



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only: Case No. ZRA-135 Date Filed:

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 131.N.43 as follows:

To permit riding academies/horse stables to be located within 100' of existing dwellings on different lots (for uses involving 20 or fewer horses) and 200' of existing dwellings on different lots (for uses involving more than 20 horses) on sites in the RC/RR District over 20 acres in size.

[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 Viram Patel

Address 12320 Scaggsville Road, Fulton, Maryland 20759

Phone No. (W) (H) 301-854-0762

Email Address viramj@hotmail.com

3. Counsel for Petitioner Andrew H. Robinson, Carney Kelehan Bresler Bennett & Scherr LLP

Counsel's Address 10715 Charter Drive, #200, Columbia, MD 21044

Counsel's Phone No. 410-740-4600

Email Address ahr@carneykelehan.com

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed

See Response to Section 4 attached hereto.

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County \_\_\_\_\_

See Response to Section 5 attached hereto.

---

---

---

---

---

[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.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.A. \_\_\_\_\_

See Response to Section 6 attached hereto.

---

---

---

---

---

---

[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) . \_\_\_\_\_

See Response to Section 7 attached hereto.

---

---

---

---

---

---

---

---

[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

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.  
**See Response to Section 8 attached hereto.**

---

---

---

---

---

---

---

---

---

---

[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. \_\_\_\_\_  
**See Response to Section 9 attached hereto.**

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

[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

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 (20) 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](http://www.howardcountymd.gov)**

Revised:10/09  
T:\Shared\Public Service and Zoning\Applications\County Council\ZRA Application

**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’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.

VIRAM J. PATEL  
Petitioner’s name (Printed or typed)

V Patel      8/30/11  
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**



PETITIONER: Viram Patel

**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: Viram Patel

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>NA</u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></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.

Name: Viram Patel  
Date: 8/31/11





**PETITIONER'S SUPPLEMENT  
TO  
ZONING REGULATIONS AMENDMENT  
SECTION 131.N.43 – RIDING ACADEMIES AND STABLES  
VIRAM PATEL, PETITIONER**

**Response to Section 4:**

As set forth in greater detail in Section 5, the *2000 Howard County General Plan* (the “General Plan”) contains the express policy goals of (i) encouraging recognition of the horse industry as a component of the agricultural industry at the State and national level and (ii) fostering business uses ancillary to farm operations in and throughout the County. Prior to the adoption of the 1985 Zoning Regulations, the “Riding Academies and Stables” conditional use was essentially limited to lots over fifteen (15) acres in size<sup>1</sup> within the R and R-20 zoning districts with no stated setback restrictions for those lots located in the Rural (R) zoning district. Under the County’s pre-1985 zoning scheme, the Riding Academies and Stables conditional use was specifically tailored to foster the development of riding academies and stables on large agricultural parcels in the R (Rural) zoning district of western Howard County and those large parcels remaining in the lowest density non-rural residential zoning district available in the County, R-20 (Residential Single).

As an acknowledgment of the potential for conflict between those riding academy/stable owners situated upon non-rural residentially zoned lands (with permissible density of up to one lot per 20,000 square feet) and their residential neighbors, the pre-1985 zoning scheme instituted a setback of 200 feet from all lot lines for Riding Academy and Stable conditional uses located within the R-20 zoning district. As set forth above, no such setback requirement was provided for conditional uses located within the R (Rural) zoning district.

---

<sup>1</sup> Prior to the adoption of the 1985 Zoning Regulations, Riding Academies and Stables housing 3 or more horses were required to be situated on lots fifteen (15) acres or larger. There was no minimum lot size provided for those Riding Academies and Stables housing fewer than three (3) horses.

With the 1985 Zoning Regulations, however, the minimum lot size requirement set forth in the Zoning Regulations for the Riding Academies and Stables conditional use was reduced by ten (10) acres to permit the establishment of such conditional uses upon lots a mere five (5) acres in size. With the drastic reduction in the minimum lot size requirements, the onerous setback requirements from lot lines (previously reserved solely for non-rural residentially zoned parcels) were extended to those parcels in the Rural (R) zoning district as well. The regulation remained largely unchanged through the adoption of the 1992/1993 Zoning Regulations.

While the adoption of the 2004 Zoning Regulations restricted the Riding Academies and Stables conditional use to those parcels located in the rural zoning districts of RC and RR through the elimination of the R-20 district from the regulation, these most recent revisions to the conditional use criteria maintained the lower minimum lot size of five (5) acres, and, thus, the onerous setback requirements from lot lines historically reserved for non-rural residentially zoned parcels.

