

Introduced 11.03.2025  
Public Hearing 11.17+19.2025  
Council Action 12.01.2025  
Executive Action 12.08.2025  
Effective Date 02.07.2026

## 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 Nov 3, 2025. Ordered posted and hearing scheduled.

By order Michelle Harrod  
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 Nov 17+19, 2025.

By order Michelle Harrod  
Michelle Harrod, Administrator

This Bill was read the third time on Dec 1, 2025 and Passed ✓, Passed with amendments ✓, Failed \_\_\_\_\_.

By order Michelle Harrod  
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 3 day of Dec, 2025 at 5<sup>00</sup> a.m./p.m.

By order Michelle Harrod  
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive Dec 8, 2025

Calvin Ball  
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

1 SIMILAR PRODUCTS OF THE SOIL, AND INCLUDING STABLES FOR BOARDING AND  
2 TRAINING HORSES.

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

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

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

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

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

17 Agritourism [[Enterprise]]: Activities conducted on a farm and offered to the public or to invited  
18 groups for the purpose of recreation, education or active involvement in the farm operation WITH  
19 AN EMPHASIS ON HANDS-ON EXPERIENCES AND EVENTS THAT FOSTER INCREASED  
20 KNOWLEDGE OF AGRICULTURE, INCLUDING CULTIVATION METHODS, ANIMAL CARE,  
21 WATER CONSERVATION, MARYLAND'S FARMING HISTORY, THE IMPORTANCE OF EATING  
22 HEALTHY, AND LOCALLY GROWN FOODS. These activities must be related to agriculture or  
23 natural resources and [[incidental]]RELATED to the primary operation on the site. This term  
24 includes farm tours, farm stays, hay rides, [[corn]] mazes, classes related to agricultural products  
25 or skills, picnic and party facilities offered in conjunction with the above, and similar uses.

26  
27 **B**

28 Bed and Breakfast Inn: A historic building, or a building on a farm [[with an agricultural land  
29 preservation easement]], in which, for compensation, sleeping accommodations are provided to  
30 transient guests in not more than six guest rooms. A bed and breakfast inn may include the  
31 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:

- A. CONTROLLED AND OPERATED BY A FARMER, THE OWNER OR OPERATOR OF A FARM, OR AN EMPLOYEE OR FAMILY MEMBER OF THE OWNER OR OPERATOR AS A PRIVATE MOTOR CARRIER OF PROPERTY;

- B. BEING USED TO TRANSPORT EITHER: (1) AGRICULTURAL PRODUCTS; OR (2) FARM MACHINERY, FARM SUPPLIES, OR BOTH, TO OR FROM A FARM;
- C. NOT BEING USED IN THE OPERATION OF A FOR-HIRE MOTOR CARRIER;
- D. NOT CARRYING HAZARDOUS MATERIALS OF A TYPE OR QUANTITY WHICH REQUIRES THE COMMERCIAL MOTOR VEHICLE TO BE PLACARDED; AND
- E. BEING USED WITHIN 150 AIR-MILES OF THE FARMER'S FARM.
- F. IS EXCLUSIVELY USED FOR AGRICULTURAL PURPOSES.

FARM VEHICLES DO NOT INCLUDE:

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

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

- a. Crop production, apiaries, horticulture, orchards, agricultural nurseries, viticulture, silviculture, aquaculture, and animal and poultry husbandry;
- b. The growing, harvesting and primary processing of agricultural products;
- c. The breeding, raising, training, boarding and general care of livestock for uses other than food, such as sport or show purposes, as pets or for recreation;
- d. The operation of agricultural machinery and equipment that is an accessory use to a principal farming function. Agricultural machinery and equipment may be used on farms that are not the farm on which the machinery and equipment is normally stored;
- e. The construction and maintenance of barns, silos and other similar structures subject to compliance with any applicable bulk regulations;
- f. The transportation, storage, handling and application of fertilizer, soil amendments, pesticides and manure, subject to all Federal, State and Local laws;
- g. The temporary, onsite processing of chickens or rabbits on a farm in accordance with the Agriculture Article of the Annotated Code of Maryland; and
- h. Other uses directly related to, or as an accessory use of, the premises for agricultural purposes including special farm uses permitted under Section 128.0.I.



Not included in this definition are those uses subject to Section 131.0 Conditional Use requirements.

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

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

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

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

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

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

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

FESTIVAL – AGRITOURISM: A LARGE-SCALE OUTDOOR SEASONAL OR CULTURAL EVENT (1) HELD FOR A LIMITED PERIOD OF TIME, (2) INTENDED TO OR LIKELY TO ATTRACT SUBSTANTIAL CROWDS, (3) IT IS UNLIKE THE CUSTOMARY OR USUAL ACTIVITIES GENERALLY ASSOCIATED WITH THE PROPERTY, AND (4) SUFFICIENTLY DIFFERENTIATED IN ITS OFFERINGS FROM DAY-TO-DAY AGRITOURISM EVENTS AND OPERATIONS IN SCALE AND INTENSITY. ~~FESTIVAL~~ EXAMPLES OF FESTIVAL EVENTS MAY INCLUDE, BUT ARE NOT LIMITED TO, 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 FOR-PROFIT AUCTIONS. AMPLIFIED MUSIC IS ALLOWED AT FESTIVALS PROVIDED THAT (1) AMPLIFIED MUSIC MAY NOT BE THE PRIMARY THEME OR PURPOSE OF THE FESTIVAL AND (2) THE PRESENCE OF AMPLIFIED MUSIC AT AN EVENT DOES NOT CLASSIFY THE EVENT AS A FESTIVAL.

## **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.

## **S**

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

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

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

## 12 **Howard County Zoning Regulations.**

### 13 **Section 104.0. RC (Rural Conservation) District.**

#### 14 **SECTION 104.0: - RC (Rural Conservation) District**

##### 15 **C. Accessory Uses**

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

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

22 2. Accessory houses, limited to the following:

23 a. Farm tenant houses and similar uses customarily accessory to agricultural uses,  
24 provided that these uses shall not be permitted on parcels of less than 50 acres, and one  
25 unit shall be permitted for each 25 acres of that parcel; or

26 b. Caretakers' dwellings and similar uses customarily accessory to residential estate 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 50 acres of that parcel.

29 3. Accessory apartments, subject to the requirements of Section 128.0.A.

- 1       4. The housing by a resident family of:
  - 2           a. Not more than four non-transient roomers or boarders; or
  - 3           b. Not more than eight mentally and/or physically disabled persons or persons 62 years
  - 4               of age or older, provided the use is registered, licensed or certified by the State of
  - 5               Maryland; or
  - 6           c. A combination of a and b above, provided that the total number of persons housed in
  - 7               addition to the resident family does not exceed eight.
- 8       5. Home occupations, subject to the requirements of Section 128.0.C.
- 9       6. Home care, provided that if home care is combined with housing of mentally or physically
- 10           disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above,
- 11           the total number of persons receiving home care at any one time plus the number of persons
- 12           being housed shall not exceed eight.
- 13       7. Parking:
  - 14           a. Off-street parking of no more than two commercial vehicles on lots of three or more
  - 15               acres and no more than one commercial vehicle on lots of less than three acres. Private
  - 16               off-street parking is restricted to vehicles used in connection with or in relation to a
  - 17               principal use permitted as a matter of right in the district.
  - 18           b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
  - 19               destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
- 20       8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or
- 21           smaller, such storage shall be limited to the following:
  - 22               a. One recreational vehicle with a length of 30 feet or less; and
  - 23               b. One boat with a length of 20 feet or less.
- 24       9. The following commercial services are permitted as accessory uses on farms, provided that
- 25           the uses are located on a parcel of at least 50 acres or on a parcel of any size subject to an
- 26           ALPP purchased or dedicated easement, the commercial service is conducted by persons
- 27           residing on or operating the farm, and all uses are screened from public roads and adjacent
- 28           lots:
  - 29               a. Blacksmith shop
  - 30               b. Farm machinery repair
  - 31               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. 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 **SECTION 105.0: - RR (Rural Residential) District**

2 **C. Accessory Uses**

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

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

9 2. Accessory houses, limited to the following:

10 a. Farm tenant houses and similar uses customarily accessory to agricultural uses,  
11 provided that these uses shall not be permitted on parcels of less than 50 acres, and one  
12 unit shall be permitted for each 25 acres of that parcel; or

13 b. Caretakers' dwellings and similar uses customarily accessory to residential estate uses,  
14 provided that these uses shall not be permitted on parcels of less than 50 acres and one  
15 unit shall be permitted for each 50 acres of that parcel.

16 3. Accessory apartments, subject to the requirements of Section 128.0.A.

17 4. The housing by a resident family of:

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

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

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

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

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

29 7. Parking:

30 a. Off-street parking of no more than two commercial vehicles on lots of three or more  
31 acres and no more than one commercial vehicle on lots of less than three acres. Private

1 off-street parking is restricted to vehicles used in connection with or in relation to a  
2 principal use permitted as a matter of right in the district.

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

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

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

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

9 9. The following commercial services are permitted as accessory uses on farms, provided that  
10 the uses are located on a parcel of at least 50 acres or on a parcel of any size subject to an  
11 ALPP Purchased or ALPP Dedicated Easement, the commercial service is conducted by  
12 persons residing on or operating the farm, and all uses are screened from public roads and  
13 adjacent lots:

14 a. Blacksmith shop

15 b. Farm machinery repair

16 c. Lawn and garden equipment repair

17 d. Welding

18 10. Farm stands subject to the requirements of Section 128.0.I.

19 11. Farm ALCOHOL PRODUCER [[Winery—Class 1A or Farm Brewery—Class 1A]], subject  
20 to the requirements of Section 128.0.O.

21 12. Snowball stands, subject to the requirements of Section 128.0.D.

22 13. Home-based contractor, subject to the requirements of Section 128.0.C.2.

23 14. The acceptance or disposal of off-site land clearing debris under a permit issued by the  
24 Department of Planning and Zoning, subject to the requirements of Section 128.0.D.

25 15. Value-added processing of agricultural products, subject to the requirements of Section  
26 128.0.I.

27 16. Agritourism, SMALL-SCALE AGRITOURISM, [[enterprises]] and pick-your-own marketing of  
28 farm products, subject to the requirements of Section 128.0.I.

29 17. Small Wind Energy System, building mounted, subject to the requirements of Section  
30 128.0.L.

31 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 1<sup>ST</sup> AND JANUARY 14<sup>TH</sup> [[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.
  - f. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0. and Section 15.516 of the Howard County Code.
  - g. Bed and Breakfast Inns, provided that:

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

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

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

h. Rooftop solar collectors.

## 2. Other 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 dwelling unit on the preserved area of a cluster subdivision, if provided for as required by Sections 104.0.G and 105.0.G.

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

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

f. Sales of Christmas trees or other seasonal decorative material, between NOVEMBER 1<sup>ST</sup> AND JANUARY 14<sup>TH</sup> [[December first and January first]], subject to the requirements 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.
  - b. Farm tenant houses on parcels greater than 50 acres, subject to the Deed of Easement. 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. Caretaker's dwellings on parcels greater than 50 acres and improved with a principal dwelling, subject to the Deed of Easement.
- d. Accessory apartments, subject to the requirements of Section 128.0.A.
- e. Housing by a resident family of boarders or elderly persons subject to the requirements of Sections 104.0.C or 105.0.C.
- f. Home occupations, subject to the requirements of Section 128.0.C.
- g. Home care, subject to the requirements of Section 104.0.C or 105.0.C.
- h. Parking of commercial vehicles, subject to the requirements of Section 104.0.C or 105.0.C.
- i. Storage of recreational vehicles or boats, subject to the requirements of Sections 104.0.C or 105.0.C.
- j. Commercial services, subject to the requirements of Sections 104.0.C. or 105.0.C.
  - (1) Blacksmith shop
  - (2) Farm machinery repair
  - (3) Lawn and garden equipment repair
  - (4) Welding
- k. Farm stands, subject to the requirements of Section 128.0.I.
- l. Snowball stands, subject to the requirements of Section 128.0.I.
- m. Disposal of off-site land clearing debris, subject to the requirements of Section 128.0.D.
- n. Value-added processing of agricultural products, subject to the requirements of Section 128.0.I.
- o. Agritourism[[enterprises]]AND SMALL-SCALE AGRITOURISM, subject to the requirements of Section 128.0.I.
- p. Pick-your-own marketing of farm products, subject to the requirements of Section 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.



- 1        3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to  
2        agricultural and residential estate uses, provided that these uses shall not be permitted on  
3        parcels of less than 50 acres, and further provided that one unit shall be allowed for each  
4        50 acres of that parcel.
- 5        4. The housing by a resident family of:
  - 6        a. Not more than four non-transient roomers or boarders; or
  - 7        b. Not more than eight mentally and/or physically disabled persons or persons 62 years  
8        of age or older, provided the use is registered, licensed or certified by the State of  
9        Maryland; or
  - 10       c. A combination of a and b above, provided that the total number of persons housed in  
11       addition to the resident family does not exceed eight.
- 12       5. Home occupations, subject to the requirements of Section 128.0.C.
- 13       6. Home care, provided that if home care is combined with housing of mentally or physically  
14       disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above,  
15       the total number of persons receiving home care at any one time plus the number of persons  
16       being housed shall not exceed eight.
- 17       7. Parking:
  - 18       a. Off-street parking of no more than two commercial vehicles on lots of three or more  
19       acres and no more than one commercial vehicle on lots of less than three acres. Private  
20       off-street parking is restricted to vehicles used in connection with or in relation to a  
21       principal use permitted as a matter of right in the district.
  - 22       b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or  
23       destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
- 24       8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or  
25       smaller, such storage shall be limited to the following:
  - 26       a. One recreational vehicle with a length of 30 feet or less; and
  - 27       b. One boat with a length of 20 feet or less.
- 28       9. Farm stand, subject to the requirements of Section 128.0.I.
- 29       10. Snowball stands, subject to the requirements of Section 128.0.D.
- 30       11. Home-based contractors on lots larger than two acres, subject to the requirements of  
31       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

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 Section  
29 128.0.C.2.

30 12. Small Wind Energy System, building mounted, subject to the requirements of Section  
31 128.0.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 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. 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.
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.

1       7. Parking:

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

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

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

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

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

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

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

15       11. Snowball stands, subject to the requirements of Section 128.0.D.

16       12. Accessory ground-mount solar collectors.

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

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

19  
20                               **Howard County Zoning Regulations.**

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

22  
23       **SECTION 128.0: - Supplementary Zoning District Regulations**

24       **A. Supplementary Bulk Regulations**

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

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

29           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 515 ACRES.

(D) 5,000 SQUARE FEET FOR A LOT IN THE RC OR RR DISTRICT THAT IS 515 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 1<sup>ST</sup> AND JANUARY 14<sup>TH</sup> [[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



1 include a plot plan showing the location and dimensions of structures, parking areas  
2 and points of access.  
3

#### 4 I. **Permits for Special Farm Uses**

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

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

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

21 The petitioner shall submit a request for a permit in writing, either in a letter or using a form  
22 provided by the Department of Planning and Zoning. The request shall specify the proposed  
23 permit category and provide a written description of the use and justification addressing how  
24 the proposed use compiles with the criteria applicable to the use. The petitioner shall specify  
25 the address of the property for the proposed use, and shall provide a mailing address, if  
26 different, a phone number and an email address if used, for purposes of future  
27 communication about the request.

28 For categories which will include visits to the property by customers or participants, the  
29 request shall specify the requested hours of operation of the use. In approving a permit, the

1 Department of Planning and Zoning may reduce the hours of operation if it determines that  
2 this will reduce adverse impacts on adjacent properties.

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

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

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

18 1. Value-Added Agricultural Processing

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

- 21 a. The primary product being processed is grown on the farm where the processing  
22 occurs. Necessary secondary ingredients that are not farm grown, however, may be  
23 obtained from other sources.
- 24 b. The processing use is subordinate to and will support the agricultural use of the  
25 property, and will not have significant adverse impacts on neighboring properties. For  
26 purposes of this section, adverse impact shall not include any impact normally  
27 associated with farms following generally accepted agricultural management practices  
28 or farms operating permitted uses under this section.
- 29 c. Any outdoor processing operation shall be located at least 100 feet from property lines.

30 2. Value-Added Agricultural Processing with On-Site Sales

1 Value-Added processing of Agricultural products with on-site sales is permitted as an  
2 accessory use to farming in the RC and RR Districts, provided that:

- 3 a. The primary product being processed is grown or produced on the farm where the  
4 processing occurs. Necessary secondary ingredients that are not farm grown or  
5 produced, however, may be obtained from other sources.
- 6 b. The processing use will support the agricultural use of the property, and will not have  
7 significant adverse impacts on neighboring properties. For purposes of this section,  
8 adverse impact shall not include any impact normally associated with farms following  
9 generally accepted agricultural management practices or farms operating permitted  
10 uses under this section.
- 11 c. Any outdoor processing operation shall be located at least 100 feet from property lines.
- 12 d. Adequate off-street parking is provided, parking areas and driveways are treated as  
13 needed to control dust, and parking areas are screened from neighboring properties.
- 14 e. Sight distance, the design of driveway entrances, and directional signage are adequate  
15 to accommodate expected traffic.
- 16 f. Where the areas open to customers are close to the property boundaries, boundaries are  
17 clearly marked through fencing or landscaping to protect neighboring properties from  
18 unintentional trespassing by visitors.

19 3. Farm Stands

- 20 a. Small farm stands (smaller than 300 square feet) are permitted as an accessory use to  
21 farming in the RC, RR, R-ED, R-20, R-12 and R-SC Districts, provided that:

22 (1) The minimum lot size is 3 acres.

23 (2) The use may include the retail sale of crops, produce, flowers, plants, livestock and  
24 poultry products and similar items grown or produced on-site. Items produced  
25 through value-added processing of products grown on the farm may also be sold.

26 (3) The farm stand use will support the agricultural use of the property, and will not  
27 have significant adverse impacts on neighborhood properties.

28 (4) Notwithstanding the front setback requirements of the applicable zoning district,  
29 the minimum front setback for farm stands is 25 feet.

30 (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.

[[b]]2. The use supports the agricultural use of the property BY EXPOSING THE PUBLIC TO FARMING AND FARMING PRACTICES BY HIGHLIGHTING AGRICULTURE AND ENCOURAGES TOURISM TO ATTRACT, ENTERTAIN, AND EDUCATE VISITORS, 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.

1           [[c]]3. Adequate off-street parking is provided, parking areas and driveways are  
2           treated as needed to control dust, and parking areas are screened from  
3           neighboring properties.

4           ~~[[d]]4. Sight distance and the design of driveway entrances are adequate to~~  
5           ~~accommodate expected traffic. THE DRIVEWAY PROVIDING ACCESS TO THE~~  
6           ~~PROPOSED SITE SHALL NOT BE SHARED WITH OTHER PROPERTIES; HOWEVER THE~~  
7           ~~DIRECTOR OF PLANNING AND ZONING MAY WAIVE THIS CRITERIA IF THE~~  
8           ~~PETITIONER PROVIDES AFFIDAVITS FROM ALL PERSONS WHO ALSO SHARE THE~~  
9           ~~DRIVEWAY THAT THEY DO NOT OBJECT TO THE USE OF THE DRIVEWAY FOR THE~~  
10           ~~USE. IF THE USE OF A SHARED DRIVEWAY IS ALLOWED, THE PETITIONER SHALL~~  
11           ~~DEMONSTRATE THAT THE USE WILL NOT RESULT IN DAMAGE TO OR~~  
12           ~~DETERIORATION OF THE SHARED DRIVEWAY OR IN INCREASED HAZARDS TO~~  
13           ~~OTHER USERS OF THE DRIVEWAY. THE DIRECTOR OF PLANNING AND ZONING~~  
14           ~~SHALL PRESCRIBE APPROPRIATE CONDITIONS AND SAFEGUARDS TO ENSURE THE~~  
15           ~~PETITIONER'S RESPONSIBILITY FOR REPAIR OF ANY DAMAGE OR DETERIORATION~~  
16           ~~OF THE SHARED DRIVEWAY CAUSED BY THE USE.~~

17           [[d]]4. THE DRIVEWAY PROVIDING ACCESS TO THE PROPOSED SITE PROVIDES  
18           ADEQUATE SITE DISTANCE AND HAS THE ABILITY CAPACITY TO ACCOMMODATE  
19           EXPECTED TRAFFIC. THE DRIVEWAY ACCESS TO THE SITE SHALL NOT BE SHARED  
20           WITH OTHER PROPERTIES; HOWEVER THE DIRECTOR OF PLANNING AND ZONING  
21           MAY WAIVE THIS CRITERIA IF THE PETITIONER PROVIDES A USE-IN-COMMON  
22           EASEMENT SIGNED BY THE OWNERS OF ALL PROPERTIES THAT HAVE A LEGAL  
23           RIGHT TO SHARE THE DRIVEWAY ASSERTING CONFIRMING THEY DO NOT OBJECT  
24           TO THE USE OF THE DRIVEWAY FOR THE USE. THE EASEMENT SHALL (I) STATE  
25           THAT THE AGREEMENT RUNS WITH THE LAND AND BINDS ALL FUTURE OWNERS  
26           AND (II) BE RECORDED IN THE LAND RECORDS OF HOWARD COUNTY.”

27  
28           [[e]]5. Where the areas open to customers are close to the property boundaries,  
29           boundaries are clearly marked through fencing or landscaping to protect  
30           neighboring properties from unintentional trespassing by visitors.

1           [[f]]6. The use will operate only between the hours of 6 a.m. and 10 p.m. AND  
2           FESTIVALS OR SIMILAR EVENTS BETWEEN THE HOURS OF 8 A.M.-8 P.M. Any  
3           outdoor lighting shall comply with the requirements of Section 134.0.

4           [[g]]7. Agritourism uses may include festivals or similar events held for the purpose of  
5           marketing products grown on the farm or farm-related education or recreation,  
6           provided that festivals are limited to NO MORE THAN SIX DAYS A MONTH AND  
7           SHALL ONLY BE ON FRIDAY, SATURDAY, AND OR SUNDAY AND NOT MORE THAN  
8           TWO CONSECUTIVE DAYS UNLESS ON A HOLIDAY WEEKEND, WHICH MAY INCLUDE  
9           A MONDAY (SEE SECTION 103.0: DEFINITIONS)[[ no more than 4 per year and no  
10          more than 8 days per year]].

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

13          9. AMPLIFIED NOISE IS ONLY ALLOWED BETWEEN THE HOURS OF 12:00 PM (NOON)  
14          AND 8:00 PM. FOR AMPLIFIED NOISE, THE PROPERTY OWNER MUST KEEP A NOISE  
15          LOG OF RECORDED DECIBELS TO SHOW COMPLIANCE WITH COUNTY'S NOISE  
16          ORDINANCE. DECIBELS MUST BE RECORDED AT THE PROPERTY LINE AND TAKEN  
17          AT LEAST 3 SEPARATE TIMES INCLUDING THE BEGINNING, MIDDLE, AND END OF  
18          THE AMPLIFIED MUSIC EVENT. THE LOG MUST BE FURNISHED UPON THE REQUEST  
19          OF THE DEPARTMENT OF PLANNING AND ZONING.

20          10. IF A PROPERTY OWNER IS PLANNING A FESTIVAL WITH 1,000 OR MORE ATTENDEES,  
21          THE PROPERTY OWNER SHALL SUBMIT A PARKING PLAN TO THE DEPARTMENT OF  
22          PLANNING AT LEAST 15 DAYS PRIOR TO THE EVENT. WITHIN 10 DAYS PRIOR TO  
23          THE FESTIVAL, THE DEPARTMENT SHALL CONSIDER THE PLAN AND SHALL  
24          APPROVE OR APPROVE WITH CONDITIONS THE PROPOSED PLAN IN ORDER TO  
25          PROVIDE FOR SUFFICIENT OFF-STREET PARKING FOR THE FESTIVAL. AT A  
26          MINIMUM THE PARKING PLAN SHALL INCLUDE AN OVERALL DRAWING OF THE  
27          PROPERTY, THE AREA OF OFF-STREET PARKING AND THE DISTANCE THE PARKING  
28          AREA IS FROM ADJOINING PROPERTIES AND THE PUBLIC ROAD RIGHT-OF-WAY,  
29          AND AN ESTIMATE OF THE PARKING NEEDS FOR THE FESTIVAL AND THE NUMBER  
30          OF OFF-STREET PARKING SPACES PROVIDED.

11. FOR ANY FESTIVALS OR SIMILAR EVENTS, THE NUMBER OF ATTENDEES MAY NOT EXCEED 2,500.

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

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

2. THE USE SUPPORTS FARMING BY EXPOSING THE PUBLIC TO FARMING AND FARMING PRACTICES BY HIGHLIGHTING AGRICULTURE AND ENCOURAGES TOURISM TO ATTRACT, ENTERTAIN, AND EDUCATE VISITORS, WHILE REMAINING AN ACCESSORY USE, IN SCALE AND INTENSITY, TO THE PRIMARY FARMING USE, 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.

3. 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.

~~4. SIGHT DISTANCE AND THE DESIGN OF DRIVEWAY ENTRANCES ARE ADEQUATE TO ACCOMMODATE THE EXPECTED TRAFFIC. 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.~~



1           4. THE DRIVEWAY PROVIDING ACCESS TO THE PROPOSED SITE PROVIDES ADEQUATE SITE  
2           DISTANCE AND HAS THE ~~ABILITY~~-CAPACITY TO ACCOMMODATE EXPECTED TRAFFIC.  
3           THE DRIVEWAY ACCESS TO THE SITE SHALL NOT BE SHARED WITH OTHER PROPERTIES;  
4           HOWEVER THE DIRECTOR OF PLANNING AND ZONING MAY WAIVE THIS CRITERIA IF  
5           THE PETITIONER PROVIDES A USE-IN-COMMON EASEMENT SIGNED BY THE OWNERS OF  
6           ALL PROPERTIES THAT HAVE A LEGAL RIGHT TO SHARE THE DRIVEWAY ~~ASSERTING~~  
7           CONFIRMING THEY DO NOT OBJECT TO THE USE OF THE DRIVEWAY FOR THE USE. THE  
8           EASEMENT SHALL (I) STATE THAT THE AGREEMENT RUNS WITH THE LAND AND BINDS  
9           ALL FUTURE OWNERS AND (II) BE RECORDED IN THE LAND RECORDS OF HOWARD  
10          COUNTY.

11          5. WHERE THE AREAS OPEN TO CUSTOMERS ARE CLOSE TO THE PROPERTY BOUNDARIES,  
12          BOUNDARIES ARE CLEARLY MARKED THROUGH SIGNAGE, FENCING, AND/OR  
13          LANDSCAPING TO PROTECT NEIGHBORING PROPERTIES FROM UNINTENTIONAL  
14          TRESPASSING BY VISITORS.

15          6. THE USE WILL OPERATE ONLY BETWEEN THE HOURS OF 8 A.M. AND 8 P.M. ANY  
16          OUTDOOR LIGHTING SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 134.0.

17          7. SMALL SCALE – AGRITOURISM USES MAY INCLUDE SMALL-SCALE EVENTS, NO MORE  
18          THAN 25 TIMES PER YEAR, HELD FOR THE PURPOSE OF MARKETING PRODUCTS GROWN  
19          ON THE FARM OR FARM-RELATED EDUCATION OR RECREATION. FESTIVAL EVENTS  
20          ARE NOT PERMITTED., ~~PROVIDED THAT AT ANY ONE TIME, THE NUMBER OF VISITORS~~  
21          ~~TO THE SITE SHALL NOT EXCEED 50 VISITORS AND NO MORE THAN 25 TIMES PER YEAR.~~  
22          ~~FESTIVAL EVENTS ARE NOT PERMITTED.~~

23          8. SMALL-SCALE AGRITOURISM EVENTS SHALL HAVE THE FOLLOWING VISITOR  
24          LIMITATIONS:

25               (1) 50 ATTENDEES ON A 5-ACRE PARCEL,

26               (2) 100 ATTENDEES ON A PARCEL GREATER THAN 5 ACRES BUT LESS THAN 10 ACRES,

27               (3) 150 ATTENDEES ON A 10-ACRE PARCEL OR GREATER.

28  
29          6. Community Supported Agriculture (CSA)

30          A CSA is permitted as an accessory use to farming in the RC, RR and R-ED Districts,  
31          provided that:

- a. 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.
- b. The CSA 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. The use is located on a lot or parcel of at least 3 acres.
- d. 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.
- e. Sight distance, the design of driveway entrances, and directional language are adequate to accommodate expected traffic.
- f. 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.

## 7. Food Hubs

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

- a. 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.
- b. The Food Hub 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. 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 or other dedicated easement.

- d. 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.
- e. Sight distance, the design of driveway entrances, and directional signage are adequate to accommodate expected traffic.
- f. 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.

#### 8. Riding Academies and Stables

Riding Academies and Stables are permitted as an accessory use to farming in the RC and RR Districts, provided that:

- a. Adequate areas for horseback riding shall be available on the site. If the operation will include off-site horseback riding, the petition must indicate the location of off-site trails and include written permission from the property owners.
- b. Minimum required setbacks:
  - (1) For an indoor or outdoor riding arena from an existing dwelling on a different lot .....100 feet
  - (2) For a stable from an existing dwelling on a different lot .....200 feetThe Department of Planning and Zoning may reduce the 200 foot setback from an existing dwelling on a different lot to a distance no less than 100 feet upon a finding that the setback reduction will not adversely affect neighboring properties due to visual impact, noise, dust, odors or other causes.
- c. The site has a minimum area of five acres.
- d. Parking areas, driveways and outdoor riding areas will be located and designed to shield neighboring properties from noise, dust and odors.

#### 9. INCIDENTAL OUTDOOR STAYS – LODGING

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

- A. THE INCIDENTAL OUTDOOR STAYS – LODGING IS SUBORDINATE TO AND WILL SUPPORT THE FARMING USE OF THE PROPERTY AND WILL NOT HAVE SIGNIFICANT 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,
  - 2. ENVIRONMENTALLY OR HISTORICALLY SENSITIVE AREAS, INCLUDING HISTORIC STRUCTURES AND THEIR LANDSCAPE SETTING, FLOODPLAINS, WETLANDS, WETLAND BUFFERS, STEEP SLOPES, STREAMS AND STREAM BUFFERS.

- 1 K. THE LOCATION OF ENVIRONMENTALLY OR HISTORICALLY SENSITIVE AREAS AND  
2 FARMLAND CURRENTLY USED FOR FOOD PRODUCTION SHALL BE NOTED ON THE PLAN.  
3 THE EXTENT AND QUALITY OF EXISTING VEGETATION, ESPECIALLY TREE COVER, AND  
4 ANY SCENIC QUALITIES OF THE SITE SHALL BE NOTED ON THE PLAN.
- 5 L. THE PROPERTY MUST HAVE THE HEALTH DEPARTMENT AND DEPARTMENT OF  
6 INSPECTIONS, LICENSES & PERMITS APPROVED SANITATION FACILITIES FOR THIS  
7 ACCESSORY USE, IF A NON-RV IS USED AS SHELTER. FOR PRIVATE RV'S THE  
8 LANDOWNER WILL MAKE RV CAMPERS AWARE OF NO SEWERAGE DUMPING ALLOWED  
9 ONSITE.
- 10 M. THE PROPERTY OWNER AND/OR OPERATOR OF INCIDENTAL OUTDOOR STAYS –  
11 LODGING SHALL MAINTAIN LOGS THAT INCLUDE THE RENTERS NAME, DRIVER'S  
12 LICENSE INFORMATION, RV REGISTRATION, IF APPLICABLE, DATES OF STAY, AND  
13 VISITOR SIGNATURE. LOGS MUST BE MAINTAINED FOR A PERIOD OF TWO YEARS AND  
14 FURNISHED UPON THE REQUEST OF THE DEPARTMENT OF PLANNING AND ZONING. THE  
15 PROPERTY OWNER AND/OR OPERATOR OF THE INCIDENTAL OUTDOOR STAYS –  
16 LODGING USE MUST BE ON-SITE WHEN A GUEST IS UTILIZING A SITE.

17 10. BED AND BREAKFAST INNS

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

- 20 A. THE USE IS LOCATED ON A PARCEL OF AT LEAST 20 ACRES.
- 21 B. THE INN IS MANAGED AND OPERATED BY THE OWNER(S) OF THE DWELLING AND THE  
22 DWELLING MUST BE THE PRINCIPAL RESIDENCE OF THE PROPERTY OWNER(S) OR A  
23 DESIGNATED ON-SITE CARETAKER OPERATING ON BEHALF OF THE OWNER.
- 24 C. NO PUBLIC RECEPTION OR PUBLIC RESTAURANT FACILITIES ARE PROVIDED.
- 25 D. IF THE BUILDING IS A HISTORIC STRUCTURE AS DEFINED IN THESE REGULATIONS,  
26 EXTENSIONS OR ALTERATIONS TO THE HISTORIC DWELLING SHALL BE  
27 ARCHITECTURALLY COMPATIBLE WITH THE HISTORIC STRUCTURE AS DETERMINED  
28 BY THE HISTORIC PRESERVATION COMMISSION PRIOR TO THE APPROVAL OF THE  
29 SPECIAL FARM PERMIT.
- 30 E. IF THE BUILDING IS A HISTORIC STRUCTURE AS DEFINED IN THESE REGULATIONS,  
31 EXTENSIONS OR ENLARGEMENT OF THE PRINCIPAL HISTORICAL STRUCTURE AND ALL

ACCESSORY STRUCTURES MAY NOT EXCEED 50% OF THE GROSS FLOOR AREA OF EACH INDIVIDUAL BUILDING.

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

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

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

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

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

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

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

(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

1 is within 400 feet of its intersection with the arterial or collector highway,  
2 and there are no intervening driveways between the arterial or collector  
3 highway and the access to the property along the local road; and

4 (d) That the use of the local road for access to the property will not unduly  
5 conflict with other uses that access the local road.

