

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2025 Legislative Session

Legislative Day No. 15

Bill No. 74 -2025 (ZRA 217)

Introduced by: The Chairperson at the request of the County Executive and
cosponsored by David Yungmann

Short title: Amending Agricultural Land Uses in Howard County

Title: AN ACT amending the Howard County Zoning Regulations in accordance with HoCo By Design, the General Plan, to add certain definitions related to certain agricultural, farming and farm alcohol producer uses; to amend requirements for an Agritourism Special Farm Permit and to add a new small-scale Agritourism Use; to add Incidental Outdoor Stays as a Special Farm Permit use; to amend Bed and Breakfast Inn use on Agricultural Land Preservation Program properties and allow under Special Farm Permit; to amend uses and certain restrictions for Agricultural Land Preservation Program properties; to amend Limited Social Assembly use and renamed to Rural Venue Space; to amend the Farm Winery and Brewery use to Farm Alcohol Producer; to make certain technical corrections; and generally relating to the Howard County Zoning Regulations.

Introduced and read first time _____, 2025. Ordered posted and hearing scheduled.

By order _____
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2025.

By order _____
Michelle Harrod, Administrator

This Bill was read the third time on _____, 2025 and Passed ___, Passed with amendments ___, Failed ____.

By order _____
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2025 at ___ a.m./p.m.

By order _____
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive _____, 2025

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Howard County Zoning Regulations are amended as follows:

1. By amending

Section 103.0: Definitions

a. To add definitions for agribusiness, agriculture, farm vehicle, farm alcohol producer, festival-agritourism, incidental outdoor stays - lodging, rural venue space, small-scale agritourism

b. To amend the definitions of agritourism enterprise, bed and breakfast inn

c. To remove the definition of farm brewery, farm brewery class 1A, farm winery, farm winery class 1A, farm winery class 1B, farm winery class 2

2. By amending

Subsection C, Accessory Uses

Section 104.0: RC (Rural Conservation) District

3. By amending

Subsection C, Accessory Uses

Section 105.0: RR (Rural Residential) District

4. By amending

Subsections B, Uses Permitted as a Matter of Right

Subsection C, Accessory Uses

Subsection D, Conditional Uses

Section 106.1: County Preservation Easements

5. By amending

Subsection C, Accessory Uses

107.0: - R-ED (Residential: Environmental Development) District

5. By amending

Subsection C, Accessory Uses

108.0: R-20 (Residential: Single) District

6. By amending

Subsection C, Accessory Uses

Section 109.0: R-12 (Residential: Single) District

7. By amending

Subsection C, Accessory Uses

Section 110.0: R-SC (Residential: Single Cluster) District

8. By amending

Paragraph 12 of Subsection A, Supplementary Bulk Regulations

Section 128.0: Supplementary Zoning District Regulations

9. By amending

Paragraph 6 of Subsection D, Temporary, Seasonal and Other Uses

Section 128.0: Supplementary Zoning District Regulations

10. By amending

Subsection I, Permits for Special Farm Uses

Section 128.0: Supplementary Zoning District Regulations

11. By amending

Subsection O, Winery—Class 1A or Farm Brewery—Class 1A

Section 128.0: Supplementary Zoning District Regulations

12. By amending

Subsection N, Conditional Uses and Permissible Zoning Districts

Section 131.0: Conditional Uses

a. The Conditional Uses and Permissible Zoning District Chart, the rows for Limited Outdoor Social Assemblies, Winery Farm, Class 1, and Winery Farm, Class 2

- b. *Paragraph 8, Bed and Breakfast Inn*
- c. *Paragraph 26, Guest House*
- d. *Paragraph 33, Limited Social Assemblies*
- e. *Paragraph 37, Nonprofit Clubs, Lodges, Community Halls and Camps*
- f. *Paragraph 57, Winery, Farm—Class 1B*
- g. *Paragraph 58, Winery, Farm – Class 2*
- h. *Paragraph 59, Wrecked Vehicle Storage (Temporary)*
- i. *Paragraph 60, Yard Waste Composting Facility*

Howard County Zoning Regulations.

Section 103.0. Definitions.

Terms used in these Zoning Regulations shall have the definition provided in any standard dictionary, unless specifically defined below or in any other provision of these Zoning Regulations:

A

Age-Restricted Adult Housing: A development that contains independent dwelling units, each with a full kitchen that is designed for and restricted to occupancy by households having at least one member who is 55 years of age or older. An exception is allowed for up to five years following the death or departure, due to incapacity, of a household member 55 years or older, provided a surviving household member who is at least 50 years old continues to live in the unit. Children less than 18 years of age shall not reside in a dwelling unit for more than a total of 90 days per calendar year. Age-restricted adult housing may include accessory structures or uses for the residents, such as social, recreational or educational facilities and housekeeping, security, transportation or personal services.

AGRIBUSINESS: MEANS THE VARIOUS BUSINESSES ENGAGED IN THE PRODUCING, SHOWCASING, PREPARING, AND SELLING OF FARM PRODUCTS.

AGRICULTURE: THE RAISING OF FARM PRODUCTS FOR USE OR SALE, INCLUDING LIVESTOCK OR POULTRY HUSBANDRY, AND THE GROWING OF CROPS SUCH AS GRAIN, VEGETABLES, FRUIT, GRASS FOR PASTURE OR SOD, TREES, SHRUBS,

**FLOWERS, AND SIMILAR PRODUCTS OF THE SOIL, AND INCLUDING STABLES FOR
BOARDING AND TRAINING HORSES.**

Agricultural Land Preservation Easement: An easement held by the Maryland Agricultural Land Preservation Foundation or the Howard County Agricultural Land Preservation Program.

Agricultural Processing Facility, Local: A facility on a farm that processes agricultural products grown or produced on the farm where it is located, supplemented by agricultural products grown elsewhere.

Agricultural Processing, Primary: Processing on the farm of an agricultural product grown on the farm in the course of preparing it for market. Primary processing is subordinate and incidental to the farm operation and includes the following uses:

a. Basic Processing: Processing necessary to store and market farm products. Basic processing does not include treatment that changes the form of the product, but does include treatment such as cutting, drying and packaging.

b. Value-added Processing: Treatment that changes the form of a farm product in order to increase its market value, including such processes as canning, milling, grinding, freezing, heating and fermenting.

Agritourism [[Enterprise]]: Activities conducted on a farm and offered to the public or to invited groups for the purpose of recreation, education or active involvement in the farm operation

**WITH AN EMPHASIS ON HANDS-ON EXPERIENCES AND EVENTS THAT FOSTER
INCREASED KNOWLEDGE OF AGRICULTURE, INCLUDING CULTIVATION METHODS,
ANIMAL CARE, WATER CONSERVATION, MARYLAND’S FARMING HISTORY, THE
IMPORTANCE OF EATING HEALTHY, AND LOCALLY GROWN FOODS.** These activities must be related to agriculture or natural resources and **[[incidental]]RELATED** to the primary operation on the site. This term includes farm tours, farm stays, hay rides, **[[corn]]** mazes, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above, and similar uses.

B

Bed and Breakfast Inn: A historic building, or a building on a farm **[[with an agricultural land preservation easement]]**, in which, for compensation, sleeping accommodations are provided to

transient guests in not more than six guest rooms. A bed and breakfast inn may include the provision of meals for overnight guests only.

F

Family:

- a. A single person occupying a dwelling and maintaining a household, or
- b. Two or more persons related by blood, marriage or adoption, occupying a dwelling, living together, and maintaining a common household, or
- c. Not more than eight unrelated persons occupying a dwelling, living together, and maintaining a common household.

Farm: A lot or parcel of land used for farming that is 3.0 acres or larger.

FARM ALCOHOL PRODUCER: A FARM THAT GROWS AND PROCESSES, STORES, AND/OR SELLS AGRICULTURAL PRODUCTS FOR THE PRODUCTION OF WINE, BEER, BRANDY, JUICE, LIQUOR, CIDER, OR OTHER SIMILAR BEVERAGES ON AN ON-SITE PRODUCING VINEYARD, BREWERY, ORCHARD, HOPYARD, OR SIMILAR GROWING AREA. ACTIVITIES MAY INCLUDE COOKING, FERMENTING, BOTTLING, STORAGE, AGING, SHIPPING, RECEIVING, AND MAY ALSO INCLUDE ACCESSORY FACILITIES FOR LABORATORY WORK, MAINTENANCE, AND OFFICE FUNCTIONS. OTHER ADDITIONAL ACTIVITIES ARE INCLUDED BUT NOT LIMITED TO, ASSOCIATED PRODUCT TASTING, SALES, SITE TOURS, AND EDUCATION PROGRAMS.

[[Farm Brewery: An agricultural processing facility located on a farm with equipment, components and supplies for the processing, production and packaging of beer, ale, porter, stout and similar malt-based or grain based beverages on the premises. Farm brewer activities may include associated cooking, fermenting, bottling, storage, aging, shipping, receiving, and may also include accessory facilities for laboratory work, maintenance, and office functions.]]

[[Farm Brewery—Class 1A: A farm brewery which includes product tasting, product sales, site tours, and educational programs.]]

FARM VEHICLE: A SPECIAL USE VEHICLE, AS DEFINED BY THE MARYLAND DEPARTMENT OF TRANSPORTATION AND REGISTERED AS SUCH WITH THE MARYLAND DEPARTMENT OF MOTOR VEHICLES. A FARM VEHICLE IS:

- 1 **A. CONTROLLED AND OPERATED BY A FARMER, THE OWNER OR OPERATOR OF A FARM, OR**
2 **AN EMPLOYEE OR FAMILY MEMBER OF THE OWNER OR OPERATOR AS A PRIVATE**
3 **MOTOR CARRIER OF PROPERTY;**
4 **B. BEING USED TO TRANSPORT EITHER: (1) AGRICULTURAL PRODUCTS; OR (2) FARM**
5 **MACHINERY, FARM SUPPLIES, OR BOTH, TO OR FROM A FARM;**
6 **C. NOT BEING USED IN THE OPERATION OF A FOR-HIRE MOTOR CARRIER;**
7 **D. NOT CARRYING HAZARDOUS MATERIALS OF A TYPE OR QUANTITY WHICH REQUIRES**
8 **THE COMMERCIAL MOTOR VEHICLE TO BE PLACARDED; AND**
9 **E. BEING USED WITHIN 150 AIR-MILES OF THE FARMER’S FARM.**
10 **F. IS EXCLUSIVELY USED FOR AGRICULTURAL PURPOSES.**

11
12 **FARM VEHICLES DO NOT INCLUDE:**

- 13 **A. SNOWPLOW TRUCKS OR TRUCKS OUTFITTED WITH SNOWPLOW OR OTHER EQUIPMENT**
14 **DESIGNED FOR THE PRETREATMENT OR CLEARING OF ROADS ASSOCIATED WITH**
15 **INCLEMENT WEATHER.**
16 **B. INOPERABLE VEHICLES OR VEHICLES PARKED FOR THE PURPOSE OF SALVAGING**
17 **VEHICLE PARTS COMPLIANT WITH SECTION 128.0.D.9.**

18 Farming: The use of land for agricultural purposes, including:

- 19 a. Crop production, apiaries, horticulture, orchards, agricultural nurseries, viticulture,
20 silviculture, aquaculture, and animal and poultry husbandry;
21 b. The growing, harvesting and primary processing of agricultural products;
22 c. The breeding, raising, training, boarding and general care of livestock for uses other than
23 food, such as sport or show purposes, as pets or for recreation;
24 d. The operation of agricultural machinery and equipment that is an accessory use to a
25 principal farming function. Agricultural machinery and equipment may be used on farms
26 that are not the farm on which the machinery and equipment is normally stored;
27 e. The construction and maintenance of barns, silos and other similar structures subject to
28 compliance with any applicable bulk regulations;
29 f. The transportation, storage, handling and application of fertilizer, soil amendments,
30 pesticides and manure, subject to all Federal, State and Local laws;

- 1 g. The temporary, onsite processing of chickens or rabbits on a farm in accordance with the
2 Agriculture Article of the Annotated Code of Maryland; and
- 3 h. Other uses directly related to, or as an accessory use of, the premises for agricultural
4 purposes including special farm uses permitted under Section 128.0.I.
5 Not included in this definition are those uses subject to Section 131.0 Conditional Use
6 requirements.

7 Farm Stand: A structure or outdoor area located on a farm and used for the sale of farm products
8 grown or produced on the farm on which the stand is located. Where permitted by these Zoning
9 Regulations, sale of farm products grown or produced off-site may be part of the use.

10 Farm Tenant House: An accessory detached building or mobile home that is:

- 11 a. Designed and arranged for use as a dwelling;
12 b. Located on a parcel of land used for farming; and
13 c. Occupied by at least one person who is employed by the owner or operator of the farm on
14 which the dwelling is located to engage in farming on a full-time or part-time basis.

15 [[Farm Winery: An agricultural processing facility located on a farm with a vineyard, orchard,
16 hives, or similar area, which consists of vinification equipment, components and supplies for the
17 processing, production and packaging of wine and similar fermented beverages on the premises.
18 Farm winery activities may include associated crushing, fermenting and refermenting, distilling,
19 blending, bottling, storage, aging, shipping, receiving, and may also include accessory facilities
20 for laboratory work, maintenance, and office functions.]]

21 [[Farm Winery-Class 1A: A Farm Winery which operates for purposes of wine tasting, wine
22 sales, tours, educational programs, meetings and social events.]]

23 [[Farm Winery-Class 1B: A Class 1A Farm Winery that requires approval as a Conditional
24 Use.]]

25 [[Farm Winery-Class 2: A Farm Winery which operates on at least 25 acres for the purposes of
26 wine tasting, wine sales, tours, educational programs, meetings, social events and special
27 events.]]