The Petitioners proposed ZRA would maintain these current setback restrictions for those Riding Academy and Stable conditional uses to be located upon parcels with the greatest likelihood for adjacent non-rural residential development, i.e., parcels between 5 to 20 acres in size. In furtherance of the General Plan's goals of promoting the equestrian community as a vital commercial component to the County's rich agricultural industry and fostering ancillary farm-based business uses throughout the County, the Petitioner's proposed ZRA would grant those landowners of large, i.e., over 20 acres in size, rurally zoned land in the western portion of the County a certain degree of flexibility to locate potential Riding Academy and Stable conditional uses in a manner most compatible with the existing agricultural uses likely occurring upon their own lots as well as neighboring lots. While the historical, pre-1985 Riding Academies and

Stables conditional use contained no specific setback restrictions, the Petitioners proposed ZRA would impose a setback of 100 to 200 feet (depending on the total number of horses kept on the property) from neighboring dwellings for Riding Academies and Stables located upon parcels greater than 20 acres. The Petitioner's decision to base these setback restrictions on existing dwellings, as opposed to lot lines, is reasonable given the size of the parcels in question and the logic already expressed in the treatment of animal shelters for farms uses as contained in Section 128.A.4 of the Regulations.

**Response to Section 5:**

The Petitioner's proposed ZRA fulfills the policy objectives set forth in Policy 3.9 of the General Plan, and is, thus, in harmony with the current General Plan of Howard County. Chapter 3 of the General Plan states in pertinent part that:

Farming in Howard County has shifted from an industry dominated by grain, livestock and dairy to a more varied industry led by the horticulture and equine sectors. Uses typically ancillary to farming have also changed, with farms increasingly likely to have business components that require being open to the public. For example, horticultural farms may open a retail nursery outlet, horse farms may offer horse boarding or riding lessons, and fruit or vegetable farms may engage in direct retail sales through farmers markets or pick-your-own operations.

*See Howard County General Plan, Preservation of Rural West, page 61.*

As such, the General Plan provides the stated policy goal of fostering "business uses ancillary to farm operations." See Policy 3.9, *Howard County General Plan, Preservation of Rural West*, page 62. To further this stated policy goal, the General Plan recommends the following land use guidelines, among others:

(1) Zoning. Adopt appropriate modifications to the Zoning Regulations to support principal and accessory agricultural activities.

(2) *Special Exceptions.* Review the special exception standards for business uses related to agriculture. Where appropriate, adopt amendments to allow these uses under an administrative permit process subject to specific standards to limit their scale and impact.

(3) *Equine Industry Recognition.* Encourage recognition of the horse industry as a component of the agricultural industry at the State and national level.

See *Howard County General Plan*, Preservation of Rural West, page 62.

The Petitioner's proposed ZRA would provide flexibility for owners of large, i.e., over 20 acres, rurally zoned land in the western portion of the County to establish Riding Academies and Stables upon their lands in a manner most compatible with the existing agricultural uses likely occurring upon their own lots as well as neighboring lots. As such, the Petitioner's proposed ZRA would have the combined effect of adopting appropriate modifications to the Zoning Regulations to support principal and accessory agricultural activities as well as promoting the equine industry as a component of the agricultural industry throughout the County.

**Response to Section 6:**

As set forth above, the Petitioner's proposed ZRA fulfills the following express policy goals of the General Plan: (i) encouraging recognition of the horse industry as a component of the agricultural industry at the State and national level and (ii) fostering business uses ancillary to farm operations in and throughout the County. Furthermore, the revisions set forth in the Petitioner's proposed ZRA apply solely to Riding Academy and Stable conditional uses on lots greater than 20 acres in the rural western portions of the County, i.e., the RC and RR zoning districts. As such, the revised setback restrictions set forth in the proposed ZRA would apply to those lots likely engaged in farming activities or land preservation programs at the present time. As set forth in greater detail in Section 8 herein, the Petitioner's proposed ZRA has the effect of

reducing the setbacks applicable to Riding Academy and Stable conditional uses on lots larger than 20 acres by a mere 10 to 30 feet while ensuring that no such conditional uses would be located less than 100 to 200 feet (as set forth above) from any neighboring dwelling. All such conditional uses will remain subject to Hearing Authority approval under Sections 130 and 131 of the Zoning Regulations, and, thus, the potential adverse impacts of such uses on neighboring properties will be examined prior to their establishment.