- 6 c. The driveway providing access to the proposed site shall not be shared with other  
7 properties; however the Director of Planning and Zoning may waive this criteria if  
8 the petitioner provides affidavits from all persons who also share the driveway that  
9 ~~they do not object to the use of the driveway for the use. If the use of a shared~~  
10 ~~driveway is allowed, the petitioner shall demonstrate that the use will not result in~~  
11 ~~damage to or deterioration of the shared driveway or in increased hazards to other~~  
12 ~~users of the driveway. The Director of Planning and Zoning shall prescribe~~  
13 ~~appropriate conditions and safeguards to ensure the petitioner's responsibility for~~  
14 ~~repair of any damage or deterioration of the shared driveway caused by the use~~ A  
15 USE-IN-COMMON EASEMENT SIGNED BY THE OWNERS OF ALL PROPERTIES THAT HAVE  
16 A LEGAL RIGHT TO SHARE THE DRIVEWAY ASSERTING CONFIRMING THEY DO NOT  
17 OBJECT TO THE USE OF THE DRIVEWAY FOR THE USE. THE EASEMENT SHALL (I) STATE  
18 THAT THE AGREEMENT RUNS WITH THE LAND AND BINDS ALL FUTURE OWNERS AND  
19 (II) BE RECORDED IN THE LAND RECORDS OF HOWARD COUNTY.
- 20 d. All FARM ALCOHOL PRODUCER ~~[[winery or brewery]]~~ related structures and uses  
21 associated with the ~~[[winery or brewery]]~~USE, excluding cultivation areas shall be  
22 at least 75 feet from all lot lines and where possible minimize the impact on  
23 surrounding properties.
- 24 e. For a farm ALCOHOL PRODUCER ~~[[winery Class 1A]]~~ use, the planting of at least  
25 two acres of grapes, AN INGREDIENT USED IN THE BREWING OF MALT- BASED OR  
26 GRAIN-BASED BEVERAGES, or other fruit on the property shall be initiated upon  
27 approval and successfully established within two years of approval. ~~[[For a farm~~  
28 ~~brewery Class 1A use, the planting of at least two acres of a primary ingredient~~  
29 ~~used in the brewing of malt-based or grain-based beverages on the premises shall~~  
30 ~~be initiated upon approval and successfully established within one year of~~  
31 ~~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 RECORDED  
28 DECIBELS TO SHOW COMPLIANCE WITH COUNTY'S NOISE ORDINANCE. DECIBELS  
29 MUST BE RECORDED AT THE PROPERTY LINE AND TAKEN AT LEAST 3 SEPARATE TIMES  
30 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	R 2	R 1	R S	R-S A-8	R-H E D	R-A 15	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]]	✓																														



persons residing on the same parcel. If these criteria are met, Conditional Use approval is not required.]]

## 26. Guest House

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

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

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

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

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

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

[[c]]B. [[If the driveway providing access to the proposed site is shared with other properties or has]] ~~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. THE DRIVEWAY PROVIDING ACCESS TO THE PROPOSED~~

~~SITE PROVIDES ADEQUATE SITE DISTANCE AND HAS THE ABILITY CAPACITY TO~~

~~ACCOMMODATE EXPECTED TRAFFIC. THE DRIVEWAY ACCESS TO THE SITE SHALL NOT BE~~

~~SHARED WITH OTHER PROPERTIES; HOWEVER, THE HEARING AUTHORITY MAY WAIVE~~

~~THIS CRITERIA IF THE PETITIONER PROVIDES A USE-IN-COMMON EASEMENT SIGNED BY~~

~~THE OWNERS OF ALL PROPERTIES THAT HAVE A LEGAL RIGHT TO SHARE THE DRIVEWAY~~

~~ASSERTING CONFIRMING THEY DO NOT OBJECT TO THE USE OF THE DRIVEWAY FOR THE~~

~~USE. THE EASEMENT SHALL (I) STATE THAT THE AGREEMENT RUNS WITH THE LAND AND~~

~~BINDS ALL FUTURE OWNERS AND (II) BE RECORDED IN THE LAND RECORDS OF HOWARD~~

~~COUNTY.~~ If the site has direct access to and frontage on a local road, the petitioner

shall demonstrate that the use will not ADVERSELY IMPACT [[result in damage to or

deterioration of the shared driveway or in increased hazards to other users of the

driveway or]]USE OF THE local road BY DEMONSTRATING ADEQUATE SIGHT

DISTANCE AND CAPACITY TO MANAGE THE ANTICIPATED VOLUME OF ROAD USE.

[[The Hearing Authority shall prescribe appropriate conditions and safeguards to

1 ensure the Conditional Use operator's responsibility for repair of any damage or  
2 deterioration of the shared driveway caused by the Conditional Use, including  
3 requirements for surfacing of access driveways.]]

4 [[d]]C. The petitioner shall provide a traffic management plan and a sight distance  
5 analysis.

6 [[e]]D. The [[limited social assemblies]]RURAL VENUE SPACE are the following private  
7 functions: Picnics, weddings, anniversary/retirement parties, bridal or baby  
8 showers, not for profit organization fund raisers, banquets, rehearsal dinners,  
9 philanthropic events, or other similar events.

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

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

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

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

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

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

27 (C) 10 ADDITIONAL ATTENDEES FOR EACH ACRE IN EXCESS OF 20

28 ACRES NOT TO EXCEED 300 ATTENDEES.

29 (2) No more than 25 of these events shall be held within a one year period, UNLESS  
30 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

1 structure and use setbacks of the Zoning Regulations for the zoning district and the  
2 Subdivision and Land Development Regulations.

- 3 c. Outdoor uses will be located and designed to shield residential property from noise  
4 or nuisance. The Hearing Authority may set the days and hours of operation for  
5 outdoor uses.  
6 d. The site has frontage on and direct access to a collector or arterial road designated  
7 in the General Plan.  
8

9 **[[57. Winery, Farm—Class 1B**

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

- 14 a. The lot or parcel upon which the Farm Winery is located shall have frontage and  
15 direct access to:  
16 (1) A road classified as an arterial or collector public road; or  
17 (2) A local road, provided that:  
18 (a) Access to an arterial or collector public road right-of-way is not feasible;  
19 (b) If the local road is internal to a residential cluster subdivision, the subject  
20 property adjoins an arterial or collector highway, the local road access point  
21 is within 400 feet of its intersection with the arterial or collector highway,  
22 and there are no intervening driveways between the arterial or collector  
23 highway and the access to the winery along the local road;  
24 (c) The access to the local road is safe based on road conditions and accident  
25 history, and  
26 (d) That the use of the local road for access to the winery will not unduly  
27 conflict with other uses that access the local road.  
28 b. The driveway providing access to the proposed site shall not be shared with other  
29 properties; however the Hearing Authority may waive this criteria if the petitioner  
30 provides affidavits from all persons who also share the driveway that they do not  
31 object to the use of the driveway for the farm winery. If the use of a shared driveway

1 is allowed, the petitioner shall demonstrate that the use will not result in damage to  
2 or deterioration of the shared driveway or in increased hazards to other users of the  
3 driveway. The Hearing Authority shall prescribe appropriate conditions and  
4 safeguards to ensure the Farm Winery owner's responsibility for repair of any  
5 damage or deterioration of the shared driveway caused by the Conditional Use.

- 6 c. All winery related structures and uses excluding cultivation areas shall be at least  
7 75 feet from all lot lines.
- 8 d. Planting of at least two acres of grapes or other fruit on the property shall be  
9 initiated upon approval and successfully established within two years of approval.
- 10 e. The Farm Winery shall be consistent with and support the farm and its production,  
11 shall not interfere with the implementation of soil conservation and water quality  
12 best management practices, and shall not impact floodplains, wetlands, stream  
13 buffers, steep slopes or other environmental features on the Farm Winery property.
- 14 f. The Farm Winery shall be compatible with the rural character of the farm and the  
15 surrounding area.
- 16 g. The Hearing Authority may require appropriate screening of adjoining parcels,  
17 which may include a solid fence, wall, landscaping, or a combination that presents  
18 an attractive and effective buffer.
- 19 h. Any accessory retail sales within the Farm Winery, other than the wine and similar  
20 fermented beverages produced at the Farm Winery, are limited to items promoting  
21 the same Farm Winery, such as glassware, clothing, and wine-related items such as  
22 wine openers. A Farm Winery may sell plants and/or produce grown on-site.
- 23 i. Farm Winery visitor hours shall be restricted to between 10:00 a.m. and 7:00 p.m.  
24 Sunday through Thursday; and 10:00 a.m. and 10:00 p.m. Friday and Saturday. The  
25 Hearing Authority may reduce the hours for visitors, but shall not increase them.  
26 The hours for winery processing and production operations are not limited.
- 27 j. At any one time, the number of visitors to the winery shall not exceed 50 visitors.
- 28 k. A Farm Winery may produce, serve and sell food to complement wine tasting in  
29 accordance with Article 2B of Maryland State Code.
- 30 l. If approved, the owner shall provide documentation to the Department of Planning  
31 and Zoning proving compliance with Section 131.0.N.57.d. It is the responsibility



1 of the Farm Winery owner to obtain any other required Federal, State and County  
2 approvals required prior to operating the use. ]]  
3

4 **[[58]]57. FARM ALCOHOL PRODUCER [[Winery, Farm—Class 2]]**

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

- 7 a. The use is located on a parcel of at least 25 acres. The use is permitted on any such  
8 parcel, including parcels with Agricultural Land Preservation Easements and  
9 preservation parcels.
- 10 b. The lot or parcel upon which the Farm ALCOHOL PRODUCER [[Winery]] is located  
11 shall have frontage on and direct access to a road classified as an arterial or collector  
12 public road. Unless the Hearing Authority approves access to a local road as  
13 provided in Section 131.0.N.56.B[[c]], the sole access to and from the site shall be  
14 from the arterial or collector public road.
- 15 c. The Hearing Authority may approve access to a local road upon findings that access  
16 to an arterial or collector public road right-of-way is not feasible, the local road is  
17 not internal to a residential cluster subdivision unless the residential cluster  
18 subdivision was originally designed, constructed, and marketed as a FARM  
19 ALCOHOL PRODUCER [[winery]] community organized around a FARM  
20 ALCOHOL PRODUCER [[winery]] parcel, the access to the local road is safe based  
21 on road conditions and accident history, and that the use of the local road for access  
22 to the FARM ALCOHOL PRODUCER [[winery]] will not unduly conflict with other  
23 uses that access the local road.
- 24 d. ~~[[The driveway providing access to the proposed site shall not be shared with~~  
25 ~~other properties;]]THE DRIVEWAY PROVIDING ACCESS TO THE PROPOSED SITE SHALL~~  
26 ~~NOT BE SHARED WITH OTHER PROPERTIES; HOWEVER THE DIRECTOR OF PLANNING~~  
27 ~~AND ZONING MAY WAIVE THIS CRITERIA IF THE PETITIONER PROVIDES AFFIDAVITS~~  
28 ~~FROM ALL PERSONS WHO ALSO SHARE THE DRIVEWAY THAT THEY DO NOT OBJECT TO~~  
29 ~~THE USE OF THE DRIVEWAY FOR THE USE. IF THE USE OF A SHARED DRIVEWAY IS~~  
30 ~~ALLOWED, THE PETITIONER SHALL DEMONSTRATE THAT THE USE WILL NOT RESULT~~  
31 ~~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. THE DRIVEWAY PROVIDING ACCESS TO THE PROPOSED SITE PROVIDES ADEQUATE SITE DISTANCE AND HAS THE ABILITY CAPACITY TO ACCOMMODATE EXPECTED TRAFFIC. THE DRIVEWAY ACCESS TO THE SITE SHALL NOT BE SHARED WITH OTHER PROPERTIES; HOWEVER THE HEARING AUTHORITY MAY WAIVE THIS CRITERIA IF THE PETITIONER PROVIDES A USE-IN-COMMON EASEMENT SIGNED BY THE OWNERS OF ALL PROPERTIES THAT HAVE A LEGAL RIGHT TO SHARE THE DRIVEWAY ASSERTING CONFIRMING THEY DO NOT OBJECT TO THE USE OF THE DRIVEWAY FOR THE USE. THE EASEMENT SHALL (I) STATE THAT THE AGREEMENT RUNS WITH THE LAND AND BINDS ALL FUTURE OWNERS AND (II) BE RECORDED IN THE LAND RECORDS OF HOWARD COUNTY. [[however the Hearing Authority 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 Farm Winery. 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 Hearing Authority shall prescribe appropriate conditions and safeguards to ensure the Farm Winery owner's responsibility for repair of any damage or deterioration of the shared driveway caused by the Conditional Use.]] IF THE SITE HAS DIRECT ACCESS TO AND FRONTAGE ON A LOCAL ROAD, THE PETITIONER SHALL DEMONSTRATE THAT THE USE WILL NOT ADVERSELY IMPACT USE OF THE LOCAL ROAD BY DEMONSTRATING ADEQUATE SITE DISTANCE AND CAPACITY TO MANAGE THE ANTICIPATED VOLUME OF ROAD USE.

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

1 (1) The adjoining land is committed to an agricultural or environmental  
2 preservation easement or a long term institutional or open space use that  
3 provides an equivalent or better buffer; or

4 (2) The petition includes detailed plans for screening. The Hearing Authority may  
5 require appropriate screening of adjoining parcels, which may include a solid  
6 fence, wall, landscaping, or a combination, that presents an attractive and  
7 effective buffer.

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

12 g. The Farm ALCOHOL PRODUCER [[Winery]] shall be consistent with and support the  
13 farm and its production, shall not interfere with the implementation of soil  
14 conservation and water quality best management practices, and shall not impact  
15 floodplains, wetlands, stream buffers, steep slopes or other environmental features  
16 on the Farm ALCOHOL PRODUCER [[Winery]] property.

17 h. The Farm ALCOHOL PRODUCER [[Finery]] shall be compatible with the rural  
18 character of the farm and the surrounding area.

19 i. THE Farm ALCOHOL PRODUCER [[Winery]] visitor hours shall be restricted to  
20 between 10:00 a.m. and 10:00 p.m. daily. The Hearing Authority may reduce the  
21 hours for visitors, but shall not increase them. The hours for [[winery]] FARM  
22 ALCOHOL BEVERAGE processing and production operations are not limited.

23 j. The Farm ALCOHOL PRODUCER [[Winery]] shall be limited to two categories of  
24 attendee events; Everyday Events and Special Events, each with specific limitations  
25 as follows:

26 (1) An Everyday Event is one that may occur each day of operation within a  
27 calendar year, or as may be further limited by the Hearing Authority, and the  
28 number of attendees at any single time shall be as specified by the Hearing  
29 Authority, but only up to a maximum of [[50]]150 persons at any given time.  
30 The most common type of activity in an everyday event is that of customers  
31 visiting a tasting room at the Farm ALCOHOL PRODUCER [[Winery]] to sample

1 or purchase the products produced therein, but may include other low-intensity  
2 activities such as individual or small group tours, educational programs,  
3 meetings, and social events; and

4 (2) A Special Event is an indoor and/or outdoor event that may be approved by the  
5 Hearing Authority for up to fifteen (15) days within a calendar year. The  
6 maximum number of attendees at any given time on a 25 acre farm shall be 150  
7 persons, provided, however, that the Hearing Authority may increase this  
8 maximum number of attendees in accordance with Section 131.0.57.k if  
9 the property qualifies for such an increase. For a Special Event that occurs on  
10 more than one calendar day, each calendar day is counted as one event.

11 k. The standard maximum number of persons permitted to visit the property at any  
12 one time for Special Events shall be 150 attendees. The Hearing Authority may  
13 increase the maximum number of Special Event attendees by 10 people for  
14 every acre of land area above the minimum 25 acre parcel size, based upon the  
15 gross acreage of the parcel, up to a total maximum of 500 attendees.

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

22 l. A Farm ALCOHOL PRODUCER [Winery] may produce, serve and sell food to  
23 complement [wine tasting] TASTINGS in accordance with Article 2B of Maryland  
24 State Code.

25 m. Any accessory retail sales within the Farm ALCOHOL PRODUCER [Winery], other  
26 than the [wine and similar fermented] beverages produced at the Farm ALCOHOL  
27 PRODUCER [Winery], are limited to items promoting the same Farm ALCOHOL  
28 PRODUCER [Winery], such as glassware, clothing, and wine-related items such as  
29 wine openers. A Farm ALCOHOL PRODUCER [Winery] may sell plants and/or  
30 produce grown on-site.

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

O. AMPLIFIED NOISE IS ONLY ALLOWED BETWEEN THE HOURS OF 12:00 PM (NOON) AND 8:00 PM. 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 AMPLIFIED MUSIC EVENT. THE LOG MUST BE FURNISHED UPON THE REQUEST OF THE DEPARTMENT OF PLANNING AND ZONING.

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

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

- 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.

**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 lot .....500 feet
  - (2) From adjacent residentially-zoned lots .....300 feet
  - (3) From public street rights-of-way .....100 feet
  - (4) From existing streams and wetlands .....100 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.
- g. The operation shall be conducted in a manner which will prevent insect and/or rodent infestation.
- h. The facility shall be maintained in a clean and sanitary condition. Areas where yard waste or compost is processed, loaded, or unloaded shall be designed and constructed to drain freely to prevent the accumulation of standing liquid.
- i. All liquid, including leachate and storm water runoff, generated from the composting facility shall be collected and treated prior to disposal, in accordance with applicable regulations.
- j. In the RC and RR Districts, the hours of operation shall be restricted to between 7:00 a.m. and 6:00 p.m., and no operation shall be permitted on Sundays except repairs to equipment and improvements.
- k. On-site retail sales of finished compost shall be permitted if specifically approved by the Hearing Authority.

1. The structural elements of the roads serving the site shall be adequate for the truck traffic to be generated by the composting facility. The petition shall include a road condition study to allow the hearing authority to make this determination.
- m. The Conditional Use Plan submitted with the petition shall show the following:
  - (1) Survey boundaries of the subject property.
  - (2) Existing natural features including streams, ponds, springs, and wetlands.
  - (3) Existing and proposed topography.
  - (4) Setback and buffer area, including type of screening and fencing.
  - (5) Portion of tract to be used for composting operations, including the location and layout of:
    - (a) Yard waste unloading, receiving and storage areas;
    - (b) Yard waste processing areas, including areas for grinding, screening, mixing and other operations to prepare yard waste for composting;
    - (c) Composting areas;
    - (d) Compost curing areas;
    - (e) Compost final product preparation areas (screening and other operations);and
    - (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.
  - (11) A description of finished compost storage, distribution and delivery methods and requirements.
  - (12) Methods of controlling odors, dust, litter, noise, and insect or rodent infestation; methods of insuring public safety; methods of preventing and, if necessary, controlling fires; and methods of collecting and treating liquids generated by the use.
  - (13) Procedures for cleaning and maintaining the appearance of the facility, including collection of litter and waste which falls from transport vehicles in the vicinity of the site, including adjacent private properties and public roads.
- o. A Rehabilitation Plan shall be submitted at the time of the Conditional Use Application for approval by the Hearing Authority. The plan shall provide for the following minimum rehabilitation program:
- (1) All structures and machinery shall be completely removed and underlying excavations filled to grade and planted in grass except structures or machinery



1           that are to be continued in operation for a use permitted under the zoning  
2           classification.

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

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

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

15  
16        ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland,***  
17        *that this Act shall become effective 61 days after its enactment.*

Amendment 1 to Council Bill No. 74 - 2025

BY: Liz Walsh

Legislative Day 17  
Date: 12/1/25

Amendment No. 1

*(This Amendment removes the proposed definition of "Festival – Agritourism" and removes the language regarding hours of operation for festivals.)*

1 On page 1, in line 6, strike "festival-agritourism,".

2

3 Strike from line 28 on page 7, through line 5 on page 8, in their entirety.

4

5 On page 35, strike beginning with the second instance of "AND" in line 28, through the period  
6 after "P.M." in line 29.

7

8 On page 36, strike beginning with "FRIDAY" in line 3 through the double brackets in line 5. On  
9 the same page, in line 6, strike the double brackets after "year".

10

I certify that this a true copy of

Am 1 to CB74-2025

~~passed on~~ December 1, 2025

Michelle Hazzard

Council Administrator

Failed

Amendment 2 to Council Bill No. 74 - 2025

BY: Liz Walsh

Legislative Day 17  
Date: 12/1/25

Amendment No. 2

*(This Amendment adds a requirement for a Farm Alcohol Producer that the primary ingredient in beverage manufacturing must grow on their farm.)*

1 On page 5, in line 13 before "AGRICULTURAL", insert "THEIR". In the same line, strike "FOR" and  
2 substitute "AS THE MAIN INGREDIENT IN".

3

4 On page 43, strike beginning with "grapes" on line 25 through "fruit" on line 26, and substitute  
5 the following: "THE PRIMARY INGREDIENT USED IN THE FARM'S BEVERAGE MANUFACTURING".

I certify that this a true copy of

Am 2 to CB 74-2025  
~~passed~~ on December 1, 2025

*Failed*

Michelle Harrison

Council Administrator

Amendment 3 to Council Bill No. 74 - 2025

BY: Liz Walsh

Legislative Day 17  
Date: 12/1/25

Amendment No. 3

*(This Amendment adds language to clarify the scope of Farm Alcohol Producer educational programs.)*

- 1 On page 5, in line 19, after “PROGRAMS”, insert the following: “REGARDING THESE USES”.
- 2
- 3 On page 55, strike beginning with “educational” in line 17 through “events” in line 18, and
- 4 substitute the following: “AND EDUCATIONAL PROGRAMS RELATED TO THE MANUFACTURING OF
- 5 BEVERAGES”.

I certify that this a true copy of

Am 3 to CB74-2025  
~~passed~~ on December 1, 2025

Failed

Michelle Dillard  
Council Administrator

Amendment 4 to Council Bill No. 74 - 2025

BY: Liz Walsh

Legislative Day 17  
Date: 12/1/25

Amendment No. 4

*(This Amendment removes accessory uses from the definition of "Farming" in the Zoning Regulations.)*

- 1 On page 7, in line 2, strike “; and” and substitute a period.
- 2
- 3 On page 7, strike lines 3-4 in their entirety.

I certify that this a true copy of

Am 4 to CB 74-2025  
passed on December 1, 2025  
Nichole Harris  
Council Administrator

Failed

**Amendment No. 5 to Council Bill No. 74-2025**

**BY: The Chairperson at the request  
of the County Executive**

**Legislative Day No. 17  
Date: December 1, 2025**

**Amendment No. 5**

*(This amendment changes the definition of “festival-agritourism” to clarify that auctions are  
“for-profit” and to provide that live music does not constitute a festival.)*

1 On page 8, in line 1, strike “FESTIVAL” and substitute “EXAMPLES OF FESTIVAL”.

2  
3 On page 8, in line 2, after “INCLUDE” insert “, BUT ARE NOT LIMITED TO,”.

4  
5 On page 8, in line 3, strike “LIVE”.

6  
7 On page 8, in line 5, after “AND” insert “FOR-PROFIT” and, in the same line, after “AUCTIONS”  
8 insert “THE PRESENCE OF LIVE MUSIC DOES NOT CONSTITUTE A FESTIVAL.”. insert “AMPLIFIED  
9 MUSIC IS ALLOWED AT FESTIVALS PROVIDED THAT (1) AMPLIFIED MUSIC MAY NOT BE THE PRIMARY  
10 THEME OR PURPOSE OF THE FESTIVAL AND (2) THE PRESENCE OF AMPLIFIED MUSIC AT AN EVENT  
11 DOES NOT CLASSIFY THE EVENT AS A FESTIVAL.”.

I certify that this a true copy of

Am 5 to CB74-2025  
passed on December 1, 2025

Michelle Hoerr  
Council Administrator

**Amendment No. 1 to Amendment No. 5 to Council Bill No. 74-2025**

**BY: The Chairperson at the request  
of the County Executive**

**Legislative Day No. 17  
Date: December 1, 2025**

**Amendment No. 1 to Amendment No. 5**

*(This amendment clarifies the definition of festival- agritourism to provide that the list of examples is non-exhaustive and to clarify the conditions under which amplified sound may be allowed.)*

1 On page 1, before line 1, insert:

2 “On page 8, in line 1, strike “FESTIVAL” and substitute “EXAMPLES OF FESTIVAL”.

3  
4 On page 8, in line 2, after “INCLUDE” insert “, BUT ARE NOT LIMITED TO,”.

5  
6 On page 8, in line 3, strike “LIVE”.”.

7  
8 On page 1, strike line 2, and substitute:

9 “insert “AMPLIFIED MUSIC IS ALLOWED AT FESTIVALS PROVIDED THAT (1) AMPLIFIED MUSIC  
10 MAY NOT BE THE PRIMARY THEME OR PURPOSE OF THE FESTIVAL AND (2) THE PRESENCE OF  
11 AMPLIFIED MUSIC AT AN EVENT DOES NOT CLASSIFY THE EVENT AS A FESTIVAL.”.

I certify that this is a true copy of

Am1 Am5 to CB74-2025  
passed on December 1, 2025  
Michelle Herrod  
Council Administrator



Amendment 6 to Council Bill No. 74 - 2025

BY: Liz Walsh

Legislative Day 17  
Date: 12/1/25

Amendment No. 6

*(This Amendment removes "Farm Alcohol Producer" as a permitted Accessory Use in the RC and RR Zoning Districts and on land with ALPP Easements, removes the Accessory Use criteria for "Farm Alcohol Producer" under Section 128.0.O, and amends the minimum parcel size of a Conditional Use for "Farm Alcohol Producer")*

- 1 On page 11, strike lines 12-13 in their entirety, and re-number the section accordingly.
- 2
- 3 On page 13, strike lines 21-22 in their entirety, and re-number the section accordingly.
- 4
- 5 On page 17, strike lines 13-14 in their entirety, and re-number the section accordingly.
- 6
- 7 On page 19, strike lines 1-2 in their entirety, and re-number the section accordingly.
- 8
- 9 On page 42, strike beginning with line 19 through line 11 on page 45 in their entirety.
- 10
- 11 On page 53, in line 1, strike "25" and substitute "50".
- 12
- 13 On page 55, in line 21, strike "25" and substitute "50". On the same page, in line 29, strike "25"
- 14 and substitute "50".

I certify that this a true copy of

Am 6 to CB 74-2025  
passed on December 1, 2025

Failed

Michelle Perry  
Council Administrator



**Amendment 7 to Council Bill No. 74 - 2025**

**BY:** Liz Walsh

**Legislative Day 17**

**Date: December 1, 2025**

**Amendment No. 7**

*(This Amendment removes the proposed size restrictions for accessory structures on lots that are 5 acres or greater in the RC and RR Zoning Districts.) (This amendment increases the proposed size restrictions for accessory structures on lots greater than 2 acres but less than 15 acres, and lots that are 15 acres or greater in the RC and RR Zoning Districts.)*

- 1 On page 29, in line 9, strike “acres” and substitute “acres.”.
- 2 On page 29, strike lines 10-12 in their entirety.
- 3 On page 29, in line 10, strike “5”, and substitute “15”.
- 4
- 5 On page 29, in line 11, strike “5” and substitute “15”.
- 6

I certify that this a true copy of  
Am 7 to CB 74-2025  
passed on December 1, 2025  
Michelle Harwood  
Council Administrator

**Amendment No. 1 to Amendment No. 7 to Council Bill No. 74-2025**

**BY: Christiana Rigby**

**Legislative Day No. 17  
Date: December 1, 2025**

**Amendment No. 1 to Amendment No. 7**

*(This amendment increases the proposed size restrictions for accessory structures on lots greater than 2 acres but less than 5 acres, and lots that are 5 acres or greater in the RC and RR Zoning Districts.)*

1 On page 1, strike lines 1-2 in their entirety, and substitute the following:

2 "On page 29, in line 10, strike "5", and substitute "15".

3  
4 On page 29, in line 11, strike "5" and substitute "15".

5  
6  
7  
8  
9  
10  
11  
I certify that this a true copy of  
Am1 Am7 to CB74-2025  
passed on December 1, 2025  
Nichelle Herrod  
Council Administrator

Amendment 8 to Council Bill No. 74 - 2025

BY: Liz Walsh

Legislative Day 17  
Date: 12/11/25

Amendment No. 8

*(This Amendment adds the language regarding shared driveway access to Section 128.0.I and Section 131.0.N of the Zoning Regulations as a requirement for all categories of Special Farm Use permits)*

On page 30, in lines 16-17, strike the following language: “the Pick-Your-Own Enterprises category, and the small farm stand category,”.

On page 30, in line 24, strike the period and substitute “; AND”. On the same page, immediately following line 24, insert the following:

“(4) SIGHT DISTANCE AND THE DESIGN OF DRIVEWAY ENTRANCES MUST BE ADEQUATE TO ACCOMMODATE EXPECTED TRAFFIC. 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 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.”.

On page 46, immediately following line 4, insert the following:

“2. Agribusiness

I certify that this a true copy of

Am 8 to CB 74 - 2025

passed on December 1, 2025

Failed

Michelle Howard

Council Administrator

a. A Conditional Use may be granted in the RC and RR District for the following commercial and industrial uses:

(1) Farm supply and machinery repair sales, storage and services.

(2) Biofuel production.

(3) Bulk produce storage facilities including cooperatives, except that bulk grain storage is permitted as a matter of right.

(4) Livestock slaughtering.

b. These uses are subject to the following:

(1) The use shall be located on a parcel of at least 50 acres in the RC District only, or on a parcel of any size in the RC or RR District if it is an ALPP purchased or dedicated easement property.

(2) All facilities, structures and uses shall be at least 200 feet from parcels principally used as residential lots, and the standard structure and use setbacks from adjoining farms or nonresidential land uses.

(3) SIGHT DISTANCE AND THE DESIGN OF DRIVEWAY ENTRANCES MUST BE ADEQUATE TO ACCOMMODATE EXPECTED TRAFFIC. 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 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."

I certify that this a true copy of

Amended To CB74-2025  
passed on December 1, 2025

Failed

Mickulick  
Council Administrator

On page 46, immediately following line 25, insert the following:

“F. SIGHT DISTANCE AND THE DESIGN OF DRIVEWAY ENTRANCES MUST BE ADEQUATE TO ACCOMMODATE EXPECTED TRAFFIC. 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 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.”

On page 47, immediately following line 31, insert the following:

“K. SIGHT DISTANCE AND THE DESIGN OF DRIVEWAY ENTRANCES MUST BE ADEQUATE TO ACCOMMODATE EXPECTED TRAFFIC. 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 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.”

On page 50, immediately following line 31, insert the following:



1 “E. SIGHT DISTANCE AND THE DESIGN OF DRIVEWAY ENTRANCES MUST BE ADEQUATE TO  
2 ACCOMMODATE EXPECTED TRAFFIC. THE DRIVEWAY PROVIDING ACCESS TO THE PROPOSED SITE  
3 SHALL NOT BE SHARED WITH OTHER PROPERTIES; HOWEVER, THE DIRECTOR OF PLANNING AND  
4 ZONING MAY WAIVE THIS CRITERIA IF THE PETITIONER PROVIDES AFFIDAVITS FROM ALL PERSONS  
5 WHO ALSO SHARE THE DRIVEWAY THAT THEY DO NOT OBJECT TO THE USE OF THE DRIVEWAY FOR  
6 THE USE. IF THE USE OF A SHARED DRIVEWAY IS ALLOWED, THE PETITIONER SHALL DEMONSTRATE  
7 THAT THE USE WILL NOT RESULT IN DAMAGE TO OR DETERIORATION OF THE SHARED DRIVEWAY OR  
8 INCREASED HAZARDS TO OTHER USERS OF THE DRIVEWAY. THE DIRECTOR OF PLANNING AND  
9 ZONING SHALL PRESCRIBE APPROPRIATE CONDITIONS AND SAFEGUARDS TO ENSURE THE  
10 PETITIONER’S RESPONSIBILITY FOR REPAIR OF ANY DAMAGE OR DETERIORATION OF THE SHARED  
11 DRIVEWAY CAUSED BY THE USE.”

12  
13 On page 52, immediately following line 27, insert the following:

14 **“40. Produce Stands**

15 A Conditional Use may be granted in the R-20 District for a produce stand, provided that:

16 a. The use may not be located on a lot less than one acre nor larger than two acres.

17 b. The produce stand shall be the sole use on the property.

18 c. The use may include the retail sale of crops, produce, flowers, plants and seasonal displays,  
19 baked goods, dairy products and bottled/package food products.

20 d. The site has frontage on and direct access to a minor arterial road as designated in the General  
21 Plan.

22 E. SIGHT DISTANCE AND THE DESIGN OF DRIVEWAY ENTRANCES MUST BE ADEQUATE TO  
23 ACCOMMODATE EXPECTED TRAFFIC. THE DRIVEWAY PROVIDING ACCESS TO THE PROPOSED SITE  
24 SHALL NOT BE SHARED WITH OTHER PROPERTIES; HOWEVER, THE DIRECTOR OF PLANNING AND  
25 ZONING MAY WAIVE THIS CRITERIA IF THE PETITIONER PROVIDES AFFIDAVITS FROM ALL PERSONS  
26 WHO ALSO SHARE THE DRIVEWAY THAT THEY DO NOT OBJECT TO THE USE OF THE DRIVEWAY FOR  
27 THE USE. IF THE USE OF A SHARED DRIVEWAY IS ALLOWED, THE PETITIONER SHALL DEMONSTRATE  
28 THAT THE USE WILL NOT RESULT IN DAMAGE TO OR DETERIORATION OF THE SHARED DRIVEWAY OR

1 INCREASED HAZARDS TO OTHER USERS OF THE DRIVEWAY. THE DIRECTOR OF PLANNING AND  
2 ZONING SHALL PRESCRIBE APPROPRIATE CONDITIONS AND SAFEGUARDS TO ENSURE THE  
3 PETITIONER'S RESPONSIBILITY FOR REPAIR OF ANY DAMAGE OR DETERIORATION OF THE SHARED  
4 DRIVEWAY CAUSED BY THE USE."

