

Introduced 3/6/17
 Public Hearing 3/20/17
 Council Action 4/3/17 (4/14/17)
 Executive Action _____
 Effective Date 6/14/17

County Council Of Howard County, Maryland

2017 Legislative Session

Legislative Day No. 5

Bill No. 22-2017 (ZRA 175)

Introduced by: The Chairperson at the request of the County Executive

~~AN ACT exempting farms in the Rural Conservation Zoning District and farms 20 acres or larger in the Rural Residential Zoning District from Animal Shelter and Riding Academy and Stable setback requirements from dwellings on future new residential lots; and generally relating to the Howard County Zoning Regulations. AN ACT amending certain setback provisions for Animal Shelters; requiring those structures to comply with the accessory structure setback requirements for the applicable zoning district; and generally relating to Animal Shelters.~~

Introduced and read first time March 6, 2017. Ordered posted and hearing scheduled.
 By order Jessica Feldmark
 Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on March 20, 2017.
 By order Jessica Feldmark
 Jessica Feldmark, Administrator

This Bill was read the third time on April 3, 2017 and Passed , Passed with amendments ✓ , Failed .
 By order Jessica Feldmark
 Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 4th day of April, 2017 at 12 a.m./p.m.
 By order Jessica Feldmark
 Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2017

 Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the
2 Howard County Zoning Regulations are amended as follows:

3
4 1. By amending Section 128.0.A.4 of the Howard County Zoning Regulations.

5
6 ~~2. By amending Section 128.0.I.8 of the Howard County Zoning Regulations.~~

7
8 **Howard County Zoning Regulations.**

9 **Section 128.0. Supplementary Zoning District Regulations.**

10
11 **A. Supplementary Bulk Regulations**

12 The following supplementary regulations shall apply in addition to the requirements
13 of the applicable zoning districts.

14 **4. Animal Shelter Setback Requirements**

15 A. Structures used for the housing, boarding, or sheltering of animals, including
16 but not limited to barns, buildings, hutches, sheds, roofed structures, and
17 prefabricated moveable animal houses, and any areas used for the storage of
18 animal excrement, shall comply with the accessory structure setback
19 requirement for the applicable zoning district.

20 B. In ~~[[addition]]~~ ADDITION, animal shelters measuring larger than 500 square feet
21 in size shall be located a minimum of 200 feet from any existing dwelling on a
22 different lot and animal shelters 500 square feet or smaller shall be located a
23 minimum 100 feet from any existing dwelling on a different lot. ~~[[The~~
24 following are exempted from this requirement:]]

25 EXEMPTIONS:

26 ~~[[a]]~~1. Shelters used for household pets.

27 ~~[[b]]~~2. Shelters used for residential chicken keeping which comply with the
28 requirements for such structures as provided in Section 128.0.D.

29 ~~[[c]]~~3. Apiaries which comply with the requirements as provided in Section
30 128.0.N.

31 ~~[[d]]~~4. Structures as defined in Section 103.0.

1 5. ~~ANIMAL SHELTERS ON FARMS IN THE RC DISTRICT OR ON FARMS 20 ACRES~~
2 ~~OR LARGER IN THE RR DISTRICT SHALL NOT BE REQUIRED A SETBACK FROM~~
3 ~~A DWELLING ON A LOT RECORDED AFTER THE EFFECTIVE DATE OF COUNCIL~~
4 ~~BILL NO. ____ 2017 (ZRA 175).~~

6 **I. ~~Permits for Special Farm Uses~~**

7 8. ~~Riding Academies and Stables~~

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

10 a. ~~Adequate areas for horseback riding shall be available on the site. If the~~
11 ~~operation will include off-site horseback riding, the petition must indicate the~~
12 ~~location of off-site trails and include written permission from the property~~
13 ~~owners.~~

14 b. ~~Minimum required setbacks:~~

15 (1) ~~For an indoor or outdoor riding arena from an existing dwelling on a~~
16 ~~different lot100 feet~~

17 ~~———— (2) For a stable from an existing dwelling on a different lot200 feet~~

18 ~~PROVIDED, HOWEVER, RIDING ACADEMIES AND STABLES ON FARMS IN THE~~
19 ~~RC DISTRICT OR ON FARMS 20 ACRES OR LARGER IN THE RR DISTRICT~~
20 ~~SHALL NOT BE REQUIRED A SETBACK FROM A DWELLING ON A LOT~~
21 ~~RECORDED AFTER THE EFFECTIVE DATE OF COUNCIL BILL NO. ____ 2017~~
22 ~~(ZRA 175).~~

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

28 c. ~~The site has a minimum area of five acres.~~

29 d. ~~Parking areas, driveways and outdoor riding areas will be located and~~
30 ~~designed to shield neighboring properties from noise, dust and odors.~~

1
2
3
4
5

5. ANIMAL SHELTERS ON FARMS IN THE RC AND RR DISTRICTS SHALL NOT BE
REQUIRED A SETBACK FROM A DWELLING ON A DIFFERENT LOT.

*Section 2. And Be It Further Enacted by the County Council of Howard County,
Maryland, that this Act shall become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on _____, 2017.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2017.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on April 14, 2017.



Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2017.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2017.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2017.

