

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2014, Legislative Day No. 17

Bill No. 65-14

Mr. Todd Huff, Councilman

By the County Council, October 20, 2014

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations – Agricultural Tourism

FOR the purpose of permitting certain agricultural tourism uses in certain Resource Conservation zones as an accessory use to a farm engaged in commercial agriculture; defining terms; permitting certain uses by right; requiring compliance with parking regulations; authorizing site alterations or improvements pertaining to parking; authorizing a stay of such agri-tourism uses for noncompliance with parking requirements; permitting certain seasonal signage; limiting the hours of operation; permitting accessory structures that support the agri-tourism uses; authorizing review of complaints by the Agricultural Land Preservation Advisory Board; and generally relating to agricultural tourism.

BY adding
Sections 404.15, 1A01.1.A.1.h, 1A01.2.B.9.1, 1A03.3.A.9.h, 1A05.2.A.12, 1A07.3.A.7.g,
1A08.3.A.7.g, and 1A09.3.A.7g
Baltimore County Zoning Regulations, as amended

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.

BY repealing and re-enacting, with amendments
Section 450.4.5(1)
Baltimore County Zoning Regulations, as amended

WHEREAS, Baltimore County, Maryland is fortunate to possess a vast expanse of rural and agricultural land that continues to be utilized for farming and other agricultural-related activities; and

WHEREAS, the commercial agricultural industry is an integral part of the economy of the County; and

WHEREAS, due to the very nature and uncertainty of farming and agricultural-related operations, significant challenges exist that threaten their continued viability and sustainability; and

WHEREAS, to ensure that the County's agricultural producers continue to prosper, additional opportunities to generate economic growth must be considered; and

WHEREAS, Resolution 47-10 directed the Baltimore County Planning Board to examine current Baltimore County Zoning Regulations to determine what initiatives and legislative changes should be made to facilitate agri-tourism in all applicable zones to enhance economic opportunities available to the agricultural community; and

WHEREAS, the County Council recognizes that any changes to the Regulations to provide enhanced economic opportunities must be done in a manner that is also sensitive to the greater community, as well as providing enriched educational and social experiences, more and healthier local food choices, and an enhanced quality of life for all County citizens; now therefore

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

1 § 404.15. AGRICULTURAL TOURISM.

2 A. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS HAVE THE
3 MEANINGS INDICATED:

4 AGRICULTURAL TOURISM – OR “AGRI-TOURISM” IS THE PRACTICE OF VISITING A
5 FARM ENGAGED IN COMMERCIAL AGRICULTURE, AS THAT TERM IS DEFINED IN
6 THESE REGULATIONS, FOR THE PURPOSE OF VALUE ADDED AGRICULTURALLY
7 RELATED USES, INCLUDING BUT NOT LIMITED TO RECREATION, EDUCATION, OR
8 ACTIVE INVOLVEMENT IN THE OPERATION.

9 AGRICULTURAL PRODUCTS – PRODUCTS THAT ARE PRODUCED ON A FARM
10 ENGAGED IN COMMERCIAL AGRICULTURE, INCLUDING BUT NOT LIMITED TO CROPS,
11 FRUIT, CIDER, VEGETABLES, FLORICULTURE, HERBS, FORESTRY, HUSBANDRY,
12 LIVESTOCK AND LIVESTOCK PRODUCTS, AQUACULTURE PRODUCTS, AND
13 HORTICULTURAL SPECIALTIES.

14 AGRICULTURALLY RELATED PRODUCTS – ITEMS SOLD ON A FARM ENGAGED IN
15 COMMERCIAL AGRICULTURE TO ATTRACT CUSTOMERS AND PROMOTE THE SALE
16 OF AGRICULTURAL PRODUCTS. SUCH ITEMS INCLUDE BUT ARE NOT LIMITED TO
17 ALL AGRICULTURAL AND HORTICULTURAL PRODUCTS, ANIMAL FEED, BAKED
18 GOODS, ICE CREAM AND ICE CREAM BASED DESSERTS AND BEVERAGES, JAMS,
19 HONEY, GIFT ITEMS, FOOD STUFFS, CLOTHING AND OTHER ITEMS PROMOTING THE
20 FARM AND AGRICULTURAL PRODUCTS.

