

# AGRICULTURE AND CONSERVATION ZONING TEXT WORKGROUP

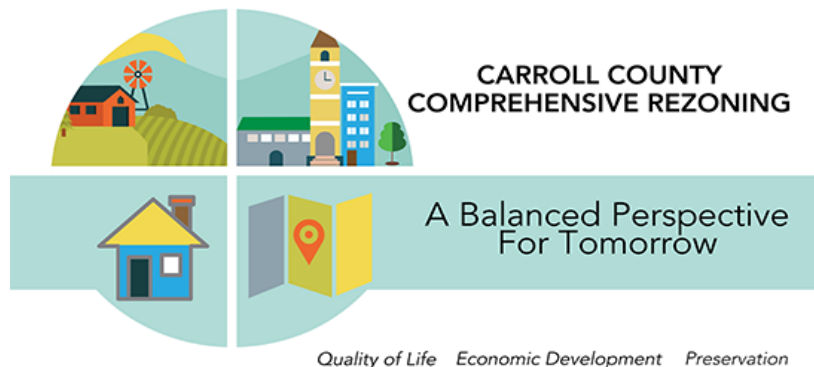


2021



# AGRICULTURE AND CONSERVATION ZONING TEXT WORKGROUP

<b>Table of Contents</b>	<b>Page</b>
<b>Mission Statement</b>	<b>2</b>
<b>Comprehensive Rezoning Efforts</b>	<b>3</b>
<b>Why Amend the Zoning Code?</b>	<b>4</b>
<b>Adoption Process</b>	<b>4</b>
<b>Chapter 158 Zoning Code: Agriculture and Conservation Zones</b>	<b>5</b>
<b>Current Agriculture and Conservation Zones: Easements, Rural Legacy &amp; Priority Preservation Area's</b>	<b>6</b>
<b>Commercial Trends &amp; Opportunities in the Agriculture and Conservation Zones: Country Inn's, Commercial Kennels, Contractor Equipment Storage Yard's, Solar Energy</b>	<b>8</b>
<b>Agritourism and Seasonal Trends</b>	<b>14</b>
<b>Community Solar</b>	<b>14</b>
<b>Commercial Campgrounds</b>	<b>17</b>
<b>Accessory Dwelling Units</b>	<b>17</b>
<b>FAQ's</b>	<b>18</b>



# **Agriculture/Conservation Zoning Text Work Group Mission Statement**

Mission: The mission of the Agricultural\Conservation text work group is to review the research prepared by the Carroll County Department of Planning staff and how it relates to the Zoning Code (chapter 158) and Subdivision Code (chapter 155) of the Carroll County Code of Laws and Ordinances, to identify challenges, discuss emerging trends and find opportunities in Agricultural/Conservation land uses as they relate to Carroll County and to make recommendations the Planning and Zoning Commission regarding changes to the county code.

This will be accomplished by providing input and advice to the interagency Concept Team drafting the Agriculture/Conservation district zoning text. This Work Group consists of private and public sector members from the agricultural, development, legal, and real estate communities with expertise in conservation, farming, land use and development in Carroll County.

This work group will meet monthly for approximately 6-months, 2 hours each meeting. The meetings will be a combination of in-person and virtual.

# COMPREHENSIVE REZONING & TEXT AMENDMENT TIMELINE

2014  
thru  
2018

Adoption of the Carroll County Master Plan and Freedom Community Comprehensive Plan

Both Plans included recommendations to review and amend the County Zoning and Subdivision regulations, facilitating the implementation of the plans.

2015

Work group established order in which the zoning districts would be updated:

1. Commercial, Industrial, Employment Campus
2. Residential Districts
3. Agriculture and Conservation

Work group began working on updates to the Commercial, Industrial, and Employment Campus districts

2018

Recommendations for Commercial, Industrial, Employment Campus forwarded to PC

Beginning steps of Residential Districts

2019

Adoption of the Commercial, Industrial, Employment Campus amendment by the BCC

Ongoing analysis of Residential Districts throughout 2018-2021

2021

Residential text amendment brought to the PC, forwarded to BCC with recommendations

Start of Agriculture and Conservation work group

## WHY AMEND THE ZONING CODE?

Carroll County's zoning code was created in 1965. Since its creation, the zoning code has undergone few comprehensive amendments which were adopted to keep up with changes in development and market trends. Because of this, the zoning code is difficult to interpret, identify applicable regulations, and understand the language. This is especially difficult for citizens. The *2014 Carroll County Master Plan as amended in 2019* and the *2018 Freedom Community Comprehensive Plan* lays out many recommendations for implementation of the plan including updating the County Subdivision and Zoning regulations. The comprehensive rezoning effort involves updating both the zoning code regulations and County zoning maps. By going through the comprehensive rezoning process, the County is consistent with its two master plans.

## WHAT IS THE PROCESS FOR CODE CHANGES?

There are three main steps in updating the zoning code. The process begins with the Concept Team which is a group comprised of representatives from numerous county agencies. These agencies include the Department of Planning, Department of Land and Resource Management, Department of the County Attorney, Bureau of Development Review, Zoning Administration, and the Department of Economic Development. The Concept Team uses background research and analysis as well as work-group input to develop a Draft Code which is forwarded to the county Planning Commission. After the Planning Commission's review, it is forwarded to the Board of County Commissioners (BCC) for Adoption after a public hearing.



## CHAPTER 158 ZONING CODE: AGRICULTURE AND CONSERVATION ZONES

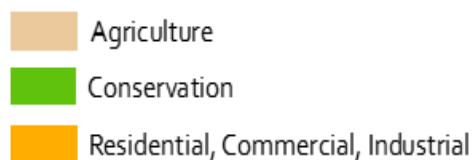
Since the Agriculture and Conservation Zones are next to be updated, it's important to look at the current standings of those districts. Carroll County's Agriculture zoning district is by far its most expansive zone, totaling over 185,000 acres. For comparison, the Conservation zone, which is the second largest zone in Carroll, covers just under 58,000 acres.

