



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item #15
7/16/09

DATE: July 9, 2009
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief, Development Review *Rd K*
Ralph Wilson, Zoning Supervisor, Development Review *RSW*
FROM: Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To allow equestrian facilities in the RNC and RNC/TDR zones under certain circumstances

TEXT AMENDMENT: No. 09-04
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: Councilmember Knapp
INTRODUCED DATE: June 16, 2009

PLANNING BOARD REVIEW: July 16, 2009
PUBLIC HEARING: July 21, 2009; 1:30 PM

STAFF RECOMMENDATION: APPROVAL to allow a resident of a lot or parcel that is at least 2 acres in size and classified in the RNC zone or RNC/TDR zone to raise, ride, and board horses for personal use.

The text amendment allows by right one horse for every 1 gross acre of the lot or parcel, up to a maximum of 5 horses. Staff recommends a minor change to the proposed language to clarify the intent that horses cannot be located in the designated open space or rural open space area of a cluster development.

BACKGROUND/ANALYSIS

Current regulations permit as a matter of right equestrian activity (defined as the care, breeding, boarding, rental, riding or training of horses or the teaching of equestrian skills) in all agricultural zones, except the RNC and RNC/TDR Zones. Under Section 59-C-9.31, *Equestrian facility standards as a permitted use in the agricultural zones*, a property owner with at least two acres is allowed to keep horses at a ratio of 1 horse per acre (up to 10 horses) and may keep additional horses (beyond 10) at a ratio of one-half acre per horse. Also, Section 59-C-9.31 allows a limited number of equestrian events by right under certain circumstances. In the RNC and RNC/TDR Zones an equestrian facility may be established only through the approval of a special exception. In the case

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where an equestrian facility is granted by special exception, the facility cannot be located in the designated open space or rural open space area of a cluster development.

The proposed text amendment, as introduced by Councilmember Knapp, allows a resident of a lot or parcel that is at least 2 acres in size located in the RNC Zone or RNC/TDR Zone to raise, ride, and board horses for personal use up to a maximum of 5 horses. More than 5 horses would require a special exception. The minimum gross acreage calculation per horse would be the same as for all other agricultural zones. The ZTA as introduced is shown below.

Division 59-C-9 AGRICULTURAL ZONES.

* * *

59-C-9.3 Land uses.

No use is allowed except as indicated in the following table:

-Permitted Uses. Uses designated by the letter "P" are permitted on any lot in the zones indicated, subject to all applicable regulations.

-Special Exception Uses. Uses designated by the letters "SE" may be authorized as special exceptions[, in accordance with the provisions of] under Article 59-G.

	Rural	RC	LDRC	RDT	RS	RNC	RNC/TDR
(a) Agricultural:							
Agricultural processing, primary						P	P
Equestrian facility. ⁴¹	P/SE	P/SE	P/SE	P/SE	P/SE	P [*] /SE ²	P [*] /SE ²
Farm. ¹	P	P	P	P	P	P	P
Fish hatchery.	P	P	P	P	P		
Other agricultural use.	P	P	P	P	P	P	P

* * *

*A resident of a lot or parcel at least 2 acres in size may raise, ride, and board horses for personal use. One horse is permitted for every 1 gross acre of the lot or parcel, up to a maximum of 5 horses. Any building or manure storage area must be located at least 100 feet from any existing dwelling on an adjacent tract of land.

* * *

RNC Zone

The intent of the Rural Neighborhood Cluster zone is to preserve open land, environmentally sensitive natural resources and rural community character that would be lost under conventional, large-lot development. This has been accomplished by requiring clusters of residential development in the form of small neighborhoods that provide neighborhood identity in an open space setting.

It is further the intent of this zone to implement the recommendations of the relevant master plan, such as maintaining broad vistas of open space, preserving agrarian character or preserving environmentally sensitive natural resources to the maximum extent possible, and to ensure that new development is in harmony with the policies and guidelines of the relevant master plan and is compatible with existing development in adjoining communities.

Staff recommends approval of the text amendment since the request would require a 2 acre minimum lot size (versus the zones' otherwise cluster standard method minimum requirement of 25,000 square feet and minimum requirement of 4,000 square feet for the optional method of development) and would establish a ratio of 1 horse per acre. These standards are consistent with the requirements for permitting horses by right in all other agricultural zones. The proposed requirements also limit the number of horses to 5 unless a special exception is granted, thereby minimizing the impact of the use on the surrounding properties. The subject proposal further minimizes the impact of the use on neighboring properties by limiting the type and scope of equestrian activity permitted to the raising, riding and boarding of horses for personal use only. The text amendment also requires that any building or manure storage be located at least 100 feet from any existing dwelling on an adjacent tract of land; consistent with setback requirements for equestrian facilities in all other agricultural zones.

Staff recommends one clarification to ensure that this use or class of uses is not located in the open space portion of any cluster development regulated by Section 59- C-9.52 or in any rural open space area regulated by Section 59-C-9.57. This restriction is currently required in the special exception provisions for permitting an equestrian facility in the RNC and RNC/TDR Zones. Staff's proposed modification is included in Attachment 1 of the staff report.

RECOMMENDATION

For the reasons stated above, staff recommends approval of the zoning text amendment to allow a resident of a lot or parcel at least 2 acres in size to raise, ride, and board horses for personal use.

Attachment 1 depicts the proposed text amendment as modified by staff.

GR

Attachments

1. Proposed Text Amendment 09-04 as modified by staff

ATTACHMENT 1

Zoning Text Amendment No: 09-04
Concerning: RNC Zones – Equestrian
Facilities
Draft No. & Date: 1 - 5/12/09
Introduced:
Public Hearing:
Adopted:
Effective:
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Knapp

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow equestrian facilities in the RNC and RNC/TDR zones under certain circumstances; and
- make editorial changes to the land use provisions of Agricultural zones.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-9. "AGRICULTURAL ZONES"
Section 59-C-9.3 "Land uses"

EXPLANATION: ***Boldface** indicates a heading or a defined term.*

Underlining indicates text that is added to existing laws by the original text amendment.

***[Single boldface brackets]** indicate text that is deleted from existing law by the original text amendment.*

Double underlining indicates text that is added to the text amendment by amendment.

***[[Double boldface brackets]]** indicate text that is deleted from the text amendment by amendment.*

** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-C-9. is amended as follows:

Division 59-C-9 AGRICULTURAL ZONES.

* * *

59-C-9.3 Land uses.

No use is allowed except as indicated in the following table:

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Farm. ¹	P	P	P	P	P	P	P
Fish hatchery.	P	P	P	P	P		
Other agricultural use.	P	P	P	P	P	P	P

* * *

* A resident of a lot or parcel at least 2 acres in size may raise, ride, and board horses for personal use. One horse is permitted for every 1 gross acre of the lot or parcel, up to a maximum of 5 horses. Any building or manure storage area must be located at least 100 feet from any existing dwelling on an adjacent tract of land. This use or class of uses is not permitted in the portion of any cluster development

regulated by Section 59- C-9.52 or in any rural open space area regulated by
Section 59-C-9.57.

* * *

Sec. 2. Effective date. This ordinance takes effect immediately after the
date of Council adoption.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council