28 **FESTIVAL – AGRITOURISM: A LARGE-SCALE OUTDOOR SEASONAL OR CULTURAL EVENT (1)**
29 **HELD FOR A LIMITED PERIOD OF TIME, (2) INTENDED TO OR LIKELY TO ATTRACT SUBSTANTIAL**
30 **CROWDS, (3) IT IS UNLIKE THE CUSTOMARY OR USUAL ACTIVITIES GENERALLY ASSOCIATED**
31 **WITH THE PROPERTY, AND (4) SUFFICIENTLY DIFFERENTIATED IN ITS OFFERINGS FROM DAY-**

TO-DAY AGRITOURISM EVENTS AND OPERATIONS IN SCALE AND INTENSITY. FESTIVAL EVENTS MAY INCLUDE ANIMAL SHOWS AND JUDGING, ART AND CRAFT FAIRS/SHOWS, CARNIVAL-LIKE GAMES, HAUNTED HOUSES, LIVE MUSIC, FOOD BOOTHS AND STANDS, AND NON-MOTORIZED RIDES. FESTIVAL EVENTS DO NOT INCLUDE RACETRACKS AND MOTORIZED CONTESTS OF SPEED, RODEOS, SALES, AND AUCTIONS.

I

Illegal Use: Any use, whether of a structure or of a tract of land, in which a violation of any provision of these Zoning Regulations has been committed or exists, or any use which is not specifically permitted by these Regulations.

INCIDENTAL OUTDOOR STAYS – LODGING: SHORT-TERM, ON-SITE LODGING THAT OCCURS IN INDIVIDUAL STRUCTURES OR AT AN ESTABLISHED PARKING SITE THAT PROVIDES OVERNIGHT ACCOMMODATION OF PAYING GUESTS ON A FARM PROPERTY. STRUCTURES MAY CONSIST OF SEMI-PERMANENT OR MOVEABLE DWELLINGS SUCH AS CABINS, TENTS OR YURTS, RECREATIONAL VEHICLES, SHEPHERDS’ HUTS, TINY HOUSES, OR SIMILAR TEMPORARY ACCOMMODATIONS. SUCH ACCOMMODATIONS MAY FEATURE IN-SUITE BATH FACILITIES AND KITCHENETTES. INCIDENTAL OUTDOOR STAYS – LODGING STRUCTURES ARE NOT PERMITTED TO BE UTILIZED AS A DWELLING UNIT. INCIDENTAL OUTDOOR STAYS – LODGING IS NOT CONSIDERED SHORT-TERM RENTAL OR HOTEL/MOTELS AS DEFINED BY SECTION 103.0. INCIDENTAL OUTDOOR STAYS – LODGING SHALL BE RENTED IN CONJUNCTION WITH VISITORS TAKING PART IN OFFERED AGRICULTURAL OR FARMING USES ESTABLISHED ON THE FARM.

R

Rubble Landfill Facility: Any facility where non-hazardous rubble waste material is received for disposal on the site.

RURAL VENUE SPACE: AN ESTABLISHMENT WHICH IS RENTED BY INDIVIDUALS OR GROUPS TO ACCOMMODATE FUNCTIONS INCLUDING BUT NOT LIMITED TO BANQUETS, WEDDINGS, ANNIVERSARIES, AND OTHER SIMILAR CELEBRATIONS AND ONE-TIME EVENTS, WHICH ARE NOT OPEN TO THE GENERAL PUBLIC WITHOUT AN INVITATION. FOOD MUST BE PROVIDED BY A LICENSED CATERER. THE FACILITY MAY ALSO INCLUDE ON-SITE KITCHEN FACILITIES.

1 S

2 Sketch Plan: A sketch indicating the general objectives and lay-out for development of a site.

3 The basic role of the sketch plan is to allow the County to provide the developer with important
4 information that may affect the project and to ensure that the plan complies with the Zoning
5 Regulations and incorporates good planning and development principles.

6 **SMALL-SCALE AGRITOURISM: ACTIVITIES CONDUCTED ON A FARM AND OFFERED TO THE**
7 **PUBLIC OR TO INVITED SMALL GROUPS FOR THE PURPOSE OF RECREATION, EDUCATION OR**
8 **ACTIVE INVOLVEMENT IN GARDENING, FARMING, OR SIMILAR OPERATIONS. THESE ACTIVITIES**
9 **HAVE LIMITED ATTENDANCE APPROPRIATE TO THE SITE AND OPERATIONS. THIS TERM MAY**
10 **INCLUDE FARM TOURS, CLASSES RELATED TO AGRICULTURAL PRODUCTS OR SKILLS, PICNIC**
11 **FACILITIES OFFERED IN CONJUNCTION WITH THE ABOVE, AND SIMILAR USES. SMALL-SCALE**
12 **AGRITOURISM DOES NOT INCLUDE FESTIVAL EVENTS.**

13
14 **Howard County Zoning Regulations.**

15 **Section 104.0. RC (Rural Conservation) District.**

16
17 SECTION 104.0: - RC (Rural Conservation) District

18 **C. Accessory Uses**

19 The following are permitted accessory uses in the RC District, except that only the uses listed
20 in Section 106.1 shall be permitted on County Preservation Easements. More than one
21 accessory use shall be permitted on a lot, provided that the combination of accessory uses
22 remains secondary, incidental and subordinate to the principal use.

- 23 1. Any use normally and customarily incidental to any use permitted as a matter of right in
24 this district. Accessory structures are subject to the requirements of Section 128.0.A.
- 25 2. Accessory houses, limited to the following:
- 26 a. Farm tenant houses and similar uses customarily accessory to agricultural uses,
27 provided that these uses shall not be permitted on parcels of less than 50 acres, and one
28 unit shall be permitted for each 25 acres of that parcel; or
- 29 b. Caretakers' dwellings and similar uses customarily accessory to residential estate uses,
30 provided that these uses shall not be permitted on parcels of less than 50 acres and one
31 unit shall be permitted for each 50 acres of that parcel.

- 1 3. Accessory apartments, subject to the requirements of Section 128.0.A.
- 2 4. The housing by a resident family of:
- 3 a. Not more than four non-transient roomers or boarders; or
- 4 b. Not more than eight mentally and/or physically disabled persons or persons 62 years
- 5 of age or older, provided the use is registered, licensed or certified by the State of
- 6 Maryland; or
- 7 c. A combination of a and b above, provided that the total number of persons housed in
- 8 addition to the resident family does not exceed eight.
- 9 5. Home occupations, subject to the requirements of Section 128.0.C.
- 10 6. Home care, provided that if home care is combined with housing of mentally or physically
- 11 disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above,
- 12 the total number of persons receiving home care at any one time plus the number of persons
- 13 being housed shall not exceed eight.
- 14 7. Parking:
- 15 a. Off-street parking of no more than two commercial vehicles on lots of three or more
- 16 acres and no more than one commercial vehicle on lots of less than three acres. Private
- 17 off-street parking is restricted to vehicles used in connection with or in relation to a
- 18 principal use permitted as a matter of right in the district.
- 19 b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
- 20 destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
- 21 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or
- 22 smaller, such storage shall be limited to the following:
- 23 a. One recreational vehicle with a length of 30 feet or less; and
- 24 b. One boat with a length of 20 feet or less.
- 25 9. The following commercial services are permitted as accessory uses on farms, provided that
- 26 the uses are located on a parcel of at least 50 acres or on a parcel of any size subject to an
- 27 ALPP purchased or dedicated easement, the commercial service is conducted by persons
- 28 residing on or operating the farm, and all uses are screened from public roads and adjacent
- 29 lots:
- 30 a. Blacksmith shop
- 31 b. Farm machinery repair

- c. Lawn and garden equipment repair
- d. Welding
- 10. Farm stands, subject to the requirements of Section 128.0.I.
- 11. Snowball stands, subject to the requirements of Section 128.0.D.
- 12. Home-based contractors, subject to the requirements of Section 128.0.C.2.
- 13. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the requirements of Section 128.0.D.
- 14. Value-added processing of agricultural products, subject to the requirements of Section 128.0.I.
- 15. Agritourism, **SMALL-SCALE AGRITOURISM**,~~[[enterprises]]~~ and pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.
- 16. **FARM ALCOHOL PRODUCER** ~~[[Farm Winery—Class 1A and Farm Brewery—Class 1A]]~~, subject to the requirements of Section 128.0.O.
- 17. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
- 18. Small Wind Energy System, freestanding tower on properties 5 acres or great or greater, subject to the requirements of Section 128.0.M.
- 19. Riding Academies and Stables, subject to the requirements of Section 128.0.I.
- 20. Community Supported Agriculture, subject to the requirements of Section 128.0.I.
- 21. Food Hubs, subject to the requirements of Section 128.0.I.
- 22. Accessory ground-mount solar collectors.
- 23. Residential chicken keeping, subject to the requirements of Section 128.0.D.
- 24. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
- 25. Accessory storage buildings and shipping containers, as accessory storage structures, subject to the requirements in Section 128.0.D.
- 26. **INCIDENTAL OUTDOOR STAYS – LODGING, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.**
- 27. **27.BED AND BREAKFAST INNS, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.**

Howard County Zoning Regulations.
Section 105.0. RR (Rural Residential) District.

1
2 SECTION 105.0: - RR (Rural Residential) District

3 C. Accessory Uses

4 The following are permitted accessory uses in the RR District, except that only the uses listed
5 in Section 106.1 shall be permitted on County preservation easements. More than one
6 accessory use shall be permitted on a lot, provided that the combination of accessory uses
7 remains secondary, incidental and subordinate to the principal use.

- 8 1. Any use normally and customarily incidental to any use permitted as a matter of right in
9 this district. Accessory structures are subject to the requirements of Section 128.0.A.
- 10 2. Accessory houses, limited to the following:
 - 11 a. Farm tenant houses and similar uses customarily accessory to agricultural uses,
12 provided that these uses shall not be permitted on parcels of less than 50 acres, and one
13 unit shall be permitted for each 25 acres of that parcel; or
 - 14 b. Caretakers' dwellings and similar uses customarily accessory to residential estate uses,
15 provided that these uses shall not be permitted on parcels of less than 50 acres and one
16 unit shall be permitted for each 50 acres of that parcel.
- 17 3. Accessory apartments, subject to the requirements of Section 128.0.A.
- 18 4. The housing by a resident family of:
 - 19 a. Not more than four non-transient roomers or boarders; or
 - 20 b. Not more than eight mentally and/or physically disabled persons or persons 62 years
21 of age or older, provided the use is registered, licensed or certified by the State of
22 Maryland; or
 - 23 c. A combination of a and b above, provided that the total number of persons housed in
24 addition to the resident family does not exceed eight.
- 25 5. Home occupations, subject to the requirements of Section 128.0.C.
- 26 6. Home care, provided that if home care is combined with housing of mentally or physically
27 disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above,
28 the total number of persons receiving home care at any one time plus the number of persons
29 being housed shall not exceed eight.
- 30 7. Parking:

- a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
- b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
 - a. One recreational vehicle with a length of 30 feet or less; and
 - b. One boat with a length of 20 feet or less.
9. The following commercial services are permitted as accessory uses on farms, provided that the uses are located on a parcel of at least 50 acres or on a parcel of any size subject to an ALPP Purchased or ALPP Dedicated Easement, the commercial service is conducted by persons residing on or operating the farm, and all uses are screened from public roads and adjacent lots:
 - a. Blacksmith shop
 - b. Farm machinery repair
 - c. Lawn and garden equipment repair
 - d. Welding
10. Farm stands subject to the requirements of Section 128.0.I.
11. Farm **ALCOHOL PRODUCER** [[Winery—Class 1A or Farm Brewery—Class 1A]], subject to the requirements of Section 128.0.O.
12. Snowball stands, subject to the requirements of Section 128.0.D.
13. Home-based contractor, subject to the requirements of Section 128.0.C.2.
14. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the requirements of Section 128.0.D.
15. Value-added processing of agricultural products, subject to the requirements of Section 128.0.I.
16. Agritourism, **SMALL-SCALE AGRITOURISM**, [[enterprises]] and pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.

17. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
18. Riding Academies and Stables, subject to the requirements of Section 128.0.I.
19. Community Supported Agriculture, subject to the requirements of Section 128.0.I.
20. Food Hubs, subject to the requirements of Section 128.0.I.
21. Accessory ground-mount solar collectors.
22. Residential chicken keeping, subject to the requirements of Section 128.0.D.
23. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
24. Accessory storage buildings and shipping containers, as accessory storage structures, subject to the requirements in Section 128.0.D.
- 25. INCIDENTAL OUTDOOR STAYS – LODGING, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.**
- 26. BED AND BREAKFAST INNS, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.**

Howard County Zoning Regulations.

Section 106.1. County Preservation Easements.

SECTION 106.1: - County Preservation Easements

B. Uses Permitted as a Matter of Right

1. ALPP Purchased Easements and ALPP Dedicated Easements
 - a. Farming.
 - b. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
 - c. One single-family detached principal dwelling unit, if provided for in the Deed of Easement.
 - d. Sales of Christmas trees or other seasonal decorative material, between **NOVEMBER 1ST AND JANUARY 14TH** [[December first and January first]], subject to the requirements given in Section 128.0.D.
 - e. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar utility uses not requiring a Conditional Use.

1 f. Commercial communication antennas attached to structures, subject to the
2 requirements of Section 128.0. and Section 15.516 of the Howard County Code.

3 g. Bed and Breakfast Inns, provided that:

4 (1) The building existed at the time the easement was established, **OR THE USE IS**
5 **LOCATED WITHIN THE PROPERTY’S DESIGNATED PRIMARY DWELLING.**

6 (2) [[The Inn is managed by persons residing on the same parcel or in a contiguous
7 parcel that is under the same ownership and part of the same farm.]] **THE PARCEL**
8 **IS A MINIMUM OF 20 ACRES.**

9 **(3) THE INN IS MANAGED AND OWNED BY AN INDIVIDUAL RESIDING ON THE SAME**
10 **PARCEL OR ADJOINING PARCEL AND CLAIMING IT AS THEIR PRIMARY RESIDENCE**
11 **OR IS MANAGED BY AN INDIVIDUAL THAT RESIDES IN THE STRUCTURE THAT WILL**
12 **SERVE AS THE ONSITE CARETAKER ON BEHALF OF THE OWNER.**

13 h. Rooftop solar collectors.