Jessica Feldmark, Administrator to the County Council

Amendment 1 to Council Bill 22-2017

BY: Mary Kay Sigaty
Calvin Ball

Legislative Day No: 6
Date: April 3, 2017

Amendment No. 1

1 (This amendment would require all animal shelters on farms to comply with the accessory
2 structure setbacks for the applicable zoning district and remove any proposed changes to riding
3 academies and stables).
4
5
6

7 On the title page, strike the title, in its entirety, and substitute the following:

8 “AN ACT amending certain setback provisions for Animal Shelters; requiring
9 those structures to comply with the accessory structure setback requirements for
10 the applicable zoning district; and generally relating to Animal Shelters.”.

11
12 On page 1, strike line 6, in its entirety.

13
14 Strike page 2, in its entirety, and substitute the following:

15 “5. ANIMAL SHELTERS ON FARMS IN THE RC AND RR DISTRICTS SHALL NOT BE REQUIRED A
16 SETBACK FROM A DWELLING ON A DIFFERENT LOT.”
17
18
19
20
21
22

23
ADOPTED

FAILED

SIGNATURE

4/3/17

Jessica Feldman

Amendment 2 to Council Bill No. 22- 2017

BY: The Chairperson at the
request of the County Executive

Legislative Day No. 6
Date: April 3, 2017

Amendment No. 2

(This amendment inserts the bill number in two instances.)

- 1 Strike the underline and substitute "22" in the following instances:
- 2 1. On page 2, in line 4; and
- 3 2. On page 2, in line 21.

ADOPTED _____

FAILED _____

SIGNATURE _____

not introduced
Jessica Feldman

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2017 Legislative Session

Legislative Day No. 5

Bill No. 22-2017 (ZRA 175)

Introduced by: The Chairperson at the request of the County Executive

AN ACT exempting farms in the Rural Conservation Zoning District and farms 20 acres or larger in the Rural Residential Zoning District from Animal Shelter and Riding Academy and Stable setback requirements from dwellings on future new residential lots; and generally relating to the Howard County Zoning Regulations.

Introduced and read first time _____, 2017. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2017.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2017 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2017 at ___ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2017

Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

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15 A. Structures used for the housing, boarding, or sheltering of animals, including
16 but not limited to barns, buildings, hutches, sheds, roofed structures, and
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18 animal excrement, shall comply with the accessory structure setback
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10 a. Adequate areas for horseback riding shall be available on the site. If the
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12 location of off-site trails and include written permission from the property
13 owners.

14 b. Minimum required setbacks:

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16 different lot100 feet

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18 PROVIDED, HOWEVER, RIDING ACADEMIES AND STABLES ON FARMS IN THE
19 RC DISTRICT OR ON FARMS 20 ACRES OR LARGER IN THE RR DISTRICT
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21 RECORDED AFTER THE EFFECTIVE DATE OF COUNCIL BILL No. ___-2017
22 (ZRA 175).

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

28 c. The site has a minimum area of five acres.

29 d. Parking areas, driveways and outdoor riding areas will be located and
30 designed to shield neighboring properties from noise, dust and odors.
31

- 1 *Section 2. And Be It Further Enacted by the County Council of Howard County,*
- 2 *Maryland, that this Act shall become effective 61 days after its enactment.*

Amendment 1 to Council Bill 22-2017

BY: Mary Kay Sigaty
Calvin Ball

Legislative Day No: 6
Date: April 3, 2017

Amendment No. 1

1 *(This amendment would require all animal shelters on farms to comply with the accessory*
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16 SETBACK FROM A DWELLING ON A DIFFERENT LOT.”

Amendment 2 to Council Bill No. 22- 2017

**BY: The Chairperson at the
request of the County Executive**

**Legislative Day No. 6
Date: April 3, 2017**

Amendment No. 2

(This amendment inserts the bill number in two instances.)

- 1 Strike the underline and substitute "22" in the following instances:
- 2 1. On page 2, in line 4; and
- 3 2. On page 2, in line 21.

FILE COPY

FW: Am 1 to CB 22

FJ Feldmark, Jessica
Fri 3/31, 3:12 PM
Sayers, Margery

Reply all |

For legislative file...thanks.

Jessica Feldmark
Administrator
Howard County Council
410-313-3111
jfeldmark@howardcountymd.gov

From: Wilson, B Diane
Sent: Friday, March 31, 2017 2:56 PM
To: Sigaty, Mary Kay; Ball, Calvin B
Cc: Fox, Greg; Terrasa, Jen; Weinstein, Jon; Rand, Victoria; Feldmark, Jessica; Sager, Jennifer
Subject: Am 1 to CB 22

Dear Councilpersons Sigaty and Ball,

The County Executive and I had an opportunity to meet with Councilperson Sigaty earlier this week. During that meeting, she explained your amendment to CB 22, the farm setback bill. We are concerned by your amendment (Am 1 to CB 22) and its impact on currently existing homes that are adjacent to farms in the RC and RR Districts. These homeowners purchased their homes with an expectation as to setbacks from animal shelters on adjacent farms. Your amendment would change the rules after those homeowners relied upon them. As you know, our legislation would have the change in setbacks apply prospectively so that new developments and homeowners could purchase their homes with an understanding of the setbacks applicable to their homes. To change the setbacks for homeowners in already-existing developments changes the nature of what they believed they purchased. For this reason, the County Executive cannot support your amendment. If you would like to discuss this issues, please do not hesitate to contact me. Thank you,

Diane

B. Diane Wilson, Chief of Staff
Howard County Executive Office
410-313-0809 – direct office
410-313-2013 – main office
443-831-4033 – cell phone

Reply all | Delete Junk |

CB22-2017 Testimony, Amendment 1, In Favor Of.

