

June 16, 2009

**Introduction**

**MEMORANDUM**

June 12, 2009

TO: County Council

FROM: Jeffrey L. Zyontz,  Legislative Attorney

SUBJECT: Introduction – Zoning Text Amendment 09-04,  
Rural Neighborhood Cluster (RNC) Zones - Equestrian Facilities

Zoning Text Amendment (ZTA) 09-04 is sponsored by Councilmember Knapp. The ZTA proposes to amend the Rural Neighborhood Cluster (RNC) Zones to allow lots larger than 2 acres to board and raise 1 horse per acre. No more than 5 horses would be allowed on sites larger than 5 acres. More than 5 horses would require a special exception. Currently, boarding 1 horse requires a special exception. In the sponsor's opinion, the current limitation is unduly restrictive in agricultural zones.

A public hearing will be held on July 21, 2009 at 1:30 p.m. if the Council approves the attached resolution.

This packet contains

ZTA 09-04

Resolution

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Zoning Text Amendment No: 09-04  
Concerning: RNC Zones – Equestrian  
Facility  
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**

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By: Councilmember Knapp

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**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:*

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

2           **Division 59-C-9 AGRICULTURAL ZONES.**

3           \*   \*   \*

4           **59-C-9.3 Land uses.**

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

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

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

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

11          \*   \*   \*

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

16          \*   \*   \*

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

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20 This is a correct copy of Council action.

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23 \_\_\_\_\_  
Linda M. Lauer, Clerk of the Council

Resolution No.: \_\_\_\_\_  
Introduced: June 16, 2009  
Adopted: \_\_\_\_\_

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

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By: District Council

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Subject: Notice of Public Hearing on Zoning Text Amendment 09-04

Background

1. Section 59-H-9.3 of the Montgomery County Ordinance requires that, within 30 days of introduction of any text amendment, the Council act by resolution to set a date and time for public hearing on the proposed amendment.
2. Zoning Text Amendment No. 09-04, introduced on June 16, 2009 would amend provisions concerning equestrian facilities in the Rural Neighborhood Cluster zones.
3. Councilmember Knapp requested the consideration of the Zoning Text Amendment.

Action

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 resolution:

Legal notice will be given of the public hearing to be held on July 21, 2009 at 7:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council