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County Executive

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Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

June 5, 2025

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Lawrence E. Schmidt, Esquire – lschmidt@sgs-law.com
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: Petition for Special Hearing
Case No. 2025-0029-SPH
Property: 3366 and 3500 Belmont Road

Dear Messrs. McCann and Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in blue ink, appearing to be "D. Baumgardner", with a stylized flourish at the end.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

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IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(3366 and 3500 Belmont Road)		
4th Election District	*	OFFICE OF
4th Council District		
Valley Planning Council and	*	ADMINISTRATIVE HEARINGS
Peter Fenwick, Trustee		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2025-0029-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Special Hearing filed by Valleys Planning Council and Peter Fenwick, Trustee (“Petitioners”), for the properties located at 3366 Belmont Road and 3500 Belmont Road, Reisterstown, Baltimore County, Maryland (“the Property” or “Sagamore Farm”), owned by 3366 Belmont Road LLC and 3500 Belmont Road LLC (“Respondents”). Petitioners are a nonprofit land preservation organization and an adjacent property owner respectively. This Special Hearing was filed pursuant to Baltimore County Zoning Regulations (“BCZR”) §§ 500.6 & 500.7, to determine various regulatory, zoning, and land use matters on the premises. Specifically, the Petition requests OAH to determine the following:

1. Whether the subject properties may be used for the hosting of weddings, parties, fundraisers, celebrations or other events?
2. Whether the use of the subject properties for the hosting of weddings, parties, fundraisers, celebrations or other events constitutes a catering hall and is prohibited in the RC 2 zone?
3. Whether the use of the subject property otherwise conforms with BCZR?
4. To determine such other issues as necessary and appropriate.

A public hearing was conducted on April 17, 2025 and continued to April 22, 2025, using the virtual platform WebEx in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioners appeared at the hearing and were represented by Michael McCann, Esq. Entity owners of the property, 3366 Belmont Road, LLC and 3500 Belmont Road, LLC, respectively (“Respondents”), were represented by Lawrence Schmidt, Esq. of Smith Gildea & Schmidt, LLC, and Richard Harris, Esq. of Holland & Knight, LLP. Petitioners submitted the following exhibits:

1. Map of Sagamore Farm and Fenwick properties **(admitted)**
2. Map of parcels comprising Sagamore Farm **(admitted)**
3. Aerial Map (2023) **(admitted)**
4. Video excerpt from “Designing with Nature” (2013) **(admitted)**
5. Petition for Special Hearing filed by Sagamore (Sept. 2022) **(admitted)**
6. Text message between Mr. Fenwick and Mr. Plank (Nov. 2022) **(admitted)**
7. Chart of Events **(not admitted)**
8. Collection of postings, etc. of events **(admitted in part)**
9. Video of Magic Life Gala (April 13, 2024) **(admitted)**
10. Petition with signatures **(admitted)**
11. Map of location of persons signing petition **(admitted)**
12. Application form for Non-Profit Gathering and Event Permit **(admitted)**
13. Email response to PIA request (Non-Profit Gathering and Event Permits) **(admitted)**
14. Application form for Public Exhibition License **(admitted)**
15. Email response to PIA request (Public Exhibition License) **(admitted)**
16. Email response to PIA request (Live Entertainment Permit) **(admitted)**
17. All permits for 3366 and 3510 Belmont **(admitted)**
18. Resume of Elizabeth Watson **(admitted)**
19. Map of Worthington Valley Nat’l Register Historic District **(admitted)**
20. Nomination for Worthington Valley Nat’l Register Historic District **(admitted)**
21. Planning Office ZAC comments (March 6, 2025) **(admitted)**
22. Email with LifeBridge catering contract **(admitted)**
23. Email with C1N catering contract **(not admitted)**
24. Photograph (4-13-24 9pm Tufton Road) **(admitted)**

The following Zoning Advisory Committee (“ZAC”) comments were received from county agencies and admitted into the record: (1) Department of Planning (“DOP”); (2) Department of Environmental Protection & Sustainability (“DEPS”); and (3) Development Plans Review (“DPR”). Respondents submitted on the record as presented. Both parties submitted closing memoranda which were received on May 28, 2025.

I. BACKGROUND

The substance of this Petition was originally filed in Case No. 2024-0118-SPH and was dismissed by Order on motion by Respondents prior to a hearing on the merits for: (1) failure to properly plead justiciable facts; (2) failure to adequately notify Respondents of facts at issue (due process); and (3) lack of jurisdiction. The instant case was filed, ostensibly curing those deficiencies identified in the prior Order, under this case number. Petitioners, Valleys Planning Council (a local preservation organization), and Peter Fenwick (Trustee of a trust owning adjacent parcels as well as a community member), requested special hearing relief to determine whether activities that have allegedly occurred on Sagamore Farm are within the letter, spirit, and intent of the BCZR. Sagamore Farm is an historic thoroughbred horse farm used for the breeding, training, and care of thoroughbred horses. There are no current code enforcement violations issued to either 3366 Belmont Road or 3500 Belmont Road and no prior adjudicated or pending applications to use, modify, or otherwise permit any additional uses or activities on the premises. Further, on this record, there are no current court actions pending in the Circuit Court for Baltimore County with respect to any issues raised in the Petition.