5

6

Amendment 9 to Council Bill No. 74 - 2025

BY: Liz Walsh

Legislative Day 17  
Date: 12/1/25

Amendment No. 9

*(This Amendment adds additional criteria for local road access under the Special Farm Permit use regulations, and for the Farm Alcohol Producer Conditional Use regulations)*

1 On page 30, in line 24, strike the period and substitute “; AND”. On the same page, immediately  
2 following line 24, insert the following:

3 “(4) THE SUBJECT PROPERTY:

4 A. ADJOINS AN ARTERIAL OR COLLECTOR HIGHWAY;

5 B. THE LOCAL ROAD ACCESS POINT IS WITHIN 400 FEET OF ITS INTERSECTION WITH THE  
6 ARTERIAL OR COLLECTOR HIGHWAY; AND

7 C. THERE ARE NO INTERVENING DRIVEWAYS BETWEEN THE ARTERIAL OR COLLECTOR  
8 HIGHWAY AND THE ACCESS TO THE PROPERTY ALONG THE LOCAL ROAD.”.

9

10 On page 43, in line 4, strike “the local road is internal to a residential cluster subdivision,”.

11

12 On page 48, immediately after line 6, insert the following, and re-number subsequent sections  
13 accordingly:

14 “B. THE LOT OR PARCEL UPON WHICH THIS USE IS LOCATED SHALL:

15 (1) HAVE FRONTAGE ON AND DIRECT ACCESS TO A ROAD CLASSIFIED AS AN ARTERIAL  
16 OR COLLECTOR PUBLIC ROAD; OR

17 (2) A LOCAL ROAD, PROVIDED THAT:

18 (A) ACCESS TO AN ARTERIAL OR COLLECTOR PUBLIC ROAD RIGHT-OF-WAY IS NOT  
19 FEASIBLE;

I certify that this a true copy of

Am 9 To CB74-2025  
passed on December 1, 2025

1 Failed

Michael Berry  
Council Administrator



(B) THE ACCESS TO THE LOCAL ROAD IS SAFE BASED ON ROAD CONDITIONS AND  
ACCIDENT HISTORY;

(C) THE LOCAL ROAD ACCESS POINT:

(I) IS WITHIN 400 FEET OF ITS INTERSECTION WITH THE ARTERIAL OR  
COLLECTOR HIGHWAY; AND

(II) HAS NO INTERVENING DRIVEWAYS BETWEEN THE ARTERIAL OR  
COLLECTOR HIGHWAY AND THE ACCESS TO THE PROPERTY ALONG  
THE LOCAL ROAD; AND

(D) THE USE OF THE LOCAL ROAD FOR ACCESS TO THE PROPERTY WILL NOT UNDULY  
CONFLICT WITH OTHER USES THAT ACCESS THE LOCAL ROAD.”.

On page 53, strike beginning with the second instance of “is” in line 10 through “subdivision” in  
line 12.

**Amendment No. 10 to Council Bill No. 74-2025**

**BY: The Chairperson at the request  
of the County Executive**

**Legislative Day No. 17  
Date: December 1, 2025**

**Amendment No. 10**

*(This amendment modifies provisions related to driveways. The amendment will require a use-in-common easement for shared driveway access under the Agritourism, small-scale agritourism, farm alcohol producer (accessory and conditional use), and rural venue space uses.*

*There will need to be an easement that is:*

- 1. Signed by all property owners using the shared driveway,*
- 2. States property owners using the shared driveway do not object to the proposed use,*
- 3. Runs with the land and binds future landowners,*
- 4. Recorded with the land records of Howard County.)*

On page 35, strike lines 11, through 24, inclusive and in their entirety and substitute:

“~~[[d]]~~4. THE DRIVEWAY PROVIDING ACCESS TO THE PROPOSED SITE PROVIDES ADEQUATE SITE DISTANCE AND HAS THE ~~ABILITY~~-CAPACITY TO ACCOMMODATE EXPECTED TRAFFIC. THE DRIVEWAY ACCESS TO THE SITE SHALL NOT BE SHARED WITH OTHER PROPERTIES; HOWEVER THE DIRECTOR OF PLANNING AND ZONING MAY WAIVE THIS CRITERIA IF THE PETITIONER PROVIDES A USE-IN-COMMON EASEMENT SIGNED BY THE OWNERS OF ALL PROPERTIES THAT HAVE A LEGAL RIGHT TO SHARE THE DRIVEWAY ~~ASSERTING~~ CONFIRMING THEY DO NOT OBJECT TO THE USE OF THE DRIVEWAY FOR THE USE. THE EASEMENT SHALL (I) STATE THAT THE AGREEMENT RUNS WITH THE LAND AND BINDS ALL FUTURE OWNERS AND (II) BE RECORDED IN THE LAND RECORDS OF HOWARD COUNTY.”

On page 37, strike lines 1 through 13, inclusive and in their entirety and substitute:

“4. THE DRIVEWAY PROVIDING ACCESS TO THE PROPOSED SITE PROVIDES ADEQUATE SITE DISTANCE AND HAS THE ~~ABILITY~~-CAPACITY TO ACCOMMODATE EXPECTED TRAFFIC. THE DRIVEWAY ACCESS TO THE SITE SHALL NOT BE SHARED WITH OTHER PROPERTIES; HOWEVER THE DIRECTOR OF PLANNING AND ZONING MAY WAIVE THIS CRITERIA IF THE PETITIONER PROVIDES A USE-IN-

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Am 10 To CB 74-2025  
passed on December 1, 2025  
Michelle Herring  
Council Administrator

1 COMMON EASEMENT SIGNED BY THE OWNERS OF ALL PROPERTIES THAT HAVE A LEGAL RIGHT TO  
2 SHARE THE DRIVEWAY ~~ASSERTING~~ CONFIRMING THEY DO NOT OBJECT TO THE USE OF THE  
3 DRIVEWAY FOR THE USE. THE EASEMENT SHALL (I) STATE THAT THE AGREEMENT RUNS WITH THE  
4 LAND AND BINDS ALL FUTURE OWNERS AND (II) BE RECORDED IN THE LAND RECORDS OF  
5 HOWARD COUNTY.”.

6  
7 On page 43, strike beginning with “affidavits” in line 13 down through and including “use” in line  
8 19 and substitute:

9 “A USE-IN-COMMON EASEMENT SIGNED BY THE OWNERS OF ALL PROPERTIES THAT HAVE A LEGAL  
10 RIGHT TO SHARE THE DRIVEWAY ~~ASSERTING~~ CONFIRMING THEY DO NOT OBJECT TO THE USE OF THE  
11 DRIVEWAY FOR THE USE. THE EASEMENT SHALL (I) STATE THAT THE AGREEMENT RUNS WITH THE  
12 LAND AND BINDS ALL FUTURE OWNERS AND (II) BE RECORDED IN THE LAND RECORDS OF HOWARD  
13 COUNTY”.

14  
15 On page 48, in line 8, after “has]]”, strike beginning with “THE” down through and including  
16 “USE.” in line 19 and substitute:

17 “THE DRIVEWAY PROVIDING ACCESS TO THE PROPOSED SITE PROVIDES ADEQUATE SITE DISTANCE  
18 AND HAS THE ~~ABILITY~~ CAPACITY TO ACCOMMODATE EXPECTED TRAFFIC. THE DRIVEWAY ACCESS TO  
19 THE SITE SHALL NOT BE SHARED WITH OTHER PROPERTIES; HOWEVER, THE HEARING AUTHORITY  
20 MAY WAIVE THIS CRITERIA IF THE PETITIONER PROVIDES A USE-IN-COMMON EASEMENT SIGNED BY  
21 THE OWNERS OF ALL PROPERTIES THAT HAVE A LEGAL RIGHT TO SHARE THE DRIVEWAY ~~ASSERTING~~  
22 CONFIRMING THEY DO NOT OBJECT TO THE USE OF THE DRIVEWAY FOR THE USE. THE EASEMENT  
23 SHALL (I) STATE THAT THE AGREEMENT RUNS WITH THE LAND AND BINDS ALL FUTURE OWNERS AND  
24 (II) BE RECORDED IN THE LAND RECORDS OF HOWARD COUNTY.”.

25  
26 On page 53, strike beginning with “THE DRIVEWAY” in line 19 down through and including “USE.”  
27 in line 30 and substitute:

28 “THE DRIVEWAY PROVIDING ACCESS TO THE PROPOSED SITE PROVIDES ADEQUATE SITE DISTANCE  
29 AND HAS THE ~~ABILITY~~ CAPACITY TO ACCOMMODATE EXPECTED TRAFFIC. THE DRIVEWAY ACCESS TO  
30 THE SITE SHALL NOT BE SHARED WITH OTHER PROPERTIES; HOWEVER THE HEARING AUTHORITY MAY

1 WAIVE THIS CRITERIA IF THE PETITIONER PROVIDES A USE-IN-COMMON EASEMENT SIGNED BY THE  
2 OWNERS OF ALL PROPERTIES THAT HAVE A LEGAL RIGHT TO SHARE THE DRIVEWAY ASSERTING  
3 CONFIRMING THEY DO NOT OBJECT TO THE USE OF THE DRIVEWAY FOR THE USE. THE EASEMENT  
4 SHALL (I) STATE THAT THE AGREEMENT RUNS WITH THE LAND AND BINDS ALL FUTURE OWNERS AND  
5 (II) BE RECORDED IN THE LAND RECORDS OF HOWARD COUNTY.”.

**Amendment No. 1 to Amendment No. 10 to Council Bill No. 74-2025**

**BY: The Chairperson at the request  
of the County Executive**

**Legislative Day No. 17  
Date: December 1, 2025**

**Amendment No. 1 to Amendment No. 10**

*(This amendment corrects terminology.)*

Strike "ABILITY" and substitute "CAPACITY" in the following instances:

1. On page 1, in line 3
2. On page 1, in line 14
3. On page 2, in line 18
4. On page 2, in line 30

Strike "ASSERTING" and substitute "CONFIRMING" in the following instances:

1. On page 1, in line 7
2. On page 2, in line 2
3. On page 2, in line 10
4. On page 2, in line 22
5. On page 3, in line 4

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Am 1 Am 10 to CB74-2025  
passed on December 1, 2025  
Michelle Hassid  
Council Administrator

**Amendment No. 11 to Council Bill No. 74-2025**

**BY: The Chairperson at the request  
of the County Executive**

**Legislative Day No. 17  
Date: December 1, 2025**

**Amendment No. 11**

*(This amendment limits festival events under the Agritourism special farm permit to 6  
days/calendar month.)*

1 On page 36, in line 3, after “to” insert “NO MORE THAN SIX DAYS A MONTH AND SHALL ONLY BE  
2 ON” and, in the same line, strike the first “AND” and substitute “OR”.

3  
4 On page 36, in line 4, after “WEEKEND”, insert “, WHICH MAY INCLUDE A MONDAY”.

5  
6 On page 36, in line 9, before “FOR” insert “AMPLIFIED NOISE IS ONLY ALLOWED BETWEEN THE  
7 HOURS OF 12:00 PM (NOON) AND 8:00 PM.”.

8  
9 On page 36, after line 14, insert:

10 “10. IF A PROPERTY OWNER IS PLANNING A FESTIVAL WITH 1,000 OR MORE ATTENDEES, THE  
11 PROPERTY OWNER SHALL SUBMIT A PARKING PLAN TO THE DEPARTMENT OF PLANNING AT LEAST  
12 15 DAYS PRIOR TO THE EVENT. WITHIN 10 DAYS PRIOR TO THE FESTIVAL, THE DEPARTMENT SHALL  
13 CONSIDER THE PLAN AND SHALL APPROVE OR APPROVE WITH CONDITIONS THE PROPOSED PLAN IN  
14 ORDER TO PROVIDE FOR SUFFICIENT OFF-STREET PARKING FOR THE FESTIVAL. AT A MINIMUM THE  
15 PARKING PLAN SHALL INCLUDE AN OVERALL DRAWING OF THE PROPERTY, THE AREA OF OFF-  
16 STREET PARKING AND THE DISTANCE THE PARKING AREA IS FROM ADJOINING PROPERTIES AND THE  
17 PUBLIC ROAD RIGHT-OF-WAY, AND AN ESTIMATE OF THE PARKING NEEDS FOR THE FESTIVAL AND  
18 THE NUMBER OF OFF-STREET PARKING SPACES PROVIDED.”.

19  
20 On page 36 after line 14, insert the following:

21 “11. FOR ANY FESTIVALS OR SIMILAR EVENTS, THE NUMBER OF ATTENDEES MAY NOT EXCEED  
22 2,500.”.

1

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Am 11 To CB 74-2025  
passed on December 1, 2025  
Michael Derry  
Council Administrator

1

2     On page 56, in line 21, before “FOR” insert “AMPLIFIED NOISE IS ONLY ALLOWED BETWEEN THE  
3     HOURS OF 12:00 PM (NOON) AND 8:00 PM.”.

4

**Amendment No. 1 to Amendment No. 11 to Council Bill No. 74-2025**

**BY: The Chairperson at the request  
of the County Executive**

**Legislative Day No. 17  
Date: December 1, 2025**

**Amendment No. 1 to Amendment No. 11**

*(This amendment limits the hours for amplified noise for agritourism and farm alcohol producers.)*

1 On page 1, after line 4, insert:

2 “On page 36, in line 9, before “FOR” insert “AMPLIFIED NOISE IS ONLY ALLOWED BETWEEN  
3 THE HOURS OF 12:00 PM (NOON) AND 8:00 PM.”

4  
5 On page 56, in line 21, before “FOR” insert “AMPLIFIED NOISE IS ONLY ALLOWED BETWEEN  
6 THE HOURS OF 12:00 PM (NOON) AND 8:00 PM.”.

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passed on December 1, 2025

Michelle Dossing  
Council Administrator



Amendment No. 2 to Amendment No. 11 to Council Bill No. 74-2025

BY: The Chairperson at the request  
of the County Executive

Legislative Day No. 17  
Date: December 1, 2025

Amendment No. 2 to Amendment No. 11

*(This amendment adds a requirement for a parking plan for events with 1,000 or more attendees.)*

On page 1, after line 4, insert:

“On page 36, after line 14, insert:

**“10. IF A PROPERTY OWNER IS PLANNING A FESTIVAL WITH 1,000 OR MORE ATTENDEES, THE  
PROPERTY OWNER SHALL SUBMIT A PARKING PLAN TO THE DEPARTMENT AT LEAST 15 DAYS  
PRIOR TO THE EVENT. WITHIN 10 DAYS PRIOR TO THE FESTIVAL, THE DEPARTMENT SHALL  
CONSIDER THE PLAN AND SHALL APPROVE OR APPROVE WITH CONDITIONS THE PROPOSED  
PLAN IN ORDER TO PROVIDE FOR SUFFICIENT OFF-STREET PARKING FOR THE FESTIVAL . AT A  
MINIMUM THE PARKING PLAN SHALL INCLUDE AN OVERALL DRAWING OF THE PROPERTY, THE  
AREA OF OFF-STREET PARKING AND THE DISTANCE THE PARKING AREA IS FROM ADJOINING  
PROPERTIES AND THE PUBLIC ROAD RIGHT-OF-WAY, AND AN ESTIMATE OF THE PARKING NEEDS  
FOR THE FESTIVAL AND THE NUMBER OF OFF-STREET PARKING SPACES PROVIDED.” ”.**

I certify that this a true copy of

Am 2 Am 11 to CB 74-2025

passed on December 1, 2025

Michelle Anderson

Council Administrator

**Amendment No. 3 to Amendment No. 11 to Council Bill No. 74-2025**

**BY: David Yungmann**

**Legislative Day No. 17  
Date: December 1, 2025**

**Amendment No. 3 to Amendment No. 11**

*(This amendment would add language that would cap the number of attendees at festivals or similar events at 2,500 people.)*

1 On page 1, after line 4, insert the following:

2 “On page 36 after line 14, insert the following:

3  
4 11. FOR ANY FESTIVALS OR SIMILAR EVENTS, THE NUMBER OF ATTENDEES MAY NOT EXCEED  
5 2,500.”.  
6  
7  
8  
9  
10  
11

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Am 3 Am 11 to CB 74-2025  
passed on December 1, 2025  
Michael Hoersch  
Council Administrator

Amendment 12 to Council Bill No. 74 - 2025

BY: Deb Jung

Legislative Day 17  
Date: 12/1/25

Amendment No. 12

*(This Amendment adds limitations on the length of amplified noise and days and times where it's allowed for the Festival-Agritourism and Farm Alcohol Producer uses.)*

1 On page 36, in line 9, before "FOR", insert the following:

2 "AMPLIFIED NOISE SHALL OCCUR NO LONGER THAN FOUR HOURS PER DAY, LIMITED TO  
3 FRIDAY, SATURDAY, AND SUNDAY NOT MORE THAN TWO CONSECUTIVE DAYS UNLESS ON A  
4 HOLIDAY WEEKEND, BETWEEN THE HOURS OF 12PM TO 8PM."

5

6 On page 44, in line 27, before "FOR", insert the following:

7 "AMPLIFIED NOISE SHALL OCCUR NO LONGER THAN FOUR HOURS PER DAY, LIMITED TO  
8 FRIDAY, SATURDAY, AND SUNDAY NOT MORE THAN TWO CONSECUTIVE DAYS UNLESS ON A  
9 HOLIDAY WEEKEND, BETWEEN THE HOURS OF 12PM TO 8PM."

10

11 On page 56, in line 21, before "FOR", insert the following:

12 "AMPLIFIED NOISE SHALL OCCUR NO LONGER THAN FOUR HOURS PER DAY, LIMITED TO  
13 FRIDAY, SATURDAY, AND SUNDAY NOT MORE THAN TWO CONSECUTIVE DAYS UNLESS ON A  
14 HOLIDAY WEEKEND, BETWEEN THE HOURS OF 12PM TO 8PM."

15

16

17

18

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Am 12 To CB 74-2025  
passed on December 1, 2025

Failed

Michelle Hernandez  
Council Administrator

Amendment No. 13 to Council Bill No. 74-2025

BY: The Chairperson at the request  
of the County Executive

Legislative Day No. 17  
Date: December 1, 2025

Amendment No. 13

*(This amendment adds a sliding scale for the small-scale agritourism special farm permit based on property size:*

- o 50 attendees on a 5-acre parcel,*
- o 100 attendees on a parcel greater than 5 acres but less than 10 acres,*
- o 150 attendees on a 10-acre parcel or greater.)*

1 On page 37, in line 21, after “EVENTS” insert “NO MORE THAN 25 TIMES PER YEAR”.

2  
3 On page 37, strike beginning with “, PROVIDED” in line 23 down through and including  
4 “PERMITTED.” in line 25 and substitute “. FESTIVAL EVENTS ARE NOT PERMITTED.”.

5  
6 On page 37, after line 25, insert:

7 “8. SMALL-SCALE AGRITOURISM EVENTS SHALL HAVE THE FOLLOWING VISITOR LIMITATIONS:

8 (1) 50 ATTENDEES ON A 5-ACRE PARCEL,

9 (2) 100 ATTENDEES ON A PARCEL GREATER THAN 5 ACRES BUT LESS THAN 10 ACRES,

10 (3) 150 ATTENDEES ON A 10-ACRE PARCEL OR GREATER.”.

I certify that this a true copy of

Am 13 To CB 74-2025  
passed on December 1, 2025  
Michelle Derry  
Council Administrator



# Howard County

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## *Internal Memorandum*

**Subject:** *Testimony for Council Bill XX-2025 : Agricultural Zoning Regulation Amendment 217*

**To:** *Brandee Ganz, County Administrative Officer*

**From:** *Lynda Eisenberg, AICP, Director*

**Date:** *October 23, 2025*

The Department of Planning and Zoning (DPZ) supports Council Bill XX-2025. The proposed zoning regulation amendment aims to reduce conflicts in the current zoning code, add opportunities for agritourism, and implement goals and policies of HoCo By Design.

Major recommendations of the bill are:

- Update and add definitions pertaining agriculture and agricultural uses
- Revise the Agritourism Special Farm Permit
- Add **Incidental Outdoor Stays** and **Small-Scale Agritourism** as Special Farm Permit uses
- Modify **Bed and Breakfast Inn** regulations on ALPP properties
- Update allowed uses and restrictions for ALPP properties
- Rename **Limited Social Assembly** to **Rural Venue Space**
- Rename **Farm Winery and Brewery** to **Farm Alcohol Producer**
- Increase allowable lot coverage for detached accessory structures on RC and RR zoned single-family properties.

This Zoning Regulation Amendment originated from an Agricultural focus group that convened in 2021, composed of representatives from the farming community, the Economic Development Authority, the Office of Agriculture, and the Department of Planning and Zoning. Since then, multiple stakeholder meetings have been held with farmers, focus group members, the Agricultural Board, and the Farm Bureau. On October 9, 2025, ZRA-217 was presented to the Howard County Planning Board for its recommendations. The council filed version is a product of these efforts.

There are no fiscal impacts associated with adoption of this Council Bill. Given the reasons stated above, DPZ supports Council Bill XX-2025 and appreciates Council's consideration.

cc: Jennifer Sager, Legislative Coordinator, Department of Administration  
Angela Cabellon, Chief of Staff  
Brian Shepter, Deputy Chief of Staff  
Gary W. Kuc, County Solicitor, Office of Law





**Howard County Maryland**  
**Department of Planning and Zoning**  
3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350  
www.howardcountymd.gov

<b>DPZ Office Use only:</b>	
Case No	ZRA-217
Date Filed	7/31/2025

## Zoning Regulation Amendment Petition

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### Description of Proposed Amendment:

The proposed ZRA aims to reduce conflicts in the current zoning code, add opportunities for agritourism, and also implement goals and policies of HoCo By Design by: adding new definitions and amending current definitions, amend Agritourism Special Farm Permit, add Incidental Outdoor Stays and Small-Scale Agritourism as a Special Farm Permit use, amend the Bed and Breakfast Inn use on ALPP properties and allow under Special Farm Permit, amend uses and certain restrictions for ALPP properties, amend Limited Social Assembly use and rename to Rural Venue Space, amend the Farm Winery and Brewery use to Farm Alcohol Producer, and increase the allowable lot coverage for detached accessory structures on RC and RR zoned properties developed with single-family detached dwellings.

---

### Petitioner Information

Name: Lynda Eisenberg

Trading As:

Address: 3430 Courthouse Drive, Ellicott City, MD, 21043

Phone: 4103132350

Email: leisenberg@howardcountymd.gov

Petitioner's Interest in the Property: Other

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### Representative Information

Name: David Moore

Address: 3450 Courthouse Drive, Ellicott City, MD, 21043

Phone: 4103132100

Email: dmoore@howardcountymd.gov

Profession: Attorney

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### Property Information

Property Address: 12985 Frederick Road, West Friendship, MD, 21794

Total Site Area: 135.4 acres    Use Area (if different):    Tax Map: 15    Grid: 10    Parcel: 142

County Council District: 5    Zoning District: RC-DEO

Subdivision Name:    SDP #:

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## **Zoning Regulation Amendment Information**

**Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed:**

The intended purpose of the proposed ZRA is to accomplish the following:

1. Implement new relevant policies as outlined in the County's General Plan, HoCo By Design,
2. Address issues and reduce conflicts in the current code to improve clarity, accessibility, and ease of technical administration,
3. Respond to changed market conditions and new industry opportunities to aid in the expansions of traditional farming operations.

**The Legislative Intent of the Zoning Regulations in Section 100.0.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.0.A.**

The proposed ZRA is in harmony with preserving and promoting the health, safety, and welfare of the County as described in Section 100.A. Specifically, this proposed ZRA is described in enumerated intent number 2: "To protect the character, the social and economic stability of all parts of the County; to guide the orderly growth and development of the County, and to protect and conserve the value of land and structures appropriate to the various land use classes established by the General Plan for Howard County, and by these comprehensive Zoning Regulations."

**Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.**

The amendment would impact more than 12 properties. The amendment has a general impact on parcels that are zoned RC, RR, R-ED, R-20, R-12, R-SC, and R-VH. The proposed amendment would change the regulations for uses permitted in the listed districts or add uses not currently permitted in those districts.

**Provide the address, Tax Map, and Parcel Number for any parcel of land known to be affected by the amendment(s) that the Petitioner owns or has a legal or equitable interest in.**

N/A

## **Zoning Regulation Amendment Criteria**

**The compatibility, including potential adverse impacts and consequences, of the proposed zoning regulation amendment with the existing and potential land uses of the surrounding areas and within the same zoning district.**

This ZRA would generally have an impact on all parcels that are zoned RC, RR, R-ED, R-20, R-12, R-SC, and R-VH because the proposal would be amending the uses allowed within the districts. The proposed ZRA would not produce adverse impacts on land uses of a specific area within the same zoning district because the ZRA is an encompassing update to multiple zoning districts and uses.

**The properties to which the zoning regulation amendment could apply and, if feasible, a map of the impacted properties.**

The proposed amendment will largely impact the western part of the County, outside of the Public Service Area. One of the purposes of the amendment is to expand agritourism opportunities for current/future farming operations and provide avenues for different types of uses outside of traditional farming, which for the most part, are in the western part of the County.

The zoning districts this amendment would impact are the RC, RR, R-ED, R-20, R-12, R-SC, and R-VH. The amendment will amend current uses allowed in those districts, introduce new uses that are currently not allowed in the district, or introduce completely new uses in the district that are not currently in the code.

**Conflicts in the Howard County Zoning Regulations as a result of the zoning regulation amendment.**

If approved, this amendment would not create any conflicts in the Howard County Zoning Regulations. One of the purposes of the proposed legislation is to clear up existing conflicts DPZ has seen and/or experienced administratively.

**The compatibility of the proposed zoning regulation amendment with the policies and objectives, specifically including the environmental policies and objectives, of the Howard County General Plan.**

The general plan's Economic Prosperity chapter is supportive of continuing to grow opportunities for agricultural diversification and agritourism in the county supported in the Agricultural Land Use ZRA. General Plan Policy Statement EP-10 aims to "Promote and support modern farming initiatives that reflect the changing needs and economic drivers of agriculture in Howard County," which is supported through several new and expanded agricultural use allowances, such as incidental outdoor stays-lodging; small-scale agritourism; expanded Bed and Breakfast allowances; and Festival-Agritourism uses.

General Plan Policy Statement EP-13 states that the County should "Reduce regulatory barriers to diversified agricultural operations in both the Rural West and the East." This ZRA expands and adds new agricultural uses in western and eastern portions of the county to support diversified agricultural operations.

General Plan Implementing Action EP-13.1 calls for updates to "the Zoning Regulations and other policies to promote agricultural expansion and diversification, especially for on-farm processing and other agribusiness opportunities," which is accomplished through this ZRA.

General Plan Implementing Action EP-13.2 calls for the county to "Work with agricultural and community stakeholders to review and update the Zoning Regulations and other regulations to create more opportunities for agritourism." The Agricultural Land Use ZRA has engaged with many community stakeholders in order to develop the proposed changes within the ZRA.

General Plan Implementing Action EP-13.3 calls for the County "Reduce barriers to the burgeoning demand for on-farm breweries, wineries, cideries, meaderies, distilleries, farm stays, event venues, and other agritourism uses." The Agricultural Land Use ZRA includes expanded allowances for winery, brewery, and distilling operations.

The proposed ZRA would not be changing any development requirements for sensitive resource protection, stormwater management, or forest conservation, therefore not impacting environmental policies.

**If the zoning regulation text amendment would impact eight (8) parcels of land or less:**

- (i) A list of those impacted parcels;
- (ii) The address of each impacted parcel;
- (iii) The ownership of each impacted parcel; and
- (iv) The contact information for the owner, if an individual, or resident agent or owner, if a corporate entity, of each impacted parcel.

The proposed ZRA impacts more than 8 parcels therefore this criterion does not apply.

---

**Signatures**

**The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct.**

**Petitioner's Signature**

  
Docusign ID: DE9E18E4B5B1444...

**Date**

7/31/2025

**Property Owner's Signature**

**Date**

Process information and submittal requirements can be found on the [ProjectDox website](#)





**Howard County Maryland**  
**Department of Planning and Zoning**  
 3430 Courthouse Drive, Ellicott City, MD 21043

dpzzoning@howardcountymd.gov (410) 313-2350


## ZONING PETITION AFFIDAVIT

Petitioner Name: Lynda Eisenberg, AICP  
 Property Address: \_\_\_\_\_  
 Zoning Petition Type: Zoning Regulation Amendment

Affidavit made pursuant to the pertinent provisions of Title 22 of the Howard County Code as amended.

The undersigned does hereby declare that no officer or employee of Howard County, whether elected or appointed, has received prior hereto or will receive subsequent hereto, any monetary or material consideration, any service or thing of value, directly or indirectly, upon more favorable terms than those granted to the public generally in connection with the submission, processing, issuance, grant or award of the attached application for a zoning petition as requested for the property referenced above.

I we, do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing affidavit are true and correct to the best of my, our, knowledge, information and belief.

Lynda Eisenberg		7/31/2025
_____ Petitioner Name	_____ Signature	_____ Date
_____ Witness Name	_____ Signature	_____ Date
_____ Witness Name	_____ Signature	_____ Date

This Affidavit must be signed, scanned and uploaded through the ProjectDox Zoning Petition Application process at <https://howard-md-us.avovecloud.com/ProjectDox/>

For more information or questions, contact DPZ at (410) 313-2350.



**Howard County Maryland**  
**Department of Planning and Zoning**  
3430 Courthouse Drive, Ellicott City, MD 21043

dpzzoning@howardcountymd.gov (410) 313-2350

## **AFFIDAVIT AND DISCLOSURE OF CONTRIBUTION**

### **For Petitions to Amend the Zoning Regulations, Zoning Maps and Preliminary Develop Plans of Howard County**

Zoning Matter: Zoning Regulation Amendment

#### **AFFIDAVIT AS TO CONTRIBUTIONS TO CANDIDATES AND BUSINESS ENGAGEMENTS WITH ELECTED OFFICIALS**

**As required by the Maryland Public Ethics Law Annotated Code of Maryland, General  
Provisions Article Sections 5-852 through 5-854**

**ALL BOLDED TERMS ARE DEFINED BY SECTION 5-852 MARK EACH PARAGRAPH AS  
APPLICABLE**

1. I, Lynda Eisenberg, the **Applicant** filing an **Application** in the above zoning matter, to the best of my information, knowledge, and belief ☐ HAVE / ☒ HAVE NOT made a **Contribution** or contributions having a cumulative value of \$500 or more to the treasurer of a **Candidate** or the treasurer of a **Political Committee** during the 48-month period before the **Application** was filed; and I ☐ AM / ☒ AM NOT currently **Engaging in Business** with an **Elected Official**.
  
2. I, the ☒ **Applicant** or a ☐ **Party of Record** in the above referenced zoning matter, acknowledge and affirm that, if I or my **Family Member** has made a **Contribution** or contributions having a cumulative total of \$500 or more during the 48-month period before the **Application** was filed or during the pendency of the **Application**, I will file a disclosure providing the name of the **Candidate** or **Elected Official** to whose treasurer or **Political Committee** the **Contribution** was made, the amount, and the date of the **Contribution**; and that a **Contribution** made between the filing and the disposition of the **Application** will be disclosed within 5 business days after the **Contribution**.

3. I, the ☒ **Applicant**, acknowledge and affirm that, if I begin **Engaging in Business** with an **Elected Official** between the filing and the disposition of the **Application**, I will file this Affidavit at the time of **Engaging in Business** with the **Elected Official**.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY and upon personal knowledge that the contents of this Affidavit are true.

Lynda Eisenberg

(Print Full Name)

DocuSigned by:  
*Lynda Eisenberg*  
DE9E18E4B8B1444...

(Sign full name & indicate legal capacity, if applicable)

8/1/2025

Date

Zoning Matter: \_\_\_\_\_

**DISCLOSURE OF CONTRIBUTION**

**As required by the Maryland Public Ethics Law Annotated Code of Maryland, General Provisions Article Sections 5-852 through 5-854**

**ALL BOLDED TERMS ARE DEFINED BY SECTION 5-852**

If the **Applicant** or a **Party of Record** or their **Family Member** has made a **Contribution** or contributions having a cumulative value of \$500 or more during the 48-month period before the **Application** is filed or during the pendency of the **Application**, the **Applicant** or the **Party of Record** must file this disclosure providing the name of the **Candidate** or **Elected Official** to whose treasurer or **Political Committee** the **Contribution** was made, the amount, and the date of the **Contribution**.

For a **Contribution** made during the 48-month period before the **Application** is filed, the **Applicant** must file this disclosure when they file their **Application**, and a **Party of Record** must file this disclosure within 2 weeks after entering the above zoning matter.

A **Contribution** made between the filing and the disposition of the **Application** must be disclosed within 5 business days after the **Contribution**.

Any person who knowingly and willfully violates Sections 5-852 through 5-854 of the General Provisions Article of the Annotated Code of Maryland is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

**Applicant or Party of Record:** \_\_\_\_\_  
(Print Full Name)

**RECIPIENTS OF CONTRIBUTIONS:**

NAME	DATE	AMOUNT

I acknowledge and affirm that any **Contribution** I make between the filing of this disclosure and the disposition of the **Application** must be disclosed within 5 business days of the **Contribution**.

\_\_\_\_\_  
(Print Full Name)

\_\_\_\_\_  
(Sign full name & indicate legal  
capacity, if applicable)

\_\_\_\_\_  
Date

This Affidavit must be signed, scanned and uploaded through the ProjectDox Zoning Petition Application process at <https://howard-md-us.avovecloud.com/ProjectDox/>

For more information or questions, contact DPZ at (410) 313-2350.