KO Keith Ohlinger <kohlinger05@verizon.net>
Today, 6:33 AM
CouncilMail

Reply all |

Keep

CB22-2017, with Amendment 1, In Favor Of

Keith Ohlinger
2790 Florence Road
Woodbine, MD 21797

Dear Howard County Council:

I want to thank you for your efforts regarding CB22-2017. I believe Amendment 1 offers a balanced compromise for all. I encourage you to vote in favor of CB22-2017 and Amendment 1. I plan on attending tonight's meeting however there will be fewer farmers there because the Agricultural Land Preservation Board is having a retirement dinner for Lynn Moore as her term on the board has ended. As always, thank you for your time and consideration.

Very Truly Yours,

Keith Ohlinger
Heritage Hill Farm

Reply all | Delete Junk |

FW: CB 22- 2017 Amendment #1

SK Sigaty, Mary Kay
Today, 12:44 PM
Feldmark, Jessica; Sayers, Margery

Reply all |

For the bill file.

--

Mary Kay Sigaty
Howard County Council Member
District 4
3430 Court House Drive
Ellicott City, MD 21043
410-313-2001

From: chris Feaga <chris@merryacresfarm.com>

Date: Sunday, April 2, 2017 at 9:31 PM

To: Jon Weinstein <jweinstein@howardcountymd.gov>, Calvin Ball <cball@howardcountymd.gov>, Greg Fox <gfox@howardcountymd.gov>, "Sigaty, Mary Kay" <mksigaty@howardcountymd.gov>, "JTerras@HowardCountyMD.gov" <JTerras@HowardCountyMD.gov>

Subject: CB 22- 2017 Amendment #1

Hello Council Members, due to a dinner for the outgoing chairman of the Ag. Pres. Board, Lynn Moore, I will be unable to be at your meeting Monday evening. We also as a board have not had time to meet for an official decision as the Ho. Co. Farm Bureau, so I wanted to let you know that I am in favor of Amendment 1 to bill CB22-2017. I am aware that it has left the restriction to Horse Riding Academies and Stables, and rightfully so they are a potential for conflict, if dust and noise were to become an issue with them, it may be very hard to make those issues go away with buffering or extra fencing, so I think it is in everyone's best interest to leave that setback in place. With the smaller acres, those below 20 in the RR, they have been looked at, and I believe the size and geography of the smaller lots, along with the lot line restrictions that are already in place, will be all that is necessary to protect animal structures from being permitted too close to neighbors. I appreciate your time and energy, that you have put into this bill and thank you all.

Sincerely, Howie Feaga

Reply all | Delete Junk |

CB22-2017 Amendment 1

R rrfarm@verizon.net
Today, 12:37 PM
CouncilMail

Reply all |

Hello Council Members! I am writing because I will be unable to attend your meeting, due to a dinner tonight for our outgoing chairman of the Ag. Pres. Board chairman, Lynn Moore . I wanted to let you know I am very much in favor of Amendment 1 to bill CB22-2017. As stated in my testimony to you when the bill was introduced, I feel it is unfair that farmers, who yes are landowners but are also business owners, have been asked not only in the past, but also in the future to give up part of their business assets because of homes being built beside them. Going back to the maps I handed out at the meeting, you could see how much of our business and other farm businesses have been asked to give up to our neighbors. So, I encourage you to vote in favor of CB22-2017 and Amendment 1. Thank you for all the effort you have put into this bill, and your efforts for helping agriculture to survive in Howard County!

Sincerely, Ricky Bauer

FW: CB 22

SK Sigaty, Mary Kay
Today, 12:45 PM
CouncilMail

Reply all |

Colleagues,

.FYI.

--

Mary Kay Sigaty
Howard County Council Member
District 4
3430 Court House Drive
Ellicott City, MD 21043
410-313-2001

From: Lynn Moore <lynnpmoore@verizon.net>
Date: Monday, April 3, 2017 at 8:10 AM
To: "Sigaty, Mary Kay" <mksigaty@howardcountymd.gov>
Subject: CB 22

Ms. Sigaty,

I support Amendment 1 to Council Bill 22-2017. As the number of residences continue to increase in the RR and RC districts the usable size of the farms decreases. The frequent interval of housing along the farm boundaries effectively decreases our usable land. The setbacks are of no consequence when one farm adjoins another but it becomes very problematic when there are a half dozen houses along the side line. Suddenly the barn gets placed out in the middle of a crop field instead of along the edge of a field thus decreasing the size of the crop ground.

I would have preferred to testify in person this evening but I am already committed to a function with Agricultural Land Preservation Board.

I urge you to support Amendment 1 to Council Bill 22-2017.