14 2. Other Dedicated Easements

15 a. Farming.

16 b. Conservation areas, including wildlife and forest preserves, environmental
17 management areas, reforestation areas, and similar uses.

18 c. One single-family detached dwelling unit on the preserved area of a cluster subdivision,
19 if provided for as required by Sections 104.0.G and 105.0.G.

20 d. Private outdoor recreational facilities, such as parks, athletic fields, swimming pools,
21 **COMMUNITY FISHING PONDS**, basketball courts and tennis courts, reserved for use by
22 residents of a community and their guests. Such facilities shall be located within
23 communities where all properties are included within recorded covenants and liens
24 which govern and provide financial support for operation of the facilities.

25 e. Government uses, limited to public schools, conservation areas, parks, and recreational
26 facilities.

27 f. Sales of Christmas trees or other seasonal decorative material, between **NOVEMBER 1ST**
28 **AND JANUARY 14TH** [[December first and January first]], subject to the requirements
29 given in Section 128.0.D.

- g. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar utility uses not requiring a Conditional Use.
- h. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4. Commercial communications towers located on government property, excluding school board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provision for "government structures, facilities and uses".
- i. Rooftop solar collectors.

C. Accessory Uses

1. ALPP Purchased Easements and ALPP Dedicated Easements

- a. Any use normally and customarily incidental to any use permitted as a matter of right in the RC and/or RR Districts.
- b. Farm tenant houses on parcels greater than 50 acres, subject to the Deed of Agricultural Preservation Easement and approval by the Agricultural Land Preservation Board. the parcel on which the farm tenant house will be located must be improved with a principal dwelling unless, based on justification of need submitted by the applicant, the Director of the Department of Planning and Zoning authorizes an exception to this requirement.
- c. Accessory apartments, subject to the requirements of Section 128.0.A.
- d. Housing by a resident family of boarders and/or elderly persons subject to the requirements of Sections 104.0.C.4 or 105.0.C.4.
- e. Home occupations, subject to the requirements of Section 128.0.C.
- f. Home care, subject to the requirements of Sections 104.0.C.6 or 105.0.C.6.
- g. Parking of commercial vehicles, subject to the requirements of Sections 104.0.C.7 or 105.0.C.7.
- h. Storage of recreational vehicles or boats, subject to the requirements of Sections 104.0.C.8 or 105.0.C.8.
- i. Commercial services, subject to the requirements of Sections 104.0.C.9 or 105.0.C.9.

- (1) Blacksmith shop
- (2) Farm machinery repair
- (3) Lawn and garden equipment repair
- (4) Welding
- j. Farm stands, subject to the requirements of Section 128.0.I.
- k. Snowball stands, subject to the requirements of Section 128.0.D.
- l. Value-added processing of agricultural products subject to the requirements of Section 128.0.I.
- m. Agritourism ~~[[enterprises]]~~ **AND SMALL-SCALE AGRITOURISM**, subject to the requirements of Section 128.0.I.
- n. Pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.
- o. Farm **ALCOHOL PRODUCER** ~~[[winery—Class 1A or Farm Brewery—Class 1A]]~~, subject to the requirements of Section 128.0.O.
- p. Small wind energy system, building mounted, subject to the requirements of Section 128.0.L.
- q. Small wind energy system, freestanding tower on properties 5 acres or greater, subject to the requirements of Section 128.0.M.
- r. Riding stables and academies, subject to the requirements of Section 128.0.I.
- s. Community Supported Agriculture (CSA), subject to the requirements of Section 128.0.I.
- t. Food hubs, subject to the requirements of Section 128.0.I.
- u. Accessory ground-mount solar collectors.
- v. Residential chicken keeping, subject to the requirements of Section 128.0.D.
- w. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
- X. INCIDENTAL OUTDOOR STAYS – LODGING, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.**
2. Other Dedicated Easements
 - a. Any use normally and customarily incidental to any use permitted as a matter of right in the RC and/or RR Districts.

- 1 b. Farm tenant houses on parcels greater than 50 acres, subject to the Deed of Easement.
2 the parcel on which the farm tenant house will be located must be improved with a
3 principal dwelling unless, based on justification of need submitted by the applicant, the
4 director of the department of planning and zoning authorizes an exception to this
5 requirement.
- 6 c. Caretaker's dwellings on parcels greater than 50 acres and improved with a principal
7 dwelling, subject to the Deed of Easement.
- 8 d. Accessory apartments, subject to the requirements of Section 128.0.A.
- 9 e. Housing by a resident family of boarders or elderly persons subject to the requirements
10 of Sections 104.0.C or 105.0.C.
- 11 f. Home occupations, subject to the requirements of Section 128.0.C.
- 12 g. Home care, subject to the requirements of Section 104.0.C or 105.0.C.
- 13 h. Parking of commercial vehicles, subject to the requirements of Section 104.0.C or
14 105.0.C.
- 15 i. Storage of recreational vehicles or boats, subject to the requirements of Sections
16 104.0.C or 105.0.C.
- 17 j. Commercial services, subject to the requirements of Sections 104.0.C. or 105.0.C.
18 (1) Blacksmith shop
19 (2) Farm machinery repair
20 (3) Lawn and garden equipment repair
21 (4) Welding
- 22 k. Farm stands, subject to the requirements of Section 128.0.I.
- 23 l. Snowball stands, subject to the requirements of Section 128.0.I.
- 24 m. Disposal of off-site land clearing debris, subject to the requirements of Section 128.0.D.
- 25 n. Value-added processing of agricultural products, subject to the requirements of Section
26 128.0.I.
- 27 o. Agritourism [[enterprises]]AND SMALL-SCALE AGRITOURISM, subject to the
28 requirements of Section 128.0.I.
- 29 p. Pick-your-own marketing of farm products, subject to the requirements of Section
30 128.0.I.

- q. Farm **ALCOHOL PRODUCER** [[winery—Class 1A or Farm Brewery—Class 1A]], subject to the requirements of Section 128.0.O.
- r. Small wind energy system, building mounted, subject to the requirements of Section 128.0.L.
- s. Small wind energy system, freestanding tower on properties 5 acres or greater, subject to the requirements of Section 128.0.M.
- t. Riding stables and academies, subject to the requirements of Section 128.0.I.
- u. Community supported agriculture (CSA), subject to the requirements of Section 128.0.I.
- v. Food hubs, subject to the requirements of Section 128.0.I.
- w. Accessory ground-mount solar collectors.
- x. Residential chicken keeping, subject to the requirements of Section 128.0.D.
- y. Livestock on residential lots or parcels, subject to the requirements for such a use in Section 128.0.D.
- z. **INCIDENTAL OUTDOOR STAYS – LODGING, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.**
- AA. **BED AND BREAKFAST INNS, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.**

D. Conditional Uses

1. ALPP Purchased Easements and ALPP Dedicated Easements

- a. Conditional Uses shall not be allowed on agricultural preservation easements unless they support the primary agricultural purpose of the easement property, or are an ancillary business which supports the economic viability of the farm, and are approved by the hearing authority in accordance with the applicable provisions of Sections 130.0 and 131.0 of these regulations. On an ALPP purchased or dedicated easement property, the area devoted to Conditional Uses, **EXCLUDING DRIVEWAYS**, may not exceed a cumulative use cap equal to 2% of the easement or up to a maximum of 1 acre for preservation parcels created as part of the Cluster Subdivision process.

The following Conditional Uses may be allowed:

- (1) Animal hospitals
- (2) Barber shop, hair salon and similar personal services facilities

- (3) Bottling of spring or well water
- (4) Communication Towers
- (5) Farm tenant house on a parcel of at least 25 acres but less than 50 acres
- (6) Historic building uses
- (7) Home based contractors
- (8) Home occupations
- (9) Kennels and/or pet grooming establishments
- (10) Landscape contractors
- (11) [[Limited outdoor social assemblies]]**RURAL VENUE SPACE**
- (12) Sawmills or bulk firewood processing
- (13) School buses, commercial service
- (14) Small wind energy systems, freestanding tower
- b. In addition, the following Conditional Uses which may require additional land area may be permitted on agricultural preservation easements:
 - (1) Agribusiness, limited to uses itemized in Section 131.0.N.
 - (2) Farm [[winery—class 2]]**ALCOHOL PRODUCER, SUBJECT TO THE REQUIREMENTS IN SECTION 131.0.N.57.**
 - (3) Solar collector facilities, commercial ground-mount.
2. Other Dedicated Easements
 - a. Conditional Uses shall not be allowed on other dedicated easements unless they support the primary purpose of the easement property and are approved by the Hearing Authority in accordance with the applicable provisions of Sections 130.0 and 131.0 of these Regulations. On these dedicated easements, the following Conditional Uses which do not require the construction of new principal structures or use of an outdoor area that is more than 2% of the preservation parcel acreage up to a maximum of 1 acre may be allowed:
 - (1) Animal hospitals
 - (2) Antique shops, art galleries and craft shops
 - (3) Barber shop, hair salon and similar personal service facilities
 - (4) Bottling of spring or well water
 - (5) Child day care centers and nursery schools, day treatment and care facilities

- (6) Communication towers
- (7) Country inns
- (8) Historic building uses
- (9) Farm tenant house on a parcel of at least 25 acres but less than 50 acres
- (10) Home based contractors
- (11) Home occupations
- (12) Kennels and/or pet grooming establishments
- (13) Landscape contractors
- (14) ~~[[Limited outdoor social assemblies]]~~**RURAL VENUE SPACE**
- (15) Museums and libraries
- (16) Retreats
- (17) School buses, commercial service
- (18) Shooting ranges—outdoor rifle, pistol, skeet and trap
- (19) Small wind energy systems, freestanding tower
- (20) Two family dwellings, accessory apartments and multi-plex dwellings

b. In addition, the following Conditional Uses which may require additional land area may be permitted on other dedicated easements:

- (1) Agribusiness, limited to uses itemized in Section 131.0.N.2
- (2) Charitable or philanthropic institutions dedicated to environmental conservation
- (3) Farm **ALCOHOL PRODUCER, SUBJECT TO THE REQUIREMENTS IN SECTION 131.0.N.57** ~~[[Winery—Class 2]]~~
- (4) Golf Courses
- (5) Solar collector facilities, commercial ground-mount.

SECTION 107.0: - R-ED (Residential: Environmental Development) District

C. Accessory Uses

The following are permitted accessory uses in the R-ED District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District. Accessory Structures are subject to the requirements of Section 128.0.A.

2. Accessory apartments, subject to the requirements of Section 128.0.A., provided that:
 - a. The area of the lot is at least 12,000 square feet;
 - b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
 - c. The accessory apartment shall have no more than two bedrooms.
3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.
4. The housing by a resident family of:
 - a. Not more than four non-transient roomers or boarders; or
 - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
 - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
5. Home occupations, subject to the requirements of Section 128.0.C.
6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
7. Parking:
 - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
 - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
 - a. One recreational vehicle with a length of 30 feet or less; and

- b. One boat with a length of 20 feet or less.
9. Farm stand, subject to the requirements of Section 128.0.I.
10. Snowball stands, subject to the requirements of Section 128.0.D.
11. Home-based contractors on lots larger than two acres, subject to the requirements of Section 128.0.C.2.
12. Small Wind Energy System, building mounted, on single-family detached dwellings and non-residential structures only, subject to the requirements of Section 128.0.L.
13. Residential Chicken Keeping, subject to the requirements of Section 128.0.D.
14. Accessory ground-mount solar collectors.
15. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
16. Community Supported Agriculture, subject to the requirements of Section 128.0.I.
17. Accessory storage buildings and shipping container, as accessory storage structures, subject to the requirements in Section 128.0.D.
- 18. INCIDENTAL OUTDOOR STAYS – LODGING, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.**
- 19. BED AND BREAKFAST INNS, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.**
- 20. SMALL-SCALE AGRITOURISM, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.**

Howard County Zoning Regulations.

Section 108.0: R-20 (Residential: Single) District.

SECTION 108.0: - R-20 (Residential: Single) District

C. Accessory Uses

The following are permitted accessory uses in the R-20 District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District. Accessory structures are subject to the requirements of Section 128.0.A.
2. Accessory apartments, subject to the requirements of Section 128.0.A., provided that:
 - a. The area of the lot is at least 12,000 square feet;

- b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
 - c. The accessory apartment shall have no more than two bedrooms.
 3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.
 4. The housing by a resident family of:
 - a. Not more than four non-transient roomers or boarders; or
 - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
 - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
 5. Home occupations, subject to the requirements of Section 128.0.C.
 6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
 7. Parking:
 - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
 - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
 - a. One recreational vehicle with a length of 30 feet or less; and
 - b. One boat with a length of 20 feet or less.
 9. Farm stand, subject to the requirements of Section 128.0.I.

10. Snowball stands, subject to the requirements of Section 128.0.D.
11. Home based contractors on lots larger than two acres, subject to the requirements of Section 128.0.C.2.
12. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
13. Residential Chicken Keeping, subject to the requirements of Section 128.0.D.
14. Accessory ground-mount solar collectors.
15. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
- 16. INCIDENTAL OUTDOOR STAYS – LODGING, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.**
- 17. BED AND BREAKFAST INNS, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.**
- 18. SMALL-SCALE AGRITOURISM, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.**

Howard County Zoning Regulations.

Section 109.0: - R-12 (Residential: Single) District.