**Agriculture District ([§158.070](#))** – *purpose is to provide for continued farming activities, conserve agricultural land, and reaffirm agricultural use, activities, and operations as the preferred dominant use of the land within the district.*

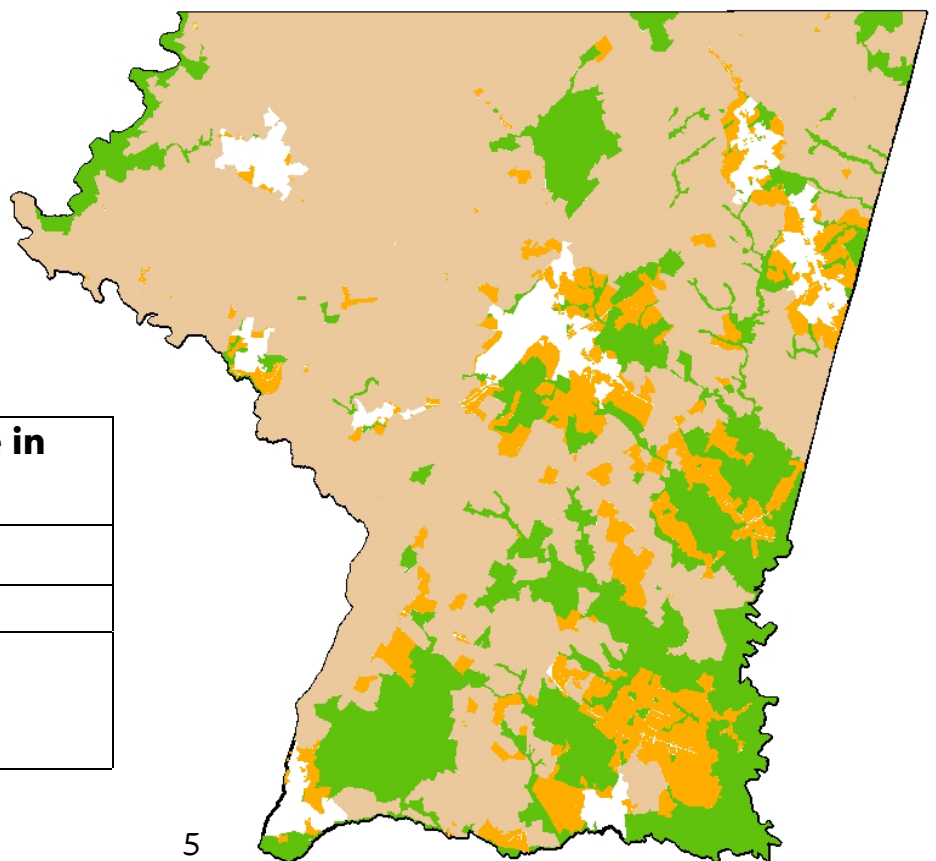
**Conservation District ([§158.071](#))** – *purpose is to prescribe a zoning category for those areas where, because of natural geographic factors and existing land uses, it is considered feasible and desirable to conserve open spaces, water supply sources, woodland area, wildlife, and other natural resources.*

- both districts have many accessory, permitted, and conditional uses that are allowed in the district.

### Zoning Districts



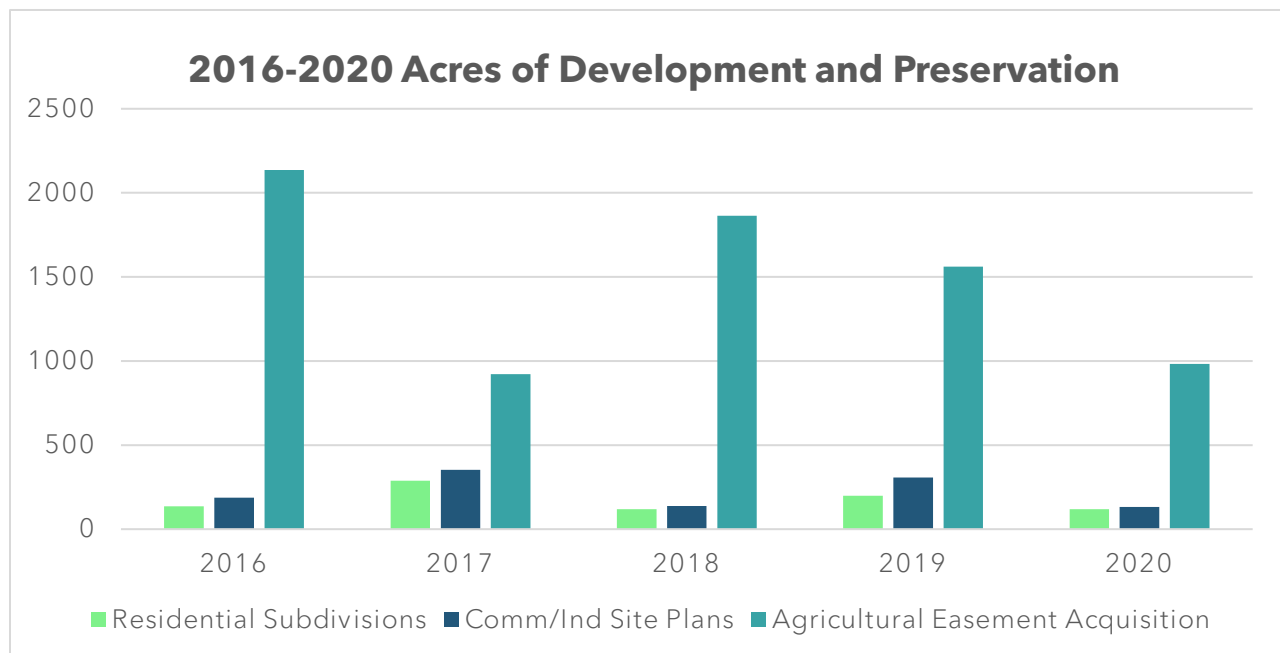
Zoning Districts	Acreage in District
Agriculture	185,655
Conservation	57,796
Residential, Commercial, Industrial	32,111



