

Special Farm Permit Uses Jurisdiction Research and ZRA-217 Proposal

Agritourism Enterprise

ZRA Definition: 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 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 as. This term includes farm tours, farm stays, hayrides, [[corn]] mazes, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above, and similar uses.

Jurisdiction	Use Title	Allowance	Permit Required?	Special Criteria	Allowed on Ag Pres?
Howard	Agritourism	Permitted as an accessory use to farming in RC and RR	Yes, special farm permit	Minimum lot size of 50 acres or a parcel of any size if ALPP, no limit on number of visitors or everyday events, festival events are limited to two consecutive days unless on a holiday weekend.	Yes
Montgomery	Under Farming	Permitted as an accessory use to farming in AR, R, RC, RNC, RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40	No	Max footprint is limited to 10% of all structures on site used for agriculture; Requires DPS approval of sanitation facilities. No specified limit on number of visitors or events.	Yes
Frederick	Agritourism Enterprise	Permitted as accessory to farming in all districts (RC, A, R1, R3, R5, R8, R12, R16, VC, MX, GC, ORI, LI, GI)	No	Shall include farm tours, hayrides, corn mazes, seasonal petting farms, farm museums, guest farm, pumpkin patches, "pick your own" or "cut your own" produce, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above. No use otherwise permitted that requires site plan approval or special exception is permitted as an agritourism enterprise. No specified limit on number of visitors or events.	Yes
Anne Arundel	Agritourism	Conditional in RA (Rural Agricultural); RLD (Residential Low Density); and R1	No (Conditional Use)	Shall be accessory to principal use of farming. If there will be more than 50 occupants at any one time in an agricultural building for an agritourism use, the agritourism use shall be limited to a ground floor level of the building and the Fire Marshal shall inspect the agricultural building for compliance with the State Fire Prevention Code before it may be occupied for an agritourism use, lot coverage is the lesser of 15% of the property size or 20,000sqft	Yes

Carroll	Agritourism	Permitted in Agriculture and Conservation Districts	No	An activity conducted on a farm that is offered to a member of the general public or to invited guests for the purposes of education, recreation, or active involvement in the farm operation. These activities shall be conducted in conjunction with principal agricultural production or processing. This term shall include farm tours, hayrides, corn mazes, seasonal petting farms, farm museums, pumpkin patches, "pick your own" or "cut your own" produce, camping and incidental stays provided that they are limited to no more than one campsite, and classes related to agricultural products or skills. No use that is listed as a conditional use is permitted under Agritourism.	No
Baltimore	N/A	N/A	N/A	N/A	N/A

Small Scale Agritourism

ZRA Definition: SMALL SCALE AGRITOURISM: ACTIVITIES CONDUCTED ON A FARM AND OFFERED TO THE PUBLIC OR TO INVITED SMALL GROUPS FOR THE PURPOSE OF RECREATION, EDUCATION OR ACTIVE INVOLVEMENT IN THE FARM OPERATION WITH 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 HAVE LIMITED ATTENDANCE APPROPRIATE TO THE SITE AND OPERATIONS, MUST BE RELATED TO AGRICULTURE OR NATURAL RESOURCES AND CUSTOMAIRLY INCIDENTAL TO THE PRIMARY OPERATION ON THE SITE. THIS TERM INCLUDES FARM TOURS, CLASSES RELATED TO AGRICULTURAL PRODUCTS OR SKILLS, PICNIC FACILITIES OFFERED IN CONJUNCTION WITH THE ABOVE, AND SIMILAR USES. SMALL-SCALE AGRITOURISM DOES NOT INCLUDE FARM STAYS OR FESTIVAL EVENTS.

Jurisdiction	Use Title	Allowance	Permit Required?	Special Criteria	Allowed on Ag Pres?
Howard	Small-Scale Agritourism	Permitted as an accessory use to farming in RC, RR, R-ED, R-20	Yes, special farm permit	<ul style="list-style-type: none"> • Minimum lot size of 5 acres • Hours of operation are 8am-8pm • Events are limited to 25/year • Visitors are limited to 50 • Festivals are not permitted 	Yes
Montgomery	N/A - Same As Agritourism Enterprise	N/A	N/A	N/A	N/A
Frederick	N/A - Same As	N/A	N/A	N/A	N/A

	Agritourism Enterprise				
Anne Arundel	N/A - Same As Agritourism Enterprise	N/A	N/A	N/A	N/A
Carroll	N/A - Same As Agritourism Enterprise	N/A	N/A	N/A	N/A
Baltimore	N/A	N/A	N/A	N/A	N/A

Incidental Outdoor Stays

ZRA Definition: 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.

Jurisdiction	Use Title	Allowance	Permit Required?	Special Criteria	Allowed on Ag Pres?
Howard	Incidental Outdoor Stays – Lodging	Permitted as an accessory use to farming in RC, RR, R-ED, R-20	Yes, special farm permit	<ul style="list-style-type: none"> • Minimum lot size of 20 acres or any parcel size with an ALPP • 3 structures/site total on site • Stays are limited to 3 consecutive days • Structures are limited to 450sqft • Sites are limited to 3,500sqft • Must be temporary accommodations (no foundations or concrete pads) • No limit on the number of guests 	Yes

Montgomery	Campground (same as above)	Conditional (AR, R, RC, RE-2C)	No, Conditional Use	<ul style="list-style-type: none"> • Minimum site of 10 acres with 150 SQFT of road frontage; Maximum density of 15 campsites per acre; • Each campsite is a minimum of 900 SQFT; 100 FT setbacks from property lines with 125 feet from ROW centerline; • In AR, R, and RC: must be located on a property used for farming, minimum size of 25 acres, and no more than 5% or 5 acres may be used for a campground, whichever is smaller • 25-100 acres – Maximum of 5 camp sites • 100+ acres – maximum of 10 sites • Maximum size of each tent or accommodations is 200 SQFT GFA • Max 3-night consecutive stays • Must be temporary accommodations (no foundations or concrete pads) 	Yes
Frederick	Rustic Retreat/Camp/Outdoor Club	Special Exception Use in RC and A	Yes, Site Development Plan Approval Required	<ul style="list-style-type: none"> • Minimum lot size of 10 acres • If capacity is under 100 persons, no specific road requirements • If capacity is over 100 persons: <ul style="list-style-type: none"> ○ Total impervious surface area for buildings and parking shall be limited to 4,000 SQFT for every 1 acre up to <ul style="list-style-type: none"> ▪ 3 acres for 0-100 acre lots ▪ 4 acres for 101-250 acre lots ▪ 5 acres for lots 251+ acres • Permanent residential occupant by an owner, manager, or caretaker required 	Yes
Anne Arundel	Farm or agricultural heritage site stay	Conditional in RA, RLD, R1, and R2	No (Conditional)	<ul style="list-style-type: none"> • The County's Dept. Of Planning and Zoning is required to submit an annual report on events annually until 2027 to include number of temporary uses, conditional uses, and special exception uses granted; For temporary uses, the number of people attending events and acreage of the site; and the number of complaints received each year and description of the complaints • Accessory use that requires agricultural promotion and guest education about farm operation or heritage site, subordinate to and in conjunction with agricultural or heritage and preservation goals • Minimum lot size of 10 acres • Owner or manager shall reside on property and be present during site stay • Under 50 acres, max of 3 groups or 12 guests at one time, whichever is less • 50+ acres, no more than 5 groups or 20 guests 	Yes

				<ul style="list-style-type: none"> No more than 14 consecutive day stays 100 feet setbacks Owner must maintain a guest log for inspection by P&Z Owner must have owned the property for immediately preceding two years and have been engaged in active farming for the preceding two years 	
Carroll	Commercial Camping	Conditional in Ag and Cons.	No, conditional and requires SDP	<ul style="list-style-type: none"> 1,000 feet from any Residence District, 500 feet from any existing dwelling on adjacent property Each campsite shall have an area of at least 2,000 square feet including parking space for one car, and no camp site shall be closer than 100 feet to any property line. The campsites, together with any nonaccessory buildings, shall not occupy in the aggregate more than 35% of the gross area of the designated camping area. 	No
Baltimore	N/A	N/A	N/A	N/A	N/A

Bed and Breakfast Inns

ZRA Definition: 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.