II. PRELIMINARY MATTERS

A. Motion to Dismiss

On April 3, 2025, Respondents filed a Motion to Dismiss. That motion was held *sub curia* for argument at the merits hearing. Respondents' motion essentially mirrors its successful Motion to Dismiss filed in the previous matter. Respondents assert that OAH lacks jurisdiction to hear the case as BCZR §§ 500.6 & 500.7 fail to confer jurisdiction; OAH has no authority under BCZR or Baltimore County Code ("BCC") to issue advisory opinions; and that the proper mechanism to address Petitioners claims would be through the code enforcement provisions as outlined under

BCC filed with the Department of Permits, Approvals & Inspections (“PAI”).

On April 9, 2025, Petitioners filed a reply to Respondents’ Motion to Dismiss and asserted that the renewed petition cured the deficiencies outlined in the Order of Dismissal issued in Case No. 24-0118-SPH.

A primary reason for the dismissal of the prior action was the failure to provide adequate notice to Respondents as to what activities Petitioners allege failed to comply with BCZR. In the subject Petition, Petitioners plead three such events: a wedding, a fundraiser, and a festival. The Petition provided enough detail and context regarding these events to afford Respondents sufficient notice from which to respond. Respondents stipulated on the record that these events occurred. At the hearing, however, Petitioners raised eighteen additional events allegedly occurring from 2013 to present. *See* Pet. Exhibit 7.

In a more common land use application requesting, for example, a special exception or variance approval, the contents of that Petition are prescribed by regulation and there is no formal discovery process. Oftentimes further details regarding the application come to light for the first time at a public hearing (e.g., expert reports, light and sound studies, business plans, architectural renderings, etc.). However, the subject petition is different. In this case, the substance of the relief requested is dependent upon the activities alleged to have occurred on the properties in violation of BCZR. In other words, *the activities alleged are the substance of the Petition*, not merely details that provide color and context to the relief requested. As the prior action was dismissed, in part, for the failure to plead facts with enough particularity to afford Respondents due process of law, it is incumbent upon Petitioner to cure this deficiency on a renewed petition or be collaterally estopped from bringing such claims in a future action. Without adequate notice of the events alleged including times, dates, persons, or activities, a respondent property owner or occupant

would not be in a position to identify what persons, staff, visitors, or other individuals might be called to testify to rebut those allegations. By permitting an interested party to move forward in this manner would permit persons to file for special hearing relief for any property in Baltimore County—for any reason or no reason at all—requiring property owners to defend actions without restriction to time and place, all without the benefit of knowing the basic content of those allegations.

If Petitioners in this case were permitted to move forward under special hearing review to have OAH evaluate any and all activity that may have occurred at Sagamore Farm over the past 12 years would essentially permit *cart blanche* review of privately held property without adequate notice in violation of due process of law. Under a code enforcement action, Respondents would be afforded that right. Moreover, this is not the function or purpose of the special hearing process under BCZR §§ 500.6 & 500.7. By failing to include these 18 additional events in the Petition itself, Petitioners fail to cure this primary deficiency as first identified in the dismissal of the earlier action. For this reason, I find that collateral estoppel applies and precludes consideration of these additional alleged events. Respondents’ Motion to Dismiss is hereby **GRANTED IN PART** with respect to all facts and evidence relating to any and all events not properly pled in the Petition.

Moreover, while I find that the renewed Petition fails to sufficiently address all of the deficiencies identified in the prior order including jurisdiction, as this is an administrative hearing, I find that it is in the interest of judicial economy to hear the matter on the merits. In this respect, the motion to dismiss is hereby **DENIED IN PART** and the Petition will be evaluated on its merits.

B. Objection and/or Motion(s) to Strike/Quash Subpoena(s)

At the hearing, Respondents objected to the subpoenas requested by Petitioners and issued by this office on March 24, 2025 (to Respondents), April 7, 2025 (to third parties), and April 18,

2025 (to KDP Investments, LLC). After the conclusion of the first day of the hearing on April 17, 2025, OAH issued a ruling by email to both parties on April 21, 2025, overruling the objections to the subpoenas issued to Respondents and third parties, but also finding insufficient notice to KDP Investments, LLC for the production of documents. Those rulings are more thoroughly articulated as follows:

1. Subpoenas issued to 3500 Belmont Road, LLC and 3366 Belmont Road, LLC (March 24, 2025)

The subpoenas issued requesting information and documents relating to rental uses of the properties from 2022 to present are relevant to the Special Hearing relief requested under the Petition, were timely filed, and are not unduly burdensome or seek to obtain privileged, confidential, or protected business documents. Respondents' objection to those subpoenas are, therefore, overruled. However, Respondents proffered that the business entities subject to the subpoenas are LLCs and do not keep or retain business records, and exist merely as holders of real property. Such practice is common and lawful in Maryland. As Petitioners' documents obtained from the third party Van Saint Group attest, the contracting party for that engagement was "Sagamore Ventures" and not 3500 Belmont Road, LLC or 3366 Belmont Road, LLC.

To that extent 3500 Belmont Road, LLC or 3366 Belmont Road, LLC have possession or control of those documents, they are required to provide them. However, despite likely connections and possible business relationships between the holding LLCs and Sagamore Ventures, subpoenas can only lawfully compel the production of documents or persons when directed to the correct legal entity. Moreover, while as a matter of law a parent company can be compelled to produce documents of a subsidiary entity that are under its direction and control, there is no such requirement in Maryland that a subsidiary, holding company, or related business entity can be compelled to provide documents on behalf of a parent or related entity beyond their possession or

control. As Petitioners have provided no authority for a subsidiary, holding, or related company to compel the production of documents or persons from the parent or related company, while 3500 Belmont Road, LLC and 3366 Belmont Road, LLC are required to provide documents under their direct possession or control, they are not required to provide documents held or controlled by any other entity.