Lynn Farrell Moore
Larriland Farm
2415 Woodbine Rd.
Woodbine, MD 21797

www.pickyourrown.com



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

MEMORANDUM

Subject: Testimony for Council Bill- 22- 2017 – Farm Setback Relief

To: Lonnie Robbins, Chief Administrative Officer, Department of Administration

From: ✓ Valdis Lazdins, Director, Department of Planning and Zoning

Date: March 6, 2017

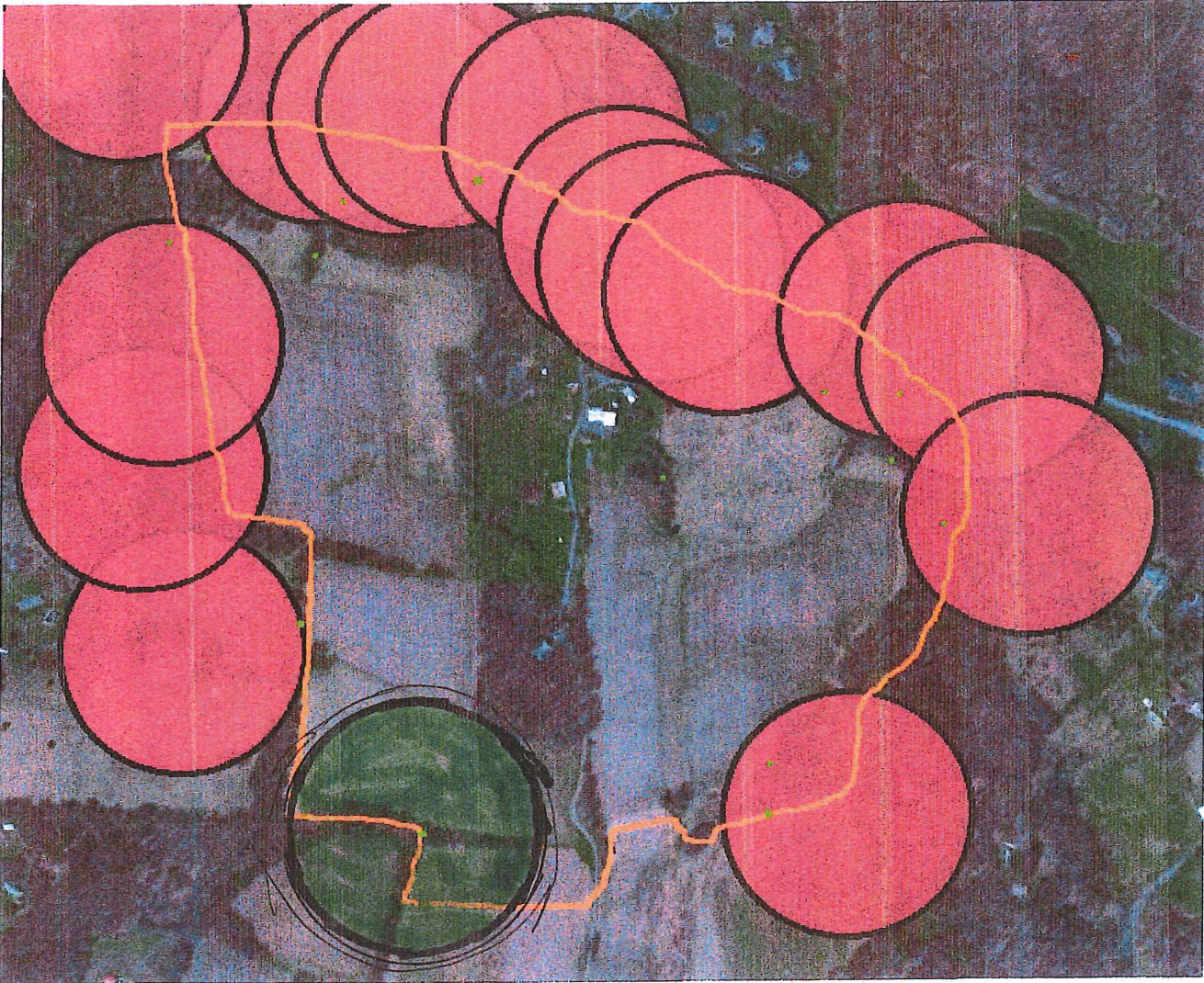
The Department of Planning and Zoning (DPZ) supports Council Bill No. 22-2017. This bill proposes to eliminate setback requirements from new residential development for farms that may wish to have an accessory farm structure or agricultural use in the future. The current zoning regulations contain setback requirements for Animal Shelter, Ride Academy, and Stable uses that constrain farmers when adjacent residential development occurs. As new homes are built, neighboring farming operations could be compelled to move structures and activities up to 200 feet from shared property lines, leaving less land for farming. Removal of these setback requirements will allow farmers to keep as much agricultural land as possible available for farming.

The proposed amendments only apply to new residential lots recorded after the effective date of the legislation. It does 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.

The Agricultural Land Preservation Board and the Planning Board recommended approval of the proposed legislation. However, both boards recommended that the proposal include a retroactive exemption for Agricultural Land Preservation Program (ALPP) properties from Animal Shelter and Riding Academy and Stable setbacks to adjacent dwellings that were constructed after the ALPP easement was recorded. DPZ does not concur with a modification that applies different standards to ALPP properties than other farms. The Zoning Regulations do not treat farming operations different for ALPP easements, as compared to non-ALPP properties and should continue to equitably regulate farming operations irrespective of ownership.