21 AGRICULTURALLY RELATED USES – THOSE ACTIVITIES THAT PREDOMINANTLY USE
22 AGRICULTURAL PRODUCTS, BUILDINGS, EQUIPMENT, OR FIELDS FOR THE

1 PROMOTION OF AGRICULTURAL TOURISM.

2 SEASONAL – MEANS A RECURRENT PERIOD CHARACTERIZED BY CERTAIN
3 HOLIDAYS OR OCCURRENCES, FESTIVITIES, OR CROPS; HARVEST; WHEN CROPS ARE
4 READY; NOT ALL YEAR ROUND.

5 SEASONAL SIGNAGE – MEANS A SIGN ERECTED FOR A LIMITED PERIOD OF TIME
6 DURING THE YEAR WHEN AGRI-TOURISM ACTIVITIES ARE OCCURRING OR
7 PARTICULAR COMMERCIAL AGRICULTURAL PRODUCTS ARE AVAILABLE TO THE
8 PUBLIC.

9 B. PERMITTED; CONDITIONS.

10 AN AGRI-TOURISM USE IS PERMITTED AS AN ACCESSORY USE BY THE OPERATOR
11 OF A FARM ENGAGED IN COMMERCIAL AGRICULTURE IN THE R.C.2, R.C.4, R.C.6,
12 R.C.7, R.C.8, AND R.C.50 ZONES PROVIDED THAT INCOME DERIVED FROM THE AGRI-
13 TOURISM USE IS LESS THAN 50% OF THE TOTAL REVENUE OF THE COMMERCIAL
14 AGRICULTURAL OPERATION, AND SUBJECT TO ANY OTHER APPLICABLE
15 PROVISIONS OF THESE REGULATIONS.

16 1. PERMITTED BY RIGHT. IN ADDITION TO ANY OTHER AGRICULTURAL USES
17 PERMITTED BY STATE AND COUNTY LAWS OR REGULATIONS, THE FOLLOWING
18 AGRICULTURALLY RELATED USES ARE PERMITTED BY RIGHT ON A FARM ENGAGED
19 IN COMMERCIAL AGRICULTURE:

20 A. WAGON, SLEIGH, AND HAY RIDES.

21 B. SEASONAL HAUNTED HOUSES.

22 C. CORN MAZES, STRAW MOUNTAINS, AND PUMPKIN PATCHES.

1 D. HORSEBACK LESSONS, HORSE TRAINING, AND TRAIL RIDING.

2 E. PETTING ZOO, ANIMAL DISPLAY, GOAT WALKS, AND PONY RIDES.

3 F. SEASONAL U-PICK FRUITS AND VEGETABLES OPERATIONS.

4 G. NATURE TRAILS.

5 H. AGRICULTURAL EDUCATION CLASSES, LECTURES, AND SEMINARS.

6 I. HISTORICAL AGRICULTURAL EXHIBITS.

7 J. TOURS.

8 K. PLAYGROUNDS OR EQUIPMENT TYPICAL OF A SCHOOL
9 PLAYGROUND SUCH AS SLIDES AND SWINGS (NO MOTORIZED VEHICLES OR RIDES).

10 L. OPEN AIR OR COVERED PICNIC AREA WITH REST ROOMS THAT
11 SUPPORT THE AGRI-TOURISM USES.

12 M. FOOD AND BEVERAGE TASTING OF AGRICULTURAL PRODUCTS
13 PREPARED OR PROCESSED PRIMARILY ON SITE (MINIMUM 50%).

14 N. BAKERIES SELLING BAKED GOODS CONTAINING PRODUCE GROWN
15 PRIMARILY ON SITE (MINIMUM 50%).

16 O. GIFT SHOPS FOR THE SALE OF AGRICULTURAL PRODUCTS AND
17 AGRICULTURALLY RELATED PRODUCTS PRODUCED PRIMARILY ON SITE (MINIMUM
18 50%).

19 2. PARKING. PARKING SHALL BE PROVIDED IN COMPLIANCE WITH THE
20 APPLICABLE PROVISIONS OF SECTION 409 OF THESE REGULATIONS.