## Howard County Agricultural Land Use ZRA

### Legislative Summary

The intended purpose of the 2025 Howard County Agricultural Land Use Regulation Amendment is to:

- Implement new relevant policies as outlined in the County's General Plan, HoCo By Design
- Address issues and reduce conflicts in the current code to improve clarity, accessibility, and ease of technical administration
- Respond to changed market conditions and new industry opportunities

Howard County allows farming and other agricultural uses in most of its zoning districts. Whether specific uses are permitted by-right or require additional review and approval, such as through an administrative permit or conditional use process, is dependent on a specific zoning district's regulation. In addition to these base zoning district rules and regulations, Howard County also has a robust Agricultural Land Preservation Program (ALPP) which makes a property eligible for additional agribusiness opportunities and subject to additional regulations as well as private easement documents.

### Summary of Changes

- New and amended definitions
- Amend Agritourism Special Farm Permit and add new small-scale Agritourism Use
- Add Incidental Outdoor Stays as a Special Farm Permit use
- Amend Bed and Breakfast Inn use on ALPP properties and allow under Special Farm Permit
- Amend uses and certain restrictions for ALPP properties
- Amend Limited Social Assembly use and renamed to Rural Venue Space
- Amend the Farm Winery and Brewery use to Farm Alcohol Producer



## **Legislative Text Changes**

### **Howard County Zoning Regulations**

#### **SECTION 103.0: Definitions**

**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.**

~~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, hayrides, ~~corn~~ mazes, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above, and similar uses.

~~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.

**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:**

**(A) CONTROLLED AND OPERATED BY A FARMER, THE OWNER OR OPERATOR OF A FARM, OR AN EMPLOYEE OR FAMILY MEMBER OF THE OWNER OR OPERATOR AS A PRIVATE MOTOR CARRIER OF PROPERTY;**

**(B) BEING USED TO TRANSPORT EITHER: (1) AGRICULTURAL PRODUCTS; OR FARM MACHINERY, FARM SUPPLIES, OR BOTH, TO OR FROM A FARM;**

**(C) NOT BEING USED IN THE OPERATION OF A FOR-HIRE MOTOR CARRIER;**

**(D) NOT CARRYING HAZARDOUS MATERIALS OF A TYPE OR QUANTITY WHICH REQUIRES THE COMMERCIAL MOTOR VEHICLE TO BE PLACARDED; AND**

**(E) BEING USED WITHIN 150 AIR-MILES OF THE FARMER'S FARM.**

**(F) IS EXCLUSIVELY USED FOR AGRICULTURAL PURPOSES.**

**FARM VEHICLES DO NOT INCLUDE:**

- a) **SNOWPLOW TRUCKS OR TRUCKS OUTFITTED WITH SNOWPLOW OR OTHER EQUIPMENT DESIGNED FOR THE PRETREATMENT OR CLEARING OF ROADS ASSOCIATED WITH INCLEMENT WEATHER. INOPERABLE VEHICLES OR VEHICLES PARKED FOR THE PURPOSE OF SALVAGING VEHICLE PARTS COMPLIANT WITH SECTION 128.0.D.9.**

**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 SUCH AS ASSOCIATED PRODUCT TASTING, SALES, SITES TOURS, EDUCATION PROGRAMS ARE INCLUDED BUT NOT LIMITED TO.**

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

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

~~Farm Winery – Class 1B: A Class 1A Farm Winery that requires approval as a Conditional Use.~~

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

**FESTIVAL – AGRITOURISM: A LARGE-SCALE OUTDOOR SEASONAL OR CULTURAL EVENT (1) HELD FOR A LIMITED PERIOD OF TIME, (2) INTENDED TO OR LIKELY TO ATTRACT SUBSTANTIAL CROWDS, (3) IT IS UNLIKE THE CUSTOMARY OR USUAL ACTIVITIES GENERALLY ASSOCIATED 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. EXCLUDING RACETRACKS AND MOTORIZED CONTESTS OF SPEED, RODEOS, SALES, AND AUCTIONS.**

**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.**

**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.**

**SMALL-SCALE AGRITOURISM: ACTIVITIES CONDUCTED ON A FARM AND OFFERED TO THE PUBLIC OR TO INVITED SMALL GROUPS FOR THE PURPOSE OF COMMUNITY ENGAGEMENT, RECREATION, EDUCATION OR ACTIVE INVOLVEMENT IN GARDENING, FARMING, OR SIMILAR OPERATIONS. THESE ACTIVITIES HAVE LIMITED ATTENDANCE APPROPRIATE TO THE SITE AND OPERATIONS. THIS TERM MAY INCLUDE 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 FESTIVAL EVENTS.**

**Section 104.0: RC (Rural Conservation) District**

**C. Accessory Uses**

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** Winery – Class 1A and Farm Brewery – Class 1A, subject to the requirements of Section 128.0.O.

**27. INCIDENTAL OUTDOOR STAYS – LODGING, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.**

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

**Section 105.0: RR (Rural Residential) District**

**C. Accessory Uses**

11. **FARM ALCOHOL PRODUCER** Winery – Class 1A or Farm Brewery – Class 1A, subject to the requirements of Section 128.0.O.

16. Agritourism, ~~SMALL- SCALE AGRITOURISM, enterprises~~ and pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.

**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.**

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

**C. Accessory Uses**

**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.**

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

**C. Accessory Uses**

**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.**

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

**C. Accessory Uses**

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

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

**C. Accessory Uses**

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

**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 1<sup>st</sup> and January 1<sup>st</sup>~~, 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.
  - f. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0. and Section 15.516 of the Howard County Code.
  - g. Bed and Breakfast Inns, provided that:
    - (1) The building existed at the time the easement was established, **OR THE USE IS LOCATED WITHIN THE PROPERTY'S DESIGNATED PRIMARY DWELLING.**
    - ~~(2) The Inn is managed by persons residing on the same parcel or in a contiguous parcel that is under the same ownership and part of the same farm.~~
    - (3) **THE PARCEL IS A MINIMUM OF 20 ACRES.**
    - (4) **THE INN IS MANAGED AND OWNED BY AN INDIVIDUAL RESIDING ON THE SAME PARCEL OR ADJOINING PARCEL AND CLAIMING IT AS THEIR PRIMARY RESIDENCE OR IS MANAGED BY AN INDIVIDUAL THAT RESIDES IN THE STRUCTURE THAT WILL SERVE AS THE ONSITE CARETAKER ON BEHALF OF THE OWNER.**
  - h. Rooftop solar collectors.
2. Other 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 dwelling unit on the preserved area of a cluster subdivision, if provided for as required by Sections 104.0.G and 105.0.G.
  - d. Private outdoor recreational facilities, such as parks, athletic fields, swimming pools, basketball courts and tennis courts, reserved for use by residents of a community and their guests. Such facilities shall be located within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.

- e. Government uses, limited to public schools, conservation areas, parks, and recreational facilities.
- f. Sales of Christmas trees or other seasonal decorative material, **BETWEEN NOVEMBER 1ST AND JANUARY 14<sup>TH</sup>** ~~December first and January first,~~ subject to the requirements given in Section 128.0.D.

### **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 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.
- b. Farm tenant houses on parcels greater than 50 acres, subject to the Deed of Easement. 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. Caretaker's dwellings on parcels greater than 50 acres and improved with a principal dwelling, subject to the Deed of Easement.
- d. Accessory apartments, subject to the requirements of Section 128.0.A.
- e. Housing by a resident family of boarders or elderly persons subject to the requirements of Sections 104.0.C or 105.0.C.
- f. Home occupations, subject to the requirements of Section 128.0.C.
- g. Home care, subject to the requirements of Section 104.0.C or 105.0.C.

- h. Parking of commercial vehicles, subject to the requirements of Section 104.0.C or 105.0.C.
- i. Storage of recreational vehicles or boats, subject to the requirements of Sections 104.0.C or 105.0.C.
- j. Commercial services, subject to the requirements of Sections 104.0.C. or 105.0.C.
  - (1)Blacksmith shop
  - (2)Farm machinery repair
  - (3)Lawn and garden equipment repair
  - (4)Welding
- k. Farm stands, subject to the requirements of Section 128.0.I.
- l. Snowball stands, subject to the requirements of Section 128.0.I.
- m. Disposal of off-site land clearing debris, subject to the requirements of Section 128.0.D.
- n. Value-added processing of agricultural products, subject to the requirements of Section 128.0.I.
- o. Agritourism ~~enterprises~~ **AND SMALL-SCALE AGRITOURISM**, subject to the requirements of Section 128.0.I.
- p. Pick-your-own marketing of farm products, subject to the requirements of Section 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 – LODING, 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 **ALCOHOL PRODUCER, SUBJECT TO THE REQUIREMENTS IN SECTION 131.0.N.57.** ~~winery – Class 2~~
  - (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.

### **Legislative Text Changes**

#### **Section 128.0.**

##### **A. Supplementary Bulk Regulations**

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.**

##### **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 14<sup>TH</sup>**

~~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.

#### 5. Agritourism Enterprises

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

- a. **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 ~~IS enterprises~~ are permitted as **AN** accessory uses to farming in the RC and RR Districts provided that:
  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.
  2. The use supports the agricultural use of the property **BY EXPOSING THE PUBLIC TO FARMING AND FARMING PRACTICES BY HIGHLIGHTING AGRICULTURE AND ENCOURAGES TOURISM TO ATTRACT, ENTERTAIN, AND EDUCATE VISITORS,** 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.

3. 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.
  4. Sight distance and the design of driveway entrances are adequate to accommodate expected traffic. **DRIVEWAY ACCESS THAT IS SHARED WITH OTHER RESIDENTIAL PROPERTIES SHALL NOT SERVE AS THE PRIMARY ENTRANCE FOR VISITORS PARTICIPATING IN AGRITOURISM ACTIVITIES.**
  5. 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.
  6. The use will operate only between the hours of 6 a.m. and 10 p.m. **AND FESTIVALS OR SIMILAR EVENTS BETWEEN THE HOURS OF 8 A.M.-8 P.M.** Any outdoor lighting shall comply with the requirements of Section 134.0.
  7. Agritourism uses may include festivals or similar events held for the purpose of marketing products grown on the farm or farm-related education or recreation, provided that festivals are limited to **FRIDAY, SATURDAY AND SUNDAY AND NOT MORE THAN TWO CONSECUTIVE DAYS (SEE SECTION 103.0: Definitions.)** no more than 4 per year and no more than 8 days per year.
  8. **A OWNER OF THE AGRITOURISM BUSINESS MUST MAINTAIN A RESIDENCE ON THE PROPERTY OR AN ADJOINING PROPERTY.**
  9. **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.**
- B. SMALL-SCALE AGRITOURISM: SMALL-SCALE AGRITOURISM IS PERMITTED AS AN ACCESSORY USE TO FARMING IN THE RC, RR, R-ED, AND R-20 DISTRICTS, PROVIDED THAT:**
1. **THE USE IS LOCATED ON A PARCEL OR ADJOINING PARCELS THAT OPERATE AS ONE FARM OF AT LEAST 5 ACRES.**

2. THE USE SUPPORTS FARMING BY EXPOSING THE PUBLIC TO FARMING AND FARMING PRACTICES BY HIGHLIGHTING AGRICULTURE AND ENCOURAGES TOURISM TO ATTRACT, ENTERTAIN, AND EDUCATE VISITORS, WHILE REMAINING AN ACCESSORY USE, IN SCALE AND INTENSITY, TO THE PRIMARY FARMING USE, 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.
3. 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.
4. SIGHT DISTANCE AND THE DESIGN OF DRIVEWAY ENTRANCES ARE ADEQUATE TO ACCOMMODATE THE EXPECTED TRAFFIC. DRIVEWAY ACCESS THAT IS SHARED WITH OTHER RESIDENTIAL PROPERTIES SHALL NOT SERVE AS THE PRIMARY ENTRANCE FOR VISITORS PARTICIPATING IN AGRITOURISM ACTIVITIES.
5. WHERE THE AREAS OPEN TO CUSTOMERS ARE CLOSE TO THE PROPERTY BOUNDARIES, BOUNDARIES ARE CLEARLY MARKED THROUGH SIGNAGE, FENCING, AND/OR LANDSCAPING TO PROTECT NEIGHBORING PROPERTIES FROM UNINTENTIONAL TRESPASSING BY VISITORS.
6. THE USE WILL OPERATE ONLY BETWEEN THE HOURS OF 8 A.M. AND 8 P.M. ANY OUTDOOR LIGHTING SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 134.0.
7. SMALL SCALE – AGRITOURISM USES MAY INCLUDE SMALL-SCALE EVENTS HELD FOR THE PURPOSE OF MARKETING PRODUCTS GROWN ON THE FARM OR FARM-RELATED EDUCATION OR RECREATION, PROVIDED THAT AT ANY ONE TIME, THE NUMBER OF VISITORS TO THE SITE SHALL NOT EXCEED 50 VISITORS AND NO MORE THAN 25 TIMES PER YEAR. FESTIVAL EVENTS ARE NOT PERMITTED.

#### 9. INCIDENTAL OUTDOOR STAYS – LODGING

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

- A. **THE INCIDENTAL OUTDOOR STAYS – LODGING IS SUBORDINATE TO AND WILL SUPPORT THE FARMING USE OF THE PROPERTY AND WILL NOT HAVE SIGNIFICANT 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 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 BROUGHT ON-SITE 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,
  2. ENVIRONMENTALLY OR HISTORICALLY SENSITIVE AREAS INCLUDING HISTORIC STRUCTURES AND THEIR LANDSCAPE SETTING, FLOODPLAINS, WETLANDS, WETLAND BUFFERS, STEEP SLOPES, STREAMS AND STREAM BUFFERS.
- K. THE LOCATION OF ENVIRONMENTALLY OR HISTORICALLY SENSITIVE AREAS AND FARMLAND CURRENTLY USED FOR FOOD PRODUCTION SHALL BE NOTED ON THE PLAN. THE EXTENT AND QUALITY OF EXISTING VEGETATION, ESPECIALLY TREE COVER, AND ANY SCENIC QUALITIES OF THE SITE SHALL BE NOTED ON THE PLAN.
- L. THE PROPERTY MUST HAVE THE HEALTH DEPARTMENT AND DEPARTMENT OF INSPECTIONS, LICENSES & PERMITS APPROVED SANITATION FACILITIES FOR THIS ACCESSORY USE, IF A NON-RV IS USED AS SHELTER. FOR PRIVATE RV'S THE LANDOWNER WILL MAKE RV CAMPERS AWARE OF NO SEWERAGE DUMPING ALLOWED ONSITE.
- M. THE PROPERTY OWNER AND/OR OPERATOR OF INCIDENTAL OUTDOOR STAYS – LODGING SHALL MAINTAIN LOGS THAT INCLUDE THE RENTERS NAME, DRIVERS LICENSE INFORMATION, RV REGISTRATION, IF APPLICABLE, DATES OF STAY, AND VISITOR SIGNATURE. LOGS MUST BE MAINTAINED FOR A PERIOD OF TWO YEARS AND FURNISHED UPON THE REQUEST OF THE DEPARTMENT OF PLANNING AND ZONING.

10. BED AND BREAKFAST INNS

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

- A. THE USE IS LOCATED ON A PARCEL OF AT LEAST 20 ACRES.
- B. THE INN IS MANAGED AND OPERATED BY THE OWNER(S) OF THE DWELLING AND THE DWELLING MUST BE THE PRINCIPAL RESIDENCE OF THE PROPERTY OWNER(S) OR A DESIGNATED ON-SITE CARETAKER OPERATING ON BEHALF OF THE OWNER.
- C. NO PUBLIC RECEPTION OR PUBLIC RESTAURANT FACILITIES ARE PROVIDED.



**D. IF THE BUILDING IS A HISTORIC STRUCTURE AS DEFINED IN THESE REGULATIONS, EXTENSIONS OR ALTERATIONS TO THE HISTORIC DWELLING SHALL BE ARCHITECTURALLY COMPATIBLE WITH THE HISTORIC STRUCTURE AS DETERMINED BY THE HISTORIC PRESERVATION COMMISSION PRIOR TO THE APPROVAL OF THE SPECIAL FARM PERMIT.**

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

**128.0.O. FARM ALCOHOL PRODUCER** ~~Winery – Class 1A or Farm Brewery – Class 1A~~

1. A **FARM ALCOHOL PRODUCER** ~~Winery – Class 1A or a Farm Brewery – Class 1A~~ is permitted as an accessory use to farming in the RC and RR Districts, provided that the use complies with the following criteria:

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** ~~farm 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.~~

g. The use 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 ALCOHOL PRODUCER** ~~farm winery~~ property.

i. A Farm **ALCOHOL PRODUCER** ~~Winery or Brewery~~ may produce, serve and sell food to complement wine or beer tasting in accordance with Article 2B of Maryland State Code.

j. In addition to the beverages produced by the use, the retail sale of promotional items identifying the same **FARM ALCOHOL PRODUCER** ~~winery or brewery~~, such as glassware, clothing, bottle openers or similar items, is permitted as an accessory use. Plants or produce grown on-site may also be sold.

k. 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. DPZ may reduce the hours for visitors, but shall not increase them. The hours for **FARM ALCOHOL PRODUCER** ~~winery or brewery~~ processing and production operations are not limited.

l. At any one time, the number of visitors to the ~~winery or brewery~~ **FARM ALCOHOL PRODUCER** shall not exceed ~~150~~ **50** visitors.

**M. 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.**

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.N Conditional Uses and Permissible Zoning Districts**

<b>Conditional Use</b>
<b>RURAL VENUE SPACE</b> <del>Limited Outdoor Social Assemblies</del>

<del>Winery, Farm – Class 1B</del>
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<b>FARM ALCOHOL PRODUCER</b> winery, farm – class 2
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#### Section 131.0.N.8. Bed and Breakfast Inns

A Conditional Use may be granted in the RC, RR, R-ED, R-20, R-12, **AND R-SC DISTRICTS ON FARMS LESS THAN 20 ACRES**, and ~~THE~~ R-VH Districts for ~~A~~ bed and breakfast inn, provided that:

- a. ~~The building is dwelling which is a historic structure as defined in these Regulations:~~  
**THE BUILDING IS COMPATIBLE IN SCALE AND CHARACTER WITH THE RESIDENTIAL USES IN THE VICINITY.**
- b. The inn is managed and operated by the owner(s) of the dwelling and the dwelling must be the principal residence of the owner(s) **OR A DESIGNATED ON-SITE CARETAKER OPERATING ON BEHALF OF THE OWNER.**
- c. No public reception or public restaurant facilities are provided.
- d. **IF THE BUILDING IS A HISTORIC STRUCTURE AS DEFINED IN THESE REGULATIONS, THE** exterior alterations to the historic dwelling shall be architecturally compatible with the historic structure as determined by the Historic District Commission prior to the approval of the Condition Use.
- e. **IF THE BUILDING IS A HISTORIC STRUCTURE AS DEFINED IN THESE REGULATIONS, THE** extension or enlargement of the principal historical structure and all accessory structures may not exceed 50% of the gross floor area of each individual building above that which existed on August 1, 1989, when ZB 882R was adopted adding the Conditional Use for bed and breakfast inns to these Regulations.
- f. ~~Bed and Breakfast Inns are permitted as a matter of right in the RC and RR Districts on farms that are subject to ALPP purchased or dedicated Easements provided that the building existed at the time the easement was established and the use is managed by persons residing on the same parcel. If these criteria are met, Conditional Use approval is not required.~~

#### Section 131.0.N.26 Guest House

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

- b. Accessory **RURAL VENUE SPACE** ~~limited outdoor social assembly~~ uses are not permitted.

**Section 131.0.N.33 Limited Social Assemblies RURAL VENUE SPACE**

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

- a. ~~The lot is the site of a historic structure as defined in these Regulations.~~
- b. The minimum lot size is 5 acres or greater.
- c. ~~If the d~~ Driveways providing access to the proposed site **SHALL NOT BE** is shared with other properties. **IF THE SITE HAS** or has direct access to and frontage on a local road, the petitioner shall demonstrate that the use will not **ADVERSELY IMPACT** result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway or **USE OF THE** local road **BY DEMONSTRATING ADEQUATE SIGHT DISTANCE AND CAPACITY TO MANAGE THE ANTICIPATED VOLUME OF ROAD USE.** The Hearing Authority shall prescribe appropriate conditions and safeguards to ensure the Conditional Use operator's responsibility for repair of any damage or deterioration of the shared driveway caused by the Conditional Use, including requirements for surfacing of access driveways.
- d. The petitioner shall provide a traffic management plan and a sight-distance analysis. The limited social assemblies **RURAL VENUE SPACE** are the following private 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.
- e. ~~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.~~
- f. 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.**

- g. ~~Limited social assembly~~ **RURAL VENUE SPACE** events shall have the following limitations:
1. Maximum capacity **SHALL** is not to exceed:
    - i. 150 attendees **ON A 5-ACRE PARCEL**
    - ii. **250 ATTENDEES ON A 20-ACRE PARCEL**
    - iii. **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-Saturday; and between 12:00 p.m. and 10:00 p.m., Sunday.
- h. ~~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.~~
- i. 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.
- j. 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.~~

#### **Section 131.0.N.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:

**Section 131.0.N.57. Winery, Farm—Class 1B**

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

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

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

(2) A local road, provided that:

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

(b) 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 winery along the local road;

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

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

b. The driveway providing access to the proposed site shall not be shared with other properties; however the Hearing Authority 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 farm winery. 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 Hearing Authority shall prescribe appropriate conditions and safeguards to ensure the Farm Winery owner's responsibility for repair of any damage or deterioration of the shared driveway caused by the Conditional Use.~~

~~c. All winery related structures and uses excluding cultivation areas shall be at least 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.~~

**Section 131.0.N.578. 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:

- a. The use is located on a parcel of at least 25 acres. The use is permitted on any such parcel, including parcels with Agricultural Land Preservation Easements and preservation parcels.
- b. The lot or parcel upon which the **FARM ALCOHOL PRODUCER** Winery is located shall have frontage on and direct access to a road classified as an arterial or collector public road. Unless the Hearing Authority approves access to a local road as provided in Section 131.0.N.56, ~~Be~~, the sole access to and from the site shall be from the arterial or collector public road.
- c. The Hearing Authority may approve access to a local road upon findings that access to an arterial or collector public road right-of-way is not feasible, the local road is not internal to a residential cluster subdivision unless the residential cluster subdivision was originally designed, constructed, and marketed as a **FARM ALCOHOL PRODUCER** winery community organized around a **FARM ALCOHOL PRODUCER** winery parcel, the access to the local road is safe based on road conditions and accident history, and that the use of the local road for access to the **FARM ALCOHOL PRODUCER** winery will not unduly conflict with other uses that access the local road.
- d. ~~The d Driveways~~ **S-DRIVEWAYS** providing access to the proposed site **SHALL NOT BE** ~~is shared with other properties. IF THE SITE HAS~~ ~~or has~~ direct access to and frontage on a local road, the petitioner shall demonstrate that the use will not **ADVERSELY IMPACT** ~~result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway or~~ **USE OF THE** local road **BY DEMONSTRATING ADEQUATE SIGHT DISTANCE AND CAPACITY TO MANAGE THE ANTICIPATED VOLUME OF ROAD USE.** ~~The Hearing Authority shall prescribe appropriate conditions and safeguards to ensure the Farm Winery owner's responsibility for repair of any damage or deterioration of the shared driveway cause by the Conditional Use.~~
- e. All **FARM ALCOHOL PRODUCER** winery-related structures and uses excluding cultivation areas shall be at least 75 feet from a public road right-of-way and 150



feet from all other lot lines. The Hearing Authority may reduce the setback of 150 feet from the lot lines, but only to a minimum of 75 feet, if:

- (1) The adjoining land is committed to an agricultural or environmental preservation easement or a long term institutional or open space use that provides an equivalent or better buffer; or
  - (2) The petition includes detailed plans for screening. 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.
- f. 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.
- g. The Farm ~~ALCOHOL PRODUCER 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~~ **ALCOHOL PRODUCER** property.
- h. The Farm **ALCOHOL PRODUCER** ~~Finery~~ shall be compatible with the rural character of the farm and the surrounding area.
- i. ~~THE FARM ALCOHOL PRODUCER Winery~~ visitor hours shall be restricted to between 10:00 a.m. and 10:00 p.m. daily. The Hearing Authority may reduce the hours for visitors, but shall not increase them. The hours for ~~winery~~ **FARM ALCOHOL BEVERAGE** processing and production operations are not limited.
- j. The **FARM ALCOHOL PRODUCER** ~~Winery~~ shall be limited to two categories of attendee events; Everyday Events and Special Events, each with specific limitations as follows:
- (1) An Everyday Event is one that may occur each day of operation within a calendar year, or as may be further limited by the Hearing Authority, and the number of attendees at any single time shall be as specified by the Hearing Authority, but only up to a maximum of ~~150~~ 50 persons at any given time. The most common type of activity in an everyday event is that of customers visiting a tasting room at the **FARM ALCOHOL PRODUCER** ~~Winery~~ to sample or purchase the products produced therein, but may include other low-intensity

activities such as individual or small group tours, educational programs, meetings, and social events; and

- (2) A Special Event is an indoor and/or outdoor event that may be approved by the Hearing Authority for up to fifteen (15) days within a calendar year. The maximum number of attendees at any given time on a 25 acre farm shall be 150 persons, provided, however, that the Hearing Authority may increase this maximum number of attendees in accordance with Section 131.0.N.5758.k, if the property qualifies for such an increase. For a Special Event that occurs on more than one calendar day, each calendar day is counted as one event.
- k. The standard maximum number of persons permitted to visit the property at any one time for Special Events shall be 150 attendees. The Hearing Authority may increase the maximum number of Special Event attendees by **10.5** people for every acre of land area above the minimum 25 acre parcel size, based upon the gross acreage of the parcel, up to a total maximum of 500 attendees.  
If the **FARM ALCOHOL PRODUCER** Winery is located on a farm which is comprised of more than one parcel under the same ownership (the "Overall Farm"), the Hearing Authority may base this potential attendee increase on the gross acreage of the Overall Farm as long as there is a condition to decrease the number of attendees if for any reason the land area of the Overall Farm is reduced after the initial Conditional Use approval.
- l. A **FARM ALCOHOL PRODUCER** Winery may produce, serve and sell food to complement **TASTINGS** in accordance with Article 2B of Maryland State Code.
- m. Any accessory retail sales within the **FARM ALCOHOL PRODUCER** winery, other than the wine, and similar fermented beverages produced at the **FARM ALCOHOL PRODUCER** Winery, are limited to items promoting the same **FARM ALCOHOL PRODUCER** Winery, such as glassware, clothing, and wine-related items such as wine openers. A **FARM ALCOHOL PRODUCER** Winery may sell plants and/or produce grown on-site.
- n. If approved, the owner shall provide documentation to the Department of Planning and Zoning proving compliance with Section 131.0.N.578.f. It is the responsibility of the **FARM ALCOHOL PRODUCER** Winery owner to obtain any other required Federal, State and County approvals required prior to operating the use.
- o. **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 SEPARAE TIMES INCLUDING THE BEGINNING, MIDDLE, AND  
END OF AMPLIFIED MUSIC EVENT. THE LOG MUST BE FURNISHED UPON THE  
REQUEST OF THE DEPARTMENT OF PLANNING AND ZONING.**

**Section 131.0.N.589 Wrecked Vehicle Storage (Temporary)**

**Section 131.0.N.~~5960~~ Yard Waste Composting Facility**

***Agricultural Land Use ZRA – Companion Document***

Use	What's currently allowed?	What's changing?	Code reference
<b><i>Agritourism Enterprises</i></b>	<ul style="list-style-type: none"> <li>• Accessory to farming with Special Farm Permit in RC and RR</li> <li>• 50 acre minimum or any lot size if subject to ALPP or dedicated easement</li> <li>• Hours of operation 6am-10pm</li> <li>• 4 events/year, 8 days/year</li> </ul>	<ul style="list-style-type: none"> <li>• Renaming to "Agritourism"</li> <li>• Owner(s) of agritourism business must reside on the property or abutting property</li> <li>• Festival events: weekends (Fri.-Sun.), not more than two consecutive days, hours 8a.m.-8p.m.</li> <li>• Driveway access shared with other properties cannot serve as primary entrance for Agritourism business</li> </ul>	103.0 104.0.C 105.0.C 106.1.C 128.0.I
<b><i>Small-Scale Agritourism</i></b>	<ul style="list-style-type: none"> <li>• Not a current use. New use being added.</li> </ul>	<ul style="list-style-type: none"> <li>• Accessory to farming with Special Farm Permit in RC, RR, R-ED, and R-20.</li> <li>• Minimum of 5 acres</li> <li>• Maximum of 50 visitors</li> <li>• Maximum of 25 events/year</li> <li>• Hours of operation 8am-8pm</li> <li>• No festival events</li> </ul>	103.0 104.0.C 105.0.C 106.1.C 107.0.C 108.0.C 128.0.I
<b><i>Incidental Outdoor Stays – Lodging</i></b>	<ul style="list-style-type: none"> <li>• Not a current use. New use being added.</li> </ul>	<ul style="list-style-type: none"> <li>• Accessory to farming with Special Farm Permit in RC, RR, R-ED, and R-20.</li> <li>• Minimum of 20 acres or on any parcel under ALPP or dedicated easement</li> <li>• 3 structures, 3 days/stay</li> <li>• 450sqft/structure, 3,500sqft/site</li> <li>• DILP approved sanitation</li> <li>• RV's being used as part of this use cannot be owned by property owner</li> </ul>	103.0 104.0.C 105.0.C 106.1.C 107.0.C 108.0.C 128.0.I

***Table does not serve as official Zoning Regulations\****

<b>Detached Accessory Structures Developed with Single Family home (not to include legitimate farm buildings)</b>	Cumulative Lot Coverage: <ul style="list-style-type: none"> <li>600 sqft in public water/sewer</li> <li>1,200 in RC/RR on 2 acres or less</li> <li>2,200 sqft in RC/RR on 2 acres or more</li> </ul>	Cumulative Lot Coverage: <ul style="list-style-type: none"> <li>600 sqft in public water/sewer</li> <li>1,200 in RC/RR on 2 acres or less</li> <li>2,200 sqft in RC/RR on 2-5 acres</li> <li>5,000 sqft in RC/RR 5 acres or more</li> </ul>	128.0.A.12.a
<b>Bed and Breakfast</b>	<ul style="list-style-type: none"> <li>Permitted by right with ALPP easement</li> <li>Conditional use in historic structures</li> </ul>	<ul style="list-style-type: none"> <li>Accessory to farming with Special Farm Permit in RC, RR, R-ED, R-20, R-12, R-SC on more than 20 acres</li> <li>Conditional use may be granted for properties less than 20 acres</li> <li>No longer has to be a historic structure</li> <li>B&amp;B does not have to be operated by the property owner but inn manager must reside at the B&amp;B</li> <li>Delete 131.0.N.8.f. as it pertains to Bed and Breakfasts as an accessory use</li> </ul>	103.0 104.0.C 107.0.C 108.0.C 109.0.C 110.0.C 106.1.C 128.0.I.10 131.0.N.8
<b>Limited Social Assembly</b>	<ul style="list-style-type: none"> <li>Conditional use in RC or with ALPP or dedicated easement</li> <li>Minimum 5-acre lot size</li> <li>150 attendees maximum</li> <li>25 events/year</li> <li>9am-10pm Mon.-Thurs.</li> <li>12pm-12am Fri.-Sat.</li> <li>12pm-10pm Sun.</li> <li>Site must be historic</li> </ul>	<ul style="list-style-type: none"> <li>Changing name to "Rural Venue Space" and adding a definition</li> <li>150 attendees on 5-acre parcel</li> <li>250 attendees on 20-acre parcel</li> <li>10 additional attendees for each acre in excess of 20 acres, not to exceed 300</li> <li>Hearing Examiner may increase number of events/year over 25 total</li> <li>The site does not have to be historic</li> <li>Noise log</li> <li>Any amplified noise after 10pm must be located indoors</li> </ul>	103.0 106.1.D 131.0.N.26 131.0.N.33
<b>Festival – Agritourism</b>	<ul style="list-style-type: none"> <li>Not a current use. New use being added.</li> </ul>	<ul style="list-style-type: none"> <li>Adding definition for new use which encompasses large-scale outdoor events</li> </ul>	103.0

**Table does not serve as official Zoning Regulations\***

***Table does not serve as official Zoning Regulations\****

		<ul style="list-style-type: none"> <li>Establishes events are unlike the usual activities associated with the property</li> </ul>	<ul style="list-style-type: none"> <li>Renaming to "Farm Alcohol Producer"</li> <li>to include winery, brewery, distilling, etc. in one use</li> <li>150 visitors max.</li> <li>Noise log</li> </ul>	103.0 106.1.C 128.0.O		<b>Farm Winery Class 1A</b>	<ul style="list-style-type: none"> <li>Minimum of 5 acres</li> <li>Accessory to farming in RC and RR</li> <li>10am-7pm daily Sun.-Thurs., 10am-10pm Fri.-Sat. (DPZ may reduce but not increase hours)</li> <li>50 visitors max.</li> <li>Permitted on ALPP or dedicated easements</li> </ul>	<ul style="list-style-type: none"> <li>Minimum of 5 acres</li> <li>Conditional use in RR cluster</li> <li>preservation parcels</li> <li>10am-7pm daily Sun.-Thurs., 10am-10pm Fri.-Sat. (HE may reduce but not increase hours)</li> <li>50 visitors max.</li> </ul>		<b>Farm Winery Class 1B</b>	<ul style="list-style-type: none"> <li>Minimum of 25 acres</li> <li>Conditional use in RC, RR, ALPP and other dedicated easements</li> <li>10am-10pm (HE may reduce but not increase)</li> <li>Everyday event – 50 visitors</li> <li>Special event – 15 days/year; 150 visitors and HE may increase by 5 people/acre over 25 acres up to 500 guests</li> </ul>	<ul style="list-style-type: none"> <li>Renaming to "Farm Alcohol Producer"</li> <li>to include winery, brewery, distilling, etc. in one use</li> <li>Special event – HE may increase by 10 people/acre over 25 acres, up to 500 guests</li> <li>Noise log</li> </ul>	103.0 106.1.D 131.0.N.58	<b>Farm Winery Class 2</b>	<b>Farm Vehicle</b>	<ul style="list-style-type: none"> <li>Not a current use. New use being added.</li> </ul>	<ul style="list-style-type: none"> <li>Providing a definition of what farm vehicles are and are not</li> </ul>	103.0
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## HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

■ Ellicott City, Maryland 21043

■ 410-313-2350

Lynda D. Eisenberg, AICP, Director

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### TECHNICAL STAFF REPORT

#### *Planning Board Meeting of October 9, 2025*

#### **Case No./Petitioner: ZRA-217; Department of Planning and Zoning**

Request: The purpose of this Zoning Regulation Amendment (ZRA) is to implement new relevant policies in HoCo By Design, reduce conflicts in the current code, and respond to changed market conditions and new industry opportunities. The ZRA includes:

- Amend the Agritourism and Bed and Breakfast Inn definitions under Section 103.0.
- Create new definitions for Agribusiness, Agriculture, Farm Vehicle, Farm Alcohol Producer, Festival – Agritourism, Incidental Outdoor Stays – Lodging, Rural Venue Space, and Small-Scale Agritourism under Section 103.0.
- Remove definitions and mentions of Farm Brewery, Farm Brewery – Class 1A, Farm Winery, Farm Winery – Class 1A, Farm Winery – Class 1B, and Farm Winery – Class 2, to replace with Farm Alcohol Producer.
- Amend the Accessory Uses in the Rural Conservation (RC) district under Section 104.0.C. to add Small-Scale Agritourism, Incidental Outdoor Stays – Lodging, and Bed and Breakfast Inns, subject to additional requirements, and rename Farm Winery – Class 1A and Farm Brewery – Class 1A to *Farm Alcohol Producer*.
- Amend the Accessory Uses in the Rural Residential (RR) district under Section 105.0.C. to add Small-Scale Agritourism, Incidental Outdoor Stays – Lodging, and Bed and Breakfast Inns, subject to additional requirements, and rename Farm Winery – Class 1A and Farm Brewery – Class 1A to *Farm Alcohol Producer*.
- Amend the Accessory Uses in the Residential: Environmental Development (R-ED) district under Section 107.0.C to add Incidental Outdoor Stays – Lodging, Bed and Breakfast Inns, and Small-Scale Agritourism, subject to additional requirements.
- Amend the Accessory Uses in the Residential Single R-20 district under Section 108.0.C to add Incidental Outdoor Stays – Lodging, Bed and Breakfast Inns, and Small-Scale Agritourism, subject to additional requirements.
- Amend the Accessory Uses in the Residential Single R-12 district under Section 109.0.C to add Bed and Breakfast Inns, subject to additional requirements.
- Amend the Accessory Uses in the Residential-Single Cluster (R-SC) district under Section 110.0.C to add Bed and Breakfast Inns, subject to additional requirements.