This bill does not have any direct fiscal impact to the county. Given the reasons stated above, DPZ support Council Bill 22-2017 and appreciates Council's consideration.

cc: Jennifer Sager, Legislative Coordinator, Department of Administration
B. Diane Wilson, Chief of Staff
Gary W. Kuc, County Solicitor, Office of Law



0825-504 (Bany)



CB 22-2017 (ZRA 175), FOR, WITH AMENDMENT

Keith Ohlinger
2790 Florence Road
Woodbine, MD
21797-7841

Dear Howard County Council:

I am writing you in favor of this bill and I encourage you to amend it to cover ALL FARMS RETROACTIVELY in the RC Zoning District and all farms 20 acres or larger in the RR Zoning District as being exempt from these animal shelter setback requirements. The animal shelter setback requirement is a leftover relic from a time before the Maryland Nutrient Management Law came into effect. The setbacks were originally meant to allow some space from some less desirable aspects of agriculture regarding manure, however the adoption of the Nutrient Management Law and the increased development around farms have made this setback regulation a burden to local farmers.

While DPZ supported the approval of the original proposal based on their zoning review, their review, understandably, does not include a review of the changes in farming practices or farming regulations. Farming practices have evolved and various forms of rotational grazing, called by many different names depending on the nuances, are now common practice. This involves moving the herd regularly from fresh grass in one area to fresh grass in another area. In many cases as the herd is moved to new forage, the water and shelters travel with the animals.

Nutrient Management Law and the Zoning Code itself allow farmers to graze their animals on their entire property. This means that the animals are routinely next to the property line which can cause noise, dust, and odors however this is not outside of normal animal/farm behavior. In fact, the property line boundary is routinely an area which has trees that act as a buffer for wind, weather, and offers shade for animal comfort. The animals will naturally flock to a comfortable area like this and so it is not unusual for neighbors to see and experience this behavior at the property line. It is logical for a farmer to utilize what nature has provided; this is a part of an agricultural principle called "Permaculture". So the farmer will place a shelter in these areas where the animals naturally want to congregate. By forcing the shelters away from the logical location it forces the animals and the farmer into unwanted situations that are not desirable for anyone.

Agricultural technology has advanced as well. We now have access to various methods such as using parasitic wasps to reduce and control fly populations. The wasps lay their eggs inside the fly pupae and the wasps feed on the host, thus killing the fly. This is a widely used biological control that is very successful. Odor control through the use of carbon based organic matter as a covering over manure piles effectively acts as a carbon filter to prevent odors from escaping.

Farmers are allowed to spread manure and compost on their property for their crops and pastures these are accompanied with noise from the machinery, odors and dust, but nothing beyond normal and accepted farming practices which neighbors see and experience on a regular basis. Animal farmers are also allowed to flash graze sensitive areas inside of the stream buffer zone between the fence and the stream to efficiently and naturally mow down the vegetation and control noxious weeds. All farms that are in the MALPF or ALPP are required to have Soil Conservation Plans, and any farms with more than 8 animals units and/or \$2,500 in gross annual sales are required to have a Nutrient Management Plan as

per state law. Since state law is performance based, manure and other nutrients must be managed appropriately, which supersedes a generic distance based regulation.

Due to an increased use of Permaculture principles, rotational grazing, and development around farms we were able to include an exemption under the Definitions Section 103.0 of the Zoning Code to exempt three-sided animal shelter structures such as run-in shed-like structures at the last Comprehensive Zoning Re-Write:

Structure : Anything constructed or built. The following shall not be considered structures for bulk regulation purposes:

- i. Outdoor riding rings, wet weather pads, and run-in sheds or similar farm structures with a maximum of three walls and a maximum footprint of 500 square feet.

This change has been in effect for several years now and has appeared to have had no negative impact what-so-ever. Given that exempting expensive new construction was acceptable under the original language of this bill it seems and undue burden on the farmer to continue this relic under current conditions. This change will not impact the current setback requirements in the RC Zoning District of:

3. Minimum lot width at building restriction line
 - a. Lots 3 acres or larger 200 feet
 - b. Lots less than 3 acres 100 feet
4. Minimum setback requirements—structures
 - a. Lots 3 acres or larger:
 - (1) Principal structures—from collector or arterial public street right-of-way 75 feet
 - (2) Front 75 feet
 - (3) Side
 - (a) From public street right-of-way 60 feet
 - (b) Principal structure from lot line 30 feet
 - (c) Accessory structure from lot line
 1. 200 square feet or greater 30 feet
 2. less than 200 square feet 10 feet
 - (4) Rear
 - (a) All structures—from public street right-of-way 75 feet
 - (b)

- Principal structure 60 feet
- (c) Accessory structure 10 feet
- b. Lots less than 3 acres:
 - (1) Principal structures—from collector or arterial public street right-of-way 75 feet
 - (2) Front 50 feet
 - (3) Side
 - (a) From public street right-of-way 30 feet
 - (b) Principal structure from lot line 10 feet
 - (c) Accessory structure from lot line
 - 1. 200 square feet or greater 10 feet
 - 2. less than 200 square feet 5 feet
 - (4) Rear
 - (a) All structures—from public street right-of-way 50 feet
 - (b) Principal structure 30 feet
 - (c) Accessory structure 10 feet