Jurisdiction	Use Title	Allowance	Permit Required?	Special Criteria	Allowed on Ag Pres?
Howard	Bed and Breakfast	By right with ALPP, accessory use, or conditional use	Permit or HE approval	<ul style="list-style-type: none"> Permitted by right on ALPP – minimum lot size of 20 acres, B&B operates out of primary residence or existed at the time of easement, operated by inn manager or owner Permitted as accessory use to farming – SFP, permitted in RC, RR, R-ED, R-20, R-12, R-SC, minimum lot size of 20 acres, inn manager or owner on-site Permitted as conditional use – RC, RR, R-ED, R-20, R-12, R-SC, R-VH on properties less than 20 acres, on-site caretaker 	Yes
Montgomery	Bed and Breakfast	<ul style="list-style-type: none"> Limited (AR, R, RC, RNC, RE-2, RE-2C, RE-1, R-200); Conditional (CRN, CRT, GR, NR) 	No, Conditional use	<ul style="list-style-type: none"> In AR, Rural Residential, and Residential zones: Min lot area is the greater of 9,000 SQFT or minimum lot size for a detached house in that zone; On a site of less than 2 acres, maximum of 3 bedrooms allowed In AR, Rural Residential zones, a BnB located in a historic structure: 	Use may not be permitted in AR if not accessory to farming

				<ul style="list-style-type: none"> ○ May have up to 10 guest rooms ○ May serve guests any meal ○ Must be occupied by an owner or authorized manager <ul style="list-style-type: none"> • Breakfast is the only meal to be served; Max 14-night consecutive stay; Record of guests must be maintained • Must be owner occupied • Maximum of 5 guest rooms 	
Frederick	Bed and Breakfast	Principal Permitted with site plan approval in RC, A, VC, MX, GC; Principal Permitted as a Special Exception with Site Plan approval in R1, R3, R5, R8, R12, R16	Yes, Site Development Plan Approval Required	<ul style="list-style-type: none"> • Maximum stay of 30 days over 6 months and no 1 visit shall exceed 14 days • Meal service limited to overnight guests • No separate kitchen/cooking facilities in guest rooms • Use of amenities shall be restricted to guests • Parking shall not be located in setback areas. • Minimum lot sizes and setbacks follow the requirements for each district 	Yes
Anne Arundel	Bed and Breakfast Inns OR Bed and Breakfast Homes	Inns are Special Exceptions in RA, R1, R2, and R5; Homes are Conditional in RA, R1, R2, and R5	Yes, special exception and public hearing; For Homes – No, Conditional Use	<p>For Both</p> <ul style="list-style-type: none"> • If zoned R1, R2, or R5, Inns and Home locations are regulated under a specific map adopted by county council <p>For Inns</p> <ul style="list-style-type: none"> • Owner or manager occupied single family detached dwelling on a lot of at least an acre • At least 4 but no more than 12 guest rooms for consecutive stays of no more than 14 days • Owner shall maintain a reservation log for P&Z inspection • Guest rooms may not contain any cooking facilities and food service may be provided in group dining areas of the dwelling <p>For Homes</p> <ul style="list-style-type: none"> • Owner or manager occupied single family detached dwelling on a lot of at least 11,000 SQFT • no more than 3 guest rooms for consecutive stays of no more than 14 days • Owner shall maintain a reservation log for P&Z inspection • Guest rooms may not contain any cooking facilities and food service may be provided in group dining areas of the dwelling 	Yes

Carroll	Bed and Breakfast	Conditional in Ag, Cons, Residential districts, C-1	No, conditional use and requires SDP	<ul style="list-style-type: none"> • Must be owner occupied • Parking shall be provided on site with one additional space required for each room that is available to be rented 	No
Baltimore	Bed and Breakfast Inn	Conditional Use in RC or DR zones	Yes	<ul style="list-style-type: none"> • Must be originally constructed as a one family dwelling that has historic value or significance • No more than six bedrooms permitted for guests • Max 14 consecutive night stays • Minimum 5 acre site with frontage on collector or arterial road in RC • New or existing accessory structures must be architecturally compatible with principle structure • Owner or manager must maintain a log of reservations showing arrival and departure dates for inspection by zoning compliance officers • Guest rooms may not contain cooking facilities or be located in basements or below ground • Must have two exits and meet all standards in the associated zone 	Yes

Farm Winery or Brewery – Class 1A

ZRA: Farm Alcohol Producer

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

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

Jurisdiction	Use Title	Allowance	Permit Required?	Special Criteria	Allowed on Ag Pres?
Howard	Farm Alcohol Producer	Accessory to farming in RC and RR	Special farm permit	<ul style="list-style-type: none"> • Minimum lot size of 5 acres or any parcel size with ALPP • An ingredient used in production must be grown on-site (2 acres) • Visitors limited to 150 • Noise log • Provide adequate site access • 10am-7pm Sunday-Thursday, 10am-10pm Friday-Saturday 	Yes

				<ul style="list-style-type: none"> • Permitted to sell some foods in compliance with State law • Setbacks are 75ft from ROW and lot lines (excludes cultivation areas) 	
Montgomery	Farm Alcohol Production	Accessory Conditional Use in AR, R, RC, RNC, RE-2, RE-1	No, Conditional Use; Events require a Zoning Permit	<ul style="list-style-type: none"> • Requires state licenses: <ul style="list-style-type: none"> ○ Brewery: Class 8 ○ Winery: Class 4 ○ Distillery: Class 1 • Grown on site Requirements: <ul style="list-style-type: none"> ○ Some ingredients used in the production process must be grown on site ○ Wineries and cideries must have at least 5 acres of fruit used in alcohol production grown on site or on abutting property rented by the producer, and either source a majority of fruit from Maryland, or have at least 20 acres of fruit grown on property they control • Breweries and distilleries must source a majority of their ingredients, if available at competitive prices, from Regionally-Grown Products. At least 1.0 acre of ingredients must be grown on site for use in the alcohol production process. • A plan with a schedule to increase the use of local Montgomery County agricultural products in the production process must be submitted to the Department of Permitting Services. • The land must be classified as agricultural by SDAT and the facility must be an accessory use of the farm. • Facility may operate an on site tasting room and prep and sell food pursuant to the state alcohol manufacturing license • For events allowed as an accessory use: <ul style="list-style-type: none"> ○ Maximum 225 people at any given event ○ Max 5 days for events annually for over 100 persons ○ Minimum lot size for AR, RE-1, and RE-2, minimum lot size is 25 acres ○ Access must be directly from a roadway classified in the approved Master Plan of 	In AR zone, minimum size for events is 25 acres

				Highways and Transitways as a Neighborhood Connector or higher roadway.	
Frederick	Farm Winery, Farm Winery Tasting Room, Limited farm alcoholic beverages tasting rooms, Farm brewery, and Farm Brewery tasting room are broken out as separate uses	<ul style="list-style-type: none"> • Farm Winery, Farm Brewery, and limited farm alcoholic beverages tasting room are Permitted with a zoning certificate in RC and A • Farm winery tasting room and Farm brewery tasting room are Permitted with site plan development approval AND a zoning certificate in RC and A districts 	Yes, site plan approval and zoning certificate	<ul style="list-style-type: none"> • Farm Winery must have a minimum of 10 acres, valid MD wine license, and must grow 1 acre of fruit for every 2,000 gallons of wine or juice produced (includes any land controlled by producer, contiguous or noncontiguous) • Farm Brewery must have a valid MD brewery license and at least a majority of the hops or one of the primary grains must be produced on the farm. • Limited Farm Alcoholic Beverages Tasting Room <ul style="list-style-type: none"> ○ 1 space per 50 SQFT floor area for customer service ○ Zoning certificate defines hours for amplified music, which may be revoked if heard outside of ours or in levels above allowed decibels. • Farm brewery tasting room allows 1 accessory structure for tasting beverages brewed at the farm. Must have valid retail liquor license. • Farm winery tasting room allows 1 accessory structure for tasting beverages brewed at the farm. 	Yes
Anne Arundel	Farm Alcohol Production Facility	Conditional in RA, RLD, and R1	No, conditional	<ul style="list-style-type: none"> • Minimum 10 acres and must be operated by farm owner or manager • Farm on which facility is located shall produce at least one acre of grain, hops, fruit, or other ingredient, excluding water, used to produce alcohol. For mead, at least one acre shall be use to nourish a colony of bees • 100 ft. Setbacks can be reduced to 50 ft. if P&Z determines use is compatible • Floor area for tastings and sales may not exceed the floor area for production and storage of alcohol • Must have frontage and access to public road. Special approval for private road if a maintenance agreement with responsibilities assumed by the owner of the facility, and affidavits of other owners along the private road are provided to P&Z office 	Yes

Carroll	Farm Alcohol Producer	Conditional use in Ag and Conservation	No, conditional use and requires SDP	<ul style="list-style-type: none"> • Must have a valid Class 4 limited winery, Class 8 farm brewery, or Class 1 distillery Maryland alcohol manufacturer license • The farm alcohol producer may purchase bulk beverage fermented, brewed, or distilled by a licensed alcohol manufacturer and blend the beverage with the farm alcohol producer's alcoholic beverage, if the aggregate purchase does not exceed 25% of the farm alcohol producer's annual beverage production. • The alcoholic beverage shall be manufactured with an ingredient from a Carroll County agricultural product produced on the licensed farm • All associated structures shall be subject to a 200-foot front, rear, and side yard setback. • Floor area for beverage tasting, sales of alcohol produced on-site or other non-alcoholic beverages, accessory food sales related to the beverage tasting, and retail sales facility for sale of novelty and gift items related to the beverage shall not exceed the on-site floor area being used for production 	No
Baltimore	Winery or Brewery, Class 7 or 8	Special Exception Use Principal Commercial Use in R.C.2 (Ag), R.C.4 (Watershed Protection), R.C.5 (Rural Res), R.C.6 (Rural Conservation and Res), R.C.7 (Resource Pres), R.C.8 (Env Enhancement)	Yes, special exception and public hearing	<ul style="list-style-type: none"> • Includes accessory retail and wholesale distribution of alcohol produced on site • Temporary promotional events are permitted within limits set by the special exception for wineries, or permitted subject to approval by the Administrative Law Judge or Board of Appeals on appeal for breweries 	Yes

Rural Banquet or Event Facility

ZRA Definition: 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.

