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

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

FOR the purpose of expanding the uses allowed on farms and agricultural heritage sites; defining certain terms; allowing farm or agricultural heritage site events as a temporary use in RA, RLD, and R1 residential districts under certain circumstances; allowing “9 to 15 annual farm or agricultural heritage site special events” as a conditional use and “farm or agricultural heritage site stay” as conditional uses in RA, RLD, and R1 residential districts; allowing “16 to 30 annual farm or agricultural heritage site special events” and “farm or agricultural heritage site stay” as special exception uses as a special exception use in RA, RLD, and R1 residential districts; adding the conditional use requirements for “9 to 15 annual farm or agricultural heritage site special events” and “farm or agricultural heritage site stay”; adding the special exception use requirements for “16 to 30 annual farm or agricultural heritage site special events” and “farm or agricultural heritage site stay”; requiring the Office of Planning and Zoning to report to the County Council within certain time periods; and generally relating to 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.
BY renumbering: §§ 18-1-101(6) through (51) and (52) through (157), respectively, to be 18-1-101(7) through (52) and (55) through (160), respectively; 18-10-124 through 18-10-162, respectively, to be 18-10-125 18-10-126 through 18-10-163 18-10-164, respectively; and 18-11-125 through 18-11-165, respectively, to be 18-11-127 18-11-126 through 18-11-167 18-11-166, respectively.

Anne Arundel County Code (2005, as amended)

BY repealing and reenacting, with amendments: §§ 18-1-101(7); 18-2-203; and 18-4-106

Anne Arundel County Code (2005, as amended)

BY adding: §§ 18-1-101(6), (53), and (54); 18-10-124; 18-10-125; and 18-11-125; and 18-11-126

Anne Arundel County Code (2005, as amended)

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

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

ARTICLE 18. ZONING

TITLE 1. DEFINITIONS


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

(6) “AGRICULTURAL HERITAGE SITE” MEANS A PROPERTY LISTED ON THE COUNTY 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.

(7) “Agritourism” means a business enterprise on a farm related to agriculture, historical, cultural, or natural resources that is offered to the public or invited groups. Agritourism shall be an accessory to a principal use of farming and shall be located on land that qualifies for an agricultural use assessment pursuant to the Tax-Property Article, §8-209 of the State Code or that is covered by a current and active soil conservation and water quality plan approved by the Anne Arundel Soil Conservation District. Agritourism includes fishing; wildlife study; corn mazes; pumpkin patches; harvest festivals; field trips; hayrides; pick-your-own operations; farm tours; food services, including farm to table meals; farm museums; educational classes; and activities or events related to agriculture, HISTORICAL, CULTURAL, or natural resources, agricultural products, or agricultural skills.
(53) “FARM OR AGRICULTURAL HERITAGE SITE SPECIAL EVENT” MEANS 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 ON A FARM THAT QUALIFIES FOR AN AGRICULTURAL USE ASSESSMENT PURSUANT TO § 8-209 OF THE TAX-PROPERTY ARTICLE OF THE STATE CODE OR THAT IS COVERED BY A CURRENT AND ACTIVE SOIL CONSERVATION AND WATER QUALITY PLAN APPROVED BY THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT, OR ON AN AGRICULTURAL HERITAGE SITE.

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

TITLE 2. GENERAL PROVISIONS

18-2-203. Temporary uses.

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

(B) Farm or Agricultural Heritage Site Special Events, one to eight annual events. THE PLANNING AND ZONING OFFICER MAY AUTHORIZE UP TO EIGHT FARM OR AGRICULTURAL HERITAGE SITE SPECIAL EVENTS ON A PROPERTY IN THE RA, RLD, OR R1 ZONING Districts AS A TEMPORARY USE UPON A DETERMINATION 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. AUTHORIZATION IS REQUIRED FOR EACH INDIVIDUAL EVENT AND MAY NOT BE GIVEN FOR MORE THAN EIGHT SPECIAL EVENTS PER PROPERTY WITHIN A 12-MONTH PERIOD. EACH FARM OR AGRICULTURAL HERITAGE SITE SPECIAL EVENT SHALL BE NO LONGER THAN ONE DAY.

