



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only:

Case No. ZRA- 175

Date Filed: 1-13-17

1. Zoning Regulation Amendment Request

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: Amend Section 128.0.A.4. and Section 128.0.I.8. of the Howard County Zoning Regulations (HCZR) to exempt farms in the Rural Conservation (RC) District and farms 20 acres or larger in the Rural Residential (RR) District from Animal Shelter and Riding Academy and Stable setback requirements from dwellings on new residential lots.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. Petitioner's Name Valdis Lazdins, Director, Department of Planning and Zoning

Address 3430 Court House Drive, Ellicott City, Maryland 21043

Phone No. (W) 410-313-2350 (H) N/A

Email Address vlazdins@howardcountymd.gov

3. Counsel for Petitioner Paul Johnson, Deputy County Solicitor

Counsel's Address 3430 Court House Drive, Ellicott City, Maryland 21043

Counsel's Phone No. 410-313-2101

Email Address pjohnson@howardcountymd.gov

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed In accordance with Senate Bill 236, Howard County adopted Council Bill 1-2013 (CB-1-13) which established a Growth Tiers Map and applied Growth Tier designations to land in the rural west. CB-1-13 resulted in many properties in the RC zoning district losing residential development rights. To restore those rights the County Executive is proposing a General Plan Amendment (GPA) to revise the Growth Tiers Map. Although the proposed GPA would not significantly increase the amount of residential development in the RC zoning district, farming operations could nevertheless be impacted as new homes develop next to agricultural land. Existing requirements constrain farming since adjacent residential development triggers setback requirements for accessory farm structures and uses on agricultural land, as measured from adjacent dwellings. As new homes are built, neighboring farming operations could be forced to move structures and activities

farther from shared property lines, leaving less land for farming. To mitigate such impacts two measures are being proposed: 1) amendments to Howard County Code Section 12.111-Nuisance suits against agricultural operations (Right to Farm Law) and 2) amendments to HCZR Sections 128.0.A.4 and 128.0.I.8. (ZRA-175). These amendments encourage clear communication and mutual respect between farmers and adjacent residential property owners, while protecting farming operations. ZRA-175 would eliminate setback requirements from new residential development for farms that may wish to have an accessory farm structure or agricultural use in the future. However, the proposed amendments would not affect current agricultural setbacks in cases of existing dwellings on lots different than that of a farm, or a future dwelling on a currently recorded lot.

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County. The proposed ZRA is in harmony with PlanHoward 2030 Policy 4.1 to “Promote additional agricultural preservation opportunities,” as it promotes keeping as much agricultural land as possible available for farming. ZRA-175 and the proposed Right To Farm amendments, are also consistent with PlanHoward 2030 Policy 4.3 to “Educate rural residents about the County’s Right-to-Farm Law,” and its Implementing Action concerning the Right-to-Farm Update to “Evaluate the clarity and effectiveness of current Right-to-Farm provisions with input from the farm community.” Both measures help farmers conduct typical farm activities and operations while still protecting existing residential development and future homes on currently recorded lots. Finally, Policy 4.4 seeks to “Require more robust separation between cluster lots and adjoining agricultural properties.” The implementing action calls for better buffers through “fencing, landscaping or nonbuildable preservation parcels between cluster lots and adjoining agricultural properties.” Such buffers would be applied to future residential development rather than agricultural land.

[You may attach a separate document to respond to Section 5. If so, this document shall be titled “Response to Section 5”]

6. The Legislative Intent of the Zoning Regulations in Section 100.0.A. expresses that the Zoning Regulations have the purpose of “...preserving and promoting the health, safety and welfare of the community.” Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.0.A. As previously indicated, the amendments are in harmony with Section 100.0.A.8 to “To preserve agricultural land.”

