

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

June 17, 1998

Mr. Nicholas E. Pindale, Jr. Bluemount Nurseries, Inc. 2103 Blue Mount Road Monkton MD 21111

> RF: Zoning Verification 2103 Blue Mount Road Bluemount Nurseries 10th Election District

Dear Mr. Pindale:

Pursuant to your letter of June 8, 1998 regarding the above referenced matter, please be advised as follows.

You advise in your letter that the subject nursery has been in operation at this location since the 1940's and has occupied approximately 22 acres for the farming operation. In reviewing this matter, I located a 1950 petition for special permit (case 1818-S), which approved the property for use as a horticultural nursery. In reviewing that order, it is my opinion that the proposed buildings, as presented at the June 8, 1998 Development Review Committee (DRC) meeting, are within the spirit and intent of the Baltimore County Zoning Regulations.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Zonino Review

Joseph C. Merrey Phenner I

JCM:rve

c: zoning case 1818-S

BLUEMOUNT NÜRSERIES, INC.

2103 BLUE MOUNT ROAD

Towson, Maryland 21204

Attn: Mr. Arnold Jablon Director

Most's Famu Att. PERIODIALS NATIVE PLANTS LIZES FERNS GROUND COVERS ORNAMENTAL GRASSES JAMBOO

6-15-98

Department of Permits and Development Management County Office Building Room 111 111 West Chesapeake Avenue

NE 28-A

Dear Mr. Jablon

June 8, 1998

SUBJECT: Request For Confirmation of Farm Designation Council Dist 3td, Elect Dist 10th, ADC Map 8 - C9 & C10

In accordance with the recommendations of the Devel yment Review Committee meeting on June 8, 1998, we respectfully request confirmation that our wholesale nursery is a farm as defined in the zoning descriptions on pages 1-17 and 1-23. Bluemount Nursecies, Inc. is a wholesale grower of herbaceous perennial plants farming in the same location since the late 1940's. Our nursery sells olant materials grown exclusively on-site on more than three acres (22 acres of 78 acres owned)

We are requesting this confirmation in an effort to avoid possible confusion when applying for the building permits needed to construct accessory structures for our nursery farming operations. Please call me or George Mayo at 410-329-6226 if you have any questions regarding this request or the nature of our nursery operations.

Thank you for your consideration. Your promos attention to this request is appreciated.

Chief Financial Officer

GROWING SINCE 1926

98-2345

Farms. Three acres or more of land, and any improvements thereon, used primarily for commercial agriculture, as defined in these regulations, or for residential and associated agricultural uses. The term does not include the following uses as defined in these regulations: limited acreage wholesale flower farms, riding stables. landscape service, firewood operations, and horticultural nursery businesses. (Bills No. 85, 1967: No. 51, 1993.)

(Farm...) (Deleted by Bill No. 51, 1993.)

Farm (Limited-Acreage Wholesale Flower Farm): A limitedacreage wholesale flower farm is less than three acres of land, and any improvements thereon and is primarily used for the growing of flowers and small plants and their wholesale distribution. [Bills No. 85, 1967; No. 41, 1992.1

(Farm, Satellite...) (Deleted by Bill No. 51, 1993.)

(Farmers' Co-op Roadside Stands...) (Deleted by Bill

Farmer's Roads; de Stand: An accessory structure owned and operated by an agricultural producer, used for the sale of indigenous farm products, the majority of which have been grown on the premises. adjacent land, or on properties farmed by the same agricultural producer. [B.C.Z.R., 1955; Bill No. 41, 1992.)

(Farmette...) (Deleted by Bill No. 51, 1993.)

(Farming...) (Deleted by Bill No. 85, 1967.)

Form Market: An accessory or principal building or structure other than a dwelling which is used by one or more farmers for the sale of produce grown primarily on their own farms or for the sale of other locally grown produce. A farm market may sell a limited amount of locally produced non-agricultural goods such as handcrafted items. honemade baked goods, homemade preserves, jams, and processed dairy products. (Bill No. 41, 1992.)

Firewood Operation: The business of processing woo, so that it can be marketed and burned as fuel. Such operations include, but are not limited to, harvesting, transporting, varding, seasoning, marketing, smisping and receiving of logs and firewood. A farm which limits the processing and marketing of firewood to owner-produced forestry resources shall not be considered a firewood operation. (Bill No. 151, 1992.1

Fishing and Shellfishing Facility, Shoreline: A principal use that consists of the buildings, equipment, or other facilities necessary to accommodate the onshore activities of a fishing and shellfishing business (including retailing or wholesaling of the catches) and that is situated on a lot on the shoreline of tidal waters. [Bill No. 30, 1978.]

NEV 4794

[Neighborhood...] [Deleted by Bill No. 3, 1992.1

Nightclub: A tavern or other commercial establishment which provides live or recorded entertainment, with or without a dance floor, and which is categorized as a nightclub by the building code of Baltimore County. [Bill No. 110, 1993.]

Nonconforming Use: A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use. A specifically named use described by the adjective "nonconforming" is a nonconforming use. [B.C.Z.R., 1955; Bill No. 18, 1976.1

Nonindustrial Use: Any use other than an industrial, quasiindustrial, or industry-related use. [Bill No. 178, 1979.]