2. Subpoena issued to KDP Investments, LLC t/a Sagamore Ventures (April 18, 2025)

On April 18, 2025, presumably based upon Respondents' argument at the April 17, 2025 hearing that Petitioners subpoenaed the incorrect entities as described above, Petitioners requested the issuance of a subpoena for the same or similar documents and information from KDP Investments, LLC t/a Sagamore Ventures, although of a more limited scope. As service was presumably effectuated on The Corporation Trust, Inc. on behalf of KDP Investments, LLC on Friday, April 18, 2025, for a hearing that was scheduled to resume on the following Tuesday, April 22, 2025, service of the subpoena provided only 48 business hours notice to either produce documents or otherwise respond to the subpoena. While BCZR and BCC are silent as to the service and notice time required to comply with an OAH subpoena, analogous Maryland trial court subpoenas require at least 5 days before a trial or hearing.¹ Under any standard, I find it unreasonable to require KDP Investments, LLC to respond to a subpoena duces tecum issued on *Friday*, April 18, 2025, for a hearing the following *Tuesday*, April 22, 2025. For that reason, KDP Investments, LLC is not required to comply, and any such objection to that effect is hereby sustained. At the hearing on April 22, 2025, Respondents declined to provide such documents.

Regardless, even if KDP Investments, LLC were required to produce documents, given the peculiar nature of this Special Hearing, the LLC's failure to comply with a subpoena in whole or

¹ See Md. Rules 2-510 & 3-510. OAH acknowledges that this agency does not follow the Maryland Rules. This citation is merely for illustrative purposes only.

in part has no available sanction. OAH has no authority to fine, compel, or limit admissible evidence from a party for failure to provide subpoenaed documents when that party makes no affirmative request under BCZR. Indeed, as Respondents in this case rested on the record, no such sanction or negative inference can be implied in this case.

3. Van Saint Group & Copper Kitchen, Inc.

The subpoenas issued to the Van Saint Group and Copper Kitchen requesting information and documents relating to parties, weddings, fundraisers, banquets, etc., at Sagamore Farm from January 1, 2022 to present are relevant to the Special Hearing relief requested under the Petition, were timely filed, and are not unduly burdensome or seek to obtain privileged, confidential, or protected business documents. These subpoenas are upheld and any objection to them, if any, is overruled. However, OAH has no authority to fine or compel a third party for failure to provide subpoenaed documents. Moreover, there is no basis in BCZR, BCC, or general land use principles to make any negative inference against Respondents for a third party's failure to produce documents or persons given the peculiar nature of this Special Hearing, as Respondents request no relief or affirmative finding. Therefore, while upheld, OAH cannot compel the production of any documents from The Van Saint Group or Copper Kitchen, Inc. With all preliminary issues being disposed, we now turn to the merits.

III. FINDINGS OF FACT

The property is approximately 286.66 acres in land area and is zoned RC-2. The property, known as Sagamore Farm, is an historic horse breeding and training facility and farm. Located in the serene and bucolic Worthington Valley, a treasured landmark on the National Register of Historic Places, Sagamore Farm is surrounded by farms and single-family homes on large estates with single-lane roads and sparse and isolated commercial or industrial uses. I take judicial notice

that substantial portions of RC-zoned properties in this area of Baltimore County are held in permanent agricultural or conservation preservation through easements or other preservation methods. Sagamore Farm is improved with a main house, ancillary residential structures used as farm tenant dwellings, barns and accessory structures, horse training facilities, riding rings, and other accoutrements of horse breeding, training, riding, and equine care. The majority of the property's acreage is unimproved, fenced pasture.

Peter Fenwick, a community member residing approximately 2 miles from Sagamore Farm, a member of the Valleys Planning Council, and the Trustee of a trust that owns the adjacent property to Sagamore Farm where his mother currently resides, provided testimony. Mr. Fenwick testified regarding his understanding of the history of Sagamore Farm and the historic use of the farm as a thoroughbred horse breeding and training facility. Mr. Fenwick detailed his relationship and communication with the current owner, Mr. Plank, and stated that he and the community were initially pleased with Mr. Plank's acquisition of Sagamore Farm, as they hoped he would bring the historic farm back to its former glory. Mr. Fenwick testified regarding the various activities he had observed on the property in recent years. Mr. Fenwick acknowledged attending parties and events at Sagamore Farm early during Mr. Plank's ownership including annual Preakness parties, but stated he had not attended any events in recent years.

Mr. Fenwick described Sagamore's recent hosting of large events with party tents, live music, catering and event trucks, numerous vehicles parked on site in makeshift parking lots on pastures, vans used as parking shuttles to transport attendees from the parking area to the event site, with events continuing until the evening hours. Mr. Fenwick referred to a number of these events from his own recollection, but also referenced social media posts from third parties and submitted those for the record, some of which were admitted into the record. Mr. Fenwick credibly

testified that these events could be heard and seen from the adjacent property where his mother resides as well as from his residential property several miles away. Mr. Fenwick described the larger events as being disruptive to the scenic and bucolic setting of this area of northern Baltimore County, much of which lies in the RC zone, where the majority of land supports farms and single-family homes. Mr. Fenwick stated that Tufton Road, the main arterial feeder road through Worthington Valley from which Belmont Road is principally accessed, is a single lane road designated as a Scenic Road.