## CURRENT AGRICULTURE AND CONSERVATION ZONES

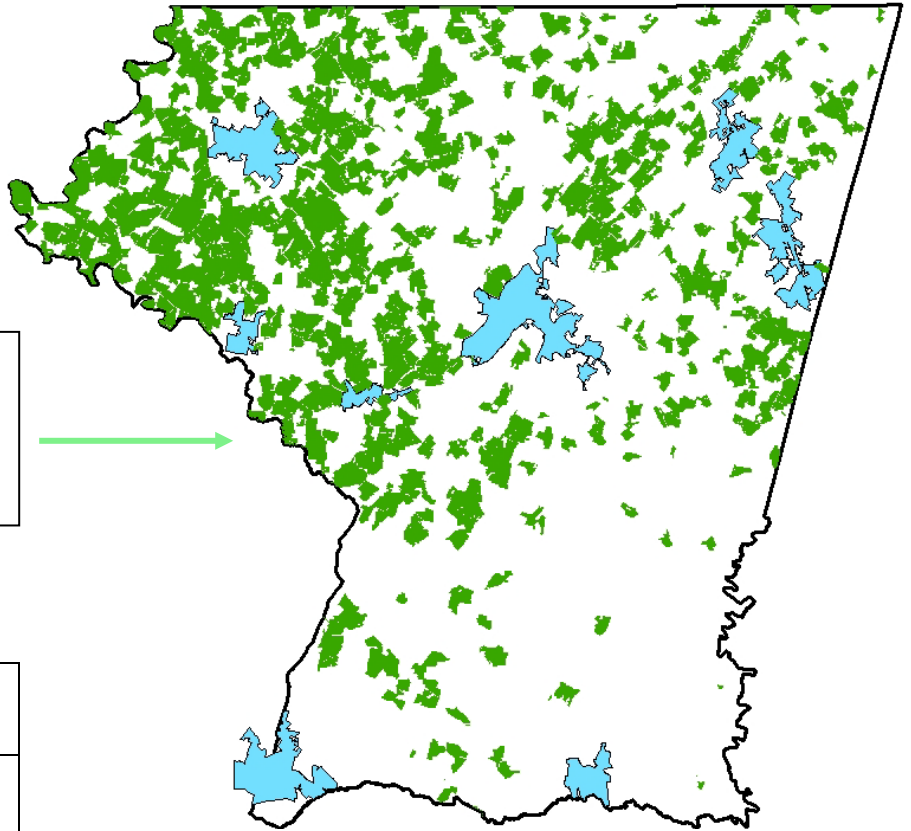
To preserve its rural identity, Carroll County utilizes the following tools to limit development in rural areas and promote development in appropriate areas:

1. **Agriculture and Conservation Easements:** agreement between a landowner and a government agency/nonprofit to protect the land from future development and assure proper care of the land.
2. **Rural Legacy Areas (RLA):** redirects existing state funds into a dedicated land preservation program to minimize sprawl development patterns by funding the purchase of easements.
3. **Priority Preservation Area (PPA):** identified areas of agricultural and forestry resource land that would support agricultural production and timber harvesting for the present and future.
4. **Designated Growth Areas (DGA):** smaller geographic areas of the County where majority of the County's growth is planned to occur; directing growth to the DGA's reduces land consumption for development in rural areas.



*Agriculture Preservation*

*Designated Growth Areas*

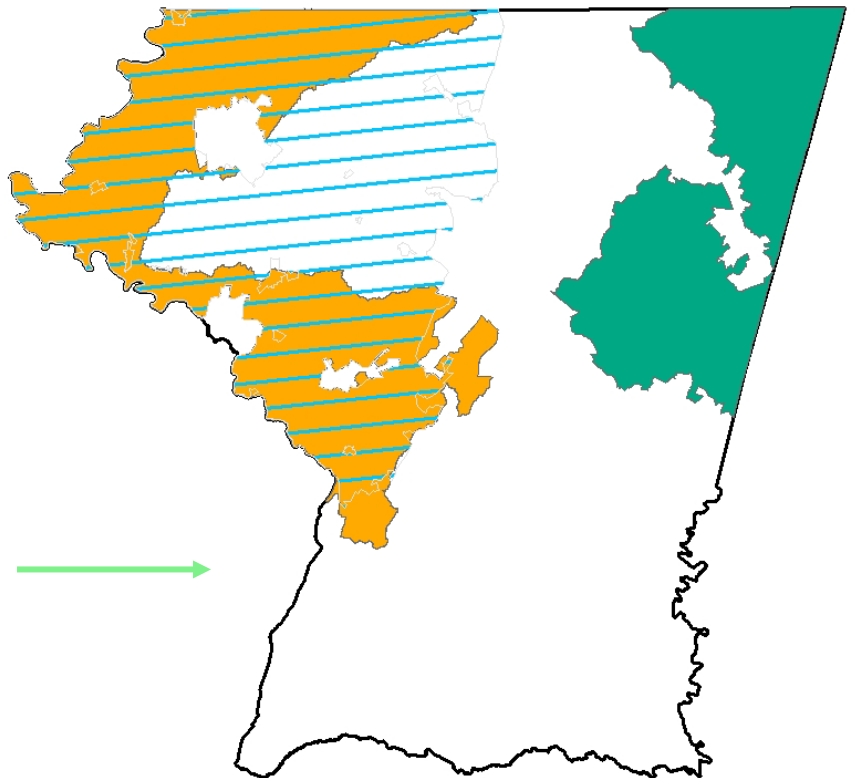


<b>Preservation Tools</b>	<b>Total Acres</b>
Agriculture Easements	77,080
Priority Preservation Area	92,908
Rural Legacy Area	98,745
Growth Areas	47,360

