

AMENDED Amendment 70 to Council Bill No. 32 -2013

BY: Chairperson at the request  
of the County Executive

Legislative Day No. 10  
Date: July 25, 2013

Amendment No. 70

(This amendment:

1. Amends the definitions of animal unit, farm, farming, structure, and zoning permit;
2. Adds a definition for “livestock”;
3. Amends farming as a use permitted as a matter of right to allow chicken keeping under certain conditions;
4. Clarifying setback requirements for animal shelters; and
5. Clarifies the supplemental regulations for livestock on residential lots or parcels to clarify the parcel size, to remove certain requirements related to single-family dwellings, allowing for additional livestock animals if certain plans are implemented, and allowing the Hearing Authority to approve certain setback variances. )

1 In the Comprehensive Zoning Plan, Zoning Regulations, as attached to the Bill as introduced;

2

3 On page 21:

4 1. In line 27, strike “ANIMAL TYPES” and strike “BASED ON THE POTENTIAL FOR”;

5 2. In line 28, strike “PASTURAGE” and substitute “THAT IS NOT USED AS A FARM”;

6 3. In line 29, strike “HORSE OR MULE” and substitute “HORSE, MULE, OR COW.”;

7 4. In line 30, strike “HORSES OR DONKEYS” and substitute “HORSES, DONKEYS, OR  
8 PIGS”;

9 5. In line 31, strike “OR ALPACAS” and substitute “ALPACAS, OR EMUS S”;

10 6. In line 32, strike “FIVE” and substitute “TEN”; and

11 7. In line 33, insert:

12 “ANIMAL UNIT RATIO REQUIREMENTS FOR OTHER LIVESTOCK OR IMMATURE ANIMALS OR

13 FOWL SHALL BE MADE ON A CASE BY CASE BASIS USING GENERALLY AVAILABLE

14 INFORMATION ON ANIMAL UNIT EQUIVALENCIES AND THE GENERALLY ACCEPTED RATIO

15 THAT ONE ANIMAL UNIT APPROXIMATELY EQUALS 1,000 POUNDS OF LIVE ANIMAL WEIGHT.

1 FISH AND OTHER AQUATIC ANIMALS IN AQUAFARMING FACILITIES ARE NOT SUBJECT TO  
2 ANIMAL UNIT REQUIREMENTS.”

3  
4 On page 30:

5 1. Strike lines 26 and 27, inclusive and in their entirety, and substitute:

6 “FARM: A LOT OR PARCEL OF LAND USED FOR FARMING THAT IS 3.0 ACRES OR LARGER.”;

7 2. In line 48, strike “PRINCIPAL”;

8 3. In line 53, after “OF” insert “FERTILIZER, SOIL AMENDMENTS, PESTICIDES AND  
9 MANURE.”;

10 4. In line 54, strike “AND”; and

11 5. After line 54, insert:

12 “G. THE TEMPORARY, ONSITE PROCESSING OF CHICKENS OR RABBITS ON A FARM IN  
13 ACCORDANCE WITH THE AGRICULTURE ARTICLE OF THE ANNOTATED CODE OF  
14 MARYLAND; AND”.

15  
16 On page 31:

17 1. In line 1, strike “G.” and substitute “H.” and after “PREMISES” strike the  
18 apostrophe and substitute “FOR”;

19 2. In line 2, after “PURPOSES” insert “INCLUDING SPECIAL FARM USES PERMITTED  
20 UNDER SECTION 128.0.I.”;

21 3. In line 4, strike “SECTION 128.0 PERMIT”; and

22 4. In line 5, strike “REQUIREMENTS AND”.

23  
24 On page 37, in line 12, insert:

25 “LIVESTOCK: ANIMALS TYPICALLY KEPT FOR FARMING PURPOSES, SUCH AS, BUT NOT LIMITED TO,  
26 COWS, GOATS, HORSES AND OTHER EQUUS, POULTRY AND OTHER FOWL, SHEEP, OR SWINE. FISH  
27 AND OTHER AQUATIC ANIMALS RAISED BY AQUAFARMING ARE CONSIDERED TO BE LIVESTOCK.  
28 CATS, DOGS, RABBITS AND OTHER SIMILAR SMALL ANIMALS OFTEN KEPT AS PETS ARE NOT  
29 CONSIDERED TO BE LIVESTOCK. BEES ARE NOT CONSIDERED TO BE LIVESTOCK.”