Mr. Fenwick captured drone footage of one event held at Sagamore, the “Magic of Life” gala, which took place on April 13, 2024. *See* Pet. Exhibit 9. That video footage showed a large event with hundreds of attendees, parked cars, a large tent, and what appeared to be various other activities occurring on the property. *Id.* Mr. Fenwick further testified to a special exception petition filed in 2022 for Sagamore Farm to use a portion of the property for spirits manufacture and private events associated with that use. *See* Pet. Exhibit 5. Mr. Fenwick acknowledged that the petition was withdrawn in 2023. Mr. Fenwick testified that, as far as he knew, no one currently resided in the main house at Sagamore Farm but that he believed the farm manager still resided on the property and there appeared to be fewer horses and horse operations on the property in recent years. Mr. Fenwick further opined that small-scale events related to the horse industry would be acceptable, but expressed concerns regarding “non-mission-related events” occurring on the property. Mr. Fenwick characterized the impacts to Sagamore Farm, surrounding properties, and the road network from recent events as being “significant” and credibly stated the community’s concern as being “unclear as to what can [could] happen on the property in the future.”

On cross-examination, Mr. Fenwick acknowledged the impact of large-scale events like the Maryland Hunt Cup which occur in close proximity to Sagamore Farm, that Belmont Road

itself is not heavily traveled, that he has hosted private events at his property which were catered, entertained with music and served alcohol to guests (e.g., birthday parties, fundraisers), and that he was aware that Sagamore Farm was currently listed for sale.

Elizabeth Watson, FAICP, of Heritage Strategies was subject to *voir dire* and admitted as an expert witness in planning, rural conservation, and historic preservation. Ms. Watson described her background, training, and experience in land preservation both in Baltimore County and other jurisdictions. Ms. Watson testified that the RC-2 zone was developed in the 1970's to curb growth and preserve the rural character of the area. Ms. Watson opined that the use of Sagamore Farm for large-scale events and activities as described by Mr. Fenwick are not within the character and do not support the purposes of the RC-2 zone. Ms. Watson further testified that such activities are not compatible with the character of the Worthington Valley. Ms. Watson further testified to Worthington Valley's inclusion on the National Register of Historic Places and the implications of that designation, including reference to the 1976 application for such designation. *See* Pet. Exhibit 20. That document states that 16 registered thoroughbred horse farms occupied the valley at that time. Ms. Watson further stated that it was unlikely that 16 registered thoroughbred horse farms remained, implying that fewer horse farms remained now than in the past. On cross-examination, Ms. Watson conceded that while Worthington Valley received NRHP designation, there were no restrictions placed upon Sagamore Farm's use by federal or state regulations. She further indicated that the Preakness parties referred to by Mr. Fenwick were likely acceptable, as they pertained to activities related to the agricultural use of the property. Ms. Watson further agreed that there was no requirement that RC-2 properties like Sagamore Farm be actively farmed as a consequence of their zoning and other uses of the property are permitted under BCZR.

Lastly, Mr. McCann proffered that no special event permits, live music permits, nonprofit

gathering permits, or public exhibition licenses had been issued to, or public hearings held for, Sagamore Farm. *See* Pet. Exhibits 12-17. Sagamore Farm had been issued a temporary tent permit on April 11, 2024, for the erection of temporary tents on the property for the Magic of Life Gala held on April 13, 2024. Mr. McCann also submitted a petition, hosted on Valleys Planning Council's website, signed by community members opposed to the use of Sagamore Farm "as a catering hall or otherwise for the hosting of parties and events." Pet. Exhibit 10.

Respondents cross-examined witnesses but did not call any witnesses for direct examination and submitted on the record. Further, Respondents stipulated that the wedding, fundraising event, and Harvest Festival did, in fact, occur as described. Respondents' principal response to the Petition was that these activities are permitted accessory uses of the property and that such activities are not in violation of BCZR.

IV. CONCLUSIONS OF LAW

A. Special Hearing Relief under BCZR §500.7

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would

be compatible with the community and generally consistent with the spirit and intent of the regulations.” *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

A. Accessory Uses under BCZR §101.1 & BCZR § 1A01.2

Pursuant to BCZR §101.1, in pertinent part, an accessory use or structure is “a use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served;...”. Under BCZR § 1A01.2, in the RC-2 zone, accessory uses include, *but are not limited to* the following:

excavations, farmer's roadside stand and produce stands, home occupations, offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professional persons, parking spaces (including residential-garage space and space for recreational vehicle, piers, wharves, docks and bulkheads, radio operator antennas, swimming pools, tennis courts, garages, utility sheds, satellite receiving dishes, tenant houses including mobile homes used as tenant houses, rubble landfills, and certain signs.

BCZR § 1A01.2. Importantly, BCZR § 1A01.2 does not present an exhaustive list of all potential accessory uses on a property. Rather, BCZR § 1A01.2 expressly enumerates certain accessory uses and structures that the County Council has identified as accessory while holding open other potential accessory uses of land so long as those uses conform to the conjunctive requirements set forth under BCZR §101.1(a)-(d).

The properties that constitute Sagamore Farm have been in agricultural use for over a century. On this record, there are no facts to support the assertion that the property’s principal past or current use is anything other than for the breeding, care, and training of horses, which is undeniably an agricultural use. Respondents have offered no facts to suggest that the property is

being used primarily for anything other than a horse farm in furtherance of the preferential goals, purposes, and intent of the RC-2 zone. Respondents acknowledge that the property is currently for sale.

B. Legislative Intent and the Purpose of the RC-2 Zone

The purpose of the RC-2 zone is to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses. BCZR § 1A01.1(B). Moreover, 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. BCZR § 1A01.2.

