

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2015, Legislative Day No. 6

Bill No. 26-15

Mrs. Cathy Bevins, Councilwoman

By the County Council, March 16, 2015

A BILL
ENTITLED

AN ACT concerning

R.C.2 (Agricultural) Zone Use Regulations

FOR the purpose of amending the Zoning Regulations to permit a community building by special exception in the R.C.2 (Agricultural) Zone; and generally relating to the R.C.2 (Agricultural) Zone.

BY repealing and re-enacting, with amendments
Section 1A01.2.C
Baltimore County Zoning Regulations, as amended

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

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 1A01

2 R.C.2 (Agricultural) Zone

3 § 1A01.2. Use Regulations.

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

- 11 1. Airports.
- 12 2. Animal boarding places (regardless of class), commercial kennels, private kennels,
13 veterinarians' offices or veterinariums (see Section 421).
- 14 3. Antique shops (see Section 402B).
- 15 4. Camps, including day camps.
- 16 5. Community care centers provided that no residential community care center, i.e., a
17 center which serves as the residence of the persons for whom care is provided, shall
18 provide care for more than 15 persons per site, and no day community care center
19 shall provide care for more than 15 persons per acre nor more than 75 persons per
20 site; however, if the site is in excess of two net acres and is located outside the urban
21 rural demarcation line, the hearing authority shall determine the maximum number

1 of persons permitted in a day community care center based on the total acreage of the
2 site and the testimony and evidence presented.

3 6. Churches or other buildings for religious worship.

4 7. COMMUNITY BUILDING OWNED BY A NON-PROFIT CIVIC OR
5 IMPROVEMENT ASSOCIATION AND USED BY ITS MEMBERS AND
6 GUESTS FOR RECREATIONAL, SOCIAL, EDUCATIONAL, OR CULTURAL
7 ACTIVITIES.

8 [7]8. Excavations, controlled.

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

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

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

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

17 a. Only three persons, including the disabled person and the members of his
18 immediate family who are residents of the dwelling, are employed in the use
19 on the premises; and

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

1 the premises of his home.

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

- 5 (1) Five years after the issuance of the permit;
- 6 (2) The death of a disabled person;
- 7 (3) The termination of the disability; or
- 8 (4) The failure of the disabled person to permanently reside at the
9 premises.

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

17 [12]13. Horticultural nurseries, subject to the provisions of Sections 404.1 and 404.2.

18 [13]14. Hunting or fishing preserves.

19 [14]15. Landscape service operations, subject to the provisions of Sections 404.1 and
20 404.3.

21 [15]16. Offices for agriculture-related uses.

22 [16]17. Offices or studios of physicians, dentists, lawyers, architects, engineers,

1 artists, musicians or other professional persons as an accessory use, provided
2 that any such office or studio is established within the same building as that
3 serving as the professional person's primary residence at the time of
4 application; does not occupy more than 25% of the total floor area of that
5 residence; and does not involve the employment of more than one
6 nonresident professional associate nor two other nonresident employees.

7 [17]18. Public utility uses not permitted as of right.

8 [18]19. Rail passenger station, subject to Section 434.

9 [19]20. Residential art salons (see Section 402C).

10 [20]21. Standard restaurants or tearooms converted from dwellings (Section 402.2).

11 [21]22. Riding stables.

12 [22]23. Sanitary landfills, or rubble landfills in which the actual fill area exceeds 3%
13 of the total contiguous acreage of the property in the same ownership.
14 However, the fill area of a rubble landfill may not exceed 7% of the total
15 contiguous acreage, nor may the fill area exceed a depth of 20 feet unless the
16 Zoning Commissioner specifically finds that the landfill should be exempt
17 from the depth limitation (see Section 412).

18 [23]24. Schools, including schools for agricultural training, private preparatory
19 schools, business or trade schools, conservatories or colleges.

20 [24]25. Shooting ranges, including archery, pistol, skeet, trap or small-bore rifle
21 ranges, or turkey shoots.

22 [25]26. Sludge disposal facility — landspreading (Section 412A.2.E).

1 [26]27. Trailers, as provided in Section 415.1.D.

2 [27]28. Volunteer fire company or ambulance-rescue facilities.

3 [28]29. Wireless telecommunications towers, subject to Section 426.

4 [29]30. The following “agricultural-support” uses as principal commercial uses:

- 5 a. Farm-machinery sales, storage or service; blacksmithing.
- 6 b. Feed or grain mills or driers.
- 7 c. Fertilizer sales or storage.
- 8 d. Sawmills.
- 9 e. Slaughterhouses or manufacture, processing or packing of fruit,
10 vegetables, animal or meat products, or by-products.
- 11 f. Spirits manufacture, including the manufacture of alcohol to be used
12 in gasoline/alcohol mixtures, but excluding the production of these
13 mixtures.
- 14 g. Firewood operations.
- 15 h. Winery, including accessory retail and wholesale distribution of wine
16 produced on-premises. Temporary promotional events, such as wine
17 tastings or public gatherings associated with the winery, are
18 permitted, within any limits set by the special exception.
- 19 i. Bottled water plant, if the source of the water is located on the same
20 site as the plant, and provided that the Director of Environmental
21 Protection and Sustainability makes a recommendation that the
22 proposed facility will not adversely affect the quality or capacity of
23 surface water or groundwater.

1 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-five
2 (45) days after its enactment and shall apply to an existing structure located within the geographic
3 boundary of a non-profit civic or improvement association, or as a replacement in the same footprint
4 of said structure, as of the effective date of this Act.

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