

§ 1A01.2. - Use regulations.

- A. Preferred use permitted as of right. Agricultural operations, when conducted in accordance with good and reasonable husbandry practices, shall be afforded preferential treatment over and above all other permitted uses in R.C.2 Zones.
- B. Uses permitted as of right. <sup>[1]</sup> The following uses only are permitted as of right in all R.C.2 Zones:

[Bill No. 178-1979]

- 1. Dwellings, one-family detached.

[Bill No. 178-1979]

- 2. Farms and limited acreage wholesale flower farms (Section 404).

[Bill Nos. 178- 1979; 51-1993]

- 3. Open space, common.

[Bill No. 178-1979]

- 4. Public schools.

[Bill Nos. 63-1980; 47-1982; 47-1985]

- 5. Streets and ways.

[Bill No. 178-1979]

- 6. Telephone, telegraph, electrical-power or other lines or cables, provided that any such line or cable is underground; underground gas, water or sewer mains or storm drains; or other underground conduits, except interstate or international pipelines.

[Bill No. 178-1979]

- 7. Trailers or mobile homes, provided that any trailer or mobile home allowed under this provision must be used or stored in accordance with the provisions of Subsection B, C, E or F of Section 415.1 and Section 415.2.A.1 or 415.3.C.1, as applicable.

[Bill Nos. 178-1979; 27-2015]

- 8. Antennas used by CATV systems operated by companies franchised under Article 25 of the Baltimore County Code, if situated on property owned by the county, state or federal government or by a governmental agency.

[Bill Nos. 220-1981; 137-2004]

- 9. Accessory uses or structures, including, but not limited to, the following:
  - a. Excavations, uncontrolled.

[Bill No. 178-1979]

- b. Farmer's roadside stand and produce stand, subject to the provisions of Section 404.4.

[Bill Nos. 178-1979; 41-1992]

- c. Home occupations (see Section 101).

[Bill Nos. 124-1978; 178-1979]

- d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence at the time of application; does not occupy more than 25 percent of the total floor area of that residence; and does not involve the employment of more than one nonresident employee.

[Bill Nos. 78-1979; 105-1982; 65-1999]

- e. Parking space, including residential-garage space and space for recreational vehicle (Section 415A).

[Bill No. 178-1979]

- f. Piers, wharves, docks and bulkheads, subject to the provisions of Section 417.

[Bill No. 178-1979]

- g. Radio operator antennas, subject to Section 426A.

[Bill Nos. 178-1979; 30- 1998]

- h. Swimming pools, tennis courts, garages, utility sheds, satellite receiving dishes (subject to Section 429) or other accessory structures or uses (subject to the height and area provisions for buildings as set forth in Section 400).

[Bill No. 178-1979; Bill No. 71-1987]

- i. Tenant houses, including mobile homes used as tenant houses.

[Bill Nos. 178-1979; 27-2015]

- j. Rubble landfills, provided that the actual fill area does not exceed three percent of the total contiguous acreage of the property in the same ownership and subject to the provisions of Section 412.7 only.

[Bill No. 97-1987]

- k. Signs, subject to Section 450.

[Bill No. 89-1997]

10. Commercial film production, subject to Section 435.

[Bill No. 57-1990]

11. Transit facilities.

[Bill No. 91-1990]

12. Equestrian centers, provided that any such equestrian center has access to two roads, one of which is a road having, within two miles from the equestrian center, an interchange with an interstate expressway; contains no permanent grandstand; and contains no lights other than those consistent with farm use. Temporary structures, such as removable tents, viewing stands and seating, are permitted, provided that they are removed within a reasonable time following the event or events which they serve.

[Bill No. 24-2002]

13. Farmstead creamery, subject to the provisions of Section 404.13.

[Bill No. 34-2009]

14. Domestic animal sanctuary, if located on or within property that is greater than 7.5 acres in size.

[Bill No. 20-2010]

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

[Bill No. 178-1979; 6-2019]

1. Airports.

[Bill No. 178-1979]

2. Animal boarding places (regardless of class), commercial kennels, private kennels, veterinarians' offices or veterinariums (see Section 421).

[Bill Nos. 178-1979; 87-2001]

3. Antique shops (see Section 402B).

[Bill No. 178-1979]

4. Bakery, provided that the bakery is located on an existing farm and in an existing structure as of the effective date of this Act, and goods baked on the premises must be sold only at retail on the premises.

[Bill No. 6-2019<sup>[3]</sup>]

5. Camps, including day camps.

[Bill No. 178-1979]

6. Community care centers provided that no residential community care center, i.e., a center which serves as the residence of the persons for whom care is provided, shall provide care for more than 15 persons per site, and no day community care center shall provide care for more than 15 persons per acre nor more than 75 persons per site; however, if the site is in excess of two net acres and is located outside the urban rural demarcation line, the hearing authority shall determine the maximum number of persons permitted in a day community care center based on the total acreage of the site and the testimony and evidence presented.

[Bill Nos. 178-1979; 157-1986; 19-2014]

7. Churches or other buildings for religious worship.

[Bill No. 178-1979]

8. Community building owned by a nonprofit civic or improvement association and used by its members and guests for recreational, social, educational, or cultural activities.

[Bill No. 26-2015 <sup>[4]</sup>]

9. Excavations, controlled.

[Bill No. 178-1979]

10. Farm market, subject to the provisions of Section 404.4.

[Bill Nos. 178-1979; 41-1992]

11. Fishing and shellfishing facilities, Class I and II.

[Bill No. 178-1979]

12. Golf courses or country clubs.

[Bill No. 178-1979]

13. Home occupations of disabled persons, where the use is established in a structure originally constructed as a dwelling or as accessory to a dwelling or where the use is established in a structure that is situated on the same lot as a dwelling and which the Zoning Commissioner finds to be compatible with its surrounding neighborhood, provided that:

- a. Only three persons, including the disabled person and the members of his immediate family who are residents of the dwelling, are employed in the use on the premises; and
- b. In any case the use is conducted by a disabled person whose domicile is the dwelling to which the use is accessory and whom the hearing authority finds is so severely disabled as to be unable to engage in his occupation away from the premises of his

home.

