

MEMORANDUM

TO: File
FROM: Amy Kregel Samman
RE: Montgomery County Zoning Ordinances

Division 59-A-2. Definitions and Interpretation.

Sec. 59-A-2.1. Definitions.

Agriculture: The business, science and art of cultivating and managing the soil, composting, growing, harvesting, and selling crops and livestock, and the products of forestry, horticulture and hydroponics; breeding, raising, or managing livestock, including horses, poultry, fish, game, and fur-bearing animals, dairying, beekeeping and similar activities, and equestrian events and activities. Agriculture includes processing on the farm of an agricultural product in the course of preparing the product for market and may or may not cause a change in the natural form or state of the product.

Equestrian activity: The care, breeding, boarding, rental, riding or training of horses or the teaching of equestrian skills.

Equestrian event: A competition, exhibition, or other display of equestrian skills.

Equestrian event, informal: A competitive or non-competitive event that involves between 26 and 50 participants and spectators, per day.

Equestrian event, major: A competitive or non-competitive event that involves between 151 and 300 participants and spectators, per day.

Equestrian event, minor: A competitive or non-competitive event that involves between 51 and 150 participants or spectators, per day.

Equestrian facility: Any building, structure, or land area that is used primarily for an equestrian activity or event.

Paddock: A fenced area, internal to an equestrian facility, where horses are exercised or pastured. Paddock fencing is not perimeter fencing of an equestrian facility.

ATTACHMENT TO ARTICLE 59

The 1928 Zoning Ordinance referred to in Section 59-B-5.3(a):

SECTION I - DEFINITIONS

Stable, Private: A stable with a capacity of not more than four horses.

Stable, Public: A stable in which horses are kept for remuneration, hire or sale.

- Equestrian facility.⁴¹
- P/SE (Rural)
- P/SE (Rural Cluster)
- P/SE (Low Density Rural Cluster)
- P/SE (Rural Density Transfer)
- P/SE (Rural Service)
- P⁴⁹/SE² (Rural Neighborhood Cluster)
- P⁴⁹/SE² (Rural Neighborhood Cluster/TDR)

Riding stable, private, permitted use in an RNC (Rural Neighborhood Cluster Zone)

- 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.

59-C-9.31. Equestrian facility standards as a permitted use in the agricultural zones.

(a) Equestrian events:

(1) Any equestrian event that does not involve more than 25 participants and spectators may take place on any site that has at least 18 acres.

(2) An informal equestrian event may take place on Saturdays, Sundays and Holidays at any time on any site that has at least 18 acres. An informal equestrian event may take place no more than 6 weekdays in any calendar month on at least 18 acres.

(3) No more than 7 minor equestrian events may take place each year on any site that has at least 25 acres.

(4) No more than 3 major equestrian events may take place each year on any site that has at least 75 acres and that has direct access to a roadway with an arterial or higher classification. A permit must be obtained from the Department of Permitting Services for each major event. Each major event must not take place for more than 3 consecutive days. The applicant must specify the nature of the event, the anticipated attendance of spectators and participants, the number of days the event will take place, the hours during which the event will

take place, the area to be used for parking, any traffic control measures intended to be put in place, and any other information determined by the Department of Permitting Services to be relevant to the issuance of the permit. A fee for issuance of the permit may be set by the Department.

(5) A maximum of 10 major and minor equestrian events may take place each year at any equestrian facility.

(6) An equestrian event must not be held on a site that does not have the minimum acreage specified in this subsection.

(b) Minimum number of gross acres per horse:

(1) For 1-2 horses, 2 acres;

(2) For 3-10 horses, one acre per horse;

(3) For more than 10 horses, an additional one-half acre per horse.

(c) Plan Approvals and Compliance.

