOBER.

11
12 ~~(5) ALL ACTIVITIES RELATED TO THE SALE OR SUPPLY OF FOOD OR BEVERAGES~~
13 ~~TO THE PUBLIC OR INVITED GUESTS SHALL COMPLY WITH ALL STATE AND COUNTY~~
14 ~~LAWS, REGULATIONS, OR REQUIREMENTS FOR SUCH SALES.~~

15
16 ~~(6) UNLESS OTHERWISE MODIFIED BY THE PLANNING AND ZONING OFFICER IN~~
17 ~~ACCORDANCE WITH § 17-2-108 OF THIS CODE, A SITE DEVELOPMENT PLAN SHALL BE~~
18 ~~SUBMITTED TO THE OFFICE OF PLANNING AND ZONING FOR REVIEW.~~

19
20 ~~(7) THE PROPERTY OWNER SHALL SUBMIT A PARKING NEEDS STUDY, USING THE~~
21 ~~CRITERIA SET FORTH IN § 18-3-104, FOR REVIEW BY THE PLANNING AND ZONING OFFICER.~~

22
23 **~~18-10-122. Farm Product Distribution Centers.~~**

24
25 ~~A FARM PRODUCT DISTRIBUTION CENTER SHALL COMPLY WITH ALL OF THE~~
26 ~~FOLLOWING REQUIREMENTS.~~

27
28 ~~(1) THE FARM PRODUCT DISTRIBUTION CENTER SHALL BE OPERATED ON A FARM.~~

29
30 ~~(2) THE FARM PRODUCT DISTRIBUTION CENTER SHALL BE LOCATED ON A LOT OR~~
31 ~~CONTIGUOUS LOTS UNDER THE SAME OWNERSHIP AND THAT TOTAL AT LEAST THREE~~
32 ~~ACRES.~~

33
34 ~~(3) THE PRINCIPAL USE ON THE LOT SHALL BE FARMING AND THE FARM PRODUCT~~
35 ~~DISTRIBUTION CENTER SHALL OPERATE AS AN ACCESSORY USE.~~

36
37 ~~(4) THE FARM PRODUCT DISTRIBUTION CENTER SHALL BE LOCATED ON A LOT~~
38 ~~THAT ACCESSES A COLLECTOR ROAD OR A ROAD OF A HIGHER CLASSIFICATION.~~

39
40 ~~(5) CROPS OR AGRICULTURAL PRODUCTS SHALL BE SOLD TO LOCAL CATERERS,~~
41 ~~RETAILERS, RESTAURANTS OR FOOD SERVICE FACILITIES, AND MAY NOT BE SOLD TO~~
42 ~~THE GENERAL PUBLIC.~~

43
44 ~~(6) HOURS OF OPERATION SHALL BE LIMITED TO 7:00 A.M. TO 6:00 P.M. DAILY.~~

45
46 ~~(7) ADEQUATE OFF STREET PARKING SHALL BE PROVIDED SUCH THAT SIGHT~~
47 ~~DISTANCE IS NOT AFFECTED BY TRAFFIC AND SHALL COMPLY WITH § 18-3-104.~~

48
49 ~~(8) UNLESS OTHERWISE MODIFIED BY THE PLANNING AND ZONING OFFICER IN~~
50 ~~ACCORDANCE WITH § 17-2-108 OF THIS CODE, A SITE DEVELOPMENT PLAN SHALL BE~~
51 ~~SUBMITTED TO THE OFFICE OF PLANNING AND ZONING FOR REVIEW.~~

52
53 **~~[18-10-144] 18-10-148 18-10-147. Stables or riding clubs.~~**

54
55 A [commercial or community] stable or riding club shall comply with all of the
56 following requirements.

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

3
4 (2) A structure enclosing a horse shall be located at least 50 feet from any
5 nonresidential lot line and 200 feet from any residentially zoned property line.

6
7 (3) All manure shall be stored at least 100 feet from any lot line.

8
9 (4) ~~FOR ANY FACILITY WITH A DAY CAMP, THE DAY CAMP SHALL COMPLY WITH~~
10 ~~TITLE 14, SUBTITLE 4 OF THE HEALTH GENERAL ARTICLE OF THE STATE CODE AND~~
11 ~~COMAR, TITLE 10, SUBTITLE 16, CHAPTER .06.~~

12
13 **TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES.**

14
15 **18-11-125. Equestrian Centers.**

16
17 ~~AN EQUESTRIAN CENTER SHALL COMPLY WITH ALL OF THE FOLLOWING~~
18 ~~REQUIREMENTS.~~

19
20 ~~(1) THE USE SHALL BE LOCATED ON A LOT OR CONTIGUOUS LOTS UNDER THE~~
21 ~~SAME OWNERSHIP AND THAT TOTAL AT LEAST 10 ACRES, PLUS 20,000 SQUARE FEET FOR~~
22 ~~EACH HORSE IN EXCESS OF TWENTY HORSES, IF PERMANENTLY BOARDED ON SITE.~~

23
24 ~~(2) A STRUCTURE ENCLOSING A HORSE SHALL BE LOCATED AT LEAST 50 FEET~~
25 ~~FROM ANY NONRESIDENTIAL LOT LINE AND 200 FEET FROM ANY RESIDENTIALLY ZONED~~
26 ~~PROPERTY LINE.~~

27
28 ~~(3) ALL MANURE SHALL BE STORED AT LEAST 100 FEET FROM ANY LOT LINE.~~

29
30 ~~(4) THE USE MAY NOT BE LOCATED ON A SCENIC AND HISTORIC RURAL ROAD.~~

31
32 SECTION 3. *And be it further enacted,* That Section(s) of the Anne Arundel County
33 Construction and Property Maintenance Codes Supplement, October 1, 2005 (as
34 amended) read as follows:

35
36 **CONSTRUCTION AND PROPERTY MAINTENANCE CODE SUPPLEMENT**

37
38 **CONSTRUCTION CODE**

39
40 **Chapter 1**

41 **Construction Code Administrative Provisions**

42
43 **Section 105**

44 **Permits**

45
46 105.2.1.14 Agricultural buildings, specifically livestock shelters, livestock
47 buildings, shade structures, milking barns, poultry shelters, barns, buildings and
48 structures used for storage of farm equipment and machinery, horticultural structures,
49 detached production greenhouses, crop protection shelters, sheds, grain silos, riding
50 arenas not open to the general public, stables, and buildings or structures for farm
51 wineries on farms of at least 20 acres with State-approved Farm Management Plans

1 where at least 75% of the grapes processed into wine are grown on the farm. The
2 following are not agricultural buildings for the purpose of this Code:

3
4 105.2.1.14.3 Buildings open to the general public for commercial,
5 recreational, or other use; UNLESS THE USE BY THE GENERAL PUBLIC IS NOT FOR A
6 RIDING ARENA AND IS LIMITED TO THE GROUND FLOOR LEVEL AND A MAXIMUM OF 50
7 OCCUPANTS AT ANY ONE TIME, OR THE FIRE MARSHAL HAS INSPECTED THE BUILDING
8 FOR COMPLIANCE WITH THE STATE FIRE PREVENTION CODE BEFORE IT IS OCCUPIED BY
9 THE GENERAL PUBLIC.

10
11 SECTION 3 4. *And be it further enacted,* That the provisions of this Ordinance shall
12 take effect 45 days from the date it becomes law.