

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 13

Bill No. 62-23

Introduced by Mr. Smith, Chair
(by request of the County Executive)

By the County Council, July 3, 2023

Introduced and first read on July 3, 2023
Public Hearing set for and held on September 5, 2023
Public Hearing on AMENDED bill set for and held on September 18, 2023
Bill Expires October 6, 2023

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – Zoning – Farm Dual Uses

2
3 FOR the purpose of exempting farm dual uses from site development plans; adding certain
4 definitions of various agricultural practices and associated uses; adding certain criteria
5 for a zoning certificate of use for a farm dual use; adding farm dual uses as a conditional
6 use in certain residential zoning districts; adding the requirements for conditional use
7 of farm dual uses; revising certain Code enforcement practices for agricultural uses;
8 making the effective date of this Ordinance contingent on the approval of the Maryland
9 Critical Area Commission; and generally relating to subdivision and development and
10 zoning.

11
12 BY renumbering: § 17-4-101(7) to be § 17-4-101(8); § 18-1-101(6) through (54), (55)
13 through (101) and (102) through (163) to be § 18-1-101(7) through (55), (57) through
14 (103) and (105) through (166), respectively; § 18-2-202(d) to be § 18-2-202(e); and §§
15 18-10-128 through 18-10-170 to be §§ 18-10-129 through 18-10-171, respectively
16 Anne Arundel County Code (2005, as amended)(as amended by Bill No. 15-23)

17
18 BY adding: §§ 17-4-101(7); 18-1-101 (6), (56) and (104); 18-2-202(d); and 18-10-128
19 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.
Underlining indicates matter added to bill by amendment.
~~Strikeover~~ indicates matter removed from bill by amendment.

1 BY repealing and reenacting, with amendments: §§ 17-4-101(6); 18-1-101(8) and (59); 18-
2 4-106; 18-17-103(c); and 18-17-202(a)(2)
3 Anne Arundel County Code (2005, as amended)
4 (As enacted by Section 1 of this Ordinance)

5
6 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
7 That §§ 17-4-101(7); 18-1-101(6) through (54), (55) through (101) and (102) through
8 (163); 18-2-202(d); and 18-10-128 through 18-10-170, respectively, of the Anne Arundel
9 County Code (2005, as amended) (and as amended by Bill No. 15-23) are hereby
10 renumbered to be §§ 17-4-101(8); 18-1-101(7) through (55), (57) through (103) and (105)
11 through (166); 18-2-202(e); and 18-10-129 through 18-10-171, respectively

12
13 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
14 Code (2005, as amended) (and as amended by Bill No. 15-23) read as follows:

15
16 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

17
18 **TITLE 4. SITE DEVELOPMENT**

19
20 **17-4-101. Scope.**

21
22 This title applies to site development only and does not apply to:

23
24 ***

25
26 (6) accessory uses to farming, such as farm stores or stands that sell farm products
27 or value-added farm products directly to consumers that:

28
29 (i) do not exceed a cumulative 1,200 square feet of floor area; and

30
31 (ii) have a proposed cumulative limit of disturbance of less than 5,000 square
32 feet; [[or]]

33
34 (7) FARM DUAL USES UNDER ARTICLE 18 OF THIS CODE; OR

35
36 (8) a temporary use authorized under § 18-2-203 of this Code.

37
38 **ARTICLE 18. ZONING**

39
40 **TITLE 1. DEFINITIONS**

41
42 **18-1-101. Definitions.**

43
44 Unless defined in this article, the Natural Resources Article of the State Code, or
45 COMAR, words defined elsewhere in this Code apply in this article. The following words
46 have the meanings indicated:

47
48 ***

1 (6) "AGGREGATION" OR "AGGREGATED", WITH RESPECT TO AGRITOURISM AND
2 FARMING, MEANS GATHERING AND SELLING AGRICULTURAL PRODUCTS FROM MULTIPLE
3 FARM SOURCES TO CREATE A LARGER AND MORE CONSISTENT SUPPLY TO MEET
4 CONSUMER DEMAND.