30 On page 49, in line 36, after the first “boxes,” insert “HEATING AND AIR CONDITIONING UNITS,”

31 and in line 51 strike “AIR” and in line 52 strike “CONDITIONING EQUIPMENT.”.

1 On page 49, after line 46, insert:

2 “1. OUTDOOR RIDING ~~RINGS~~ RINGS, WET WEATHER PADS, AND RUN-IN SHEDS OR SIMILAR FARM  
3 STRUCTURES WITH A MAXIMUM OF THREE WALLS AND A MAXIMUM FOOTPRINT OF 500  
4 SQUARE FEET.”.

5  
6 On page 49, in line 47, strike “1.” and substitute “1.”.

7  
8 On page 53, strike beginning with “AN ACTIVITY” in line 28 down through and including “FOR”  
9 in line 29 and substitute “CERTAIN ACTIVITIES OR USES AS REQUIRED”.

10  
11 On page 55, strike lines 28 and 29, inclusive and in their entirety, and substitute:

12 “1. FARMING, PROVIDED THAT ON A RESIDENTIAL LOT OR PARCEL OF LESS THAN 40,000  
13 SQUARE FEET NO LIVESTOCK SHALL BE PERMITTED. HOWEVER, RESIDENTIAL CHICKEN  
14 KEEPING IS ALLOWED AS NOTED IN SECTION 128.0.”.

15  
16 On page 67, strike lines 18 and 19, inclusive and in their entirety, and substitute:

17 “1. FARMING, PROVIDED THAT ON A RESIDENTIAL LOT OR PARCEL OF LESS THAN 40,000  
18 SQUARE FEET NO LIVESTOCK SHALL BE PERMITTED. HOWEVER, RESIDENTIAL CHICKEN  
19 KEEPING IS ALLOWED AS NOTED IN SECTION 128.0.”.

20  
21 On page 93, strike lines 19 and 20, inclusive and in their entirety and substitute:

22 “4. FARMING, PROVIDED THAT ON A RESIDENTIAL LOT OR PARCEL OF LESS THAN 40,000  
23 SQUARE FEET NO LIVESTOCK SHALL BE PERMITTED. HOWEVER, RESIDENTIAL CHICKEN KEEPING IS  
24 ALLOWED AS NOTED IN SECTION 128.0.”.

25  
26 On page 101, strike lines 13 and 14, inclusive and in their entirety and substitute:

27 “2. FARMING, PROVIDED THAT ON A RESIDENTIAL LOT OR PARCEL OF LESS THAN 40,000  
28 SQUARE FEET NO LIVESTOCK SHALL BE PERMITTED. HOWEVER, RESIDENTIAL CHICKEN KEEPING IS  
29 ALLOWED AS NOTED IN SECTION 128.0.”.

30  
31 On page 107, strike lines 14 and 15, inclusive and in their entirety and substitute:

1 “4. FARMING, PROVIDED THAT ON A RESIDENTIAL LOT OR PARCEL OF LESS THAN 40,000  
2 SQUARE FEET NO LIVESTOCK SHALL BE PERMITTED. HOWEVER, RESIDENTIAL CHICKEN KEEPING IS  
3 ALLOWED AS NOTED IN SECTION 128.0.”

4  
5 On page 113, strike lines 15 and 16, inclusive and in their entirety and substitute:

6 “4. FARMING, PROVIDED THAT ON A RESIDENTIAL LOT OR PARCEL OF LESS THAN 40,000  
7 SQUARE FEET NO LIVESTOCK SHALL BE PERMITTED. HOWEVER, RESIDENTIAL CHICKEN KEEPING IS  
8 ALLOWED AS NOTED IN SECTION 128.0.”