Jurisdiction	Use Title	Allowance	Permit Required?	Special Criteria	Allowed on Ag Pres?
Howard	Rural Venue Space	Conditional use in RC district	No, Conditional	<ul style="list-style-type: none"> Minimum lot size of 5 acres Noise log for amplified noise Visitors dependent on acreage (150 for 5 acres, 250 for 20 acres) 25 events/year, HE may approve more Provide adequate site access 	Yes
Montgomery	Recreation and Entertainment Facility, Outdoor (Up to 1,000 Persons)	Conditional (R, RE-2C, R-200, CRN, CRT, GR, NR, LSC, IL, IM, IH); Permitted in CR	No, Conditional	<ul style="list-style-type: none"> Parking must be sufficient for the number of guests IN RE-2C zone: <ul style="list-style-type: none"> Minimum site of 80 acres Max building height of 50 feet 50 feet lot setbacks Requires direct access to neighborhood collector or higher road class Only group picnic, catering, and rec facility is allowed In the R-200 zone: <ul style="list-style-type: none"> Only outdoor catering allowed. May allow an enclosed food prep building, but parties must be held in open air facility Minimum site of 80 acres Maximum building height of 20 feet 100 feet setbacks Requires direct access to neighborhood collector or higher road class 	Not permitted in AR zone (Equestrian Events and Farm Alcohol Production related events are allowed, see other sections)
Frederick	Facility for Functions	Principal Permitted as Special Exception in all districts	Yes, Requires site plan approval and a Facility for Functions MOU with the County and approved by Zoning Administrator	<ul style="list-style-type: none"> ONLY allowed on properties listed on the Frederick County Register of Historic Places In residential districts, minimum lot size of 10 acres (smaller in nonresidential districts) RC: 50 ft. front, side, and rear setbacks and 300 ft. Lot width min. AG and R1-R16: 40 ft. Front, 50 ft. Rear and side setbacks; 200 ft. Min. Lot width Historic Structures, New structures on historic sites, and VC district includes specific requirements and process approvals Hours of 10 AM – 10 PM 	Yes

Anne Arundel	Farm or Agricultural Heritage Site Special Event, 9 to 15 annual Events OR 16 to 30 annual events	<p>IF holding 9 to 15 annual events – Conditional Use in RA, RLD, and R1</p> <p>IF holding 16 to 30 annual events – Special Exception use in RA, RLD, and R1</p>	No, Conditional	<ul style="list-style-type: none"> • For Both – the County’s Dept. Of Planning and Zoning is required to submit an annual report on events annually until 2027 to include number of temporary uses, conditional uses, and special exception uses granted; For temporary uses, the number of people attending events and acreage of the site; and the number of complaints received each year and description of the complaints • For 9 to 15 Annual Events <ul style="list-style-type: none"> ○ Minimum lot size of 10 acres for a farm, 5 for a agricultural heritage site ○ Max capacity of 200 attendees if over 10 acres, between 5-10 acres may not exceed 50 attendees (Max 25 per acre) ○ Hours between 9 AM to 10 PM Sun-Thurs, 9 AM – 11 PM Fri and Sat. ○ Each event can be no longer than one day ○ Accessory to principal use on farm or heritage site ○ Owner has owned the property for immediately preceding two years and has been engaged in active farming for immediately preceding two years • For 16 to 30 Annual Events <ul style="list-style-type: none"> ○ Minimum lot size of 10 acres ○ Max capacity of 200 attendees (Max 25 per acre) ○ Hours between 9 AM to 10 PM Sun-Thurs, 9 AM – 11 PM Fri and Sat. ○ Each event can be no longer than one day ○ Accessory to principal use on farm or heritage site ○ Owner has owned the property for immediately preceding two years and has been engaged in active farming for immediately preceding two years 	Yes
Carroll	Banquet/Event Facility	Conditional in Ag, permitted by right in Commercial and employment center district	Conditional use requires BZA approval and SDP	<ul style="list-style-type: none"> • 200 feet from residential, ag, or conservation district • Food must be provided by a licensed caterer • The facility may include on-site kitchen facilities. 	No

Baltimore	N/A	N/A	N/A	N/A	N/A
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Winery or Brewery – Class 2

ZRA: Farm Alcohol Producer

Jurisdiction	Use Title	Allowance	Permit Required?	Special Criteria	Allowed on Ag Pres?
Howard	Farm Alcohol Producer	Conditional use	No, HE approval	<ul style="list-style-type: none"> Permitted in RC and RR Minimum lot size of 25 acres or any parcel size with ALPP An ingredient used in production must be grown on-site (2 acres) Every day events = 150 visitors, special events = 150 which can be increased by the HE 15 special events/year Noise log Provide adequate site access 10am-10pm Permitted to sell some foods in compliance with State law Setbacks: 75ft from ROW, 150ft from lot lines (excludes cultivation areas) 	Yes
Montgomery	Farm Alcohol Production	Accessory Conditional Use in AR, R, RC, RNC, RE-2, RE-1	No, Conditional Use; Events require a Zoning Permit	<ul style="list-style-type: none"> Requires state licenses: <ul style="list-style-type: none"> Brewery: Class 8 Winery: Class 4 Distillery: Class 1 Grown on site Requirements: <ul style="list-style-type: none"> Some ingredients used in the production process must be grown on site Wineries and cideries must have at least 5 acres of fruit used in alcohol production grown on site or on abutting property rented by the producer, and either source a majority of fruit from Maryland, or have at least 20 acres of fruit grown on property they control Breweries and distilleries must source a majority of their ingredients, if available at competitive prices, from Regionally-Grown Products. At least 1.0 acre of ingredients must be grown on site for use in the alcohol production process. 	In AR zone, minimum size for events is 25 acres

				<ul style="list-style-type: none"> • A plan with a schedule to increase the use of local Montgomery County agricultural products in the production process must be submitted to the Department of Permitting Services. • The land must be classified as agricultural by SDAT and the facility must be an accessory use of the farm. • Facility may operate an on site tasting room and prep and sell food pursuant to the state alcohol manufacturing license • For events allowed as an accessory use: <ul style="list-style-type: none"> ○ Maximum 225 people at any given event ○ Max 5 days for events annually for over 100 persons ○ Minimum lot size for AR, RE-1, and RE-2, minimum lot size is 25 acres ○ Access must be directly from a roadway classified in the approved Master Plan of Highways and Transitways as a Neighborhood Connector or higher roadway. 	
Frederick	Farm Winery, Farm Winery Tasting Room, Limited farm alcoholic beverages tasting rooms, Farm brewery, and Farm Brewery tasting room are broken out as separate uses	<ul style="list-style-type: none"> • Farm Winery, Farm Brewery, and limited farm alcoholic beverages tasting room are Permitted with a zoning certificate in RC and A • Farm winery tasting room and Farm brewery tasting room are Permitted with site plan development approval AND a zoning certificate in RC and A districts 	Yes, site plan approval and zoning certificate	<ul style="list-style-type: none"> • Farm Winery must have a minimum of 10 acres, valid MD wine license, and must grow 1 acre of fruit for every 2,000 gallons of wine or juice produced (includes any land controlled by producer, contiguous or noncontiguous) • Farm Brewery must have a valid MD brewery license and at least a majority of the hops or one of the primary grains must be produced on the farm. • Limited Farm Alcoholic Beverages Tasting Room <ul style="list-style-type: none"> ○ 1 space per 50 SQFT floor area for customer service ○ Zoning certificate defines hours for amplified music, which may be revoked if heard outside of ours or in levels above allowed decibels. • Farm brewery tasting room allows 1 accessory structure for tasting beverages brewed at the farm. Must have valid retail liquor license. • Farm winery tasting room allows 1 accessory structure for tasting beverages brewed at the farm. 	Yes
Anne Arundel	Farm Alcohol	Conditional in RA, RLD, and R1	No, conditional	<ul style="list-style-type: none"> • Minimum 10 acres and must be operated by farm owner or manager 	Yes