Petitioners assert that the legislative intent of RC-2 zoned properties is to permit farming and single-family homes or, specific to horse farms, limited accessory “equine-related” functions. To interpret BCZR § 1A01 in this manner requires ignoring the myriad of other permitted uses in RC-2 zones and is contrary to the plain language of BCZR. BCZR provides a broad range of uses permitted by right or through special exception in the RC-2 zone. *See* Appendix A. Under BCZR § 1A01.2, although agricultural uses are given “preferential treatment over and above all other permitted uses in R.C.2 Zones,” preferential treatment does not constitute exclusive treatment. It would seem that the County Council has a much broader intent for principal uses in the RC-2 zone than merely farming and single-family homes as asserted by Petitioners. Moreover, the restrictive interpretation of accessory uses as asserted by Petitioners impermissibly adds language to the ordinance. Petitioners’ interpretation requires linking the specific type of farming being practiced to the proposed accessory use, e.g., that accessory uses must be “equine-related” on a horse farm. While BCZR could be amended to provide for such restrictions, none currently exist under the zoning ordinance. With respect to guidance, BCZR only offers those accessory uses must be: (a)

customarily incident and subordinate to and serves a principal use or structure; (b) subordinate in area, extent or purpose to the principal use or structure; (c) located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served. BCZR §101.1.

While Petitioners may wish that equine operations continue on the property unabated and unchanged from Sagamore's origins in the early 20th century, the economics of agricultural operations have changed dramatically over that century. Today, ancillary or accessory uses on agricultural properties include a variety of temporary and limited operations, generally referred to as agribusiness or agritourism, that take the form of farm shops, farm stands and farm equipment repair to festivals, craft fairs, music events, wine, beer and distillery tastings, food truck days, petting zoos, hayrides and corn mazes, guest speaking events, corporate retreats, and other similar amenities. All of these accessory or ancillary uses "foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County" and by their nature do not constitute "urban uses." Nonetheless, they could (or do) bring crowds of people to RC-2 zoned properties, mostly in vehicles, and impact land more intensely, or differently, than purely agricultural operations.

Horse races and horse-related events (like simulated fox hunts) regularly occur on RC-2 zoned properties in northern Baltimore County and adjacent jurisdictions. These are planned and regularly scheduled events where thousands of spectators and participants gather to enjoy this agricultural heritage (e.g., Maryland Hunt Cup, My Lady's Manor, Greenspring Valley Point-to-Point, *et al.*). Except as otherwise permitted as a principal use, these and similar activities are likely regulated under special event permits issued by PAI under BCC §21-9-101 thru 111. These uses are not generally considered accessory uses of property under BCZR, as they stand alone as

temporary special events that do not necessarily attach to a property's principal use. Nonetheless, they have undeniable impacts on rural lands and roads due to the potential for intense uses of properties and roadways. If Petitioners are concerned about impacts from crowds at Sagamore Farm these events on neighboring properties should surely be of equal concern.

To counter the contention that limited events are permitted under BCZR, Petitioners argue that: (1) prior recent cases before OAH regarding catering uses bar these events at Sagamore; and (2) that under BCZR §1A01.2(C)(31), for example, winery and brewery uses are specifically identified to allow limited temporary events as "agricultural support uses," permitted by special exception, and the absence of other principle uses listed under this section leads to the inference that limited temporary events are prohibited for other uses. Both of these arguments are in error.

First, the *Rainbow Hall* (Case No. 10-280-SPH; Citation No. CC1512243), *Manor Tavern* (Case No. R-91-115), and *Oregon Grille* (Case No. 94-348-SPHX, Case No. 02-461-SPHXA) cases are all distinguishable on their face. These cases dealt with separate underlying principal uses of property (restaurants and a nursing home), did not address accessory uses on agricultural property like that proposed here, largely related to affirmative applications by property owners to use or reclassify their properties in certain ways, or were adjudicated as code enforcement cases. Upon a review of these cases, I do not see how they are dispositive to the issues raised in the subject Petition.

Next, with respect to wineries and breweries, BCZR §1A01.2(C)(31) highlights specific agricultural support uses as being permitted as *principal uses* of the property. And second, for accessory uses, Petitioners' argument would render the words "but are not limited to" under BCZR § 1A01.2 as being meaningless. It is more reasonable to conclude that BCZR §1A01.2(C)(31) wanted to make it clear that wineries and breweries would be permitted to host events under the

umbrella of their special exception use as those uses have evolved over time to not only serve a manufacturing purpose but also to serve a retail commercial purpose. Pursuant to BCZR §101.1 (“accessory use”), properties with a principal use may exercise their right to employ accessory uses of their property so long as those accessory uses are: (a) customarily incident and subordinate to and serves a principal use or structure; (b) subordinate in area, extent or purpose to the principal use or structure; (c) are located on the same lot as the principal use or structure served; and (d) contribute to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served. BCZR §101.1.

C. A Festival, a Wedding, and a Fundraiser

Petitioners put forward three events in their Petition for Special Hearing: a public ticketed Harvest Festival held on October 7-8, 2024; a private wedding that occurred in March 2024; and a fundraising gala held on April 13, 2024, as violating BCZR. Petitioners request that OAH determine: (1) whether the subject properties may be used for the hosting of weddings, parties, fundraisers, celebrations or other events; (2) whether the use of the subject properties for the hosting of weddings, parties, fundraisers, celebrations or other events² constitutes a catering hall and is prohibited in the RC 2 zone; and (3) whether the use of the subject property otherwise conforms with BCZR. Per Mr. Fenwick’s testimony, as the stated purpose of the Petition is to establish what is and what is not permissible on the property moving forward, evaluation of these three events is sufficient in scope and scale to meet this purpose.

