

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2019, Legislative Day No. 5

Bill No. 6-19

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Mrs. Cathy Bevins, Councilwoman

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By the County Council, March 4, 2019

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A BILL  
ENTITLED

AN ACT concerning

Zoning Regulations – Uses Permitted in the R.C.2 Zone – Bakeries

FOR the purpose of permitting bakeries in the R.C.2 Zone by special exception, under certain circumstances; and generally relating to bakeries in R.C.2 Zones.

BY repealing and re-enacting, with amendments  
Section 1A01.2.C

Baltimore County Zoning Regulations, as amended

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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.

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

3  
4 Section 1A01.2 – Use Regulations

5 C. The following uses, only, may be permitted by special exception in any R.C.2 Zone, provided  
6 that in each case the hearing authority empowered to hear the petition finds that the use would not  
7 be detrimental to the primary agricultural uses in its vicinity; and, in the case of any use permitted  
8 under Item ~~29~~ 30, further provided that the hearing authority finds that the use would support the  
9 primary agricultural use in its vicinity and would not itself be situated on land more appropriately  
10 used for primary agricultural uses:

11 1. Airports.

12 2. Animal boarding places (regardless of class), commercial kennels, private kennels, vet-  
13 erinarians' offices or veterinarians.

14 3. Antique shops.

15 4. BAKERY, ~~BUT~~ PROVIDED THAT THE BAKERY IS LOCATED ON AN EXIST-  
16 ING FARM AND IN AN EXISTING STRUCTURE AS OF THE EFFECTIVE DATE OF THIS  
17 ACT, AND GOODS BAKED ON THE PREMISES MUST BE SOLD ONLY AT RETAIL ON  
18 THE PREMISES.

19 [4]5. Camps, including day camps.

20 [5]6. Community care centers provided that no residential community care center, i.e., a  
21 center which serves as the residence of the persons for whom care is provided, shall provide care  
22 for more than 15 persons per site, and no day community care center shall provide care for more  
23 than 15 persons per acre nor more than 75 persons per site; however, if the site is in excess of two

1 net acres and is located outside the urban rural demarcation line, the hearing authority shall deter-  
2 mine the maximum number of persons permitted in a day community care center based on the total  
3 acreage of the site and the testimony and evidence presented.

4 [6]7. Churches or other buildings for religious worship.

5 [7]8. Community building owned by a nonprofit civic or improvement association and used  
6 by its members and guests for recreational, social, educational, or cultural activities.

7 [8]9. Excavations, controlled.

8 [9]10. Farm market, subject to the provisions of Section 404.4.

9 [10]11. Fishing and shellfishing facilities, Class I and II.

10 [11]12. Golf courses or country clubs.

11 [12]13. Home occupations of disabled persons, where the use is established in a structure  
12 originally constructed as a dwelling or as accessory to a dwelling or where the use is established  
13 in a structure that is situated on the same lot as a dwelling and which the Zoning Commissioner  
14 finds to be compatible with its surrounding neighborhood, provided that:

15 a. Only three persons, including the disabled person and the members of his imme-  
16 diate family who are residents of the dwelling, are employed in the use on the premises;  
17 and

18 b. In any case the use is conducted by a disabled person whose domicile is the  
19 dwelling to which the use is accessory and whom the hearing authority finds is so severely  
20 disabled as to be unable to engage in his occupation away from the premises of his home.

21 Any provision of Section 502.2 to the contrary notwithstanding, any special exception  
22 granted pursuant to this item shall expire upon the first to occur of the following:

23 (1) Five years after the issuance of the permit;

1 (2) The death of a disabled person;

2 (3) The termination of the disability; or

3 (4) The failure of the disabled person to permanently reside at the premises.

4 A new special exception for the use may be granted when the previous special exception  
5 expires but only upon the completion of the entire application and hearing process in the  
6 same manner as if it were the initial application for this special exception. It is the purpose  
7 of this provision to prevent the use of residential property for business purposes by an  
8 occupant other than a disabled person and to ensure that any occupation permitted pursuant  
9 to this item will be conducted in a manner appropriate to its surroundings.

10 [13]14. Horticultural nurseries, subject to the provisions of Sections 404.1 and 404.2.

11 [14]15. Hunting or fishing preserves.

12 [15]16. Landscape service operations, subject to the provisions of Sections 404.1 and  
13 404.3.

14 [16]17. Offices for agriculture-related uses.

15 [17]18. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists,  
16 musicians or other professional persons as an accessory use, provided that any such office or studio  
17 is established within the same building as that serving as the professional person's primary resi-  
18 dence at the time of application; does not occupy more than 25 percent of the total floor area of  
19 that residence; and does not involve the employment of more than one nonresident professional  
20 associate nor two other nonresident employees.

21 [18]19. Public utility uses not permitted as of right.

22 [19]20. Rail passenger station, subject to Section 434.

23 [20]21. Residential art salons.

1 [21]22. Standard restaurants or tearooms converted from dwellings.

2 [22]23. Riding stables.

3 [23]24. Sanitary landfills, or rubble landfills in which the actual fill area exceeds three  
4 percent of the total contiguous acreage of the property in the same ownership. However, the fill  
5 area of a rubble landfill may not exceed seven percent of the total contiguous acreage, nor may the  
6 fill area exceed a depth of 20 feet unless the Zoning Commissioner specifically finds that the land-  
7 fill should be exempt from the depth limitation.

8 [24]25. Schools, including schools for agricultural training, private preparatory schools,  
9 business or trade schools, conservatories or colleges.

10 [25]26. Shooting ranges, including archery, pistol, skeet, trap or small-bore rifle ranges, or  
11 turkey shoots.

12 [26]27. Sludge disposal facility — landspreading.

13 [27]28. Mobile homes, as provided in Section 415.1.D.

14 [28]29. Volunteer fire company or ambulance-rescue facilities.

15 [29]30. Wireless telecommunications towers, subject to Section 426.

16 [30]31. The following "agricultural-support" uses as principal commercial uses:

17 a. Farm-machinery sales, storage or service; blacksmithing.

18 b. Feed or grain mills or driers.

19 c. Fertilizer sales or storage.

20 d. Sawmills.

21 e. Slaughterhouses or manufacture, processing or packing of fruit, vegetables, ani-  
22 mal or meat products, or by-products.

1 f. Spirits manufacture, including the manufacture of alcohol to be used in gaso-  
2 line/alcohol mixtures, but excluding the production of these mixtures.

3 g. Firewood operations.

4 h. Winery, including accessory retail and wholesale distribution of wine produced  
5 on-premises. Temporary promotional events, such as wine tastings or public gatherings  
6 associated with the winery, are permitted, within any limits set by the special exception.

7 i. Bottled water plant, if the source of the water is located on the same site as the  
8 plant, and provided that the Director of Environmental Protection and Sustainability makes  
9 a recommendation that the proposed facility will not adversely affect the quality or capacity  
10 of surface water or groundwater.

11 j. Brewery, Class 7 or Class 8, including accessory retail and wholesale distribution  
12 of beer produced on the premises. Temporary promotional events, such as beer tasting or  
13 public gatherings associated with the brewery, are permitted subject to approval by the  
14 Administrative Law Judge or Board of Appeals on appeal.

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16 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by  
17 the affirmative vote of five members of the County Council, shall take effect on April 15, 2019.