*Little Pipe Creek Rural Legacy Area*

*Upper Patapsco Rural Legacy Area*

*Priority Preservation Area*



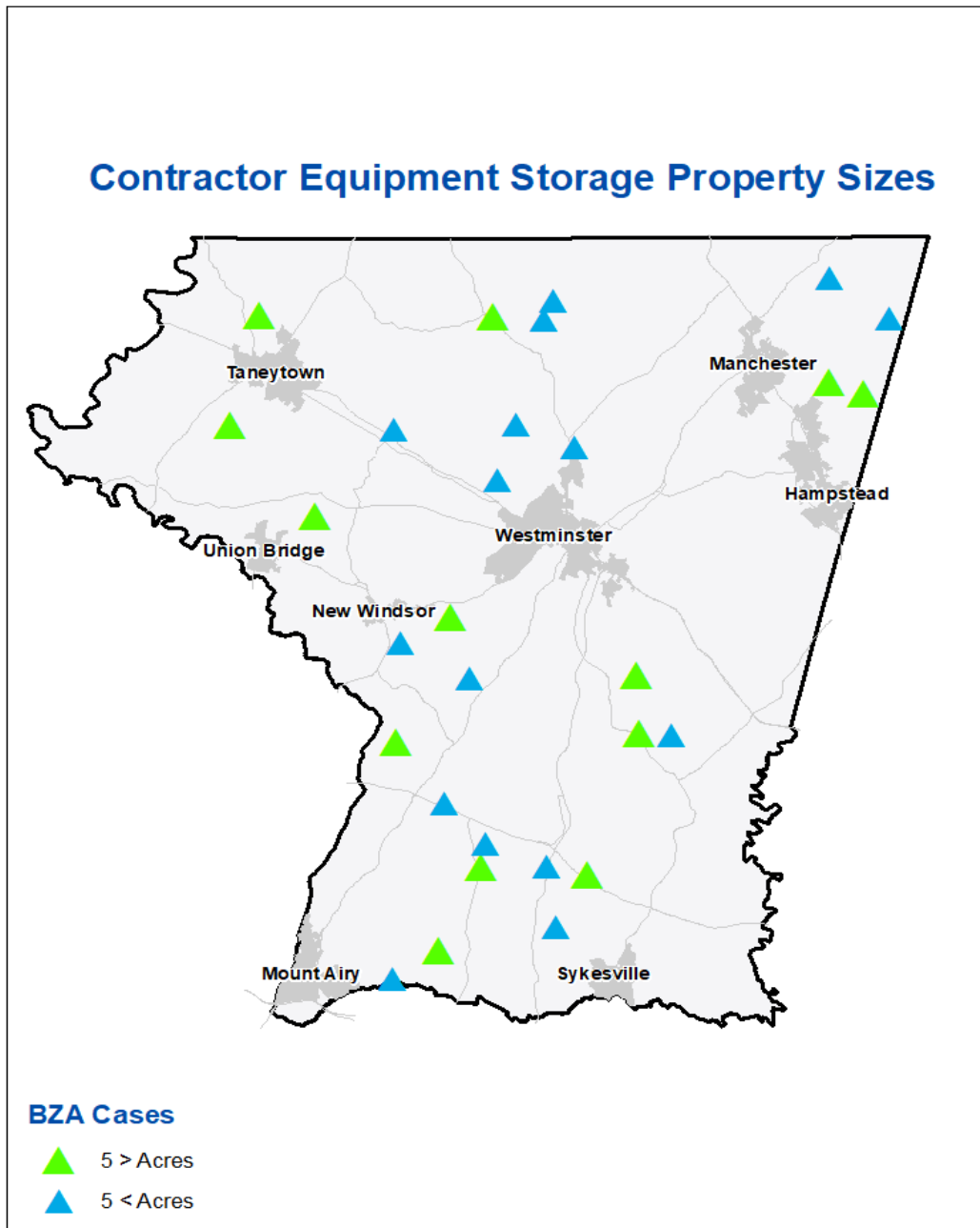


## COMMERCIAL TRENDS & OPPORTUNITIES IN THE AGRICULTURE AND CONSERVATION ZONES:

- ***CONTRACTOR'S EQUIPMENT STORAGE.*** The use of any space, whether inside or outside a building, for the storage or keeping of contractor's equipment or machinery, including building materials storage, construction equipment storage, or landscaping equipment, and associated materials.
- ***COUNTRYINN.*** Any dwelling in which rooms are rented to paying guests on an overnight basis with meals served daily. A ***COUNTRYINN*** may also provide catering and facilities for banquets, weddings, receptions, reunions, and similar one-time events which are not open to the public generally.
- ***KENNEL, COMMERCIAL.*** Any premises on which any person engages in the business of boarding (daily or overnight), breeding more than two litters per year, buying, letting for hire, training for a fee, or selling dogs.
- ***SOLAR ENERGY GENERATING SYSTEM, LARGE-SCALE.*** An area arranged and dedicated to the construction, operation and maintenance of a large-scale solar collection system principally used to capture solar energy and convert it to electrical energy. ***SOLAR ENERGY GENERATING SYSTEM, LARGE-SCALE*** consist of free-standing ground based or roof-mounted collection devices, associated panels and arrays and/or aggregations of panels and arrays, supporting equipment, including light reflectors, concentrators, heat exchangers, substations, utility interconnection infrastructure, electric infrastructure, transmission lines, battery banks and related structures and facilities. In such instances, the use is considered the "principal" use on the subject property and any other use on the site shall be subordinate. ***SOLAR ENERGY GENERATING SYSTEM, LARGE-SCALE*** are designed to supply power at the utility level, rather than on-site or to a local user. These facilities are intended to generate electricity to be sold, for profit, to an electricity market through a regional transmission organization and an interconnection with the local utility power grid and/or for direct distribution.
- AGRITOURISM
- SEASONAL USES
- COMMERCIAL CAMPING
- ACCESSORY DWELLING UNIT (ADU)

