



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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October 23, 2014

TECHNICAL STAFF REPORT

*Petition Accepted on October 22, 2014
Planning Board Meeting of November 6, 2014
County Council Hearing to be scheduled*

Case No./Petitioner: ZRA-152 – Marsha S. McLaughlin, Director, Department of Planning and Zoning

Request: To amend Section 107.0. of the R-ED Zoning Regulations to create a new Section 107.0.J. to add provisions concerning the use and subdivision of R-ED properties with Agricultural Land Preservation Easements.

Department of Planning and Zoning Recommendation:

APPROVAL

I. DESCRIPTION OF PROPOSAL

- The Petitioner proposes one amendment to the Zoning Regulations. The proposed amendment is requested for the following reasons:

The Department of Planning and Zoning is aware of an approximately 51 acre property adjoining the Patapsco Valley State Park in the Woodstock area that the owner proposes to have incorporated into the Agricultural Land Preservation Program ("ALPP"). This property is comprised of two parcels and is split-zoned; part of the property is zoned RC-DEO, and part of the property is zoned R-ED, and although there are no R-ED-zoned properties in the ALPP currently, there is nothing in the program that precludes such a possibility.

As noted above, the property is larger than 50 acres, so if it were to be incorporated into the ALPP it would qualify for the creation of one residential lot, however, the current R-ED regulations do not address the issue of the creation of lots on ALPP properties as are addressed in both the RC and RR regulations. The requested amendment is proposed in order to add regulations to the R-ED regulations concerning the creation of such a lot on R-ED-zoned ALPP properties, and also the uses that are allowable on such lots, that are similar to the provisions for ALPP properties located in the RC and RR Districts.

- The amendment text is attached as Exhibit A (CAPITALS indicates text to be added).

II. EXISTING REGULATIONS

- The existing R-ED regulations do not address ALPP issues in any way, even though farming is a permitted use.

III. BACKGROUND INFORMATION

A. Scope of Proposed Amendments

- The intended purpose for this regulation amendment is to allow the potential use of the ALPP for a split-zoned property (RC and R-ED) that is southeast of Woodstock and adjoining the Patapsco Valley State Park.
- Technically, the proposed amendment enabling the potential for ALPP easements on R-ED-zoned properties could be applied to other large farm properties that are zoned R-ED in the east, such as the 220 acre Gould farm properties on Gorman Road and Murray Hill Road.

IV. EVALUATIONS AND CONCLUSIONS

A. Relation to the General Plan

- The proposed amendment is in harmony with General Plan Policy 4.1 to "Promote additional agricultural preservation opportunities." Because the proposal to add the subject property to the ALPP will also help to preserve the environmental resources on this property, the amendment is also in general harmony with the main principle of General Plan Policy 3.7 to "Secure better protection of environmental resources within new developments".

IV. EVALUATIONS AND CONCLUSIONS

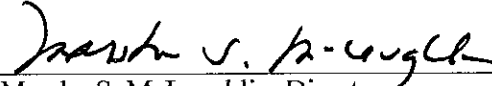
B. Relation to the Zoning Regulations

- In terms of providing more opportunity for preserving environmentally sensitive resources on land in the R-ED District, this proposed amendment is in harmony with the intent "To ensure that all development and land uses protect or enhance the natural, environmental, historic, architectural and other landscape resources of the County...". It is also in harmony with the basic intent to "Preserve agricultural land".

V. RECOMMENDATION

APPROVAL

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-152 as noted above, be APPROVED.

 10/23/24
Marsha S. McLaughlin, Director Date

MM/JRL/jrl

NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.

ZRA 152 – Exhibit A

New Section 107.0.J:

J. REGULATIONS FOR ALPP PURCHASED EASEMENTS

1. USES ON ALPP PURCHASED EASEMENTS SHALL BE IN ACCORDANCE WITH SECTION 106.1.B THROUGH SECTION 106.1.D, PROVIDED, HOWEVER,

FOR THE ALLOWABLE ACCESSORY USES LISTED IN SECTION 106.1.C.1, ONLY THOSE USES WHICH ARE ELIGIBLE AS POTENTIAL FARM USES IN THE R-ED DISTRICT, AS SPECIFIED IN SECTION 128.0.I, ARE PERMITTED, AND

FOR THE ALLOWABLE CONDITIONAL USES LISTED IN SECTION 106.1.D.1.A, ONLY THOSE USES WHICH ARE ELIGIBLE AS CONDITIONAL USES IN THE R-ED DISTRICT, AS SPECIFIED IN SECTION 131.0.N, ARE PERMITTED.

2. BULK REQUIREMENTS FOR ALPP PURCHASED EASEMENTS

ON HOWARD COUNTY ALPP PURCHASED EASEMENT PROPERTIES, LOTS MAY BE CREATED PURSUANT TO THE APPLICABLE HOWARD COUNTY LAWS AND REGULATIONS GOVERNING THE EASEMENT, SUBJECT TO THE FOLLOWING REQUIREMENTS.

- A. THE FOLLOWING REQUIREMENTS SHALL APPLY INSTEAD OF THE REQUIREMENTS OF SECTION 107.0.D.2:

LOT SIZE: MAXIMUM -- 1 ACRE
 MINIMUM -- 40,000 SQUARE FEET

- B. FOR PROPERTIES NOT SERVED BY PUBLIC WATER AND SEWER THE 1 ACRE MAXIMUM LOT SIZE REQUIRED BY THIS SECTION MAY BE INCREASED UP TO A MAXIMUM OF 1.2 ACRES PROVIDED THAT:

- (1) THE LOCATION OF THE PROPOSED LOT HAS BEEN APPROVED BY THE HOWARD COUNTY AGRICULTURAL LAND PRESERVATION BOARD, AND
- (2) THE DEPARTMENT OF PLANNING AND ZONING DETERMINES THAT:

- (A) THE INCREASE IN LOT SIZE IS NECESSARY TO ACCOMMODATE THE HEALTH DEPARTMENT APPROVED LOCATIONS FOR THE SEWAGE DISPOSAL EASEMENT AND WELL; AND
- (B) THE PROPOSED LOT IS A REGULARLY SHAPED LOT IN ACCORDANCE WITH SECTION 16.120 (B) OF THE HOWARD COUNTY CODE.
- (3) THE INCREASE IN LOT SIZE SHALL BE APPROVED:
 - (A) BY THE DEPARTMENT OF PLANNING AND ZONING AS AN ADMINISTRATIVE ADJUSTMENT PURSUANT TO SECTION 100.0.F OF THE ZONING REGULATIONS; OR
 - (B) BY THE HEARING AUTHORITY AS A VARIANCE PURSUANT TO SECTION 130.0.B OF THE ZONING REGULATIONS.

3. SECTIONS 107.0.E THROUGH 107.0.I ARE NOT APPLICABLE.