Just as a single-family home owner can temporarily and occasionally use their property to host weddings, birthday parties, or fundraisers without violating BCZR or obtaining a special event permit, as such uses constitute an accessory use of the property while the property is maintained

² All other events listed on Pet. Exhibit 7, alleged to have occurred from 2013 to 2024, are excluded from this evaluation for the reasons stated above on page 4 of this Opinion, as those matters were not adequately pled.

as a primary or principal single-family home, so too can Sagamore Farm be used for a variety of accessory uses. The inquiry is then: what is accessory to a horse farm? The answer depends on the context of the specific use or “event” described and application of BCZR’s four-factor test.

1. Private weddings, fundraisers, or similar public and private events

The use of a horse farm to host weddings, fundraisers, or similar events is permissible as an accessory use as the limited hosting of events has become customarily incident and subordinate to farms across central Maryland and serves the principal use of agriculture by both supplementing farm revenues and utilizing underutilized spaces and structures. There is no requirement under BCZR or common law that requires such events to be particularized to the type of agriculture practiced. In order to remain accessory, weddings or private events must be of a size and scale as to remain subordinate in area, extent or purpose to the principal use or structure and must take place on the same lot as the principal use farm. Moreover, private events like weddings, so long as they are limited in frequency, size, and scale, contribute to the comfort, convenience or necessity of farm operations as they provide an additional revenue stream to keep a farm profitable enough to keep land agricultural. Under this analysis, private weddings and fundraising events, like those listed in the Petition and described in Pet. Exhibits 9 & 22, satisfy this accessory use standard so long as they remain accessory to the underlying principle use and do not become the primary (or principle) use of the property.

The use of horse farms to host farm or seasonal festivals is also permissible as an accessory use. Public festivals are now customarily incidental to the principal use of farming and, with limitations, are subordinate to and serve the primary agricultural use. In order to remain accessory, public events like farm or seasonal festivals must be of a size and scale to remain subordinate in area, extent or purpose to the principal use or structure and must take place on the same lot as the

principal use farm. Moreover, public events like farm festivals, whether ticketed or not, contribute to the comfort, convenience or necessity of farms as they can provide an additional revenue stream to keep a farm profitable enough to keep land agricultural. Under this analysis, public festivals (like the referenced “Harvest Festival”), whether ticketed or not, satisfy this accessory use standard, so long as they remain accessory to the underlying principle use and do not become the primary (or principle) use of the property.

2. The Use of Sagamore Farm is not a “Catering Hall” under BCZR

Petitioners assert that previously hosted catered events at Sagamore Farm constitute a prohibited “catering hall” as that term is defined under BCZR. Planning’s ZAC comment echoes this sentiment stating that “catering hall-type operations” are prohibited in the RC-2 zone. County Exhibit 1.

BCZR §101.1 defines “catering hall” as “a facility or part of a facility used regularly for serving beverages and food to groups which reserve the facility for banquets or gatherings before the day of the event. A catering hall is not a standard restaurant.” Notwithstanding Petitioners argument to the contrary, catering halls are listed as a permitted use in the RC-2 zone but only under certain express conditions. *See* BCZR § 1A01.2(B)(14). Respondents do not claim to have obtained a permit for a catering hall nor is a catering hall proposed for this property. The Petition requests a determination as to whether prior events held on the property constitute an unpermitted catering hall as that use is defined under BCZR. On this record, they do not.

“Catering halls” are permitted by right or by special exception in various other zoning districts in Baltimore County. Catering halls are facilities with a primary function (or principal use) of regularly serving beverages and food to groups which reserve the facility for banquets or gatherings before the day of the event. *See generally* BCZR §101.1 (“catering hall”). In other

words, catering halls are facilities that exist primarily for the sole purpose (or principal use) of being rented out by third-parties for catered events such as parties, weddings, funerals, etc. Much as the homeowner who hosts a catered birthday party for a friend is not violating BCZR by becoming a “catering hall,” the limited and accessory use of a farm for occasional events that contract with food and drink vendors does not convert a farm use to an unpermitted “catering hall” use.

Under a different set of facts, this analysis may result in the opposite finding. For instance, if a horse farm advertised itself as a wedding venue, employed full-time private event staff or hired third-party party planners, was booked for one wedding per week for 52 weeks of the year, and drew the majority of its revenue from weddings and not from agriculture or agriculturally-related pursuits, this may constitute the unpermitted use of a farm as a catering hall without a proper permit. Under these facts, Planning’s ZAC comments would support this finding. But those are not the facts presented here. Under the facts presented *sub judice*, the intermittent or occasional use of Sagamore Farm to occasionally host private events or public festivals that happen to provide food and drinks to attendees does not constitute the use of the farm as a principal use catering hall under BCZR.

3. The Use of Sagamore Farm Otherwise Conforms to Baltimore County Zoning Regulations (BCZR)

There is no competent or credible evidence in this record to show that Sagamore Farm has been used in a manner inconsistent with BCZR. This is not to say that all activities on the property that have occurred since 2012 have not violated aspects of BCZR or BCC, including any requirements to obtain special event permits, but without a proper code enforcement investigation, those facts have not come to light and have not been presented here. With respect to accessory uses, BCZR provides no further guidance on frequency, size, scale, for profit versus not for profit,

or other factors as to whether a use of land constitutes an accessory use. Further, BCZR provides no specific guidelines on what constitutes uses that are “customarily incident and subordinate to” horse farms, particularly in RC zoned properties. It remains within the authority of the County Council to enact regulations further defining these parameters. It is not within the jurisdiction of the OAH to overstep its authority into divining regulations or setting land use policy in Baltimore County.