	Production Facility			<ul style="list-style-type: none"> • Farm on which facility is located shall produce at least one acre of grain, hops, fruit, or other ingredient, excluding water, used to produce alcohol. For mead, at least one acre shall be use to nourish a colony of bees • 100 ft. Setbacks can be reduced to 50 ft. if P&Z determines use is compatible • Floor area for tastings and sales may not exceed the floor area for production and storage of alcohol • Must have frontage and access to public road. Special approval for private road if a maintenance agreement with responsibilities assumed by the owner of the facility, and affidavits of other owners along the private road are provided to P&Z office 	
Carroll	Farm Alcohol Producer	Conditional use in Ag and Conservation	No, conditional use and requires SDP	<ul style="list-style-type: none"> • Must have a valid Class 4 limited winery, Class 8 farm brewery, or Class 1 distillery Maryland alcohol manufacturer license • The farm alcohol producer may purchase bulk beverage fermented, brewed, or distilled by a licensed alcohol manufacturer and blend the beverage with the farm alcohol producer's alcoholic beverage, if the aggregate purchase does not exceed 25% of the farm alcohol producer's annual beverage production. • The alcoholic beverage shall be manufactured with an ingredient from a Carroll County agricultural product produced on the licensed farm • All associated structures shall be subject to a 200-foot front, rear, and side yard setback. • Floor area for beverage tasting, sales of alcohol produced on-site or other non-alcoholic beverages, accessory food sales related to the beverage tasting, and retail sales facility for sale of novelty and gift items related to the beverage shall not exceed the on-site floor area being used for production 	No
Baltimore	Winery or Brewery, Class 7 or 8	Special Exception Use Principal Commercial Use in R.C.2 (Ag), R.C.4 (Watershed Protection), R.C.5 (Rural Res), R.C.6 (Rural Conservation and	Yes, special exception and public hearing	<ul style="list-style-type: none"> • Includes accessory retail and wholesale distribution of alcohol produced on site • Temporary promotional events are permitted within limits set by the special exception for wineries, or permitted subject to approval by the Administrative Law Judge or Board of Appeals on appeal for breweries 	Yes

		Res), R.C.7 (Resource Pres), R.C.8 (Env Enhancement)			
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Detailed Requirements By Jurisdiction

Montgomery County

Section 3.2.6. Farming

Defined

Farming means the practice of agriculture on a property, and any associated buildings. Agriculture means the business, science, and art of cultivating and managing the soil; composting, growing, harvesting, and selling crops, and the products of forestry, horticulture, and hydroponics; breeding, raising, managing, or selling livestock, including horses, poultry, fish, game, and fur-bearing animals; dairying, beekeeping, and similar activities; and equestrian events and activities. Agriculture includes processing on the farm of an agricultural product to prepare the product for market and may cause a change in the natural form or state of the product. Farming includes the following accessory uses:

- A. Accessory agricultural processing and storage of products grown or raised on-site or on property owned, rented, or controlled by the farmer. Accessory agricultural processing includes a milk plant, grain elevator, on-farm animal slaughtering, and mulch or compost production and manufacturing.
- B. The sale of products of agriculture and agricultural processing, if products are produced on-site or on property owned, rented, or controlled by the farmer.
- C. The sale of horticultural products grown off-site, but kept on the farm temporarily on a maximum of 2 acres or 20% of the site, whichever is less.
- D. The delivery and installation of horticultural products grown on the farm.
- E. The production and manufacturing of mulch or compost where a maximum of 50% of the materials used in accessory processing can come from off-site sources.
- F. Accessory agricultural education and tourism activities conducted as a part of a farm's regular operations, with 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. Allowed activities include corn mazes, hay rides, and educational tours, classes, and workshops. The maximum footprint for any structure and the total footprint of all structures primarily used for education or tourism is limited to 10% of the total footprint square footage of all structures on the site used for agriculture. The property must have DPS approved sanitation facilities for this accessory use.

Campground Use: Section 3.5.10.B

The maximum density of campsites is 15 campsites per acre of the developed portion of the Campground, inclusive of service roads, toilet facilities and service buildings.

- ii. Each campsite, excluding parking space, is a minimum of 900 square feet.
- iii. The site is a minimum of 10 acres and has a minimum frontage of 150 feet abutting a public right-of-way unless the Hearing Examiner waives the requirement for a minimum frontage where it finds that access for vehicular traffic is adequate.
- iv. All campsites are located a minimum of 100 feet from any property line, and a minimum of 125 feet from the centerline of any public right-of-way.
- v. Screening under Division 6.5 is not required.
- c. In the AR, R, and RC zones:
 - i. Campground must be located on a property used for Farming as defined in Section [3.2.6](#).
 - ii. The minimum size of the property must be 25 acres.
 - iii. No more than 5 percent of the property or 5 acres, whichever is smaller, may be used for a Campground.
 - iv. All campsites are located a minimum of 100 feet from any property line, and a minimum of 125 feet from the centerline of any public right-of-way.
 - v. The maximum number of tents, recreational vehicles, or other sleeping accommodations is as follows:
 - (a) for a property that is 25 to 100 acres, a maximum of 5 tents, recreational vehicles, or other sleeping accommodations is permitted; and
 - (b) for a property that is over 100 acres, a maximum of 10 tents, recreational vehicles, or other sleeping accommodations is permitted, with a maximum of 5 recreational vehicles.
 - vi. The maximum size of each tent or other sleeping accommodations is a gross floor area of 200 square feet.
 - vii. No heating, ventilation, and air conditioning (HVAC) systems or kitchens are permitted within the same structure as the sleeping quarters, unless inside a recreational vehicle.
 - viii. No gas-powered generators are permitted attached to the same structure as the sleeping quarters, unless attached to a recreational vehicle.
 - ix. DPS approved sanitation facilities are only permitted in a structure separate from the sleeping quarters, unless inside a recreational vehicle.
 - x. A guest may stay a maximum of 3 consecutive nights.
 - xi. No sleeping accommodations may have permanent location on the ground, including the pouring of concrete or the laying of a permanent foundation.
 - xii. All sleeping accommodations must be made of a combination of materials that is easily relocatable.
 - xiii. No tents, recreational vehicles, or other sleeping accommodations are permitted within a stream buffer or floodplain, and the cutting down of trees for this use is prohibited

Bed and Breakfast Use: [Section 3.5.6.B](#)

- a. Where a Bed and Breakfast is allowed as a limited use, it must satisfy the following standards:
- i. A Bed and Breakfast is prohibited in a dwelling unit that also provides guest rooms for roomers, or in a Farm Labor Housing Unit, or on a site that includes an Accessory Dwelling Unit.
 - ii. The display of a sign must include the official house number.
 - iii. Breakfast is the only meal that may be served and only to overnight guests, except as provided in Subsection 59.[3.5.6.B.2.a.x](#).
 - iv. A guest must only remain in a Bed and Breakfast for a maximum of 14 days in any one visit.
 - v. A record of all overnight visitors must be maintained.
 - vi. The Bed and Breakfast must be registered with DPS.
 - vii. In the Agricultural, Rural Residential, and Residential zones, the minimum lot area is the greater of 9,000 square feet or the minimum lot area for a detached house building type in the zone.
 - viii. In the Agricultural, Rural Residential, and Residential zones, on a lot of less than 2 acres, a maximum of 3 bedrooms may be designated as guest rooms for which compensation is charged.
 - ix. Except as provided in Subsection 59.[3.5.6.B.2.a.x](#), a Bed and Breakfast must be in an owner-occupied house with no more than 5 guest rooms.
 - x. In the Agricultural and Rural Residential zones, a Bed and Breakfast located in any detached house or accessory building designated as historic on the Master Plan for Historic Preservation:
 - (a) may have no more than 10 guest rooms on any site;
 - (b) may serve overnight guests any meal; and
 - (c) must be occupied by either an owner or an owner-authorized manager.
 - xi. Parking must be located behind the front building line.
 - xii. In the AR zone, this use may be prohibited if not accessory to Farming under Section [3.1.5](#), Transferable Development Rights.
- b. Where a Bed and Breakfast is allowed as a conditional use, it may be permitted by the Hearing Examiner under all limited use standards, Section [7.3.1](#), Conditional Use, and the following standards:

- i. The Hearing Examiner may deny a petition for a Bed and Breakfast with frontage on and access to a road built to less than Neighborhood Connector standards if it finds that road access will be unsafe and inadequate for the anticipated traffic to be generated or the level of traffic would have an adverse impact on neighboring residences.
- ii. If there is inadequate space for parking behind the front building line, the Hearing Examiner may approve an alternative placement for parking.
- iii. Screening under Division [6.5](#) is not required.
- iv. To avoid an adverse neighborhood impact and assure that the residential use remains predominant, the Hearing Examiner may limit the number of transient visitors who may be accommodated at one time or the number of visits in any 30-day period.

Farm Alcohol Production Use: [Section 3.2.10.B](#)

Special Criteria

Licensing

- i. The production capacity and associated activities of the alcoholic beverage must comply with the license issued by the State of Maryland Comptroller's Office.
 - (a) A brewery must have a Class 8 Farm Brewery License;
 - (b) A winery must have a Class 4 Limited Winery License; and
 - (c) A distillery must have a Class 1 Distillery License.