- Amend the timeframe to allow for sales of Christmas trees or other seasonal decorative material under Section 106.1 and Section 128.0.D.6 to between November 1<sup>st</sup> and January 14<sup>th</sup>, subject to additional requirements.
- Amend regulations for Bed and Breakfast Inns on County Preservation Easements under Section 106.1.
- Amend the Accessory Uses for County Preservation Easements under Section 106.1 to add Small-Scale Agritourism and Incidental Outdoor Stays – Lodging on Agricultural Land Preservation Parcels (ALPP) or Other Dedicated Easements, and Bed and Breakfast Inns on Other Dedicated Easements, subject to additional requirements. Rename Farm Winery – Class 1A and Farm Brewery – Class 1A to *Farm Alcohol Producer*.
- Amend the 2% cumulative cap devoted to Conditional Uses on ALPP easements to exclude driveway areas under Section 106.1.D.1.
- Rename the Conditional Use for Limited Outdoor Social Assemblies to *Rural Venue Space* allowed on ALPP or Other Dedicated Easements under Section 106.1.D.
- Rename the Conditional Use for Farm Winery – Class 2 to *Farm Alcohol Producer* allowed on ALPP or Other Dedicated Easements under Section 106.1.D.
- Amend the detached accessory structure lot coverage requirements under Section 128.0.A.12.a.
- Amend the Special Farm Permit regulations under Section 128.0.I to allow the Department of Planning and Zoning (DPZ) to consider the cumulative impacts of multiple Special Farm Permits when reviewing a Special Farm Permit application and allow DPZ to enter the property where a Special Farm Permit has been approved for Agritourism and Small-Scale Agritourism.
- Rename the Special Farm Permit for Agritourism Enterprise to *Agritourism* and amend its requirements, under Section 128.0.I.5.
- Add Small-Scale Agritourism, Incidental Outdoor Stays – Lodging, and Bed and Breakfast Inns as a Special Farm Permit, under Section 128.0.I.
- Rename the Farm Winery – Class 1A and Farm Brewery – Class 1A use to *Farm Alcohol Producer* and amend its regulations, under Section 128.0.O.
- Amend the Conditional Use regulations for Bed and Breakfast Inns under Section 131.0.N.8.
- Amend the Conditional Use regulations for Guest House to rename the reference to Limited Outdoor Social Assembly to *Rural Venue Space* under Section 131.0.N.26.
- Rename the Conditional Use for Limited Social Assemblies to *Rural Venue Space*



and amend its regulations, under Section 131.0.N.33.

- Amend the Conditional Use for Nonprofit Clubs, Lodges, Community Halls and Camps to include nonprofit educational camps, under Section 131.0.N.37.
- Remove the Conditional Use for Farm Winery – Class 1B, under Section 131.0.N.57.
- Rename the Conditional Use for Farm Winery – Class 2 to *Farm Alcohol Producer*, amend its regulations, and renumber the use from Section 131.0.N.58 to Section 131.0.N.57.
- Renumber the Conditional Use for Wrecked Vehicle Storage (temporary) from Section 131.0.N.59 to Section 131.0.N.58.
- Renumber the Conditional Use for Yard Waste Composting Facility from Section 131.0.N.58 to Section 131.0.N.59.

## **I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS**

### **Farm Winery and Farm Brewery:**

The Farm Winery use was introduced in the Zoning Regulations with ZRA-130 in 2010. This ZRA defined Farm Winery, Farm Winery – Class 1A, Farm Winery – Class 1B, and Farm Winery – Class 2, specified the zoning districts where the use is permitted as an accessory use or conditional use (RC and RR), and imposed additional regulations. ZRA-130 also permitted Farm Wineries on Preservation Parcels under certain conditions.

The Farm Brewery and Farm Brewery – Class 1A use was added to the Zoning Regulations with ZRA-146 in 2013. This ZRA defined Farm Brewery and Farm Brewery – Class 1A, specified the zoning districts where the use is permitted as an accessory use (RC and RR) and imposed additional requirements.

The table below shows in the current code where Farm Winery – Class 1A, Farm Brewery – Class 1A, Farm Winery – Class 1B, and Farm Winery – Class 2 are permitted. This ZRA proposes to combine these uses and rename the use as Farm Alcohol Producer.

	<b>Class 1A (winery/brewery)</b>	<b>Class 1B (winery)</b>	<b>Class 2 (winery)</b>
<b>Zone</b>	RC and RR	RR Cluster Preservation Parcels existing on July 4, 2011	RC and RR
<b>Allowed on Preservation Easement</b>	Yes	Yes – Cluster Preservation Parcel only.	Yes
<b>Acreage minimum</b>	5 acres	5 acres	25 acres
<b>Permitted Use</b>	Accessory	Conditional	Conditional
<b>Hours Operation</b>	of Sun-Thurs (10-7), Fri-Sat (10-10) DPZ can reduce, not exceed	Sun-Thurs (10-7), Fri-Sat (10- 10) HE can reduce, not exceed	Sun.-Sun. (10-10) HE can reduce, not exceed
<b>Maximum Visitors</b>	50	50	Everyday events: 50 Special events: 150 (HE can exceed)
<b>No. of Events</b>	No limit	No limit	Everyday events: No limit Special events: 15 days/year

HE - Hearing's Examiner

**Agritourism Enterprise:**

The Agritourism Enterprise use was introduced in the Zoning Regulations with ZRA-33 in 2001. This ZRA defined Agritourism Enterprises and permitted the use as an accessory use to farming in the RC and RR zoning districts, subject to additional regulations. These additional regulations included a minimum parcel size of 100 acres (if not subject to a preservation easement), visitor hours, number of festivals per year, etc. The regulations for Agritourism Enterprises remained unchanged in the 2004 Comprehensive Zoning Plan. The 2013 (current) Zoning Regulations permit Agritourism Enterprises as an accessory use under a Special Farm Permit in the RC and RR districts, subject to additional requirements. The minimum parcel size for Agritourism Enterprises was lowered from 100 acres to 50 acres. The visitor hours of 6 a.m.-10p.m. have remained constant since ZRA-33 as well as the number of festivals (four) per year, not to exceed eight days per year. The table below shows in the current code where Agritourism Enterprises are currently allowed as well as some of the additional regulations.

	Zone	Allowed on Preservation Easement	Acreage	Permitted Use	Hours of Operation	No. of Events
<b>Agritourism Enterprises</b>	RC and RR	Yes	50 acres or any size if on Easement	Accessory, Special Farm Permit	6a.m.-10p.m.	Festivals: 4/year, not to exceed 8 days/year

#### **Bed and Breakfast Inns:**

Bed and Breakfast Inns were introduced in the 1985 Zoning Regulations. The 1985 Regulations defined the use, limited the Inn to six guest rooms, and specified the use as a conditional use in the RC, RR, R, R-ED, R-20, R-12, R-SC, R-SA,-8, R-A-15, R-MD, R-HR, R-VH, and HO districts. The Inn was required to be a historic structure as defined by the County as well as other requirements. The 1993 Zoning Regulations amended the Bed and Breakfast Inn use and added regulations for alterations/expansions of the Inn structure to 50% of the total floor area. These regulations also expanded Bed and Breakfast Inn's to be permitted by right in the RC and RR districts if subject to an ALPP or dedicated easement. The table below shows in the current code where Bed and Breakfast Inns are currently allowed as well as some of the additional regulations.

	Zone	Allowed on Preservation Easement	Permitted Use	Historic Structure
<b>Bed and Breakfast Inns</b>	RC, RR, R-ED, R-20, R-12, R-SC, R-VH	Yes, permitted by right	Conditional Use, unless on a Preservation Easement	Yes

#### **Limited Social Assemblies:**

The Limited Social Assemblies use was introduced in the Zoning Regulations in ZRA-38 in 2003. ZRA-38 permitted the use as an accessory use to Retreat Centers in the R-ED district (approved by the Board of Appeals) and laid out the maximum number of visitors, events, and hours of operation. The 2004 Zoning Regulations renamed Limited Social Assemblies to *Limited Outdoor Social Assemblies*, and expanded the use to a permitted conditional use in the RC zoning district, subject to additional requirements. This conditional use required all event activities to occur outdoors. The 2013 (current) Zoning Regulations removed the ability of Limited Social Assemblies to be an accessory use to Retreat Centers. Limited Social Assemblies were amended by ZRA-154 in 2015. ZRA-154 removed the word “*outdoor*” from its name and specified the use of indoor spaces for

events, subject to requirements. The table below shows in the current code where Limited Social Assemblies are currently allowed as well as some of the additional regulations. This ZRA proposes to remain Limited Social Assemblies to Rural Venue Space.

	<b>Zone</b>	<b>Allowed on Preservation Easement</b>	<b>Acreage</b>	<b>Permitted Use</b>	<b>Historic</b>	<b>Hours of Operation</b>	<b>No. of Events</b>	<b>Max Visitors</b>
<b>Limited Social Assemblies</b>	RC	Yes, Conditional use	5 acres or greater	Conditional use	Yes	Mon-Thurs: 9am-10pm Fri-Sat: 10am-10pm Sun: 12pm-10pm	25/year	125

#### **Size Restrictions (Section 128.0.A.12)**

Prior to the 2004 Zoning Regulations, total lot coverage of detached accessory structures was regulated by a maximum percentage of coverage dependent on the zoning district. ZRA-53 in 2004 provided supplementary zoning regulations that regulated the maximum lot coverage for detached accessory garages. With this ZRA, maximum lot coverage for areas inside the PSA was limited to 600 sq. ft. Properties in the RC and RR district had a limit on lot coverage for accessory garages of 1,200 sq. ft. on a property under two acres and 2,200 sq. ft. on a property over two acres. The adoption of the current regulations in 2013 expanded the lot coverage requirements to all accessory structures which were previously applied only to accessory garages. The table below shows the current regulations for lot coverage for detached accessory structures on residentially zoned properties developed with a single-family detached dwelling.

<b>District</b>	<b>Parcel size</b>	<b>Lot Coverage</b>
Any lot in Planned Service Area	N/A	600 sq. ft.
RC, RR	2 acres >	1,200 sq. ft.
RC, RR	> 2 acres	2,200 sq. ft.

#### **Rural Conservation Zoning District:**

The Rural Conservation (RC) zoning district was introduced in the 1985 Comprehensive Zoning Plan. This district is outside of the Planned Service Area and the preferred land use has been agriculture since its creation in 1985. The district's purpose is to encourage preservation, protect natural features, and residential development is permitted only when it is designed to minimize its impact on agricultural and farming operations. Some commercial operations have always been permitted in the RC district, and they largely are

intended to support the purpose of the agriculture operation. The number of commercial operations permitted in the district has increased over time.

**Rural Residential Zoning District:**

The Rural Residential (RR) zoning district was introduced in the 1954 Comprehensive Zoning Plan. The RR district in these regulations was to primarily be large lot, single family detached homes, outside of the Public Service Area. This is reflected with the current zoning of RR district. Commercial operations were permitted since the inception of the RR district in 1954 which included public facilities and home occupations. Today, the purpose of the district is similar to the 1954 regulations focusing on low-density residential development within a rural environment. The number of commercial operations permitted in the district has increased over time.

**Preservation Parcels:**

The County's Agricultural Land Preservation Program (ALPP) began purchasing agricultural preservation easements in 1984, called ALPP purchased easements. In 1994, the ALPP began accepting dedicated agricultural preservation parcels to the program referred to as ALPP dedicated easements. Both types of ALPP easements were first mentioned in the 1985 zoning regulations largely pertaining to bulk requirements and location of the easements. The 1993 regulations introduced uses allowed on both ALPP easements such as Bed and Breakfasts, blacksmith shop, lawn and garden equipment repair, etc. The 2004 regulations expanded the uses allowed on ALPP easement properties to allow Agritourism Enterprises, Farm Wineries, and Agribusiness. There was a large re-write with the current regulations specifically adding a new section of code (106.1) specifically for County Preservation Easements. This section lists uses permitted by right, as an accessory use, and a conditional use for easement properties. The current regulations expanded the number of uses permitted on an easement property.

**Special Farm Permits:**

Prior to the current regulations, there were certain activities permitted as an accessory use to farming called *Direct Farm Marketing and Agritourism Enterprises*. The current code calls these *Special Farm Uses*. *Direct Farm Marketing and Agritourism Enterprises* were first included in code with the 1993 Zoning Regulations. The uses that fell under this title in the 1993 regulations were farm stands, pick-your-own enterprises, and agritourism enterprises. These uses remained unchanged with the adoption of the 2004 regulations. The adoption of the current regulations changed the title to *Special Farm Uses* and now includes farm stands, pick-your-own enterprises, and agritourism enterprises as well as: Community Supported Agriculture, Food Hubs, Riding Academies and Stables, and Class 1A Farm Wineries/Breweries.

**Sales of Christmas Trees or Other Seasonal Decorative Plant Materials:**

The Sales of Christmas Trees/Season Decorative Plant Materials were first established as a use with the 1985 zoning regulations. The use was permitted by right in the R, RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH, R-HR, R-VH, HO, HC, POR, CC, B-1, BR, M-1, M-2, and ID districts between December 1st and January 1st. The adoption of the 1993 and 2004 regulations modified the districts the use was permitted in and amended the time frame of sale to Thanksgiving-January 1st. Currently, the time frame of sales remains Thanksgiving-January 1st. The Sales of Christmas Trees/Season Decorative Plant Materials is permitted by right as a temporary/seasonal use in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, R-VH, HO, HC, POR, PEC, BR, CCT, B-1, B-2, SC, M-1, M-2, PGCC, CE, CAC, and TNC.

**II. DESCRIPTION OF PROPOSAL**

This section contains a summary of the Petitioner's proposed amendment. The Petitioner's proposed amendment text is attached as Exhibit A.

The Petitioner is proposing to add the following new definitions under Section 103.0:

- Agribusiness
- Agriculture
- Farm Vehicle
- Farm Alcohol Producer
- Festival – Agritourism
- Incidental Outdoor Stays – Lodging
- Rural Venue Space
- Small-Scale Agritourism.

The Petitioner is proposing to amend the following definitions under Section 103.0:

- Change the definition of Agritourism Enterprise to *Agritourism* and include experiences and events that increase knowledge of agricultural operations.
- Amend the definition of Bed and Breakfast Inns to remove the provision that an Inn must be located on an ALPP easement.

The Petitioner is proposing to remove the following definitions under Section 103.0:

- Farm Brewery
- Farm Brewery – Class 1
- Farm Winery
- Farm Winery – Class 1, Class 1B, and Class 2.

The Petitioner is proposing to amend the accessory uses in the RC district under Section 104.0.C:

- Rename Agritourism Enterprise to *Agritourism*
- Add Small-Scale Agritourism as a permitted use, subject to Section 128.0.I.
- Rename Farm Winery/Brewery – Class 1A to *Farm Alcohol Producer*
- Add Incidental Outdoor Stays – Lodging as a permitted use, subject to Section 128.0.I.
- Add Bed and Breakfast Inns as a permitted use, subject to Section 128.0.I.

The Petitioner is proposing to amend the accessory uses in the RR district under Section 105.0.C:

- Rename Agritourism Enterprise to *Agritourism*
- Add Small-Scale Agritourism as a permitted use, subject to Section 128.0.I.
- Rename Farm Winery/Brewery – Class 1A to *Farm Alcohol Producer*
- Add Incidental Outdoor Stays – Lodging as a permitted use, subject to Section 128.0.I.
- Add Bed and Breakfast Inns as a permitted use, subject to Section 128.0.I.

The Petitioner is proposing to amend the accessory uses in the R-ED district under Section 107.0.C:

- Add Small-Scale Agritourism as a permitted use, subject to Section 128.0.I.
- Add Incidental Outdoor Stays – Lodging as a permitted use, subject to Section 128.0.I.
- Add Bed and Breakfast Inns as a permitted use, subject to Section 128.0.I.

The Petitioner is proposing to amend the accessory uses in the R-20 district under Section 108.0.C:

- Add Small-Scale Agritourism as a permitted use, subject to Section 128.0.I.
- Add Incidental Outdoor Stays – Lodging as a permitted use, subject to Section 128.0.I.
- Add Bed and Breakfast Inns as a permitted use, subject to Section 128.0.I.

The Petitioner is proposing to amend the accessory uses in the R-12 district under Section 109.0.C:

- Add Bed and Breakfast Inns as a permitted use, subject to 128.0.I.

The Petitioner is proposing to amend the accessory uses in the R-SC district under Section 110.0.C:

- Add Bed and Breakfast Inns as a permitted use, subject to 128.0.I.

The Petitioner is proposing to amend the uses permitted by right on properties with ALPP or Other Dedicated Easements under Section 106.1.B:

- Amend the dates for the sale of Christmas trees or other seasonal decorative material from December 1<sup>st</sup>-January 1<sup>st</sup> to November 1<sup>st</sup>-January 14<sup>th</sup>
- Amend the requirements for Bed and Breakfast Inns to:
  - Allow an Inn within the primary dwelling
  - A parcel with a minimum of 20-acres
  - Require the property owner to reside on the property or adjoining parcel or require the caretaker to reside in the structure

The Petitioner is proposing to amend the accessory uses on properties under ALPP or Other Dedicated Easements under Section 106.1.C:

- Rename Agritourism Enterprise to *Agritourism*
- Add Small-Scale Agritourism as a permitted use, subject to Section 128.0.I.,
- Rename Farm Winery/Brewery – Class 1A to *Farm Alcohol Producer*
- Add Incidental Outdoor Stays – Lodging as a permitted use, subject to Section 128.0.I.,
- Add Bed and Breakfast Inns as a permitted use on Other Dedicated Easements, subject to Section 128.0.I.

The Petitioner is proposing to amend the Conditional Uses on properties under ALPP or Other Dedicated Easements under Section 106.1.D:

- Exclude driveways from the 2% cumulative cap devoted to Conditional Uses on ALPP Easements
- Rename Limited Outdoor Social Assemblies to *Rural Venue Space*
- Rename Farm Winery – Class 2 to *Farm Alcohol Producer*

The Petitioner is proposing to amend the regulations for detached accessory structures on residentially zoned lots developed with single-family detached dwellings under Section 128.0.A.12:

- Amend the lot coverage permitted for all accessory structures located on a residential lot developed with a single-family detached dwelling to:
  - 2,200 square feet for a lot in the RC or RR district which is greater than 2 acres but less than 5 acres
  - 5,000 square feet for a lot in the RC or RR district which is 5 acres or greater

The Petitioner is proposing to amend the Temporary, Seasonal and Other Uses Sale of Christmas Trees under Section 128.0.D.6:

- Extend the date to sell Christmas trees or other seasonal decorative plan materials to November 1<sup>st</sup> – January 14<sup>th</sup>

The Petitioner is proposing to amend Permits for Special Farm Uses under Section 128.0.I:



- Add a provision that DPZ may consider the cumulative impact of multiple Special Farm Permits
- Add a provision that DPZ may enter the property where the use is taking place, including during events, under the permits for Agritourism and Small-Scale Agritourism uses.

The Petitioner is proposing to amend the Agritourism Enterprise regulations for Permits for Special Farm uses under Section 128.0.I.5:

- Rename Agritourism Enterprise to *Agritourism*
- List uses that do not meet the criteria to establish a farming or agricultural use
- Specify that shared driveways cannot serve as the primary entrance for visitors
- Add hours of operation and days of operation for festival and similar events
- Add that the owner of the Agritourism business must reside on the property or an adjoining property
- Add requirements for recording amplified noise
- Add Small-Scale Agritourism as a Special Farm Permit with certain criteria, including but not limited to:
  - Accessory to farming in RC, RR, R-ED and R-20 zoning districts
  - Minimum lot size of 5 acres
  - Include hours of operation
  - Allow small-scale events that include a maximum of 50 visitors and no more than 25 events per year
  - Prohibit festival events

The Petitioner is proposing to amend the Permits for Special Farm uses under Section 128.0.I.9:

- Add Incidental Outdoor Stays – Lodging as a Special Farm Permit with certain criteria, including but not limited to:
  - Accessory to farming in RC, RR, R-ED and R-20 zoning districts
  - Require lodging in separate structures from the primary residence
  - Minimum lot size of 20 acres or any size if ALPP
  - Maximum of three structures for lodging (not including primary residence), not to exceed 400 square feet each
  - A site may be used a maximum of three consecutive days per stay
  - Sites/structures must be at least 100 feet from adjacent property lines

The Petitioner is proposing to amend the Permits for Special Farm uses under Section 128.0.I.10:

- Add Bed and Breakfast Inns as a Special Farm Permit with certain criteria, including but not limited to:
  - Accessory to farming in RC, RR, R-ED, R-20, R-12 and R-SC zoning districts

- Minimum lot size of 20 acres
- Inn managed by owners of the dwelling and the dwelling must be the principal residence of the property owner or on-site caretaker
- No public reception/restaurant facilities provided

The Petitioner is proposing to amend the regulations for Farm Winery – Class 1A or Farm Brewery – Class 1A under Section 128.0.O:

- Rename to *Farm Alcohol Producer*
- Amend the requirements for planting an ingredient used in the beverage
- Increase the number of visitors to 150 visitors
- Add requirements for recording amplified noise

The Petitioner is proposing to amend the Conditional Use regulations for Bed and Breakfast Inns under Section 131.0.N.8:

- Add a maximum lot size of 20 acres for farms in the RC, RR, R-ED, R-20, R-12 and R-SC zoning districts
- Add that the building must be compatible in scale and character with the residential uses in the vicinity
- Remove the requirement that the Inn must be in a historic structure
- Add that the Inn may be managed by a designated on-site caretaker

The Petitioner is proposing to amend the Conditional Use regulations for a Guest House under Section 131.0.N.26:

- Rename Limited Outdoor Social Assembly to *Rural Venue Space*

The Petitioner is proposing to amend the Conditional Use regulations for Limited Social Assemblies under Section 131.0.N.33:

- Rename to *Rural Venue Space*
- Remove the requirement that the use must be in a historic structure
- Prohibit driveway access from a shared driveway and include measures for demonstrating adequate use of the local road
- Add requirements for recording amplified noise
- Amend the maximum number of attendees:
  - 150 attendees on a 5 acre parcel,
  - 250 attendees on a 20 acre parcel,
  - 10 additional attendees for each acre in excess of 20 acres, up to 300 attendees
- Allow the Hearings Examiner to approve additional events over 25 per year

The Petitioner is proposing to amend the Conditional Use regulations for Nonprofit clubs, Lodges, Community Halls, and Camps under Section 131.0.N.37:

- Include nonprofit educational camps

The Petitioner is proposing to remove the Conditional Use for a Farm Winery – Class 1B under Section 131.0.N.57.

The Petitioner is proposing to amend the Conditional Use regulations for Winery, Farm Class 2 under Section 131.0.N.57:

- Rename to *Farm Alcohol Producer*
- Prohibit driveway access from a shared driveway and include measures for demonstrating adequate use of the local road
- Amend the requirements for planting an ingredient used in the beverage
- Amend the maximum number of attendees:
  - Increase the number of attendees for an Everyday Event to 150 attendees
  - Increase the number of Special Event attendees to 10 people for every acre above the minimum 25-acre parcel size requirement, to be approved by the Hearing Examiner
- Add requirements for recording amplified noise

The Petitioner is proposing to renumber the Conditional Use for a Wrecked Vehicle Storage (temporary), under Section 131.0.N.59 to Section 131.0.N.58.

The Petitioner is proposing to renumber the Conditional Use for a Yard Waste Composting Facility, under Section 131.0.N.60 to Section 131.0.N.59.

### **Sec. 103.0**

This section contains the definitions of the Zoning Regulations. The Petitioner proposes to add new definitions for Agribusiness, Agriculture, Farm Vehicle, Farm Alcohol Producer, Festival – Agritourism, Incidental Outdoor Stays – Lodging, Rural Venue Space, and Small-Scale Agritourism. The Petitioner proposes to amend the definitions of Agritourism Enterprise and Bed and Breakfast Inns. The Petitioner is proposing to remove the definitions of Farm Brewery, Farm Brewery – Class 1, Farm Winery, and Farm Winery – Class 1, Class 1B, and Class 2.

### **Sec. 104.0.C**

The section contains the accessory uses in the RC district. The Petitioner proposes to rename Farm Winery and Brewery – Class 1A to *Farm Alcohol Producer*, rename Agritourism Enterprise to *Agritourism*, and add Small-Scale Agritourism, Incidental Outdoor Stays – Lodging, and Bed and Breakfast Inn uses.

### **Sec. 105.0.C**

The section contains the accessory uses in the RR district. The Petitioner proposes to rename Farm Winery and Brewery – Class 1A to *Farm Alcohol Producer*, rename Agritourism Enterprise to *Agritourism*, and add Small-Scale Agritourism use, Incidental Outdoor Stays – Lodging, and Bed and Breakfast Inns uses.

**Sec. 106.1**

This section contains the uses permitted on a County Preservation Easement in the RC and RR districts.

Under the uses permitted by right, the Petitioner is proposing to amend when the sales of Christmas trees and other seasonal decorative material are permitted as well as the provisions for Bed and Breakfast Inns.

Under the accessory uses, the Petitioner proposes to rename Agritourism Enterprise to *Agritourism*, rename Farm Winery – Class 1A and Farm Brewery – Class 1A to *Farm Alcohol Producer*, and add Small-Scale Agritourism, Incidental Outdoor Stays – Lodging, and Bed and Breakfast Inns uses.

Under the Conditional Uses, the Petitioner proposes to exclude driveways from the 2% cumulative cap for ALPP properties, rename Limited Outdoor Social Assemblies to *Rural Venue Space* and rename Farm Winery – Class 2 to *Farm Alcohol Producer*.

**Sec. 107.0.C**

The section contains accessory uses in the R-ED district. The Petitioner proposes to add Incidental Outdoor Stays – Lodging, Bed and Breakfast Inns, and Small-Scale Agritourism uses.

**Sec. 108.0.C**

The section contains accessory uses in the R-20 district. The Petitioner proposes to add Incidental Outdoor Stays – Lodging, Bed and Breakfast Inns, and Small-Scale Agritourism uses.

**Sec. 109.0.C**

The section contains accessory uses in the R-12 district. The Petitioner proposes to add Bed and Breakfast Inns.

**Sec. 110.0.C**

The section contains accessory uses in the R-SC district. The Petitioner proposes to add Bed and Breakfast Inns.

**Sec. 128.0.A.12**

This section contains regulations for detached accessory structures on residentially zoned lots developed with single-family detached dwellings. The Petitioner is proposing to amend the allowable cumulative lot coverage for properties over two acres in the RC or RR district.

**Sec. 128.0.D.**

This section contains regulations for temporary and seasonal uses. The Petitioner is proposing to amend when Christmas trees or other seasonal decorative plant materials are permitted to be sold. Sales are currently permitted from Thanksgiving – January 1<sup>st</sup>. The Petitioner is requesting to amend this to November 1<sup>st</sup> – January 14<sup>th</sup>.

**Sec. 128.0.I.**

This section contains regulations for Special Farm Permits. The Petitioner is proposing to add language that DPZ can consider the cumulative impact of multiple special farm permits, and that DPZ can enter the property associated with an Agritourism or Small-Scale Agritourism permit to confirm compliance with the issued permit.

**Sec. 128.0.I.5.a**

The Petitioner is proposing to add the provision that solar farms, construction and maintenance of barns, silos, etc. do not meet the conditions of farming or agricultural use.

**Sec. 128.0.I.5.A**

This section contains the additional regulations for the Agritourism Enterprise Special Farm Permit. The Petitioner is proposing the rename the use to *Agritourism*.

The Petitioner is proposing to add language expanding the purposes of the Agritourism permit and specify that access to the Agritourism operation cannot be via a shared driveway with other residential properties.

The Petitioner is proposing to amend the hours of operation for festival events from 6 a.m.-10 p.m. to 8 a.m.-8 p.m.

The Petitioner is proposing to remove the limit on the number of festival events throughout the year and add the provision that festival events can only occur Friday-Sunday and not more than two consecutive days.

The Petitioner is proposing to add the provision that an owner of the Agritourism business or property owner must reside on the property or adjoining property.

The Petitioner is proposing to add the provision for any amplified noise, the owner must keep a noise log that may be furnished upon the request of DPZ.

#### **Sec. 128.0.I.5.B**

The Petitioner is proposing to add Small-Scale Agritourism as a Special Farm Permit and its regulations under this section.

This section states Small-Scale Agritourism is permitted as an accessory use to farming in the RC, RR, R-ED, and R-20 districts provided that the farm is at least five acres.

The Petitioner is also proposing provisions, including but not limited to, regulating the hours of operation (8a.m.-8p.m.) and maximum number of visitors (50).

#### **Sec. 128.0.I.9**

The Petitioner is proposing to add Incidental Outdoor Stays – Lodging as a Special Farm Permit and its regulations under this section.

This section states Incidental Outdoor Stays – Lodging is permitted as an accessory use to farming in the RC, RR, R-ED, and R-20 districts provided that the parcel is at least 20 acres or located on an County preservation easement.

The Petitioner is also proposing provisions, including but not limited to, maximum number sites (three), maximum size of structures (450 ft), and maximum size of sites (3,500 sq.ft.).

#### **Sec. 128.0.I.10**

The Petitioner is proposing to add Bed and Breakfast Inns as a Special Farm Permit and its regulations under this section.

This section states Bed and Breakfast Inns are permitted as an accessory use to farming in the RC, RR, R-ED, R-20, R-12, and R-SC districts provided that the parcel is at least 20 acres or located on a County preservation easement.

**Sec. 128.0.O**

This section contains regulations for Class 1 Winery and Breweries, functioning as an accessory use to farming.

The Petitioner is proposing to remove the Farm Winery and Brewery use and rename the use to *Farm Alcohol Producer*.

The Petitioner is proposing to increase the maximum number of visitors from 50 to 150.

The Petitioner is proposing to add the provision for any amplified noise, the owner must keep a noise log that may be furnished upon the request of DPZ.

**Sec. 131.0.N**

This table depicts the list of Conditional Uses in the County and in which zoning districts the uses are allowed.

In the table, the Petitioner is proposing to rename Limited Outdoor Social Assemblies to *Rural Venue Space*, remove Farm Winery – Class 1B, and rename Farm Winery – Class 2 to *Farm Alcohol Producer*.

**Sec. 131.0.N.8.**

This section contains the regulations for Bed and Breakfast Inns permitted as a Conditional Use.

The Petitioner is proposing to remove the provision that a Bed and Breakfast Inn must be a historic structure and add that the use shall be operated on a farm.