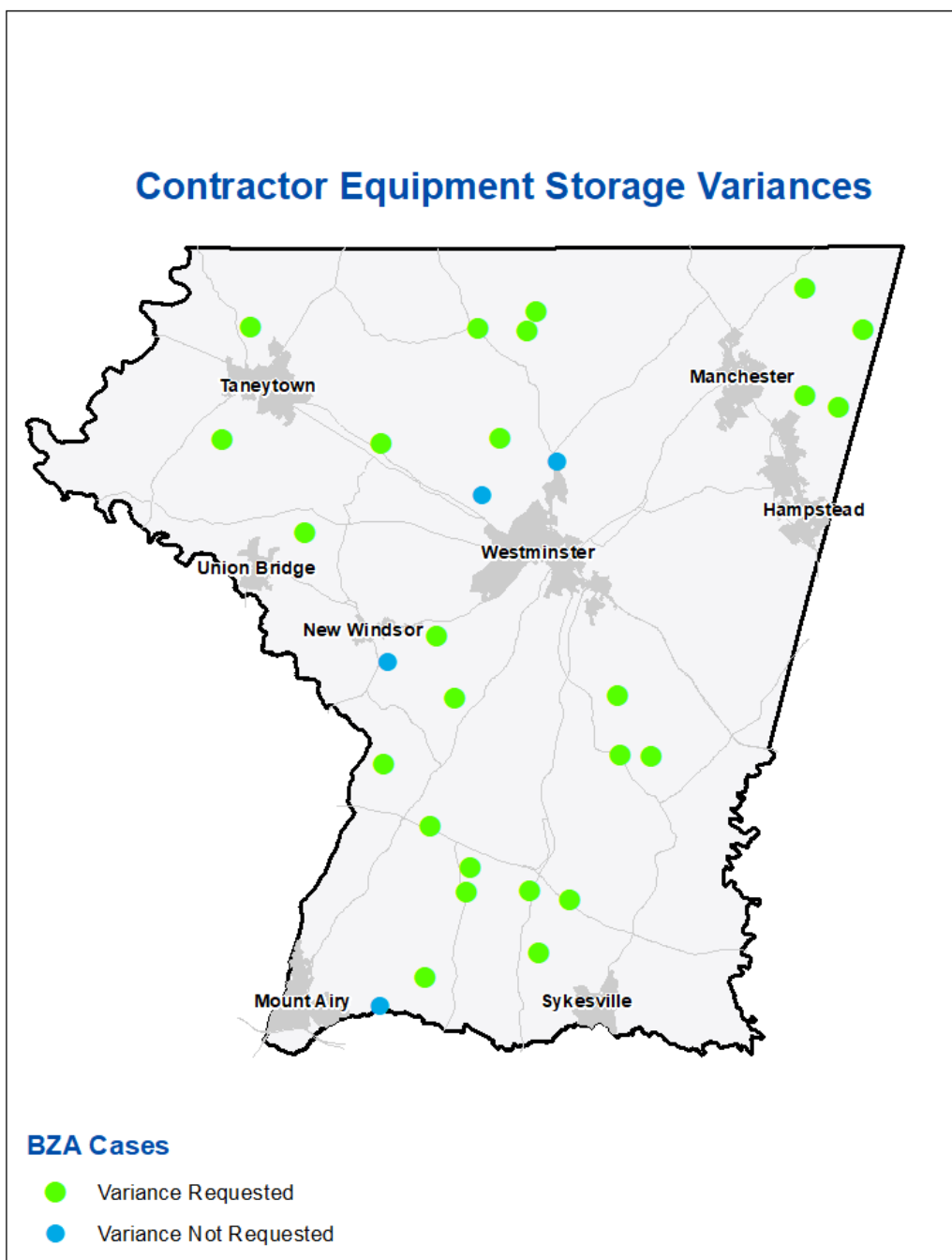
# COMMERCIAL TRENDS & OPPORTUNITIES IN THE AGRICULTURE AND CONSERVATION ZONES

**CONTRACTOR'S EQUIPMENT STORAGE:** The use of any space, whether inside or outside a building, for the storage or keeping of contractor's equipment or machinery, including building materials storage, construction equipment storage, or landscaping equipment, and associated materials. Contractor's Equipment Storage are conditional uses in the agriculture zone (§158.070(E)1C).



Contractor's equipment storage located in an area of the property comprising no more than 43,560 square feet and which shall comply with at least twice the distance requirements of §158.040.

**Variance:** a relaxation of the terms of this chapter, except where specifically prohibited where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of the actions of the applicant, a literal enforcement of the chapter would result in practical difficulty or unreasonable hardship. Defined in §158.002.



**COUNTRY INN:** Any dwelling in which rooms are rented to paying guests on an overnight basis with meals served daily. A *COUNTRY INN* may also provide catering and facilities for banquets, weddings, receptions, reunions, and similar one-time events which are not open to the public generally. Country inns are conditional uses in both the Agriculture and Conservation zones. The approval comes with a list of conditions required specified in §158.071(D)7.