9  
10 On page 119, strike lines 15 and 16, inclusive and in their entirety and substitute:

11 “5. FARMING, PROVIDED THAT ON A RESIDENTIAL LOT OR PARCEL OF LESS THAN 40,000  
12 SQUARE FEET NO LIVESTOCK SHALL BE PERMITTED. HOWEVER, RESIDENTIAL CHICKEN KEEPING IS  
13 ALLOWED AS NOTED IN SECTION 128.0.”

14  
15 On page 125, strike lines 17 and 18, inclusive and in their entirety and substitute:

16 “4. FARMING, PROVIDED THAT ON A RESIDENTIAL LOT OR PARCEL OF LESS THAN 40,000  
17 SQUARE FEET NO LIVESTOCK SHALL BE PERMITTED. HOWEVER, RESIDENTIAL CHICKEN KEEPING IS  
18 ALLOWED AS NOTED IN SECTION 128.0.”

19  
20 On page 131, strike line 16 and substitute:

21 “3. FARMING, PROVIDED THAT ON A RESIDENTIAL LOT OR PARCEL OF LESS THAN 40,000  
22 SQUARE FEET NO LIVESTOCK SHALL BE PERMITTED. HOWEVER, RESIDENTIAL CHICKEN KEEPING IS  
23 ALLOWED AS NOTED IN SECTION 128.0.”

24  
25 On page 163, strike lines 39 and 40, inclusive and in their entirety and substitute:

26 “21. FARMING, PROVIDED THAT ON A RESIDENTIAL LOT OR PARCEL OF LESS THAN 40,000  
27 SQUARE FEET NO LIVESTOCK SHALL BE PERMITTED. HOWEVER, RESIDENTIAL CHICKEN KEEPING IS  
28 ALLOWED AS NOTED IN SECTION 128.0.”

29  
30 On page 169, strike lines 46 and 47, inclusive and in their entirety and substitute:

31 “15. FARMING, PROVIDED THAT ON A RESIDENTIAL LOT OR PARCEL OF LESS THAN 40,000

1 SQUARE FEET NO LIVESTOCK SHALL BE PERMITTED. HOWEVER, RESIDENTIAL CHICKEN KEEPING IS  
2 ALLOWED AS NOTED IN SECTION 128.0.”

3  
4 On page 178, strike lines 8 and 9, inclusive and in their entirety and substitute:

5 “11. FARMING, PROVIDED THAT ON A RESIDENTIAL LOT OR PARCEL OF LESS THAN 40,000  
6 SQUARE FEET NO LIVESTOCK SHALL BE PERMITTED. HOWEVER, RESIDENTIAL CHICKEN KEEPING IS  
7 ALLOWED AS NOTED IN SECTION 128.0.”

8  
9 On page 195, strike lines 38 and 39, inclusive and in their entirety and substitute:

10 “22. FARMING, PROVIDED THAT ON A RESIDENTIAL LOT OR PARCEL OF LESS THAN 40,000  
11 SQUARE FEET NO LIVESTOCK SHALL BE PERMITTED. HOWEVER, RESIDENTIAL CHICKEN KEEPING IS  
12 ALLOWED AS NOTED IN SECTION 128.0.”

13  
14 On page 200, strike lines 3 and 4, inclusive and in their entirety and substitute:

15 “36. FARMING, PROVIDED THAT ON A RESIDENTIAL LOT OR PARCEL OF LESS THAN 40,000  
16 SQUARE FEET NO LIVESTOCK SHALL BE PERMITTED. HOWEVER, RESIDENTIAL CHICKEN KEEPING IS  
17 ALLOWED AS NOTED IN SECTION 128.0.”

18  
19 On page 221, strike lines 42 and 43, inclusive and in their entirety and substitute:

20 “21. FARMING, PROVIDED THAT ON A RESIDENTIAL LOT OR PARCEL OF LESS THAN 40,000  
21 SQUARE FEET NO LIVESTOCK SHALL BE PERMITTED. HOWEVER, RESIDENTIAL CHICKEN KEEPING IS  
22 ALLOWED AS NOTED IN SECTION 128.0.”