5
6 ***

7
8 (8) "Agritourism" means a business enterprise on a farm related to agriculture or
9 natural resources that is offered to the public or invited groups. Agritourism shall be
10 accessory to a principal use of farming and shall be located on land that qualifies for an
11 agricultural use assessment pursuant to the Tax-Property Article, § 8-209 of the State Code
12 and that is covered by a current and active soil conservation and water quality plan
13 approved by the Anne Arundel Soil Conservation District. Agritourism includes fishing;
14 wildlife study; corn mazes; pumpkin patches; harvest festivals; field trips; hayrides; pick-
15 your-own operations; farm tours; food services, including COMMERCIAL KITCHENS FOR
16 PREPARATION OF VALUE-ADDED PRODUCTS AND SERVICE OF farm to table meals;
17 AGGREGATION; farm museums; educational classes; and OTHER activities or events related
18 to agriculture, historical, cultural, or natural resources, agricultural products, or agricultural
19 skills.

20
21 ***

22
23 (56) "FARM DUAL USE" MEANS A LOT OR PARCEL ON WHICH THE PRINCIPAL USE IS
24 FARMING AND THAT INCLUDES ONE OF THE FOLLOWING COMMERCIAL USES:
25 CONTRACTOR AND CONSTRUCTION YARDS; WELL AND SEPTIC SERVICE; EXCAVATION
26 SERVICE; FARM VEHICLE AND EQUIPMENT REPAIR; TRADES, SUCH AS PLUMBERS,
27 MECHANICAL/HVAC, ELECTRICIANS, OR OTHER TRADES REQUIRED TO BE LICENSED BY
28 ARTICLE 15 OF THIS CODE; AND OUTSIDE STORAGE OF EQUIPMENT ASSOCIATED WITH
29 THESE COMMERCIAL USES.

30
31 ***

32
33 (59) "Farming" means the use of land OR STRUCTURES for agricultural purposes,
34 including agriculture, URBAN AGRICULTURE, apiaries, horticulture and floriculture,
35 GREENHOUSES, orchards, agricultural nurseries, viticulture, aquaculture, hydroponics,
36 agroforestry, animal and poultry husbandry subject to the requirements of § 18-4-104,
37 dairying, on-farm composting as regulated by COMAR 26.04.11.06, and primary and value
38 added agricultural processing. For purposes of this definition:

39
40 ***

41
42 (v) "primary agricultural and value added processing" means the processing of
43 one or more agricultural ingredients or products in the course of preparing it for market OR
44 ON-SITE CONSUMPTION, so long as at least one of the ingredients or products are grown or
45 produced on the farm, including cutting, drying, packaging, canning, milling, grinding,
46 freezing, heating, and fermenting; [[and]]

47
48 (VI) "FARMERS' MARKET" MEANS A FACILITY LOCATED ON A FARM THAT
49 OFFERS FOR PUBLIC SALE LOCALLY PRODUCED AGRICULTURAL, HORTICULTURAL,
50 DAIRY, MEAT PRODUCTS, OR SIMILAR PRODUCTS PRODUCED ON THAT FARM OR
51 AGGREGATED FROM OTHER FARMS;

1 (VII) "FARM STAND" MEANS A WAGON, TRAILER, VEHICLE, OR TEMPORARY
2 STRUCTURE LOCATED ON A FARM THAT OFFERS FOR PUBLIC SALE AGRICULTURAL,
3 HORTICULTURAL, DAIRY, MEAT PRODUCTS, OR SIMILAR PRODUCTS PRODUCED ON THAT
4 FARM OR AGGREGATED FROM OTHER FARMS;

5
6 (VIII) "FARM STORE" MEANS A PERMANENT STRUCTURE LOCATED ON A FARM
7 THAT OFFERS FOR PUBLIC SALE AGRICULTURAL, HORTICULTURAL, DAIRY, MEAT
8 PRODUCTS, OR SIMILAR PRODUCTS PRODUCED ON THAT FARM OR AGGREGATED FROM
9 OTHER FARMS; AND

10
11 [[(vi)]] (IX) "farming" does not include the cultivation, processing or dispensing
12 of marijuana, as defined in the Criminal Law Article, § 5-101, of the State Code, as
13 amended, or medical cannabis, as defined in COMAR, Title 10, Subtitle 62.