### *Origins & Current Trends of Country Inns*

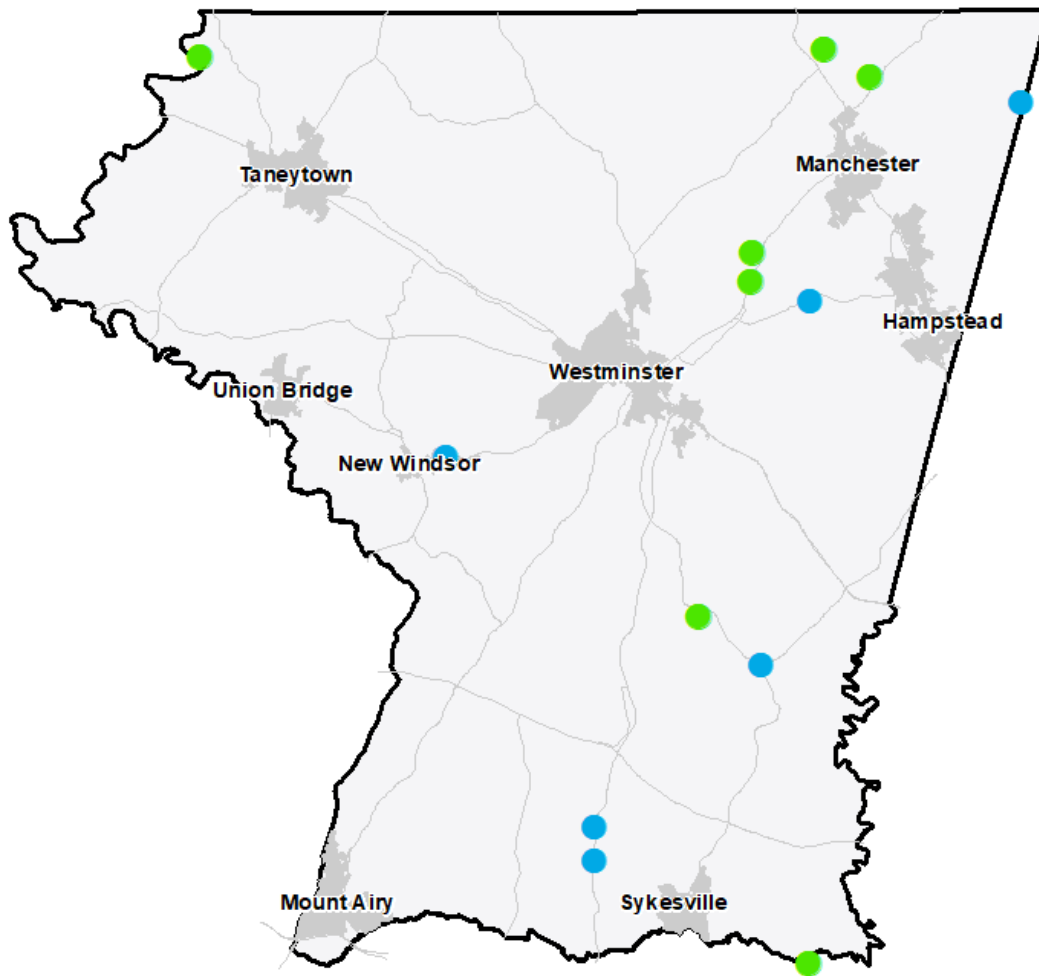
Country inns were first added to the county zoning ordinance in 1986. The opening of the Winchester Country Inn the same year seems to be the catalyst to the new designation. The inn closed at an unclear date, but the website can still be found online. The building is now the *Kate Pearl Tearoom*. The Winchester Country Inn was created in a partnership between a nonprofit and the county, leasing the property for \$1 a year. It was part of a job training program for disabled adults in the county. The involvement of the county in opening the inn explains why the designation, which does not appear in earlier ordinances, was created. It also explains the stipulation that country inns must be at least 50 years old, a rule that was later dropped.

Inns are mentioned along with motels and tea rooms as conditional Agricultural uses in the 1972 ordinance, but the regulations on such businesses are not elaborated upon. A 1975 BZA case (#946) exists for Klees Mill Inn. The Winchester Country Inn is the first BZA using the term "country inn." The requirement for a building to be at least 50 years old exists in the 1986 and 2000 zoning ordinances. This rule is not in the most recent zoning ordinance. In the current zoning ordinance, country inns are conditional uses in both the Agriculture and Conservation zones. The approval comes with a list of conditions required. In the county, conditional uses require approval from the Board of Zoning Appeals or BZA.

In the available BZA records, no one requested a BZA for a country in until 26 years later in 2012. In the next three years, a trend took off with six BZA cases for country inns. Unlike the Winchester Country Inn, these properties are nominal inns used as event spaces, particularly weddings.

There are thirteen Country Inns', totaling approximately 400 acres, which have received conditional use approval by the BZA. Of the thirteen, seven Country Inns', totaling 186 acres, appear active at this time.