SECTION 109.0: - R-12 (Residential: Single) District

C. Accessory Uses

The following are permitted accessory uses in the R-12 District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District. Accessory structures are subject to the requirements of section 128.0.A.
2. Accessory apartments, subject to the requirements of section 128.0.A., provided that:
 - a. The area of the lot is at least 12,000 square feet;
 - b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
 - c. The accessory apartment shall have no more than two bedrooms.
3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on

1 parcels of less than 50 acres, and further provided that one unit shall be allowed for each
2 50 acres of that parcel.

3 4. The housing by a resident family of:

4 a. Not more than four non-transient roomers or boarders; or

5 b. Not more than eight mentally and/or physically disabled persons or persons 62 years
6 of age or older, provided the use is registered, licensed or certified by the State of
7 Maryland; or

8 c. A combination of a and b above, provided that the total number of persons housed in
9 addition to the resident family does not exceed eight.

10 5. Home occupations, subject to the requirements of Section 128.0.C.

11 6. Home care, provided that if home care is combined with housing of mentally or physically
12 disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above,
13 the total number of persons receiving home care at any one time plus the number of persons
14 being housed shall not exceed eight.

15 7. Parking:

16 a. Off-street parking of no more than two commercial vehicles on lots of three or more
17 acres and no more than one commercial vehicle on lots of less than three acres. Private
18 off-street parking is restricted to vehicles used in connection with or in relation to a
19 principal use permitted as a matter of right in the district.

20 b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
21 destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

22 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or
23 smaller, such storage shall be limited to the following:

24 a. One recreational vehicle with a length of 30 feet or less; and

25 b. One boat with a length of 20 feet or less.

26 9. Farm stand, subject to the requirements of Section 128.0.I.

27 10. Snowball stands, subject to the requirements of Section 128.0.D.

28 11. Home-based contractors on lots larger than two acres, subject to the requirements of
29 Section 128.0.C.2.

30 12. Small Wind Energy System, building mounted, on single-family detached dwellings and
31 non-residential structures only, subject to the requirements of Section 128.0.L.

13. Residential chicken keeping, subject to the requirements of Section 128.0.D.

14. Accessory ground-mount solar collectors.

15. BED AND BREAKFAST INNS, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.

Howard County Zoning Regulations.

Section 110.0: - R-SC (Residential: Single Cluster) District.

SECTION 110.0: - R-SC (Residential: Single Cluster) District

C. Accessory Uses

The following are permitted accessory uses in the R-SC District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District. Accessory structures are subject to the requirements for Section 128.0.A.
2. Accessory apartments, subject to the requirements of Section 128.0.A., provided that:
 - a. The area of the lot is at least 12,000 square feet;
 - b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
 - c. The accessory apartment shall have no more than two bedrooms.
3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.
4. The housing by a resident family of:
 - a. Not more than four non-transient roomers or boarders; or
 - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
 - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
5. Home occupations, subject to the requirements of Section 128.0.C.

- 1 6. Home care, provided that if home care is combined with housing of mentally or physically
2 disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above,
3 the total number of persons receiving home care at any one time plus the number of persons
4 being housed shall not exceed eight.
- 5 7. Parking:
- 6 a. Off-street parking of no more than two commercial vehicles on lots of three or more
7 acres and no more than one commercial vehicle on lots of less than three acres. Private
8 off-street parking is restricted to vehicles used in connection with or in relation to a
9 principal use permitted as a matter of right in the district.
- 10 b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
11 destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
- 12 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or
13 smaller, such storage shall be limited to the following:
- 14 a. One recreational vehicle with a length of 30 feet or less; and
15 b. One boat with a length of 20 feet or less.
- 16 9. Farm stand, subject to the requirements of Section 128.0.I.
- 17 10. Small Wind Energy System, building mounted, on single-family detached dwellings and
18 non-residential structures only, subject to the requirements of Section 128.0.L.
- 19 11. Snowball stands, subject to the requirements of Section 128.0.D.
- 20 12. Accessory ground-mount solar collectors.
- 21 13. Residential chicken keeping, subject to the requirements of Section 128.0.D.
- 22 **14. BED AND BREAKFAST INNS, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.**

23
24 **Howard County Zoning Regulations.**

25 **Section 128.0. Supplementary Zoning District Regulations.**

26
27 **SECTION 128.0: - Supplementary Zoning District Regulations**

28 **A. Supplementary Bulk Regulations**

29 The following supplementary regulations shall apply in addition to the requirements of the
30 applicable zoning districts.

12. Regulations for detached accessory structures on residentially zoned lots developed with single-family detached dwellings

a. Size restrictions

(1) The maximum cumulative lot coverage permitted for all of the accessory structures located on any given residential lot developed with a single-family detached dwelling is:

(a) 600 square feet for a lot in the planned public water and sewer service area.

(b) 1,200 square feet for a lot in the RC or RR district which is 2 acres or less

(c) 2,200 square feet for a lot in the RC or RR district which is greater than 2 acres

BUT LESS THAN 5 ACRES.

(D) 5,000 SQUARE FEET FOR A LOT IN THE RC OR RR DISTRICT THAT IS 5 ACRES OR GREATER.

(2) The cumulative lot coverage restrictions cited above shall apply to all accessory structures on any residentially zoned lot developed with a single-family detached dwelling, excepting only legitimate farm buildings located on properties meeting the definition of "farm", shipping containers used as accessory storage structures, and swimming pools. Farm structures, shipping containers used as accessory storage structures, and swimming pools are not subject to size restrictions; however, they must be subordinate and incidental to the principal use.

(3) Ground-mounted accessory solar collectors shall not count toward the lot coverage requirement provided they do not cover more than 2% of the lot.

b. Restrictions for accessory structures

Full baths, full kitchens, residential habitation and commercial uses are not permitted in accessory structures.

D. Temporary, Seasonal and Other Uses

6. Sale of Christmas Trees

In districts where the use is permitted as a matter of right, sale of cut Christmas trees or other seasonal decorative plant materials between **NOVEMBER 1ST AND JANUARY 14TH** [[Thanksgiving and January first]] shall be permitted, provided that:

a. Adequate off-street parking is provided;

- b. The use will not cause traffic problems in the surrounding area; and
- c. A permit for the use is approved each year by the Department of Planning and Zoning, based upon compliance with the requirements listed above. The permit application shall include a plot plan showing the location and dimensions of structures, parking areas and points of access.

I. **Permits for Special Farm Uses**

The Department of Planning and Zoning may approve permits for the following categories of uses, which are related to farming and agriculture. A permit shall only be approved if the Department of Planning and Zoning finds that the proposed use conforms with the criteria given below and that are listed for each category. **WHEN REVIEWING APPLICATIONS AND RENEWALS FOR SPECIAL FARM USE PERMITS, DPZ MAY CONSIDER THE CUMULATIVE IMPACT OF OPERATIONS WHERE MULTIPLE PERMITS ARE GRANTED, INCLUDING AN ASSESSMENT OF THE ADEQUACY OF SHARED FACILITIES UTILIZED BY OVERLAPPING PERMITS.**

Except for the value-added agricultural processing category, the Pick-Your-Own Enterprises category, and the small farm stand category, all other categories above shall comply with the requirement that the lot or parcel upon which the operation is located shall have frontage on and direct access to a road classification as an arterial or collector public road, or may front on and have direct access to a local road, if:

- (1) Access to an arterial or collector public road right-of-way is not feasible;
- (2) The access to the local road is safe based on road conditions and accident history;
- (3) That the use of the local road for access will not unduly conflict with other uses that access the local road.

The petitioner shall submit a request for a permit in writing, either in a letter or using a form provided by the Department of Planning and Zoning. The request shall specify the proposed permit category and provide a written description of the use and justification addressing how the proposed use compiles with the criteria applicable to the use. The petitioner shall specify the address of the property for the proposed use, and shall provide a mailing address, if

different, a phone number and an email address if used, for purposes of future communication about the request.

For categories which will include visits to the property by customers or participants, the request shall specify the requested hours of operation of the use. In approving a permit, the Department of Planning and Zoning may reduce the hours of operation if it determines that this will reduce adverse impacts on adjacent properties.

The permit request shall include a plan of the property depicting the location and dimensions of structures, parking areas, driveways and landscaping used to buffer any adjacent residential development.

If the Department of Planning and Zoning determines that the proposed use is not in compliance with the applicable criteria, it shall inform the petitioner as to what is necessary to achieve compliance.

Once a permit is approved and is issued, the permit shall be valid indefinitely provided that the operation of the approved use remains in full conformance with all aspects of the use as it was approved. **DPZ MAY ENTER THE PROPERTY LISTED ON THE PERMIT WHERE THE USE IS TAKING PLACE, INCLUDING DURING EVENTS, TO INSPECT AND CONFIRM COMPLIANCE OF OPERATIONS WITH ISSUED PERMITS FOR AGRITOURISM AND SMALL-SCALE AGRITOURISM USES.** The permit holder shall apply for a renewal of the permit if significant changes to the operation are being proposed, including but not limited to new uses or structures, in which case the originally approved plan must be revised to indicate the proposed changes and submitted for a new approval.

1. Value-Added Agricultural Processing

Value-added processing of agricultural products is permitted as an accessory use to farming in the RC and RR Districts, provided that:

- a. The primary product being processed is grown on the farm where the processing occurs. Necessary secondary ingredients that are not farm grown, however, may be obtained from other sources.
- b. The processing use is subordinate to and will support the agricultural use of the property, and will not have significant adverse impacts on neighboring properties. For

- 1 purposes of this section, adverse impact shall not include any impact normally
2 associated with farms following generally accepted agricultural management practices
3 or farms operating permitted uses under this section.
- 4 c. Any outdoor processing operation shall be located at least 100 feet from property lines.
- 5 2. Value-Added Agricultural Processing with On-Site Sales
- 6 Value-Added processing of Agricultural products with on-site sales is permitted as an
7 accessory use to farming in the RC and RR Districts, provided that:
- 8 a. The primary product being processed is grown or produced on the farm where the
9 processing occurs. Necessary secondary ingredients that are not farm grown or
10 produced, however, may be obtained from other sources.
- 11 b. The processing use will support the agricultural use of the property, and will not have
12 significant adverse impacts on neighboring properties. For purposes of this section,
13 adverse impact shall not include any impact normally associated with farms following
14 generally accepted agricultural management practices or farms operating permitted
15 uses under this section.
- 16 c. Any outdoor processing operation shall be located at least 100 feet from property lines.
- 17 d. Adequate off-street parking is provided, parking areas and driveways are treated as
18 needed to control dust, and parking areas are screened from neighboring properties.
- 19 e. Sight distance, the design of driveway entrances, and directional signage are adequate
20 to accommodate expected traffic.
- 21 f. Where the areas open to customers are close to the property boundaries, boundaries are
22 clearly marked through fencing or landscaping to protect neighboring properties from
23 unintentional trespassing by visitors.
- 24 3. Farm Stands
- 25 a. Small farm stands (smaller than 300 square feet) are permitted as an accessory use to
26 farming in the RC, RR, R-ED, R-20, R-12 and R-SC Districts, provided that:
- 27 (1) The minimum lot size is 3 acres.
- 28 (2) The use may include the retail sale of crops, produce, flowers, plants, livestock and
29 poultry products and similar items grown or produced on-site. Items produced
30 through value-added processing of products grown on the farm may also be sold.

- (3) The farm stand use will support the agricultural use of the property, and will not have significant adverse impacts on neighborhood properties.
- (4) Notwithstanding the front setback requirements of the applicable zoning district, the minimum front setback for farm stands is 25 feet.
- (5) Adequate off-street parking is provided.
- b. Large farm stands (larger than 300 square feet) are permitted as an accessory use to farming in the RC or RR District, provided that:
- (1) The use is located on a parcel of at least 50 acres or a parcel of any size if subject to an ALPP purchased or dedicated easement or other dedicated easement.
- (2) The use may include the retail sale of crops, produce, flowers, plants, livestock and poultry products and similar items grown or produced on-site or on other local farms. Items produced through value-added processing of products grown on the farm or on other local farms may also be sold.
- (3) The farm stand use will support the agricultural use of the property, and will not have significant adverse impacts on the neighboring properties. For purposes of this section, adverse impact shall not include any impact normally associated with farms following generally accepted agricultural management practices or farms operating permitted uses under this section.
- (4) The area of the farm stand does not exceed 500 square feet, plus an additional 500 square feet for each additional 25 acres of lot area beyond 50 acres, up to a maximum of 3,000 square feet of area.
- (5) Notwithstanding the front setback requirements of the applicable zoning district, the minimum front setback for farm stands is 25 feet.
- (6) Adequate off-street parking is provided, parking areas and driveways are treated as needed to control dust, and parking areas are screened from neighboring properties.
- (7) Sight distance and the design of driveway entrances are adequate to accommodate expected traffic.
- (8) Where the areas open to customers are close to the property boundaries, boundaries are clearly marked through fencing or landscaping to protect neighboring properties from unintentional trespassing by visitors.
4. Pick-Your-Own Enterprises

Pick-your-own produce operations and cut-your-own Christmas tree or flower operations are permitted as accessory uses to farming in the RC and RR Districts, provided that:

- a. Pick-your-own uses may also include the sale of pre-picked produce grown on the farm or on other local farms. Items produced through value-added processing of products grown on the farm or on other local farms may also be sold.
- b. The pick-your-own use will support the agricultural use of the property, and will not have significant adverse impacts on neighboring properties. For purposes of this section, adverse impact shall not include any impact normally associated with farms following generally accepted agricultural management practices or farms operating permitted uses under this section.
- c. Adequate off-street parking is provided, parking areas and driveways are treated as needed to control dust, and parking areas are screened from neighboring properties.
- d. Sight distance, the design of driveway entrances, and directional signage are adequate to accommodate expected traffic.
- e. Where the areas open to customers are close to the property boundaries, boundaries are clearly marked through fencing or landscaping to protect neighboring properties from unintentional trespassing by visitors.
- f. Incidental uses such as snack sales or hayrides to the produce fields are permitted.