Grown On Site Requirements

- ii. Some ingredients used in the production process must be grown on site.
- iii. Wineries and cideries must have at least 5 acres of fruit used in alcohol production grown on site or on abutting or confronting property rented by the producer, and:
 - (a) have at least 20 acres of grapes or other fruit in cultivation on property they own, rent, or control; or
 - (b) source a majority of their grapes or other fruit from Maryland.
- iv. Breweries and distilleries must source a majority of their ingredients, if available at competitive prices, from Regionally-Grown Products. At least 1.0 acre of ingredients must be grown on site for use in the alcohol production process.
- v. A plan with a schedule to increase the use of local Montgomery County agricultural products in the production process must be submitted to the Department of Permitting Services.

vi. The underlying land must be classified as agricultural by the State Department of Assessments and Taxation and the facility must be an accessory use of the farm.

vii. Subject to all licensing requirements, the facility may:

- (a) operate an on-site tasting room for its products; and
- (b) prepare and sell food to the extent allowed by the State alcohol manufacturing license.

Events and Activities

viii. Events and activities that are normal and customary to the regular operations of a winery, cidery, brewery, and distillery, including membership-related events and traditional festivals related to agriculture or the business of alcohol production, are allowed without a limitation on the number of guests. A maximum of 5 days of events that require an entrance ticket or a cover charge is allowed each calendar year.

ix. Weddings, corporate retreats, and other events accessory to the production of alcohol are allowed:

- (a) Except as allowed under subsection (c), the maximum number of participants at any event is 225. There is no limit on the number of events with 100 participants or fewer. The total maximum number of days of events in a calendar year is 50 for events with more than 100 participants.
- (b) A written log of all events must be kept by the holder of the alcohol production license. That log must be available for inspection by the Department of Permitting Services.
- (c) As a conditional use under Section 7.3.1, the Hearing Examiner may approve additional days of large public events and events with greater numbers of participants for either normal and customary events or other accessory events.

x. If any structure is used for activities under subsection vii, viii, or ix, the structure must satisfy all building, life safety, fire, and sanitation code requirements.

xi. Illumination at the property line must be limited to 0.1 footcandles or less.

xii. All parking must be accommodated on site.

xiii. Noise levels must satisfy Chapter 31B standards.

xiv. Any new building or surface parking area used for Farm Alcohol Production and related events must be located at least 100 feet from an existing dwelling unit on an abutting property.

xv. In the AR zone, except for sites where the property owner obtained a Maryland alcohol producer's license before October 2, 2018, the minimum site area for breweries and distilleries is 25 acres.

xvi. In the RE-1 and RE-2 zones, for breweries, distilleries, and wineries:

- (a) the minimum site area is 25 acres;
- (b) the site must be located in an area classified as sewer category 6 in the Ten Year Comprehensive Water Supply and Sewerage Systems Plan; and
- (c) access must be directly from a roadway classified in the approved Master Plan of Highways and Transitways as a Neighborhood Connector or higher roadway.

Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000 Persons): [Section 3.5.10.G](#)

Where a Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section [7.3.1](#), Conditional Use and the following standards:

a. In the RE-2C zone:

- i. Only a group picnic, catering and recreation facility is allowed.
- ii. The site must be a minimum of 80 acres.
- iii. The maximum building height is 50 feet.
- iv. Any structure or building must be set back from any lot line a minimum of 50 feet.
- v. The site must have direct access to a public road that is built to Neighborhood Collector or higher standards.
- vi. Screening under Division [6.5](#) is only required for outdoor catering and recreational facilities.
- vii. Off-street parking must be sufficient to accommodate the number of people participating in the events.

b. In the R-200 zone:

- i. Only an outdoor catering facility is allowed. An enclosed food preparation building is allowed but all catering parties must be held under pavilions, or in the open, and may include various recreational activities.
- ii. The site must be a minimum of 80 acres.
- iii. The maximum building height is 20 feet.
- iv. Any structure, building, or parking area must be setback from any lot line a minimum of 100 feet.
- v. The site must have direct access to a public road that is built to Neighborhood Collector or higher standards.

- c. In the Commercial/Residential, Employment, and Industrial zones, in addition to screening under Division [6.5](#), when the use abuts a lot in any Residential zone, a solid wall or solid fence a minimum of 6 feet in height must be constructed and maintained between the use and the lot line.
- d. Parking must be sufficient to accommodate the number of people participating in the events.
- e. The Hearing Examiner may deny the application if it finds the use would be inconsistent with the intent of the zone due to the facility's size, intensity, level of noise, traffic activity, hours of operation, or lighting.

Frederick County

Agritourism Enterprise

AGRITOURISM ENTERPRISE. Activities conducted on a farm and offered to the public or to invited groups for the purpose of education, recreation, or active involvement in the farm operation. These activities shall be related to agriculture and shall be accessory to the primary agriculture operation on the site. This term shall include farm tours, hayrides, corn mazes, seasonal petting farms, farm museums, guest farm, pumpkin patches, "pick your own" or "cut your own" produce, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above. No use that is otherwise identified in § 1-19-5.310 as permitted with site plan approval or by special exception is permitted as an agritourism enterprise.

Rustic Retreat/Camp/Outdoor Club

[§ 1-19-8.327. RUSTIC RETREAT/CAMP/OUTDOOR CLUB IN RC AND A DISTRICTS.](#)

The following provisions shall apply to rustic retreat/camp/outdoor club in RC and A Districts.

- (A) A minimum 10 acre lot size is required.
- (B) Rustic retreat/camp/outdoor club with a planned capacity of 100 persons or more must have a minimum of 50 feet of frontage with access on a public road having a minimum pavement width of 20 feet to the nearest paved road. If the planned capacity is under 100 persons, there will be no specific road requirements other than the provisions contained in § 1-19-3.210(B)(5).
- (C) The project will be designed so that an overall density of 3 persons per acre is not exceeded.
- (D) Total impervious surface area for buildings and parking shall be limited to 4,000 square feet for every 1 acre of lot area up to a maximum of:
 - (1) 3 acres for lots of 100 acres or less; or
 - (2) 4 acres for lots between 101 and 250 acres; or
 - (3) 5 acres for lots of 251 acres or larger.

(E) The requirements for all yards is 50 feet.

(F) One freestanding on-premises identification sign no more than 25 square feet in area and subject to a minimum setback of 15 feet is permitted.

(G) Parking shall be limited to that number required by zoning ordinance and co-located adjacent to the access drive. An increase in the number of parking spaces may be granted by the Planning Commission where the applicant can demonstrate need based on characteristics of the proposed use, hourly parking demand studies published by the Institute of Transportation Engineers (ITE), or other documentation as approved by the Planning Commission. Parking approved beyond that number required by zoning ordinance shall be constructed of pervious materials.

(H) Permanent residential occupancy shall be limited to the resident owner, manager, or caretaker.

(I) Caretaker residence(s) is permitted as an accessory use to a rustic retreat/camp/outdoor club where a specific plan is presented and approved by the Board of Appeals.

(J) Within the RC District:

(1) The requirements of § 1-19-7.200 of this Code will be met.

(K) Insofar as practical at the time of site development plan review, the landscape shall be preserved in its natural state by:

(1) Minimizing tree and soil removal or disturbance;

(2) Retaining existing tree lines, forest buffers, and rock formations reducing visual impacts of development on surrounding properties and rights-of-way;

(3) Siting buildings to protect and enhance the visual relationship between buildings and the natural terrain;

(4) Reducing visual prominence of proposed structures by building adjacent to woodland edges and not in the center of open space areas on a proposed site;

(5) Avoiding building on ridge lines, unless alternative site locations are unavailable and existing forest buffers can be retained to reduce visual impacts;

(6) Opening up views only through selective tree and limb removal rather than clear cutting.

Bed and Breakfast

§ 1-19-8.410. BED AND BREAKFAST.

The following provisions shall apply to bed and breakfast.

(A) The maximum stay for guests shall not exceed 30 days during a period of 6 months and no 1 visit shall exceed more than 14 consecutive days.

(B) Meal service shall be limited to overnight guests only.

(C) There shall be no separate kitchen or cooking facilities in any guestroom.

- (D) The use of amenities, such as a swimming pool, shall be restricted to use by guests of the establishment.
- (E) Minimum lot size and setbacks shall be as provided in § 1-19-6.100 for a single family dwelling in the district where the use is allowed.
- (F) Parking shall not be located within required setback areas.

(Ord. 09-21-525, 6-4-2009; Ord. 12-08-603, 4-17-2012; Ord. 14-23-678, 11-13-2014)

Facility for Functions

§ 1-19-8.356. FACILITY FOR FUNCTIONS.

The following provisions shall apply to a facility for functions under § 1-19-8.600.

