



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only: Case No. ZRA-117 Date Filed:

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1. Zoning Regulation Amendment Request

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: To amend the Supplementary Zoning Regulations Section of the Zoning Ordinance to allow apiaries to be located within the current 200 foot setback on residential lots, under certain conditions.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. Petitioner's Name Greg Fox, Councilperson and Mary Kay Sigaty, Councilperson

Address 3430 Courthouse Drive, Ellicott City, MD 21043

Phone No. (W) 410-313-2001

Email Address gfox@howardcountymd.gov and mksigaty@howardcountymd.gov

3. Counsel for Petitioner Paul Johnson, Esq.

Counsel's Address 3430 Courthouse Drive, Ellicott City, MD 21043

Counsel's Phone No. 410-313-2100

Email Address pjohnson@howardcountymd.gov

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed.

Honeybees are essential pollinators for agricultural crops and residential gardens throughout the County. They contribute to environmental regeneration and sustainability. As apiaries currently fall under the definition of farming, they are allowed in most zoning districts. However, the current setback regulation for an animal shelters, including a building, shed, roofed structure or movable shelters is 200 feet from an existing dwelling on another lot when it houses or provides protection for animals. Therefore, with an apiary loosely falling into the examples of animal shelters provided, the setback precludes the keeping of honeybees in most zoning districts throughout the county due to the setback requirement. In addition, there are two zoning districts (New Town and MXD) where farming is not allowed, so apiaries by definition as a farming activity are also not allowed.

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requested amendment is to establish regulations that will allow beekeeping throughout the County.

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County.

The current General Plan promotes preservation of the County's agricultural productivity as well as the need to work with nature to ensure sustainability. Specifically, in Chapter 2, Preserving the Rural West, the vision statement contains, "Our rural lands will be productive..." To this end, the General Plan supports a diversified agricultural industry, "... horticultural production, and fruits and vegetables are the emerging trends in Howard County agriculture. Based upon the value of farm products, horticulture and horses are now the largest sectors of County agriculture. ...Common to many of these nontraditional enterprises is their ability to support a substantial farming operation on relatively little acreage. ....rather than promoting traditional agriculture, the County will focus on putting in place the policies. ...needed to help farmers .... flourish in the new agricultural economy." This amendment will allow residents living in residential neighborhoods to provide a valuable service to the farming industry in the County. The General Plan goes on to state on page 62 that the County should "adopt appropriate modifications to the Zoning Regulations to support principal and accessory agricultural activities."

In Chapter 6, Working with Nature, policy 6.1: Encourage individual environmental stewardship supports this amendment by encouraging individuals to see their role in promoting the sustainability of the natural environment. As honeybees are victims of Colony Collapse Disorder, a mysterious malady that is causing over one third of all hives nationally to die off, the backyard beekeepers are on the forefront of restoration efforts not only for the honeybee, but for all of the environments impacted by them. They are working to manage healthy hives that will not only provide garden and farm pollination, but also ensure that healthy honeybees are present in the environment.

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.A.

A sustainable food source is essential for the health of a community either as the product of a commercial farming operation or as produce from a backyard garden. Honeybees pollinate over 90 different crops from apples and pears to cucumbers. This is essential to the agricultural portion of our local economy. In addition to

supporting the crops in the county, the honey that is produced is another product produced. Further, without the pollination services of the common honeybee, gardens will not be productive, flowers will not bloom and agriculture will not flourish in Howard County. This amendment will give many more residents the opportunity to participate in an activity that will have a positive environmental and economic effect throughout the County.

[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s).

Apiaries are currently allowed in all zoning districts that allow farming, but have very restrictive setbacks that preclude many homeowners from participation. Further, there are many neighborhoods that could benefit from backyard apiaries, but because they are in districts that don't allow farming (New Town and MXD), they are not allowed. Adopting this amendment would establish reasonable parameters for apiaries, promote best beekeeping practices and enhance environmental stewardship throughout the County.