Or the current setback requirements in the RR Zoning District of:

- 3. Minimum lot width at building restriction line
 - a. Lots 3 acres or larger 200 feet
 - b. Lots less than 3 acres 100 feet
- 4. Minimum setback requirements—structures
 - a. Lots 3 acres or larger:
 - (1) Principal structures—from collector or arterial public street right-of-way 75 feet
 - (2) Front 75 feet
 - (3) Side
 - (a) From public street right-of-way 60 feet
 - (b)

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 - (4) Rear
 - (a) All structures—from public street right-of-way 50 feet
 - (b) Principal structure 30 feet
 - (c) Accessory structure 10 feet

So the existing principal structure setbacks still offer a buffer that will not change with this amended bill.

I attended the ALPB meeting at which ZRA 175 was discussed and I supported the Board’s decision to request an amendment to retroactively exempt animal shelters constructed after the farm entered the ALPP. I also attended the Planning Board meeting discussing ZRA 175 and I supported that amendment again, and that recommendation was supported by the Planning Board. The Howard County Farm Bureau Board of Directors met early this month, I am a member of the Board of Directors, and we discussed that all farms animal shelters should be exempted not just ALPP farms, and that was voted on

and accepted by the Board. I subsequently read DPZ's memorandum regarding CB 22-2017 and saw that they also would like all farms to be treated equally under the Zoning Regulations so that is why I have modified my current position.

In conclusion, based on the improvements offered by the Nutrient Management Law, current practices, the exemptions that already allow for three sided structures on farms, and existing principal structure setbacks that will not change; I ask that you amend this bill to cover ALL FARMS RETROACTIVELY in the RC Zoning District and all farms 20 acres or larger in the RR Zoning District as being exempt from these animal shelter setback requirements. Thank you for your time and consideration.

Very Truly Yours,

Keith Ohlinger
Heritage Hill Farm



4.5 ft. X 7.5 ft. Port-A-Hut
33.75 sq. ft.



10ft. X 14ft. Port-A-Hut
140 sq. ft.

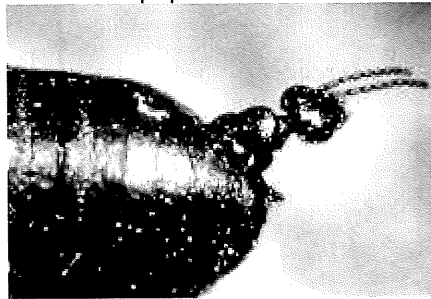


10ft. X 30ft. Run-in-shed
300 sq. ft.



HOW FLY PARASITES WORK

Parasitic wasps lay their eggs inside fly pupae and the developing flies provide food from within for the young wasps. In addition, adult parasites "host feed" by drawing fluid from fly pupae, and thus prevent the fly from fully developing. They are very effective against the housefly, biting stable flies, garbage flies, and the lesser housefly, which comprise 95 percent of the flies in manure accumulations. They also parasitize the other 5 percent of flies, such as horn flies, flesh flies, face flies and false stable flies, but control is less complete on those flies which complete their life cycle widely dispersed in the pasture. The parasitic wasps only attack flies and will not bite, sting, swarm or bother anything else. They are nocturnal and are rarely seen during the day. Fly parasites operate to a depth of 8 inches in manure, homing in with their biological radar on fly larvae that are about to pupate.



Fly Parasite Emerging from Pupa

Fly parasites complete a generation every 3 weeks (from parasitism of the fly pupa to emergence of the adult), yielding a steady reproduction of parasites. The adult wasp lives about 10 days. The parasite populations increase geometrically and reductions in flies can be expected in 4 to 6 weeks. They are designed to find and kill the last fly at your location. However, flies still can be migrating in, hence, biological control works best if the whole neighborhood uses it.



**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

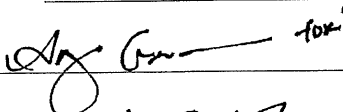
_____, HAVE X HAVE NOT

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: 

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: _____

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
RECEIVED
2017 JAN 13 PM 5:04

1 VALDIS LAZDINS, DIRECTOR * BEFORE THE
2 DEPARTMENT OF PLANNING * PLANNING BOARD OF
3 AND ZONING, PETITIONER * HOWARD COUNTY, MARYLAND
4 ZRA-175 *

5 * * * * *

6 MOTION: *Recommend approval of ZRA-175 with a modification to include retroactive*
7 *exemption for all Agricultural Land Preservation Program (ALPP) properties from*
8 *the Animal Shelter and Riding Academy and Stable setback requirements to any*
9 *dwellings that were constructed after the ALPP easement was recorded.*

10 ACTION: *Recommended approval; Vote 4 to 0.*

11 * * * * *

12 On February 2, 2017, the Planning Board of Howard County, Maryland, considered the petition of
13 Valdis Lazdins, Director, Department of Planning and Zoning (DPZ) to amend Section 128.0.A.4. and
14 Section 128.0.I.8. of the Howard County Zoning Regulations (HCZR). The proposed amendments apply to
15 farms in the Rural Conservation (RC) District and farms 20 acres or larger in the Rural Residential (RR)
16 District and remove setback requirements from Animal Shelter and Riding Academies and Stables to
17 dwellings on future new residential lots.