Therefore, what remains is the examination of a property through the purposes and intent of its zoning designation and applying the applicable principal or accessory use standards under BCZR §101.1 and applicable regulations. That evaluation requires, by its nature, a case-by-case analysis, whether at the request of a property owner through the Special Hearing process or, more appropriately in the case of an impacted neighboring landowner or organization, through a code enforcement action. The evaluation of the Harvest Festival, wedding event, and fundraising event, stipulated by Respondent as having occurred on the property on the date and in the manner alleged, results in a finding that all three events did, in fact, occur but are permitted accessory uses of Sagamore Farm. These activities are customarily incidental and subordinate to the farm use; were subordinate in area, extent or purpose to the farm; were located on the same lot as the farm and within its principal structures; and contributed to the comfort, convenience or necessity of the farm business. All three events do not convert Sagamore Farm into a principal use catering hall, for as far as this record shows, Sagamore remains a farm for the breeding, training, and care of horses. Critically, while the three activities pled in the Petition comply with current BCZR regulations, a conversion of use may occur if Sagamore Farm began regularly hosting private events as its *primary business* – effectively converting its current agricultural use to a private events venue use, like a catering hall. If this were to occur without a lawfully issued permit, Sagamore Farm would

be in violation of BCZR.

V. CONCLUSION

The enforcement of a zoning ordinance is not just the application of a set of local regulations. Rather, it is the application of state police powers, as delegated to home rule counties under their enabling statutes, and the balancing the interests of the public and local government with the vested rights of property owners protected under the Takings Clause of the 5th Amendment to the U.S. Constitution, as applied to the states through the 14th Amendment. While the preservation of agricultural lands in Baltimore County is a worthy purpose and BCZR affords such protections, the vise of BCZR is not as restrictive as Petitioners assert.

Petitioners contend that recent use of Sagamore Farm constitutes a “catering hall” use under BCZR analogous to the Manor Tavern, Oregon Grille, and Rainbow Hall cases recently before this agency. As evaluated above, it does not and each of the cases cited are distinguishable from the case at bar. Next, Petitioners generally contend that the hosting of events is contrary to the intent of the RC-2 zone. This is an inaccurate reading of the plain language of BCZR § 1A01.1(B), which states the purpose of the RC-2 zone is to “foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses.” The hosting of private parties and events are not “urban uses” and are “favorable to [the] continued agricultural use of the productive agricultural areas of Baltimore County” by materially supporting the underlying agricultural use. Moreover, BCZR § 1A01.2 instructs that “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.” This provision does not prescribe exclusivity to agricultural operations but, rather, gives primacy to farming and farming-related activities on

R.C.2 properties and expressly grants certain other agricultural support uses while permitting accessory uses in RC-2 zones.

Petitioners' argument and purpose is further rebutted by the fact that large events regularly occur in the RC-2 zone, including in the community immediately surrounding Sagamore Farm, like the twin traditions of the Maryland Hunt Cup and the Greenspring Valley Point to Point, among others. These events bring thousands of spectators and participants in their vehicles, horse trailers, and service trucks accompanied by the sounds and smells of on-site picnicking, BYOB, and temporary bathrooms. Further, Mr. Fenwick opined that horse-related events at Sagamore would be acceptable, but offered no parameters on when, where, how many, or to what size and scale may be acceptable under BCZR or BCC. This is understandable as BCZR likewise provides no guidance on when, where, how many, or to what size and scale accessory uses like private parties may be acceptable under BCZR or BCC. As a further example, the Center for Maryland Agriculture and Farm Park (aka Baltimore County Ag Center), located only several miles away, is also zoned RC-2, which is regularly used for events drawing hundreds of attendees and participants. In terms of impact, it is difficult to argue that traffic, noise, music, attendees, tents, food, and alcohol would be more disruptive at Sagamore than at the Maryland Hunt Cup, the Baltimore County Ag Center, or nearby Oregon Ridge Park (a portion of which is zoned RC-2), which regularly hosts up to 5,000 spectators for its annual July 4th event.

While this matter was heard as a matter of judicial economy, there remains no code enforcement actions on this property; no request for affirmative BCZR relief from a property owner or prospective purchaser; and no action akin to declaratory judgment to clarify or modify a prior order—all of which were identified as deficiencies in the prior action which was dismissed. Curiously, county agency ZAC comments read as if Sagamore Farm were the party petitioning for

approval of a “catering hall-type operation” as its principal use and not merely a responding party to a special hearing petition seeking unknown relief. *See* County Exhibits 1 & 2. While remedies exist in courts of law with respect to disputes between adjacent landowners and interested parties with standing to bring suit, the use of Special Hearing relief under BCZR is a narrowly tailored remedy. Indeed, under this Special Hearing context, even if Sagamore Farm’s activities were found to be in violation of BCZR, there exists no remedy under BCZR §§ 500.6 & 500.7 as OAH can issue no fine, no injunction, and no Order to abate any violation as a result of this proceeding. Adjacent landowners and interested parties may avail themselves of code enforcement remedies available to any resident of Baltimore County as well as legal remedies in the Circuit Court and legislative remedies to further define the parameters of what constitutes permissible uses of land in RC-zoned properties. However, until such time as OAH renders a decision on an affirmative application for relief or adjudicates a code enforcement violation, there is little relief that can be rendered by way of Special Hearing.