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? Yes.

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

This amendment would impact any residential property in the County which could meet the proposed rear and side yard setback requirements.

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. \_\_\_\_\_

[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

10. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard

format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in [[ Double Bold Brackets ]]. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

**After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.**

11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.
12. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Greg Fox  
Petitioner's name (Printed or typed)

Greg Fox  
Petitioner's Signature                      Date

Mary Kay Sigaty  
Petitioner's name (Printed or typed)

Mary Kay Sigaty      2/26/09  
Petitioner's Signature                      Date

\_\_\_\_\_  
Petitioner's name (Printed or typed)

\_\_\_\_\_  
Petitioner's Signature                      Date

Paul T. Johnson      2/26/09  
Counsel for Petitioner's Signature

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

**FEE**

The Petitioner agrees to pay all fees as follows:

Filing fee .....\$695.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)

Each additional hearing night..... \$510.00\*

**The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.**

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**For DPZ office use only:**

Hearing Fee \$ \_\_\_\_\_

Receipt No. \_\_\_\_\_

**PLEASE CALL 410-313-2350 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION**

**County Website: [www.howardcountymd.gov](http://www.howardcountymd.gov)**

Revised:10/08  
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# ATTACHMENT A

## Section 128: Supplementary Zoning District Regulations

### A. Supplementary Bulk Regulations

#### 4. Required Setback for Certain Farm Uses

In all districts where farming is a permitted use, the following shall not be allowed within 200 feet of an existing dwelling on a different lot:

- a. An animal shelter including a building, shed, roofed structure or movable shelter that houses or provides protection for animals other than household pets, EXCEPT FOR APIARIES WHICH MEET THE REQUIREMENTS OF SUBSECTION M; or
- b. The storage of manure.

### M. APIARIES.

APIARIES ARE PERMITTED AS AN ACCESSORY USE ON ALL SINGLE-FAMILY RESIDENTIAL LOTS, LOTS CONTAINING COMMUNITY GARDENS, OR SITES WHERE APIARIES WILL FORM PART OF AN EDUCATIONAL PROGRAM PROVIDED THAT:

1. THE MINIMUM SETBACK FOR APIARIES SHALL BE 25 FEET FROM THE LOT LINE EXCEPT THAT APIARIES MAY BE LOCATED AT LEAST 10 FEET FROM THE LOT LINE, PROVIDED THAT AN APPROPRIATE BEE FLIGHT PATH IS ESTABLISHED BY:
  - a. SITUATING APIARIES AT LEAST 6 FEET ABOVE THE GROUND; OR
  - b. SITUATING APIARIES BEHIND A SOLID FENCE, HEDGE, OR OTHER BARRIER THAT IS AT LEAST 6 FEET IN HEIGHT AND RUNNING PARALLEL TO THE PROPERTY LINE AND DIRECTING APIARY ENTRANCES AWAY FROM NEIGHBORING PROPERTIES; AND
2. THE FOLLOWING ADDITIONAL REQUIREMENTS FOR ALL ACCESSORY USE APIARIES ARE MET:
  - A. APIARIES SHALL BE BUFFERED FROM ADJACENT PROPERTIES;
  - B. APIARIES SHALL BE RESTRICTED TO SIDE AND REAR YARDS;
  - C. A WATER SUPPLY SHALL BE PROVIDED TO MINIMIZE BEES FROM SEEKING WATER IN NEIGHBORING SWIMMING POOLS, BIRDBATHS, PONDS, OR OTHER COMMUNITY BODIES OF WATER; AND
  - D. APIARIES SHALL COMPLY WITH MARYLAND DEPARTMENT OF AGRICULTURE REGULATIONS AS THEY PERTAIN TO BEEKEEPING, BE OPERATED TO ADHERE TO BEST MANAGEMENT PRACTICES AND MAINTAINED IN A CONDITION THAT WILL REASONABLY PREVENT SWARMING AND DEFENSIVE BEHAVIOR.