[You may attach a separate document to respond to Section 6. If so, this document shall be titled “Response to Section 6.”]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of

the public benefits to be gained by the adoption of the proposed amendment(s). Agriculture has historically been a valued economic activity in Howard County and the General Plan specifically seeks to protect and sustain it. This General Plan goal has been implemented through the RC zoning district. While the RC District does allow low density residential development, agriculture is identified as the preferred land use in the purpose clause. Accordingly, the proposed amendments will benefit not only farming in Howard County, but also the general public by preserving and sustaining the agricultural industry. By including farms in the RR District that are over 20 acres in the amendment, the benefits to farming and the general public significantly expand.

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? Yes, most likely.

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

While the number of future residential lots that may be recorded adjacent to agricultural properties is unknown, a potential exists for more than twelve such instances in western Howard County. This ZRA could affect a future residential lot that is adjacent to an existing farm should the farm owner choose to construct an animal shelter, riding academy arena, or a stable.

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. Additional factors may be presented in the Technical Staff Reports on this Zoning Regulation Amendment case.


[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

10. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in **[[Double Bold Brackets]]**. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the “Petitioner’s Proposed Text” to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.

- 11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.
- 12. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Valdis Lazdins, Director
Petitioner’s name (Printed or typed)

 1-13-17
Petitioner's Signature Date

Petitioner’s name (Printed or typed)

Petitioner's Signature Date

Petitioner’s name (Printed or typed)

Petitioner's Signature Date

Counsel for Petitioner’s Signature

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

FEE

The Petitioner agrees to pay all fees as follows:

Filing fee	\$695.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)
Each additional hearing night.....	\$510.00*

* **The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.**

APPLICATIONS: One (1) original plus twenty (24) copies along with attachments.

For DPZ office use only:

Hearing Fee \$ _____

Receipt No. _____

PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD

- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.
- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.
- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.
- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.
- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.
- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

PETITIONER: Valdis Lazdins, Director, Department of Planning and Zoning
Howard County, Maryland

AFFIDAVIT AS TO CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, Valdis Lazdins, the applicant in the above zoning matter

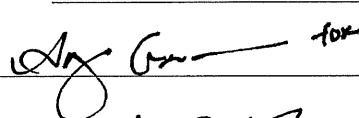
_____, HAVE X HAVE NOT

made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above referenced zoning matter.

I understand that any contribution made after the filing of this Affidavit and before final disposition of the application by the County Council shall be disclosed within five (5) business days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: Valdis Lazdins

Signature:  for:

Date: 1-13-17

PETITIONER: _____

DISCLOSURE OF CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR
PARTY OF RECORD: _____

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Printed Name: _____

Signature: _____

Date: _____

PETITIONER: Valdis Lazdins, Director, Department of Planning and Zoning

Howard County, Maryland

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, Valdis Lazdins, the applicant in the above zoning matter

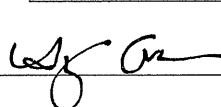
_____, AM X AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Printed Name: Valdis Lazdins

Signature:  for

Date: 1-13-17

Exhibit A – Petitioner’s Proposed Text

Section 128.0.A.4:

4. Animal Shelter Setback Requirements

- A. Structures used for the housing, boarding, or sheltering of animals, including but not limited to barns, buildings, hutches, sheds, roofed structures, and prefabricated moveable animal houses, and any areas used for the storage of animal excrement, shall comply with the accessory structure setback requirement for the applicable zoning district.
- B. In addition animal shelters measuring larger than 500 square feet in size shall be located a minimum of 200 feet from any existing dwelling on a different lot and animal shelters 500 square feet or smaller shall be located a minimum 100 feet from any existing dwelling on a different lot. [[The following are exempted from this requirement:]]

EXEMPTIONS:

- [[a.]] 1. Shelters used for household pets.
- [[b.]] 2. Shelters used for residential chicken keeping which comply with the requirements for such structures as provided in Section 128.0.D.
- [[c.]] 3. Apiaries which comply with the requirements as provided in Section 128.0.N.
- [[d.]] 4. Structures as defined in Section 103.0.
- 5. ANIMAL SHELTERS ON FARMS IN THE RC DISTRICT OR ON FARMS 20 ACRES OR LARGER IN THE RR DISTRICT SHALL NOT BE REQUIRED A SETBACK FROM A DWELLING ON A LOT RECORDED AFTER (Insert effective date of ZRA-175).