Nudity: A state of dress in which a huran buttock, anus. genitalia, or female breast is completely bared. [Bill No. 137, 1990.]

Nudity, Partial: A state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices. [Bill No. 137, 1990.]

Nursery, Morticultural: An agricultural operation primarily angaged in the production and marketing of trees, shrubs and plants. The plant materials may be produced on the premises and may be purchased elsewhere at any stage of maturity for further production. Horticultural nurseries may engage in accessory uses such as storage of plant materials, sale of products necessary for the health of the nursery stock, and provision of limited landscape services. #A nursery which sells plant esterials grown exclusively on-site and which does not offer any of the accessory services permitted at horticultural surseries, shall be considered a farm. [Bill No. 41, 1992.]

Nursery School: A school or a level within a school providing educational instruction for children between two and four years old [3411 No. 47, 1985.1

Nursing Home: (Formerly Convaluscent Home): A facility which provides board, shelter, and nursing care to chronic or convalencent patients. This term also includes facilities which provide domiciltary care within a nursing bone. [Bill No. 37, 1988.]

Office: A building or portion of a building used for conducting the affairs of a business, profession, service, industry, or government, including a medical office. The term "office" does not include a bank, a post office, a veterinarian's office, nor an establishment where merchandise is stored on or sold from the premises. [Bills Sc. 13, 1980; No. 167, 1980; No. 37, 1988; No. 186,

REV 2/95

#1818-5 ORNERED by the Zoning Consissioner of Bultimore PETITION FOR SPECIAL PERMIT County this 13th day of September 1950 IN THE MATTER OF MAP that the subject metter of this petition be advertised in Petition of DEFUEZ THE a numeroper of general circulation throughout Baltimore #10 Andrew Simon COMING COMMISSIONER OF BALWI ONE COUNTY County and that the property be posted, as required by the Zoning Regulations and Act of Assembly aforesaid, and that a public hearing thereon be had in the office of the Zoning For A Social Pareit CERTIFICATE OF PUBLICATION Condissioner of Baltimore County, maryland, on the 6th 1950 day of October 1958, at 2:00 o'clock To The Honing Commissioner of Baltimore TOWSON, MD. Sept 23 1950 ANDREW SIMON P.M. THIS IS TO CERITFY. That the annexed advertisement CERTIFICATE OF POSTING On Friday, Oct. 5, 1808 Some was published in THE UNION NEWS a weekly necessary 1818-5 ZONING DEPARTMENT OF SALTIMORE COUNTY Towson, Maryland printed and published in Towron Kaltimore County Md. once bereby petition for a Special Permit, under the Soning Regulations in each of the successive weeks before the 6 th and Restrictions passed by the County Commissioners of Baltimore Date of Posting Seht 22/50 day of Octaber 1950 the first publication Posted for Stortweltural nursery County, agreeable to Chapter 877 of the Acts of the General Assenappearing on the 15th day of Leet bly of meryland of 1943, for a cortain permit and use, as provided Petitioner: andrew Simon Upon hearing on position for a special permit to use the property describe therein for a Horticultural Nursery and is appeared by reason of location, the said pertion should be granted, therefore:

It is that Describe the special permit of the state of russen or worden summer.
3821 feel north of Nesley Chapel Road.
1821 feel north of Nesley Chapel Road.
1821-1921 rooth of Blue Mother Road.
1821-1921 Road Road. The UNION NEWS under anid Regulations and Act. as follows: A Special Permit to use the land (and improvements now of Bultimore County of Bultimore County or be erected therem.) hereinofter described for HORTICULTURAL MURSERY
South side of Blue Mount Road, 10th Dist. of Balto.Co., beginning Date of return Sept 22/50 Standing Coding and or of Daltimore County Posted by Harry & Gartside South side of thus Mount Youk, 10th 1sts of white-10th, beginning the remove taken of the Mount Mount of the South Research the second taken of the Mount Research the second taken of the Mount Research the South Sout andrew Simon Contract Purchaser 7727 York Rd. Towson 4, Md. Sept. 15, 1980 \$28,00

RECEIVED of Andres Simon the son of Twenty Right (\$20,00) Delians, being cost of prittion for reslassification, drawtising and poeting of property couth size of Bine Hourt Hond, 10th District of Battimore Commtys

Zoning Commissioner

Hearingt Priday, Oct. 6, 1950 at 2,000 p.m.

PAID

ANDREW SIMON ... HARDY PLANT NURSERY 7727 YORK ROAD TOWSON 4, MARYLAND 23.035 AC+ Andrew Simon property located at Blue Mount - on Blue Mount WOODS FIELD Road 3,821 ft. west from Wesley Chapel Road. ostone ME 7 MEMBERS stoneME G = 569:2500 W stone ME 5 NATIVE PLANTS AND FERNS FOR SHADY GARDENS PART OF BLUE MOUNT FARM INT ELECTION DISTRICT BALTO. COUNTY MD. Scale 1 = 100' ANDREW SIMON andrew Simon - 7727 York Road Towsone hs