The Petitioner is proposing to add the maximum lot size of 20 acres, and the Bed and Breakfast Inn must be operated by the owners of the dwelling or a designated on-site caretaker.

**Sec. 131.0.N.26**

This section contains the regulations for Guest Homes permitted as a Conditional Use. The Petitioner is proposing to rename Limited Outdoor Social Assembly to *Rural Venue Space* to be consistent with other parts of the code.

**Sec. 131.0.N.33**

This section contains the regulations for Limited Social Assemblies permitted as a Conditional Use.

The Petitioner is proposing to rename Limited Social Assembly to *Rural Venue Space*.

The Petitioner is proposing to add the provision for any amplified noise, the owner must keep a noise log that may be furnished upon the request of DPZ.

The Petitioner is proposing to increase the number of visitors allowed at an event based on the acreage of the Property.

The Petitioner is proposing to add the provision that event activities can occur in newly constructed facilities or existing structures.

**Sec. 131.0.N.37**

This section contains the regulations for Nonprofit Clubs, Lodges, Community Halls, and Camps permitted as a Conditional Use.

The Petitioner is proposing to expand the type of facilities that fall under this use to include nonprofit educational camps.

**Sec. 131.0.N.57**

This section contains the regulations for Farm Wineries – Class 1B permitted as a Conditional Use.

The Petitioner is proposing to remove this use.

**Sec. 131.0.N.58**

This section contains the regulations for Farm Wineries – Class 2 permitted as a Conditional Use.

The Petitioner is proposing to remove the Farm Winery use and rename the use to *Farm Alcohol Producer*.

The Petitioner is proposing to renumber this use to Section 131.0.N.57 with the removal of Farm Winery – Class 1B.

The Petitioner is proposing to amend the maximum number of visitors for Special Events. Specifically, the Hearing Examiner may increase the maximum number of Special Event



attendees (the current maximum is 150 people) by ten (10) for every one (1) acre over 25 acres.

The Petitioner is proposing to add the provision for any amplified noise, the owner must keep a noise log that may be furnished upon the request of DPZ.

### III. EVALUATION OF PROPOSAL

This section contains the Department of Planning and Zoning (DPZ) technical evaluation of ZRA-217 in accordance with Section 16.208.(d) of the Howard County Code.

**1. The compatibility, including potential adverse impacts and consequences, of the proposed Zoning Regulation Amendment with the existing and potential uses of the surrounding areas and within the same zoning district.**

Staff does not anticipate this ZRA would produce adverse impacts that are substantially greater than what the current regulations allow. This amendment would have a general impact on all parcels that are zoned RC, RR, R-ED, R-20, R-12, R-SC, and R-VH. The ZRA would amend, add or remove the permitted and conditional uses in those districts. The legislation focuses on agricultural changes which will impact the western portion of the County more because that is where most of the agricultural uses and preservation easements are located.

**2. The properties to which the Zoning Regulation Amendment could apply and, if feasible, a map of the impacted properties.**

This ZRA would amend, add or remove the permitted and conditional uses in the RC, RR, R-ED, R-20, R-12, R-SC and R-VH districts. These uses are Agritourism, Small-Scale Agritourism, Bed and Breakfast Inns (allowed as an accessory or conditional use), Incidental Outdoor Stays – Lodging, Rural Venue Space, and Farm Alcohol Producer (allowed as an accessory or conditional use). A map detailing each of these uses and the properties to which the uses could apply are provided in Attachments A-H. The below information indicates the approximate number of impacted parcels and the approximate total acreage of the impacted parcels for the uses that are being amended or added to the code.

- Agritourism Special Farm Permit: 312 parcels; 35,765 acres (*Attachment A*)
- Small Scale Agritourism Special Farm Permit: 3,116 parcels; 69,341 acres (*Attachment B*)
- Bed and Breakfast Inns Special Farm Permit: 711 parcels; 51, 503 acres (*Attachment C*)

- Bed and Breakfast Inns Conditional Use: 608 parcels; 4,309 acres (*Attachment D*)
- Farm Alcohol Producer Accessory Use: 2,716 parcels; 60,459 acres (*Attachment E*)
- Farm Alcohol Producer Conditional Use: 505 parcels; 42,513 acres (*Attachment F*)
- Rural Venue Space Conditional Use: 1,574 parcels; 44,669 acres (*Attachment G*)
- Incidental Outdoor Stays – Lodging Accessory Use: 697 parcels; 50,953 acres (*Attachment H*)

**3. Conflicts in the Howard County Zoning Regulations as a result of the Zoning Regulation Amendment.**

If adopted, this amendment would not create any conflicts in the Howard County Zoning Regulations. One purpose of the proposed legislation is to resolve existing conflicts that the Department of Planning and Zoning have encountered while administering the Zoning Regulations.

**4. The compatibility of the proposed Zoning Regulation Amendment with the Policies and objectives, specifically including the environmental policies and objectives, of the Howard County General Plan.**

The General Plan’s Economic Prosperity chapter is supportive of continuing to grow opportunities for agricultural diversification and agritourism within the County supported in the Agricultural Land Use ZRA. The below Policy Statements and Implementation Actions are taken from HoCo By Design and are supportive of the proposed ZRA.

**General Plan Policy Statement EP-10** aims to “Promote and support modern farming initiatives that reflect the changing needs and economic drivers of agriculture in Howard County,” which is supported through several new and expanded agricultural use allowances, such as incidental outdoor stays-lodging; small-scale agritourism; expanded Bed and Breakfast Inn allowances; and Festival-Agritourism uses.

**General Plan Policy Statement EP-13** states that the County should “Reduce regulatory barriers to diversified agricultural operations in both the Rural West and the East.” This ZRA expands and adds new agricultural uses in western and eastern portions of the County to support diversified agricultural operations.

**General Plan Implementing Action EP-13.1** calls for updates to “The Zoning Regulations and other policies to promote agricultural expansion and diversification,

especially for on-farm processing and other agribusiness opportunities,” which is accomplished through this ZRA by expanding the number of permitted accessory uses to farming.

**General Plan Implementing Action EP-13.2** calls for the County to “Work with agricultural and community stakeholders to review and update the Zoning Regulations and other regulations to create more opportunities for agritourism.” The Agricultural Land Use ZRA has engaged with many community stakeholders as well as the Agriculture Preservation Board in order to develop the proposed changes within the ZRA.

**General Plan Implementing Action EP-13.3** calls for the County to “Reduce barriers to the burgeoning demand for on-farm breweries, wineries, cideries, meaderies, distilleries, farm stays, event venues, and other agritourism uses.” The Agricultural Land Use ZRA includes expanded allowances for wineries, breweries, and distilling operations, including an increase in number of visitors and events

#### Conclusion

Overall, DPZ finds that the proposed amendments described in this TSR and the proposed legislation is consistent with the Policy Statements and Implementing Actions in the General Plan.

#### Environmental Policies and Objectives

The proposed ZRA-217 is not in conflict with the environmental policies and objectives in HoCo By Design, the County’s General Plan. The proposed ZRA 217 would not change any development requirements for sensitive resource protection, stormwater management or forest conservation.

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Lynda D. Eisenberg, AICP, Director Date

## Exhibit A

### Petitioner's Proposed Text

(CAPITALS indicate text to be added; text in ~~striketrough~~ indicates text to be deleted.)

#### Legislative Text Changes

#### Howard County Zoning Regulations

##### SECTION 103.0: Definitions

**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.**

~~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, hayrides, corn mazes, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above, and similar uses.

~~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.

**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:**

**(A) CONTROLLED AND OPERATED BY A FARMER, THE OWNER OR OPERATOR OF A FARM, OR AN EMPLOYEE OR FAMILY MEMBER OF THE OWNER OR OPERATOR AS A PRIVATE MOTOR CARRIER OF PROPERTY;**

**(B) BEING USED TO TRANSPORT EITHER: (1) AGRICULTURAL PRODUCTS; OR FARM MACHINERY, FARM SUPPLIES, OR BOTH, TO OR FROM A FARM;**

**(C) NOT BEING USED IN THE OPERATION OF A FOR-HIRE MOTOR CARRIER;**

**(D) NOT CARRYING HAZARDOUS MATERIALS OF A TYPE OR QUANTITY WHICH REQUIRES THE COMMERCIAL MOTOR VEHICLE TO BE PLACARDED; AND**

**(E) BEING USED WITHIN 150 AIR-MILES OF THE FARMER'S FARM.**

**(F) IS EXCLUSIVELY USED FOR AGRICULTURAL PURPOSES.**

**FARM VEHICLES DO NOT INCLUDE:**

- a) **SNOWPLOW TRUCKS OR TRUCKS OUTFITTED WITH SNOWPLOW OR OTHER EQUIPMENT DESIGNED FOR THE PRETREATMENT OR CLEARING OF ROADS ASSOCIATED WITH INCLEMENT WEATHER. INOPERABLE VEHICLES OR VEHICLES PARKED FOR THE PURPOSE OF SALVAGING VEHICLE PARTS COMPLIANT WITH SECTION 128.0.D.9.**

**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 SUCH AS ASSOCIATED PRODUCT TASTING, SALES, SITE TOURS, EDUCATION PROGRAMS ARE INCLUDED BUT NOT LIMITED TO.**

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

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

Farm Winery – Class 1B: A Class 1A Farm Winery that requires approval as a Conditional Use.

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

**FESTIVAL – AGRITOURISM: A LARGE-SCALE OUTDOOR SEASONAL OR CULTURAL EVENT (1) HELD FOR A LIMITED PERIOD OF TIME, (2) INTENDED TO OR LIKELY TO ATTRACT SUBSTANTIAL CROWDS, (3) IT IS UNLIKE THE CUSTOMARY OR USUAL ACTIVITIES GENERALLY ASSOCIATED 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. EXCLUDING RACETRACKS AND MOTORIZED CONTESTS OF SPEED, RODEOS, SALES, AND AUCTIONS.**

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.

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.

SMALL-SCALE AGRITOURISM: ACTIVITIES CONDUCTED ON A FARM AND OFFERED TO THE PUBLIC OR TO INVITED SMALL GROUPS FOR THE PURPOSE OF COMMUNITY ENGAGEMENT, RECREATION, EDUCATION OR ACTIVE INVOLVEMENT IN GARDENING, FARMING, OR SIMILAR OPERATIONS. THESE ACTIVITIES HAVE LIMITED ATTENDANCE APPROPRIATE TO THE SITE AND OPERATIONS. THIS TERM MAY INCLUDE 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 FESTIVAL EVENTS.

Section 104.0: RC (Rural Conservation) District

C. Accessory Uses

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** Winery—Class 1A and Farm Brewery—Class 1A, subject to the requirements of Section 128.0.O.

**27. INCIDENTAL OUTDOOR STAYS – LODGING, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.**

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

Section 105.0: RR (Rural Residential) District

C. Accessory Uses

11. **FARM ALCOHOL PRODUCER** Winery—Class 1A or Farm Brewery—Class 1A, subject to the requirements of Section 128.0.O.

16. Agritourism, **SMALL- SCALE AGRITOURISM**, enterprises and pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.

**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.**

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

C. Accessory Uses

**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.**

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

C. Accessory Uses



**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.**

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

**C. Accessory Uses**

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

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

**C. Accessory Uses**

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

**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 1<sup>st</sup> and January 1<sup>st</sup>~~, 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.

- f. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0. and Section 15.516 of the Howard County Code.
  - g. Bed and Breakfast Inns, provided that:
    - (1) The building existed at the time the easement was established, **OR THE USE IS LOCATED WITHIN THE PROPERTY'S DESIGNATED PRIMARY DWELLING.**
    - ~~(2) The Inn is managed by persons residing on the same parcel or in a contiguous parcel that is under the same ownership and part of the same farm.~~
    - (3) **THE PARCEL IS A MINIMUM OF 20 ACRES.**
    - (4) **THE INN IS MANAGED AND OWNED BY AN INDIVIDUAL RESIDING ON THE SAME PARCEL OR ADJOINING PARCEL AND CLAIMING IT AS THEIR PRIMARY RESIDENCE OR IS MANAGED BY AN INDIVIDUAL THAT RESIDES IN THE STRUCTURE THAT WILL SERVE AS THE ONSITE CARETAKER ON BEHALF OF THE OWNER.**
  - h. Rooftop solar collectors.
2. Other 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 dwelling unit on the preserved area of a cluster subdivision, if provided for as required by Sections 104.0.G and 105.0.G.
  - d. Private outdoor recreational facilities, such as parks, athletic fields, swimming pools, basketball courts and tennis courts, reserved for use by residents of a community and their guests. Such facilities shall be located within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.
  - e. Government uses, limited to public schools, conservation areas, parks, and recreational facilities.

- f. Sales of Christmas trees or other seasonal decorative material, **BETWEEN NOVEMBER 1ST AND JANUARY 14<sup>TH</sup>** ~~December first and January first~~, subject to the requirements given in Section 128.0.D.

### 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 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.
- b. Farm tenant houses on parcels greater than 50 acres, subject to the Deed of Easement. 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. Caretaker's dwellings on parcels greater than 50 acres and improved with a principal dwelling, subject to the Deed of Easement.
- d. Accessory apartments, subject to the requirements of Section 128.0.A.

- e. Housing by a resident family of boarders or elderly persons subject to the requirements of Sections 104.0.C or 105.0.C.
- f. Home occupations, subject to the requirements of Section 128.0.C.
- g. Home care, subject to the requirements of Section 104.0.C or 105.0.C.
- h. Parking of commercial vehicles, subject to the requirements of Section 104.0.C or 105.0.C.
- i. Storage of recreational vehicles or boats, subject to the requirements of Sections 104.0.C or 105.0.C.
- j. Commercial services, subject to the requirements of Sections 104.0.C. or 105.0.C.

(1)Blacksmith shop

(2)Farm machinery repair

(3)Lawn and garden equipment repair

(4)Welding

- k. Farm stands, subject to the requirements of Section 128.0.I.
- l. Snowball stands, subject to the requirements of Section 128.0.I.
- m. Disposal of off-site land clearing debris, subject to the requirements of Section 128.0.D.
- n. Value-added processing of agricultural products, subject to the requirements of Section 128.0.I.
- o. Agritourism enterprises **AND SMALL-SCALE AGRITOURISM**, subject to the requirements of Section 128.0.I.
- p. Pick-your-own marketing of farm products, subject to the requirements of Section 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 **ALCOHOL PRODUCER, SUBJECT TO THE REQUIREMENTS IN SECTION 131.0.N.57.** ~~winery—Class 2~~
- (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 128.0.**

### **A. Supplementary Bulk Regulations**

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.**

#### **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 14<sup>TH</sup>** ~~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.

## **5. Agritourism Enterprises**

**THE FOLLOWING CRITERIA APPLY TO AGRITOURISM AND SMALL-SCALE**

**AGRITOURISM USES:**

- a. **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 ~~IS enterprises~~ are permitted as AN accessory uses to farming in the RC and RR Districts provided that:

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.
2. The use supports the agricultural use of the property **BY EXPOSING THE PUBLIC TO FARMING AND FARMING PRACTICES BY HIGHLIGHTING AGRICULTURE AND ENCOURAGES TOURISM TO ATTRACT, ENTERTAIN, AND EDUCATE VISITORS,** 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.
3. 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.
4. Sight distance and the design of driveway entrances are adequate to accommodate expected traffic. **DRIVEWAY ACCESS THAT IS SHARED WITH OTHER RESIDENTIAL PROPERTIES SHALL NOT SERVE AS THE PRIMARY ENTRANCE FOR VISITORS PARTICIPATING IN AGRITOURISM ACTIVITIES.**
5. 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.

6. The use will operate only between the hours of 6 a.m. and 10 p.m. **AND FESTIVALS OR SIMILAR EVENTS BETWEEN THE HOURS OF 8 A.M.-8 P.M.** Any outdoor lighting shall comply with the requirements of Section 134.0.
  7. Agritourism uses may include festivals or similar events held for the purpose of marketing products grown on the farm or farm-related education or recreation, provided that festivals are limited to **FRIDAY, SATURDAY AND SUNDAY AND NOT MORE THAN TWO CONSECUTIVE DAYS (SEE SECTION 103.0: Definitions.)** ~~no more than 4 per year and no more than 8 days per year.~~
  8. **A OWNER OF THE AGRITOURISM BUSINESS MUST MAINTAIN A RESIDENCE ON THE PROPERTY OR AN ADJOINING PROPERTY.**
  9. **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.**
- B. SMALL-SCALE AGRITOURISM: SMALL-SCALE AGRITOURISM IS PERMITTED AS AN ACCESSORY USE TO FARMING IN THE RC, RR, R-ED, AND R-20 DISTRICTS, PROVIDED THAT:**
1. **THE USE IS LOCATED ON A PARCEL OR ADJOINING PARCELS THAT OPERATE AS ONE FARM OF AT LEAST 5 ACRES.**
  2. **THE USE SUPPORTS FARMING BY EXPOSING THE PUBLIC TO FARMING AND FARMING PRACTICES BY HIGHLIGHTING AGRICULTURE AND ENCOURAGES TOURISM TO ATTRACT, ENTERTAIN, AND EDUCATE VISITORS, WHILE REMAINING AN ACCESSORY USE, IN SCALE AND INTENSITY, TO THE PRIMARY FARMING USE, 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.

3. 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.
4. SIGHT DISTANCE AND THE DESIGN OF DRIVEWAY ENTRANCES ARE ADEQUATE TO ACCOMMODATE THE EXPECTED TRAFFIC. DRIVEWAY ACCESS THAT IS SHARED WITH OTHER RESIDENTIAL PROPERTIES SHALL NOT SERVE AS THE PRIMARY ENTRANCE FOR VISITORS PARTICIPATING IN AGRITOURISM ACTIVITIES.
5. WHERE THE AREAS OPEN TO CUSTOMERS ARE CLOSE TO THE PROPERTY BOUNDARIES, BOUNDARIES ARE CLEARLY MARKED THROUGH SIGNAGE, FENCING, AND/OR LANDSCAPING TO PROTECT NEIGHBORING PROPERTIES FROM UNINTENTIONAL TRESPASSING BY VISITORS.
6. THE USE WILL OPERATE ONLY BETWEEN THE HOURS OF 8 A.M. AND 8 P.M. ANY OUTDOOR LIGHTING SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 134.0.
7. SMALL SCALE – AGRITOURISM USES MAY INCLUDE SMALL-SCALE EVENTS HELD FOR THE PURPOSE OF MARKETING PRODUCTS GROWN ON THE FARM OR FARM-RELATED EDUCATION OR RECREATION, PROVIDED THAT AT ANY ONE TIME, THE NUMBER OF VISITORS TO THE SITE SHALL NOT EXCEED 50 VISITORS AND NO MORE THAN 25 TIMES PER YEAR. FESTIVAL EVENTS ARE NOT PERMITTED.

**9. INCIDENTAL OUTDOOR STAYS – LODGING**

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

- A. THE INCIDENTAL OUTDOOR STAYS – LODGING IS SUBORDINATE TO AND WILL SUPPORT THE FARMING USE OF THE PROPERTY AND WILL NOT HAVE SIGNIFICANT 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 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 BROUGHT ON-SITE 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,
  - 2. ENVIRONMENTALLY OR HISTORICALLY SENSITIVE AREAS INCLUDING HISTORIC STRUCTURES AND THEIR LANDSCAPE SETTING, FLOODPLAINS, WETLANDS, WETLAND BUFFERS, STEEP SLOPES, STREAMS AND STREAM BUFFERS.
- K. THE LOCATION OF ENVIRONMENTALLY OR HISTORICALLY SENSITIVE AREAS AND FARMLAND CURRENTLY USED FOR FOOD PRODUCTION SHALL BE NOTED ON THE PLAN. THE EXTENT AND QUALITY OF EXISTING VEGETATION, ESPECIALLY TREE COVER, AND ANY SCENIC QUALITIES OF THE SITE SHALL BE NOTED ON THE PLAN.
- L. THE PROPERTY MUST HAVE THE HEALTH DEPARTMENT AND DEPARTMENT OF INSPECTIONS, LICENSES & PERMITS APPROVED SANITATION FACILITIES FOR THIS ACCESSORY USE, IF A NON-RV IS USED AS SHELTER. FOR PRIVATE RV'S THE LANDOWNER WILL MAKE RV CAMPERS AWARE OF NO SEWERAGE DUMPING ALLOWED ONSITE.
- M. THE PROPERTY OWNER AND/OR OPERATOR OF INCIDENTAL OUTDOOR STAYS – LODGING SHALL MAINTAIN LOGS THAT INCLUDE THE RENTERS NAME, DRIVERS LICENSE INFORMATION, RV REGISTRATION, IF

**APPLICABLE, DATES OF STAY, AND VISITOR SIGNATURE. LOGS MUST BE MAINTAINED FOR A PERIOD OF TWO YEARS AND FURNISHED UPON THE REQUEST OF THE DEPARTMENT OF PLANNING AND ZONING.**

**10. BED AND BREAKFAST INNS**

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

- A. THE USE IS LOCATED ON A PARCEL OF AT LEAST 20 ACRES.**
- B. THE INN IS MANAGED AND OPERATED BY THE OWNER(S) OF THE DWELLING AND THE DWELLING MUST BE THE PRINCIPAL RESIDENCE OF THE PROPERTY OWNER(S) OR A DESIGNATED ON-SITE CARETAKER OPERATING ON BEHALF OF THE OWNER.**
- C. NO PUBLIC RECEPTION OR PUBLIC RESTAURANT FACILITIES ARE PROVIDED.**
- D. IF THE BUILDING IS A HISTORIC STRUCTURE AS DEFINED IN THESE REGULATIONS, EXTENSIONS OR ALTERATIONS TO THE HISTORIC DWELLING SHALL BE ARCHITECTURALLY COMPATIBLE WITH THE HISTORIC STRUCTURE AS DETERMINED BY THE HISTORIC PRESERVATION COMMISSION PRIOR TO THE APPROVAL OF THE SPECIAL FARM PERMIT.**
- E. IF THE BUILDING IS A HISTORIC STRUCTURE AS DEFINED IN THESE REGULATIONS, EXTENSIONS OR ENLARGEMENT OF THE PRINCIPAL HISTORICAL STRUCTURE AND ALL ACCESSORY STRUCTURES MAY NOT EXCEED 50% OF THE GROSS FLOOR AREA OF EACH INDIVIDUAL BUILDING.**

**128.0.O. FARM ALCOHOL PRODUCER** Winery—Class 1A or Farm Brewery—Class 1A



1. A **FARM ALCOHOL PRODUCER** ~~Winery Class 1A or a Farm Brewery Class 1A~~ is permitted as an accessory use to farming in the RC and RR Districts, provided that the use complies with the following criteria:
  - 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** ~~farm 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.~~
  - g. The use 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 ALCOHOL PRODUCER** ~~farm winery~~ property.
  - i. A Farm **ALCOHOL PRODUCER** ~~Winery or Brewery~~ may produce, serve and sell food to complement wine or beer tasting in accordance with Article 2B of Maryland State Code.
  - j. In addition to the beverages produced by the use, the retail sale of promotional items identifying the same **FARM ALCOHOL PRODUCER** ~~winery or brewery~~, such as glassware, clothing, bottle openers or similar items, is permitted as an accessory use. Plants or produce grown on-site may also be sold.
  - k. 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. DPZ may reduce the hours for visitors, but shall not increase them. The hours for **FARM ALCOHOL PRODUCER** ~~winery or brewery~~ processing and production operations are not limited.

1. At any one time, the number of visitors to the ~~winery or brewery~~ **FARM ALCOHOL PRODUCER** shall not exceed ~~150~~ 50 visitors.

**M. 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.**

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.N Conditional Uses and Permissible Zoning Districts

Conditional Use
<b><u>RURAL VENUE SPACE</u></b> <del>Limited Outdoor Social Assemblies</del>
<del>Winery, Farm — Class 1B</del>
<b><u>FARM ALCOHOL PRODUCER</u></b> <del>winery, farm — class 2</del>

#### Section 131.0.N.8. Bed and Breakfast Inns

A Conditional Use may be granted in the RC, RR, R-ED, R-20, R-12, **AND R-SC DISTRICTS ON FARMS LESS THAN 20 ACRES,** and **THE** R-VH Districts for **A** bed and breakfast inn, provided that:

- a. ~~The building is dwelling which is a historic structure as defined in these Regulations.~~ **THE BUILDING IS COMPATIBLE IN SCALE AND CHARACTER WITH THE RESIDENTIAL USES IN THE VICINITY.**
- b. The inn is managed and operated by the owner(s) of the dwelling and the dwelling must be the principal residence of the owner(s) **OR A DESIGNATED ON-SITE CARETAKER OPERATING ON BEHALF OF THE OWNER.**
- c. No public reception or public restaurant facilities are provided.
- d. **IF THE BUILDING IS A HISTORIC STRUCTURE AS DEFINED IN THESE REGULATIONS, THE** Exterior alterations to the historic dwelling shall be architecturally compatible with the historic structure as determined by the Historic District Commission prior to the approval of the Condition Use.
- e. **IF THE BUILDING IS A HISTORIC STRUCTURE AS DEFINED IN THESE REGULATIONS, THE** Extension or enlargement of the principal historical structure and all accessory structures may not exceed 50% of the gross floor area of each individual building above that which existed on August 1, 1989, when ZB 882R was adopted adding the Conditional Use for bed and breakfast inns to these Regulations.
- f. ~~Bed and Breakfast Inns are permitted as a matter of right in the RC and RR Districts on farms that are subject to ALPP purchased or dedicated Easements provided that the building existed at the time the easement was established and the use is managed by persons residing on the same parcel. If these criteria are met, Conditional Use approval is not required.~~

#### **Section 131.0.N.26 Guest House**

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

- b. Accessory **RURAL VENUE SPACE** ~~limited outdoor social assembly~~ uses are not permitted.

#### **Section 131.0.N.33 ~~Limited Social Assemblies~~ **RURAL VENUE SPACE****

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

- a. ~~The lot is the site of a historic structure as defined in these Regulations.~~
- b. The minimum lot size is 5 acres or greater.
- c. ~~If the d~~ Driveways providing access to the proposed site **SHALL NOT BE** is shared with other properties. **IF THE SITE HAS** or has direct access to and frontage on a local road, the petitioner shall demonstrate that the use will not **ADVERSELY IMPACT** ~~result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway or~~ **USE OF THE** local road **BY DEMONSTRATING ADEQUATE SIGHT DISTANCE AND CAPACITY TO MANAGE THE ANTICIPATED VOLUME OF ROAD USE.** ~~The Hearing Authority shall prescribe appropriate conditions and safeguards to ensure the Conditional Use operator's responsibility for repair of any damage or deterioration of the shared driveway caused by the Conditional Use, including requirements for surfacing of access driveways.~~
- d. The petitioner shall provide a traffic management plan and a sight-distance analysis. The ~~limited social assemblies~~ **RURAL VENUE SPACE** are the following private 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.
- e. ~~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.~~
- f. 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.**

- g. ~~Limited social assembly~~ **RURAL VENUE SPACE** events shall have the following limitations:
1. Maximum capacity **SHALL** is not to exceed:
    - i. 150 attendees **ON A 5-ACRE PARCEL**
    - ii. **250 ATTENDEES ON A 20-ACRE PARCEL**
    - iii. **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-Saturday; and between 12:00 p.m. and 10:00 p.m., Sunday.
- h. ~~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.
- i. 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.
  - j. 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.~~

### **Section 131.0.N.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:

### **~~Section 131.0.N.57. Winery, Farm — Class 1B~~**

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

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

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

~~(2) A local road, provided that:~~

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

~~(b) 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 winery along the local road;~~

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

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

~~b. The driveway providing access to the proposed site shall not be shared with other properties; however the Hearing Authority 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 farm winery. 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 Hearing Authority shall prescribe appropriate conditions and safeguards to ensure the Farm Winery owner's responsibility for repair of any damage or deterioration of the shared driveway caused by the Conditional Use.

~~c. All winery related structures and uses excluding cultivation areas shall be at least 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.~~

**Section 131.0.N.578. 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:

- a. The use is located on a parcel of at least 25 acres. The use is permitted on any such parcel, including parcels with Agricultural Land Preservation Easements and preservation parcels.
- b. The lot or parcel upon which the FARM ALCOHOL PRODUCER Winery is located shall have frontage on and direct access to a road classified as an arterial or collector public road. Unless the Hearing Authority approves access to a local road as provided in Section 131.0.N.56.~~Be~~, the sole access to and from the site shall be from the arterial or collector public road.
- c. The Hearing Authority may approve access to a local road upon findings that access to an arterial or collector public road right-of-way is not feasible, the local road is not internal to a residential cluster subdivision unless the residential cluster subdivision was originally designed, constructed, and marketed as a FARM ALCOHOL PRODUCER winery community organized around a FARM ALCOHOL PRODUCER winery parcel, the access to the local road is safe based on road conditions and accident history, and that the use of the local road for access to the FARM ALCOHOL PRODUCER winery will not unduly conflict with other uses that access the local road.
- d. ~~The d Driveways~~ DRIVEWAYS providing access to the proposed site SHALL NOT BE is shared with other properties. IF THE SITE HAS or has direct access to and frontage on a local road, the petitioner shall demonstrate that the use will not ADVERSELY IMPACT ~~result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway or~~ USE OF THE local road BY DEMONSTRATING ADEQUATE SIGHT DISTANCE AND CAPACITY TO MANAGE THE ANTICIPATED VOLUME OF ROAD USE. ~~The Hearing Authority shall prescribe appropriate conditions and safeguards to ensure the Farm Winery owner's responsibility for repair of any damage or deterioration of the shared driveway cause by the Conditional Use.~~
- e. All FARM ALCOHOL PRODUCER winery related structures and uses excluding cultivation areas shall be at least 75 feet from a public road right-of-way and 150 feet from all other lot lines.



The Hearing Authority may reduce the setback of 150 feet from the lot lines, but only to a minimum of 75 feet, if:

- (1) The adjoining land is committed to an agricultural or environmental preservation easement or a long term institutional or open space use that provides an equivalent or better buffer; or
  - (2) The petition includes detailed plans for screening. 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.
- f. 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.
  - g. The Farm **ALCOHOL PRODUCER** ~~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~~ **ALCOHOL PRODUCER** property.
  - h. The Farm **ALCOHOL PRODUCER** ~~Finery~~ shall be compatible with the rural character of the farm and the surrounding area.
  - i. **THE FARM ALCOHOL PRODUCER** ~~Winery~~ visitor hours shall be restricted to between 10:00 a.m. and 10:00 p.m. daily. The Hearing Authority may reduce the hours for visitors, but shall not increase them. The hours for ~~winery~~ **FARM ALCOHOL BEVERAGE** processing and production operations are not limited.
  - j. The **FARM ALCOHOL PRODUCER** ~~Winery~~ shall be limited to two categories of attendee events; Everyday Events and Special Events, each with specific limitations as follows:
    - (1) An Everyday Event is one that may occur each day of operation within a calendar year, or as may be further limited by the Hearing Authority, and the number of attendees at any single time shall be as specified by the Hearing Authority, but only up to a maximum of **150** ~~50~~ persons at any given time. The most common type of activity in an everyday event is that of customers visiting

a tasting room at the **FARM ALCOHOL PRODUCER Winery** to sample or purchase the products produced therein, but may include other low-intensity activities such as individual or small group tours, educational programs, meetings, and social events; and

(2) A Special Event is an indoor and/or outdoor event that may be approved by the Hearing Authority for up to fifteen (15) days within a calendar year. The maximum number of attendees at any given time on a 25 acre farm shall be 150 persons, provided, however, that the Hearing Authority may increase this maximum number of attendees in accordance with Section 131.0.N.5758.k, if the property qualifies for such an increase. For a Special Event that occurs on more than one calendar day, each calendar day is counted as one event.

- k. The standard maximum number of persons permitted to visit the property at any one time for Special Events shall be 150 attendees. The Hearing Authority may increase the maximum number of Special Event attendees by ~~10~~ 5 people for every acre of land area above the minimum 25 acre parcel size, based upon the gross acreage of the parcel, up to a total maximum of 500 attendees. If the **FARM ALCOHOL PRODUCER Winery** is located on a farm which is comprised of more than one parcel under the same ownership (the "Overall Farm"), the Hearing Authority may base this potential attendee increase on the gross acreage of the Overall Farm as long as there is a condition to decrease the number of attendees if for any reason the land area of the Overall Farm is reduced after the initial Conditional Use approval.
- l. A **FARM ALCOHOL PRODUCER Winery** may produce, serve and sell food to complement **TASTINGS** in accordance with Article 2B of Maryland State Code.
- m. Any accessory retail sales within the **FARM ALCOHOL PRODUCER winery**, other than the ~~wine, and similar fermented~~ beverages produced at the **FARM ALCOHOL PRODUCER Winery**, are limited to items promoting the same **FARM ALCOHOL PRODUCER Winery**, such as glassware, clothing, and wine-related items such as wine openers. A **FARM ALCOHOL PRODUCER Winery** may sell plants and/or produce grown on-site.
- n. If approved, the owner shall provide documentation to the Department of Planning and Zoning proving compliance with Section 131.0.N.578.f. It is the responsibility of the **FARM**

**ALCOHOL PRODUCER** Winery owner to obtain any other required Federal, State and County approvals required prior to operating the use.