18 The Planning Board considered the petition, DPZ Technical Staff Report, public testimony and DPZ's
19 recommendation to approve the petition.

20 Keith Ohlinger testified in opposition to the petition, but supported a revision proposed by the
21 Agricultural Land Preservation Board (ALPB). Natalie Ziegler testified in support of the petition, as filed.
22 Howie Feaga and Ricky Bauer, on behalf of the ALPB, testified in general support of the petition with a
23 modification that the proposed setback exemptions apply retroactively to farms in ALPP from the time the
24 property entered the program and the easement was recorded. A retroactive setback exemption would allow
25 ALPP farmers that need to expand operations the ability to use all of their property, instead of setting the
26 agricultural operations back from property lines.

27 Board Discussion and Recommendation

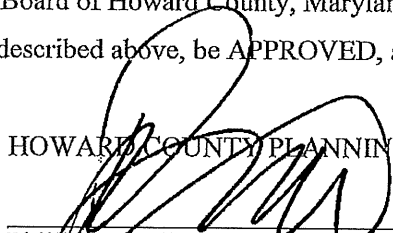
28 In the work session the Board agreed that the proposal was a good start, but that it should be
29 expanded to protect the farming community. One board member asked how this proposal would affect
30 residential property owners. DPZ noted that the animal shelter and riding academy and stable setbacks have
31 been in place for quite some time. While residents expect some level of continuity, zoning can change over
32 time and nothing is set in stone. The Board commented that farms contribute to the rural character of the west;
33 were located there first; are assets to the community; and therefore, farming operations should be protected.

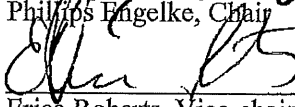
1 Board members expressed support for helping ALPP farmers make a living farming their land and agreed
2 with the ALPB recommendation to apply the proposed setback exemption retroactively to these properties.

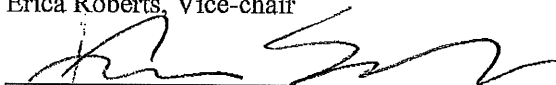
3 Ms. Easley made the motion to recommend approval of ZRA-175 with a modification to include a
4 retroactive exemption for ALPP properties from Animal Shelter and Riding Academy and Stable setback
5 requirements to adjacent dwellings that were constructed after the ALPP easement was recorded. Mr.
6 Coleman seconded the motion. The motion passed by a vote of 4 to 0.

7 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 16th day of
8 February, 2017, recommends that ZRA-175, as described above, be APPROVED, as noted above.

9
10 HOWARD COUNTY PLANNING BOARD


11 
12 Phillips Engelke, Chair

13 
14 Erica Roberts, Vice-chair

15 
16 Jacqueline Easley

17 ABSENT

18 Delphine Adler

19 
20 Ed Coleman

21
22
23
24 ATTEST:

25 
26 Valdis Lazdins, Executive Secretary



January 19, 2017

TECHNICAL STAFF REPORT

Planning Board Meeting on February 2, 2017

Case No./Petitioner: ZRA-175 - Valdis Lazdins, Director, Department of Planning and Zoning

Request: 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 future new residential lots.

I. BACKGROUND AND REGULATION HISTORY

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. Certain existing zoning requirements can constrain farming since adjacent residential development triggers setback requirements for accessory farm structures and uses on agricultural land, as measured from dwellings on adjacent lots. As new homes are built, neighboring farming operations could be compelled to move structures and activities farther from shared property lines, leaving less land for farming.

To mitigate such impacts two measures are being proposed; amendments to Howard County Code Section 12.111-Nuisance suits against agricultural operations (Right to Farm Law) and HCZR Sections 128.0.A.4. and 128.0.I.8. (ZRA-175). These County Code and Zoning Regulation amendments aim to encourage clear communication and mutual respect between farmers and adjacent residential property owners, while protecting farming operations.

ZRA-175 proposes to 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.

Animal Shelter Setback Requirements

The 1961 HCZR contained an animal shelter setback requirement of 100 feet from any dwellings in the R-90, R-40, and R-20 districts. The R-20 district required a minimum lot area of 40,000 square feet to have livestock. This animal shelter setback requirement remained the same in the 1977 and 1985 HCZR and was extended to other residential districts, along with the 40,000 square feet minimum lot area requirement in the denser residential districts.

The 1992 Comprehensive Zoning Plan for western Howard County established the RC and RR districts. The animal shelter setback requirement was changed to 200 feet in these new districts, however; this requirement only applied from an existing dwelling on a different lot. In the 1993 Comprehensive Zoning Plan, the animal shelter setback requirements were placed in the Supplementary Zoning District Regulations and remained largely the same.

The only subsequent change was ZRA-117 in 2011, which exempted apiaries. The current regulations were established with the 2013 Comprehensive Zoning Plan.