- (A) A property which has been listed on the Frederick County Register of Historic Places may apply for a special exception under this section.
- (B) The minimum lot size and setbacks shall be as follows:

Zoning	Minimum Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
RC	10 acres	300	50	50	50
AG	10 acres	200	40	50	50
R1 through R16	10 acres	200	40	50	50
VC	None	65	***	10****	40
GC	12,000	100	25	8	25
MX	12,000	75	20	8	35
LI	40,000	100	25	15	40
GI	40,000	100	25	15	40
ORI	40,000	100	25	15	40

*** For development within the Village Center Zoning District see also §§ 1-19-7.500(B)(2) and (3)

*** For development within the Village Center Zoning District see also §§ 1-19-7.500(B)(2) and (3)

**** Or as determined under §§ 1-19-7.500(B)(3), whichever is greater

(D) The maximum height shall be the height of the existing primary historic structure, or as otherwise determined by the Historic Preservation Commission. For new structures to be built on the historic site, or additions to a historic structure, the maximum height shall be determined by the Historic Preservation Committee, but in no event shall the height exceed 10% more than the height of the primary historic structure on the site.

(E) Parking will not be permitted within the required setback areas.

(F) (1) In the VC District, all events shall occur only within the existing historic structure, which must be currently listed on the Frederick County Register of Historic Places. Conversion of existing historic structures or sites may include the expansion of structures or alterations to the historic site. However, the existing external appearance of a historic structure must be maintained, although it may be upgraded, repaired, or expanded with approval of the Historic Preservation Commission as provided in Chapter 1-23 of this Code. New structures that are proposed to be erected on the historic site must receive approval of the Historic Preservation Commission as well as all other approvals required under this chapter.

(2) In all other zoning districts, the events shall occur only in an existing historic structure or at a designated historic site, each of which must be currently listed on the Frederick County Register of Historic Places. Conversion of existing historic structures or sites may include the expansion of structures or alterations to the historic site. However, the existing external appearance of a historic structure must be maintained, although it may be upgraded, repaired, or expanded with approval of the Historic Preservation Commission as provided in Chapter 1-23 of this Code. New structures that are proposed to be erected on the historic site must receive approval of the Historic Preservation Commission as well as all other approvals required under this chapter.

(G) Each event may begin no earlier than 10:00 a.m. and end no later than 10:00 p.m. The hours of operation may be further reduced if determined necessary to protect nearby properties from noise, light, or other disturbances. This determination will be based on the site and neighborhood characteristics, such as distance between the activities and the property lines, proximity to neighboring homes, topography, existing and proposed screening, and other aspects that may increase or decrease the potential impacts to the neighborhood.

(H) The location where music will be played and the time by which music must end shall be identified in the application. Music shall not exceed 40 decibels as measured at the property lines. Outdoor music may be prohibited when it is determined to be detrimental to nearby property owners. Indoor music may be restricted or prohibited where sound is not adequately contained within the walls of the structure and impacts adjoining properties.

(I) The maximum number and location(s) of potential tents must be identified in the application. Audible and visual impacts to adjoining properties and the neighborhood shall be considered in determining if the number and location of the tent(s) are appropriate and where outdoor activities may occur.

(J) A traffic management plan shall be provided by the applicant that demonstrates how vehicles will safely enter and exit the site during the peak hours of operation with minimal interruption to the traffic flow on the public street.

(K) The owner of the property must enter into a Facility for Functions Memorandum of Understanding (Facility MOU) with the County, which shall be negotiated with Division staff and approved by the Zoning Administrator based on the Board of Appeals' conditions of approval of the special exception, prior to making application for site plan approval. The Facility MOU must include:

(1) A statement that the owner agrees to comply with any limitations and conditions of approval established by the Board of Appeals and agrees to comply with all of the requirements for establishing the use as outlined under subsection (O) below.

(2) An acknowledgment by the owner that failure to comply with the provisions of the Facility MOU at any time, whether prior to or after the establishment of the use, will be a violation of Chapter 1-19 of the County Code and that enforcement action may be taken by the County in accordance with § 1-19-2.110 and § 1-19-2.210 through § 1-19-2.230.

(3) An agreement by the owner to notify the Zoning Administrator prior to the sale or transfer of the property.

(4) A condition stating that, if a facility for functions changes ownership, the new owner will enter into a Facility MOU in accordance with subsection (K) prior to engaging in any facilities for functions activities, and apply for and receive an occupancy permit.

(5) A statement that the owner agrees to work with the Zoning Administrator to resolve noise, light, and traffic related complains that are received by the County from neighboring property owners.

(L) All exterior changes to the structures and/or site must be approved by the Historic Preservation Commission.

(M) One freestanding sign no more than 15 feet in height and 25 square feet in area is permitted and shall be subject to the normal setback requirement in the zoning district.

(N) Within the RC District, the requirements of § 1-19-7.200 of this Code will be met.

(O) After a special exception and Facility MOU has been approved under this section the following requirements must be satisfied prior to establishing the use:

(1) A site development plan application must be filed with the County;

(2) The site plan must be reviewed by the Historic Preservation Commission;

(3) Any proposed alterations to the exterior of structures or the site must receive approval from the Historic Preservation Commission in accordance with Chapter 1-23 of the County Code;

(4) The Planning Commission will review and approve the site plan if it meets the requirements under this chapter; and

(5) The use may be established on the property only after site development plan approval from the Historic Preservation Commission and the Planning Commission, and after all necessary Certificates of Appropriateness and permits have been applied for, approved, and a Certificate of Occupancy issued.

(Bill No. 22-12, 7-26-2022)

Farm Winery, Brewery, and Tasting Rooms

[Definitions: Sec. 1-19-11.100](#)

FARM ALCOHOLIC BEVERAGES TASTING ROOM, LIMITED. A farm brewery, farm distillery or farm winery may have 1 accessory structure for the purpose of tasting and retail sales of alcoholic beverages and spirits that are brewed, distilled, or produced on the farm in accordance with this chapter. The structure within

which the tasting room is located shall have no more than 1,500 square feet of customer service area devoted to tasting and retail sales of the farm alcoholic beverages. Calculation of the 1,500 square feet devoted to tasting and retail sales will be based on the floor area devoted to customer service, excluding rest rooms, food preparation area, and storage.

FARM BREWERY. An establishment for the manufacture of malt liquors, such as beer and ale, using hops or grains such as barley, wheat, and oats and produced on the farm on which the farm brewery is located. A farm brewery must have a valid Maryland brewery license, and at least a majority of the hops or one of the primary grains must be produced on the farm.

FARM BREWERY TASTING ROOM. A farm brewery may have 1 accessory structure for the purpose of sampling alcoholic beverages brewed at the farm. For retail sales of brewing products produced on site the farm brewery must have a valid retail liquor license.

FARM WINERY. The use of the property for the processing of fruit for the production of wine or juice on a producing vineyard, orchard or similar growing area, or a farm. A farm winery must have a minimum of 10 acres, a valid Maryland wine license and must grow 1 acre of fruit for every 2,000 gallons of wine or juice produced. For purposes of this use, the term "farm" includes contiguous and noncontiguous parcels within the county in active agricultural production which are owned or leased by the processor.

FARM WINERY TASTING ROOM. A farm winery may have 1 accessory structure for the purpose of wine tasting and retail sales of winery products.

Limited Farm Alcoholic Beverages Tasting Room in RC and A Districts

[Section 1-19-8.431.](#)

§ 1-19-8.431. LIMITED FARM ALCOHOLIC BEVERAGES TASTING ROOMS IN THE RESOURCE CONSERVATION AND AGRICULTURAL ZONING DISTRICTS.

The following provisions shall apply to limited farm alcoholic beverages tasting rooms in the Resource Conservation and Agricultural zoning districts.

- (A) Minimum setbacks and maximum height are the same as required for Natural Resource uses in the district where the use is proposed.
- (B) Parking shall be provided at a rate of 1 space per 50 square feet of floor area devoted to customer service, excluding food prep and storage area.
- (C) Parking shall not be located within setback areas.
- (D) These uses shall not be subject to the lot frontage requirements of § 1-19-4.520(C).
- (E) Music is permitted indoors or in accessory outdoor space, such as patios or decks. Amplified music or sound shall be contained to the accessory outdoor space. Hours when amplified music is allowed shall be defined in the zoning certificate. The zoning certificate may be revoked if the zoning administrator finds:
 - (1) Amplified music is heard or observed outside the hours defined in the zoning certificate; or
 - (2) Amplified music volumes are recorded in violation of the noise ordinance.

(Bill No. 17-04, 5-2-2017)

Anne Arundel County

Agritourism

Definition: (8) “Agritourism” means a business enterprise on a farm related to agriculture or natural resources that is offered to the public or invited groups. Agritourism shall be accessory to a principal use of farming and shall be located on land that qualifies for an agricultural use assessment pursuant to the Tax-Property Article, § 8-209 of the State Code or that is covered by a current and active soil conservation and water quality plan approved by the Anne Arundel Soil Conservation District. Agritourism includes fishing; wildlife study; corn mazes; pumpkin patches; harvest festivals; field trips; hayrides; pick-your-own operations; farm tours; food services, including commercial kitchens for preparation of value-added products and service of farm to table meals; aggregation; farm museums; educational classes; and other activities or events related to agriculture, historical, cultural, or natural resources, agricultural products, or agricultural skills.