The Petitioner's proposed ZRA is intended to provide those landowners of large rurally zoned land in the western portion of the County a certain degree of flexibility in locating potential Riding Academies and Stable conditional uses in a manner most compatible with the existing agricultural uses likely occurring upon their own lots as well as neighboring lots. The proposed ZRA will help preserve the economic viability of this County targeted ancillary farming business while maintaining appropriate buffers from neighboring residential uses through the implementation of a more traditional measurement of farm animal housing related setbacks in rural zoning districts, i.e., distances from neighboring dwellings as opposed to lot lines. As such, the Petitioner's proposed ZRA effectively preserves and promotes the health, safety and welfare of the County while simultaneously furthering the economic and land use policies set forth in the General Plan.

**Response to Section 7:**

See Responses herein.

**Response to Section 8:**

The Petitioner's proposed ZRA would be applicable to every parcel of land in the RC and RR zoning districts greater than 20 acres in size and, thus, has the potential to affect more than

12 properties. Under the current Zoning Regulations, Riding Academy and Stable conditional uses may be established within (i) 110 to 130 feet of existing dwellings on neighboring lots for those uses housing 20 or fewer horses and (ii) 210 to 230 feet of existing dwellings on neighboring lots for those uses housing more than 20 horses.<sup>2</sup> The Petitioner's proposed ZRA would reduce the distance between Riding Academy and Stable conditional uses on lots larger than 20 acres to 100 to 200 feet, respectively, in furtherance of the General Plan's stated policy goals of (i) encouraging recognition of the horse industry as a component of the agricultural industry at the State and national level and (ii) fostering business uses ancillary to farm operations in and throughout the County. As such, the Petitioner's proposed ZRA has the effect of reducing the setbacks applicable to Riding Academy and Stable conditional uses on lots larger than 20 acres by a mere 10 to 30 feet while ensuring that no such conditional use would be located less than 100 to 200 feet (as set forth above) from any neighboring dwelling. All such conditional uses would remain subject to Hearing Authority approval under Sections 130 and 131 of the Zoning Regulations.

**Response to Section 9:**

See Responses above.

---

<sup>2</sup> Side setbacks of 10 to 30 feet apply to principal structures in the RC and RR zoning districts depending on lot size; Riding Academy and Stable conditional uses housing 20 or fewer horses may not be located closer than 100 feet from lot lines and Riding Academy and Stable conditional uses housing more than 20 horses may not be located closer than 200 feet from lot lines under the existing 131.N.43.

## EXISTING REGULATION

### 43. Riding Academies and Stables

A conditional use may be granted in the RC or RR Districts for riding academies and stables, 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 for stables and indoor or outdoor riding arenas:
  - (1) For a use where 20 or fewer horses are kept on the property, from any property line other than a public street..... 100 feet
  - (2) For a use where more than 20 horses are kept on the property, from any property line other than a public street..... 200 feet
- 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.



PETITIONER'S PROPOSED TEXT

43. **Riding Academies and Stables**

A conditional use may be granted in the RC or RR Districts for riding academies and stables, 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 for stables and indoor or outdoor riding arenas:

(1) FOR RIDING ACADEMIES AND STABLES LOCATED ON SITES TWENTY ACRES OR LESS:

(a) ~~[(1)]~~ For a use where 20 or fewer horses are kept on the property, from any property line other than a public street.....100 feet

(b) ~~[(2)]~~ For a use where more than 20 horses are kept on the property, from any property line other than a public street.....200 feet

(2) FOR RIDING ACADEMIES AND STABLES LOCATED ON SITES GREATER THAN TWENTY ACRES:

(A) FOR A USE WHERE 20 OR FEWER HORSES ARE KEPT ON THE PROPERTY, FROM ANY EXISTING DWELLING ON A DIFFERENT LOT.....100 FEET

(B) FOR A USE WHERE MORE THAN 20 HORSES ARE KEPT ON THE PROPERTY, FROM ANY EXISTING DWELLING ON A DIFFERENT LOT....200 FEET

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.

NOTE: ~~[[text in double bold brackets]]~~ indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law.

REGULATION AS AMENDED

**43. Riding Academies and Stables**

A conditional use may be granted in the RC or RR Districts for riding academies and stables, 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 for stables and indoor or outdoor riding arenas:

(1) For riding academies and stables located on sites twenty acres or less:

(a) For a use where 20 or fewer horses are kept on the property, from any property line other than a public street..... 100 feet

(b) For a use where more than 20 horses are kept on the property, from any property line other than a public street..... 200 feet

(2) For riding academies and stables located on sites greater than twenty acres:

(a) For a use where 20 or fewer horses are kept on the property, from any existing dwelling on a different lot..... 100 feet

(b) For a use where more than 20 horses are kept on the property, from any existing dwelling on a different lot..... 200 feet

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.