As Ms. Watson stated in her testimony, the number of active thoroughbred farms in Baltimore County has likely decreased in recent decades. While not contained in this record, it is not beyond reason and experience to assume the same can be said for agricultural operations in general in central Maryland. This Administrative Law Judge (“ALJ”) can only wonder if one reason for the diminution of this proud agricultural legacy in Baltimore County is the overly narrow interpretation of land use regulations coupled with, and exacerbated by, the rising costs of maintaining traditional farming practices in central Maryland. While Baltimore County is proudly a leader in the preservation of agricultural lands and environmental resources through both county and state regulation as well as private protection through conservation easements, such preservation does not equate to the narrow definition that Petitioners enshrine upon it. Exclusivity

should not be a goal that preservation seeks to achieve—but that is what has occurred. Notwithstanding this commentary, OAH does not dictate land use policy in Baltimore County and this Opinion is not intended to do so.

THEREFORE, IT IS ORDERED this **5th** day of **June, 2025** by this Administrative Law Judge, that the Opinion and Order is as follows:

1. **Yes**, the subject properties may be used for the hosting of weddings, parties, fundraisers, celebrations or other events, so long as those weddings, parties, fundraisers, celebrations or other events remain accessory to the principal agricultural use of the property;
2. **No**, on this record, the use of the subject properties for the hosting of weddings, parties, fundraisers, celebrations or other events does not constitute a “catering hall” otherwise prohibited in the RC-2 zone; and
3. **Yes**, on this record, the use of the subject property otherwise conforms with BCZR, as no credible and competent evidence was put forward that would lead a reasonable fact finder to conclude that use of the property fails to comply with BCZR.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB/dlm

Appendix A:

BCZR § 1A01.2.B. Uses permitted as of right.

The following uses only are permitted as of right in all R.C.2 Zones:

1. Dwellings, one-family detached.
2. Farms and limited acreage wholesale flower farms (Section 404).
3. Open space, common.
4. Streets and ways.
5. 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.
6. 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.
7. 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.
8. Accessory uses or structures, including, but not limited to, the following:
 - a. Excavations, uncontrolled.
 - b. Farmer's roadside stand and produce stand, subject to the provisions of Section 404.4.
 - c. Home occupations (see Section 101).
 - 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.
 - e. Parking space, including residential-garage space and space for recreational vehicle
 - f. Piers, wharves, docks and bulkheads, subject to the provisions of Section 417.

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

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).

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

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.

k. Signs, subject to Section 450.

9. Commercial film production, subject to Section 435.

10. Transit facilities.

11. 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.

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

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

14. Catering halls converted from existing dwellings on which agriculture education activities also occur, provided the property is at least 20 acres and no more than 50 acres in size with at least 300 feet of frontage on or abutting a state highway and located within the Hanover Pike Corridor Study Area, and subject to Section 402.3 of these regulations.

15. Notwithstanding any other provisions of these regulations to the contrary, a property located outside the urban-rural demarcation line that is less than two acres in size and is zoned a combination of R.C.2 and B.L.-C.R. May be used for a water treatment and plumbing services shop.

BCZR § 1A01.2.C. Uses permitted by special exception.

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:

1. Airports.
2. Animal boarding places (regardless of class), commercial kennels, private kennels, veterinarians' offices or veterinarians (see Section 421).
3. Antique shops (see Section 402B).
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.
5. Camps, including day camps.
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.
7. Churches or other buildings for religious worship.
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.
9. Excavations, controlled.
10. Farm market, subject to the provisions of Section 404.4.
11. Fishing and shellfishing facilities, Class I and II.
12. Golf courses or country clubs.
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.

14. Horticultural nurseries, subject to the provisions of Sections 404.1 and 404.2.
15. Hunting or fishing preserves.
16. Landscape service operations, subject to the provisions of Sections 404.1 and 404.3.
17. Offices for agriculture-related uses.
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.
19. Public utility uses not permitted as of right.
20. Rail passenger station, subject to Section 434.
21. Residential art salons (see Section 402C).
22. Standard restaurants or tearooms converted from dwellings (Section 402.2).
23. Riding stables.
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).
25. Schools, including schools for agricultural training, private preparatory schools, business or trade schools, conservatories, colleges, community colleges, universities, or institutes for continuing education. Classrooms, lecture halls, laboratories, athletic facilities, and offices are permitted as part of the special exception use as determined by the school.
26. Shooting ranges, including archery, pistol, skeet, trap or small-bore rifle ranges, or turkey shoots.
27. Sludge disposal facility — landspreading (Section 412A.2.E).
28. Mobile homes, as provided in Section 415.1.D.
29. Volunteer fire company or ambulance-rescue facilities.
30. Wireless telecommunications towers, subject to Section 426.

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

- a. Farm-machinery sales, storage or service; blacksmithing.
- b. Feed or grain mills or driers.
- c. Fertilizer sales or storage.
- d. Sawmills.
- e. Slaughterhouses or manufacture, processing or packing of fruit, vegetables, animal or meat products, or by-products.
- f. Spirits manufacture, including the manufacture of alcohol to be used in gasoline/alcohol mixtures, but excluding the production of these mixtures.
- g. Firewood operations.
- 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.
- 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.
- 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.