5. Agritourism [[Enterprises]] AND SMALL-SCALE AGRITOURISM

THE FOLLOWING CRITERIA APPLY TO AGRITOURISM AND SMALL-SCALE AGRITOURISM USES:

THE FOLLOWING FARMING AND/OR AGRICULTURAL USES ALONE DO NOT MEET THE CONDITIONS FOR ESTABLISHMENT OF A FARMING OR AGRICULTURAL USE: SOLAR FARMS, CONSTRUCTION AND MAINTENANCE OF BARNs, SILOS AND OTHER SIMILAR STRUCTURES, OR THE USE OF FARM MACHINERY.

A. Agritourism [[enterprises are]] IS permitted as AN accessory [[uses]]USE to farming in the RC and RR Districts, provided that:

- [[a]]1. The use is located on a parcel of at least 50 acres, or on a parcel of any size if subject to an ALPP purchased or dedicated easement or other dedicated easement.

- 1 [[b]]2. The use supports the agricultural use of the property **BY EXPOSING THE PUBLIC**
2 **TO FARMING AND FARMING PRACTICES BY HIGHLIGHTING AGRICULTURE AND**
3 **ENCOURAGES TOURISM TO ATTRACT, ENTERTAIN, AND EDUCATE VISITORS,**
4 and will not have significant adverse impacts on neighboring properties. For
5 purposes of this section, adverse impact shall not include any impact normally
6 associated with farms following generally accepted agricultural management
7 practices or farms operating permitted uses under this section.
- 8 [[c]]3. Adequate off-street parking is provided, parking areas and driveways are
9 treated as needed to control dust, and parking areas are screened from
10 neighboring properties.
- 11 [[d]]4. Sight distance and the design of driveway entrances are adequate to
12 accommodate expected traffic. **THE DRIVEWAY PROVIDING ACCESS TO THE**
13 **PROPOSED SITE SHALL NOT BE SHARED WITH OTHER PROPERTIES; HOWEVER**
14 **THE DIRECTOR OF PLANNING AND ZONING MAY WAIVE THIS CRITERIA IF THE**
15 **PETITIONER PROVIDES AFFIDAVITS FROM ALL PERSONS WHO ALSO SHARE**
16 **THE DRIVEWAY THAT THEY DO NOT OBJECT TO THE USE OF THE DRIVEWAY**
17 **FOR THE USE. IF THE USE OF A SHARED DRIVEWAY IS ALLOWED, THE**
18 **PETITIONER SHALL DEMONSTRATE THAT THE USE WILL NOT RESULT IN**
19 **DAMAGE TO OR DETERIORATION OF THE SHARED DRIVEWAY OR IN**
20 **INCREASED HAZARDS TO OTHER USERS OF THE DRIVEWAY. THE DIRECTOR OF**
21 **PLANNING AND ZONING SHALL PRESCRIBE APPROPRIATE CONDITIONS AND**
22 **SAFEGUARDS TO ENSURE THE PETITIONER'S RESPONSIBILITY FOR REPAIR OF**
23 **ANY DAMAGE OR DETERIORATION OF THE SHARED DRIVEWAY CAUSED BY THE**
24 **USE.**
- 25 [[e]]5. Where the areas open to customers are close to the property boundaries,
26 boundaries are clearly marked through fencing or landscaping to protect
27 neighboring properties from unintentional trespassing by visitors.
- 28 [[f]]6. The use will operate only between the hours of 6 a.m. and 10 p.m. **AND**
29 **FESTIVALS OR SIMILAR EVENTS BETWEEN THE HOURS OF 8 A.M.-8 P.M.** Any
30 outdoor lighting shall comply with the requirements of Section 134.0.

1 [[g]]7. Agritourism uses may include festivals or similar events held for the purpose of
2 marketing products grown on the farm or farm-related education or recreation,
3 provided that festivals are limited to **FRIDAY, SATURDAY, AND SUNDAY AND**
4 **NOT MORE THAN TWO CONSECUTIVE DAYS UNLESS ON A HOLIDAY WEEKEND**
5 **(SEE SECTION 103.0: DEFINITIONS)[[no more than 4 per year and no more than 8**
6 **days per year]]**.

7 **8. A MAJORITY OWNER OR DESIGNEE OF THE OWNER OF THE AGRITOURISM**
8 **BUSINESS MUST BE ON THE SUBJECT PROPERTY FOR ANY EVENT.**

9 **9. FOR AMPLIFIED NOISE, THE PROPERTY OWNER MUST KEEP A NOISE LOG OF**
10 **RECORDED DECIBELS TO SHOW COMPLIANCE WITH COUNTY’S NOISE**
11 **ORDINANCE. DECIBELS MUST BE RECORDED AT THE PROPERTY LINE AND**
12 **TAKEN AT LEAST 3 SEPARATE TIMES INCLUDING THE BEGINNING, MIDDLE,**
13 **AND END OF THE AMPLIFIED MUSIC EVENT. THE LOG MUST BE FURNISHED**
14 **UPON THE REQUEST OF THE DEPARTMENT OF PLANNING AND ZONING.**

15 **B. SMALL-SCALE AGRITOURISM: SMALL-SCALE AGRITOURISM IS PERMITTED AS AN**
16 **ACCESSORY USE TO FARMING IN THE RC, RR, R-ED, AND R-20 DISTRICTS, PROVIDED**
17 **THAT**

18 **1. THE USE IS LOCATED ON A PARCEL OR ADJOINING PARCELS THAT OPERATE AS**
19 **ONE FARM OF AT LEAST 5 ACRES.**

20 **2. THE USE SUPPORTS FARMING BY EXPOSING THE PUBLIC TO FARMING AND**
21 **FARMING PRACTICES BY HIGHLIGHTING AGRICULTURE AND ENCOURAGES**
22 **TOURISM TO ATTRACT, ENTERTAIN, AND EDUCATE VISITORS, WHILE REMAINING**
23 **AN ACCESSORY USE, IN SCALE AND INTENSITY, TO THE PRIMARY FARMING USE,**
24 **AND WILL NOT HAVE SIGNIFICANT ADVERSE IMPACTS ON NEIGHBORING**
25 **PROPERTIES. FOR PURPOSES OF THIS SECTION, ADVERSE IMPACT SHALL NOT**
26 **INCLUDE ANY IMPACT NORMALLY ASSOCIATED WITH FARMS FOLLOWING**
27 **GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES OR FARMS**
28 **OPERATING PERMITTED USES UNDER THIS SECTION.**

29 **3. ADEQUATE OFF-STREET PARKING IS PROVIDED, PARKING AREAS AND DRIVEWAYS**
30 **ARE TREATED AS NEEDED TO CONTROL DUST, AND PARKING AREAS ARE**
31 **SCREENED FROM NEIGHBORING PROPERTIES.**

- 1 **4. SIGHT DISTANCE AND THE DESIGN OF DRIVEWAY ENTRANCES ARE ADEQUATE TO**
2 **ACCOMMODATE THE EXPECTED TRAFFIC. THE DRIVEWAY PROVIDING ACCESS TO**
3 **THE PROPOSED SITE SHALL NOT BE SHARED WITH OTHER PROPERTIES; HOWEVER**
4 **THE DIRECTOR OF PLANNING AND ZONING MAY WAIVE THIS CRITERIA IF THE**
5 **PETITIONER PROVIDES AFFIDAVITS FROM ALL PERSONS WHO ALSO SHARE THE**
6 **DRIVEWAY THAT THEY DO NOT OBJECT TO THE USE OF THE DRIVEWAY FOR THE**
7 **USE. IF THE USE OF A SHARED DRIVEWAY IS ALLOWED, THE PETITIONER SHALL**
8 **DEMONSTRATE THAT THE USE WILL NOT RESULT IN DAMAGE TO OR**
9 **DETERIORATION OF THE SHARED DRIVEWAY OR IN INCREASED HAZARDS TO**
10 **OTHER USERS OF THE DRIVEWAY. THE DIRECTOR OF PLANNING AND ZONING**
11 **SHALL PRESCRIBE APPROPRIATE CONDITIONS AND SAFEGUARDS TO ENSURE THE**
12 **PETITIONER'S RESPONSIBILITY FOR REPAIR OF ANY DAMAGE OR DETERIORATION**
13 **OF THE SHARED DRIVEWAY CAUSED BY THE USE.**
- 14 **5. WHERE THE AREAS OPEN TO CUSTOMERS ARE CLOSE TO THE PROPERTY**
15 **BOUNDARIES, BOUNDARIES ARE CLEARLY MARKED THROUGH SIGNAGE, FENCING,**
16 **AND/OR LANDSCAPING TO PROTECT NEIGHBORING PROPERTIES FROM**
17 **UNINTENTIONAL TRESPASSING BY VISITORS.**
- 18 **6. THE USE WILL OPERATE ONLY BETWEEN THE HOURS OF 8 A.M. AND 8 P.M. ANY**
19 **OUTDOOR LIGHTING SHALL COMPLY WITH THE REQUIREMENTS OF SECTION**
20 **134.0.**
- 21 **7. SMALL SCALE – AGRITOURISM USES MAY INCLUDE SMALL-SCALE EVENTS HELD**
22 **FOR THE PURPOSE OF MARKETING PRODUCTS GROWN ON THE FARM OR FARM-**
23 **RELATED EDUCATION OR RECREATION, PROVIDED THAT AT ANY ONE TIME, THE**
24 **NUMBER OF VISITORS TO THE SITE SHALL NOT EXCEED 50 VISITORS AND NO MORE**
25 **THAN 25 TIMES PER YEAR. FESTIVAL EVENTS ARE NOT PERMITTED.**
- 26 **6. Community Supported Agriculture (CSA)**
27 A CSA is permitted as an accessory use to farming in the RC, RR and R-ED Districts,
28 provided that:
- 29 a. The use may include the retail sale of crops, produce, flowers, plants, livestock and
30 poultry products and similar items grown or produced on-site or on other local

1 farms. Items produced through value-added processing of products grown on the
2 farm or on other local farms may also be sold.

- 3 b. The CSA use will support the agricultural use of the property, and will not have
4 significant adverse impacts on neighboring properties. For purposes of this section,
5 adverse impact shall not include any impact normally associated with farms
6 following generally accepted agricultural management practices or farms operating
7 permitted uses under this section.
- 8 c. The use is located on a lot or parcel of at least 3 acres.
- 9 d. Adequate off-street parking is provided, parking areas and driveways are treated as
10 needed to control dust, and parking areas are screened from neighboring properties.
- 11 e. Sight distance, the design of driveway entrances, and directional language are
12 adequate to accommodate expected traffic.
- 13 f. Where the areas open to customers are close to the property boundaries, boundaries
14 are clearly marked through fencing or landscaping to protect neighboring properties
15 from unintentional trespassing by visitors.

16 7. Food Hubs

17 A Food Hub is permitted as an accessory use to farming in the RC and RR Districts,
18 provided that:

- 19 a. The use may include the retail sale of crops, produce, flowers, plants, livestock and
20 poultry products and similar items grown or produced on-site or on other local
21 farms. Items produced through value-added processing of products grown on the
22 farm or on other local farms may also be sold.
- 23 b. The Food Hub use will support the agricultural use of the property, and will not
24 have significant adverse impacts on neighboring properties. For purposes of this
25 section, adverse impact shall not include any impact normally associated with farms
26 following generally accepted agricultural management practices or farms operating
27 permitted uses under this section.
- 28 c. The use is located on a parcel of at least 50 acres, or on a parcel of any size if subject
29 to an ALPP purchased or dedicated or other dedicated easement.

- 1 d. Adequate off-street parking is provided, parking areas and driveways are treated
2 as needed to control dust, and parking areas are screened from neighboring
3 properties.
- 4 e. Sight distance, the design of driveway entrances, and directional signage are
5 adequate to accommodate expected traffic.
- 6 f. Where the areas open to customers are close to the property boundaries, boundaries
7 are clearly marked through fencing or landscaping to protect neighboring properties
8 from unintentional trespassing by visitors.
- 9 8. Riding Academies and Stables
- 10 Riding Academies and Stables are permitted as an accessory use to farming in the RC
11 and RR Districts, provided that:
- 12 a. Adequate areas for horseback riding shall be available on the site. If the operation
13 will include off-site horseback riding, the petition must indicate the location of off-
14 site trails and include written permission from the property owners.
- 15 b. Minimum required setbacks:
- 16 (1) For an indoor or outdoor riding arena from an existing dwelling on a different
17 lot100 feet
- 18 (2) For a stable from an existing dwelling on a different lot200 feet
- 19 The Department of Planning and Zoning may reduce the 200 foot setback from
20 an existing dwelling on a different lot to a distance no less than 100 feet upon
21 a finding that the setback reduction will not adversely affect neighboring
22 properties due to visual impact, noise, dust, odors or other causes.
- 23 c. The site has a minimum area of five acres.
- 24 d. Parking areas, driveways and outdoor riding areas will be located and designed to
25 shield neighboring properties from noise, dust and odors.

26 **9. INCIDENTAL OUTDOOR STAYS – LODGING**

27 **INCIDENTAL OUTDOOR STAYS – LODGING IS PERMITTED AS AN ACCESSORY USE TO**
28 **FARMING IN THE RC, RR, R-ED, AND R-20 DISTRICTS, PROVIDED THAT:**

- 29 **A. THE INCIDENTAL OUTDOOR STAYS – LODGING IS SUBORDINATE TO AND WILL**
30 **SUPPORT THE FARMING USE OF THE PROPERTY AND WILL NOT HAVE SIGNIFICANT**
31 **ADVERSE IMPACTS ON NEIGHBORING PROPERTIES. FOR THE PURPOSES OF THIS**

SECTION, ADVERSE IMPACTS SHALL NOT INCLUDE ANY IMPACT NORMALLY ASSOCIATED WITH FARMS FOLLOWING GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES FOR FARMS OPERATING PERMITTED USES UNDER THIS SECTION.