- o. **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 SEPARAE TIMES INCLUDING THE BEGINNING, MIDDLE, AND END OF AMPLIFIED MUSIC EVENT. THE LOG MUST BE FURNISHED UPON THE REQUEST OF THE DEPARTMENT OF PLANNING AND ZONING.**

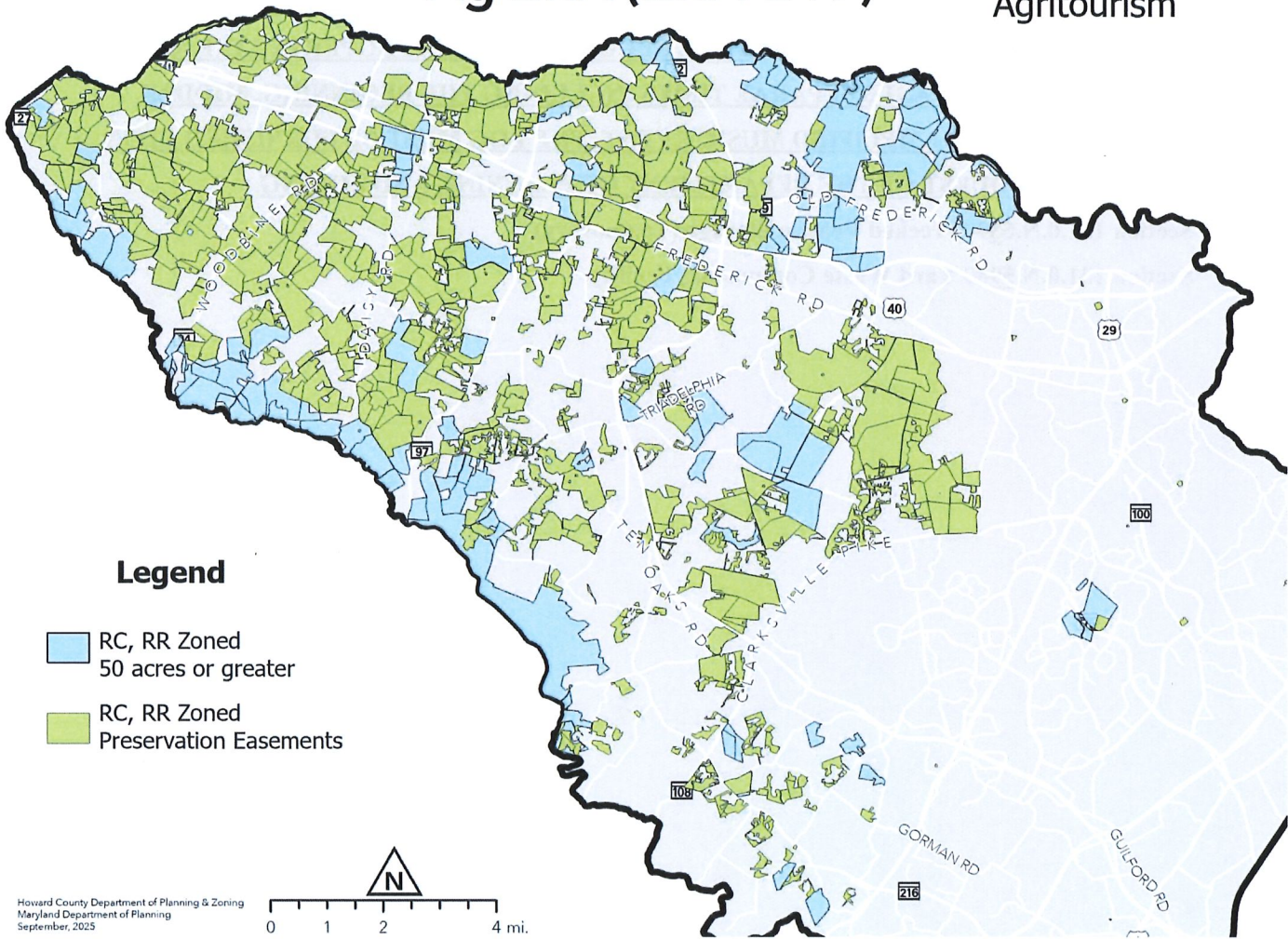
Section 131.0.N.589 Wrecked Vehicle Storage (Temporary)

Section 131.0.N.5960 Yard Waste Composting Facility

Attachment A

Ag ZRA (ZRA-217)

Agritourism

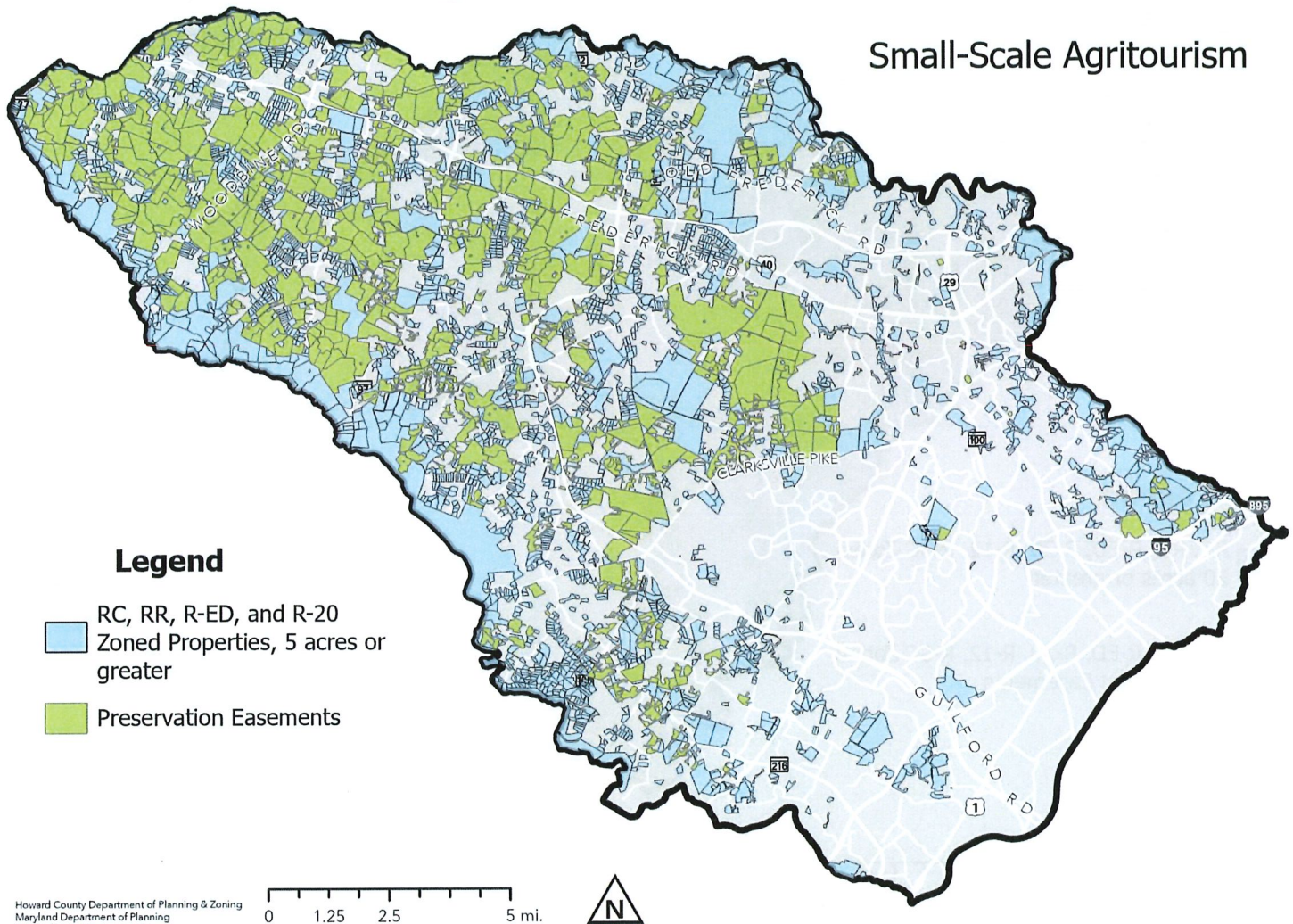




Attachment B

# Ag ZRA (ZRA-217)

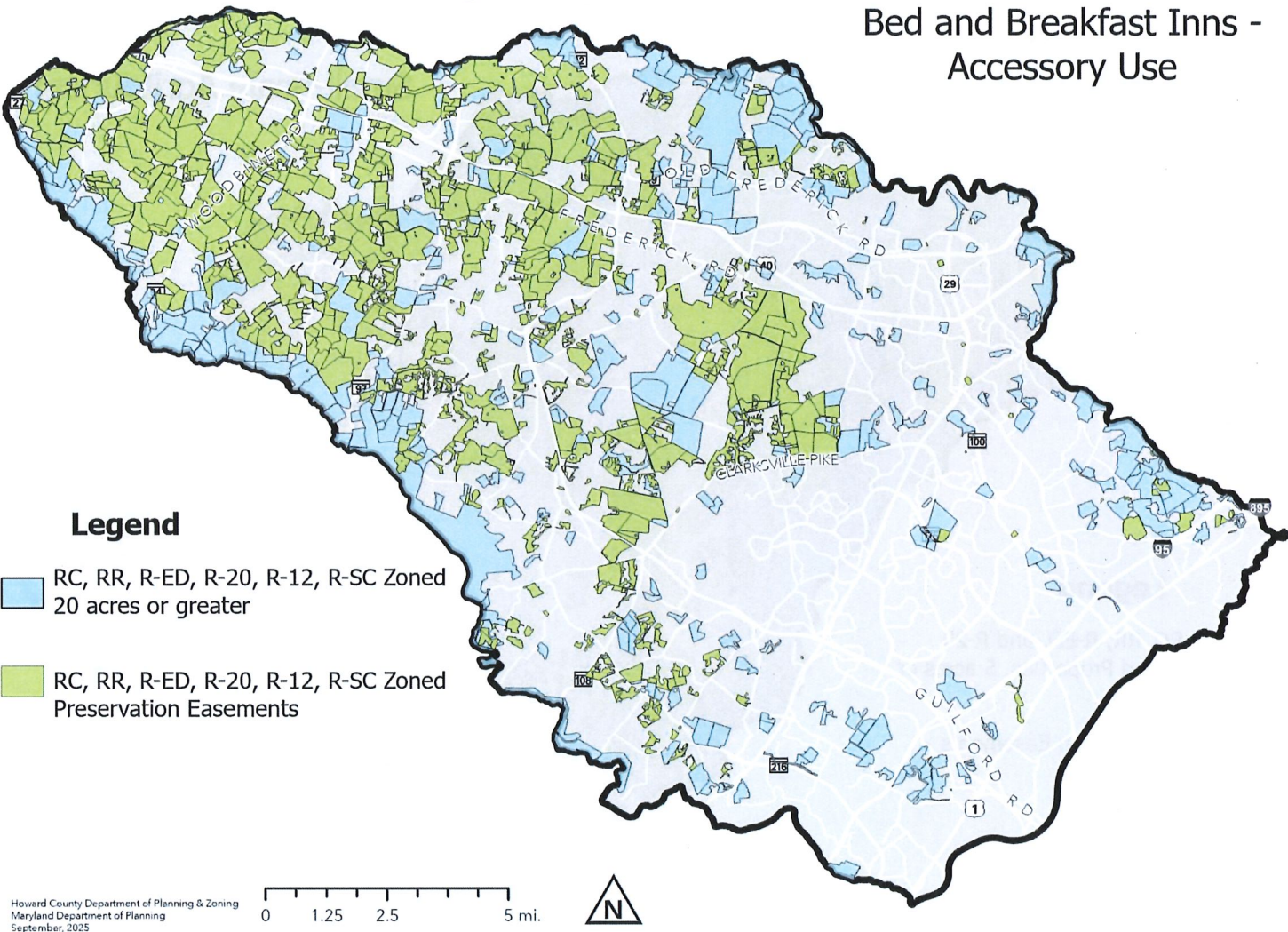
## Small-Scale Agritourism



Attachment C

Ag ZRA (ZRA-217)

Bed and Breakfast Inns -  
Accessory Use

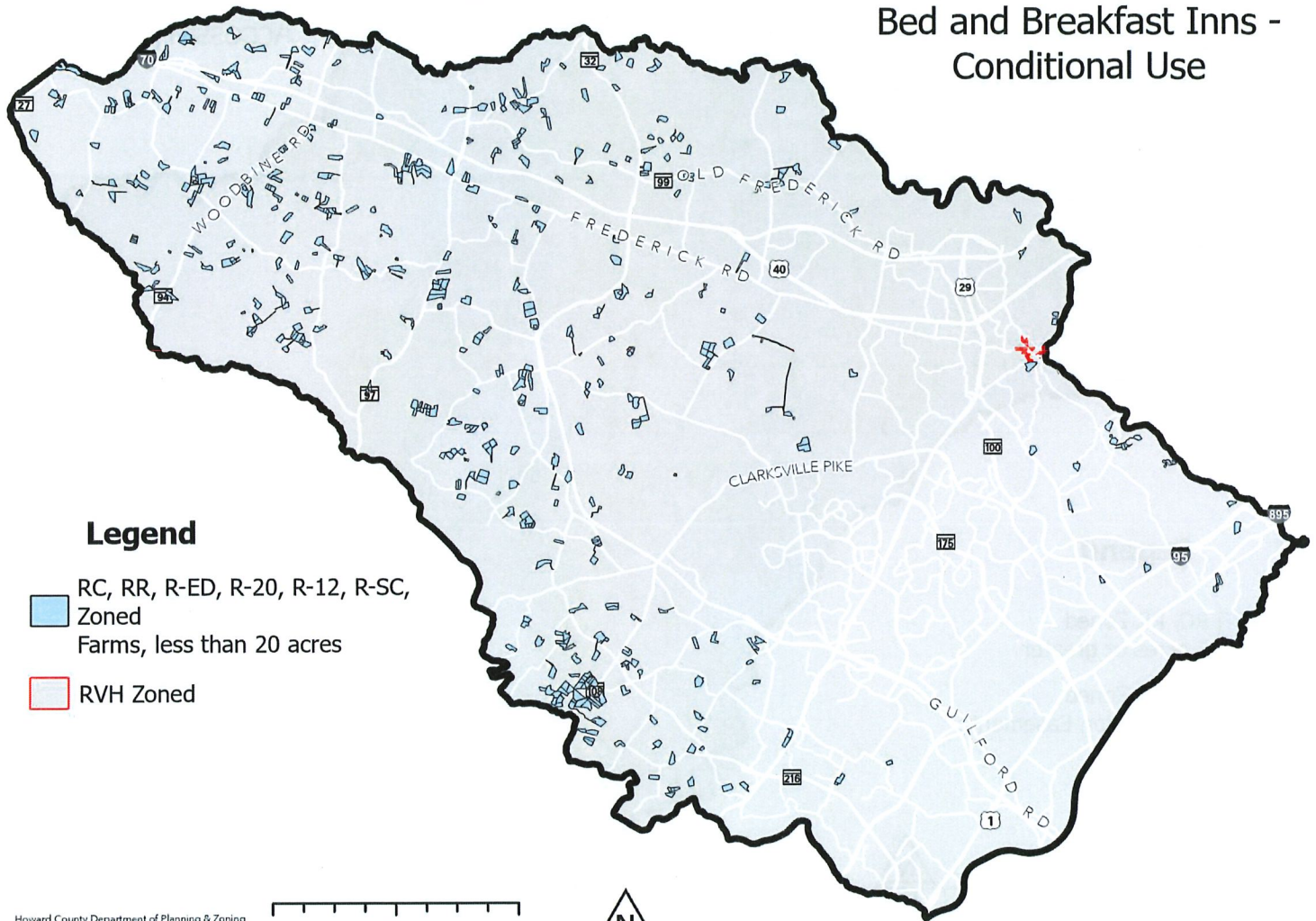




Attachment D

# Ag ZRA (ZRA-217)

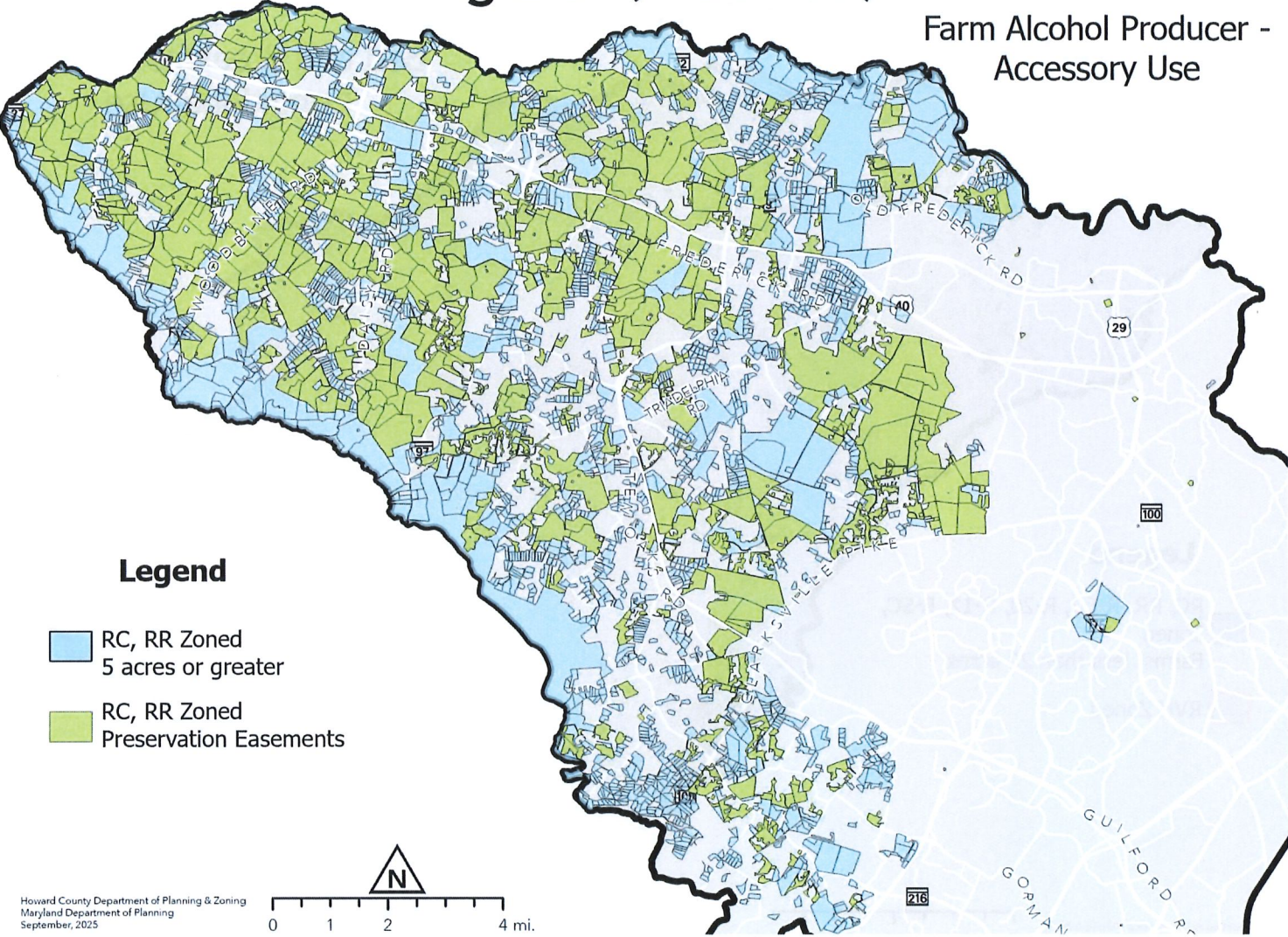
Bed and Breakfast Inns -  
Conditional Use



Attachment E

Ag ZRA (ZRA-217)

Farm Alcohol Producer -  
Accessory Use

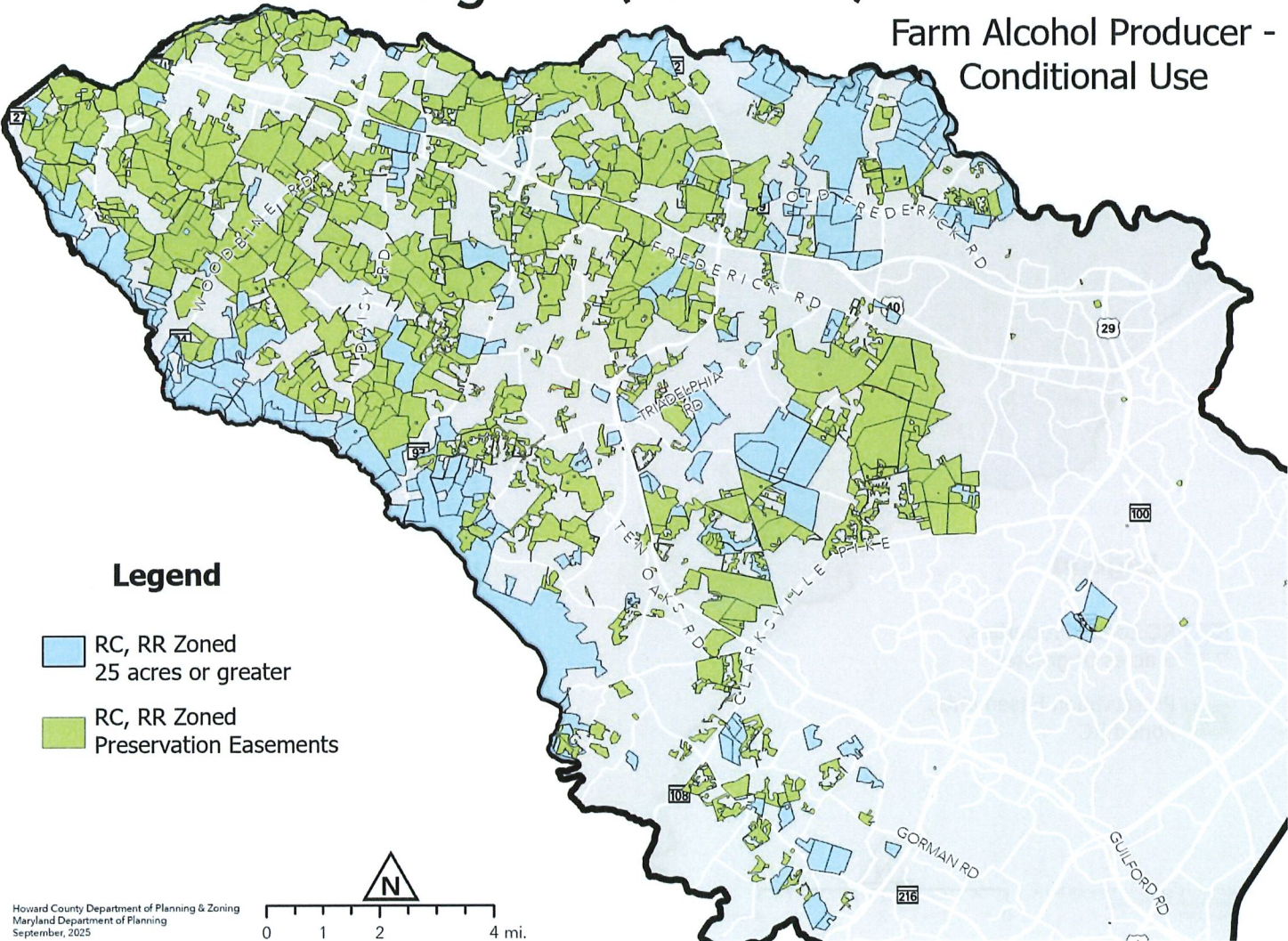




Attachment F

Ag ZRA (ZRA-217)

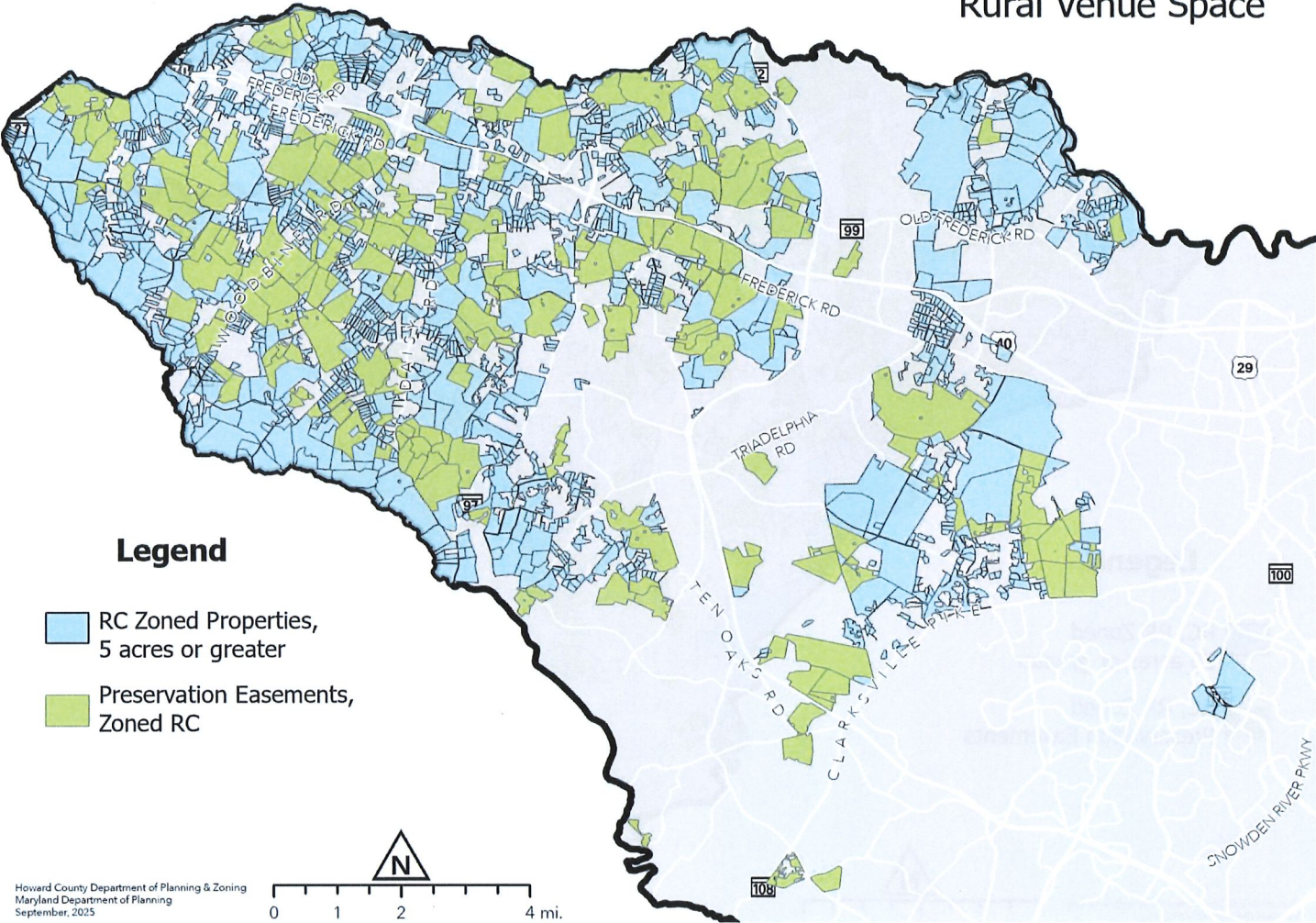
Farm Alcohol Producer -  
Conditional Use



Attachment G

Ag ZRA (ZRA-217)

Rural Venue Space

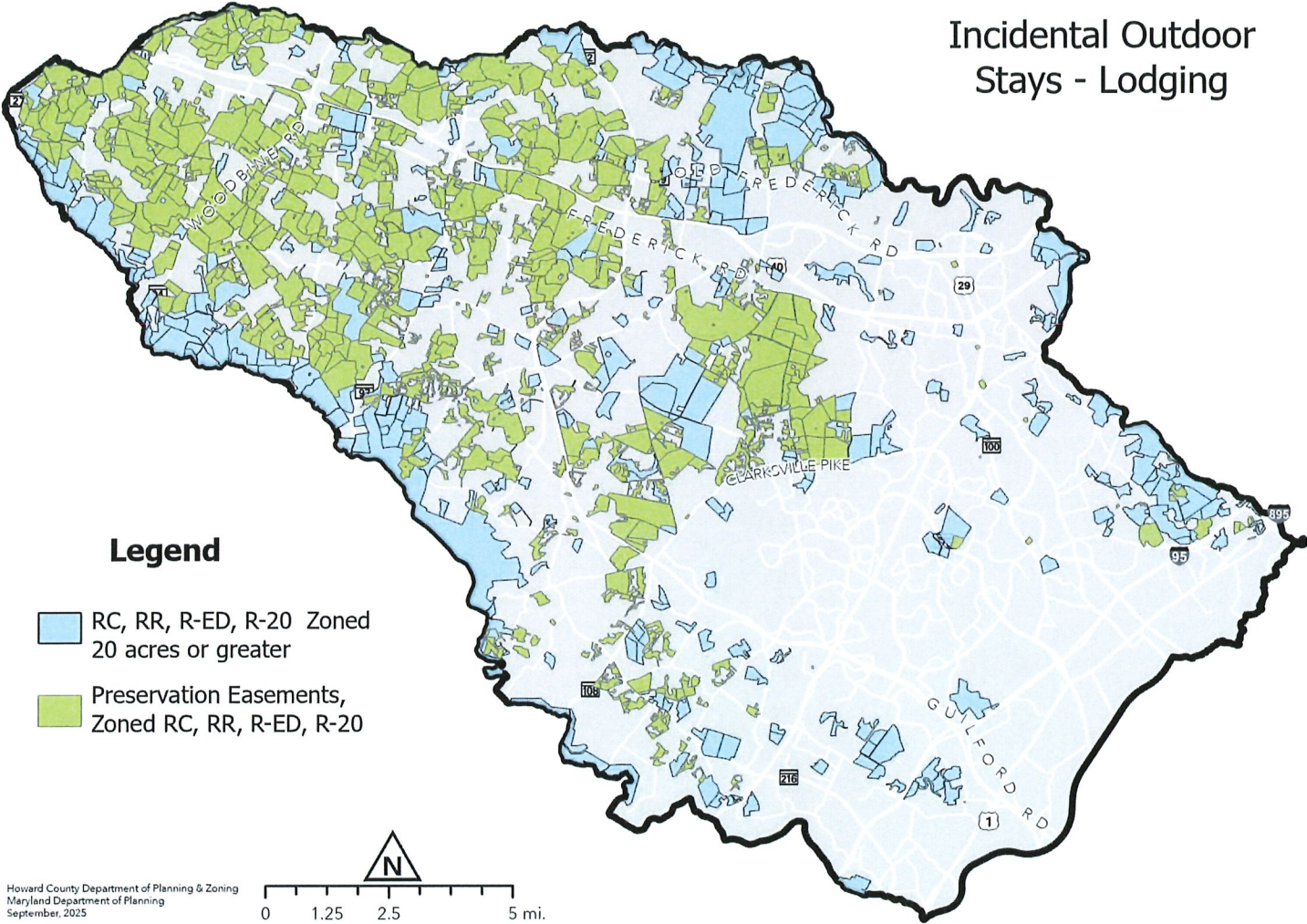




Attachment H

Ag ZRA (ZRA-217)

Incidental Outdoor  
Stays - Lodging



1 DEPARTMENT OF PLANNING AND ZONING, \* BEFORE THE  
2 PETITIONER \* PLANNING BOARD OF  
3 ZRA-217 \* HOWARD COUNTY, MARYLAND

4  
5  
6 \* \* \* \* \* \* \* \* \* \* \* \* \*

7 MOTION: Recommend approval of ZRA-217.

8 ACTION: *Approved with Amendments; Vote 5-0.*

9 \* \* \* \* \* \* \* \* \* \* \* \*

10  
11 RECOMMENDATION

12 On October 9, 2025, the Planning Board of Howard County, Maryland, considered the petition of the  
13 Department of Planning and Zoning (DPZ), the Petitioner, for several amendments throughout the Zoning Code  
14 to implement new and relevant policies in HoCo By Design, reduce conflicts in the current code, and respond  
15 to market conditions and new industry opportunities related to Agritourism. DPZ’s Petition included:

- 16 • Amend the Agritourism and Bed and Breakfast Inn definitions under Section 103.0.
- 17 • Create new definitions for Agribusiness, Agriculture, Farm Vehicle, Farm Alcohol Producer,
- 18 Festival – Agritourism, Incidental Outdoor Stays – Lodging, Rural Venue Space, and Small -Scale
- 19 Agritourism under Section 1030.
- 20 • Remove definitions and mentions of Farm Brewery, Farm Brewery – Class 1A, Farm Winery, Farm
- 21 Winery – Class 1A, Farm Winery – Class 1B, and Farm Winery – Class 2, to replace with Farm
- 22 Alcohol Producer.
- 23 • Amend the Accessory Uses in the Rural Conservation (RC) district under Section 104.0.C. to add
- 24 Small-Scale Agritourism, Incidental Outdoor Stays – Lodging, and Bed and Breakfast Inns, subject
- 25 to additional requirements, and rename Farm Winery – Class 1A and Farm Brewery – Class 1A to
- 26 Farm Alcohol Producer.
- 27 • Amend the Accessory Uses in the Rural Residential (RR) district under Section 105.0.C. to add
- 28 Small-Scale Agritourism, Incidental Outdoor Stays – Lodging, and Bed and Breakfast Inns, subject
- 29 to additional requirements, and rename Farm Winery – Class 1A and Farm Brewery – Class 1A to
- 30 Farm Alcohol Producer.
- 31 • Amend the Accessory Uses in the Residential: Environmental Development (R-ED) district under
- 32 Section 107.0.C to add Incidental Outdoor Stays – Lodging, Bed and Breakfasts Inns, and Small-
- 33 Scale Agritourism, subject to additional requirements.