21 A. THE DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS MAY
22 PRESCRIBE ANY SITE ALTERATIONS OR IMPROVEMENTS TO ENSURE PUBLIC SAFETY

1 AND TO REDUCE THE AMOUNT OF IMPERVIOUS SURFACE CREATED BY THE AGRI-
2 TOURISM USE.

3 B. PARKING ON EXISTING PARKING LOTS OR GRASSY AREAS SHALL BE
4 UTILIZED WHERE POSSIBLE.

5 C. AN ADEQUATE MEANS TO PREVENT THE TRACKING OF MUD,
6 MANURE, OR OTHER DEBRIS ONTO ANY PUBLIC ROAD SHALL BE REQUIRED.

7 D. THE DIRECTOR MAY STAY THE AGRI-TOURISM USE FOR
8 NONCOMPLIANCE WITH THIS SUBSECTION, WHICH SHALL CONSTITUTE A CODE
9 ENFORCEMENT VIOLATION. THE STAY SHALL CONTINUE UNTIL THE VIOLATION IS
10 ABATED OR ADJUDICATED BEFORE THE ADMINISTRATIVE LAW JUDGE, OR, IF
11 APPEALED, A FINAL ORDER IS ISSUED BY A HIGHER TRIBUNAL.

12 3. HOURS OF OPERATION. AN AGRI-TOURISM USE PERMITTED BY THIS
13 SECTION SHALL BE HELD NO EARLIER THAN 7:00 AM AND NO LATER THAN 11:00 PM,
14 AND BE SUBJECT TO ARTICLE 17, TITLE 3 OF THE COUNTY CODE.

15 4. SIGNS. SEASONAL SIGNS ARE PERMITTED DURING THE AGRI-TOURISM USE,
16 SUBJECT TO THE REQUIREMENTS OF SECTION 450.4.5(L) AND 450.7.E.2 OF THESE
17 REGULATIONS.

18 5. ACCESSORY STRUCTURES.

19 A. SUBJECT TO OTHER APPLICABLE LAWS OR REGULATIONS, THE USE
20 OF EXISTING ACCESSORY STRUCTURES TO SUPPORT THE AGRI-TOURISM USE IS
21 PERMITTED.

22 B. SUBJECT TO A BUILDING PERMIT THAT MAY BE REQUIRED AND

1 OTHER APPLICABLE LAWS OR REGULATIONS GOVERNING THEIR ERECTION AND
2 USE, ACCESSORY STRUCTURES THAT SUPPORT THE AGRI-TOURISM USE ARE
3 PERMITTED, PROVIDED THEY COMPLY WITH THE REQUIREMENTS OF THESE
4 REGULATIONS PERTAINING TO SUCH STRUCTURES.

5 C. DISPUTES; REVIEW BY AGRICULTURAL LAND PRESERVATION ADVISORY BOARD.

6 1. NOTWITHSTANDING THE PROVISIONS OF SUBSECTION B.2 OF THIS SECTION,
7 ANY COMPLAINT RECEIVED BY THE CODE ENFORCEMENT OFFICIAL IN CONNECTION
8 WITH THE AGRI-TOURISM USE, TOGETHER WITH COPIES OF THEIR INVESTIGATORY
9 MATERIALS, SHALL BE SUBMITTED TO THE CHAIRMAN OF THE AGRICULTURAL
10 LAND PRESERVATION ADVISORY BOARD WITHIN 15 DAYS OF RECEIPT OF SUCH
11 COMPLAINT.

12 2. PRIOR TO ACTION BY CODE ENFORCEMENT, AT ITS NEXT SCHEDULED
13 MEETING, THE BOARD SHALL REVIEW THE COMPLAINT, THE CODE ENFORCEMENT
14 INVESTIGATORY MATERIALS, AND ANY RESPONSE TO THE COMPLAINT, AND MAKE
15 COMMENTS AND RECOMMENDATIONS AS TO WHETHER THE USE IS PERMITTED AND
16 COMPLIES WITH THE PROVISIONS OF THIS SECTION.

17 3. WITHIN 30 DAYS OF ITS SCHEDULED MEETING, THE BOARD SHALL
18 FORWARD ITS ADVISORY COMMENTS AND RECOMMENDATIONS CONCERNING THE
19 COMPLAINT TO THE CODE OFFICIAL FOR CONSIDERATION BY THE CODE OFFICIAL
20 OR ADMINISTRATIVE LAW JUDGE, IF APPLICABLE, AND SHALL BE PART OF THE
21 INVESTIGATORY FILE SHOULD FURTHER PROCEEDINGS BE REQUIRED.