B. INCIDENTAL OUTDOOR STAYS – LODGING MUST BE IN SEPARATE STRUCTURES FROM THE PRIMARY RESIDENCE.

C. THE MINIMUM LOT SIZE IS **20** ACRES, OR ON A PARCEL OF ANY SIZE IF SUBJECT TO AN **ALPP** PURCHASED OR DEDICATED EASEMENT OR OTHER DEDICATED EASEMENT.

D. THE MAXIMUM NUMBER OF STRUCTURES OR ESTABLISHED SITES PERMITTED FOR INCIDENTAL OUTDOOR STAYS – LODGING IS **3** STRUCTURES OR SITES IN ANY COMBINATION.

E. A SITE MAY BE USED A MAXIMUM OF **3** CONSECUTIVE DAYS PER STAY.

F. STRUCTURES OPERATED AS INCIDENTAL OUTDOOR STAYS – LODGING, SUCH AS CABINS, YURTS, TENTS, TINY HOMES OR SHEPHERD’S HUTS, SHALL NOT BE PERMANENTLY PARKED OR INSTALLED. STRUCTURES SHALL NOT EXCEED **450** SQUARE FEET PER STRUCTURE AND, IF APPLICABLE, SHALL COMPLY WITH INTERNATIONAL RESIDENTIAL CODE STANDARDS FOR TINY HOUSES.

G. SITES ESTABLISHED FOR THE PARKING OR INSTALLATION OF INCIDENTAL OUTDOOR STAYS – LODGING STRUCTURES SHALL NOT EXCEED **3,500** SQUARE FEET (EXCLUDING DRIVEWAYS) FOR A SINGLE SITE AND **10,500** SQUARE FEET IN AGGREGATE.

H. RECREATIONAL VEHICLES BEING USED AS PART OF THE LODGING USE MUST BE RENTED BY THE VISITING INDIVIDUAL AND ARE NOT PERMITTED TO BE PARKED ON A PERMANENT BASIS OR OWNED BY THE PROPERTY OWNER.

I. PLACEMENT: SITES AND STRUCTURES SHALL CONFORM WITH A **100-FOOT** MINIMUM SETBACK FROM ADJACENT PROPERTY LINES FOR PROPERTY NOT PART OF THE FARM.

J. INCIDENTAL OUTDOOR STAYS – LODGING SHALL MINIMIZE AND AVOID DISTURBANCE TO:

1. FARMLAND CURRENTLY USED FOR FOOD PRODUCTION,

1 **2. ENVIRONMENTALLY OR HISTORICALLY SENSITIVE AREAS, INCLUDING**
2 **HISTORIC STRUCTURES AND THEIR LANDSCAPE SETTING, FLOODPLAINS,**
3 **WETLANDS, WETLAND BUFFERS, STEEP SLOPES, STREAMS AND STREAM**
4 **BUFFERS.**

5 **K. THE LOCATION OF ENVIRONMENTALLY OR HISTORICALLY SENSITIVE AREAS AND**
6 **FARMLAND CURRENTLY USED FOR FOOD PRODUCTION SHALL BE NOTED ON THE**
7 **PLAN. THE EXTENT AND QUALITY OF EXISTING VEGETATION, ESPECIALLY TREE**
8 **COVER, AND ANY SCENIC QUALITIES OF THE SITE SHALL BE NOTED ON THE PLAN.**

9 **L. THE PROPERTY MUST HAVE THE HEALTH DEPARTMENT AND DEPARTMENT OF**
10 **INSPECTIONS, LICENSES & PERMITS APPROVED SANITATION FACILITIES FOR**
11 **THIS ACCESSORY USE, IF A NON-RV IS USED AS SHELTER. FOR PRIVATE RV'S THE**
12 **LANDOWNER WILL MAKE RV CAMPERS AWARE OF NO SEWERAGE DUMPING**
13 **ALLOWED ONSITE.**

14 **M. THE PROPERTY OWNER AND/OR OPERATOR OF INCIDENTAL OUTDOOR STAYS –**
15 **LODGING SHALL MAINTAIN LOGS THAT INCLUDE THE RENTERS NAME, DRIVER'S**
16 **LICENSE INFORMATION, RV REGISTRATION, IF APPLICABLE, DATES OF STAY, AND**
17 **VISITOR SIGNATURE. LOGS MUST BE MAINTAINED FOR A PERIOD OF TWO YEARS**
18 **AND FURNISHED UPON THE REQUEST OF THE DEPARTMENT OF PLANNING AND**
19 **ZONING. THE PROPERTY OWNER AND/OR OPERATOR OF THE INCIDENTAL**
20 **OUTDOOR STAYS – LODGING USE MUST BE ON-SITE WHEN A GUEST IS UTILIZING A**
21 **SITE.**

22 **10. BED AND BREAKFAST INNS**

23 **BED AND BREAKFAST INNS ARE PERMITTED AS AN ACCESSORY USE TO FARMING IN**
24 **THE RC, RR, R-ED, R-20, R-12, AND R-SC DISTRICTS, PROVIDED THAT:**

25 **A. THE USE IS LOCATED ON A PARCEL OF AT LEAST 20 ACRES.**

26 **B. THE INN IS MANAGED AND OPERATED BY THE OWNER(S) OF THE DWELLING AND**
27 **THE DWELLING MUST BE THE PRINCIPAL RESIDENCE OF THE PROPERTY OWNER(S)**
28 **OR A DESIGNATED ON-SITE CARETAKER OPERATING ON BEHALF OF THE OWNER.**

29 **C. NO PUBLIC RECEPTION OR PUBLIC RESTAURANT FACILITIES ARE PROVIDED.**

30 **D. IF THE BUILDING IS A HISTORIC STRUCTURE AS DEFINED IN THESE REGULATIONS,**
31 **EXTENSIONS OR ALTERATIONS TO THE HISTORIC DWELLING SHALL BE**

1 ARCHITECTURALLY COMPATIBLE WITH THE HISTORIC STRUCTURE AS
2 DETERMINED BY THE HISTORIC PRESERVATION COMMISSION PRIOR TO THE
3 APPROVAL OF THE SPECIAL FARM PERMIT.

4 E. IF THE BUILDING IS A HISTORIC STRUCTURE AS DEFINED IN THESE REGULATIONS,
5 EXTENSIONS OR ENLARGEMENT OF THE PRINCIPAL HISTORICAL STRUCTURE AND
6 ALL ACCESSORY STRUCTURES MAY NOT EXCEED **50%** OF THE GROSS FLOOR AREA
7 OF EACH INDIVIDUAL BUILDING.

8 F. **BED AND BREAKFAST INNS** ARE PERMITTED AS A MATTER OF RIGHT IN THE **RC**
9 AND **RR** DISTRICTS ON FARMS THAT ARE SUBJECT TO **ALPP** PURCHASED OR
10 DEDICATED EASEMENTS PROVIDED THAT THE PARCEL IS A MINIMUM OF **20** ACRES
11 AND THE INN IS MANAGED AND OWNED BY AN INDIVIDUAL RESIDING ON THE SAME
12 PARCEL AND CLAIMING IT AS THEIR PRIMARY RESIDENCE OR IS MANAGED BY AN
13 INDIVIDUAL THAT RESIDES IN THE STRUCTURE THAT WILL SERVE AS THE INN.

14 G. **BED AND BREAKFAST INNS** ARE PERMITTED AS A MATTER OF RIGHT IN THE **RC**
15 AND **RR** DISTRICTS ON FARMS THAT ARE SUBJECT TO **ALPP** IF THE BUILDING
16 EXISTED AT THE TIME THE EASEMENT WAS ESTABLISHED, OR IF THE USE IS
17 LOCATED WITHIN THE PROPERTY'S DESIGNATED PRIMARY DWELLING.

18
19 **O. Farm ALCOHOL PRODUCER [[Winery—Class 1A or Farm Brewery—Class 1A]]**

20 1. A Farm **ALCOHOL PRODUCER** [[Winery—Class 1A or a Farm Brewery—Class 1A]]
21 is permitted as an accessory use to farming in the RC and RR Districts, provided that
22 the use complies with the following criteria:

23 a. The use is located on a lot or parcel of at least 5 acres. This use is permitted on any
24 such parcel, including parcels with agricultural preservation easements and
25 preservation parcels, excluding cluster preservation parcels in the RR District
26 existing on July 4, 2011 for which easements have not been donated to the
27 Agricultural Land Preservation Program.

28 b. The lot or parcel upon which the use is located shall have frontage on and direct
29 access to:

30 (1) A road classified as an arterial or collector public road; or

31 (2) A local road, provided that:

- (a) Access to an arterial or collector public road right-of-way is not feasible;
- (b) The access to the local road is safe based on road conditions and accident history;
- (c) If the local road is internal to a residential cluster subdivision, the subject property adjoins an arterial or collector highway, the local road access point is within 400 feet of its intersection with the arterial or collector highway, and there are no intervening driveways between the arterial or collector highway and the access to the property along the local road; and
- (d) That the use of the local road for access to the property will not unduly conflict with other uses that access the local road.
- c. The driveway providing access to the proposed site shall not be shared with other properties; however the Director of Planning and Zoning may waive this criteria if the petitioner provides affidavits from all persons who also share the driveway that they do not object to the use of the driveway for the use. If the use of a shared driveway is allowed, the petitioner shall demonstrate that the use will not result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway. The Director of Planning and Zoning shall prescribe appropriate conditions and safeguards to ensure the petitioner's responsibility for repair of any damage or deterioration of the shared driveway caused by the use.
- d. All **FARM ALCOHOL PRODUCER** [[winery or brewery]] related structures and uses associated with the [[winery or brewery]]USE, excluding cultivation areas shall be at least 75 feet from all lot lines and where possible minimize the impact on surrounding properties.
- e. For a farm **ALCOHOL PRODUCER** [[winery Class 1A]] use, the planting of at least two acres of grapes, **AN INGREDIENT USED IN THE BREWING OF MALT- BASED OR GRAIN-BASED BEVERAGES**, or other fruit on the property shall be initiated upon approval and successfully established within two years of approval. [[For a farm brewery Class 1A use, the planting of at least two acres of a primary ingredient used in the brewing of malt-based or grain-based beverages on the premises shall be initiated upon approval and successfully established within one year of approval.]]

- 1 f. Appropriate screening of adjoining parcels shall be provided, which may include a
2 solid fence, wall, landscaping or a combination that presents an attractive and
3 effective buffer.
- 4 g. The use shall be consistent with and support the farm and its production, shall not
5 interfere with the implementation of soil conservation and water quality best
6 management practices, and shall not impact floodplains, wetlands, stream buffers,
7 steep slopes or other environmental features on the farm **ALCOHOL**
8 **PRODUCER**[[winery]] property.
- 9 h. The use shall be compatible with the rural character of the farm and the surrounding
10 area.
- 11 i. A Farm **ALCOHOL PRODUCER** [[Winery or Brewery]] may produce, serve and sell
12 food to complement wine or beer tasting in accordance with Article 2B of Maryland
13 State Code.
- 14 j. In addition to the beverages produced by the use, the retail sale of promotional
15 items identifying the same **FARM ALCOHOL PRODUCER** [[winery or brewery]], such
16 as glassware, clothing, bottle openers or similar items, is permitted as an accessory
17 use. Plants or produce grown on-site may also be sold.
- 18 k. Visitor hours shall be restricted to between 10:00 a.m. and 7:00 p.m., Sunday
19 through Thursday; and 10:00 a.m. and 10:00 p.m., Friday and Saturday. DPZ may
20 reduce the hours for visitors, but shall not increase them. The hours for **FARM**
21 **ALCOHOL PRODUCER** [[winery or brewery]] processing and production operations
22 are not limited.
- 23 l. At any one time, the number of visitors to the **FARM ALCOHOL PRODUCER** [[winery
24 or brewery]] shall not exceed [[50]]**150** visitors.
- 25 m. The number of barrels brewed by a [[farm brewery]]**FARM ALCOHOL PRODUCER**
26 may not exceed the number of barrels allowed by State law.
- 27 **N. FOR AMPLIFIED NOISE, THE PROPERTY OWNER MUST KEEP A NOISE LOG OF**
28 **RECORDED DECIBELS TO SHOW COMPLIANCE WITH COUNTY’S NOISE ORDINANCE.**
29 **DECIBELS MUST BE RECORDED AT THE PROPERTY LINE AND TAKEN AT LEAST 3**
30 **SEPARATE TIMES INCLUDING THE BEGINNING, MIDDLE, AND END OF THE**

AMPLIFIED MUSIC EVENT. THE LOG MUST BE FURNISHED UPON THE REQUEST OF THE DEPARTMENT OF PLANNING AND ZONING.

2. A zoning permit is required for the use. As part of the approval process, the owner shall submit a site layout, which includes acreage, screening, parking, and building locations. If approved, after the required two-year or one-year time period, as applicable, the owner shall provide documentation to DPZ proving compliance with the planting requirements in Section 128.0.O.1.e and that it remains in compliance with all the other approval criteria. Thereafter, permit renewal is not required unless a violation occurs. It is the responsibility of the **FARM ALCOHOL PRODUCER**[[winery or brewery]] owner to obtain any other required Federal, State and County approvals required prior to operating the use.

