



Gregory J. Swain, County Attorney

MEMORANDUM

To: Council Members, Anne Arundel County Council

From: Kelly Phillips Kenney, Supervising County Attorney /s/

Through: Gregory J. Swain, County Attorney /s/

Date: September 8, 2020

Subject: Bill No. 69-20: Zoning – Farm or Agricultural Heritage Site Stay and Farm or Agricultural Heritage Site Special Event

Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Bill No. 69-20.

Background. This Bill is a result of a number of recommendations of the Anne Arundel County Agricultural, Farming and Agritourism Commission. This particular Bill seeks to expand the uses allowed on farms and agricultural heritage sites.

Purpose. The purpose of the Bill is to create and allow the uses of “farm or agricultural heritage site stay” and “farm or agricultural heritage site special event” as either conditional or special exception uses. The uses are only allowed on farms or agricultural heritage sites.

SECTION 1. of the Bill sets forth the renumbering that will occur as a result of the new sections added. The following changes are made in **SECTION 2.** of the Bill.

Section **18-1-101(6)** is new and defines the new term “agricultural heritage site” as a property listed on the Inventory of Historic Resources that is determined by the Planning and Zoning Officer to be historically significant for its contribution to the agricultural history of the County. The definition of “agritourism” is expanded in renumbered **§ 18-1-101(7)** to include a farm that has activities or events related to “historical, cultural” or natural resources.

The term “farm or agricultural heritage site special event” is new and is defined in **§ 18-1-101(53)** to mean a gathering of the public or invited groups limited to attendance by invitation or reservation for compensation for events including parties, celebrations, weddings or receptions.

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

The property must either be an agricultural heritage site or a farm that qualifies for an agricultural use assessment by the State Department of Assessments and Taxation, or that is covered by a current and active soil conservation and water quality plan approved by the Soil Conservation District. In the Ordinance, “farm or agricultural heritage site special event” is broken down into three categories: (1) one to eight annual events; (2) nine to fifteen annual events; or (3) sixteen to thirty annual events.

As defined in new § **18-1-101(54)**, a “farm or agricultural heritage site stay” is a hosted overnight accommodation for guests who pay to stay on a farm or agricultural heritage site. The farm must meet the same criteria set forth above for a farm or agricultural heritage site special event. The definition also clarifies that a “farm or agricultural heritage site stay” is not a bed and breakfast inn, bed or breakfast home, or short-term residential rental. For the most part, it is envisioned that a “farm or agricultural heritage site stay” will consist of camping on the properties in tents or recreational vehicles.

The temporary use section, § **18-2-203**, is revised to allow one to eight farm or agricultural heritage site special events as temporary uses if certain requirements are met. Subsection **(b)** is new and establishes that the use may be authorized as a temporary use in the RA, RLD, or R1 zoning districts if the Planning and Zoning Officer determines that the use will not adversely affect nearby properties and will not require significant or permanent changes to existing topography, vegetation, or other natural features. A separate authorization is required for each individual event, and may not be given for more than eight events per property, per twelve-month period. Each event can be no longer than one day. Subsection **(c)** is existing language that is moved into a new separate subsection.

The residential zone use chart in § **18-4-106** is revised. A farm or agricultural heritage site special event, 9 to 15 annual events is added as a conditional use in the RA, RLD, and R1 zoning districts. Farm or agricultural heritage site special events, 16 to 30 annual events, is added as a special exception use in the RA, RLD, and R1 zoning districts. Farm or agricultural heritage site stays will be a special exception use in the RA, RLD, and R1 zoning districts.

Section **18-10-124** is new and sets forth the conditional use requirements for a farm or agricultural heritage site special event, 9 to 15 annual events. Those conditions include: minimum lot sizes; parking area requirements, a limit of 15 events per property, per twelve-month period; a limit of one day for each event; and operation hours. Any outdoor assembly areas shall be shielded from surrounding residential properties for noise, hazards and other offensive conditions and shall be screened from adjacent residential properties. The number of attendees is limited to 200 people for events on farms or historic sites of over 10 acres. For historic sites between 5 and 10 acres, the number of attendees is limited to 50. The special event activities shall occur outdoors, unless the use of any structures or tents is in accordance with the Building Code. Lastly, the special events shall be accessory and not the principal use of the site.

Section **18-11-125** is new and sets forth the special exception requirements for farm or agricultural heritage site special events, 16 to 30 annual events. The requirements are almost identical to those discussed above for 9 to 15 events, except that the minimum lot size is 10 acres and the maximum number of attendees is 200 for all events.

Section **18-11-126** is new and sets forth the special exception requirements for farm or agricultural heritage site stays. The minimum lot size for a farm is 10 acres and 5 acres for an agricultural heritage site. The owner or the manager of the farm or agricultural heritage site shall reside on the property and be present during the stay. No more than five groups of no more than 10 guests in each group shall be allowed, and guests may stay no more than 14 consecutive days. The owner is required to keep a log of the guests. The use shall be accessory and not the principal use, and shall include agricultural promotion and guest education about the farm operation or agricultural heritage site, and shall be subordinate to and in conjunction to agriculture or agricultural preservation goals.

It should also be noted that this Ordinance allows the new uses from a zoning perspective. The sites are still required to meet any other applicable laws and regulations, which may include, for example, compliance with sewage disposal requirements, applicable permit requirements, or COMAR regulations and licensing requirements for farm or agricultural heritage site stays that fall within the definition of campgrounds under State law.

SECTION 3. (uncodified) provides that the bill takes effect 45 days from the date it becomes law.

The Office of Law is available to answer any additional questions regarding this Bill. Thank you.

cc: Honorable Steuart Pittman, County Executive
Matthew Power, Chief Administrative Officer
Dr. Kai Boggess-de Bruin, Chief of Staff
Peter Baron, Legislative Liaison
Steve Kaii-Ziegler, Planning and Zoning Officer
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