Section 128.0.I.8:

8. Riding Academies and Stables

Riding Academies and Stables are permitted as an accessory use to farming in the RC and RR Districts, provided that:

- a. Adequate areas for horseback riding shall be available on the site. If the operation will include off-site horseback riding, the petition must indicate the location of off-site trails and include written permission from the property owners.
- b. Minimum required setbacks:
 - (1) For an indoor or outdoor riding arena from an existing dwelling on a different lot.....100 feet
 - (2) For a stable from an existing dwelling on a different lot.....200 feet
 PROVIDED, HOWEVER, RIDING ACADEMIES AND STABLES ON FARMS IN THE RC DISTRICT OR ON FARMS 20 ACRES OR LARGER IN THE RR DISTRICT SHALL NOT BE REQUIRED A SETBACK FROM A DWELLING ON A LOT RECORDED AFTER (Insert effective date of ZRA-

175).

The Department of Planning and Zoning may reduce the 200 foot setback from an existing dwelling on a different lot to a distance no less than 100 feet upon a finding that the setback reduction will not adversely affect neighboring properties due to visual impact, noise, dust, odors or other causes.

- c. The site has a minimum area of five acres.
- d. Parking areas, driveways and outdoor riding areas will be located and designed to shield neighboring properties from noise, dust and odors.

Exhibit B –Text If Approved

Section 128.0.A.4:

- 4. Animal Shelter Setback Requirements
 - A. Structures used for the housing, boarding, or sheltering of animals, including but not limited to barns, buildings, hutches, sheds, roofed structures, and prefabricated moveable animal houses, and any areas used for the storage of animal excrement, shall comply with the accessory structure setback requirement for the applicable zoning district.
 - B. In addition animal shelters measuring larger than 500 square feet in size shall be located a minimum of 200 feet from any existing dwelling on a different lot and animal shelters 500 square feet or smaller shall be located a minimum 100 feet from any existing dwelling on a different lot.

Exemptions:

- 1. Shelters used for household pets.
- 2. Shelters used for residential chicken keeping which comply with the requirements for such structures as provided in Section 128.0.D.
- 3. Apiaries which comply with the requirements as provided in Section 128.0.N.
- 4. Structures as defined in Section 103.0.
- 5. Animal shelters on farms in the RC District or on farms 20 acres or larger in the RR District shall not be required to set back from a dwelling on a lot recorded after (Insert effective date of ZRA-175).

Section 128.0.I.8:

8. Riding Academies and Stables

Riding Academies and Stables are permitted as an accessory use to farming in the RC and RR Districts, provided that:

- a. Adequate areas for horseback riding shall be available on the site. If the operation will include off-site horseback riding, the petition must indicate the location of off-site trails and include written permission from the property owners.
- b. Minimum required setbacks:
 - (1) For an indoor or outdoor riding arena from an existing dwelling on a different lot.....100 feet
 - (2) For a stable from an existing dwelling on a different lot.....200 feetProvided, however, Riding Academies and Stables on farms in the RC District or on farms 20 acres or larger in the RR District shall not be required to set back from a dwelling on a lot recorded after (Insert effective date of ZRA-175).

The Department of Planning and Zoning may reduce the 200 foot setback from

an existing dwelling on a different lot to a distance no less than 100 feet upon a finding that the setback reduction will not adversely affect neighboring properties due to visual impact, noise, dust, odors or other causes.

- c. The site has a minimum area of five acres.
- d. Parking areas, driveways and outdoor riding areas will be located and designed to shield neighboring properties from noise, dust and odors.

HOWARD COUNTY COUNCIL
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