SECTION 131.0: - Conditional Uses

N. Conditional Uses and Permissible Zoning Districts

	Zoning Districts																														
Conditional Use	R C	R R	R E D	R 2 0	R 1 2	R S C	R-S A- 8	R H E D	R A - 1 5	R- AP T	R- M H	R - S I	R- V H	CC T	TO D	CA C	TN C	PG CC	H O	H C	PO R	PE C	B R	O T	B - 1	B - 2	S C	M -1	M -2	C E	I
[[Limited Outdoor Social Assemblies]] Rural Venue Space	✓																														
[[Winery, Farm - Class 1B]]	✓																														

1 building existed at the time the easement was established and the use is managed by
2 persons residing on the same parcel. If these criteria are met, Conditional Use approval
3 is not required.]]
4

5 **26. Guest House**

6 A Conditional Use may be granted in the R-12 District for a guest house provided
7 that:

- 8 a. The minimum lot size shall be 1 acre. The maximum lot size shall be 2 acres. The
9 parcel shall have frontage on and direct access to an arterial road designated in the
10 General Plan.
- 11 b. Accessory **RURAL VENUE SPACE**[[limited outdoor social assembly]] uses are not
12 permitted.
- 13 c. The Hearing Authority shall establish limitations on the size and frequency of
14 indoor events with food and drink, considering the size, design and location of the
15 facility in relation to neighboring properties. The guest house shall post rules to
16 prevent guest noise from disturbing neighbors.
- 17 d. The Hearing Authority shall establish limitations on the hours for trash collection
18 and deliveries.
- 19 e. The front setback for parking shall be the same as the front setback for structures.
- 20 f. The owner of the guest house shall reside on the property. The Hearing Authority
21 may permit the owner to reside off-site and allow a specific owner's agent if the
22 Hearing Authority finds that such an arrangement will ensure that the use will be
23 properly maintained and managed in accordance with all criteria and conditions.
- 24 g. The maximum floor area ratio ("FAR") for the guest house shall be 0.5 FAR.
- 25 h. The use shall have a minimum of 15 guest rooms and a maximum of 19 guest
26 rooms.
- 27 i. On-site parking shall meet, but not exceed, minimum parking requirements for
28 hotel and motel uses. Parking shall be limited to approved paved parking spaces
29 and there shall be no off-site or valet parking.
- 30 j. Meals may be served to guests residing on the premises only and there shall be no
31 public restaurant use.

1
2 33. **[[Limited Social Assemblies]] RURAL VENUE SPACE**

3 A Conditional Use may be granted for **RURAL VENUE SPACE** **[[limited social**
4 **assemblies]]** in the RC District, provided that:

5 **[[a. The lot is the site of a historic structure as defined in these Regulations.]]**

6 **[[b]]A. The minimum lot size is 5 acres or greater.**

7 **[[c]]B. [[If the driveway providing access to the proposed site is shared with other**
8 **properties or has]] THE DRIVEWAY PROVIDING ACCESS TO THE PROPOSED SITE**
9 **SHALL NOT BE SHARED WITH OTHER PROPERTIES; HOWEVER THE DIRECTOR OF**
10 **PLANNING AND ZONING MAY WAIVE THIS CRITERIA IF THE PETITIONER PROVIDES**
11 **AFFIDAVITS FROM ALL PERSONS WHO ALSO SHARE THE DRIVEWAY THAT THEY DO**
12 **NOT OBJECT TO THE USE OF THE DRIVEWAY FOR THE USE. IF THE USE OF A**
13 **SHARED DRIVEWAY IS ALLOWED, THE PETITIONER SHALL DEMONSTRATE THAT**
14 **THE USE WILL NOT RESULT IN DAMAGE TO OR DETERIORATION OF THE SHARED**
15 **DRIVEWAY OR IN INCREASED HAZARDS TO OTHER USERS OF THE DRIVEWAY. THE**
16 **DIRECTOR OF PLANNING AND ZONING SHALL PRESCRIBE APPROPRIATE**
17 **CONDITIONS AND SAFEGUARDS TO ENSURE THE PETITIONER'S RESPONSIBILITY**
18 **FOR REPAIR OF ANY DAMAGE OR DETERIORATION OF THE SHARED DRIVEWAY**
19 **CAUSED BY THE USE. IF THE SITE HAS** direct access to and frontage on a local road,
20 the petitioner shall demonstrate that the use will not **ADVERSELY IMPACT** **[[result**
21 **in damage to or deterioration of the shared driveway or in increased hazards to other**
22 **users of the driveway or]]USE OF THE** local road **BY DEMONSTRATING**
23 **ADEQUATE SIGHT DISTANCE AND CAPACITY TO MANAGE THE ANTICIPATED**
24 **VOLUME OF ROAD USE. [[The Hearing Authority shall prescribe appropriate**
25 **conditions and safeguards to ensure the Conditional Use operator's responsibility**
26 **for repair of any damage or deterioration of the shared driveway caused by the**
27 **Conditional Use, including requirements for surfacing of access driveways.]]**

28 **[[d]]C. The petitioner shall provide a traffic management plan and a sight distance**
29 **analysis.**

30 **[[e]]D. The [[limited social assemblies]]RURAL VENUE SPACE are the following private**
31 **functions: Picnics, weddings, anniversary/retirement parties, bridal or baby**

showers, not for profit organization fund raisers, banquets, rehearsal dinners, philanthropic events, or other similar events.

[[f. With the exception of restroom facilities if required by the Health Department, no permanent structures, including catering or restaurant facilities shall be constructed on site.]]

[[g]]E. [[The]]ANY outdoor assembly area is located and designed to shield residential property from noise or nuisance and screened from adjacent residential properties. **FOR AMPLIFIED NOISE, THE PROPERTY OWNER MUST KEEP A NOISE LOG OF RECORDED DECIBELS TO SHOW COMPLIANCE WITH COUNTY’S NOISE ORDINANCE. DECIBELS MUST BE RECORDED AT THE PROPERTY LINE AND TAKEN AT LEAST 3 SEPARATE TIMES INCLUDING THE BEGINNING, MIDDLE, AND END OF THE AMPLIFIED MUSIC EVENT. THE LOG MUST BE FURNISHED UPON THE REQUEST OF THE DEPARTMENT OF PLANNING AND ZONING. ANY AMPLIFIED NOISE AFTER 10PM MUST BE LOCATED INDOORS.**

[[h]]F. [[Limited social assembly]]**RURAL VENUE SPACE** events shall have the following limitations:

(1) Maximum capacity [[is]]**SHALL not [[to exceed]] EXCEED:**

(A) 150 attendees **ON A 5-ACRE PARCEL**

(B) **250 ATTENDEES ON A 20-ACRE PARCEL**

(C) **10 ADDITIONAL ATTENDEES FOR EACH ACRE IN EXCESS OF 20 ACRES NOT TO EXCEED 300 ATTENDEES.**

(2) No more than 25 of these events shall be held within a one year period, **UNLESS ADDITIONAL EVENTS ARE APPROVED BY THE HEARING AUTHORITY.**

(3) Operation hours shall be restricted to between 9:00 a.m. and 10:00 p.m., Monday [[thru]]- Thursday; between 12:00 p.m. and 12:00 a.m., Friday and Saturday; and between 12:00 p.m. and 10:00 p.m., Sunday.

[[i]]G. [[All event activities shall occur outdoors except that interior spaces in existing structures over 50 years old, limited to barns or other similar farm structures which are existing at the time of the Conditional Use application, may be utilized.]] **Event activities ARE PERMITTED TO OCCUR OUTDOORS,** within

enclosed tents, **AND IN NEWLY CONSTRUCTED FACILITIES OR EXISTING STRUCTURES** [[are permitted, however]].

[[j]]H. Special events with catered food or food prepared on-site are subject to review by the food protection program of the Howard County Department of Health and may require a special events permit. The Conditional Use may not commence until the applicant has obtained approval of all necessary permits for its operation.

[[k]]I. On an ALPP purchased or dedicated easement property, the following additional criteria are required:

(1) The use shall not interfere with farming operations or limit future farming production.

[[(2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.]]

37. Nonprofit Clubs, Lodges, Community Halls and Camps

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC, R-SA-8 and R-H-ED Districts for nonprofit clubs, including health or athletic clubs, **NONPROFIT EDUCATIONAL CAMPS**, and similar nonprofit organizations, provided that:

- a. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of ways.
- b. At least 20% of the area within the building envelope shall not be used for buildings, parking areas or driveways. The building envelope is formed by the required structure and use setbacks of the Zoning Regulations for the zoning district and the Subdivision and Land Development Regulations.
- c. Outdoor uses will be located and designed to shield residential property from noise or nuisance. The Hearing Authority may set the days and hours of operation for outdoor uses.
- d. The site has frontage on and direct access to a collector or arterial road designated in the General Plan.

1
2 **[[57. Winery, Farm—Class 1B**

3 A Conditional Use may be granted for a Farm Winery-Class 1B for a cluster
4 preservation parcel in the RR District existing on July 4, 2011 for which easements
5 have not been donated to the Agricultural Land Preservation Program, that is five
6 acres or more provided that it complies with the following criteria:

7 a. The lot or parcel upon which the Farm Winery is located shall have frontage and
8 direct access to:

9 (1) A road classified as an arterial or collector public road; or

10 (2) A local road, provided that:

11 (a) Access to an arterial or collector public road right-of-way is not feasible;

12 (b) If the local road is internal to a residential cluster subdivision, the subject
13 property adjoins an arterial or collector highway, the local road access point
14 is within 400 feet of its intersection with the arterial or collector highway,
15 and there are no intervening driveways between the arterial or collector
16 highway and the access to the winery along the local road;

17 (c) The access to the local road is safe based on road conditions and accident
18 history, and

19 (d) That the use of the local road for access to the winery will not unduly
20 conflict with other uses that access the local road.

21 b. The driveway providing access to the proposed site shall not be shared with other
22 properties; however the Hearing Authority may waive this criteria if the petitioner
23 provides affidavits from all persons who also share the driveway that they do not
24 object to the use of the driveway for the farm winery. If the use of a shared driveway
25 is allowed, the petitioner shall demonstrate that the use will not result in damage to
26 or deterioration of the shared driveway or in increased hazards to other users of the
27 driveway. The Hearing Authority shall prescribe appropriate conditions and
28 safeguards to ensure the Farm Winery owner's responsibility for repair of any
29 damage or deterioration of the shared driveway caused by the Conditional Use.

30 c. All winery related structures and uses excluding cultivation areas shall be at least
31 75 feet from all lot lines.

- d. Planting of at least two acres of grapes or other fruit on the property shall be initiated upon approval and successfully established within two years of approval.
- e. The Farm Winery shall be consistent with and support the farm and its production, shall not interfere with the implementation of soil conservation and water quality best management practices, and shall not impact floodplains, wetlands, stream buffers, steep slopes or other environmental features on the Farm Winery property.
- f. The Farm Winery shall be compatible with the rural character of the farm and the surrounding area.
- g. The Hearing Authority may require appropriate screening of adjoining parcels, which may include a solid fence, wall, landscaping, or a combination that presents an attractive and effective buffer.
- h. Any accessory retail sales within the Farm Winery, other than the wine and similar fermented beverages produced at the Farm Winery, are limited to items promoting the same Farm Winery, such as glassware, clothing, and wine-related items such as wine openers. A Farm Winery may sell plants and/or produce grown on-site.
- i. Farm Winery visitor hours shall be restricted to between 10:00 a.m. and 7:00 p.m. Sunday through Thursday; and 10:00 a.m. and 10:00 p.m. Friday and Saturday. The Hearing Authority may reduce the hours for visitors, but shall not increase them. The hours for winery processing and production operations are not limited.
- j. At any one time, the number of visitors to the winery shall not exceed 50 visitors.
- k. A Farm Winery may produce, serve and sell food to complement wine tasting in accordance with Article 2B of Maryland State Code.
- l. If approved, the owner shall provide documentation to the Department of Planning and Zoning proving compliance with Section 131.0.N.57.d. It is the responsibility of the Farm Winery owner to obtain any other required Federal, State and County approvals required prior to operating the use.]]

[[58]]57. FARM ALCOHOL PRODUCER [[Winery, Farm—Class 2]]

A Conditional Use may be granted for a Farm ALCOHOL PRODUCER [[Winery—Class 2]] in the RC and RR Districts, provided that it complies with the following criteria:

- 1 a. The use is located on a parcel of at least 25 acres. The use is permitted on any such
2 parcel, including parcels with Agricultural Land Preservation Easements and
3 preservation parcels.
- 4 b. The lot or parcel upon which the Farm **ALCOHOL PRODUCER** [[Winery]] is
5 located shall have frontage on and direct access to a road classified as an arterial or
6 collector public road. Unless the Hearing Authority approves access to a local road
7 as provided in Section 131.0.N.56.B[[c]], the sole access to and from the site shall
8 be from the arterial or collector public road.
- 9 c. The Hearing Authority may approve access to a local road upon findings that access
10 to an arterial or collector public road right-of-way is not feasible, the local road is
11 not internal to a residential cluster subdivision unless the residential cluster
12 subdivision was originally designed, constructed, and marketed as a **FARM**
13 **ALCOHOL PRODUCER** [[winery]] community organized around a **FARM**
14 **ALCOHOL PRODUCER** [[winery]] parcel, the access to the local road is safe based
15 on road conditions and accident history, and that the use of the local road for access
16 to the **FARM ALCOHOL PRODUCER** [[winery]] will not unduly conflict with
17 other uses that access the local road.
- 18 d. [[The driveway providing access to the proposed site shall not be shared with other
19 properties;]]**THE DRIVEWAY PROVIDING ACCESS TO THE PROPOSED SITE SHALL**
20 **NOT BE SHARED WITH OTHER PROPERTIES; HOWEVER THE DIRECTOR OF**
21 **PLANNING AND ZONING MAY WAIVE THIS CRITERIA IF THE PETITIONER PROVIDES**
22 **AFFIDAVITS FROM ALL PERSONS WHO ALSO SHARE THE DRIVEWAY THAT THEY DO**
23 **NOT OBJECT TO THE USE OF THE DRIVEWAY FOR THE USE. IF THE USE OF A**
24 **SHARED DRIVEWAY IS ALLOWED, THE PETITIONER SHALL DEMONSTRATE THAT**
25 **THE USE WILL NOT RESULT IN DAMAGE TO OR DETERIORATION OF THE SHARED**
26 **DRIVEWAY OR IN INCREASED HAZARDS TO OTHER USERS OF THE DRIVEWAY. THE**
27 **DIRECTOR OF PLANNING AND ZONING SHALL PRESCRIBE APPROPRIATE**
28 **CONDITIONS AND SAFEGUARDS TO ENSURE THE PETITIONER'S RESPONSIBILITY**
29 **FOR REPAIR OF ANY DAMAGE OR DETERIORATION OF THE SHARED DRIVEWAY**
30 **CAUSED BY THE USE. [[however the Hearing Authority may waive this criteria if**
31 **the petitioner provides affidavits from all persons who also share the driveway that**