23  
24 On page 269, strike lines 24 and 25, inclusive and in their entirety and substitute:

25 “E. FARMING, PROVIDED THAT ON A RESIDENTIAL LOT OR PARCEL OF LESS THAN 40,000  
26 SQUARE FEET NO LIVESTOCK SHALL BE PERMITTED. HOWEVER, RESIDENTIAL CHICKEN KEEPING IS  
27 ALLOWED AS NOTED IN SECTION 128.0.”

28 On page 339, in the chart entitled “Exceptions to Setback Requirements”, in the column entitled  
29 “Type of Building Feature, Structure, or Land Use”, in row “b.” insert an “AND” before  
30 “chimneys” and strike “AND heating or air conditioning units.”.

31 On page 341:

- 1 1. Strike beginning with "SHALL" in line 32, down through and including, "AND" in  
2 line 33;
- 3 2. Strike beginning with "THE" in line 34, down through and including,  
4 "REQUIREMENT:" in line 35;
- 5 3. In line 36, insert:  
6 "IN ADDITION, ANIMAL SHELTERS MEASURING LARGER THAN 500 SQUARE FEET IN  
7 SIZE SHALL BE LOCATED A MINIMUM OF 200 FEET FROM ANY EXISTING DWELLING  
8 ON A DIFFERENT LOT AND ANIMAL SHELTERS 500 SQUARE FEET OR SMALLER SHALL  
9 BE LOCATED A MINIMUM 100 FEET FROM ANY EXISTING DWELLING ON A DIFFERENT  
10 LOT. THE FOLLOWING ARE EXEMPTED FROM THIS REQUIREMENT:"; and
- 11 4. In line 42, insert:  
12 "D. STRUCTURES AS DEFINED IN SECTION 103."

13 On page 337, in line 23, strike "RESIDENTIALLY ZONED PROPERTIES" and substitute "RESIDENTIAL  
14 LOTS OR PARCELS LESS THAN ONE ACRE".

15 On page 347, in line 46, strike "RESIDENTIALLY ZONED PROPERTIES" and substitute  
16 "RESIDENTIAL LOTS OR PARCELS LESS THAN ONE ACRE".

17  
18 On page 347, in line 49 and on page 348, in line 1, in each instance strike "RESIDENTIALLY  
19 ZONED LOT" and substitute "RESIDENTIAL LOT OR PARCEL LESS THAN ONE ACRE "

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21 On page 356:

- 22 1. In line 36, strike "ONLY IN" and substitute "IN";
- 23 2. In line 40, strike "3 ACRES" and substitute "40,000 SQUARE FEET"; and
- 24 3. Strike lines 42 through 48, inclusive and in their entirety and substitute:  
25 "B. THE MAXIMUM NUMBER OF LIVESTOCK ANIMALS IS ONE ANIMAL UNIT OR  
26 FRACTION THEREOF FOR EACH 1.0 ACRE OF LOT AREA, PROVIDED, HOWEVER,  
27 THAT A HIGHER RATIO MAY BE ALLOWED AFTER THE PROPERTY OWNER  
28 OBTAINS AND IMPLEMENTS A NUTRIENT MANAGEMENT PLAN AND  
29 COLLABORATES WITH THE HOWARD SOIL CONSERVATION DISTRICT TO  
30 DEVELOP AND IMPLEMENT A SOIL AND WATER CONSERVATION PLAN. THAT A  
31 HIGHER RATIO SHALL BE ALLOWED UPON A FINDING BY THE DEPARTMENT

1                   OF PLANNING AND ZONING THAT THE PROPERTY OWNER HAS OBTAINED AND  
2                   IMPLEMENTED A NUTRIENT MANAGEMENT PLAN AND A LAND AND WATER  
3                   CONSERVATION PLAN ENDORSED BY THE HOWARD SOIL CONSERVATION  
4                   DISTRICT THAT ADEQUATELY MANAGES THE PROPERTY FOR THE HIGHER  
5                   RATIO BEING APPROVED.

6                   C. THE ANIMAL SHELTER LOCATION(S) SHALL COMPLY WITH THE ANIMAL  
7                   SHELTER SETBACK REQUIREMENTS IN SECTION 128.0.A. SETBACK  
8                   VARIANCES, HOWEVER, MAY BE APPROVED BY THE HEARING AUTHORITY.”