§ 18-10-103. Agritourism.

For purposes of this section, "agricultural building" means the buildings described in § 105.2.1.14 of the Construction Code of Anne Arundel County. If there will be more than 50 occupants at any one time in an agricultural building for an agritourism use, the agritourism use shall be limited to a ground floor level of the building and the Fire Marshal shall inspect the agricultural building for compliance with the State Fire Prevention Code before it may be occupied for an agritourism use.

Farm or Agricultural Heritage Site Stay

§ 18-10-131. Farm or agricultural heritage site stay.

A farm or agricultural heritage site stay shall comply with the following requirements.

- (1) The farm or agricultural heritage site shall be on a lot of at least 10 acres.
- (2) The owner or manager of the farm or agricultural heritage site shall reside on the property and shall be present during the farm or agricultural heritage site stay.
- (3) For farms or agricultural heritage sites less than 50 acres, a maximum of three groups or 12 guests, whichever is less, may stay at one time. For farms or agricultural heritage sites 50 acres or more, no more than five groups or 20 guests, whichever is less, may stay at one time. Guests may stay no more than 14 consecutive days.
- (4) The owner shall maintain a reservation log of the arrival and departure dates of all guests for inspection by the Office of Planning and Zoning.
- (5) A farm or agricultural heritage site stay shall be accessory and not the principal use on the farm or agricultural heritage site.
- (6) A farm or agricultural heritage site stay shall include agricultural promotion and guest education about the farm operation or the agricultural heritage site, and shall be subordinate to and in conjunction with agriculture or agricultural heritage and historic preservation goals.
- (7) Any building or other improvements or additions made in connection with a farm or agricultural heritage site stay shall be located and designed to shield surrounding residential properties from the effects of noise, hazards, or other offensive conditions.

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

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

(Bill No. 69-20; Bill No. 90-20; Bill No. 2-21; Bill No. 81-22; Bill No. 15-23; Bill No. 62-23; Bill No. 3-24)

Editor's note – Section 3 of Bill No. 69-20 requires the Office of Planning and Zoning to provide a report to the County Council, on or before January 1 of each year through 2027, on farm or agricultural heritage site special events and farm or agricultural site stays.

Bed and Breakfast Inns

[§ 18-11-108. Bed and breakfast inns.](#)

A bed and breakfast inn shall comply with all of the following requirements.

- (1) The inn shall be an owner or manager occupied single-family detached dwelling located on a lot of at least one acre.
- (2) The inn shall contain at least four but no more than 12 guest rooms for the lodging of guests for no more than 14 consecutive days. The owner shall maintain a reservation log of the arrival and departure dates of all guests for inspection by the Office of Planning and Zoning.
- (3) On a waterfront lot, one boat slip may be provided for each guest room with a maximum of one boat slip for every three guest rooms.
- (4) Guest rooms may not contain any cooking facilities, and food service shall be provided only for guests and only in a group dining area of the dwelling.
- (5) Exterior alterations may not be made for the purpose of providing the inn unless necessary to ensure the safety of the structure.
- (6) If the lot is zoned R1, R2, or R5, it shall be located within the area shown on the official map adopted by the County Council entitled "Bed & Breakfast Homes and Bed & Breakfast Inns in R1, R2, and R5 Zoning Districts", dated August, 2005, adopted by Bill No. 55-05.

(Bill No. 4-05; Bill No. 55-05; Bill No. 65-17)

Editor's note – A small-scale representation of the official map adopted by Bill No. 55-05 is included as an appendix to this article

Bed and Breakfast Homes

[§ 18-10-109. Bed and breakfast homes.](#)

A bed and breakfast home shall comply with all of the following requirements.

- (1) The home shall be located in an owner-occupied single-family detached dwelling on a lot of at least 11,000 square feet.
- (2) The home may contain no more than three guest rooms for the lodging of guests for no more than 14 consecutive days. The owner shall maintain a reservation log of the arrival and departure dates of all guests for inspection by the Office of Planning and Zoning.

- (3) On a waterfront lot, one boat slip may be provided for the use of guests.
- (4) Guest rooms may not contain any cooking facilities, and food service shall be provided only for guests and only in a group dining area of the dwelling.
- (5) Exterior alterations may not be made for the purpose of providing the home unless necessary to ensure the safety of the structure.
- (6) If the lot is zoned R1, R2, or R5, it shall be located within the area shown on the official map adopted by the County Council entitled "Bed & Breakfast Homes and Bed & Breakfast Inns in R1, R2, and R5 Zoning Districts", dated August, 2005, adopted by Bill No. 55-05.

(Bill No. 4-05; Bill No. 55-05; Bill No. 17-17; Bill No. 65-17; Bill No. 67-17; Bill No. 16-20)

Editor's note – A small-scale representation of the official map adopted by Bill No. 55-05 is included as an appendix to this article.

Farm or Agricultural Heritage Event, 16 to 30 Annual Events

[§ 18-11-125. Farm or agricultural heritage site special event, 16 to 30 annual events.](#)

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

- (1) The minimum lot size is 10 acres.
- (2) Onsite circulation and parking areas shall be designed to minimize vehicular and pedestrian conflicts.
- (3) Any outdoor assembly areas shall be located and designed to shield surrounding residential properties from the effects of noise, hazards, or other offensive conditions and shall be screened from adjacent residential properties.
- (4) Maximum capacity may not exceed 200 attendees.
- (5) No more than 30 farm or agricultural heritage site special events may be held on the same property within a 12-month period.
- (6) Operation hours shall be restricted to between 9:00 a.m. and 10:00 p.m., Sunday through Thursday; and between 9:00 a.m. and 11:00 p.m., Friday and Saturday.
- (7) Each farm or agricultural heritage site special event shall be no longer than one day.
- (8) Special event activities shall occur outdoors, unless the use of any structures or tents is in accordance with the Building Code.
- (9) A farm or agricultural heritage site special event shall be accessory and not the principal use on the farm or agricultural heritage site.
- (10) The owner has owned the property for the immediately preceding two years and has been engaged in active farming for the immediately preceding two years.

(Bill No. 69-20)

Editor's note – Section 3 of Bill No. 69-20 requires the Office of Planning and Zoning to provide a report to the County Council, on or before January 1 of each year through 2027, on farm or agricultural heritage site special events and farm or agricultural site stays.

Farm or Agricultural Heritage Site Special Events, 9-15 Events

[§ 18-10-130. Farm or agricultural heritage site special event, 9 to 15 annual events.](#)

A farm or agricultural heritage site special event, 9 to 15 annual events, shall comply with the following requirements.

- (1) The minimum lot size for a farm is 10 acres.
- (2) The minimum lot size for an agricultural heritage site is five acres.
- (3) Onsite circulation and parking areas shall be designed to minimize vehicular and pedestrian conflicts.
- (4) Any outdoor assembly areas shall be located and designed to shield surrounding residential properties from the effects of noise, hazards, or other offensive conditions and shall be screened from adjacent residential properties.
- (5) Maximum capacity for a special event on a farm, or for an agricultural heritage site with a lot size over 10 acres, may not exceed 200 attendees. Maximum capacity for a special event on an agricultural heritage site with a lot size between 5 and 10 acres may not exceed 50 attendees.
- (6) No more than 15 farm or agricultural heritage site special events may be held on the same property within a 12-month period.
- (7) Operation hours shall be restricted to between 9:00 a.m. and 10:00 p.m., Sunday through Thursday; and between 9:00 a.m. and 11:00 p.m., Friday and Saturday.
- (8) Each farm or agricultural heritage site special event shall be no longer than one day.
- (9) Special event activities shall occur outdoors, unless the use of any structures or tents is in accordance with the Building Code.
- (10) A farm or agricultural heritage site special event shall be accessory and not the principal use on the farm or agricultural heritage site.
- (11) The owner has owned the property for the immediately preceding two years and has been engaged in active farming for the immediately preceding two years.

(Bill No. 69-20; Bill No. 90-20; Bill No. 2-21; Bill No. 81-22; Bill No. 15-23; Bill No. 62-23; Bill No. 3-24)

Editor's note – Section 3 of Bill No. 69-20 requires the Office of Planning and Zoning to provide a report to the County Council, on or before January 1 of each year through 2027, on farm or agricultural heritage site special events and farm or agricultural site stays.

Farm Alcohol Production Facility

[§ 18-10-128. Farm alcohol production facility.](#)

A farm alcohol production facility shall comply with the following requirements.

