

Summary of the DED Horticultural and Agricultural Zoning Text Amendment

The Department of Economic Development established a Horticultural Work Group that started meeting in March of 2011 to discuss how to improve horticultural and agricultural uses in the Zoning Regulations that could be permitted in the Rural Density Transfer RDT zone. The Work Group members are listed below and they represent different sectors from production to installation of horticultural products in the County including representatives from the University of Maryland Extension, the Montgomery Countryside Alliance and the Maryland National Capital Park and Planning Commission.

John Hughes, Diane Patton, Todd Greenstone, Craig Ruppert, Bruce Allentuck, Vince Berg, Keith Patton, Jr., James Martin, Charlie Bower, John Shorb, Mike Mason, Chuck Schuster, Caroline Taylor, and Callum Murray

The horticultural industry represents the largest component of agriculture in the County in terms of economic contribution and potential for job creation. Unfortunately, the County's land use and permitting regulations creates difficulty for many horticultural businesses from locating and growing in Montgomery County. The proposed Zoning Text Amendment attempts to create new opportunities for horticultural and agricultural businesses to find locations in the agricultural zone for these needed businesses in the County. The ZTA creates new standards for these businesses to be permitted by right in the Rural Density Transfer (RDT) zone as long as they meet and do not exceed the standards. The special exception process will continue to be available for those business owners that have a business plan that grows beyond the proposed standards.

The proposed ZTA will also help to foster an environment to permit agricultural processing operations in the agricultural zone where agriculture is the preferred use. The ZTA identifies land uses that are needed to achieve the goals of a Local Green and Local Food Economy which are promoted as County priorities. County residents are always asking why we don't have more agricultural processing operations and farms like other jurisdictions where residents can purchase locally grown and processed foods. The environment surrounding our zoning regulations demonstrates a reason why the County does not have many opportunities to meet the growing demand of residents wanting to purchase more locally grown and processed foods. Agriculture is both commercial and industrial in nature and agriculture needs to adapt to both internal and external forces in order to be sustainable. The RDT zone is now over 30 years old and we have preserved over 71,000 acres of farmland for future food and fiber production, but we need to do more to allow processing and marketing of agricultural products with reasonable standards so that farmers can make business decisions. In 1980 Montgomery County had 670 farms covering over 128,000 acres of farmland and today Montgomery County has 561 farms totaling 67,613 acres of farmland.

The proposed ZTA will help to promote more horticultural and agricultural operations in the County at a time when we need more jobs and business opportunities in Montgomery County.



DEPARTMENT OF ECONOMIC DEVELOPMENT

Isiah Leggett
County Executive

Steven A. Silverman
Director

Summary of the Proposed Zoning Text Amendment for Horticultural and Agricultural Uses in the Rural Density Transfer-RDT Zone

Definitions 59-A-2.1

Farm, Agricultural Processing, Landscape Contractor, Nursery, horticultural-wholesale or retail:

The definitions listed are amended for the following reasons: to include the intent of Footnotes, to clarify an accessory use to the farm, to expand the meaning and intent with new terminology, and to acknowledge proposed definitions as part of the Zoning Rewrite Process.

Land Uses 59-C-9

Agricultural Processing Primary, Farm, Abattoir, Agricultural Processing, Grain elevator, Manufacture of mulch and composting, Milk plant, Winery, Christmas tree, Landscape contractor, Nursery, horticultural retail and wholesale

The land uses listed above are amended for the following reasons: to reflect deleted terms- Primary, to delete footnotes, to be permitted by right and special exception depending on the size and scale of the operation and in accordance with proposed standards, to acknowledge that some uses are customary to most farm operations and they should be permitted by right, to acknowledge that some uses are too restrictive and the general public desires these uses, to reflect current terminology

Proposed Standards for Permitting Uses as a Matter of Right in the agricultural zones

59-C9.32 Agricultural Processing standards

Agricultural processing uses are now intended to be permitted by right when the operation meets the standards listed below:

- Agricultural processing operations must meet Nutrient Management requirements and Soil Conservation and Water Quality requirements
- The site must be at least 10 acres
- The set back from the property line is 75 feet
- The set back from a existing dwelling on an adjacent tract of land is 100 feet
- The site must front on or have access to a public road

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Agricultural processing operations may be approved by a special exception when the operations deviate from any permitted standard of size and setbacks

59-C9.33 Landscape Contractors and Nursery, horticultural standards

Landscape contractor and horticultural nursery uses are now intended to be permitted by right when the operation meets the standards listed below:

Landscape contractors and horticultural nurseries must meet Nutrient Management requirements and Soil Conservation and Water Quality Requirements

The site must be at least 10 acres

Landscape contractors and horticultural nurseries must not exceed a 10 % maximum building coverage

Landscape contractors and horticultural nurseries must not exceed a 30 % impervious cover
(This item will need to be discussed in context of footnote 2 in section 59-C9.47)

Each building, storage area, or parking area must be at least 100 feet away from any existing dwelling on an adjacent tract of land

Amplified sound must meet requirements of Chapter 31B

Landscape contractors and horticultural nurseries include the delivery and installation service of horticultural products grown on the farm

Hours of operation will be from 7:00am to 5:00pm Monday through Saturday except for emergency events including storms, snow and ice events

Landscape contractors and horticultural nurseries will not exceed 35 traffic trips per day except for emergency events including storms, snow, and ice events.

Landscape contractors and horticultural nurseries may be approved by a special exception when the operations deviate from any permitted standard of size, setbacks and operations standards