1 § 1A01.1. General provisions.

2 A. Legislative statement of findings.

3 1. Declaration of findings. It is found:

4 H. THAT BALTIMORE COUNTY CAN ENSURE VIABLE FARMSTEAD
5 ECONOMICS THROUGH THE PERMITTING OF ACCESSORY AGRICULTURAL TOURISM
6 BASED BUSINESSES AND ENTERPRISES THEREBY CREATING FARM OCCUPATIONS
7 AND REVENUES.

8 § 1A01.2. Use regulations.

9 B. Uses permitted as of right. The following uses only are permitted as of right in all R.C.2 Zones:

10 9. Accessory uses or structures, including, but not limited to, the following:

11 L. AGRI-TOURISM USES AS PERMITTED AND LIMITED BY SECTION
12 404.15.

13 § 1A03.3. Use regulations.

14 A. Uses permitted as of right. The following uses, only, are permitted as of right in R.C.4 Zones:

15 9. Accessory uses or structures, including, but not limited to, the following:

16 H. AGRI-TOURISM USES AS PERMITTED AND LIMITED BY SECTION
17 404.15.

18 § 1A05.2. Table of Land Use Regulations.

19 In the R.C.20 and R.C.50 Zones, the letter “P” in the following table indicates a land use permitted

1 by right in the respective zone(s), and the letters “SE” indicate the use permitted by special exception
2 pursuant to Section 502.7:

| | | | |
|---|---|--------|--------|
| 3 | A. Natural resources and agricultural uses. | Zone | |
| 4 | | R.C.20 | R.C.50 |
| 5 | 12. AGRI-TOURISM USES AS PERMITTED | | P |

6 AND LIMITED BY SECTION 404.15.

7 § 1A07.3. Permitted uses.

8 A. Uses permitted by right. The following uses are permitted by right in an R.C.6 Zone:

9 7. Accessory uses or structures, subject to section 429, including:

10 G. AGRI-TOURISM USES AS PERMITTED AND LIMITED BY SECTION
11 404.15.

12 § 1A08.3. Permitted uses.

13 A. Uses permitted by right. In addition to the uses in paragraph E of this subsection, the following
14 uses are permitted by right in an R.C.7 Zone:

15 7. Accessory uses or structures, subject to section 429, including:

16 G. AGRI-TOURISM USES AS PERMITTED AND LIMITED BY SECTION
17 404.15.

18 § 1A09.3. Permitted uses.

19 A. Uses permitted by right. In addition to the uses in Paragraph D of this subsection, the following

1 uses are permitted by right in an R.C.8 Zone:

2 7. Accessory uses or structures, subject to Section 400, including

3 G. AGRITOURISM USES AS PERMITTED AND LIMITED BY SECTION

4 404.15.

5 § 450.4. Table of sign regulations.

6 TABLE OF SIGN REGULATIONS
7 Baltimore County
8 PERMANENT SIGNS

| I Class | II Structural Type | III Zone or Use | IV Permit Required | V Maximum Area/Face | VI Maximum No./Premises | VII Height | VIII Illumination | IX Additional Limitations |
|---|-----------------------------------|---|--------------------------|---|---|---|---|--|
| 12 5. ENTERPRISE, 13 meaning an 14 accessory sign 15 which displays the 16 identity and which 17 may otherwise 18 advertise the 19 products or services 20 associated with the 21 individual 22 organization | (l) Wall-mounted; freestanding | Farmer's roadside stand, farm market, AGRI- TOURISM USE, commercial agriculture or farm produce stand | Use | 25 square feet total for all signs, EXCEPT 32 SQUARE FEET FOR AN AGRITOURISM USE | Not regulated, EXCEPT ONE FOR AN AGRITOURISM USE | 6 feet, EXCEPT 10 FEET FOR AN AGRITOURISM USE | Yes, EXCEPT NO FOR AN AGRI- TOURISM USE | Minimum 10 feet setback from right- of-way and 75 feet from highway intersection center lines |

23 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-five
24 (45) days after its enactment.