- Amend the Accessory Uses in the Residential Single R-20 district under Section 108.0.C to add Incidental Outdoor Stays – Lodging, Bed and Breakfast Inns, and Small-Scale Agritourism, subject to additional requirements.
- Amend the Accessory Uses in the Residential-Single R-12 district under Section 109.0 to add Bed and Breakfast Inns, subject to additional requirements.
- Amend the Accessory Uses in the Residential-Single Cluster R-SC district under Section 110.0 to add Bed and Breakfast Inns, subject to additional requirements.
- Amend the timeframe to allow for sales of Christmas trees or other seasonal decorative material under Section 106.1 and Section 128.0.D.6. between November 1<sup>st</sup> and January 14<sup>th</sup>, subject to additional requirements.
- Amend regulations for Bed and Breakfast Inns on County Preservation Easements under Section 106.1.
- Amend the Accessory Uses for County Preservation Easements under Section 106.1 to add Small-Scale Agritourism and Incidental Outdoor Stays – Lodging on Agricultural Land Preservation Parcels (ALPP) or Other Dedicated Easements, and Bed and Breakfast Inns on Other Dedicated Easements, subject to additional requirements. Rename Farm Winery – Class 1A and Farm Brewery – Class 1A to Farm Alcohol Producer.
- Amend the 2% cumulative cap devoted to Conditional Uses on ALPP easements to exclude driveway areas under Section 106.1.D.1.
- Rename the Conditional Use for Limited Outdoor Social Assemblies to Rural Venue Space allowed on ALPP or Other Dedicated Easements under Section 106.1.D.
- Rename the Conditional Use for Farm Winery- Class 2 to Farm Alcohol Producer allowed on ALPP or Other Dedicated Easements under Section 106.1.D.
- Amend the detached accessory structure lot coverage requirements under Section 128.0.A.12.a.
- Amend the Special Farm Permit regulations under Section 128.0.I to allow DPZ to consider the cumulative impacts of multiple Special Farm Permits when reviewing a Special Farm Permit application and allow DPZ to enter the property where a Special Farm Permit has been approved for Agritourism and Small-Scale Agritourism.
- Rename the Special Farm Permit for Agritourism Enterprise to Agritourism and amend its requirements, under Section 128.0.I.5.
- Add Small-Scale Agritourism, Incidental Outdoor Stays – Lodging, and Bed and Breakfast Inns as a Special Farm Permit, under Section 128.0.I.
- Rename the Farm Winery – Class 1A and Farm Brewery – Class 1A use to Farm Alcohol Producer

and amend its regulations, under Section 128.0.O.

- Amend the Conditional Use regulations for Guest House to rename the reference to Limited Outdoor Social Assembly to Rural Venue Space under Section 131.0.N.26.
- Rename the Conditional Use for Limited Social Assemblies to Rural Venue Space and amend its regulations, under Section 131.0.N.33.
- Amend the Conditional Use for Nonprofit Clubs, Lodges, Community Halls and Camps to include nonprofit educational camps, under Section 131.0.N.37.
- Remove the Conditional Use for Farm Winery – Class 1B, under Section 131.0.N.57.
- Rename the Conditional Use for Farm Winery – Class 2 to Farm Alcohol Producer, amend its regulations, and renumber the use from Section 131.0.N.58 to Section 131.0.N.57.
- Renumber the Conditional Use for Wrecked Vehicle Storage (temporary) from Section 131.0.N.59 to Section 131.0.N.58.
- Renumber the Conditional Use for Yard Waste Composting Facility from Section 131.0.N.60 to Section 131.0.N.59.

The Planning Board considered the petition and the Department of Planning and Zoning's (DPZ) Technical Staff Report (TSR).

#### Testimony

Ms. Lynda Eisenberg, AICP, Executive Chair, explained that ZRA-217 is a product of many years of the County working with the agricultural community to update the Zoning Regulations to benefit and support agriculture as well as meet the policies and goals of the General Plan, HoCo By Design. Ms. Hannah Weber, DPZ staff member, presented the proposed ZRA. She stated the purpose of the ZRA is to respond to changes in market conditions and new industry opportunities related to agritourism, implement new and relevant policies from HoCo By Design, and address issues and reduce conflicts in the current code to improve clarity, accessibility, and ease of technical administration. Ms. Weber went through each text amendment and explained what the current regulations allow, what is proposed, and what code sections are impacted (as summarized above). During the staff presentation, Ms. Lynn Moore, Planning Board member, asked about the definition of a farm vehicle. Ms. Eisenberg explained that the ZRA proposes to add the definition of farm vehicle to differentiate farm vehicles from commercial vehicles to help with code enforcement. Ms. Weber continued her presentation and reviewed the ZRA criteria.

Following DPZ's presentation of the proposed amendment, Mr. Kevin McAliley, Planning Board Chair, asked the Planning Board if they had questions for DPZ. Ms. Lynn Moore asked why the Agritourism Special Farm Permit requires the owner to reside on the subject property or an adjoining property. Ms. Barbara Mosier, Planning Board member, also asked for clarification about this requirement. Ms. Eisenberg responded

1 that it is a safeguard and a form of self-policing, aiming to keep any larger events under control specifically in  
2 regard to the hours of operation and noise levels. Ms. Eisenberg explained an example of self-policing is the  
3 noise log requirement, which is intended to make the property owner cognizant of their neighbors and any  
4 amplified noise coming from their property. Ms. Moore also expressed concerns with the restriction that a  
5 shared driveway could not provide access to the Agritourism, Rural Venue Space, or Farm Alcohol Producer  
6 (conditional use) uses. Ms. Eisenberg explained this is also proposed as a safeguard to prevent any future  
7 neighbor disagreements with adjoining residents who may be using the shared driveway with an agritourism  
8 business. Ms. Mosier asked if the shared driveway restriction is only for the separate adjoining residences or if  
9 it includes the residence on the owner's property. Ms. Eisenberg explained that a shared driveway restriction  
10 would apply to all uses. Ms. Moore asked for clarification about the construction and maintenance of barns and  
11 silos not meeting the establishment of a farm, as related to agritourism and small-scale agritourism. Mr. David  
12 Moore, Attorney for the Planning Board, clarified it means the construction and maintenance of barns and silos  
13 alone are not sufficient to constitute a farming use, but they can be part of a farm. Ms. Moore and Ms. Mosier  
14 asked for clarification regarding the detached accessory structure lot coverage requirements because the ZRA  
15 largely discusses agricultural uses which would be exempt from lot coverage. Ms. Eisenberg explained that the  
16 lot coverage requirements are for accessory structures, like sheds and pool houses, on residentially zoned  
17 properties and does not include agricultural structures. Ms. Eisenberg discussed that the regulation is meant to  
18 target large properties in the rural west, not necessarily used as a farm, that want to construct a larger private  
19 recreational facility for personal use but are limited by the lot coverage requirements. Ms. Moore asked about  
20 the 2% cap for conditional uses on agricultural land preservation properties. Ms. Eisenberg explained that the  
21 area for the conditional use cannot exceed 2% of the agricultural easement. Mr. Mason Godsey, Planning Board  
22 member, asked about the two consecutive day limit on festival events. Ms. Eisenberg explained the intent is to  
23 avoid conflicts within neighbor. Ms. Mosier asked why the Rural Venue Space hours of operation allow an  
24 earlier start time on the weekdays than on the weekends. Ms. Weber explained that those are the current hours  
25 of operation and the ZRA as written does not propose any changes to the hours. Ms. Mosier asked if there is a  
26 limit on the number of people for the Incidental Outdoor Stays. Ms. Eisenberg explained that there are no  
27 commercial campgrounds in Howard County, and this use would provide an opportunity for overnight stays.  
28 She explained there is no limit on the number of people but there is a limit of three sites. Ms. Mosier asked for  
29 clarification if an animal show would be considered a festival event. Ms. Eisenberg explained that festivals are  
30 not allowed under small-scaled agritourism and that animal shows may be considered a festival depending on  
31 the intensity.

32 Fifteen members of the public testified in support of the proposed ZRA, including the Howard County  
33 Farm Bureau, the Administrator of the Howard County Office of Agriculture, Councilman David Yungmann  
34 and Maryland State Delegate Natalie Zeigler. They indicated the ZRA would promote long term viability of

1 agriculture in Howard County by allowing alternative revenue opportunities, such as hosting events and  
2 allowing overnight stays. Many stated that amendments will help bring people onto farms and allow the public  
3 to better understand, appreciate and support agriculture in Howard County. Many stated that Howard County  
4 has more restrictions on farming uses than neighboring counties and that adding such uses would stimulate the  
5 local economy and stay competitive and strong for generations to come. Many supported the ZRA with a  
6 recommendation to reconsider the restrictions for shared driveway access and the restriction that the owner  
7 must reside on the property or adjoining property. One person asked for consideration in adding community  
8 ponds to private recreation facilities and allowing agritourism festival events to be three consecutive days,  
9 especially on a holiday weekend. Another person asked for consideration for small-scale agritourism to increase  
10 the number of visitors, expand the hour of operations, and consider a lot size smaller than 5 acres. One person  
11 shared her concern with accessory farming uses becoming the primary use and too many visitors allowed with  
12 the Farm Alcohol Producer use.

#### 13 14 Board Discussion and Recommendation

15 The Planning Board discussed that they were generally in favor of the ZRA and then discussed the text  
16 changes by section of the code. The Planning Board had no objection to most of the changes as written. The  
17 Planning Board discussed different scenarios but ultimately did not object to the proposed increase in lot  
18 coverage for properties 5 acres or greater. The Planning Board discussed the days for allowing Christmas tree  
19 sales. Ms. Eisenberg explained the reason for allowing Christmas tree sales earlier in the year is to be more  
20 competitive with larger retail sales. The Planning Board discussed their concern that agritourism and small-  
21 scale agritourism is not allowed for farms with shared access. They discussed the options for amending the  
22 language to allow shared driveways. Ms. Weber discussed existing language in Section 128.0.O.1.c. which  
23 allows the Director of DPZ to waive shared driveway access restriction if the neighbors agree and sign an  
24 affidavit. Mr. James Cecil, Planning Board member, shared his concerns about safety with shared use driveways  
25 and if a recommendation should be made about driveway standards. The Planning Board discussed the  
26 requirement for agritourism uses to require the property owner to live onsite or an adjoining property. They  
27 discussed the option of having the owner, or designee, on-site during the event. The Planning Board discussed  
28 the hours of operation for the Rural Venue Space conditional use and small-scale agritourism. The Planning  
29 Board discussed increasing the day limit for agritourism festival events. The Planning Board discussed special  
30 farm permits and when access to an arterial or collector road is required. The Planning Board discussed allowing  
31 community fishing ponds. Mr. McAliley asked for suggestions that might encourage cyclists to utilize these  
32 agritourism uses.

33 Mr. Cecil motioned to recommend approval of ZRA-217 with amendments. Mr. Mason seconded the  
34 motion. The motion passed 5-0.



The amendments are:

1. Remove the restriction of not allowing shared driveway access for the Agritourism and Small-Scale Agritourism Special Farm Permit (Section 128.0.I.5), Rural Venue Space (Section 131.0.N.33), and Farm Alcohol Producer (Section 131.0.N.57) uses and replace it with the language in Section 128.0.O.1.c., which permits the Director of DPZ to waive the shared driveway restriction if the neighbors sign an affidavit agreeing to the proposed access.
2. Remove the restriction that the owner of the Agritourism Special Farm Permit must reside on the subject property or an adjoining property and add the provision that the property owner or a designee of the owner must be on the subject property for all events (Section 128.0.I.5).
3. Amend the hours of operation under the Small-Scale Agritourism Special Farm Permit to 8:00 a.m.-10:00 p.m. (Section 128.0.I.5).
4. Amend the hours of operation for Rural Venue Spaces on Friday and Saturday to be 9:00 a.m.-12:00 a.m. and Sunday to be 9:00 a.m.-10:00 p.m. (Section 131.0.N.33).
5. Add a consideration on the Agritourism Special Farm Permit for festival events to be extended to 3 consecutive days when the festival event falls on a holiday weekend (Section 128.0.I.5).
6. Add community fishing ponds as an allowed private outdoor recreation facility under Section 106.1.B.2.d.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 20th day of October 2025, recommends that ZRA-217, as described above, be APPROVED WITH AMENDMENTS.

HOWARD COUNTY PLANNING BOARD

Signed by:

*Kevin McAiley*

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Kevin McAiley, Chair

Signed by:

*James Cecil*

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James Cecil, Vice-chair

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*Mason Godsey*  
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Mason Godsey

Signed by:  
*Lynn Moore*  
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Lynn Moore

Signed by:  
*Barbara Mosier*  
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Barbara Mosier

ATTEST:

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*Lynda Eisenberg*  
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Lynda Eisenberg, AICP, Executive Secretary

[illegible]

Introduced 11.03.2025  
Public Hearing 11.19.2025  
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 Nov 3, 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 Nov 19, 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;

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

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

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

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

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

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

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

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

**FESTIVAL – AGRITOURISM: A LARGE-SCALE OUTDOOR SEASONAL OR CULTURAL EVENT (1) HELD FOR A LIMITED PERIOD OF TIME, (2) INTENDED TO OR LIKELY TO ATTRACT SUBSTANTIAL CROWDS, (3) IT IS UNLIKE THE CUSTOMARY OR USUAL ACTIVITIES GENERALLY ASSOCIATED 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. INCIDENT AL OUTDOOR STAYS – LODGING IS NOT CONSIDERED SHORT-TERM RENTAL OR HOTEL/MOTELS AS DEFINED BY SECTION 103.0. INCIDENT AL 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. **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.

1 17. Small Wind Energy System, building mounted, subject to the requirements of Section  
2 128.0.L.

3 18. Riding Academies and Stables, subject to the requirements of Section 128.0.I.

4 19. Community Supported Agriculture, subject to the requirements of Section 128.0.I.

5 20. Food Hubs, subject to the requirements of Section 128.0.I.

6 21. Accessory ground-mount solar collectors.

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

8 23. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.

9 24. Accessory storage buildings and shipping containers, as accessory storage structures,  
10 subject to the requirements in Section 128.0.D.

11 **25. INCIDENTAL OUTDOOR STAYS – LODGING, SUBJECT TO THE REQUIREMENTS OF SECTION**  
12 **128.0.I.**

13 **26. BED AND BREAKFAST INNS, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.**

### 14 **Howard County Zoning Regulations.**

#### 15 **Section 106.1. County Preservation Easements.**

#### 16 **SECTION 106.1: - County Preservation Easements**

##### 17 **B. Uses Permitted as a Matter of Right**

##### 18 **1. ALPP Purchased Easements and ALPP Dedicated Easements**

19 a. Farming.

20 b. Conservation areas, including wildlife and forest preserves, environmental  
21 management areas, reforestation areas, and similar uses.

22 c. One single-family detached principal dwelling unit, if provided for in the Deed of  
23 Easement.

24 d. Sales of Christmas trees or other seasonal decorative material, between **NOVEMBER 1<sup>ST</sup>**  
25 **AND JANUARY 14<sup>TH</sup>** [December first and January first], subject to the requirements  
26 given in Section 128.0.D.

27 e. Underground pipelines; electric transmission and distribution lines; telephone,  
28 telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and  
29 other, similar utility uses not requiring a Conditional Use.  
30  
31

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 1<sup>ST</sup>**  
28 **AND JANUARY 14<sup>TH</sup>** ~~[[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.

- 1 10. Snowball stands, subject to the requirements of Section 128.0.D.  
2 11. Home based contractors on lots larger than two acres, subject to the requirements of Section  
3 128.0.C.2.  
4 12. Small Wind Energy System, building mounted, subject to the requirements of Section  
5 128.0.L.  
6 13. Residential Chicken Keeping, subject to the requirements of Section 128.0.D.  
7 14. Accessory ground-mount solar collectors.  
8 15. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.  
9 **16. INCIDENTAL OUTDOOR STAYS – LODGING, SUBJECT TO THE REQUIREMENTS OF SECTION**  
10 **128.0.I.**  
11 **17. BED AND BREAKFAST INNS, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.**  
12 **18. SMALL-SCALE AGRITOURISM, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.**

13  
14 **Howard County Zoning Regulations.**

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

16  
17 **SECTION 109.0: - R-12 (Residential: Single) District**

18 **C. Accessory Uses**

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

- 22 1. Any use normally and customarily incidental to any use permitted as a matter of right in  
23 this District. Accessory structures are subject to the requirements of section 128.0.A.  
24 2. Accessory apartments, subject to the requirements of section 128.0.A., provided that:  
25 a. The area of the lot is at least 12,000 square feet;  
26 b. Except for an exterior entrance and necessary parking area, there shall be no external  
27 evidence of the accessory apartment; and,  
28 c. The accessory apartment shall have no more than two bedrooms.  
29 3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to  
30 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.

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

2 14. Accessory ground-mount solar collectors.

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

4  
5 **Howard County Zoning Regulations.**

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

7  
8 **SECTION 110.0: - R-SC (Residential: Single Cluster) District**

9 **C. Accessory Uses**

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

- 13 1. Any use normally and customarily incidental to any use permitted as a matter of right in  
14 this District. Accessory structures are subject to the requirements for Section 128.0.A.
- 15 2. Accessory apartments, subject to the requirements of Section 128.0.A., provided that:
  - 16 a. The area of the lot is at least 12,000 square feet;
  - 17 b. Except for an exterior entrance and necessary parking area, there shall be no external  
18 evidence of the accessory apartment; and,
  - 19 c. The accessory apartment shall have no more than two bedrooms.
- 20 3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to  
21 agricultural and residential estate uses, provided that these uses shall not be permitted on  
22 parcels of less than 50 acres, and further provided that one unit shall be allowed for each  
23 50 acres of that parcel.
- 24 4. The housing by a resident family of:
  - 25 a. Not more than four non-transient roomers or boarders; or
  - 26 b. Not more than eight mentally and/or physically disabled persons or persons 62 years  
27 of age or older, provided the use is registered, licensed or certified by the State of  
28 Maryland; or
  - 29 c. A combination of a and b above, provided that the total number of persons housed in  
30 addition to the resident family does not exceed eight.
- 31 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 1<sup>ST</sup> AND JANUARY 14<sup>TH</sup>**

**[[Thanksgiving and January first]]** shall be permitted, provided that:

a. Adequate off-street parking is provided;

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

6

7 **I. Permits for Special Farm Uses**

8           The Department of Planning and Zoning may approve permits for the following categories of

9           uses, which are related to farming and agriculture. A permit shall only be approved if the

10          Department of Planning and Zoning finds that the proposed use conforms with the criteria

11          given below and that are listed for each category. **WHEN REVIEWING APPLICATIONS AND**

12          **RENEWALS FOR SPECIAL FARM USE PERMITS, DPZ MAY CONSIDER THE CUMULATIVE**

13          **IMPACT OF OPERATIONS WHERE MULTIPLE PERMITS ARE GRANTED, INCLUDING AN**

14          **ASSESSMENT OF THE ADEQUACY OF SHARED FACILITIES UTILIZED BY OVERLAPPING**

15          **PERMITS.**

16          Except for the value-added agricultural processing category, the Pick-Your-Own Enterprises

17          category, and the small farm stand category, all other categories above shall comply with the

18          requirement that the lot or parcel upon which the operation is located shall have frontage on

19          and direct access to a road classification as an arterial or collector public road, or may front

20          on and have direct access to a local road, if:

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

25          The petitioner shall submit a request for a permit in writing, either in a letter or using a form

26          provided by the Department of Planning and Zoning. The request shall specify the proposed

27          permit category and provide a written description of the use and justification addressing how

28          the proposed use compiles with the criteria applicable to the use. The petitioner shall specify

29          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.

1 (3) The farm stand use will support the agricultural use of the property, and will not  
2 have significant adverse impacts on neighborhood properties.

3 (4) Notwithstanding the front setback requirements of the applicable zoning district,  
4 the minimum front setback for farm stands is 25 feet.

5 (5) Adequate off-street parking is provided.

6 b. Large farm stands (larger than 300 square feet) are permitted as an accessory use to  
7 farming in the RC or RR District, provided that:

8 (1) The use is located on a parcel of at least 50 acres or a parcel of any size if subject  
9 to an ALPP purchased or dedicated easement or other dedicated easement.

10 (2) The use may include the retail sale of crops, produce, flowers, plants, livestock and  
11 poultry products and similar items grown or produced on-site or on other local  
12 farms. Items produced through value-added processing of products grown on the  
13 farm or on other local farms may also be sold.

14 (3) The farm stand use will support the agricultural use of the property, and will not  
15 have significant adverse impacts on the neighboring properties. For purposes of this  
16 section, adverse impact shall not include any impact normally associated with farms  
17 following generally accepted agricultural management practices or farms operating  
18 permitted uses under this section.

19 (4) The area of the farm stand does not exceed 500 square feet, plus an additional 500  
20 square feet for each additional 25 acres of lot area beyond 50 acres, up to a  
21 maximum of 3,000 square feet of area.

22 (5) Notwithstanding the front setback requirements of the applicable zoning district,  
23 the minimum front setback for farm stands is 25 feet.

24 (6) Adequate off-street parking is provided, parking areas and driveways are treated as  
25 needed to control dust, and parking areas are screened from neighboring properties.

26 (7) Sight distance and the design of driveway entrances are adequate to accommodate  
27 expected traffic.

28 (8) Where the areas open to customers are close to the property boundaries, boundaries  
29 are clearly marked through fencing or landscaping to protect neighboring properties  
30 from unintentional trespassing by visitors.

31 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 lot .....100 feet  
18 (2) For a stable from an existing dwelling on a different lot .....200 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**

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

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

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

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

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

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

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

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

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

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

31 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                EXENSIONS 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:

- 1 (a) Access to an arterial or collector public road right-of-way is not feasible;
- 2 (b) The access to the local road is safe based on road conditions and accident
- 3 history;
- 4 (c) If the local road is internal to a residential cluster subdivision, the subject
- 5 property adjoins an arterial or collector highway, the local road access point
- 6 is within 400 feet of its intersection with the arterial or collector highway,
- 7 and there are no intervening driveways between the arterial or collector
- 8 highway and the access to the property along the local road; and
- 9 (d) That the use of the local road for access to the property will not unduly
- 10 conflict with other uses that access the local road.

- 11 c. The driveway providing access to the proposed site shall not be shared with other
- 12 properties; however the Director of Planning and Zoning may waive this criteria if
- 13 the petitioner provides affidavits from all persons who also share the driveway that
- 14 they do not object to the use of the driveway for the use. If the use of a shared
- 15 driveway is allowed, the petitioner shall demonstrate that the use will not result in
- 16 damage to or deterioration of the shared driveway or in increased hazards to other
- 17 users of the driveway. The Director of Planning and Zoning shall prescribe
- 18 appropriate conditions and safeguards to ensure the petitioner's responsibility for
- 19 repair of any damage or deterioration of the shared driveway caused by the use.
- 20 d. All **FARM ALCOHOL PRODUCER** [[winery or brewery]] related structures and uses
- 21 associated with the [[winery or brewery]]USE, excluding cultivation areas shall be
- 22 at least 75 feet from all lot lines and where possible minimize the impact on
- 23 surrounding properties.
- 24 e. For a farm **ALCOHOL PRODUCER** [[winery Class 1A]] use, the planting of at least
- 25 two acres of grapes, **AN INGREDIENT USED IN THE BREWING OF MALT- BASED OR**
- 26 **GRAIN-BASED BEVERAGES**, or other fruit on the property shall be initiated upon
- 27 approval and successfully established within two years of approval. [[For a farm
- 28 brewery Class 1A use, the planting of at least two acres of a primary ingredient
- 29 used in the brewing of malt-based or grain-based beverages on the premises shall
- 30 be initiated upon approval and successfully established within one year of
- 31 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**

Conditional Use	Zoning Districts																									
	R C	R R	R E	R 0	R 2	R 1	R S	R A	R H	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -	R -
[[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.

- 1 d. Planting of at least two acres of grapes or other fruit on the property shall be  
2 initiated upon approval and successfully established within two years of approval.
- 3 e. The Farm Winery shall be consistent with and support the farm and its production,  
4 shall not interfere with the implementation of soil conservation and water quality  
5 best management practices, and shall not impact floodplains, wetlands, stream  
6 buffers, steep slopes or other environmental features on the Farm Winery property.
- 7 f. The Farm Winery shall be compatible with the rural character of the farm and the  
8 surrounding area.
- 9 g. The Hearing Authority may require appropriate screening of adjoining parcels,  
10 which may include a solid fence, wall, landscaping, or a combination that presents  
11 an attractive and effective buffer.
- 12 h. Any accessory retail sales within the Farm Winery, other than the wine and similar  
13 fermented beverages produced at the Farm Winery, are limited to items promoting  
14 the same Farm Winery, such as glassware, clothing, and wine-related items such as  
15 wine openers. A Farm Winery may sell plants and/or produce grown on-site.
- 16 i. Farm Winery visitor hours shall be restricted to between 10:00 a.m. and 7:00 p.m.  
17 Sunday through Thursday; and 10:00 a.m. and 10:00 p.m. Friday and Saturday. The  
18 Hearing Authority may reduce the hours for visitors, but shall not increase them.  
19 The hours for winery processing and production operations are not limited.
- 20 j. At any one time, the number of visitors to the winery shall not exceed 50 visitors.
- 21 k. A Farm Winery may produce, serve and sell food to complement wine tasting in  
22 accordance with Article 2B of Maryland State Code.
- 23 l. If approved, the owner shall provide documentation to the Department of Planning  
24 and Zoning proving compliance with Section 131.0.N.57.d. It is the responsibility  
25 of the Farm Winery owner to obtain any other required Federal, State and County  
26 approvals required prior to operating the use. ]]
- 27

28 **[[58]]57. FARM ALCOHOL PRODUCER [[Winery, Farm—Class 2]]**

29 A Conditional Use may be granted for a Farm ALCOHOL PRODUCER [[Winery—Class  
30 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** ~~[[Winery]]~~ 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 l. 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. ~~[[58]]~~ **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 **[[59]]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 lot .....500 feet
  - (2) From adjacent residentially-zoned lots .....300 feet
  - (3) From public street rights-of-way .....100 feet
  - (4) From existing streams and wetlands .....100 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.*



Amendment No. 11 to Council Bill No. 74-2025

BY: The Chairperson at the request  
of the County Executive

Legislative Day No. 17  
Date: December 1, 2025

Amendment No. 11

*(This amendment limits festival events under the Agritourism special farm permit to 6 days/calendar month.)*

- 1 On page 36, in line 3, after “to” insert “NO MORE THAN SIX DAYS A MONTH AND SHALL ONLY BE
- 2 ON” and, in the same line, strike the first “AND” and substitute “OR”.
- 3
- 4 On page 36, in line 4, after “WEEKEND”, insert “, WHICH MAY INCLUDE A MONDAY”.

Amendment No. 5 to Council Bill No. 74-2025

BY: The Chairperson at the request  
of the County Executive

Legislative Day No. 17  
Date: December 1, 2025

Amendment No. 5

*(This amendment changes the definition of "festival-agritourism" to clarify that auctions are "for-profit" and to provide that live music does not constitute a festival.)*

- 1 On page 8, in line 5, after "AND" insert "FOR-PROFIT" and, in the same line, after "AUCTIONS."
- 2 insert "THE PRESENCE OF LIVE MUSIC DOES NOT CONSTITUTE A FESTIVAL.".

I certify that this a true copy of

Am 5 to CB 74-2025  
passed on December 1, 2025  
Michelle Derry  
Council Administrator

Amendment 7 to Council Bill No. 74 - 2025

BY: Liz Walsh

Legislative Day 17  
Date: 12/1/25

Amendment No. 7

*(This Amendment removes the proposed size restrictions for accessory structures on lots that are 5 acres or greater in the RC and RR Zoning Districts.)*

- 1 On page 29, in line 9, strike “acres” and substitute “acres.”.
- 2 On page 29, strike lines 10-12 in their entirety.

Amendment No. 10 to Council Bill No. 74-2025

BY: The Chairperson at the request  
of the County Executive

Legislative Day No. 17  
Date: December 1, 2025

Amendment No. 10

*(This amendment modifies provisions related to driveways. The amendment will require a use-in-common easement for shared driveway access under the Agritourism, small-scale agritourism, farm alcohol producer (accessory and conditional use), and rural venue space uses. There will need to be an easement that is:*

- 1. Signed by all property owners using the shared driveway,*
- 2. States property owners using the shared driveway do not object to the proposed use,*
- 3. Runs with the land and binds future landowners,*
- 4. Recorded with the land records of Howard County.)*

On page 35, strike lines 11, through 24, inclusive and in their entirety and substitute:

**“[[d]]4. THE DRIVEWAY PROVIDING ACCESS TO THE PROPOSED SITE PROVIDES ADEQUATE SITE DISTANCE AND HAS THE ABILITY TO ACCOMMODATE EXPECTED TRAFFIC. THE DRIVEWAY ACCESS TO THE SITE SHALL NOT BE SHARED WITH OTHER PROPERTIES; HOWEVER THE DIRECTOR OF PLANNING AND ZONING MAY WAIVE THIS CRITERIA IF THE PETITIONER PROVIDES A USE-IN-COMMON EASEMENT SIGNED BY THE OWNERS OF ALL PROPERTIES THAT HAVE A LEGAL RIGHT TO SHARE THE DRIVEWAY ASSERTING THEY DO NOT OBJECT TO THE USE OF THE DRIVEWAY FOR THE USE. THE EASEMENT SHALL (I) STATE THAT THE AGREEMENT RUNS WITH THE LAND AND BINDS ALL FUTURE OWNERS AND (II) BE RECORDED IN THE LAND RECORDS OF HOWARD COUNTY.”**

On page 37, strike lines 1 through 13, inclusive and in their entirety and substitute:

**“4. THE DRIVEWAY PROVIDING ACCESS TO THE PROPOSED SITE PROVIDES ADEQUATE SITE DISTANCE AND HAS THE ABILITY TO ACCOMMODATE EXPECTED TRAFFIC. THE DRIVEWAY ACCESS TO THE SITE SHALL NOT BE SHARED WITH OTHER PROPERTIES; HOWEVER THE DIRECTOR OF PLANNING AND ZONING MAY WAIVE THIS CRITERIA IF THE PETITIONER**

1 PROVIDES A USE-IN-COMMON EASEMENT SIGNED BY THE OWNERS OF ALL PROPERTIES THAT  
2 HAVE A LEGAL RIGHT TO SHARE THE DRIVEWAY ASSERTING THEY DO NOT OBJECT TO THE  
3 USE OF THE DRIVEWAY FOR THE USE. THE EASEMENT SHALL (I) STATE THAT THE  
4 AGREEMENT RUNS WITH THE LAND AND BINDS ALL FUTURE OWNERS AND (II) BE RECORDED  
5 IN THE LAND RECORDS OF HOWARD COUNTY.”.

6  
7 On page 43, strike beginning with “affidavits” in line 13 down through and including “use” in line  
8 19 and substitute:

9 “A USE-IN-COMMON EASEMENT SIGNED BY THE OWNERS OF ALL PROPERTIES THAT HAVE A  
10 LEGAL RIGHT TO SHARE THE DRIVEWAY ASSERTING THEY DO NOT OBJECT TO THE USE OF THE  
11 DRIVEWAY FOR THE USE. THE EASEMENT SHALL (I) STATE THAT THE AGREEMENT RUNS WITH  
12 THE LAND AND BINDS ALL FUTURE OWNERS AND (II) BE RECORDED IN THE LAND RECORDS OF  
13 HOWARD COUNTY”.

14  
15 On page 48, in line 8, after “has]]”, strike beginning with “THE” down through and including  
16 “USE.” in line 19 and substitute:

17 “THE DRIVEWAY PROVIDING ACCESS TO THE PROPOSED SITE PROVIDES ADEQUATE SITE  
18 DISTANCE AND HAS THE ABILITY TO ACCOMMODATE EXPECTED TRAFFIC. THE DRIVEWAY  
19 ACCESS TO THE SITE SHALL NOT BE SHARED WITH OTHER PROPERTIES; HOWEVER, THE  
20 HEARING AUTHORITY MAY WAIVE THIS CRITERIA IF THE PETITIONER PROVIDES A USE-IN-  
21 COMMON EASEMENT SIGNED BY THE OWNERS OF ALL PROPERTIES THAT HAVE A LEGAL RIGHT  
22 TO SHARE THE DRIVEWAY ASSERTING THEY DO NOT OBJECT TO THE USE OF THE DRIVEWAY FOR  
23 THE USE. THE EASEMENT SHALL (I) STATE THAT THE AGREEMENT RUNS WITH THE LAND AND  
24 BINDS ALL FUTURE OWNERS AND (II) BE RECORDED IN THE LAND RECORDS OF HOWARD  
25 COUNTY.”.

26  
27 On page 53, strike beginning with “THE DRIVEWAY” in line 19 down through and including “USE.”  
28 in line 30 and substitute:

29 “THE DRIVEWAY PROVIDING ACCESS TO THE PROPOSED SITE PROVIDES ADEQUATE SITE  
30 DISTANCE AND HAS THE ABILITY TO ACCOMMODATE EXPECTED TRAFFIC. THE DRIVEWAY

1 ACCESS TO THE SITE SHALL NOT BE SHARED WITH OTHER PROPERTIES; HOWEVER THE HEARING  
2 AUTHORITY MAY WAIVE THIS CRITERIA IF THE PETITIONER PROVIDES A USE-IN-COMMON  
3 EASEMENT SIGNED BY THE OWNERS OF ALL PROPERTIES THAT HAVE A LEGAL RIGHT TO SHARE  
4 THE DRIVEWAY ASSERTING THEY DO NOT OBJECT TO THE USE OF THE DRIVEWAY FOR THE USE.  
5 THE EASEMENT SHALL (I) STATE THAT THE AGREEMENT RUNS WITH THE LAND AND BINDS ALL  
6 FUTURE OWNERS AND (II) BE RECORDED IN THE LAND RECORDS OF HOWARD COUNTY.”.

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on December 8, 2025.

Michelle Harrod  
Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2025.

\_\_\_\_\_  
Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2025.

\_\_\_\_\_  
Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on \_\_\_\_\_, 2025.

\_\_\_\_\_  
Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2025.

\_\_\_\_\_  
Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2025.

\_\_\_\_\_  
Michelle R. Harrod, Administrator to the County Council