Riding Academies and Stables

In the 1961 Zoning Regulations, riding academies were required to obtain a special permit in the R-90, R-40, and R-20 districts. The permit required a minimum lot area of 15 acres and a 200 foot setback from property lines to a Stable use. In the 1977 HCZR, Riding Academies and Stables became a Special Exception use category allowed in the R and R-20 Districts, with a minimum lot size of five acres for three or more horses and a stable setback requirement of 200 feet from property lines. This Special Exception use category remained the same in the 1985 Zoning Regulations, and was expanded to the RC, RR, R-ED and R-20 Districts in the 1993 Zoning Regulations.

In 2011, ZRA-30 changed the Special Exception section of the Zoning Regulations to the Conditional Use section. Riding Academies and Stables were only permitted in the RC and RR Districts, and the setback requirements were 100 feet from any property line other than a public street for 20 or fewer horses, and 200 feet from any property line other than a public street for more than 20 horses.

The 2013 Comprehensive Zoning Plan established the current regulations and changed the use category from Conditional Use to a Zoning Permit.

II. DESCRIPTION AND EVALUATION OF PROPOSAL

The following evaluation of ZRA-175 provides technical recommendations for each proposed text amendment. The Petitioner's complete proposed amendment text is attached to this Technical Staff Report as Exhibit A - Petitioner's Proposed Text.

Section 128.0: Supplementary Zoning District Regulations

1. Section 128.0.A.4: - Add setback exemptions and correct and reformat section.

DPZ recommends approval of the amendment

This section contains setback requirements for structures used for the housing, boarding or sheltering of animals, and for areas used for the storage of animal excrement which typically adjoin or are adjacent to animal shelters. Animal shelters that are 500 square feet or smaller must be at least 100 feet from any existing dwelling on a different lot, while those larger than 500 square feet are required to be at least 200 feet away.

Three types of shelters are exempt from the setback requirements; those used for household pets, residential chicken keeping and apiaries. Additionally, Structures as defined in Section 103.0 are also exempt from setback requirements. However, a plain reading of the structure exemption is illogical. Therefore, DPZ has historically interpreted Section 128.0.A.4.d. to apply to the exemptions from the structure definition listed in Section 103.0.

The proposed amendment adds a fifth exemption from the setback requirements for farms in the RC District and farms 20 acres or larger in the RR District. However, the exemption would only be from dwellings on lots that are recorded after the effective date of ZRA-175. Such farms would still be subject to the animal shelter setback requirements from existing dwellings and from dwellings that are constructed on existing unimproved recorded lots.

The purpose of the RC district is "to conserve farmland and to encourage agricultural activities, thereby helping to ensure that commercial agriculture will continue as a long term land use and a viable economic activity within the County." ZRA-175 supports the purpose of RC zoning by allowing maximum use of farmland for agricultural purposes. However, the purpose of the RR district is "to allow low density residential development within a rural environment." Therefore, ZRA-175 only proposes to exempt farms that exceed 20 acres in the RR district, which is the minimum parcel size required to enter the County's Agricultural Land Preservation Program. The RR district contains many lots that are 3 acres or larger and part of a subdivision. DPZ does not recommend exempting setback requirements for such residential lots that may also want to house animals.

2. Section 128.0.I.8.: - Add setback exemptions.

DPZ recommends approval of the amendment

Section 128.0.I contains uses related to farming and agriculture that require a special farm permit. One such use category, Riding Academies and Stables, is allowed in the RC and RR zoning districts subject to certain criteria. The criteria include minimum special setback requirements for indoor or outdoor riding arenas and for stables. Indoor or outdoor riding arenas are required to be

a minimum of 100 feet from an existing dwelling on a different lot, while stables are required to be a minimum of 200 feet from an existing dwelling on a different lot.

The proposed amendment exempts these special setback requirements for farms in the RC District and farms 20 acres or larger in the RR District. Consistent with the 128.0.A.4 amendment, this exemption would only be from dwellings on lots that are recorded after the effective date of ZRA-175.

III. GENERAL PLAN

ZRA-175 is in harmony with the following PlanHoward 2030 (General Plan) policies:

Policy 4.1

“Promote additional agricultural preservation opportunities.”

ZRA-175 promotes keeping as much agricultural land as possible available for farming by removing setback requirement from farm structures to future dwellings on neighboring lots. 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.

Policy 4.4

“Require more robust separation between cluster lots and adjoining agricultural properties.”

Implementation Action A – Better Buffers

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.

IV. AGENCY COMMENTS

Comments from all other applicable agencies have not yet been received. Any substantive comments received from these agencies before the Planning Board Public Hearing will be forwarded to the Planning Board members before the hearing date.

Exhibit A – Petitioner’s Proposed Text

(CAPITALS indicate text to be added; [[brackets indicate text to be deleted]].)

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:

- 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 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:

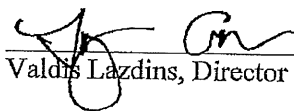
- a. Adequate areas for horseback riding shall be available on the site. If the operation will include off-site horseback riding, the petition must indicate the location of off-site trails and include written permission from the property owners.
- b. Minimum required setbacks:
 - (1) For an indoor or 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 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 A SETBACK FROM A DWELLING ON A LOT RECORDED AFTER (Insert effective date of ZRA-175).

V. **RECOMMENDATION**

APPROVAL

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-175 be **APPROVED**.

Approved by:


Valdis Lazdins, Director

1-19-17

Date

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.

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.