## Country Inns in Carroll County

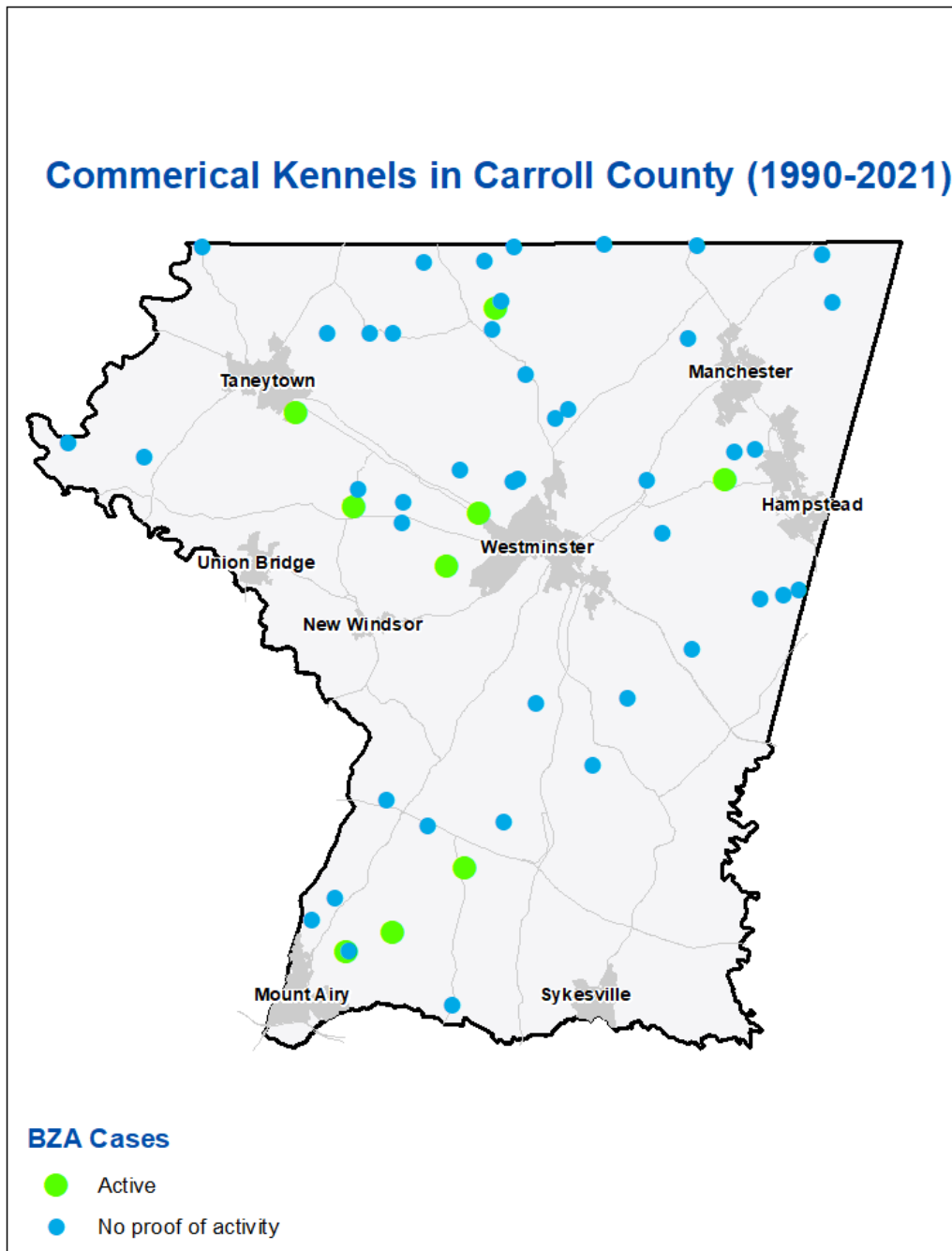


### BZA Cases

- Active Inns
- Inactive Inns

**COMMERCIAL KENNELS:** Any premises on which any person engages in the business of boarding (daily or overnight), breeding more than two litters per year, buying, letting for hire, training for a fee, or selling dogs. Commercial kennels are conditional uses in the agriculture zone.

Commercial kennels or animal hospitals with runways, provided that such use shall be subject to the distance requirements specified in §158.040, except that where the kennel involves more than ten dogs, the distance requirement shall be two times the requirements specified in §158.040.

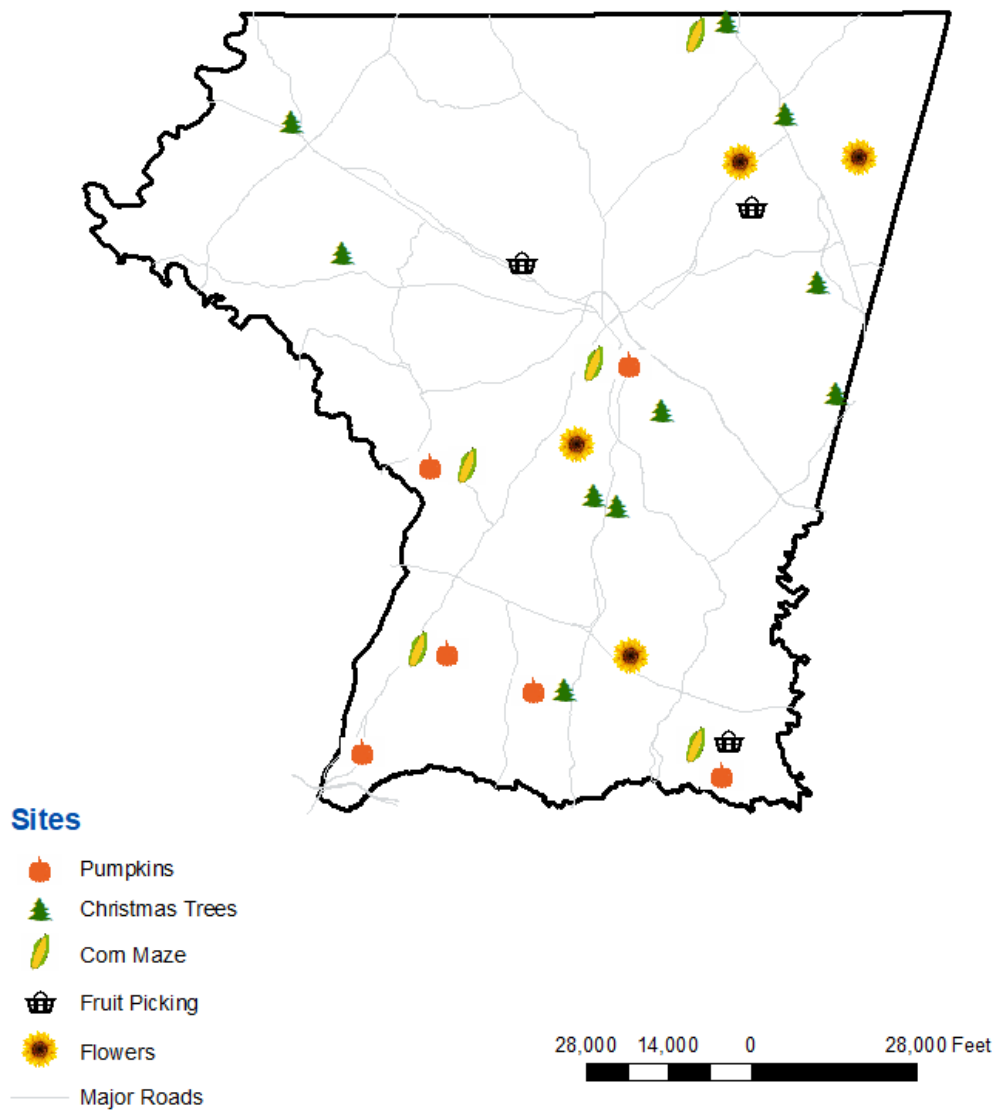


**COMMUNITY SOLAR.** Community solar refers to a community-owned or third-party-owned solar energy generating system from which electricity is shared by more than one household or customer, similar to a co-op. The primary purpose of community solar is to allow members of a community the opportunity to share the benefits of solar power even if they cannot or prefer not to install solar panels on their property. As defined in §158.153(E).