14
15 ***

16
17 (104) "PRODUCE MARKET" MEANS A FACILITY, NOT LOCATED ON A FARM, WHERE
18 LOCAL PRODUCE, MEAT PRODUCTS, FRUITS, VEGETABLES, VALUE-ADDED
19 AGRICULTURAL OR HORTICULTURAL PRODUCTS, AND PREPARED FOODS AND BEVERAGES
20 ARE SOLD DIRECTLY TO THE PUBLIC PRIMARILY FOR OFF-SITE CONSUMPTION.

21
22 **TITLE 2. GENERAL PROVISIONS**

23
24 **18-2-202. Zoning certificate of use.**

25
26 (D) **Farm Dual Uses.** AN APPLICATION FOR A ZONING CERTIFICATE OF USE FOR A
27 FARM DUAL USE MAY BE ACCOMPANIED BY AN APPROVED SOIL CONSERVATION AND
28 WATER QUALITY PLAN IN LIEU OF A SITE PLAN, PROVIDED THE PLAN DEPICTS SUFFICIENT
29 INFORMATION FOR THE OFFICE OF PLANNING AND ZONING TO DETERMINE THAT THE
30 CONDITIONAL USE REQUIREMENTS WILL BE MET.

31
32 **TITLE 4. RESIDENTIAL DISTRICTS**

33
34 **18-4-106. Permitted, conditional, and special exception uses**

35
36 The permitted, conditional, and special exception uses allowed in each of the residential
37 districts are listed in the chart in this section using the following key: P = permitted use; C
38 = conditional use; SE = special exception use. A blank means that the use is not allowed in
39 the district. Except as provided otherwise in this article, uses and structures customarily
40 accessory to the listed uses also are allowed, except that guest houses as accessory
41 structures are prohibited and outside storage as an accessory use is limited to the lesser of
42 10% of the allowed lot coverage or 500 square feet.

Permitted, Conditional, and Special Exception Uses	RA	RLD	R1	R2	R5	R10	R15	R22

Farm alcohol production facility	C	C	C					
FARM DUAL USES	C	C						

43

1 **TITLE 10. REQUIREMENTS FOR CONDITIONAL USES**

2
3 **18-10-128. Farm Dual Uses.**

4
5 FARM DUAL USES SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS.

6
7 (1) THE LOT OR PARCEL SHALL BE LOCATED IN AN RA OR RLD ZONING DISTRICT
8 WITH AN AGRICULTURAL USE ASSESSMENT FROM THE STATE DEPARTMENT OF
9 ASSESSMENTS AND TAXATION AND AN APPROVED SOIL CONSERVATION AND WATER
10 QUALITY PLAN FROM THE SOIL CONSERVATION DISTRICT.

11
12 (2) THE LOT OR PARCEL SHALL BE ACTIVELY FARMED, AS CONFIRMED BY THE SOIL
13 CONSERVATION DISTRICT.

14
15 (3) THE LOT OR PARCEL SHALL BE A MINIMUM OF 20 ACRES.

16
17 (4) THE OWNER OR OPERATOR OF THE COMMERCIAL USE SHALL BE THE OWNER OF
18 THE LOT OR PARCEL.

19
20 (5) THE COMMERCIAL USE SHALL HAVE NO MORE THAN FIVE EMPLOYEES THAT
21 ARE NOT A SPOUSE, CHILD, GRANDCHILD, PARENT, SIBLING, OR GRANDPARENT OF THE
22 OWNER OF THE LOT OR PARCEL.

23
24 (6) THE COMMERCIAL USE, INCLUDING ANY STORAGE AREA FOR EQUIPMENT
25 UTILIZED BY THE COMMERCIAL USE, SHALL BE: NO MORE THAN 20,000 SQUARE FEET IN
26 AREA; SET BACK AT LEAST 100 FEET FROM LOT BOUNDARIES; AND SCREENED WITH A
27 SOLID FENCE THAT IS AT LEAST SIX FEET TALL OR A PLANTED BUFFER AT LEAST 15 FEET
28 WIDE THAT THE OFFICE OF PLANNING AND ZONING DETERMINES IS SUFFICIENT TO
29 PROVIDE SCREENING ALONG ANY ADJACENT LOTS AND PUBLIC ROAD RIGHT-OF-WAY.