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

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

2. NO MORE THAN EIGHT EVENTS ON THE SAME PROPERTY WITHIN A 12-MONTH PERIOD ARE AUTHORIZED;
3. Authorization is given for each individual event to be held on a property:

4. An event will not exceed one day:

5. Any outdoor assembly areas are located and designed to shield surrounding residential properties from the effects of noise, hazards, or other offensive conditions. AND

6. The maximum capacity for an event will not exceed 25 attendees per acre: AND

7. The owner has owned the property for the immediately preceding two years and has been engaged in active farming for the immediately preceding two years.

(C) Clearing land of use. The land shall be entirely cleared of the temporary use within five days after the expiration of the period.

TITLE 4. RESIDENTIAL DISTRICTS

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

The permitted, conditional, and special exception uses allowed in each of the residential districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception 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 the listed uses also are allowed, except that guest houses as accessory structures are prohibited and outside storage as an accessory use is limited to the lesser of 10% of the allowed lot coverage or 500 square feet.

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TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

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

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

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

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

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

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

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

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

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

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

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

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

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

18-10-125. Farm or agricultural heritage site stay.

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

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

(2) THE OWNER OR MANAGER OF THE FARM OR AGRICULTURAL HERITAGE SITE SHALL RESIDE ON THE PROPERTY AND SHALL BE PRESENT DURING THE FARM OR AGRICULTURAL HERITAGE SITE STAY.
(3) For farms or agricultural heritage sites less than 50 acres, a maximum of three groups or 12 guests, whichever is less, may stay at one time. For farms or agricultural heritage sites 50 acres or more, no more than five groups or 20 guests, whichever is less, may stay at one time. Guests may stay no more than 14 consecutive days.

(4) The owner shall maintain a reservation log of the arrival and departure dates of all guests for inspection by the office of planning and zoning.

(5) A farm or agricultural heritage site stay shall be accessory and not the principal use on the farm or agricultural heritage site.

(6) A farm or agricultural heritage site stay shall include agricultural promotion and guest education about the farm operation or the agricultural heritage site, and shall be subordinate to and in conjunction with agriculture or agricultural heritage and historic preservation goals.

(7) Any building or other improvements or additions made in connection with a farm or agricultural heritage site stay shall be located and designed to shield surrounding residential properties from the effects of noise, hazards, or other offensive conditions.

(8) The minimum setback from any lot line for any building or other improvements or additions used in connection with a farm or agricultural heritage stay shall be 100 feet.

(9) The owner has owned the property for the immediately preceding two years and has been engaged in active farming for the immediately preceding two years.

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

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

A farm or agricultural heritage site special event, 16 to 30 annual events, shall comply with the following requirements.

(1) The minimum lot size is 10 acres.

(2) Onsite circulation and parking areas shall be designed to minimize vehicular and pedestrian conflicts.

(3) Any outdoor assembly areas shall be located and designed to shield surrounding residential properties from the effects of noise, hazards, or other offensive conditions and shall be screened from adjacent residential properties.

(4) Maximum capacity may not exceed 200 attendees.

(5) No more than 30 farm or agricultural heritage site special events may be held on the same property within a 12-month period.

(6) Operation hours shall be restricted to between 9:00 a.m. and 10:00 p.m., Sunday through Thursday; and between 9:00 a.m. and 11:00 p.m., Friday and Saturday.
(7) EACH FARM OR AGRICULTURAL HERITAGE SITE SPECIAL EVENT SHALL BE NO LONGER THAN ONE DAY.

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

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

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

18-11-126. Farm or agricultural heritage site stay.

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

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

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

(3) THE OWNER OR MANAGER OF THE FARM OR AGRICULTURAL HERITAGE SITE SHALL RESIDE ON THE PROPERTY AND SHALL BE PRESENT DURING THE FARM OR AGRICULTURAL HERITAGE SITE STAY.

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

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

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

(7) A FARM OR AGRICULTURAL HERITAGE SITE STAY SHALL INCLUDE AGRICULTURAL PROMOTION AND GUEST EDUCATION ABOUT THE FARM OPERATION OR THE AGRICULTURAL HERITAGE SITE, AND SHALL BE SUBORDINATE TO AND IN CONJUNCTION WITH AGRICULTURE OR AGRICULTURAL HERITAGE AND HISTORIC PRESERVATION GOALS.

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

SECTION 3. 4. And be it further enacted, That this Ordinance shall take effect 45 days 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

Stuart 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