**AGRITOURISM.** Agritourism is a field that is growing in popularity as producers try to diversify and increase profits. By combining agriculture and tourism, agritourism offers new sources of revenue. Simply stated, agritourism could be thought of as the crossroads of tourism and agriculture. Stated more technically, agritourism can be defined as a form of commercial enterprise that links agricultural production and/or processing with tourism in order to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating the visitors and generating income for the farm, ranch, or business owner.

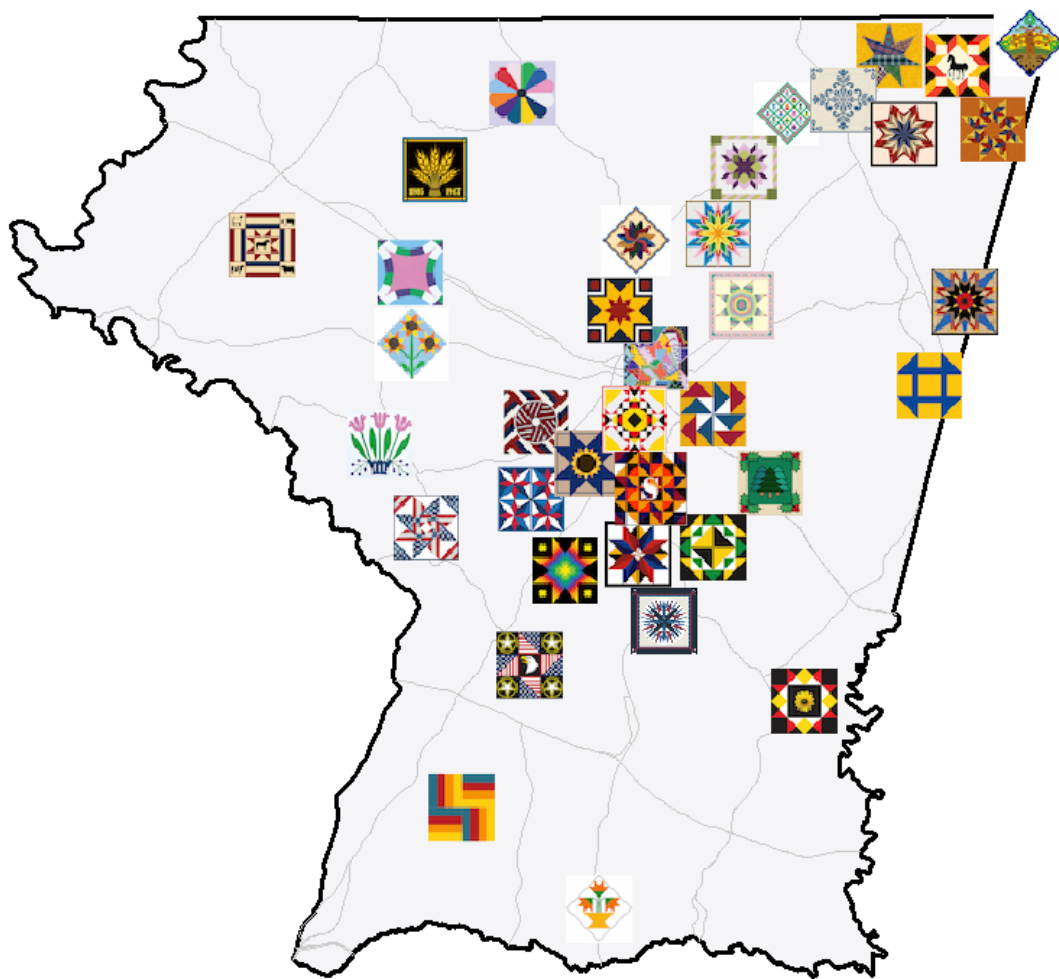
**SEASONAL USES/TRENDS** Temporary and other uses, subject to approval by the Zoning Administrator. As shown in § 158.048.

## Seasonal Agritourism in Carroll County





## Barn Quilts in Carroll County



## COMMERCIAL CAMPGROUNDS

**COMMERCIAL CAMPING AREA.** Any tract of land not less than five acres which is designed, maintained, or intended for the purpose of supplying a location or accommodation for two or more tents, recreational vehicles, or other camping vehicles as sleeping quarters for persons engaged in recreational or vacation activities, except where the facilities are maintained for private use of the land owner. As defined in §158.002.

## ACCESSORY DWELLING UNITS (§155.022)

**ATTACHED ACCESSORY DWELLING:** A portion of a single-family dwelling that shall provide complete, independent living facilities for sleeping, eating, cooking and sanitation within the main dwelling unit, but which is separate from the main dwelling unit's cooking, bathroom, and living areas.

**DETACHED ACCESSORY DWELLING:** A dwelling unit, excluding a mobile home, on the same lot as the primary dwelling unit, but physically separated from the primary dwelling unit. A **DETACHED ACCESSORY DWELLING** unit shall provide complete independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking, and sanitation.

## FREQUENTLY ASKED QUESTIONS

### 1. I own property in Carroll County. How will I be affected by this effort?

- i. The impact of this process on you and your property depends on the location of your property, its zoning, and its future land use designation. If you currently live in a municipality, you will not be impacted by this effort. If you are outside of a municipality in the agriculture or conservation zoning district or the agriculture and resource conservation future land use designations, the changes may impact your property.

### 2. What is zoning and why is it important?

- i. Zoning regulates land use, density, setbacks, lot coverage of different zoning districts and also implements the County's Master Plan.

### 3. Why is it necessary to change zoning regulations?

- i. Keeping the zoning text up to date makes it easier to understand and implement. It is important to keep the zoning code up to date with development and market trends.

### 4. What is a Comprehensive Plan?

- i. A Comprehensive Plan is the framework for land use, growth management, agricultural policies, economic development, water resources, natural environment resources, community facilities and services, and recreation services for an area. Carroll County's Master Plan was created in 2014 and amended in 2019 to implement changes in the *2018 Freedom Community Comprehensive Plan*.