30
31 (7) NO NEW STRUCTURES SHALL BE BUILT OR UTILIZED AS PART OF THE
32 COMMERCIAL USE.

33
34 (8) ONLY GRAVEL OR PERVIOUS MATERIAL SHALL BE USED FOR PARKING OR
35 OUTDOOR STORAGE AREAS FOR THE COMMERCIAL USE.

36
37 (9) FARMING SHALL REMAIN THE PRINCIPAL USE OF THE LOT OR PARCEL.

38
39 **TITLE 17. ENFORCEMENT AND PENALTIES**

40
41 **18-17-103. Oversized vehicles on residentially zoned or developed lots.**

42
43 **(c) Exceptions.**

44
45 (1) A vehicle of any gross vehicle weight rating may be parked on a residentially
46 zoned or developed lot if the owner demonstrates that the vehicle is customarily used in
47 connection with an existing lawful use.

48
49 (2) THE OWNER OF A LOT OR PARCEL LOCATED IN AN RA OR RLD ZONING DISTRICT
50 WITH AN AGRICULTURAL USE ASSESSMENT FROM THE STATE DEPARTMENT OF
51 ASSESSMENTS AND TAXATION OR AN APPROVED SOIL CONSERVATION AND WATER
52 QUALITY PLAN FROM THE SOIL CONSERVATION DISTRICT MAY PARK OR STORE A VEHICLE
53 OF ANY GROSS VEHICLE WEIGHT ON THE LOT OR PARCEL PROVIDED THE VEHICLE IS USED
54 AS PART OF AN ACTIVE FARMING OPERATION.

1 **18-17-202. Administrative orders; informal letters.**

2
3 (a) **Administrative orders.**

4
5 (2) (I) The order shall be served by [(i)] delivery to the person[(, (ii)]; leaving a
6 copy of the order with a person of suitable age and discretion at the person's dwelling or
7 place of business[.]; or [(iii)] certified mail, restricted delivery, return receipt requested.
8 If reasonable efforts to serve the person by one of these methods fail, service of the order
9 may be accomplished by sending it by first class mail to the person at the person's last
10 known address and by posting a copy of the order on the land associated with the violation.

11
12 (II) AN ORDER FOR AN ALLEGED VIOLATION ON PROPERTY WITH AN
13 AGRICULTURAL USE ASSESSMENT OR AN APPROVED SOIL AND WATER QUALITY PLAN
14 FROM THE SOIL CONSERVATION DISTRICT SHALL BE SENT BY CERTIFIED MAIL, IN
15 ADDITION TO ANY OTHER METHOD ALLOWED BY THIS SECTION.


16
17 (III) Any person aggrieved by the order may appeal to the Board of Appeals
18 within 15 days after service.

19
20 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days
21 from the date it becomes law or upon approval of the Maryland Critical Area Commission
22 under the authority granted by § 8-1801 et seq. of the Natural Resources Article of the State
23 Code, whichever is later. If approved in whole or in part after the 45 days, the approved
24 provisions of this Ordinance shall take effect on the date the notice of approval is received
25 by the Office of Planning and Zoning. If disapproved in whole or in part, the disapproved
26 portions of this Ordinance shall be null and void without the necessity of further action by
27 the County Council. The Office of Planning and Zoning, within five days after receiving
28 any notice from the Maryland Critical Area Commission, shall forward a copy to the
29 Administrative Officer for the County Council.

AMENDMENT ADOPTED: September 5, 2023


READ AND PASSED this 18th day of September, 2023

By Order:



Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 19th day of September, 2023



Laura Corby
Administrative Officer

APPROVED AND ENACTED this 20th day of September, 2023



Steuart Pittman
County Executive

EFFECTIVE DATE: November 4, 2023 (Subject to change under Section 3)

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I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 62-23 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to read "Laura Corby". The signature is fluid and cursive, with the first name "Laura" and last name "Corby" clearly distinguishable.

Laura Corby
Administrative Officer