1 they do not object to the use of the driveway for the Farm Winery. If the use of a
2 shared driveway is allowed, the petitioner shall demonstrate that the use will not
3 result in damage to or deterioration of the shared driveway or in increased hazards
4 to other users of the driveway. The Hearing Authority shall prescribe appropriate
5 conditions and safeguards to ensure the Farm Winery owner's responsibility for
6 repair of any damage or deterioration of the shared driveway caused by the
7 Conditional Use.]] **IF THE SITE HAS DIRECT ACCESS TO AND FRONTAGE ON A
8 LOCAL ROAD, THE PETITIONER SHALL DEMONSTRATE THAT THE USE WILL NOT
9 ADVERSELY IMPACT USE OF THE LOCAL ROAD BY DEMONSTRATING ADEQUATE
10 SITE DISTANCE AND CAPACITY TO MANAGE THE ANTICIPATED VOLUME OF ROAD
11 USE.**

- 12 e. All **FARM ALCOHOL PRODUCER**[[winery]] related structures and uses excluding
13 cultivation areas shall be at least 75 feet from a public road right-of-way and 150
14 feet from all other lot lines. The Hearing Authority may reduce the setback of 150
15 feet from the lot lines, but only to a minimum of 75 feet, if:

- 16 (1) The adjoining land is committed to an agricultural or environmental
17 preservation easement or a long term institutional or open space use that
18 provides an equivalent or better buffer; or
19 (2) The petition includes detailed plans for screening. The Hearing Authority may
20 require appropriate screening of adjoining parcels, which may include a solid
21 fence, wall, landscaping, or a combination, that presents an attractive and
22 effective buffer.

- 23 f. Planting of at least two acres of grapes, **AN INGREDIENT USED IN THE BREWING
24 OF MALT-BASED OR GRAIN-BASED BEVERAGES**, or other fruit on the property shall
25 be initiated upon approval and successfully established within two years of
26 approval.

- 27 g. The Farm **ALCOHOL PRODUCER** [[Winery]] shall be consistent with and support
28 the farm and its production, shall not interfere with the implementation of soil
29 conservation and water quality best management practices, and shall not impact
30 floodplains, wetlands, stream buffers, steep slopes or other environmental features
31 on the Farm **ALCOHOL PRODUCER** [[Winery]] property.

- 1 h. The Farm **ALCOHOL PRODUCER** ~~[[Finery]]~~ shall be compatible with the rural
2 character of the farm and the surrounding area.
- 3 i. ~~THE~~ Farm **ALCOHOL PRODUCER** ~~[[Winery]]~~ visitor hours shall be restricted to
4 between 10:00 a.m. and 10:00 p.m. daily. The Hearing Authority may reduce the
5 hours for visitors, but shall not increase them. The hours for ~~[[winery]]~~**FARM**
6 **ALCOHOL BEVERAGE** processing and production operations are not limited.
- 7 j. The Farm **ALCOHOL PRODUCER** ~~[[Winery]]~~ shall be limited to two categories of
8 attendee events; Everyday Events and Special Events, each with specific limitations
9 as follows:
- 10 (1) An Everyday Event is one that may occur each day of operation within a
11 calendar year, or as may be further limited by the Hearing Authority, and the
12 number of attendees at any single time shall be as specified by the Hearing
13 Authority, but only up to a maximum of ~~[[50]]~~**150** persons at any given time.
14 The most common type of activity in an everyday event is that of customers
15 visiting a tasting room at the Farm **ALCOHOL PRODUCER** ~~[[Winery]]~~ to sample
16 or purchase the products produced therein, but may include other low-intensity
17 activities such as individual or small group tours, educational programs,
18 meetings, and social events; and
- 19 (2) A Special Event is an indoor and/or outdoor event that may be approved by the
20 Hearing Authority for up to fifteen (15) days within a calendar year. The
21 maximum number of attendees at any given time on a 25 acre farm shall be 150
22 persons, provided, however, that the Hearing Authority may increase this
23 maximum number of attendees in accordance with Section 131.0.~~[[58]]~~**57.k** if
24 the property qualifies for such an increase. For a Special Event that occurs on
25 more than one calendar day, each calendar day is counted as one event.
- 26 k. The standard maximum number of persons permitted to visit the property at any
27 one time for Special Events shall be 150 attendees. The Hearing Authority may
28 increase the maximum number of Special Event attendees by **10**~~[[5]]~~ people for
29 every acre of land area above the minimum 25 acre parcel size, based upon the
30 gross acreage of the parcel, up to a total maximum of 500 attendees.

1 If the Farm **ALCOHOL PRODUCER** [[Winery]] is located on a farm which is
2 comprised of more than one parcel under the same ownership (the "Overall
3 Farm"), the Hearing Authority may base this potential attendee increase on the
4 gross acreage of the Overall Farm as long as there is a condition to decrease the
5 number of attendees if for any reason the land area of the Overall Farm is reduced
6 after the initial Conditional Use approval.

7 1. A Farm **ALCOHOL PRODUCER** [[Winery]] may produce, serve and sell food to
8 complement [[wine tasting]]TASTINGS in accordance with Article 2B of Maryland
9 State Code.

10 m. Any accessory retail sales within the Farm **ALCOHOL PRODUCER** [[Winery]], other
11 than the [[wine and similar fermented]] beverages produced at the Farm **ALCOHOL**
12 **PRODUCER** [[Winery]], are limited to items promoting the same Farm **ALCOHOL**
13 **PRODUCER** [[Winery]], such as glassware, clothing, and wine-related items such as
14 wine openers. A Farm **ALCOHOL PRODUCER** [[Winery]] may sell plants and/or
15 produce grown on-site.

16 n. If approved, the owner shall provide documentation to the Department of Planning
17 and Zoning proving compliance with Section 131.0.N.57.f. It is the
18 responsibility of the Farm **ALCOHOL PRODUCER** [[Winery]] owner to obtain any
19 other required Federal, State and County approvals required prior to operating the
20 use.

21 **O. FOR AMPLIFIED NOISE, THE PROPERTY OWNER MUST KEEP A NOISE LOG**
22 **OF RECORDED DECIBELS TO SHOW COMPLIANCE WITH COUNTY’S NOISE**
23 **ORDINANCE. DECIBELS MUST BE RECORDED AT THE PROPERTY LINE AND**
24 **TAKEN AT LEAST 3 SEPARATE TIMES INCLUDING THE BEGINNING, MIDDLE,**
25 **AND END OF AMPLIFIED MUSIC EVENT. THE LOG MUST BE FURNISHED**
26 **UPON THE REQUEST OF THE DEPARTMENT OF PLANNING AND ZONING.**

27 **58. Wrecked Vehicle Storage (Temporary)**

28 A Conditional Use may be granted in the M-1 or M-2 Districts for the temporary storage
29 of wrecked vehicles, provided that:

30 a. Title to the vehicle does not transfer to the operators and owners of the site;

- b. All such vehicles shall be screened from off-site view by walls (including building walls) or fences six to eight feet high, of a design approved by the Hearing Authority. At the Hearing Authority's discretion, landscape planting may be required between the wall and the property line.
- c. The storage area shall be treated as needed to control dust and minimize the runoff of oils and greases;
- d. Dismantling of wrecked vehicles shall not be permitted.

[[60]]59. Yard Waste Composting Facility

A Conditional Use may be granted in the RC, RR, or M-1 Districts for a yard waste composting facility, provided that:

- a. Only yard waste (leaves, grass, brush, yard trimmings) and natural wood waste (tree and other vegetative refuse including tree stumps, limbs and root mats) shall be received for composting on the site.
- b. All required State and Federal permits have been obtained. The hearing Authority, as a condition of approval, may impose requirements which are more stringent than the requirements of the State and Federal permits.
- c. In addition to the Bulk Regulations of the applicable zoning district, the following structure and use setbacks shall apply:
 - (1) From an existing residence on a different lot500 feet
 - (2) From adjacent residentially-zoned lots300 feet
 - (3) From public street rights-of-way100 feet
 - (4) From existing streams and wetlands100 feet
- d. A landscaped buffer area with a minimum width of 100 feet shall be maintained around the perimeter of the site. The landscaped buffer shall be used only for planting, fencing, and driveways for ingress and egress to the site.
- e. The operation shall not result in odors which are detectable on surrounding properties.
- f. The operation shall be conducted in a safe and environmentally sound manner, as prescribed by law or regulations and with respect to the likelihood of hazard to persons or damage to lands, natural resources, streets, bridges, and public rights-of-way.

- 1 g. The operation shall be conducted in a manner which will prevent insect and/or
2 rodent infestation.
- 3 h. The facility shall be maintained in a clean and sanitary condition. Areas where yard
4 waste or compost is processed, loaded, or unloaded shall be designed and
5 constructed to drain freely to prevent the accumulation of standing liquid.
- 6 i. All liquid, including leachate and storm water runoff, generated from the
7 composting facility shall be collected and treated prior to disposal, in accordance
8 with applicable regulations.
- 9 j. In the RC and RR Districts, the hours of operation shall be restricted to between
10 7:00 a.m. and 6:00 p.m., and no operation shall be permitted on Sundays except
11 repairs to equipment and improvements.
- 12 k. On-site retail sales of finished compost shall be permitted if specifically approved
13 by the Hearing Authority.
- 14 l. The structural elements of the roads serving the site shall be adequate for the truck
15 traffic to be generated by the composting facility. The petition shall include a road
16 condition study to allow the hearing authority to make this determination.
- 17 m. The Conditional Use Plan submitted with the petition shall show the following:
18 (1) Survey boundaries of the subject property.
19 (2) Existing natural features including streams, ponds, springs, and wetlands.
20 (3) Existing and proposed topography.
21 (4) Setback and buffer area, including type of screening and fencing.
22 (5) Portion of tract to be used for composting operations, including the location and
23 layout of:
24 (a) Yard waste unloading, receiving and storage areas;
25 (b) Yard waste processing areas, including areas for grinding, screening,
26 mixing and other operations to prepare yard waste for composting;
27 (c) Composting areas;
28 (d) Compost curing areas;
29 (e) Compost final product preparation areas (screening and other operations);
30 and
31 (f) Finished compost storage and loading areas.

- (6) Existing and proposed structures and major mechanical equipment.
- (7) Existing and proposed access driveways.
- (8) Water supply (including quantity requirements) and sewage disposal.
- (9) Storm water management facilities for quantity and quality control.
- (10) Facilities for storage and treatment of leachate and any other liquids generated by the operation.
- (11) Other existing or proposed uses on the site.

n. An Operations Plan shall be submitted by the applicant to enable the Hearing Authority to evaluate the potential impacts of the proposed use. If the petition is approved, substantial changes to the operations plan shall not be implemented without prior approval of the Hearing Authority. The plan shall provide the following information:

- (1) Types, anticipated quantities and sources of yard waste.
- (2) Methods by which unacceptable wastes delivered to the facility will be identified, segregated, and handled for removal and disposal.
- (3) Off-site location where unacceptable wastes delivered to the composting facility will be disposed of.
- (4) Methods by which waste quantities delivered will be determined including weighing facilities to be provided.
- (5) A description of major items of equipment and associated capacities.
- (6) A description of proposed buildings and pads for storage, composting and processing.
- (7) A description of yard waste delivery methods and requirements.
- (8) A description of incoming yard waste handling and processing methods including processing capacity and storage volume to be provided.
- (9) A description of the composting process to be utilized including composting capacity to be provided, composting technology, required composting time, and assurance of acceptable level of pathogen reduction.
- (10) A description of compost curing, handling and processing methods including processing capacity and storage volume to be provided.

1 (11) A description of finished compost storage, distribution and delivery methods
2 and requirements.

3 (12) Methods of controlling odors, dust, litter, noise, and insect or rodent
4 infestation; methods of insuring public safety; methods of preventing and, if
5 necessary, controlling fires; and methods of collecting and treating liquids
6 generated by the use.

7 (13) Procedures for cleaning and maintaining the appearance of the facility,
8 including collection of litter and waste which falls from transport vehicles in
9 the vicinity of the site, including adjacent private properties and public roads.

10 o. A Rehabilitation Plan shall be submitted at the time of the Conditional Use
11 Application for approval by the Hearing Authority. The plan shall provide for the
12 following minimum rehabilitation program:

13 (1) All structures and machinery shall be completely removed and underlying
14 excavations filled to grade and planted in grass except structures or machinery
15 that are to be continued in operation for a use permitted under the zoning
16 classification.

17 (2) All impervious surfaces shall be removed and properly disposed of. The areas
18 from which the surfaces are removed shall be backfilled with suitable soil and
19 regraded as necessary to provide adequate drainage. All such areas shall be
20 planted in grass which shall be maintained through one year's growth.

21 (3) All yard waste, composting material, and finished compost shall be removed
22 from the site and shall be disposed of in conformance with applicable laws or
23 regulations.

24 (4) All access roads shall be suitably barricaded to prevent the passage of vehicles
25 either into or out of the abandoned area, except such access as needed for
26 vehicles used in rehabilitation work, until the plan for rehabilitation has been
27 completed and a different use necessitating access has commenced on the
28 property.

29
30 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland,***
31 ***that this Act shall become effective 61 days after its enactment.***