Any provision of Section 502.2 to the contrary notwithstanding, any special exception granted pursuant to this item shall expire upon the first to occur of the following:

- (1) Five years after the issuance of the permit;
- (2) The death of a disabled person;
- (3) The termination of the disability; or
- (4) The failure of the disabled person to permanently reside at the premises.

A new special exception for the use may be granted when the previous special exception expires but only upon the completion of the entire application and hearing process in the same manner as if it were the initial application for this special exception. It is the purpose of this provision to prevent the use of residential property for business purposes by an occupant other than a disabled person and to ensure that any occupation permitted pursuant to this item will be conducted in a manner appropriate to its surroundings.

[Bill No. 27-1981]

14. Horticultural nurseries, subject to the provisions of Sections 404.1 and 404.2.

[Bill No. 41-1992]

15. Hunting or fishing preserves.

[Bill No. 178-1979]

16. Landscape service operations, subject to the provisions of Sections 404.1 and 404.3.

[Bill No. 41-1992]

17. Offices for agriculture-related uses.

[Bill Nos. 178-1979; 37-1988]

18. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professional persons as an accessory use, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence at the time of application; does not occupy more than 25 percent of the total floor area of that residence; and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees.

[Bill Nos. 105-1982; 65-1999]

19. Public utility uses not permitted as of right.

[Bill No. 178-1979]

20. Rail passenger station, subject to Section 434.

[Bill No. 91-1990 <sup>[5]</sup>]

21. Residential art salons (see Section 402C).

[Bill No. 178-1979]

22. Standard restaurants or tearooms converted from dwellings (Section 402.2).

[Bill Nos. 178-1979; 110-1993]

23. Riding stables.

[Bill No. 178-1979]

24. Sanitary landfills, or rubble landfills in which the actual fill area exceeds three percent of the total contiguous acreage of the property in the same ownership. However, the fill area of a rubble landfill may not exceed seven percent of the total contiguous acreage, nor may the fill area exceed a depth of 20 feet unless the Zoning Commissioner specifically finds that the landfill should be exempt from the depth limitation (see Section 412).

[Bill Nos. 178-1979; 97-1987]

25. Schools, including schools for agricultural training, private preparatory schools, business or trade schools, conservatories or colleges.

[Bill No. 178-1979]

26. Shooting ranges, including archery, pistol, skeet, trap or small-bore rifle ranges, or turkey shoots.

[Bill No. 178-1979]

27. Sludge disposal facility — landspreading (Section 412A.2.E).

[Bill No. 46-1982]

28. Mobile homes, as provided in Section 415.1.D.

[Bill Nos. 178-1979; 27-2015]

29. Volunteer fire company or ambulance-rescue facilities.

[Bill No. 178-1979]

30. Wireless telecommunications towers, subject to Section 426.

[Bill No. 30-1998]

31. The following "agricultural-support" uses as principal commercial uses:

[Bill Nos. 178-1979; 51-1993]

- a. Farm-machinery sales, storage or service; blacksmithing.

[Bill No. 178-1979]

- b. Feed or grain mills or driers.

[Bill No. 178-1979]

- c. Fertilizer sales or storage.

[Bill No. 178-1979]

- d. Sawmills.

[Bill No. 178-1979]

- e. Slaughterhouses or manufacture, processing or packing of fruit, vegetables, animal or meat products, or by-products.

[Bill No. 178-1979]

- f. Spirits manufacture, including the manufacture of alcohol to be used in gasoline/alcohol mixtures, but excluding the production of these mixtures.

[Bill Nos. 178-1979; 51-1993]

- g. Firewood operations.

[Bill No. 151-1992]

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

[Bill No. 51-1993]

- i. Bottled water plant, if the source of the water is located on the same site as the plant, and provided that the Director of Environmental Protection and Sustainability makes a recommendation that the proposed facility will not adversely affect the quality or capacity of surface water or groundwater.

[Bill Nos. 51-1993; 122-2010]

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

[Bill No. 64-2015]

*Footnotes:*

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1. *Editor's Note— "Churches and schools for agriculture training," originally included in this section by Bill No. 98-1975, were moved to Section 1A01.2.C by Bill No. 178-1979.*

--- (2) ---

2. *Editor's Note— The following uses were included in this section by Bill No. 98-1975, and deleted by Bill No. 178-1979: "baseball batting ranges," "cemeteries," "community bldgs.," "swimming pools," "fish hatcheries," "golf driving ranges, miniature-golf," "helistops," "hospitals," "nursing, convalescent homes," "railroads," "sanitariums" and "shooting preserves."*

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3. *Editor's Note— This bill also provided for the renumbering of former Subsections 4 through 30 as Subsections 5 through 31, respectively.*

--- (4) ---

4. *Editor's Note— This bill also provided for the renumbering of former Subsections 7 through 29 as Subsections 8 through 30, respectively. Section 2 of this bill stated that it would apply to existing structures located within the geographic boundary of a nonprofit civic or improvement association, or as a replacement in the same footprint of said structures, as of the effective date of this Act (45 days after its 3-16-2015 enactment).*

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5. *Editor's Note— Former Item 14, "Research institutes (see Section 418)," which followed this item, was repealed by Bill No. 122-1984.*