- (1) The facility shall be located on a farm of at least 10 acres and shall be operated by the farm owner or farm manager.
- (2) The farm upon which the facility is located shall produce at least one acre of grain, hops, fruit, or other ingredient, excluding water that is utilized to produce alcohol. For a facility that produces mead, at least one acre of land on the farm upon which the facility is located shall be used to nourish a colony of bees.
- (3) Except as provided in paragraph (i) or (ii), the minimum setback from any lot line for any building or storage facility used in connection with farm alcohol production shall be 100 feet.
 - (i) For existing structures used in connection with alcohol manufacturing or tastings, the setback may be reduced to 50 feet if the Planning and Zoning Officer finds that the reduced setback is compatible with surrounding uses; or
 - (ii) For a farm bounded by a road, the minimum setback from the lot line to a new structure adjacent to the road may be reduced to 50 feet if the Planning and Zoning Officer finds that the reduced setback is compatible with surrounding uses.
- (4) The floor area for tastings, sale of alcohol produced on-site or accessory non-alcoholic beverage or food sales may not exceed the floor area being used for production and storage of alcohol.
- (5) The facility shall front upon a public road, and public access to and from the facility, including the tasting room, food sales, and promotional events, shall be directly on the public road. No point of vehicular access may be closer than 40 feet to the lot line of a residentially zoned property that is not part of the farm alcohol production facility. The Planning and Zoning Officer may approve access through a private road where no direct access onto a public road is feasible with conditions as follows:
 - (i) Maintenance of the private road shall be subject to a shared maintenance agreement, with proportional maintenance responsibilities assumed by the owner of the farm alcohol production facility; and
 - (ii) If there is more than one property owner who has a right to use the private road, the owner of the farm alcohol production facility shall provide affidavits of support from each owner. The affidavits shall be approved as to form by the Planning and Zoning Officer prior to signature.
- (6) A facility located on a scenic and historic road shall comply with the provisions of § 17-6-504 of this Code and mitigate any adverse visual impact to abutting property not owned by the farm operator.
- (7) Parking areas shall be clearly marked through physical means such as timbers, fences, or stakes, and shall be arranged to avoid traffic congestion on public roads. No parking shall be allowed on public or private rights-of-way.

(Bill No. 68-20; Bill No. 90-20; Bill No. 2-21; Bill No. 81-22; Bill No. 15-23; Bill No. 3-24)

Baltimore County

SECTION 433 - Bed-and-Breakfast Inn[48]

[Bill No. 100-2018]

- A. Location. A bed-and-breakfast inn is permitted in a single-family detached dwelling in a D.R. or R.C. Zone, subject to the following:
 - 1. No more than six bedrooms are permitted for guests.
 - 2. A minimum five-acre tract with frontage on an arterial or collector street is required if located in an R.C. Zone.
- B. Accessory structures. New or existing accessory structures are permitted. However, accessory structures shall be architecturally compatible by renovation with the principal structure. New accessory structures shall comply with Section 400 of these regulations and any other regulations for such structures set forth in the zone in which a bed-and-breakfast is located.
- C. Log. The owner or manager of a bed-and-breakfast inn shall maintain a reservation book or a registration log. The book or log shall show the arrival and departure dates of all guests and shall be open for inspection by a zoning compliance officer.
- D. Standards. A bed-and-breakfast inn is subject to the following requirements and restrictions:
 - 1. 1.The building in which the inn is located shall meet the minimum requirements for residential structures in the zone.
 - 2. 2.The building shall have a minimum of two exits.
 - 3. 3.Each bedroom used for the bed-and-breakfast operation shall have a minimum of 100 square feet for two occupants and a minimum of 160 square feet for a family of two adults and two children.
 - 4. 4.The building in which the inn is located shall comply with the Fire Prevention Code of Baltimore County for lodging or rooming houses.
 - 5. 5.Bed-and-breakfast bedrooms may not be located in basements or other below ground areas.6.Bed-and-breakfast bedrooms may not contain cooking facilities.
 - 6. 7.A bed-and-breakfast inn shall comply with all state and county food service rules.
 - 7. 8.The owner or manager of the bed-and-breakfast inn shall reside within 250 feet of any property line of the bed-and-breakfast inn. If not residing on the premises, the owner or manager shall provide adequate staff at the bed-and-breakfast inn at all times that the owner or manager is not present on the premises.
 - 8. 9.Off-street parking spaces shall be provided according to the requirements of Section 409.6.A.1 for a bed-and-breakfast inn and shall, to the extent possible, be located in the side or rear yard of the property and landscaped according to the Baltimore County Landscape Manual.
 - 9. 10.Signage is limited to wall mounted or free-standing and may not exceed 25 square feet. Changeable copy signs are not permitted.
- E. E.Permit. Upon application to the department of permits, approvals and inspections, the director may issue a use permit for a bed-and-breakfast inn under the following procedure:
 - 1. 1.Upon application, the applicant shall provide the following information:
 - a.a.The maximum number of persons expected as guests on the property.
 - b.b.A site plan indicating the location, type and size of structure for the bed-and-breakfast inn, the location and size of accessory structures, and the proximity of dwellings on adjacent lots.
 - c. c.The location of required off-street parking spaces.
 - d.d.A floor plan indicating the number of bedrooms and bathrooms.
 - e. e.Such other information as the director may require.
 - 2. 2.Notice and hearing.

- a.a. On the property in question, notice of the application for the use permit shall be conspicuously posted for a period of 30 days following the filing of the application.
 - b.b. Within the 30-day posting period, any interested person may file a formal request for a public hearing before the Administrative Law Judge in accordance with Section 500.7.
 - c. c. If a formal request for a public hearing is not filed, the Director, without a public hearing, may grant a use permit for a bed-and-breakfast inn if the proposed use meets the requirements of this section and Section 502.1. The use permit may be issued with such conditions or restrictions as determined appropriate by the Director to satisfy the provisions of this section and Section 502.1 and to ensure that the bed-and-breakfast inn will not be detrimental to the health, safety or general welfare of the surrounding community.
 - d.d. If a formal request for a public hearing is filed, the Director shall schedule a date for the public hearing before the Administrative Law Judge, such hearing to be held not less than 21 days and not more than 90 days from the date of filing of the request for public hearing.
 - e.e. Following the public hearing, the Administrative Law Judge may either deny or grant a use permit conditioned upon:
 - 1. (1) Findings following the public hearing.
 - 2. (2) The character of the surrounding community and the anticipated impact of the proposed use on that community.
 - 3. (3) The manner in which the requirements of this section and Section 502.1 and other applicable requirements are met and any additional requirements as deemed necessary by the Administrative Law Judge in order to ensure that the use will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of this section and Section 502.1 of these regulations.
 - f. f. If a formal request for a public hearing is not filed and notwithstanding any provision herein to the contrary, the Director may, at his or her discretion, require a public hearing wherein the applicant shall be required to satisfy the burden of proof required for such use to be granted.
 - g.g. Notwithstanding the provisions of Section 1B01.1B, the Director, or the Administrative Law Judge if a hearing is requested, or the County Board of Appeals upon appeal, may modify Section 1B01.1.B.1.b as it pertains to such use in D.R. Zones.
3. 3. Renewal of use permit.
- a.a. Upon approval of the initial use permit, the applicant, owner or operator of the property or premises at issue shall be required to renew the use permit annually, to be dated from the month of the initial approval. If conditions or other information submitted to the Director for the initial use permit have not materially changed since the initial approval, such renewal shall not be subject to the requirements above.
 - b.b. If the applicant, owner or operator seeks to make alterations or improvements to the property or premises at issue that vary materially from the initial approval, in addition to any variance or other approvals that may be required, the renewal shall be subject to the initial use permit requirements.
4. 4. Suspension or revocation of use permit.
- a.a. The Director may suspend, revoke or refuse to renew the use permit for the following reasons:
 - 1. (1) The applicant has made any false or misleading statement in any application or other document required to be filed under this section.
 - 2. (2) The applicant has failed to comply with the Livability Code; the applicable Zoning Regulations; or the Noise, Litter, Fire, Health or Sanitation Ordinances of Baltimore County.
 - 3. (3) The applicant has failed to comply with the terms and conditions of the initial approval.

5. 5.Entry on to property or premises. The applicant, as a condition precedent to the approval of the initial use permit, shall be required to permit the County to enter and inspect the premises upon 24-hour notice to the applicant, owner, or operator of the property or premises.
6. 6.Appeal. Appeals from any decision or order of the Director or Administrative Law Judge may be taken to the Board of Appeals in accordance with Section 32-3-401 of the Baltimore County Code.

Footnotes:

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1. Editor's Note—Former Section 433, Planned Unit Development-Elderly (PUD-E), added by Bill No. 19-2004, as amended, was repealed by Bill No. 130-2005. See now Section 430, Planned Unit Developments.

Winery (All Classes) or Brewery (Class 7 or 8)

[Article 1A – Resource Conservation Zones, Under Uses Permitted Under Special Exceptions](#)

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

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

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