Any equestrian facility that keeps or boards more than 10 horses must meet all nutrient management, water quality and soil conservation standards of the County and State. A nutrient management plan prepared by a qualified professional and a soil conservation and water quality plan prepared by the Montgomery Soil Conservation District Board must be submitted through a letter of certification by the landowner to the Department of Permitting Services, or other relevant agency. Enforcement of the nutrient management, water quality, and soil conservation plans is the responsibility of the State of Maryland. The land owner must obtain all plans within one year after commencement of operations. Any equestrian facility existing before April 5, 2004 must comply with the requirements of this subsection no later than March 2, 2005.

(d) Setbacks.

Each building, show ring, paddock, outdoor area, and manure storage area must be located at least 100 feet from any existing dwelling on an adjacent tract of land.

(e) Noise Levels.

Amplified sound must meet all requirements of Chapter 31B.

(f) Lighting.

Any outdoor arena lighting must direct light downward using full cutoff fixtures, not produce any glare or direct light onto nearby properties, and not be illuminated after 10 p.m., except for an equestrian event which must not be illuminated after 9 p.m. Sunday through Thursday. A lighting plan that establishes compliance with this provision must be submitted to Planning Board staff for approval before an electrical permit may be issued.

- (g) Hours an equestrian event may operate.

An equestrian event may operate only from 6 a.m. to 9 p.m. Sunday through Thursday and from 6 a.m. to 10 p.m. Friday and Saturday.

(h) An equestrian facility special exception may be filed with the Board of Appeals to deviate from any permitted use standard regarding: (1) number of participants and spectators, (2) number of events each year, (3) event acreage, (4) hours of operation, and (5) a road classification requirement. An equestrian facility special exception must be renewed every five years at which time the Board must evaluate the effectiveness of the terms and conditions of the original special exception grant.

Sec. 59-G-2.49. Equestrian facility in a residential zone.

The following provisions apply to an equestrian facility in any residential zone where a special exception is required:

- (a) Minimum number of gross acres per horse:
- (1) For 1-2 horses, 2 acres;
 - (2) For 3-10 horses, one acre per horse;
 - (2)* For more than 10 horses, an additional one-half acre per horse.

***Editor's note**—Ord. No. 15-21, which added the text of paragraph (a), contained two subparagraphs numbered "(2)".

A 5-acre riding stable accommodating more than 10 horses for which a petition was filed with the board prior to March 25, 1986, is a conforming use and may be amended in accordance with the modification provisions of section 59-G-1.3(c).

(b) Each building, show ring, paddock, outdoor arena, and manure storage area must be located at least 100 feet from any existing dwelling on an adjacent tract of land.

- (c) In order to prevent adverse impact on adjoining uses, the board may limit or regulate:
- (1) The number of horses that may be kept or boarded.
 - (2) The number of horses that may be rented out for recreational riding or instruction.
 - (3) The number and type of equestrian events that may be held in a one-year period.
 - (4) The hours of operation of any equestrian activity or event.

(d) Any equestrian facility on less than 5 acres must establish through a pasture maintenance plan, feeding plan and any other document the Board requires, that the property contains sufficient open pasture to ensure proper care of the horses and proper maintenance of the property.

(e) All animal waste must be handled in accordance with state requirements for nutrient management.

(f) Any equestrian facility that keeps or boards more than 10 horses must meet all nutrient management, water quality and soil conservation standards of the County and State. A nutrient management plan prepared by a qualified professional and a soil conservation and water quality plan prepared by the Montgomery Soil Conservation District Board must be submitted through a letter of certification by the landowner to the Department of Permitting Services, or other relevant agency. Enforcement of the nutrient management, water quality, and soil conservation plans is the responsibility of the State of Maryland. The land owner must obtain all plans within one year after commencement of operations. Any equestrian facility existing before April 5, 2004 must comply with the requirements of this subsection no later than March 2, 2005.

(g) Any outdoor arena lighting must direct light downward using full cutoff fixtures, not produce any glare or direct light onto nearby properties, and not be illuminated after 10 p.m. except for an equestrian event which must not be illuminated after 9 p.m. Sunday through Thursday. The Board may require that a lighting plan be submitted to Planning Board staff for approval.